

June 25, 2021

Basil Seggos, Commissioner
New York Department of Environmental Conservation
625 Broadway
Albany, NY
12233-1011

RE: New York’s Adoption of the Advanced Clean Truck and Heavy Duty-Omnibus Rules

Dear Commissioner Seggos,

The undersigned, which include health, environmental justice, labor, and environmental advocates urge the New York Department of Environmental Conservation to begin the formal rulemaking process to adopt the Advanced Clean Truck and Heavy-Duty Omnibus rules and finalize adoption no later than December 2021 to avoid missing an additional compliance year.

Transportation accounts for the largest share of greenhouse gas (GHG) emissions and a significant source of other toxic pollution in the state of New York, and emissions from this sector are rising. To fully achieve the goals of the Climate Leadership and Community Protection Act (CLCPA) and improve air quality—especially in communities historically overburdened by pollution—it is vital that the state take measures to achieve a zero-emission transportation sector equitably as soon as possible. After a disappointing legislative session where no major climate legislation passed, it is even more crucial that the executive branch rapidly move forward with innovative and aggressive policies and programs to reduce emissions from the transportation sector.

The Empire State must act quickly to create concrete, durable mechanisms that accelerate transportation electrification and develop policies that support and encourage deployment of zero-emission medium- and heavy-duty vehicles (MHDVs). On-road vehicles, especially MHDVs, are a significant source of toxic pollutants that are harmful to human health and the transportation sector’s detrimental impact on climate, air quality, and health is an urgent crisis that must be addressed immediately.

New York committed to zeroing out pollution from new MHDV by signing onto the MHDV Zero Emissions Vehicle Memorandum of Understanding (MOU) in July 2020. While the MOU was an important first step, the Empire State needs to go further and faster to accelerate zero emission MHDV manufacturing, availability, and deployment throughout the state.

The state can take a monumental step towards upholding this commitment through the adoption of the Advanced Clean Trucks rule (ACT), which requires manufacturers to produce an increasing percentage of zero-emission trucks each year and the Heavy-Duty Omnibus (Omnibus) rule, a complementary policy that strengthens NOx and PM emission standards on new fossil fuel-powered heavy-duty engines. The ACT and Omnibus rules will help New York meet its ambitious GHG emission reduction targets and improve air quality throughout the state, delivering outsize benefits in historically overburdened communities.

Adopting the ACT and Omnibus Rules are imperative because they will:

- ***Send a strong market signal, stimulate investments, support clean high-quality technology jobs, and lead to increased zero emission truck availability on the East Coast at a stage where market options are limited.*** It would also support the state's existing efforts, such as utility investments in charging infrastructure and the NY Clean Truck Voucher Incentive Program.
- ***Bring the state closer to an equitable future.*** Diesel pollution is overwhelmingly concentrated in low-income communities and communities of color. Zero-emission MHDV are crucial to public health and equity by improving air quality in these communities and ensuring access to clean transportation, regardless if residents own a personal vehicle. The ACT and Omnibus rules are initial steps that the state should take towards a more equitable transportation future, and vehicle polices need to also holistically consider the needs of transportation pollution burdened communities.
- ***Strengthen New York's status as a leader in clean transportation on the East Coast.*** New Jersey has already begun the formal ACT rulemaking and plans to start the Omnibus rule process later this year (with the goal to adopt the rules by December 2021). Other neighboring states are expected to follow. New York should act now to assume a leadership role among East Coast states and MOU signatories and to capitalize on the economic opportunities that will be presented to early adopters.

Moreover, adoption of the ACT and Omnibus regulations are in line with the Transportation Advisory Panel's recommendations to the Climate Action Council, which endorsed "[a]dopting Zero Emission Vehicle sales regulations" as a means to "[t]ransition to zero emission [MHDVs] & Non-Road Vehicles." But the state cannot afford to wait until the Climate Action Council process is complete before starting to address emissions from the transportation sector—it is critical that New York begin the rulemaking process immediately to ensure that the rules will be formally promulgated by December 31, 2021. This is necessary to avoid missing important program milestones and ensure the state meets the two-year lead time requirement under Clean Air Act Section 177 for the 2025 model year, which can start as early as January 2, 2024. Adoption of the rule this year will also help to ease the transition to zero emission trucks in the near-term.

For these reasons, the undersigned groups strongly encourage the New York State Department of Environmental Conservation to begin a rulemaking process to adopt California's ACT and Omnibus regulations. Given the slow rate of vehicle turnover, any delay in moving forward with adopting California's truck emission standards will compound the challenges in achieving New York's landmark climate commitments. Therefore, in order to maximize benefits and ease the transition into the ACT's sales requirements, New York should adopt these regulations by the end of 2021, which will set New York on a path to a clean and equitable transportation system.

Additional information and details on the benefits of the ACT and Omnibus Rules can be found in the attached "Updated Comments to DEC in Support of Adopting California's Truck Emission Standards" document that was submitted to the Department of Environmental Conservation on April 1, 2021.

Sincerely,

Anne Reynolds
Executive Director
Alliance for Clean Energy New York

Jessica Azulay
Executive Director
Alliance for a Green Economy

Jenna Riemenschneider
Director of Advocacy & Special Projects
Asthma and Allergy Foundation of America

Jennifer Helfrich
Senior Manager, State Policy
Ceres

Alok Disa
Senior Research & Policy Analyst
Earthjustice

Joy Gardner
Executive Director
Empire Clean Cities Coalition

Mary Barber
Director, Regulatory & Legislative Affairs
Environmental Defense Fund

Uchenna Bright
Eastern States Advocate
Environmental Entrepreneurs (E2)

Miranda Nelson
New York and New Jersey Director
Jobs to Move America

Lisa Tyson
Director
Long Island Progressive Coalition

Paul J. Allen
Senior VP
**M.J. Bradley & Associates &
Member CAC Transportation Advisory Panel**

Margaret Tran
New York Organizing Manager
Mothers Out Front – New York

Kathy Harris
Clean Vehicles and Fuels Advocate
Natural Resources Defense Council

Elizabeth Broad
Director, Advocacy & Organizing
New Yorkers for Clean Power

Julie Tighe
President
New York League of Conservation Voters

Denise C. Tahara, Ph.D.
President
New York State Public Health Association

Anthony Buissereth
Executive Director
North Brooklyn Neighbors

Elizabeth Moran
Environmental Policy Director
NYPIRG

Kim Fraczek
Director
Sane Energy Project

Jessica Enzmann
Organizing Representative
Sierra Club

Lauren Bailey
Director of Climate Policy
Tri-State Transportation Campaign

Paulina Muratore
Northeast States Campaign Manager, Clean
Transportation
Union of Concerned Scientists

Ruhan Nagra
Supervisor in Human Rights Practice
University Network for Human Rights

Sonal Jessel
Director of Policy
WE ACT for Environmental Justice

cc: Carrie Gallagher
David Yassky
Doreen Harris
Jared Snyder