



August 27, 2021

Hon. Kathy Hochul
 Governor of New York State
 NYS State Capitol Building
 Albany, NY 12224
 Fax: 1 (518) 474 1513

Re: Initiating Regulatory Process to Adopt Clean Trucks Regulations

Dear Governor Hochul:

On behalf of the undersigned environmental justice, public health, transportation, clean energy, and environmental advocates, we first want to congratulate you on taking the helm as New York State’s 57th Governor. You are taking office at a critical moment for our State, and we look forward to working with your Administration on a variety of interlocking and critical issues, such as climate justice, public health, and labor policy, all of which will require bold leadership and creative thinking as we rebound from the Covid-19 pandemic.

We write with a simple and important ask: that you take immediate action to initiate a rulemaking to adopt California’s Advanced Clean Trucks (ACT) rule for it to be finalized by the end of 2021. The ACT rule is one of the single most important actions our State can take today to simultaneously address the climate crisis – which is impacting New Yorkers today more than ever – and the legacy of environmental injustice that disproportionately exposes New Yorkers of color to the health harms from vehicular and other forms of pollution. The New York State Department of Environmental Conservation (DEC) is poised to move forward with the regulatory process, which your Administration can and should greenlight immediately.

Since February of this year, DEC has led a robust round of public outreach on the ACT rule and has completed an [analysis](#) demonstrating the enormous benefits gained in New York State from its implementation. Adopting ACT is also consistent with the [recommendations](#) of the Transportation Advisory Panel, and was identified as one of the most critical pathways to achieve mandatory economywide emission limits. The transportation sector is the leading contributor to climate change-causing pollution in the State, and unlike in other sectors of the economy, these emissions are rising. Trucks and buses spew tons of toxic air pollution into the air and into our lungs each year, and are the leading contributor to New York State's continued noncompliance with federal air quality standards. These emissions disproportionately harm the health of New Yorkers of color, who tend to live closer to major highways, port facilities, warehouses, and similar truck-intensive facilities.

Zeroing out these emissions as fast as possible will be critical to achieving the mandates and goals set forth in the Climate Leadership and Community Protection Act (CLCPA) which, as you know, is at a critical juncture in terms of its implementation. Moreover, New York State has already committed to phase out sales of new fossil fuel-emitting vehicles – including passenger cars, as well as trucks, buses and other medium- and heavy-duty vehicles (MHDVs) – by 2050, through the Multi-State Medium- and Heavy-Duty Zero-Emission Vehicle [Memorandum of Understanding](#) (MOU).

The ACT rule is a critical first step to put the Empire State on a path to meet and exceed these mandates and goals. It [requires](#) manufacturers to produce and sell a set percentage of zero-emission (ZE) MHDVs beginning in model year 2024. To ease compliance in the early years, the ACT rule [phases in](#) gradually, and by 2035 requires that sales of ZE MHDVs reach somewhere between 40%–75% of all new MHDV sales, depending on the vehicle class. The ACT rule would [substantially reduce](#) all emissions from trucks, including greenhouse gases that contribute to climate change, and NO_x and PM_{2.5} that directly impact public health. Moreover, the technology to begin this transformation [exists today](#), and is or will soon be cost-effective on a lifetime basis compared to incumbent diesel vehicles. New York State has the legal authority to adopt California vehicle emission standards under the Clean Air Act, and several such standards are currently codified here.

It is imperative that your Administration adopt the ACT rule as a priority action because it 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.*** It would also support the state's existing efforts, such as utility investments in charging infrastructure and the [NY Truck Voucher Incentive Program](#).
- ***Improve health equity.*** Diesel pollution is overwhelmingly [concentrated](#) in low-income communities and communities of color. Getting zero-emission MHDVs on the road will immediately improve air quality and benefit public health in these communities and put us on a path toward a clean and equitable transportation system. The ACT rule is the single most important means available today to accomplish this goal. It will also help transition the freight industry towards a zero-emission future, where goods movement does not contribute to ongoing environmental injustices in communities grappling with multiple sources of toxic air pollution.
- ***Strengthen New York's status as a leader in clean transportation.*** New Jersey has already begun the formal ACT rulemaking process, with a final rule expected to be adopted before the end of the year. Other neighboring states, like Massachusetts, are expected to follow. Washington and

Oregon are also moving forward with the ACT rule. 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.

- **Improve local and regional air quality.** New York State is currently out of compliance with federal air quality standards for ozone, which means millions of New Yorkers are routinely exposed to levels of ozone pollution that can contribute to adverse health effects. MHDVs in New York State are the leading contributor to high ozone levels in New York and exacerbate compliance issues across the region. Without efforts to electrify MHDVs, New York State is expected to remain in violation of air quality standards well into this decade.

Unfortunately, absent immediate action from your Administration, key program milestones will lapse and New York State will fail to capture the full economic, climate, and public health benefits from ACT rule implementation. Unless the rule is finalized by December 31, 2021, New York State is at risk of letting an entire ACT compliance year slip by. The real-world implications are stark: even a one-year implementation delay would result in hundreds of additional diesel trucks on our roads instead of viable zero-emission alternatives, emitting [carcinogenic exhaust](#) into our neighborhoods and harming our climate for the next two decades. Such a regrettable outcome can be avoided only if your Administration greenlights the DEC to go forward with the rulemaking process immediately.

A green light for the ACT Rulemaking would be a simple and effective way to demonstrate your Administration's commitment to taking action to address climate change, public health and environmental justice. We look forward to working with your Administration to advance climate and environmental justice in New York.

Sincerely,

Earthjustice

WE ACT for Environmental Justice

Sierra Club

New York Public Interest Research Group

New York City Environmental Justice Alliance

Union of Concerned Scientists

Tri-State Transportation Campaign

North Brooklyn Neighbors

Natural Resources Defense Council

Nobody Leaves Mid-Hudson

Environmental Advocates of New York

Mothers Out Front New York

Long Island Progressive Coalition

New York State Public Health Association

New Yorkers for Clean Power

Association for Energy Affordability

E2 (Environmental Entrepreneurs)

350nyc

New York League of Conservation Voters

cc (via email): Basil Seggos, Commissioner, DEC (basil.seggos@dec.ny.gov)

Karen Perischilli Keogh, Secretary to Gov. Hochul (Karen.Keogh@exec.ny.gov)