Title: Eight Things New York Can Do to Meet its Climate Goals Despite Headwinds

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The 2019 Climate Leadership and Community Protection Act (CLCPA) requires New York to transition its electric grid to 100% zero-emission sources by 2040, and the NYS Department of Environmental Conservation (DEC) to adopt economy-wide regulations to reduce greenhouse gas emissions (GHGs) to 85% below 1990 levels by 2050. Despite controversial 2026 amendments to the Act's other milestones, these two core features of CLCPA remain in place.

At a global level, meeting both mandates is necessary to reduce GHGs low enough to mitigate the worst global consequences of climate change. New York is doing its part and is not alone; according to the U.S. Climate Alliance, over a dozen U.S. states, representing approximately 40% of the U.S. economy and a fifth of its emissions, have adopted binding commitments to meet the GHG reduction goals memorialized in the 2015 Paris Climate Accord.

But economic and political trends present obstacles to meeting New York's (and other states') mandates and goals. Data centers, electric building systems and electric vehicles are increasing grid demands just as the present White House is fighting against large, new renewable energy projects that New York has been counting on to power millions of homes.

Looking beyond the upcoming DEC regulations to implement CLCPA, this article considers eight consequential steps New York can take (and in many cases, is already taking) to achieve the CLCPA's requirements and meaningfully reduce GHG emissions despite headwinds.

1. Protect Federal Court Victories

Despite the increased demand for power and rising energy costs, the Trump Administration has repeatedly attempted to stymie the development of renewable energy, using multiple tactics. All have been challenged, and those that have been litigated to a decision have been found unlawful in key respects.

For example, on Jan. 20, 2025, the president signed an executive memorandum that purported to prohibit all federal permits for wind projects—termed the "Wind Ban." It purported to prohibit federal approvals for offshore wind projects pending an indefinite comprehensive review of offshore wind activities. But multiple federal statutes require the processing of applications. New York successfully joined 16 other states to oppose this illegal "executive order."

Massachusetts District Court Judge Saris blocked the Wind Ban entirely, ruling that the Wind Ban violated the Administrative Procedure Act and ordering agencies to resume processing applications for approvals. The White House appealed but withdrew its appeal entirely on the day its brief was due in June 2026.

On its face, this was a resounding victory for wind—particularly offshore wind projects located on outer continental shelf lands leased from the United States, which require a raft of federal approvals. But early indications are that the Department of Interior is advancing some project approvals but delaying others. Further state litigation may be required to ensure the federal government abides by the court order.

The White House has also been trying to stymie offshore wind through buyouts, paying billions to cancel at least three companies' offshore wind leases. New York, California and five other states sued in September 2026 over these buyouts and cancellations, calling them a violation of the Administrative Procedure Act, National Environmental Policy Act, the Outer Continental Shelf Lands Act and other laws.

They allege the buyouts violate the U.S. Judgment Fund Act, which allows the Department of Justice to settle lawsuits against the federal government, not create a slush fund for the White House's pet causes. While the litigation is ongoing, New York has good reason to fight the lease cancellations given the billions in lost investment and thousands of megawatts of lost offshore wind energy.

2. Lean Into Interstate Cooperation

Beginning in 2005, 11 northeast and mid-Atlantic states signed an MOU to create the Regional Greenhouse Gas Initiative (RGGI) to set a regional cap on power plant GHG emissions and require operators to buy enough allowances/credits to match their emissions. The cap goes down annually, resulting in lower emissions over time—signatory states have decreased emissions by 50% since 2005.

In the meantime, New York has collected billions from allowance auctions that it has invested in clean energy. The MOU ingeniously bypassed the U.S. Constitution's Article I, Section 10 prohibition on interstate compacts.

Each state acted alone but in coordination with fellow states. It is a model that could be used to achieve GHG reductions and other environmental goals in other sectors, including land-use planning, electric vehicle infrastructure, farmland and forest preservation, and other eco-goals that are hard to achieve without regional support.

3. Reduce Transportation Emissions

At least one third of New York State GHG emissions come from vehicles. The state has two primary ways to reduce emissions from this sector. The first directly concerns vehicle emissions. While the U.S. Clean Air Act preempts state regulation of vehicle emissions (leaving that power to the U.S. EPA), it allows California to seek a preemption waiver to set its own standards. The 1970 Act reflects the fact that at the time, California was both a leader on emission regulations and suffering with horrific air pollution. California has sought and obtained these waivers for over 50 years. Most recently, it used the waivers to require all new vehicles sold in the state to be zero emissions by 2035. The CAA allows other states to adopt California standards, and New York and over a dozen other states have done so.

After the 2024 election, the U.S. EPA purported to revoke the most recent waiver granted to California by the Biden administration and also took the position for the first time in history that the waiver is a "regulation" that requires Congressional review under the U.S. Congressional Review Act.

California, New York, and nine other states sued. While that case is still pending, California obtained an injunction allowing its waiver to stay in place. The federal government promptly filed a notice of appeal. Given New York's interest in protecting California's waiver authority, New York will need to continue defending it from current and new lines of attack.
The second path to reducing transportation emissions is by reducing the GHG content of vehicle fuels. The U.S. Energy Policy Conservation Act preempts state regulation of vehicle fuel efficiency.

New York and 12 other states began looking for ways around this preemption in 2010, forming the Transportation and Climate Initiative. Modeled on RGGI, the program would require companies selling transportation fuels in participating states to buy enough allowances to cover the GHG emissions from their products.

The effort culminated in a draft MOU that each state would adopt to implement the program at the state level (mindful of the U.S. Constitution). The effort quickly fell apart during the COVID pandemic when inflation spiked and states were reluctant to implement a program that would increase fuel costs. New York and its neighbors should reconsider the program as a companion effort to the e-vehicle requirement.

4. Force Changes to New Building Emissions

Heating and cooling systems for buildings account for one third of NYS GHG emissions. New York is on the forefront of the effort to transition new buildings to electric energy and should remain so.

New York's All-Electric Buildings Act of 2023 bans the use of fossil fuels for heating, cooling and appliances in new buildings that are seven stories or less as of Oct. 28, 2026 (after surviving a legal challenge). As of Jan. 1, 2029, it will apply to all new construction.

One can imagine an RGGI-like effort among New England states to do the same. But New York will also need to continue defending its law.

While the state won a legal challenge to the law in 2026 in the Second Circuit, the City of Berkeley, California, lost in the Ninth Circuit based on a very similar law. The cases are likely headed to the Supreme Court in 2027. New York will also need to craft policies to lead existing buildings to transition without placing undue costs on homeowners.

5. Force Changes to Land Use and Zoning

New York has made little progress in efforts to promote "smart growth," which refers to urban planning and zoning laws that require compact, walkable and transit-oriented communities. Sprawl development is associated with 50% of household carbon emissions. Still, New York has been unable to move the needle on smart growth.

The 2009 Smart Growth Public Infrastructure Policy Act requires state agencies to consider smart growth in their decision making. But municipalities, not state agencies, largely control zoning and land use.

In 2023, Governor Hochul proposed a law that would require municipalities to provide for higher densities around transit hubs. Legislators quickly killed the bill. As DEC develops draft CLCPA regulations, the State will have another opportunity to enshrine policies to require local communities to permit higher densities near transit.

6. The Public Service Commission Should Proceed Slowly on Changing the CLCPA's Electric Mandate

Separate from CLCPA's statewide mandate to reduce emissions 85% from 1990 levels by 2050, CLCPA requires the electric grid to be 70% renewable by 2030 and 100% "zero emissions" by 2040. But it also empowers the Public Service Commission to "suspend" or "modify" those requirements if meeting them would undermine reliability and affordability.

On Jan. 6, 2026, the Coalition for Safe and Reliable Energy submitted a petition for such a hearing. (See Case 22-M-0149 and Case 15-E-0302, pointing out that not only is New York not on track to meet the mandates, but electric demand will increase 50 to 90% by 2040.) Some utilities, like Con Edison, have opposed changing the mandate at this time. Others have encouraged the Commission to hold a hearing on the subject.

Data centers, the state's electric mandate for new buildings, and e-vehicles will put huge new demands on the electric grid just as the federal government is getting in the way of renewable energy. So while the Commission may indeed need to extend one or both deadlines, it must do so conservatively given what is at stake.

7. Cautiously Advance Nuclear Energy

The United States generates the most electricity from nuclear power plants on the planet. But France and South Korea generate far more per capita with strong safety results.

Following directives from the White House, the U.S. Nuclear Regulatory Commission has proposed a series of regulatory amendments to streamline the review, approval and operation of nuclear power plants. Some of the amendments will be concerning for environmental advocates, like allowing projects to begin construction before environmental reviews are complete.
But based on Hochul's directives to the New York Power Authority and Public Service Commission to explore five gigawatts of new nuclear generation, this is a rare instance where the goals of the White House and New York may align.

8. Advance Battery Storage and Other Grid Reliability Strategies

New York and other states can advance grid reliability and reduce total generation capacity requirements with battery storage projects, demand pricing, and other efforts to make sure power is available where and when it is needed despite the intermittency of solar and wind.

To that end, NYSERDA recently announced eight projects selected through a battery storage solicitation that will add nearly 1,000 MW of storage in areas across the state (including New York City and Long Island). Two additional solicitations are planned and will move the State closer to achieving CLCPA's requirement for six GW of battery storage by 2030, which the State remains far from achieving.

The utility sector and New York's independent grid operator (NYISO) are also instituting demand pricing initiatives in both the retail and wholesale electricity markets to incentivize customers to purchase and use power when it is most readily available.

Conclusion

Climate scientists believe 2026 will qualify as Earth's hottest year on record. While the United States under the current president has ended virtually all federal efforts to reduce greenhouse gas emissions, New York remains part of a small but core group of U.S. states and nations that have adopted legal requirements to achieve low emissions by 2050.

To succeed in this hostile federal climate, New York has been, and must continue to, pivot to efforts that are beyond the reach of federal agencies.