



Intro 1982
Testimony Submitted to the City Council Committee on Environmental Protection
August 14, 2020

The American Council of Engineering Companies of New York (ACEC New York) thanks the Committee for this opportunity to submit testimony in opposition to Intro. 1982, in relation to marginal emissions, which would amend Local Law 97 of 2019.

ACEC New York represents close to 300 consulting engineering and affiliate firms throughout New York State, with a concentrated presence in New York City. Our members plan and design the structural, mechanical, electrical, plumbing, civil, environmental, fire protection and technology systems for the City's buildings and infrastructure.

Our Metro Energy Code Committee identified the following concerns with Intro. 1982:

- *The proposed methodology for carving out carbon emissions related to fuel cells is fundamentally redundant, as fuel cells are simply a distributed energy resource, which is already well-accommodated in Local Law 97. There is no need to create specific treatment for fuel cells, as provisions to do so were already included in Local Law 147 of 2019 (the clean up bill for Local Law 97). Overlapping provisions do not advance public policy and could create confusion.*
- While fundamentally a fuel cell converts hydrogen and air into electricity and water (hence no carbon) the key is the source of the hydrogen. All hydrogen for these products comes from natural gas—and when you extract the hydrogen from natural gas you release CO₂, no different than if you combusted natural gas in a conventional cogeneration system.
- Providing specific treatment for fuel cells is contrary to facts related to comprehensive industry-wide reduction in carbon emissions and is explicitly providing a false market signal for the fuel cell sector, when in fact, fuel cells provide no environmental benefit in terms of carbon emissions as compared to any other contemporary form of cogeneration technology.
- Intro 1982 further exacerbates this issue by proposing the use of NYSERDA emissions factors that are not appropriate in this application as they are retroactive average emissions factors, by definition.
- Furthermore, Intro 1982 undermines the role of the Local Law 97 Advisory Board and the DOB Commissioner in administering aspects of the law. As such, it is a bad precedent which will compromise this critical rule-making process for balancing various factors and issues that will evolve over time regarding carbon emissions and the grid in New York City.

In closing, Local Law 147 of 2019 already provided an inappropriate accommodation for fuel cells of a similar nature as this bill. Passing Intro 1982 would further exacerbate this issue. We recommend the bill be withdrawn.

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