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By Electronic Transmission (air.regs@dec.ny.gov)

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Division of Air Resources
625 Broadway, 11th Floor
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Re: City of New York Comments on the New York State Department of Environmental Conservation Proposed Amendments to Provisions Related to Emissions Standards for Motor Vehicles and Motor Vehicle Engines

To Whom It May Concern:

The City of New York (“City”) offers the following comments in response to the New York State Department of Environmental Conservation (“DEC”) proposal to amend provisions relating to emission standards for motor vehicles and motor vehicle engines. The City strongly supports DEC’s proposed amendments, which conform New York State’s emission standards to California’s Advanced Clean Truck (“ACT”) standards.¹ Realizing the conversion of significant portions of medium- and heavy-duty truck fleets to zero emission vehicles (“ZEVs”) and near zero emission vehicles, including electric vehicles (“EVs”), requires cooperation and coordination among trucking companies, the truck manufacturing industry and the utility sector, along with adequate build-out of charging infrastructure. By joining multiple states in adopting the ACT standards, New York State will add to needed momentum to transform the freight industry and, thereby, mitigate climate change and improve public health. The ACT standards will ensure that ZEV truck models needed by freight companies are available and will thereby hasten the retirement of heavy- and medium-duty diesel vehicles and, ultimately, improve City air quality.

¹ See California Air Resources Board, Advanced Clean Truck Regulations, *available at* <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2019/act2019/fro2.pdf>.

However, the City seeks to better understand implications of the proposed amendments' one-time reporting requirements, particularly when the information will be required to be submitted to DEC on a very short timeframe—by April 2022.

Climate change is already affecting New York City and is projected to have catastrophic consequences on the City in the future.² The climate of the New York metropolitan region is changing—annual temperatures are hotter, heavy downpours are increasingly frequent, and the sea is rising. These trends are projected to continue and even worsen in the coming decades due to higher concentrations of greenhouse gases (“GHGs”) in the atmosphere caused, in part, by GHG emissions from automobiles.³ This changing climate and the resulting effects pose a grave risk to the people, economy, and infrastructure of New York City. As a large coastal city already experiencing the impacts of climate change, the City has a vested interest in ensuring that New York State emissions standards reduce emissions of GHGs and are protective as possible.

Indicators of truck traffic and industrial land-use consistently explain spatial patterns across the City’s neighborhoods in monitoring data on nitrogen oxides, fine particulates and black carbon from the New York City Community Air Survey, demonstrating the influence that truck emissions have on the City’s air quality. A New York City Department of Health and Mental Hygiene burden assessment of motor vehicle emissions in the City found that PM2.5 from on-road mobile sources contributed to 0.7% of all deaths in the City each year, with the largest share due to emissions from trucks and buses, even though these vehicles’ miles traveled contribution was only 6%.⁴ The burden assessment also found higher densities of truck traffic and PM2.5-attributable deaths and hospitalizations in low-income neighborhoods—communities that already suffer from systematic disinvestment and multiple environmental exposures. Relative to more affluent neighborhoods, high-poverty neighborhoods in the City had 1.7 times the PM2.5 exposure and 9.3 times the rate of emergency department visits for asthma due to emissions from trucks and buses.

Amending New York State regulations to appropriately incorporate California’s updated emission standards will aid the City’s efforts to meet its emission reduction goals and advance the State’s goals by preventing vehicle manufacturers from complying with less stringent federal standards in New York instead of the more stringent California standards. California’s

² See generally New York City Panel on Climate Change, *Advancing Tools and Methods for Flexible Adaptation Pathways and Science Policy Integration: New York City Panel on Climate Change 2019 Report*, Annals of the New York Academy of Science, Vol. 1439 (Mar. 2019), at 11-21, available at <https://nyaspubs.onlinelibrary.wiley.com/toc/17496632/2019/1439/1>.

³ See *id.* at 11; see also U.S. Environmental Protection Agency, Fast Facts: U.S. Transportation Sector Greenhouse Gas Emissions 1990-2019 (June 2021), available at <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockkey=P10127TU.pdf>.

⁴ Iyad Kheirbek, *The contribution of motor vehicle emissions to ambient fine particulate matter public health impacts in New York City: a health burden assessment*, Environmental Health (2016), available at <https://ehjournal.biomedcentral.com/track/pdf/10.1186/s12940-016-0172-6.pdf>.

more stringent standards were adopted by New York State in 1990 and, with each new, more stringent standard adopted and implemented, play an integral role in protecting public health and the environment.

This is also an important step to achieving the goals set in the Climate Leadership and Community Protection Act (“CLCPA”), passed by the New York State legislature in 2019. The CLCPA is among the most ambitious climate laws in the world and requires New York to reduce economy-wide GHG emissions by 40 percent by 2030 and no less than 85 percent by 2050 from 1990 levels.

Achieving necessary reductions in the City requires complementary efforts from the regulatory systems on which New York City relies, such as New York State’s vehicle emissions standards. New York State’s vehicle emission standards, in part, help ensure the availability and affordability of low emission vehicles in the market, which enables the City to use these vehicles in its own fleet and promote their use throughout the City as a way to reduce GHGs and other harmful emissions in the City.

In furtherance of its emission reduction goals, the City has committed billions of dollars to reduce its own carbon footprint with investments in energy efficiency for municipal buildings and transitioning its vehicle fleet toward low and zero-emission technologies, and is aggressively pursuing numerous other strategies to reduce citywide emissions.⁵ For example, NYC Clean Fleet is a comprehensive and ambitious blueprint for municipal fleet sustainability.⁶ Unveiled by Mayor de Blasio in December 2015, Clean Fleet expands on the City’s already substantial strides in sustainability by setting concrete targets to reduce the Fleet’s consumption of GHG-emitting petroleum-based fuels—50 percent by 2025 and 80 percent by 2035. In the near term, Clean Fleet committed New York City to add 2,000 EVs to its sedan fleet by 2025.⁷ In April 2016, the City reinforced its EV commitment by announcing it would only purchase plug-in vehicles for all non-emergency sedan orders beginning in fiscal year 2017. The proposed amendments will assist the City in expanding these initiatives to medium and heavy vehicles. To date, the City operates over 2,260 on-road EVs and plug-in hybrids, has installed over 1,000 electric charging stations and 87 solar car ports.

An important element of a successful transition to EVs will be ensuring that sufficient options are available on the market and infrastructure exists for their operation. The City notes that for many emergency (e.g. fire engines and ladders, police emergency service response trucks, New York City Department of Environmental Protection sewer trucks, New York City Department of Sanitation snow melting units, or New York City Department of

⁵ See generally The City of New York, New York City’s Roadmap to 80x50 (2016), available at http://www1.nyc.gov/assets/sustainability/downloads/pdf/publications/New%20York%20City's%20Roadmap%20to%2080%20x%2050_Final.pdf.

⁶ NYC Clean Fleet, December 2015, available at <https://www1.nyc.gov/assets/sustainability/downloads/pdf/publications/NYC%20Clean%20Fleet.pdf>.

⁷ *Id.*

Transportation asphalt repair units) and other specialty (e.g. forestry log loaders, tree trimmers, tractors, rack trucks, chippers, and beach vehicles/equipment) vehicles no viable electric option currently exists. The City encourages the development and integration of sufficient electric specialty and emergency vehicles into the market in order for the City to be able to incorporate such electric vehicles into its fleet while continuing to provide necessary services. Furthermore, the City is working to identify sufficient charging station siting opportunities throughout the City. This can be complicated in a city, like New York City, with spatial constraints in existing buildings and parking lots. Even so, ensuring that the necessary infrastructure exists is important to support the City in expanding its electric medium and heavy duty fleet. The City's fleet includes emergency response vehicles, which may have more exacting performance requirements than most current EV technologies offer. Even among the non-emergency fleet, compatibility issues such as use of vehicles in consecutive shifts without sufficient time to recharge an EV battery or use of vehicles to travel large distances that current EV range may not support, present hurdles that must be overcome in order for the City expand its electric medium and heavy duty fleet.

As a large fleet owner, the City would be subject to the one-time reporting requirements required by the proposed amendments. Although the proposed amendments estimate the cost of the one-time reporting requirement in New York to be \$4.8 million, the specific financial and logistic burden this would present to the City is unknown. Furthermore, if the proposed amendments are adopted, such reporting would be due to the State within a very fast timeframe—by April 1, 2022. The City suggests that the State provide more detail regarding how the information it collects will be used and the importance of such information in developing future emission standards, and consider the need to obtain the information on such a tight timeline.

Finally, through amending its vehicle emission regulations, New York State is acting in a manner that is consistent with the cooperative federalism structure of the Clean Air Act and ensures the effectiveness of Clean Air Act regulations moving forward. Section 209 of the Clean Air Act gives California the ability to adopt its own, more stringent emission control standards for motor vehicles and section 177 gives New York State the authority to adopt those standards. The current rulemaking takes an important and necessary step towards preserving that authority which serves as an essential part of New York City's plans to protect public health and the environment.

For these reasons, the City of New York supports DEC's proposed amendments to provisions related to emissions standards for motor vehicles and motor vehicle engines.

Sincerely,
/s Alice R. Baker

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