

# STATE OF NEW YORK

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2962

2021-2022 Regular Sessions

## IN SENATE

January 26, 2021

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Introduced by Sens. PARKER, ADDABBO, BAILEY, BIAGGI, BRESLIN -- read twice and ordered printed, and when printed to be committed 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  
16 traded to providers not meeting the low carbon fuel standard. For  
17 purposes of this section the term "providers" shall include, but shall  
18 not be limited to, all refiners, blenders, producers or importers of  
19 transportation fuels, "carbon intensity" means the quantity of lifecycle  
20 greenhouse gas emissions per unit of fuel energy, and "full fuels life-  
21 cycle" means the aggregate of greenhouse gas emissions, including direct  
22 emissions and significant indirect emissions, such as significant emis-  
23 sions from land use changes as determined by the commissioner. The full  
24 fuels lifecycle includes all stages of fuel and feedstock production and

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

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1 distribution, from feedstock generation or extraction through the  
2 distribution and delivery and use of the finished fuel by the ultimate  
3 consumer. In calculating full fuels lifecycle greenhouse gas emissions,  
4 the mass values for all non-carbon-dioxide greenhouse gases must be  
5 adjusted to account for their relative global warming potentials. This  
6 conversion shall use the most appropriate conversion relative to global  
7 warming potentials as determined by the commissioner.

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

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

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

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

33 § 3. This act shall take effect immediately.