

# Dual Power

Building a movement for the abolition of fossil capital and the construction of public renewables

Ashley Dawson

Members of the Public Power campaign got the news the day after May Day: the New York State legislature had passed the Build Public Renewables Act (BPRA). Across the sprawling state of New York, members of our movement gathered to celebrate our hard-fought victory. We knew that this win had implications extending far beyond New York. After a four-year-long fight, in May 2023 the Public Power NY campaign won passage of a major Green New Deal policy. The BPRA empowers and directs the state's public power provider – the New York Power Authority (NYPA) – to plan, build, and operate renewable energy projects across the state. Unlike efforts in other states, the BPRA breaks with decades of neoliberal orthodoxy by putting a publicly owned authority in charge of the energy transition. Our campaign was, in other words, able to seize the power of the state to fight fossil capital.

The Public Power NY (PPNY) campaign offers some useful lessons for energy democracy movements in other parts of the US and beyond. By organising around a rapid, democratically controlled, and just establishment of clean power, our campaign avoids some of the pitfalls of the current 'transition' to renewable energy. As the Transnational Institute's *Energy Transition Mythbusters* report shows, the common refrain in the mainstream media that private investors and liberalised markets have catalysed a clean energy revolution is simply incorrect: fossil fuels still account for 82% of total primary energy consumption worldwide. Worse still, the global consumption of coal, gas, and oil continues to increase. What we are seeing, in other words, is *energy expansion* rather than energy transition. Indeed, despite the Biden administration's Inflation Reduction Act, which gives a USD 400 billion boost to renewables, domestic oil production in the US will hit an all-time high in 2023. Crude oil exports have gone up almost 850% since an export ban was lifted in 2015.

This situation means that the movement to abolish fossil capital must have two complementary and connected dimensions. One is increasingly focused on shutting down fossil infrastructure. The other must be dedicated to the rapid establishment of renewables. As the climate movement fights for ending the reliance on fossil fuels and turns towards diverse tactics to achieve this goal, it is imperative for the movement to understand that these dimensions are interdependent and cannot be achieved in isolation. Building renewables without shutting down fossil fuels is planetary suicide, but elected leaders will refuse to end the reliance on fossil fuels until and unless there are significant low-carbon energy sources. Consequently, the movement for abolishing the use of fossil fuels should be seen as a campaign for what I term dual power. I use this term in a manner slightly different from its traditional connotation in radical circles, where it tends to refer to the formation of a series of counter-institutions such as workers' councils that, once consolidated, challenge and ultimately overthrow the bourgeois state. As I explain in detail below, dual power here refers to a strategy that links efforts to build publicly controlled renewables with a fight to abolish fossil capital.

# **Towards the Abolition of Fossil Capital**

There has been a pronounced shift in the climate movement since the waning of the COVID-19 pandemic. Increasingly, the movement is focused on the abolition of fossil capital. When 75,000 people marched in New York City before the United Nations' Climate Ambition Summit in September 2023, a banner reading 'Biden: End Fossil Fuels' hung on the speakers' podium at the culmination of the march. The runaway success of Andreas Malm's book *How to Blow Up a Pipeline* – which was adapted into a feature film in 2022 – exemplifies and has helped intensify this turn in the climate movement towards a more radical and even insurrectionary confrontation with fossil capital.<sup>151</sup>

With this strategic shift has come increasing critical scrutiny of mass non-violent protests like those orchestrated by Extinction Rebellion (XR). XR's animating conviction that the movement just needs to get 3.5% of society out onto the streets to produce serious political change has not curtailed the political power of fossil capital and the abundant capacity of liberal democratic capitalist societies to defuse and resist popular protest. In place of such efforts to intervene in society by drawing media attention through mass demonstrations and arrests in front of big banks, oil company headquarters, and newspaper offices, there has been an upsurge of interest in militant strategies to shut down pipelines, refineries, and other forms of fossil fuel infrastructure.

But the strategy of fossil sabotage faces daunting obstacles. First, there's the problem of repression. Protest has become very difficult in the world's leading petrostates. For instance, in the US, the state has heavily persecuted direction action-based environmental movements (as well as other movements like Black Lives Matter (BLM)) over the last 30 years. The labelling of the Earth Liberation Front as an eco-terrorist group and their hunting down by the FBI in the 1990s and early 2000s exemplifies a history of criminalisation that is a serious dampener to acts of fossil sabotage. The resulting huge imbalance of power between small bands of fossil saboteurs and the vast US coercive apparatus made effective action virtually impossible. And it's not just this history of repression that may dissuade acts of sabotage today. More than a dozen states across the US have passed laws criminalizing fossil fuel protests, and the federal government has ramped up its own tactics of surveilling and penalising protesters.<sup>152</sup> The racketeering charges filed by the state of Georgia against protesters in the Defend the Atlanta Forest movement are an indication of the extreme measures authorities are willing to take against anyone who questions or interrupts fossil capital in the US.<sup>153</sup>

In addition, even if one pipeline is blown up, oil companies can always build another or just put the oil on trains. After all, one of the chief characteristics of oil is its fluidity, which makes it easy to move around to avoid efforts to establish choke points in supplies and strike fossil capital.<sup>154</sup> The oiliness of petroleum was, in fact, an important reason for its historic rise to energetic pre-eminence. Fossil saboteurs would have to be numerous and geographically dispersed to be able to shut down the many different routes through which oil can flow to market in a country like the US. There have certainly been some heroic acts by so-called valve turners such as the 'Four Necessity Valve Turners', who were arrested in 2019 while attempting to shut down the Enbridge Line 4 pipeline in Minnesota. But the ranks of valve turners are nowhere near enough to seriously diminish the flow of fossil fuels. Fear of extended jail sentences no doubt has a lot to do with this.

The 'necessity' defence mobilised by the Minnesota valve turners suggests a possible strategy to develop and, equally importantly, also popularised fossil sabotage. At their trial, the group argued that their actions were necessary and legally justified in response to the threat of catastrophic climate change. This hinged on convincing the presiding judge 'to allow the jury to consider the "necessity" defence. He might not have done so. Indeed, given the overwhelming number of conservative judges appointed in recent years by the fossil-aligned Right, it seems foolhardy to count on widespread judicial acceptance of this defence.

Like the divestment movement and other efforts to mobilise increasing numbers of people against fossil capital, this strategy must confront a basic problem: fossil fuels remain quite popular. I'm not just talking about Harley Davidson riders, NASCAR racing enthusiasts, and pipeline workers. Fossil fuels are critical to the economic wellbeing of many – even most – people in the main capitalist nations. As Andreas Malm has argued, fossil capital reorganised working-class lives, concentrating energy and labour in cities and thereby maximising its control over them. Nowhere is the 'mute compulsion' that capital exercises over workers more evident than in the almost universal dependence on fossil fuels, which are currently the source not just of jobs but also of most light, heat, food and clothing. 156

The resulting political impasse is manifest in the direct correlation between the cost of fossil fuels and the price of other commodities. In the US's recent bout of inflation, for example, 40% of price increases across the economy were a result of higher oil and gas prices. This is not an aberration: according to economist Mark Zandi, every recession since World War II has been preceded by a jump in oil prices. This of course suggests that it would be a great idea to transition away from fossil capitalism, not simply because of the damage fossil fuels cause to frontline communities in places like Louisiana's 'Cancer Alley' – the 85-mile stretch of land along the Mississippi River that is home to haver 200 petrochemical plants and refineries. Abolishing fossil fuels will also ultimately end the scourge of 'fossilflation'. But that's in the long term. In the short term, if supplies of fossil fuels decrease, inflation goes up and petrol and food become more expensive. When this happens, ordinary people suffer – and often vote out the politicians they regard as responsible for their suffering.

The refusal of political elites to challenge fossil capital head-on is not, in other words, simply a result of political corruption – although that is undoubtedly a factor. Few politicians are willing to take the chance of provoking inflation and populist backlash by curbing the supply of fossil fuels. The Yellow Vest protests in France are an example of this dynamic. And, in the US at least, the idea of imposing higher taxes on oil firms and the wealthy to cross-subsidise everyone else is a political non-starter. This explains Biden's rather desperate exhortations to oil refineries to ramp up supply when inflation surged in 2022. Is also helps explain why both he and former president Obama pursued an 'all of the above' energy strategy. Obama's Recovery Act of 2009 set aside of \$90 billion in federal tax credits was intended to help boost renewable energy projects. This arrangement, known as 'tax equity', has rightly been criticised since it allows a handful of big banks, which provide cash to private renewable energy developers in exchange for tax credits, to decide which projects get built and, in many cases, to stall renewables development altogether. Biden's IRA continues this corrupt arrangement, although it also allows finance to flow to public authorities like NYPA – a fact that was key in the campaign to pass the BPRA in New York. Yet in tandem with such policies supporting renewables, the

Obama administration nearly doubled subsidies for oil and gas exploration, despite a 2009 promise to phase these out. <sup>161</sup> Biden's support for the expansion of both renewables and fossil fuels is of a piece with these earlier seemingly contradictory policies. As a result, the US is on track to be the world's single largest expander of oil and gas extraction between now and 2050, single-handedly representing more than a third of planned global expansion. <sup>162</sup>

The only way out of this political impasse, which is locking the planet ever-deeper into climate chaos, is to intensify and diversify efforts to dismantle fossil infrastructure, coupled with a massively accelerated expansion of renewable energy. In terms of the former, we need to proliferate not simply the divestment movement but also acts of creative dissidence that target the mega-donor class and their efforts to use cultural institutions to greenwash their reputations. Particularly exemplary of such tactics is the Strike MoMA campaign, which targeted the oil-soaked elites on the board of directors of the Museum of Modern Art (MoMA) through a series of weekly protest and educational events. In tandem with critiquing – and eventually dismantling – the oiligarchy and their cultural hegemony, we need to expand the movement for public power. Contrary to myths about swift energy transition coming through the private sector, free markets, and the inexorably cheaper price of renewables, the only way to win a swift and just energy is through public power. Democratic control of the energy system is consequently essential to the liquidation of fossil capital.

### **How We Won Public Power in New York**

A few years ago, there was much talk of fossil fuel companies investing big in renewable energy. BP's new chief executive announced in 2020, for instance, that the company would cut future fossil fuel production by 40%, and boost its capacity to generate electricity from renewable sources to 50 gigawatts (GW), a 20-fold increase. There is cause for deep scepticism about the durability of these investments, particularly since BP famously rebranded itself Beyond Petroleum in 2001 but then killed its research programs on green energy and locked away the research in a private corporate archive. Its 2020 conversion to renewables was not to last: when BP abandoned its plans to reduce oil and gas output early in 2023, its share prices surged. It's not alone. Overall, oil and gas companies spent less than 5 percent of their production and exploration investments on low-emission energy sources in recent years, according to the International Energy Agency. In the International Energy Agency.

But fickleness is not the only reason why the energy transition should not be left in the hands of fossil capital. As Andreas Malm has shown, through combustion of fossil fuels, fossil capital was able to delink energy production from natural sources such as the sun and wind, and consequently to concentrate the working class in urban factories, where they could be squeezed for maximum profit.<sup>167</sup> This strategy and the enormous energy generated by fossil fuels produced unmatched capital accumulation – but it also created unprecedented and catastrophic environmental destruction, including carbon emissions. These oppressive characteristics will not simply dissolve if fossil capital shifts investments to renewable energy. As Tatjana Söding argues, fossil capital is intrinsically committed to exploitation and environmental destruction: 'Since fossil capital, in the dynamics of its original accumulation, firstly created abstract space and time, secondly maximized its control over global labor power in order to enable a high(er) degree of capital accumulation, and thirdly created natural destruction as a

necessary by-product, its switch to renewable energy must not be understood as a relief from these intentional by-products'. Söding suggests that we should not leave energy transition up to fossil fuel companies like BP, given they are grounded in deeply destructive exploitation of workers and the environment, as well as their megalomaniacal orientation created by access to virtually unlimited reserves of fossil energy.

In the early months of our organising, the Public Power campaign discovered that the destructive dynamics that characterise Big Oil are also central to for-profit electricity utilities. PPNY began in late 2019 with a campaign organised by the New York City branch of the Democratic Socialists of America (DSA) against a proposed hike in electricity rates by for-profit utility ConEd. As in other states across the US, the charges consumers pay to utilities for electricity in New York are regulated by the politically appointed bodies called the Public Service Commission (PSC). But although the PSC is supposed to keep rates affordable, researchers with the campaign found that ConEd was already charging the second-highest residential rates in the country. In addition, despite raking in mega-profits, ConEd and gas utilities like National Grid routinely threatened to cut off power to low-income customers.

And it wasn't just that the utility behaved in a patently unjust manner. Public Power researchers discovered that National Grid and other for-profit utilities have a structural incentive to build as much infrastructure as possible to justify their requests for rate hikes. This is because gas utilities receive so-called 'line extension subsidies', money collected from energy consumers to pay for additional gas pipelines. This arrangement essentially means that for-profit utilities force ordinary people to pay them to lock in fossil infrastructure.

The exploitative and environmentally destructive character of this aspect of fossil capital became even clearer when our campaign discovered that ConEd pays USD 1.4 million in annual dues to trade associations like the Edison Electric Institute and the American Gas Association, which lobby to undermine renewable energy, to deregulate the energy market, and to consolidate power for private utilities. This information and our analysis of the structural incentives that lead for-profit utilities to build fossil infrastructure made it plain to the Public Power campaign that a rapid and just energy transition could be won by only a democratically controlled public authority.

The racist character of fossil capital was made clear when New York City was struck with a heat wave during the summer after the campaign against rate hikes kicked off. In the middle of this heat wave, ConEd cut power to working-class communities of colour in the city's outer boroughs in order to protect the power supplies to wealthier communities across the city. Communities in places like East New York tend not only to be poorer but also to have less access to cool green spaces and air conditioning, which contributes to higher heat-related mortality rates. Cutting off their power was a chilling instance of the creation of 'sacrifice zones' in racialised communities. After these incidents, the Public Power campaign canvassed areas that had been hit by power cut-offs and held town hall-style meetings across the city, explaining that the struggle for democratically controlled power was the solution to unaffordable electricity rates and the injustice of cutting off power.

A huge question the Public Power campaign faced was how to build an alternative to the forprofit utilities. After all, corporations like ConEd, which has been around in one form or another since the construction of the modern grid, wield immense economic and political power. Fortunately, in New York State there is an alternative source of power: the New York Power Authority (NYPA). Established during the Depression, NYPA was conceived by then-governor Franklin Delano Roosevelt as a public alternative to the price-gouging private utilities of that era. Although NYPA generates roughly 20% of the state's clean power through its hydropower plants on the Great Lakes, its capacity to build new renewable energy was limited by law prior to the passage of the BPRA. Our research into NYPA convinced us that it could build renewable energy projects cheaper, faster, and more efficiently than the for-profit sector. Unlike for-profit energy firms, for example, NYPA is not bound to generate astronomical returns for investors. In addition, because of its high bond rating, NYPA can borrow money at very low interest to fund projects. This means that it does not have to raise utility rates to build infrastructure, as investor-owned utilities do. Renewable energy development led by NYPA could avoid intensifying the energy poverty that our campaign was initially launched to address.

Organisers with experience of fighting for energy democracy in New York realised that the Public Power campaign needed to work on a state-wide scale to win the legislation we needed to empower NYPA with a mandate to build new renewables. The campaign decided to organise a broad popular movement for Public Power, and also to work with socialists and other allies within the state legislature to push forward the BPRA. We formed the state-wide public power coalition in late 2019, pulling together energy democracy activists, environmental justice groups, and climate organisations like the Sunrise Movement. Early in 2020, we began the collaborative process of investigating how public power legislation could meet diverse needs across the state, and we also started a state-wide series of Energy 101 public events to educate people about the injustice and dismal performance of the for-profit utility system. During the pandemic, our victories showed that Public Power was a force to be reckoned with: we organised successfully for a moratorium on electricity shut-off and for cancellation of utility debt for communities hard-hit by COVID-19.

We fought hard for the BPRA, but saw it languish in legislative committees for two consecutive years. This showed us that we had to keep building public pressure. We organised public protests, including a rally in which we called out legislators taking money from corporate utilities and – not coincidentally – opposing the BPRA. Our electoral campaign organised key legislators, who then helped organise less politically progressive people in the legislature to back the BPRA. We also undertook direct action protest, in which people demanding public power locked down in a human chain across Broadway in downtown Manhattan, just near the offices of key state legislators.

Key to amassing the political power necessary to pass the BPRA was winning over organised labour. While the working class in general stands to benefit from democratic control of the means of energy production, workers are not a homogeneous group in relation to energy transition. Indeed, contrary to Matt Huber's arguments about unified class struggle against the capitalist drivers of the climate crisis, we found that some labour unions initially rejected our appeals to join in the campaign for public power – while others signed on enthusiastically.<sup>170</sup> Early endorsement from my own union, the Professional Staff Congress of the City University

of New York, led to subsequent support from the New York State Teachers Union (NYSUT) and other unions in the service sector such as 1199SEIU. Winning over the unions took additional work, given the scepticism of workers in these sectors about the (largely private) renewable energy industry in the US, which is notoriously anti-union. To address these concerns, we worked with the AFL-CIO to incorporate gold-standard labour language into the BPRA that includes prevailing wage and project labour agreement provisions, a labour transition memorandum of understanding (MoU), and USD 25 million in annual funding for an Office of Just Transition to oversee retraining of workers in the renewable energy field.

The final version of the BPRA that passed in May 2023 included most of the key provisions for which we had long fought. NYPA was, at long last, mandated to build, own, and operate renewable energy projects. Each year, NYPA must conduct a review to determine whether the state is on track to reach 70% renewable power by 2030 and 100% by 2040, according to state mandates. If not, NYPA must step in to build enough energy to make up the difference. The BPRA also requires NYPA to phase it out its fossil fuel power plants – including dirty peaker plants (backup power plants turned on when electricity peaks) located predominantly in communities of colour – by 2030, and to provide and deliver only renewable energy to customers. These peaker plants lie idle most of the time, only coming into service at moments of peak demand – and therefore are grandfathered out of most environmental regulations. Shutting down these polluting peaker plants is a major victory of our campaign. BPRA law also requires NYPA to establish a programme allowing low- and moderate-income electricity customers to receive credits on their monthly utility bills for any renewable energy produced by NYPA. Finally, the BPRA includes all the pro-labour language that the Public Power campaign crafted in collaboration with union allies.

Now that we've won this mandate, we must keep fighting for adequate implementation of he BPRA. The situation is challenging. As a legacy of fossil capital's long history of fighting against energy transition, New York State will have to add 2.5 GW per year for the next eight years to meet climate goals of 70% renewable energy by 2030.<sup>171</sup> To put that in perspective, the state has only added 12.9 GW of energy in general (both fossil and renewable) over the last 20 years, or roughly 0.645 GW per year. This steep increase is just to decarbonise the energy grid. To generate enough energy to power a fleet of electric vehicles and to decarbonise the heating and cooling of buildings and manufacturing, we must roughly triple the current amount of power generation.

Campaigners with Public Power NY were of course highly aware of the need to promote energy efficiency. Expanding energy production – even if it's renewable – is already having many damaging downstream environmental impacts, including, for example, mining in low-income countries such as Bolivia. While the campaign was aware of the consequent need to promote energy efficiency, we did not include such measures in the BPRA both because of the need to keep the legislation focused, and because the state already had trend-setting energy efficiency legislation on the books. New York City's Local Law 97, which passed in 2019, mandates emissions cuts of 40% from the city's largest buildings by 2030, and up to 80% by 2040.<sup>172</sup>

Conducting the rapid, large-scale development of renewable power mandated by the Climate Act of 2019 in a democratic and just fashion will be a massive challenge. Fortunately, the BPRA established a strategic planning process through which NYPA is directed to determine where, when, and how it builds renewable power. Although we did not win all our demands for democratisation of NYPA, this strategic planning process is a site for substantial community input since the authority is required to consult with climate and resiliency experts, labour organisations, residential and small business ratepayer advocates, and environmental justice communities, among others, as it draws up its strategic plans. To ensure that NYPA faithfully carries out this mandate of community engagement, I am currently organising a Public Power Observatory that will monitor the authority's work, document its history, and engage in various forms of creative public outreach concerning the energy transition.

# **Building a Global Movement for Public Power**

The victory of our campaign for Public Power will ultimately mean little if it does not help inspire successful campaigns for energy democracy beyond New York. Only one in ten people in the US get their power from a public authority, and many of these utilities, remnants of the New Deal-era push for universal electrification, are being held hostage by conservative forces with deep investments in fossil fuels.<sup>173</sup> In 2022, renewable energy accounted for only about 13 percent of total primary energy consumption and 21.5 percent of total utility-scale electricity generation in the US.<sup>174</sup> One state's efforts to transition away from fossil fuels, no matter how heroic, will not significantly shift these overall averages. Put another way, you cannot build ecosocialism in one state. The electric grid is spread across the country in three large segments, and the technical requirements of renewable energy dictate further grid integration rather than more local autonomy. And, of course, fossil fuel-caused climate disasters do not stop at state or national boundaries. Only by spreading public power beyond New York State will we win the rapid energy transition necessary to avert climate catastrophe.

Fortunately, the Public Power NY victory is inspiring other movements around the country. Although the Nationalize Grid campaign in Rhode Island, which helped inspire our work in New York, has lost steam, the idea of public power is spreading to other states. In November 2023, Maine held a public referendum on the establishment of a public utility, Pine Tree Power. Maine residents currently get their electricity from Central Maine Power, a for-profit utility owned by the Spanish energy giant Iberdrola, whose primary stockholders include fossil capitalist powers like Qatar and Norway, as well as Blackrock, the massive investment company which has refused to divest the endowments and pension funds it controls from fossil fuels.<sup>175</sup>

The struggle for public power in Maine is not just about its local control, but also hinges on fighting energy poverty, fixing the ailing grid in a state with the most power outages in the nation, and building workers' rights, pay, and benefits. The battle around the Pine Tree Power referendum became a popular plebiscite on the failing system of corporate-controlled, for-profit utilities – a model as old as the modern electrical grid. The corporations that amass outrageous profits off the backs of ratepayers added tremendous political muscle into the fight: front-groups for Central Maine Power like 'Maine Affordable Energy' poured \$40 million into the election to hoodwink Maine ratepayers into believing that corporate control of the grid is good for them – despite the fact that existing consumer-owned utilities in the state already have rates over 50 percent lower than those charged by the for-profit utilities.<sup>176</sup> Ultimately this corporate money was successful and the referendum to establish Pine Tree Power was voted down.

What is the future for public power campaigns in Maine and in other parts of the US? Public Power campaigners cannot allow the defeat of the referendum to shut down our work. The campaign brought Public Power campaigners from across the country together to build solidarity and learn from one another's work. This campaign secured an important victory with passage of another referendum item banning foreign government-owned organisations (like Iberdrola and Versant) from spending money on future state referendum elections.<sup>177</sup> This means that when another referendum is held in Maine, the odds will consequently no longer be stacked so high against Public Power.

Other apparent defeats have also nonetheless advanced the fight for public power. In 2011, for instance, the city of Boulder in Colorado initiated a public takeover of its for-profit electric utility, Xcel Energy. After a decade of fierce opposition from Xcel, voters in the city decided to end the process.<sup>178</sup> Yet despite this defeat, the campaign helped the city secure important concessions from Xcel, including commitments to substantial reductions in greenhouse gas emissions (GHGs).

It is also worth remembering that the New York Power Authority was only established after decades of struggle for public power in the US and around the world. Its creation happened alongside other victories, such as the creation of the Tennessee Valley Authority (TVA) in 1933. Current campaigns can draw inspiration from the powerful mass movements that helped win legislators' support for creation of authorities such as NYPA and the TVA.

As we fight for public power across the US, we should remember that this campaign cannot stop at national borders. We need to build a global movement for public power. This means that our work to transform NYPA should not end simply with ensuring the authority generates adequate amounts of renewable energy. We also need to work to establish Public-Public partnerships (PPPs), where a public utility like NYPA can support public power campaigns and authorities in other countries. Developing such PPPs must be one of the future priorities of our campaign.

Fossil capital creates global inequalities by extracting resources from sacrifice zones to benefit elites located far away from the carnage. Winning working-class control of the transition to renewable power in core capitalist nations alone would leave intact a global system of energy imperialism. For instance, as the recent Reclaim and Restore position paper from Trade Unions for Energy Democracy documented, the model of privatising utilities foisted by US- and EU-dominated organisations like the World Bank on less developed regions of the world such as countries across sub-Saharan Africa is an abject failure: after 30 years of pro-market reforms, a growing number of people lack access to electricity in many African countries.<sup>179</sup> In place of the failed model of showering public money on for-profit energy companies, countries across Africa and the rest of the world need what we have fought for in New York: genuinely democratic public power utilities, public financing, and full public ownership of low-carbon energy.

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