

6. Environmental Justice and Low Income Programs

Environmental Justice

New York City Environmental Justice Alliance

Construction of power plants, use of diesel on-site generation, and operation of grandfathered power plants should not have a disproportionate impact on New York's low-income and minority populations. The draft plan did not speak to equity and environmental justice. (See Response on page 6-2.)

New York State Sustainable Energy Coalition (NYS-SEC) et al.

Environmental clustering (racism and economic slavery in the guise of progress) of polluting power plants in low income and communities of color is not considered in this so-called plan. It is the obligation of government to protect the weakest parts of society from the abuse of giant businesses. (See Response on page 6-2.)

Sierra Club, NYC Group

The Draft State Energy Plan should include an analysis of the impact of siting and distribution of energy power plants upon low-income and minority communities. These communities receive negative environmental impacts out of proportion to their size. In addition, energy delivery has been more frequently negatively impacted in these than other communities. Power plants and fuel use should not have any greater negative impacts on such communities than on the population as a whole. (See Response on page 6-2.)

Stop the Barge

Well meaning emissaries from the Department of Environmental Conservation come to educate us about the Environmental Justice and yet I don't think they realize that there is no real Environmental Justice program at DEC. The draft plan completely disregards environmental justice issues. (See Response on page 6-2.)

Better Queens Environment (BQE)

The Draft State Energy Plan does not attempt to reverse the environmental injustices that were discussed before in siting the power plants in poor and minority areas. BQE supports a moratorium on all the proposed plants until the issue of why they are all located in poor neighborhoods. (See Response on page 6-2.)

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Environmental Advocates of New York

We think the Draft State Energy Plan should better indicate and analyze how the State's energy policies would ensure justice in the distribution of both energy services and the effects of pollution resulting from the energy sector. (See Response on page 6-2.)

UPROSE

It is UPROSE's position that the State Energy Plan must address environment justice. There is no mention of Environmental Justice in the draft. Last summer, NYPA placed power plants all over the city, and low-income communities are disproportionately environmentally burdened. The Draft State Energy Plan seems to support further environmental racism.

No mention of Environmental Justice in the Draft State Energy Plan only suggests that the lives of communities of color in New York are valued less than the lives in other communities. (See Response on page 6-2.)

New York State Environmental Justice Alliance

Environmental equity and justice in the energy sector was more or less swept under the rug. The advocacy group put together by the Department of Environmental Conservation recently released their concepts. There's been no guarantee by the Department of Environmental Conservation that they would include that in the Draft State Energy Plan. (See Response on page 6-2.)

New York State Sustainable Energy Coalition (NYS-SEC) et al.

Using brownfields for siting power plants may have serious environmental justice implications that must be addressed. (See Response on page 6-2.)

Communities United for Responsible Energy (CURE)

The draft State Energy Plan completely disregards environmental justice issues. It inappropriately assumes that environmental justice may be eliminated from the draft plan because the Department of Environmental Conservation has an office of environmental justice. This illogical excuse is a blatant attempt to dodge a potentially controversial topic.

Response: In October 1999, in response to concerns raised by interested parties, the New York State Department of Environmental Conservation (DEC) announced a new program to address Environmental Justice concerns in the community. DEC named an Environmental Justice Coordinator to oversee the Office of Environmental Justice and

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develop DEC's Environmental Justice Program. A New York State Environmental Justice Advisory Group was formed. In January 2002, the Advisory Group submitted a report – *Recommendations for the New York State Department of Environmental Conservation Environmental Justice Program* – to the DEC Commissioner containing recommendations for creating an effective Environmental Justice program. The report focuses on the environmental permit process and is intended to ensure DEC's programs are open and responsive to environmental justice concerns. DEC is reviewing the report and public comments received on the report. DEC is currently drafting a Commissioner's policy on environmental justice and DEC permitting. This issue is discussed in Section 2.3, Energy and the Environment, of the State Energy Plan.

Coordinate Low-Income Programs

New York State Community Action Association (NYSCAA) et al.

The State should consider the effectiveness, efficiency, and coordination of its low-income energy assistance programs, including the New York Energy SmartSM program, the Weatherization Assistance Program (WAP), the Low-Income Home Energy Assistance Program (LIHEAP), and other State programs that offer incentives, assistance, and information services to improve the efficiency of energy use and reduce the energy burden of low-income households. The State should consider consolidating programs where opportunities exist to improve administrative efficiency and customer service.

The NYSCAA supports the following: the Work Group appointed by the Governor should address the integration of these programs including representation from the NYSCAA and the New York State Weatherization Directors' Association. NYSCAA supports consolidation of WAP programs with system benefit charge low-income programs into one agency at the State level (at NYSERDA). However, this should be determined through a feasibility study to be completed by the Governor's work group and the network to determine their recommendation. (See Response on page 6-5.)

New York State Weatherization Directors Association (NYSWDA)

The Finding in the draft Energy Plan that opportunities to further coordination among State agencies that have roles in prospering and providing low income energy assistance and other public benefits programs are beneficial to program participants and should be fostered is a gross understatement. A work group should be established consisting of representatives from the Division of Housing and Community Renewal (DHCR), NYSERDA, the Office of Temporary and Disability Assistance (OTDA), the New York City based Association for Energy Affordability, and NYSWDA. The

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Governor's Office should provide oversight. This body would have the express task of facilitating the coordination of cost effective energy efficiency initiatives to low income residents. (See Response on page 6-5.)

New York State Weatherization Program

We realize that the portions that relate to low income are a small part of New York State's Energy Plan. We need a lot of voices in this Energy Plan for the population that has a hard time with their energy bills. And we're excited that New York State government has decided to allocate a portion of the system benefits charge funds for low income energy conservation. Our concerns are very strong that we don't want to see two weatherization programs set up in New York. We strongly support the statement on page 1-37 of the draft Energy Plan that the State should consider consolidating programs where opportunities exist to improve administrative efficiency and customer service. (See Response on page 6-5.)

Cattaraugus Community Action, Inc.

Under current conditions, several New York State entities, NYSERDA, the Office of Temporary and Disability Assistance (OTDA), and the Division of Housing and Community Renewal (DHCR), will be administering distinct but related low-income residential energy efficiency programs. Given the faltering economy, New York State can ill afford to support duplicate administrative systems. A carefully coordinated statewide approach would result in uniform policies. To function most effectively, this collaboration would move all low-income residential energy conservation programs to one agency (ideally NYSERDA, with its focus on advanced energy technologies) to be delivered by the local Weatherization subgrantee network. I offer my full endorsement of the recommendation in the Draft State Energy Plan, "The State should consider consolidating programs where opportunities exist to improve administrative efficiency and customer service." (See Response on page 6-5.)

NHS of South Buffalo, Inc. (NHS)

NHS has several recommendations for fundamental changes in how weatherization works in New York State. These include:

- NYSERDA must become an active stakeholder in the weatherization program
- NYSERDA should lead all technical aspects of the weatherization program statewide including energy audit, development, training and professional certification
- The existing network of local weatherization providers of New York State should be fully used by NYSERDA, DHCR, and others

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should collaborate to put program regulations in place that will streamline the process

The Governor should put into place a strong body with administrative oversight that includes NYSERDA, OTDA, DHCR, the weatherization network, and others. This body would approve any and all funding uses for programmatic or policy changes. (See Response on page 6-5.)

Northfield Community, L.D.C.

The coordinated effort between the Weatherization Program and NYSERDA has shown immense success in the downstate region. The continued success of New York State's energy programs depends largely on State decisions on how these programs will be implemented. Decisions such as what State entity administers the program, which lend resource support and training, and how these entities and programs interact with each other must be clearly defined.

Response: The Energy Planning Board recognizes that the State needs to consider the effectiveness, efficiency, and coordination of programs targeting the low-income sector. Better coordination will yield higher levels of administrative efficiency, ease program delivery at the local level, and increase delivery of benefits to the low-income residents of New York State.

The ongoing dialogue occurring through the Low-Income Forum on Energy (LIFE), which has as active members State agencies, utilities, and advocates administering and delivering low-income energy efficiency and assistance programs, has served, and will continue to serve, as an open forum for discussions of issues facing the low-income sector, including program coordination and delivery.

In order to effectively administer the Weatherization Assistance Program and the **New York Energy Smart**SM low-income programs, NYSERDA and the New York State Department of Housing and Community Renewal are currently involved in high-level discussions pertaining to increased coordination and local delivery of each agency's programs.

Under the leadership of the Governor's Office, a Working Group on Low-Income Energy Affordability is expected to be convened over the next several months to discuss issues of program administration and delivery. The Working Group is expected to include representatives from all concerned State agencies and other representatives of the low-income sector.

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Consolidate Low-Income Programs, Use Subgrantee Network

Lewis County Opportunities, Incorporated

Unless a consolidation under a single administration agency is established between the New York system-benefits-charge-funded low-income program administered by NYSERDA and the federally funded weatherization program administered by the New York State Division of Housing and Community Renewal, the operation of these programs over the next five years could easily result in duplication, fragmentation, and competition at the local program delivery level.

It is time to consider consolidation within one State agency. The federal program and the State-funded system benefits charge program should be consolidated in a single State agency committed to the purposes of these two programs and carried out by the local weatherization service provider network. (See Response on page 6-9.)

Association for Energy Affordability

We wish to address the strategy recommendation at page 137 of the draft State Energy Plan, section 5(d), "The State should consider consolidating programs where opportunities exist to improve administrative efficiency and customer service."

Some issues to consider with respect to improved program consolidation and coordination: Several different agencies with different responsibilities for different programs are potentially in this mix. Many administrative reforms that have solved old problems have created more new problems that were not foreseen. In order to determine the best approach in the circumstance, we recommend an open collaborative process with involvement of interested parties similar to the one that has been developed and used effectively by the Department of Public Service in its Provider of Last Resort (POLR) proceeding. Local service providers have the best connection with low income families and communities and can offer incredibly grounded insights into program design.

A key coordination goal should be to clear away the roadblocks to most effective local program integration and to involve the folks at the front lines at the local level, on the ground, who actually have to implement the programs, in working through the details of what the next step should be. (See Response on page 6-9.)

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Northern Manhattan Improvement Corporation (NMIC)

The future success of New York State's low-income energy programs will depend on how the State decides the programs should be implemented. By this we mean, from which State entities and how these entities interact with one another. Whatever decision is made, there should be an open process that involves public debate and input. All of those who can participate in this open process should be given the chance to voice their opinion. This process should not be rushed or influenced by politics. The coordination or integration of programs happens locally. (See Response on page 6-9.)

Bronx Shepherds Restoration Corporation

With its collective experience and commitment, the weatherization subgrantee network of agencies serving the counties of New York State have the best and most logical service delivery mechanism for low-income and SBC programs.

In order to capitalize on the existing network, the program and policy management of these two programs should be integrated and the service carried out primarily by the local weatherization delivery network.

The need for low-income energy efficiency program consolidations is clear, and the timing is right. (See Response on page 6-9.)

Bedford-Stuyvesant Restoration Corporation (BSRC-WAP)

BSRC-WAP is the nation's first community development corporation established in 1967. It has been part of the State Weatherization Program for the past twenty-two years and has subgrantees providing weatherization services to low-income eligible clients.

At the last Policy Advisory Council (PAC) meeting, it was stated that NYSEERDA and the Department of Housing and Community Renewal were in the process of coordinating their low-income weatherization initiatives, and two subgrantees representing agencies of the weatherization providers, namely the Association for Energy Affordability and New York State Community Action Association/New York State Weatherization Directors Association, will be the integrated part of the negotiation whereby the subgrantee interest will be included in the overall process. This is good news for our agency because the end result could show better coordination of the program at the State level and better services for low-income residents.

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Taking into consideration their collective experience and commitment, the Weatherization Subgrantees of agencies serving New York are the most logical service delivery mechanism. (See Response on page 6-9.)

Sunset Park Redevelopment Committee

Our organization would like to see some coordinated efforts in place between NYSERDA and the weatherization program. We would like for the weatherization network to really play a part in providing the services for our clientele. We're not advocating one department over another department. We're advocating that the decision makers remember the low-income clientele we serve and the benefits we provide these clientele. We believe that the weatherization agencies do have the personnel, do have the expertise, and have the local contacts at the neighborhood level to actually bring about really good changes in living conditions, educating people about energy. One of the things we also do is point out the health and safety measures that we find in the house. (See Response on page 6-9.)

Comlinks

Comlinks concurs with the assessments made in the position paper supported by the Association for Energy Affordability and New York State Community Action Association/New York State Weatherization Directors Association for the need of a united and uniform approach in dealing with energy conservation needs of low-income households in New York State. We encourage the Public Service Commission, when decisions are considered, to include the Weatherization network in the process and as a vehicle for service. With the U.S. Department of Energy moving under its "Weatherization Plus" initiative to introduce new technologies and methodologies into the Weatherization Assistance Program and looking to the states for leadership and allowing increased flexibility at the State level in developing this broader program that the time is right to take up DOE's challenge. With NYSERDA's technical capabilities and its research and development capacity, New York could use the increased flexibility allowed under "Weatherization Plus" to integrate the use of advanced technologies into the delivery of energy efficiency for low-income residents. (See Response on page 6-9.)

Joint Council for Economic Opportunity, Inc

New York State already has a program that offers energy services to the low-income population. The subgrantees that make up New York's Weatherization Assistance Program have been serving the needs of the low-income population for more than twenty-five years and have served the population very well. The decision that system benefits charge funds be administered by NYSERDA creates certain reservations for

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Weatherization Assistance Programs. We encourage the Energy Planning Board to develop a system that utilizes existing field expertise and service delivery mechanisms.

Response: The State Energy Plan recognizes the existing community-level expertise in providing energy-related information, services, and public benefits to low-income populations. Section 2.5, Preserving Energy Related Public Benefits Programs, discusses the Low-Income Forum on Energy (LIFE). LIFE enables the State's community-based organizations, businesses, government, and associated stakeholders to openly discuss low-income energy affordability issues. LIFE serves as a medium for exchanging information on best practices in program delivery and identifying problems and solutions to providing services to the low-income sector. The State Energy Plan also recognizes that there may have been a lack of coordination in the past among service providers of low-income energy services and recommends improved coordination. See Section 1.3.

Coordinate, Explain Consolidation Process

Northern Manhattan Improvement Corporation (NMIC)

Regarding the Energy Plan's coordination of low-income energy assistance programs and the consolidation of these programs, the NMIC believes that coordination is essential and is taking place downstate. True coordination should happen at the local level. The State Energy Plan should explain how program implementation will be affected by the consolidation process.

Response: The specifics of the consolidation process are beyond the scope of the current State Energy Plan.

Approving Comments (No responses were necessary for this section.)

Community Environmental Center (CEC)

CEC would like to recognize the good work performed under the Weatherization Assistance Program by Department of Housing and Community Renewal for the low-income population. CEC is also very excited to be part of the terrific work being done by NYSERDA for the low-income residents of the State.

CEC commends all efforts in working together for better coordination between weatherization and NYSERDA programs. It is CEC's belief that this coordination should be viewed as a transition towards consolidating all energy programs under one umbrella

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agency. Streamlining will be beneficial to everyone in the long run. Weatherization is a perpetually changing and developing field.

CDR Management Corporation, a subdivision of the Asset Management Division of Bedford Stuyvesant Restoration Corporation

Supports weatherization programs.

Low-Income Energy Costs

Consumers Union

The State should protect residential and low income consumers by requiring that blocks of residential consumption be sold by energy providers that include basic charges and a minimal level of kilowatt hours.

Response: Most, if not all, recently approved utility multiyear rate agreements provide for special delivery service rate discounts for qualifying low-income residential customers.

Jennifer Bostaph

New York State should definitely keep low income energy assistance programs. Using Energy Smart appliances will help households lower energy costs.

Response: Under its **New York Energy SmartSM** program, NYSERDA has expanded upon existing low-income programs that cover households with less than 60 percent of the State median income by offering its low-income energy affordability programs to households with less than 80 percent of the State median income.

In addition, numerous NYSERDA programs provide incentives for energy-efficient appliances and lighting and new homes. The Keep Cool program, which ran statewide last summer, offered \$75 each for consumers to surrender old room air conditioners and replace them with new ENERGY STAR[®] models. Approximately 40,000 old, inefficient air conditioners were turned in as a result of this program.

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