



## 2022 State Legislative Wrap Up – Environmental & Energy Law Section

The 2022 state legislative session has ended, and several actions were taken by the legislature that may be of interest to your section. Any memoranda drafted by the section in support or opposition to legislation, or comments to regulations, were shared by the Government Relations team to the key relevant stakeholders.

### Section Legislative/ Regulatory Engagement:

- **Brownfield Cleanup Program** (S8008-C/A9008-C Part LL Section 2) The section actively engaged the legislative and executive branches to get key provisions relating to the Brownfield Cleanup Program ("BCP") included in the final enacted budget. The final budget extended the program for an additional 10 years, modified what is considered a disadvantaged community, and further incentivized renewable energy projects. The section further [submitted comments](#) on the proposed BCP regulations.
- **Climate Action Council Draft Scoping Plan:** The section submitted comments on the Climate Action Council's Draft Scoping Plan. The Draft Scoping Plan serves as the initial framework for how the State will reduce greenhouse gas emissions and achieve net-zero emissions, increase renewable energy usage, and ensure climate justice in compliance with the recently enacted Climate Leadership and Community Protection Act.

### Legislation that passed both houses:

- **Standards for Clean Energy and Greenhouse Gas Reduction** ([S9405/A10439](#)) Establishes the "Advanced Building Codes, Appliance and Equipment Efficiency Standards Act of 2022" to help achieve climate goals set forth in the New York State Climate Leadership and Community Protection Act of 2019. This legislation was signed into law on 7/05/2022.
- **Clean Water, Clean Air, and Green Jobs Bond Fund** (S8008-C/A9008-C Part OO Section 10) Will fund 30 years of flood control and other environmental infrastructure, habitat restoration, land acquisition, and renewable energy projects if the Clean Water, Clean Air, and Green Jobs environmental bond act is approved by all votes cast in the general election of November 2022.
- **Renewable Energy Laboratory** ([A7404-A/S4479-A](#)) Authorizes NYSERDA to prepare a report on the establishment of a New York Renewable Energy Laboratory to achieve the goals of the Climate Leadership and Community Protection Act. This legislation was signed into law on 7/21/22 and took effect immediately.
- **Energy Broker, Consultant Registration** ([S9414/A3166-A](#)) Requires energy brokers and energy consultants to register with the Public Service Commission, disclose certain compensation information, and creates penalties for violations of the newly established section of law. This legislation awaits delivery to the governor. If signed into law, it will take effect 180 days after becoming law.
- **Renewable Energy Site Opportunities Report** ([A340-B/S1829-B](#)) Directs NYSERDA to prepare a report regarding the feasibility of replacing certain decommissioned or dormant electric generating sites

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with renewable energy development and energy storage. This legislation awaits delivery to the governor. If signed into law, it will take effect immediately.

- **Critical Energy Infrastructure Security** ([A3904-B/S5579-A](#)) Installs a series of amendments to protect New York's critical energy infrastructure from cyber-attacks, including but not limited to adding the protection of critical energy infrastructure to the energy policy of the state. This legislation awaits delivery to the governor. If signed into law, it will take effect 180 days after becoming law.
- **85% Recycling Goal** ([A4117/S139-A](#)) Declares the goal of the state of New York to source reduce, reuse, recycle, or compost no less than eighty-five percent of the solid waste generated by the year 2032. This legislation awaits delivery to the governor. If signed into law, it will take effect immediately.
- **State Electric Vehicle Fleet** ([S2838-C/A2412-B](#)) Requires the Office of General Services to develop a plan to ensure at least 25% of state agency vehicles are zero-emission by 12/31/2025, and at least 50% of state agency vehicles are zero-emission by 12/31/2030. This legislation awaits delivery to the governor. If signed into law, it will take effect immediately.
- **Renewable Funds for Farmland Protection** ([A9328-B/S8889-A](#)) Requires a portion of funds collected as part of renewables development agreements on viable farmland be used to establish the "agricultural and farmland viability protection fund". The fund shall be used for agricultural and farmland protection activities. This legislation awaits delivery to the governor. If signed into law, it will take effect 90 days after becoming law.
- **Gas Safety Report** ([A129-A/S1380-A](#)) Requires gas corporations to produce an annual gas safety report to increase accountability and public safety. This legislation awaits delivery to the governor. If signed into law, it will take effect immediately.
- **Conserve 30% of the land in New York State by 2030** ([A5390-B/S6191-A](#)) Establishes the goal of preserving 30% of the land in New York State by 2030 as part of the state's land acquisition plan. This legislation awaits delivery to the governor. If signed into law, it will take effect immediately and expire on January 1, 2031.
- **Toxic Air Contaminants** ([A6150-B/S4371-D](#)) Requires Department of Environmental Conservation to establish standards for toxic air contaminants and subsequently require toxic air contaminants to be incorporated into each major source permit. This legislation awaits delivery to the governor. If signed into law, it will take effect 90 days after becoming law.

#### **Chapter amendments to legislation passed in 2021:**

- **100% Zero-Emission Vehicle Sales** ([S7788/A8718](#)) Amendment to Chapter 423 of the laws of 2021. Provides that 100% of in-state sales of new passenger cars and trucks shall be zero-emission beginning in 2035. Signed into law 2/24/2022 with a retroactive effective date to 9/08/2021.

Thank you for the feedback you continue to provide to our Government Relations team and elected officials. As experts in the field, the legislature grants great deference to the opinions of the section and your feedback has the power to influence the policy of the state. Please feel free to reach out to the NYSBA Government Relations team with any questions about policy proposals, pending legislation or the legislative process generally.

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