

# STATE OF NEW YORK

6486--D

2021-2022 Regular Sessions

## IN SENATE

May 3, 2021

Introduced by Sens. PARKER, MAY, BIAGGI, BRISPORT, GOUNARDES, JACKSON, KRUEGER, RAMOS, RYAN, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to establishing a moratorium on cryptocurrency mining operations that use proof-of-work authentication methods to validate blockchain transactions; and to require a comprehensive generic environmental impact statement review

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

- 1 Section 1. Legislative findings. The legislature hereby finds and  
2 declares that:
- 3 (a) Climate change threatens the health, welfare, and economy of the  
4 state with increasingly severe and widespread impacts to our communities  
5 due to flooding, sea level rise, heat waves, coastal erosion, erratic  
6 and unpredictable weather patterns, shifting climatic zones, loss of  
7 wildlife, increased harmful algal blooms and invasive species, and  
8 increased risk of disease, in part, which leads directly to loss of  
9 life, property damage and reduction in value, ecological damage, and  
10 increased infrastructure costs;
- 11 (b) It is the policy of the State of New York to conserve, improve and  
12 protect its natural resources and environment and to prevent, abate and  
13 control water, land and air pollution, in order to enhance the health,

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

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1 safety and welfare of the people of the state and their overall economic  
2 and social well-being;

3 (c) To mitigate the current and future effects of climate change, the  
4 State of New York implemented the Climate Leadership and Community  
5 Protection Act, requiring that statewide greenhouse gas emissions be  
6 reduced eighty-five percent by 2050 and that the state has net zero  
7 emissions in all sectors of the economy by that time;

8 (d) Cryptocurrency mining operations running proof-of-work authentica-  
9 tion methods to validate blockchain transactions are an expanding indus-  
10 try in the State of New York; and

11 (e) The continued and expanded operation of cryptocurrency mining  
12 operations running proof-of-work authentication methods to validate  
13 blockchain transactions will greatly increase the amount of energy usage  
14 in the state of New York, and impact compliance with the Climate Leader-  
15 ship and Community Protection Act.

16 § 2. The environmental conservation law is amended by adding a new  
17 section 19-0331 to read as follows:

18 § 19-0331. Moratorium on air permit issuance and renewal.

19 1. For the period commencing on the effective date of this section and  
20 ending two years after such date, the department, after consultation  
21 with the department of public service, shall not approve a new applica-  
22 tion for or issue a new permit pursuant to this article, or article  
23 seventy of this chapter, for an electric generating facility that  
24 utilizes a carbon-based fuel and that provides, in whole or in part,  
25 behind-the-meter electric energy consumed or utilized by cryptocurrency  
26 mining operations that use proof-of-work authentication methods to vali-  
27 date blockchain transactions.

28 2. For the period commencing on the effective date of this section  
29 and ending two years after such date, the department shall not approve  
30 an application to renew an existing permit or issue a renewal permit  
31 pursuant to this article for an electric generating facility that  
32 utilizes a carbon-based fuel and that provides, in whole or in part,  
33 behind-the-meter electric energy consumed or utilized by a cryptocurren-  
34 cy mining operation that uses proof-of-work authentication methods to  
35 validate blockchain transactions if the renewal application seeks to  
36 increase or will allow or result in an increase in the amount of elec-  
37 tric energy consumed or utilized by a cryptocurrency mining operation  
38 that uses proof-of-work authentication methods to validate blockchain  
39 transactions.

40 § 3. Generic environmental impact statement. (a) The department of  
41 environmental conservation, in consultation with the department of  
42 public service, shall prepare, pursuant to article eight of the environ-  
43 mental conservation law, a generic environmental impact statement on  
44 cryptocurrency mining operations that use proof-of-work authentication  
45 methods to validate blockchain transactions.

46 (b) The generic environmental impact statement shall address, at a  
47 minimum:

48 (i) the number and location of existing cryptocurrency mining oper-  
49 ations that use proof-of-work authentication methods to validate block-  
50 chain transactions in the state;

51 (ii) the amount of electric energy consumed by each cryptocurrency  
52 mining operation that uses proof-of-work authentication methods to vali-  
53 date blockchain transactions;

54 (iii) the sources of electric energy consumed by each cryptocurrency  
55 mining operation that uses proof-of-work authentication methods to vali-

1 date blockchain transactions and the type of fuel used by each energy  
2 source;

3 (iv) the amount of greenhouse gas emissions and co-pollutants released  
4 by each energy source attributable to providing electric energy to cryp-  
5 tocurrency mining operations that use proof-of-work authentication meth-  
6 ods to validate blockchain transactions;

7 (v) the anticipated increase, if any, of cryptocurrency mining oper-  
8 ations that use proof-of-work authentication methods to validate block-  
9 chain transactions in the state and the anticipated expansion, if any,  
10 of existing operations;

11 (vi) the potential impacts of electric energy consumption by crypto-  
12 currency mining operations that use proof-of-work authentication methods  
13 to validate blockchain transactions on the state's ability to meet the  
14 greenhouse gas emission reduction goals set forth in article seventy-  
15 five of the environmental conservation law;

16 (vii) the amount of water usage, water quality and other ecological  
17 impacts, if any, of cooling water use by cryptocurrency mining oper-  
18 ations that use proof-of-work authentication methods to validate block-  
19 chain transactions;

20 (viii) the potential public health impacts, if any, due to reduced air  
21 and water quality in communities near cryptocurrency mining operations  
22 that use proof-of-work authentication methods to validate blockchain  
23 transactions;

24 (ix) the potential statewide public health impacts, if any, from  
25 increased greenhouse gas emissions released by cryptocurrency mining  
26 operations that use proof-of-work authentication methods to validate  
27 blockchain transactions; and

28 (x) the social and economic costs and benefits, if any, of cryptocur-  
29 rency mining operations that use proof-of-work authentication methods to  
30 validate blockchain transactions.

31 § 4. Any generic environmental impact statement draft shall be posted  
32 on the department of environmental conservation's website and be subject  
33 to 120 days of public comment from the date of issuance. The department  
34 of environmental conservation shall conduct at least one public hearing  
35 in each of the following regions of the state: western New York, the  
36 finger lakes, the southern tier, central New York, the Mohawk valley,  
37 the north country, the capital region/Hudson valley, and the City of New  
38 York/Long Island, as defined by the Empire State Development Corpo-  
39 ration, and provide meaningful opportunity for comment.

40 § 5. The department shall issue a final generic environmental impact  
41 statement after close of the public comment and public hearing period  
42 and no later than one year after the effective date of this act.

43 § 6. For the purposes of this act:

44 (a) "Cryptocurrency mining operations that use proof-of-work authenti-  
45 cation methods" shall mean the use of a consensus algorithm in a block-  
46 chain network used to confirm and produce new blocks to the chain to  
47 validate a cryptocurrency transaction, where competitors complete new  
48 blocks and where the algorithm changes the complexity of the competition  
49 in a manner that is designed to and/or results in increased energy usage  
50 for each competitor when the complexity is increased; and

51 (b) "blockchain" shall mean a digital ledger in which transactions are  
52 recorded chronologically and publicly.

53 § 7. This act shall take effect immediately and shall apply to all  
54 permits or renewal applications filed after such date.