



PEAK Coalition
Memorandum of Opposition
A5680 Barrett/S7109 Kennedy
March 11, 2024

The PEAK coalition—UPROSE, THE POINT CDC, New York City Environmental Justice Alliance (NYC-EJA), New York Lawyers for the Public Interest (NYLPI), and Clean Energy Group (CEG)— aims to end the long-standing pollution burden from power plants on the city’s most climate-vulnerable people. This coalition is the first comprehensive effort in the US to reduce the negative and racially disproportionate health impacts of a city’s peaker plants by replacing them with renewable energy and storage solutions.

PEAK Coalition strongly opposes A5680 Barrett/ S7109 Kennedy, a bill to include fuel-flexible linear generators which do not utilize a fossil fuel resource in the process of generating electricity as qualifying as renewable energy systems.

The Climate Leadership and Community Protection Act (CLCPA) sets clear and necessary standards for achieving a 70% renewable energy by 2030 and a 100% zero emissions grid by 2040. Since its passage in 2019, the PEAK Coalition has worked with power producers, public authorities, and independent researchers to demonstrate the technical feasibility of transitioning fossil fuel power generators with renewable energy and battery storage under currently-defined technologies. At the same time, the PEAK Coalition has always welcomed the study and advancement of new technologies that would make our energy system greener, healthier, and more equitable.

Generators that use alternative fuels, such as hydrogen, generate more co-pollutant emissions than traditional fossil fuels when combusted. NYPA's green hydrogen demonstration pilot project in Brentwood demonstrated a significant increase in NOx emissions with just limited blending of hydrogen fuel into the peaker plant despite a decrease in CO2 emissions, proving that these so-called low-carbon solutions perpetuate harm and undermine environmental justice protections in the CLCPA. This is before accounting for emissions generated from the production, transportation, and storage of green hydrogen, which also have climate and public health impacts.

Hydrogen and other alternative fuels are not climate-friendly. “Clean” alternative fuels such as green hydrogen or green ammonia are incredibly inefficient to produce, with 70-85% of the renewable energy generated to produce the fuels lost during production. Hydrogen and many alternative fuels are also indirect greenhouse gases because they prolong the life of methane and increase ozone production. All hydrogen is extremely leak-prone and when leaked into the atmosphere is an indirect greenhouse gas that prolongs the lifetime of methane in the atmosphere. Due to this effect, in the first 20 years of its atmospheric lifetime, hydrogen gas produces 35 times the climate warming impacts of CO2.¹

¹Sand, M., Skeie, R.B., Sandstad, M. et al. A multi-model assessment of the Global Warming Potential of hydrogen. *Commun Earth Environ* 4, 203 (2023). <https://doi.org/10.1038/s43247-023-00857-8>

The legislation's definition of linear fuel generators is dangerously unclear. The PEAK Coalition understands that research institutions and a few private developers have championed the use of non-combustion power generation using a linear mechanical device to derive power from chemical reactions; however, there is currently no standard regarding the definition of this technology.

The state legislature should not amend the definition of renewable energy to include this largely untested and unproven technology. We call on the legislature to remain vigilant in ensuring that only proven renewable energy technologies, which we are confident will not contribute to GHG emissions, are included in the CLCPA's definition of "renewable energy systems." The legislature's time, attention, and funding is better spent investing in proven renewable energy and battery storage solutions for a just transition. We believe this is essential to prevent fossil fuel companies from undermining the nation's leading climate law, and to ensure a clean energy future for all New Yorkers.

For the reasons above, the PEAK Coalition opposes A5680 Barrett/ S7109 Kennedy.