

## Why NY's Flagship Climate Law Is On The Rocks

By **Gautama Mehta**

Law360 (March 27, 2026, 9:50 PM EDT) -- In 2019, New York took its most ambitious shot at fighting climate change. Legislators in Albany — emboldened by a new Democratic trifecta and under a heightened sense of urgency to protect the environment in the face of the first Trump administration's retreat from environmental enforcement — passed a measure to ultimately reduce greenhouse gas emissions by 85%.

Seven years later, with President Donald Trump in his second term, the state's governor is looking to weaken its signature climate statute in what would rank among the nation's most visible and significant rollbacks thus far of state-level climate policy, and at a time when environmentalists are looking to blue states for leadership.

So what happened in between? It depends on whom you ask.

The state's Democratic governor, Kathy Hochul, who announced on March 20 that she plans to ask the Legislature to amend the flagship Climate Leadership and Community Protection Act and postpone its deadlines, says meeting the statute's goals had become prohibitively expensive since its enactment, and that environmental groups backed her into a corner by suing the state environmental agency for dragging its feet on issuing regulations required under the statute.

To environmental advocates, Hochul's actions suggest she never particularly wanted to enforce it in the first place.

And to critics like Yvonne Hennessey, partner and chair of the environmental practice at Barclay Damon LLP, who estimates she has "probably spent at least half of every day of my life on the CLCPA" since its enactment, the statute was "a very ambitious law to begin with."

"I think everybody is starting to see what many of us predicted six years ago: that we were going to get to a point that these goals were not going to be achievable in the time frame set, and certainly not in an economic manner," Hennessey told Law360.

The CLCPA set statewide targets of a 40% reduction in greenhouse gas emissions by 2030 from 1990 levels, and an 85% reduction by 2050. It established a "scoping plan" process by which regulators spent two years evaluating how best to meet those goals, and then required them to implement that plan in the form of regulations by January 2024.

Hochul has yet to spell out her plans for the law in detail, but said in an op-ed published in the Empire Report newsletter on state politics that she wanted to postpone the deadline for regulations, amend the emissions targets and employ a less stringent methodology for counting emissions.

Hochul's proposal would replace the CLCPA's emissions accounting methodology with a much more commonly used standard set by the United Nations Framework Convention on Climate Change. The most crucial difference is that New York's methodology is based on a 20-year rather than a 100-year time horizon for greenhouse gases, thereby weighting emissions of methane — which has a shorter lifespan in the atmosphere than carbon dioxide — more heavily.

"She wants a change in the accounting method for methane to make it appear that we've done more to reduce emissions than we have," said Michael Gerrard, the director of Columbia University's Sabin Center for Climate Change Law.

Hochul said she supported the CLCPA's aspirations, but that changed circumstances, including Trump's attacks on renewable energy subsidies and the war in Iran, had placed them out of reach by raising energy costs for households and businesses.

"This is solely out of necessity — to protect New Yorkers' pocketbooks and economy," the governor wrote. She cited a February memo released by the New York State Energy Research and Development Authority, a state agency, which estimated that the cost of an emissions pricing program known as cap-and-invest that the state planned to implement in order to meet the CLCPA's emissions targets would cost some upstate households an extra \$4,000 annually in energy bills.

The assumptions behind that calculation were questioned by critics, who noted that the version of the cap-and-invest program the agency modeled for the memo was much stricter — and more expensive — than the one that had actually been proposed during the scoping process.

"Cap-and-invest was not explicitly mandated by the CLCPA, nor was it mandated by the court, but it was one important element of how [the Department of Environmental Conservation] thought it was going to achieve the emission reductions," Gerrard said.

But Hochul's proposal to switch to the UN-based accounting methodology may not actually create the cost savings she hopes for, according to a March 24 report from New York University's Center for Policy Integrity.

While the UN standard would numerically get New York's emissions closer to the CLCPA targets, "it's not only the distance to the targets, but how cheap it is to get to the target" that determines the cost-effectiveness of a given plan, said environmental economist Raimundo Atal, a co-author of the report.

Atal said that since the modeling data the state has released disaggregates costs by economic sector but not by gas, it's unclear whether the economic math would ultimately work in favor of New York weighting methane abatements less heavily under the UN standard.

In her op-ed, Hochul also took a swipe at the environmental groups who sued the state for blowing past its January deadline.

In March 2025, over a year after the DEC was supposed to issue regulations, four environmental groups, including the Sierra Club, filed a lawsuit asking a state court to order the agency to enact the law. In October, Ulster County Supreme Court Justice Julian Schreibman did just that, setting a new deadline of Feb. 6, 2026, for the regulations.

That order was later stayed pending appeal, and the regulations prepared during the scoping plan process have yet to be issued. But Hochul's announcement during the state Legislature's budget negotiations suggested she didn't want to wait for that litigation to play out.

"It seems like the lawsuit is in part being used as a cover or justification for trying to change the law," said Rachel Spector, an attorney at Earthjustice who represented the petitioners. "She is quite publicly claiming that it is forcing her hand, and we have sought to push back on that."

Spector said Hochul has mischaracterized the purpose of the suit as holding the state to achieving the emissions targets, rather than the more achievable short-term goal of simply issuing any regulations.

"Meeting the target is not what the lawsuit is about at all," Spector said. "What the petitioners in the case were looking for is for the state to take meaningful action, when they were taking basically no action at all."

Justice Schreibman's order, however, based on the plain language of the statute, was unambiguous in its requirement that the regulations actually be designed to achieve the CLCPA's emissions targets — placing the environmental groups in the awkward position of arguing for a more flexible interpretation of the court order in their favor than that of the governor.

Observers have speculated that the environmental groups may seek to settle the lawsuit and find a compromise short of achieving the emissions limits, which are widely seen as aspirational targets

given that 2030 is just four years away.

"[Hochul] could come to the table to settle at any time," said Earthjustice's New York policy advocate Liz Moran in a March 17 press conference. "We just want commitment to action."

To Hennessey, a settlement could be problematic.

"I don't believe the rest of the interested stakeholders believe it's appropriate for the environmental groups and the state to settle a state requirement, decide what a law requires or how it will be implemented behind closed doors with no input on that," Hennessey said. "I can tell you from my perspective as an energy lawyer, I have a lot of arguments that we might challenge something like that if that was to happen behind closed doors, because whatever they agree to will impact everybody else who is not a part of those discussions."

--Editing by Jay Jackson Jr.