

STATE OF NEW YORK

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2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

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Introduced by M. of A. WOERNER, THIELE, SAYEGH, WILLIAMS, GRIFFIN, EPSTEIN, ABINANTI, MAGNARELLI, COLTON, STIRPE, BARRON, WALLACE, CARROLL, GOTTFRIED, STECK, PERRY, STERN, REYES, FAHY, D. ROSENTHAL, PAULIN, PICHARDO, JONES, LUPARDO, QUART, DE LA ROSA, O'DONNELL, J. RIVERA, DICKENS, GLICK, SIMON, ZEBROWSKI, HEVESI, L. ROSENTHAL, RODRIGUEZ, WEPRIN, ROZIC, SANTABARBARA, WALKER, FRONTUS, COOK, SOLAGES, CUSICK, OTIS, VANEL, DINOWITZ, HUNTER, BARRETT, GUNTHER, SEAWRIGHT, GALEF, NIOU, FERNANDEZ, JACOBSON, HYNDMAN, NOLAN, BENEDETTO, AUBRY, LAVINE, McMAHON -- Multi-Sponsored by -- M. of A. CYMBROWITZ -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to establishing the "low carbon fuel standard of 2021"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act may be known and may be cited as the
2 "low carbon fuel standard of 2021".

3 § 2. The environmental conservation law is amended by adding a new
4 section 19-0329 to read as follows:

5 § 19-0329. Low carbon fuel standard.

6 (1) A low carbon fuel standard is hereby established. The low carbon
7 fuel standard is intended to reduce carbon intensity from the on-road
8 transportation sector by twenty percent by two thousand thirty-two, with
9 further reductions to be implemented based upon advances in technology
10 as determined by the commissioner.

11 (2) The low carbon fuel standard shall apply to all providers of
12 transportation fuels in New York, shall be measured on a full fuels
13 lifecycle basis and may be met through market-based methods by which
14 providers exceeding the performance required by a low carbon fuel stand-
15 ard shall receive credits that may be applied to future obligations or

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 traded to providers not meeting the low carbon fuel standard. For
2 purposes of this section the term "providers" shall include, but shall
3 not be limited to, all refiners, blenders, producers or importers of
4 transportation fuels, "carbon intensity" means the quantity of lifecycle
5 greenhouse gas emissions per unit of fuel energy, and "full fuels life-
6 cycle" means the aggregate of greenhouse gas emissions, including direct
7 emissions and significant indirect emissions, such as significant emis-
8 sions from land use changes as determined by the commissioner. The full
9 fuels lifecycle includes all stages of fuel and feedstock production and
10 distribution, from feedstock generation or extraction through the
11 distribution and delivery and use of the finished fuel by the ultimate
12 consumer. In calculating full fuels lifecycle greenhouse gas emissions,
13 the mass values for all non-carbon-dioxide greenhouse gases must be
14 adjusted to account for their relative global warming potentials. This
15 conversion shall use the most appropriate conversion relative to global
16 warming potentials as determined by the commissioner.

17 (3) Within twenty-four months following adoption of the low carbon
18 fuel standard, the commissioner, in consultation with the New York state
19 energy research and development authority, shall promulgate regulations
20 establishing a low carbon fuel standard with performance objectives to
21 implement subdivision one of this section. Such regulations may be
22 phased into effect giving priority to the heavy-duty transportation
23 sector consisting of vehicles with the classification of six or higher
24 as classified by the Federal Highway Administration. The low carbon fuel
25 standard shall take into consideration the low carbon fuel standard
26 adopted in California and other states, may rely upon the carbon inten-
27 sity of values established for transportation fuels in such states and
28 shall include coordination with other Northeastern states to promote
29 regional reductions in greenhouse gas emissions.

30 (4) The regulations adopted pursuant to this section shall include
31 fees for the registration of providers to offset the costs associated
32 with implementation of the low carbon fuel standard.

33 (5) Within twenty-four months following the adoption of regulations
34 implementing a low carbon fuel standard, the commissioner shall report
35 to the legislature regarding the implementation of the program, the
36 reductions in greenhouse gas emissions that have been achieved through
37 the low carbon fuel standard and targets for future reductions in green-
38 house gas emissions from the transportation sector.

39 (6) Nothing in this section shall preclude the department from enact-
40 ing or maintaining other programs to reduce greenhouse gas emissions
41 from the transportation sector.

42 § 3. This act shall take effect immediately.