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PUBLIC COMMENT HEARING ON  
PROPOSED AMENDMENTS TO PART 218  
(Emission Standards For Motor Vehicles and Motor  
Vehicle Engines)  
TO  
TITLE 6 OF THE OFFICIAL COMPILATION OF CODES,  
RULES, AND REGULATIONS OF THE STATE OF NEW YORK

Held  
Via Zoom  
Tuesday, November 9, 2021  
2:04 p.m.

B E F O R E:

MICHELLE STEFANUCCI

Administrative Law Judge

Reported by:  
Yaffa Kaplan  
JOB NO. 7415597

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ADMINISTRATIVE LAW JUDGE STEFANUCCI:

Good afternoon and welcome. My name is Michelle Stefanucci. I am an administrative law judge with the New York State Department of Environmental Conservation. I will be presiding over today's legislative hearing regarding DEC's proposed amendments to 6 NYCRR Part 218, Emission Standards For Motor Vehicles and Motor Vehicle Engines.

Assisting me with today's hearing is Maria Katchmar and Emma Antolos from the Office of Communications. If, at any time during this hearing you experience technical issues, you may call (518)402-8044 for assistance.

The Notice of Proposed Rulemaking for Part 218 was published on September 8, 2021 in the New York State Register and the Department's Environmental Notice Bulletin. The purpose of today's hearing is to provide the public with an opportunity to provide oral comments on the proposal. It is not a question-and-answer session.

In addition to providing oral comments

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today, you can provide written comments to DEC until 5:00 p.m. on November 17, 2021. Oral and written statements are given the same weight by Department staff in their review.

Written comments can be submitted as follows:

By e-mail to [air.regs@DEC.NY.GOV](mailto:air.regs@DEC.NY.GOV). Please include "Comments on proposed Part 218" in the subject line of the e-mail. Or by mail to Jeff Marshall, New York State DEC, Division of Air, 625 Broadway, Albany, New York, 12233-3255.

The addresses for providing comments is posted on the screen at this time for those of you who are joining the hearing over the Internet. These addresses can also be found in the hearing notices previously published in New York State Register and the Environmental Notice Bulletin.

Before we begin with the public comment portion of our hearing, Jeff Marshall from DEC's Office of Air will make a few brief comments. Jeff?

MS. KATCHMAR: We are trying to unmute James. James can unmute himself. He is a

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panelist. I don't believe he has joined just yet.

MR. MCAULEY: James says he is muted by the host.

MS. KATCHMAR: Is he a panelist?

MR. CLYNE: Can you hear me now?

MS. KATCHMAR: Yes.

MR. CLYNE: Thank you. Good afternoon. My name is Jim Clyne. I am the director of the Bureau of Mobile Sources and Technology Development within the New York State Department of Environmental Conservation, Division of Air Resources.

The purpose of this legislative hearing is to solicit comments on the proposed revisions to 6 New York Codes, Rules, and Regulations Part 218, Emission Standards For Motor Vehicles and Motor Vehicle Engines and attendant revisions to Part 200 reference material.

Section 177 of the Clean Air Act provides that states may adopt the California's new vehicle emissions standards provided that these standards are identical to

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California's. New York adopted the California Low Emission Vehicle or LEV program in 1990 for passenger cars and light-duty trucks. New York has revised the LEV program periodically since 1990 with the most recent changes occurring in 2020 to incorporate revised aftermarket catalytic converter standards. New York is now proposing to adopt California's most recent amendments to its Mobile Source Program.

Part 218 is being amended to incorporate the Advanced Clean Truck or ACT standards that were adopted by the California Air Resources Board on March 15, 2021. The proposed ACT revisions apply to all 2025 through 2035 model year Class 2B through Class 8 medium- and heavy-duty trucks greater than 8,500 pounds gross vehicle weighting. The revisions consist of an annual Zero Emissions Vehicle or ZEV sales mandate for vehicle manufacturers and a one-time large entity reporting requirement for medium- and heavy-duty vehicle owners and operators.

Copies of the proposed Part 218

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regulation and related support documents are available at the Department's website and from the Department's central and regional offices. Comments made be submitted to Jeff Marshall, NYSDEC Division of Air Resources, 625 Broadway, Albany, New York 12333-3255 or by e-mail at [air.regs@DEC.NY.gov](mailto:air.regs@DEC.NY.gov) until 5:00 p.m. on November 17, 2021. Thank you.

ADMINISTRATIVE LAW JUDGE STEFANUCCI:

Thank you, Mr. Clyne. Now we will begin the public comment portion of the hearing. All participants were muted upon entry into this meeting. I will call each person that has preregistered to speak. Once your name is called, we will unmute your line. If you are attending by phone, please press star 3 on your telephone after we have called your name so that we can unmute your line.

Once your name has been called, please restate your name and spell your last name. If you are speaking on behalf of an organization or group, please identify who you are representing. When you make your statement, please speak loudly, slowly, and

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clearly. All comments this afternoon are being recorded by a stenographer, so it is important that you speak slowly and clearly so that your statement is recorded correctly. If your name is called and you no longer wish to make a comment, please let us know.

Comment time is limited to ensure that we have sufficient time to get through all the registered speakers. Please be respectful of the time limit. If you have not completed your remarks after three minutes, we will ask you to conclude. For those attending over the Internet, there will be a three-minute timer on the screen to help you keep track of your time. As previously noted, longer written comments can be submitted by e-mail or mail.

Our first registered speaker this afternoon is Alok Disa. Alok Disa?

MR. DISA: Can you hear me?

ADMINISTRATIVE LAW JUDGE STEFANUCCI: I can hear you, Mr. Disa. You may begin.

MR. DISA: Okay, great. Thank you very much. Okay. So thank you for the opportunity to provide comment on this critical

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environmental and public health rule. My name is Alok Disa. That's A-L-O-K, D-I-S-A, senior research and policy analyst with Earthjustice in their Northeast office.

Earthjustice commends the New York State Department of Environmental Conservation for moving forward with this rule and strongly support its immediate implementations. To capture the full benefits of the rule, we urge that DEC finalize the rulemaking process and issue a final rule before the end of this calendar year. It is critical that we transition the entire fleet of medium- to heavy-duty vehicles to zero emissions as soon as possible, and the Advanced Clean Truck Rule will lay the foundation for that transition.

Why is it so vital to focus on electrifying trucks and buses? For one, the transportation sector is responsible for a disproportionate share of toxic air pollution that impacts the health of communities across the state. Pollution from these vehicles like trucks and buses are the major reason why we see elevated exposures to toxic pollutants in



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communities of color and low-income communities around the state. These communities tend to live, work, or attend schools near highways, warehouses, bus depots, ports and other facilities that attract a major amount of truck traffic. Hundreds and even thousands of trips a day. This drives poor health outcomes in these neighborhoods.

Secondly, detailed analysis from the national academies makes it clear that achieving climate mandates will require the complete phaseout of polluting fossil fuel vehicles, not just for passenger cars, but for trucks and buses as well. The State's own modelling has confirmed that CLCPA targets will not be met unless we go forward with the ACT and other regulations to accelerate the transition to zero emission trucks and buses, and this transition must begin almost immediately given the fact that many trucks can stay on the roads for multiple decades.

Contrary to what some might say, the market is ready to support this transition. Numerous truck applications can be electrified

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today, and many more will become viable by the time the rules are phased in. The rules are cost-effective because of the lower fuel costs for electricity and will be effective on a total cost of ownership basis. By next decade they will actually be cost parity on purchase price basis as well. The New York State and the region is prime for electrification today. Recent analysis confirms that the rule will actually reduce hundreds of tons of toxic pollution and will deliver billions of dollars in cost savings and health benefits to New Yorkers.

There is no basis for delay. We need to finalize this rule so we can address other vehicle sectors as part of the strategy to achieve zero emissions across transportation and phase out the sale of fossil fuel vehicles. Thank you very much for your time. A more detailed explanation will be provided in written comments. We look forward to continued engagement on this issue. Thank you.

ADMINISTRATIVE LAW JUDGE STEFANUCCI:

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Thank you, Mr. Disa. Our next registered speaker is Benjamin Mandel. Mr. Mandel, your line is being unmuted.

MR. MANDEL: Thank you so much. This is Benjamin Mandel, M-A-N-D-E-L. Good afternoon, Judge Stefanucci, Mr. Clyne, DEC staff, and fellow attendees. I am Ben Mandel, northeast regional director of CALSTART, a national clean transportation nonprofit. Thank you for this opportunity to testify this afternoon in favor of the Department's proposal to implement the Advanced Clean Trucks Program.

CALSTART applauds New York for moving swiftly to implement these regulations and wishes strongly to see this rule passed but urges New York to view this as a starting point rather than the finish line. CALSTART has more than 280 industry members, not all of whom see eye to eye on the topic of regulations. Despite concerns, we feel that regulatory requirements send a decisive market signal that calibrates investment priorities for manufacturers, fleets, and financiers alike, and during the period before the

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proposed rule would take effect the State will have the opportunity to further prime the market and ensure that ACT sales targets are attainable. The ACT rule, while necessary for market development, is not sufficient by itself to achieve the net zero transformation of on-road transportation as required by the Climate Leadership and Community Protection Act.

In particular, I would like to offer four targeted recommendations for additional actions New York should pursue to assure the viability of the proposed regulation. First, New York should signal its intent to adopt a fleet purchase requirement once California's Advanced Clean Fleets Rule has been promulgated in the coming years. Fleet purchase requirements mirroring the ACT timeline are a critical element that can ensure that manufacturers have a built-in market ready to take delivery of zero emission trucks.

Second, New York must ensure that robust purchase incentives remain in place to

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facilitate an adoption of zero emission trucks. The New York Trucks Voucher Incentive Program and the New York City Clean Truck Programs are some of the strongest programs in the nation but are capitalized with finite regulatory funding that will likely be exhausted before the ACT regulation takes effect. Under the expedited timing of the ACT rule, it's very important to ensure that the initial cost difference of ZEV could be offset.

Third, we urge the Department of Public Service to ensure that electric trucks can be seamlessly interconnected to the grid and charged with rates competitive with diesel fueling costs such as by building on the 15-million-dollar median and heavy-duty make-ready pilot authorized last year.

Finally, New York should enact a clean fuel standard as recommended by the CLCPA Transportation Advisory Panel to aggressively reduce lifecycle carbon intensity of transportation fuels while providing operating revenues for electric fleets to improve their

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total cost of ownership. The ACT rule will go a long way to making sure all New Yorkers can breath clean air especially those in disadvantaged communities, but market transformation requires an ecosystem of regulation, incentives, infrastructure support, and other policy direction. CALSTART supports DEC's proposal to implement the Advanced Clean Trucks Program and applauds New York's leadership on curbing diesel emissions. Thank you very much.

ADMINISTRATIVE LAW JUDGE STEFANUCCI:

Thank you, Mr. Mandel. Our next registered speaker is Kevin Garcia. Mr. Garcia, your line is unmuted. Kevin Garcia, your line has been unmuted.

MS. KATCHMAR: I don't see Kevin Garcia. If you are a call-in user, if you raise your hand by pressing star 3, we can unmute your line. I don't see that name, Judge.

ADMINISTRATIVE LAW JUDGE STEFANUCCI:

Okay. We can try and get back to Mr. Garcia at a later time. Ron Kamen? Unmute your line.

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2 MS. KATCHMAR: Again, if he is a call-in  
3 user, if you can press star 3 to raise your  
4 hand from your cellphone, we can unmute your  
5 line. I don't see that name either.

6 ADMINISTRATIVE LAW JUDGE STEFANUCCI:  
7 Kevin Shen? Mr. Shen.

8 MS. KATCHMAR: Okay. You are unmuted  
9 now. Go right ahead.

10 MR. SHEN: Hello. Can everybody hear  
11 me?

12 ADMINISTRATIVE LAW JUDGE STEFANUCCI:  
13 Yes.

14 MR. SHEN: Good afternoon. My name is  
15 Kevin Shen, and I am a northeast  
16 transportation policy analyst at the Union of  
17 Concerned Scientists. I am commenting to  
18 support New York's adoption of the Advanced  
19 Clean Trucks Standard. This policy is a  
20 critical step in truck electrification which  
21 would allow New Yorkers to breathe more  
22 freely, cut down our climate pollution, save  
23 money for truck fleets, and result in lower  
24 electricity bills and great benefits. The  
25 technology for this transition is more than

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ready, and the intention of this rule is to make technology more available and actually in use. New York State has demonstrated its climate leadership by setting ambitious targets in the CLCPA and near zero emissions transportation targets this September, but the State needs to start putting its plans into action. We estimate that the Advanced Clean Trucks standard would make a substantial impact and would result in electric trucks making up 17 percent of the trucks on the road by 2035. Over 124,000 vehicles. That's far more electric trucks than we have today and would by 2050 save the state billions of dollars and hundreds of lives.

As you will be able to see in my written comments, the pollution in New York State is concentrated in certain areas. Particularly, around Buffalo, Rochester, Syracuse, Albany, and New York City. These areas overlap with the communities that suffer disproportionately from all transportation pollution and other environmental risks, social determinants of health, and social economic vulnerabilities.



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Given the long time frames and high usage of these medium- and heavy-duty vehicles, they represent a disproportionate amount of climate and air pollution from the transportation sector. Therefore, it's incredibly important that New York adopt these regulations without delay. Lastly, as significant as the Advanced Clean Truck standard is, it's entirely feasible and reasonable. In the United States, there is more than 100 models of electric trucks and buses from over 30 manufacturers that are available today or with production before this rule goes into effect covering most use cases.

On the grid side, this rule phases in electric trucks over a reasonable time frame, very feasible from a utility capacity expansion standpoint. In fact, the fuel savings from these electric trucks potential for managed vehicle charging and vehicle off-the-grid integration and downward pressure on electricity rates show that electric trucks make economic sense for fleets, the grid, and for everyday New Yorkers.

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This rule quite honestly though is only a start. Even with its adoption in 2035, there will be another 83 percent of trucks on the road still emitting. Ultimately for health and climate, every truck on the road needs to be a zero emission vehicle. We support calls for the DEC to take the lead from the most impacted communities on what these additional policies might look like. Thank you for your time and for your work on this very important policy.

ADMINISTRATIVE LAW JUDGE STEFANUCCI:

Thank you for your comments. Our next registered speaker is Jordan Brin. Jordan, your line is unmuted. If you are participating by phone, please press star 3. Jordan Brin? Okay. We will come back to Jordan.

Our next speaker is Jessica Enzmann. Jessica, your line is unmuted. If you are participating by phone, please press star 3.

MS. ENZMANN: Thank you. Jessica Enzmann, E-N-Z-M-A-N-N. I am speaking today representing the Sierra Club. Thank you to

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the DEC for the proposed regulation and the opportunity for public comment. I am testifying on behalf of the Sierra Club. We represent over 125,000 members and supporters here in New York and over 4 million across the country. We express our strong support for the Advanced Clean Truck Rule. Next week we will be submitting comments to the docket including over 1,300 comments from our New York members. While people often speak about how the climate crisis will impact future generation, the reality is that we are experiencing the impacts of the climate crisis now. It is clear that New York needs to take immediate action this year to clamp down on climate-driven emissions, the largest source of which is from our transportation sector, contributing to 40 percent of the state's total carbon dioxide emissions and 36 percent of all greenhouse gas emissions by sector.

Here is a shocking reality. Although medium- and heavy-duty trucks and buses account for only 12 percent of all vehicles on the road in New York, they are responsible for

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a bulk of the toxic air pollutant. Fifty-two percent of the nitrous oxide emissions and nearly 45 percent of the particulate matter is introduced by the entire transportation sector.

These air pollutions harm the health of our communities, especially frontline communities of color. No communities in New York deserves to be a sacrifice zone for the movement of goods. Adopting the ACT rule in New York would directly result in huge public health, economic, and climate benefits including preventing 237 premature deaths, over 155,000 lost workdays from respiratory illness annually, and could even slash greenhouse gas emissions by 54 million metric tons.

The Sierra Club strongly supports and urges the DEC to adopt the Advanced Clean Truck Rule this year and reject invitations to delay. Waiting to adopt ACT post-2021 means New York risks losing an additional year of needed compliance. We cannot afford to do that. We need to accelerate electric truck

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2 adoption and reduce air pollutants now. There  
3 is no time to waste. Thank you so much for  
4 your time and consideration. I look forward  
5 to ongoing collaboration and discussion on  
6 this important issue.

7 ADMINISTRATIVE LAW JUDGE STEFANUCCI:

8 Thank you, Ms. Enzmann. Our next speaker is  
9 Kathy Harris. Kathy Harris, your line is  
10 unmuted.

11 MS. HARRIS: Good afternoon. My name is  
12 Kathy Harris, H-A-R-R-I-S, and I am a clean  
13 vehicles and fuels advocate for the Natural  
14 Resources Defense Council or NRDC. I want to  
15 first thank you for the opportunity to speak  
16 at this public hearing and for staff for all  
17 of their work on this important matter.

18 Zeroing out emissions from New York's  
19 medium- and heavy-duty truck fleets is vital  
20 to protecting public health, addressing the  
21 climate crisis, and boosting New York City's  
22 growing clean energy economy. Transportation  
23 is the largest source of greenhouse gas  
24 emissions in the state, and trucks in  
25 particular are a major source of emission and

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pollution criteria in New York.

The toxic fumes from these trucks are an environmental and public health crisis leading to numerous respiratory and cardiovascular diseases and extracting a heavy toll in medical bills and diminished quality of life. While they only account for a small percentage of vehicles on the road, trucks and buses are responsible for 24 percent of the state's greenhouse gas emissions from the transportation sector, 52 percent of nitrous oxide emissions, and 45 percent of particulate matter from all on-road vehicles. Moreover, truck pollution disproportionately harm communities of color and low-income communities who tend to live adjacent to freight hubs.

The ACT rule is a foundational policy that New York should adopt as swiftly as possible to accelerate the transition to zero emission trucks. In the process of developing the ACT rule, California provided overwhelming evidence of its cost-effectiveness and feasibility, and further by slashing truck

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emissions and shifting towards zero emission vehicles, this rule is expected to accrue billions of dollars in public health benefits and fuel and maintenance cost savings for fleet owners and similar benefits are expected in New York.

A recent report by MJ Bradley & Associates found that the ACT could provide approximately 1.9 billion dollars in net societal benefits to New York by 2050. It's vital that New York adopt these rules as soon as possible to maximize the benefits and ensure our state remains a leader in the clean energy economy. Failure to adopt the rules by the end of 2021 would mean that the New York would miss the first compliance year of the program and real world implications are stark. Even a one-year delay would cost hundreds of diesel trucks spewing toxic pollutants in our communities for at least the next two decades. Thank you very much for your time today. I look forward to see New York adopt this important rule and solidify its place as a climate leader. Thank you very much.

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ADMINISTRATIVE LAW JUDGE STEFANUCCI:

Thank you, Ms. Harris. Our next speaker is  
Laura Bozzi. Laura, your line has been  
unmuted.

MS. BOZZI: Can you hear me?

ADMINISTRATIVE LAW JUDGE STEFANUCCI:

Yes.

MS. BOZZI: Great. Thank you very much.

Good afternoon. My name is Laura Bozzi. I am  
the director of programs at the Yale Center on  
Climate Change and Health and lecturer and  
environmental health scientist at the Yale  
School of Public Health.

I am testifying in strong support of  
adoption of the Advanced Clean Truck Rule.  
The rule would help New York to make necessary  
progress towards addressing its ground level  
ozone particulate matter in greenhouse gas  
pollution. This is because while medium- and  
heavy-duty trucks and buses make up only a  
small percent of the state's registered  
vehicles, 5 percent, they contribute a  
disproportionate share of nitrogen oxide which  
is a ozone protector, fine particulate matters



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in greenhouse gases. Many downstate counties, including my home county of Putnam, receive D or F grades from the American Lung Association for their ozone air pollution and the New York metropolitan area ranked 13th most polluted urban area for ozone nationwide. Ground level ozone is dangerous for health conditions including COPD and asthma and cause an increased risk of premature death. Children are at higher risk from ozone exposure especially for asthma exacerbations because their lungs are still developing and they are likely to be active outdoors when ozone layers are high.

Diesel-powered medium- and heavy-duty vehicles release particulate matter which include fine particulate matter in a number of organic compounds. Diesel exhaust is responsible for detrimental health consequences including lung cancer, worsened chronic heart and lung diseases such as asthma, and premature death. The health harms are worse for people living along highways and in areas near industrial and poor areas.

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These are often communities of color and low-income communities, making it a significant environmental justice issue. The American Lung Association ranked the New York metro area 20th nationwide for the most polluted. We have no time to waste for transitioning to a clean transportation sector for both our health today and to address the health crisis of climate change in meeting our climate goals under the CLCPA. This proposed regulation is feasible and economical. A recent study from the Union of Concerned Scientists and others showed by adopting the ACT rule along with heavy duty nox limits, New York can see a net benefit of over 60 billion by 2050, including from a health perspective avoiding nearly 355,000 respiratory illnesses and 540 premature deaths. For these reasons I thank you for considering this rule and urge you to adopt it. Thank you very much.

ADMINISTRATIVE LAW JUDGE STEFANUCCI:

Thank you for your comments. Next speaker will be Melvin Norris. Mr. Norris, your line is unmuted. Melvin Norris.

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MR. NORRIS: Thank you. Good afternoon and thank you very much for providing me an opportunity to provide comments. I am Melvin Norris, N as in Nancy, O-R-R-I-S. I am a senior director of government affairs for the Business Council of New York State. Business Council serves as an advocate for employers representing over 23,000 businesses across New York State, and it is our mission to advocate for the development of a robust business climate, economic growth, and job creation. Plainly when businesses succeed, New York succeeds, from local economies to employment to tax revenue for state and local governments.

New York, like the nation, is facing unprecedented challenges. The focus right now must be how we can work together to recover and rebuild. When discussing the implementation of the Climate Leadership and Community Protection Act with our members over the past two years, the sentiment most expressed has been uncertainty. Essentially what does this mean for my business and what

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impact will enacting state level policies have on New York's ability to compete. The process is underway. The implementation has thus far followed the statutory schedule, and the Climate Action Council is on the verge of revealing its draft scoping plan, New York's roadmap for achieving the goals established in the CLCPA.

But while that process is underway, clear and consistent signals to private businesses' respective investments might be more important. As such, we respectfully request that the Department of Environmental Conservation proposed adoption of a California be delayed to provide time for the necessary market development and the development of the incentive and infrastructure funding strategies, both necessary to achieve the proposed regulation underlying targets. We believe this request will both align with both the structure of Chapter 423, the laws of 2021, recommendations offered by the Transportation Advisory Panel. The DEC should take one to two years to consider and adopt

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2 coordinated regulations to ensure that the  
3 necessary incentives and infrastructure for  
4 ZEV trucks are in in place.

5 The Biden administration recently  
6 announced a nationwide federal program which  
7 will be adopted next year. That will  
8 implement emissions standards for  
9 conventionally fueled truck and accelerate the  
10 deployment of ZEV trucks. With a federal  
11 program on the horizon, Business Council is  
12 concerned that another state specific policy  
13 will have a detrimental impact on New York's  
14 competitiveness particularly at a time when  
15 the state's economy is attempting to rebound.  
16 Thank you for allowing me the time to provide  
17 comments today.

18 ADMINISTRATIVE LAW JUDGE STEFANUCCI:  
19 Thank you, Mr. Norris. Our next speaker is  
20 Tom Van Heeke. Tom Van Heeke, your line has  
21 been unmuted. You can go ahead.

22 MR. VAN HEEKE: Thanks so much for  
23 giving me the chance to speak today. My name  
24 is Tom Van Heeke. I am senior policy advisor  
25 at Rivian where our mission is to keep the

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world adventurous forever. My last name is V like Victor, A-N, space, H-E-E-K-E. That's Van Heeke. Rivian is an independent US-based EV-only manufacturer, building electric adventure vehicles in Normal, Illinois, including our R1T truck now in full production, the R1S SUV, and electric delivery van for Amazon.

We have a nationwide presence. However, we will be supporting our New York customers through our service center in Brooklyn, one of the first we established anywhere in the country. Rivian's mission is made manifest in our commitment to the environment and addressing climate change. We strongly support New York's adoption of the Advanced Clean Trucks rule.

Our vehicles are proof that now is the time for New York to adopt this regulation and continue driving the industry forward. The R1T, R1S and Amazon delivery vans can all be counted toward meeting the ZEV requirements.

I also want to stress the value of the early credits provision of the New York

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proposed rule. Early action credits incentivize accelerated deployment of EV, and not only does this deliver critical air pollutions and greenhouse gas emissions reductions sooner, but it can help the industry grow more quickly to mass scale production and thus move down the cost curve. This is crucial for the long-term success of the industry as well as New York's transportation electrification efforts.

While we strongly support adoption of the ACT, we also believe that the scale of the climate challenge and New York's emission reduction targets require more than this regulation alone. We recommend that New York take complementary actions to maximize the benefits of the ACT regulation. Among other things, this should include implementing a low carbon fuel standard. LC best policies can be powerful enablers of medium to heavy-duty fleet electrification. By design they create direct incentives for deployment and its use by EVs that can help support fleet switching. We should also include enhancing the state

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truck voucher incentive program.

Bottom line is that simple and reliable purchase incentives are key especially in the EV heavy-duty sector. We recommend that New York make its EV program as effective as possible by committing to sustained funding, eliminating traffic requirements, making rebates available for all medium/heavy-duty segments across the state.

Once again Rivian applauds New York's ambition and commitment to electrifying transportation. We support adoption of this rule and look forward to working with you to ensure that New York realizes its fullest benefits. Thank you.

ADMINISTRATIVE LAW JUDGE STEFANUCCI:  
Thank you for your comments. Next we have Jeff Schumann. Jeff Schumann, your line is unmuted.

MR. SCHUMANN: Can you hear me now?

ADMINISTRATIVE LAW JUDGE STEFANUCCI:  
Yes.

MR. SCHUMANN: Thank you. My name is Jeff Schumann, S-C-H-U-M-A-N-N. I live in



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Croton-on-Hudson. I strongly support the DEC's proposed Advanced Clean Truck -- ACT -- rule to incorporate into New York law California's latest zero emission vehicle standard for medium- and heavy-duty trucks.

As been noted, transportation is one of New York's major source of greenhouse gas emissions. DEC's proposed rule will further the important goals of the New York Climate Leadership and Community Protection Act, CLCPA, by reducing both greenhouse gas emissions and fine particulate matter. These reduced emission benefits are noted in the rule itself. New York State has one of the highest ambient concentration of particulate matter in the nation. This is why the proposed rule is so important for the people of New York.

Reduced emissions will result in substantial and vital health benefits especially for people living in areas of heavy-duty truck and bus traffic. Moreover, the reporting requirements of one time for fleet operators and manual LEV manufacturers I

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do not believe is a burdensome requirement and is needed to help the DEC establish future plans for the transition to ZEV. Adopting these rules is also consistent with the multistate medium- and heavy-duty truck emission vehicle memorandum of understanding that New York has signed. It's my understanding that DEC has a regulatory authority to enact this rule. I urge it to do so before the end of this year. Thank you so much.

ADMINISTRATIVE LAW JUDGE STEFANUCCI:

Thank you for your comments. Our next speaker is Kevin Maggay. Kevin Maggay, your line is unmuted.

MR. MAGGAY: Hi. Could you guys hear me okay?

ADMINISTRATIVE LAW JUDGE STEFANUCCI:

Yes, thank you.

MR. MAGGAY: Good afternoon. My name is Kevin Maggay, M-A-G-G-A-Y. I am with a company called Navistar. We are a leading commercial vehicle manufacturer that sells Class 4 through 8 commercial trucks, school

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buses, and commercial buses as well as parts for trucks and engines. The company is based in Lisle, Illinois and has over 11,000 employees in its facilities throughout North America.

Navistar has a long history of investing in cutting-edge technology to help reduce emissions from trucks including zero emission technologies. In fact, Navistar is one of the first heavy-duty truck manufacturers to develop an all-electric last-mile delivery commercial van, the eStar in 2009.

Today Navistar is focused on battery and fuel cell electric commercial vehicles. Navistar is currently delivering battery electric school buses to school districts and recently announced the fully electric medium-duty truck that we now produce is now in full production. Also, Navistar teamed with GM in a partnership to develop and manufacture a fuel cell Class 8 on-the-highway trucks for the market 2024.

We fully support a transition to a zero emission future. However, Navistar believes

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that a thoughtful comprehensive approach needs to be taken to ensure the transition is practical and feasible. Opting into California's Advanced Clean Trucks may be one piece of the puzzle, but without the other considerations in place, namely infrastructure and incentives, the mandate by itself is bound to fail. How will the trucks charge? How will the capital costs be supplemented? The state should not opt in until it's prepared to support the transition with infrastructure and incentives.

To give you a sense of what's required, if we look at port trucks as an example, the ports had a truck replacement program, and the last injection funding for that program was in 2019 for the total cost of 2 million dollars. At a grant of 180,000 dollars per truck, that funded slightly over 10 trucks, and you can't fund half a truck, so that would have funded just 10 trucks. And there are 19,000 trucks registered at the port. To incentivize the turnover, that would take 3.5 billion dollars to turn that many trucks over at 185,000

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dollars per gram. You wouldn't have to incentivize all of them, of course, but just to give you -- it would be in the billion-dollar range even if you do a fraction of that. It would be a big jump from 2 million dollars in 2019 to billions with a B. And this is just port trucks. Not refuse, transit, school buses, beverage delivery, parts delivery. This is just ports trucks.

Additionally, these port truck drivers rely exclusively on public fueling networks. Similarly, they would rely on public charging, and has the state made the investment or fully committed to investing in a network that can serve port trucks as early as 2024 when the regulations would kick in? The timing is key, is integral for all this. Infrastructure deployment needs to align and keep pace with truck deployment if this is going to work. There is a pilot program for 15 million dollars for medium- and heavy-duty truck charging and if the state is just starting pilots now, I don't think large-scale deployment will happen within 25 months when

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2 the regulation kicks in.

3 Everyone knows the technology is coming  
4 fast. The technology will be amazing and  
5 transformative, but without infrastructure to  
6 charge all this, it becomes moot. It doesn't  
7 matter how great the technology is if they  
8 can't charge, and we have serious concerns if  
9 truck deployment -- if not supported with  
10 incentives and infrastructure -- it would send  
11 transportation back significantly and  
12 potentially have the unintended consequences  
13 of slowing down adoption.

14 We ask that the action be delayed until  
15 a comprehensive plan to develop and support a  
16 full truck ecosystem including vehicles  
17 incentives infrastructure be developed at a  
18 national or state level. Thank you and we  
19 look forward to working with the State of  
20 New York on this.

21 ADMINISTRATIVE LAW JUDGE STEFANUCCI:

22 Thank you for your comments. Our next speaker  
23 is Jack McGivern. If you are participating by  
24 phone, you can press star 3 to unmute your  
25 line.

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MR. McGIVERN: Can you hear me?

ADMINISTRATIVE LAW JUDGE STEFANUCCI:

Thank you.

MR. McGIVERN: Thank you to the DEC for the opportunity to provide testimony in the adoption of the proposed Advanced Clean Truck Rule. My name is Jack McGivern, M-C-G-I-V, as in Victor, E-R-N as in Nancy. Testifying on behalf of Partners For Zero Emission Vehicle Future. We are a growing coalition of stakeholders from across the transportation industry netted by a commitment to minimize heavy-duty vehicle emissions and support the adoption of heavy-duty ZEVs through a policy that ensures confidence and invites economic environmental benefits.

Our organization has considerable concerns about the DEC intention to adopt the ACT rule. We don't believe the rule is tailored or suitable for adoption in New York, nor will it accelerate the deployment and use of ZEV trucks. ZEVs ultimately can be good both for the bottom line and environment. That said, the market and infrastructure for

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ZEV trucks in New York are not developed enough to enable fleets and dealers to acquire and operate ZEVs in a cost-effective way. A unilateral truck sales mandate does nothing to change that.

Firstly, a mandate requiring truck manufacturers to sell an increasing percentage of ZEV trucks in New York cannot be met without adequate public funding to help buyers overcome the increased cost of zero emission vehicles which can be two to three times more than a conventionally fueled truck. Without purchase incentives, we will be unable to begin this critical transition, further delaying the environmental and climate change benefits the State is seeking.

Secondly, New York lacks necessary infrastructure or sufficient dedicated funding to support the required investment for heavy-duty vehicle charging capacity. Charging infrastructure investments or heavy duty fleets are substantially larger and take significantly longer than for light-duty vehicles. Without a robust evaluation of



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infrastructure needs and sufficient programs to fund the required expansion, the State will not be able to meet the percentages required under the California's ACT and could potentially undermine the overall stability of the New York City's electrical grid.

There is substantial risk in forcing the sale of ZEV trucks in New York before the market conditions necessary incentive funding and infrastructure are ready. It will result in a backlash of ZEV truck purchasers finding themselves with work trucks that can't be fueled, serviced, or operated in a manner that meet the demands of their business. A ZEV truck that cannot be utilized efficiently only serves to undermine, not promote the market for ZEV trucks.

California's Advanced Clean Truck regulations were adopted to address very unique air quality concerns and environmental commitments codified in California law. The ACT has only been part of an extensive state effort based on California's specific needs and resources and should not be adopted as a

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one-size-fits-all solution for other states which face different environmental economic circumstances.

Failure to understand the implications of the regulation based on New York's specific condition risks unintended consequences that can be avoided. Realistic national standards and regulation offer the best way to prevent unintended consequences. If Congress is acting to support the deployment of zero emissions of medium, heavy-duty vehicles, and infrastructure in the marketplace, financial and policy support needs to be in place before any meaningful number of ZEV truck purchases can be made. There is no way around that. However, notwithstanding the many challenges involved, Partners For Zero Emission Futures is fully supportive of a ZEV truck future. The ACT rule at this time is simply not the way to get there. Thank you very much, DEC, for your time. More detailed comments will come in a written format soon.

ADMINISTRATIVE LAW JUDGE STEFANUCCI:

Thank you for your comments. Our next speaker

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is George Miller. George Miller, your line is unmuted.

MR. MILLER: Hello? Can you hear me?

ADMINISTRATIVE LAW JUDGE STEFANUCCI:

Yes.

MR. MILLER: Thank you. This is George Miller with BYD Motors LLC, an all-electric vehicle manufacturer calling in to testify strongly in support of the Advanced Clean Trucks rule. BYD Motors has deployed over 200 trucks across the US, across a dozen different states. These are currently serving duty cycles in the ports, distribution centers, and also refuse duty cycles. We have got on-the-road day cab tractors that go up to 200 miles of working range. Also Class 6 box trucks and yard trucks and Class 6 and 8 refuse trucks. We currently have plans to deploy approximately 200 trucks here in the US next year.

At this point BYD employs probably 800-plus employees here in the US to produce electric vehicles for the US market and support those vehicles with our service

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network with about half a dozen service centers and over a dozen mobile technicians across the country. We are capable of producing hundreds more of these vehicles for the US market, and we are ready to scale up even further from there as the markets allow. And at this point BYD is leading the way on medium- and heavy-duty clean trucks, and this Advanced Clean Truck Rule will help to align other manufacturers to increase the spectrum of options that are available for fleets and allow for clean transportation to take hold.

I also want to note that most of these vehicles are supporting disadvantaged communities, trying to reduce the local air pollution for those communities and improving health outcomes and also improve our climate challenges. Thank you very much for your time.

ADMINISTRATIVE LAW JUDGE STEFANUCCI:  
Thank you, Mr. Miller. Our next speaker is Larissa Koehler. Larissa Koehler?

MS. KOEHLER: Can you hear me? Thank you so much. Larissa Koehler, K-O-E-H-L-E-R.

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I am a senior attorney with the Environmental Defense Fund. I appreciate the opportunity to speak to you today and to voice my organization's strong support for New York City adoption of the Advanced Clean Trucks rule or ACT.

New York City's transportation sector is the largest contributor of carbon pollution, responsible for 36 percent of all greenhouse gas emission in the state and rising. It is also a significant contributor to help impacting pollution. Mobile emission sources produce nearly two-thirds of nox emissions in the state, and within the transportation sector medium- and heavy-duty trucks and buses produce an outsized share of pollution relative to their population. This localized pollution is most likely to affect people who live near freight and vehicle corridors, sports, and bus depots. In practical terms, this means that low and moderate income families and environmental justice communities often bear a disproportionate brunt of industrial pollution. This increased exposure

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to pollution has real health consequences including higher rates of respiratory and cardiovascular disease and co-morbidities that may exacerbate the severity of COVID-19 and other illnesses.

EDF applauds the steps New York has already taken to address emissions. The ACT will help achieve the targets set forth in the CLCPA and elsewhere and provide much-needed policy certainty to market participants concerned about a transition to zero emission vehicles without a clear pathway to make the transition. By adopting the ACT alongside other policies such as the Heavy-Duty Omnibus rule and the forthcoming Advanced Clean Fleet rule, they can reduce energy consumption and emissions from the transportation sector, decarbonize and modernize the state's energy system, and bring good-paying jobs to the state.

The benefits of the ACT are significant. The California Air Resources Board determined that the rule provided significant cost benefits to fleet owners, will speed the

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transition to cleaner vehicles, and results in significant health and environmental benefits across the state. Indeed, a recent study by ICCT indicates that ACT adoption alone in New York will result in projected fleet-wide reductions between 2020 and 2040 of 62 percent of PM 2.5 and 42 percent of nox emissions. In addition, research conducted by MJ Bradley shows that New York stands to see 1.9 billion dollars in monetized societal benefit by 2050. This will be greater magnified by adoption of other complementary policies.

New York is on the right path to cleaning our transportation sector and the ACT is a necessary part of continuing the state's commitment and complementing other programs and policies. EDF urges the DEC to move forward with adopting this rule by the end of the year to begin harnessing its benefits as soon as possible. Thank you for your time.

ADMINISTRATIVE LAW JUDGE STEFANUCCI:

Thank you, Ms. Koehler. Next we have Zachary Kahn. Your line is unmuted.

MR. KAHN: Thank you. Good afternoon

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and thank you for the opportunity to comment today. My name is Zach Kahn, K-A-H-N, and I am heavy-duty policy lead at Tesla. Tesla is the largest manufacturer of electric vehicles in the world and we expect our Class 8 all-electric Tesla semi truck to go into production in 2023.

The Tesla semi will offer two models: One with 300-plus miles of range and one with more than 500 miles of range. We are excited to demonstrate that all electric trucks can meet virtually any truck duty cycle when paired with a megawatt charging system that Tesla and the industry are currently developing. I want to thank the DEC for initiating the Advanced Clean Truck regulation in New York and for being a national leader in reducing emissions to the transportation sector. We will submit formal comments where we go into more detail, but I did want to express our support for this regulation and to encourage the DEC to finalize the rule by the end of the year to ensure it begins with model year 2025.



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Rather than push sales out of the state, the ACT rule will encourage electric truck manufacturers to focus more time, energy and resources on selling trucks to operators in the state. This will not only help to accelerate the adoption of these trucks but will ensure there is ample supply of electric truck of all classes available for truck operators in New York, and of course, more importantly, this effort will significantly reduce harmful tailpipe emissions in the state, including public health for the communities in which these vehicles operate. We appreciate the opportunity to comment and thank you again for taking up this important regulation. Thank you.

ADMINISTRATIVE LAW JUDGE STEFANUCCI:

Thank you, Mr. Kahn. Next we have Uchenna Bright. Your line is unmuted.

MS. KATCHMAR: I do not see that name.

ADMINISTRATIVE LAW JUDGE STEFANUCCI:

U-C-H-E-N-N-A. I'm sorry. You are unmuted.

MS. BRIGHT: Thank you so much. Can you hear me?

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ADMINISTRATIVE LAW JUDGE STEFANUCCI:

Yes.

MS. BRIGHT: Okay, great. Thank you so much for this opportunity to comment today. My name is Uchenna Bright and that is spelled B-R-I-G-H-T. I am the northeast advocate for E2 which stands for Environmental Entrepreneurs. I am here on behalf of E2's network of other 500 business leaders in New York to express the business community's strong support for New York adopting the Advanced Clean Truck Rule or ACT by the end of this year in order to maximize the economic, health, and environmental benefits that the rules provide.

For background, E2 is a national nonpartisan group of over 11,000 business leaders, investors, and other professionals from every sector of the economy who advocate for policies that are good for the economy and good for the environment.

E2 and our community of business leaders understand that climate change is a business risk. To run a business, you have to keep the

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doors open and the lights on. Every year across the country we see increased flooding. In the West we see more fires. There have been an increasing number of storms and climate disasters that have ravaged our communities and local businesses and extreme heat and drought continue to threaten our lives and livelihood.

This substantial economic risk that we are facing as a result of climate change can only be compared to significant and sizeable economic opportunity presented by climate action and good environmental policy. Because of the steps we have taken in the past, New York City has significantly reduced emissions from the power sector, and clean energy is the cheapest energy source. However, transportation now represents the largest source of greenhouse gas emission in New York, and medium- and heavy-duty vehicles represents a quarter of these emissions. So advancing medium- and heavy-duty fleets is an economic opportunity, and adopting the ACT would send a powerful market signal to New York's clean

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vehicle sector, a sector which actually grew its workforce in New York between 2019 and December 2020 despite devastating job losses faced across the economy in New York and nationally due to the COVID-19 pandemic.

The ACT is critical to mitigating the worsening impacts of climate change and protecting public health as well as the economic impacts. A recent analysis found that the ACT would unlock over 3.3 billion dollars in public and private investment in New York charging infrastructure. Managers and owners of medium- and heavy-duty fleets can expect to save about 13,000 dollars on average over the lifetime of the vehicles, and net fleet savings would be about 318 million because electric trucks are less expensive to service, maintain, and fuel over the lifetime of the vehicle. Additionally, because of the revenues from increased demand spread over largely fixed costs of the system, the utility net revenues could be around 225 million dollars, and these savings would be passed on to households and businesses.

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Finally, a robust economy is predicated on a healthy workforce and a healthy population. When coupled with policy direction provided from adopting the Heavy-Duty Omnibus rule, which is also currently being considered by New York and should be adopted as a complementary policy to ACT, these rules would result in 6.3 billion dollars in avoided health cost by 2050. Thank you again for this opportunity to comment in support of New York adopting the ACT.

ADMINISTRATIVE LAW JUDGE STEFANUCCI:

Thank you for your comments, Ms. Bright. Next is Martha Upton.

MS. UPTON: Thank you. Can you hear me?

ADMINISTRATIVE LAW JUDGE STEFANUCCI:

Yes.

MS. UPTON: Hi, my name is Martha Upton.

I live in Garrison, New York. My name is spelled U-P-T-O-N. I am a retired elementary school teacher and a parent of two young adults. I strongly support the Advanced Clean Trucks rule. Transportation, as people have mentioned before, is responsible for a

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whopping 36 percent of all greenhouse gas emissions in New York State. While medium- and heavy-duty vehicles are only 12 percent of all the vehicles on our roads, they produce disproportionately high levels of dangerous emissions. These emissions not only damage the ozone layer and contribute to the climate crisis, they also pour toxins into the air around us leading to asthma, bronchitis, and other serious respiratory illnesses. I have three family members who struggle with asthma, and as a school teacher, I saw the number of young students with asthma increase significantly over the years.

According to pediatricians, children are particularly vulnerable to air pollutants because their lungs are still developing and they tend to spend more time outside. Can we really accept a world in which it's becoming increasingly unsafe for our children to just go out and play because the air they inhale could make them sick? We also know that harmful pollutants from cars, trucks, and buses are more concentrated in and have more damaging

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effect on communities of color because major highways, warehouses, and other truck infrastructure are often located near these communities. All New York residents and all human beings for that matter have a right to breathe clean air. Our government has the capacity to uphold this basic human right by adopting the ACT rule.

Finally, New York's climate laws require that we take bold immediate action to reduce greenhouse gas emissions and the ACT rule is essential if we are to meet our emission reduction goals. I urge you to adopt the Advanced Clean Trucks rule and to finalize it before the end of this year. Electrification of medium- and heavy-duty vehicles would put an end to a huge source of harmful emissions and open the door to a healthier, safer environment for us all. Thank you very much.

ADMINISTRATIVE LAW JUDGE STEFANUCCI:

Thank you for your comments. Next we have Timothy French. Mr. French, your line is unmuted.

MR. FRENCH: Thank you. Good afternoon.

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My name is Tim French, speaking on behalf of the Truck and Engine Manufacturers Association or EMA. EMA represents the world's leading manufacturer of medium-duty and heavy-duty trucks and truck engines, the types of commercial vehicles covered under the DEC's proposal to opt in to California's ACT rule.

EMA actively participated in the California rulemaking process. We have submitted preliminary written comments to the DEC, and we appreciate this additional opportunity to present comments today. As an initial matter, EMA and its members fully support a conversion of the commercial truck fleet to ZEVs and believe that the 2040 timeline is a reasonable target for broad deployment of ZEV trucks whenever feasible. EMA members are spending billions of dollars towards that end and are already producing ZEVs for some applications. However, to bring about our shared vision for the future, a comprehensive and coordinated state and federal strategy is required to develop and implement the widespread deployment of ZEV



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trucks. State-specific options to California's ACT rule are not the way to go to accelerate the actual deployment and use of ZEV trucks. The rule is nothing more than unilateral mandates imposed on truck manufacturers to sell an increasing number of ZEV trucks, but the rule does not require or even encourage anyone in New York to buy a ZEV truck. Moreover, the unilateral sales mandate does nothing to put in place the vital prerequisites to a successful ZEV truck program.

Those necessary prerequisites include first, the allocation of significant public funds to build out a widespread recharging fuel infrastructure for ZEV trucks, something that will take several years and millions of dollars to implement, and second, the establishment of broad-based state-funded programs to provide significant sustained incentive money to help fund the higher purchase cost for ZEV trucks. Without those two vital prerequisites in place, a unilateral ZEV truck sales mandate cannot and will not

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succeed in New York.

In that regard, it is important to note that the necessary infrastructure for ZEV trucks will require more time and more money to develop and install than for passenger cars. The same holds true for ZEV truck purchase incentives as well.

Skipping ahead, there are multiple other reasons why the ACT rule should not be adopted. We have explained those other reasons in detail in our preliminary comments and will include a full set of our comments before the close of the rulemaking record.

In sum, adopting the ACT rule and its unilateral sale mandates without first addressing the needs for a comprehensive ZEV infrastructure and without establishing a robust ZEV purchase incentive program will result in a ZEV truck sales program that simply cannot succeed in New York. The ramifications of that could well do more harm than good since New York could, in essence, undermine the market for ZEV trucks if the ACT program collapses in New York as it likely

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2 will.

3 Putting the cart before the horse is  
4 never sound policy especially in the goods  
5 movement sector of the economy. The better  
6 path is through collaboration with a  
7 coordinated and well-funded federal program.  
8 Thank you for the opportunity to speak on this  
9 matter.

10 ADMINISTRATIVE LAW JUDGE STEFANUCCI:  
11 Thank you, Mr. French. Next we have Kendra  
12 Hems. Your line is unmuted.

13 MS. HEMS: Good afternoon. It's Kendra  
14 Hems. H-E-M-S. Thank you for the opportunity  
15 to testify before you today. I am the  
16 president of the Trucking Association of  
17 New York and I will be brief.

18 ADMINISTRATIVE LAW JUDGE STEFANUCCI:  
19 Your voice is going in and out so it's hard  
20 for the court reporter --

21 MS. HEMS: I apologize for that. Can  
22 you hear me okay now?

23 ADMINISTRATIVE LAW JUDGE STEFANUCCI: I  
24 think so, yes.

25 MS. HEMS: All right. I apologize. I

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2 am president with the Trucking Association of  
3 New York. We have also submitted written  
4 comments to the proposed --

5 (Discussion off the record.)

6 ADMINISTRATIVE LAW JUDGE STEFANUCCI:

7 Okay. Our next speaker is Katherine Schwarz.

8 MS. SCHWARZ: Can you hear me?

9 ADMINISTRATIVE LAW JUDGE STEFANUCCI:

10 Yes. Your line is unmuted.

11 MS. SCHWARZ: My name is Katherine  
12 Schwarz. I am a public health professional,  
13 and I live in Rockland County, a growing  
14 suburb of New York City, the second-fastest  
15 growing county in the state as far as I know  
16 in a time when people are moving out of the  
17 New York City into the suburbs and buying  
18 cars. I find traffic is worse than ever. I  
19 understand that transportation is the biggest  
20 contributor to greenhouse gases in the state  
21 and is an even bigger contributor in suburban  
22 areas like Rockland County and I commend you  
23 at the DEC for addressing this through the  
24 Advanced Clean Truck Rule.

25 I am completely in favor of trying to

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tackle a faster track means of addressing air pollution and greenhouse gas emissions within the transportation sector. But we know that medium- and heavy-duty vehicles are about 25 percent of the problem, and the other 75 percent may be more challenging to tackle because it involves individuals changing their lifestyles especially in suburbia and municipalities and communities planning and designing for that change. To tackle climate change and traffic congestion and the road rage that goes along with it, we do not need more cars on the road even if they are electric cars. Especially since those who receive their incentives to buy their electric cars will likely sell their gas-guzzling cars to those who can't afford new cars.

If we really want to tackle air pollution and climate change and some of our inequity issues, we will have to recognize that a mindset and lifestyle change is necessary. Encouraging public transit is a better route to take than electric cars especially for suburban areas and smaller

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cities that were designed around the car. People in these areas -- Rockland County being a perfect example -- are stuck with the idea that home and car ownership are part of the American dream and public transit is relegated to the poorest of the poor. We need to improve our public transit with electric buses but better service too, and we also need a huge marketing campaign to convince the car owners that taking public transit would result in fewer cars on the road, reduce pollution, reduce road rage, fewer traffic accidents, and more equitable communities. Perhaps this could begin with Governor Hochul biking or taking trains and buses to get around the state.

Eighty percent of the federal funding on transportation is devoted to highways. Twenty percent that goes to transit, public transit. New York City also leads the nation in public transit. Let the state lead in public transit too. Thank you very much.

ADMINISTRATIVE LAW JUDGE STEFANUCCI:

Thank you, Ms. Schwarz. I see that Ms. Hems

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2 has called in. Let's unmute her line.

3 MS. KATCHMAR: I am not sure which  
4 call-in user she is.

5 ADMINISTRATIVE LAW JUDGE STEFANUCCI:  
6 Her name is listed.

7 MS. KATCHMAR: Okay. Your line is  
8 unmuted.

9 MS. HEMS: Great. Thank you. Can you  
10 hear me now? I am so sorry about that. Okay.  
11 So good afternoon, Kendra Hems, H-E-M-S. I am  
12 president with the Trucking Association of  
13 New York. I will be brief as we are  
14 submitting comments to the rule.

15 The Trucking Association of New York is  
16 a not-for-profit trade association  
17 representing the interests of the trucking  
18 industry. It should be noted that in  
19 New York, the trucking industry is primarily  
20 small businesses operating less than 20  
21 trucks, but the small businesses have a  
22 significant impact on New York's economy.  
23 Nearly 90 percent of New York communities  
24 depend exclusively on trucks to move their  
25 goods and 94 percent of all manufactured goods

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are transported by trucks.

As an industry we are supportive of an incentive-based initiative that lead to improving our environment including the use of near zero emission and zero emission vehicles, and in fact, 43 percent of US commercial trucks are now powered by the newest generation near zero emission vehicle technology. However, we have serious concerns with state-by-state mandates and adoption of regulations that were designed to address climate issues in the State of California which are significantly different from New York. The California program is designed for Southern California, which has the worst air quality in the country, and it does not take into consideration differences between the State of New York and California. Getting a ZEV truck future is best achieved through a national program that will reduce greenhouse gas emissions smartly and cost-effectively.

In addition to the concern regarding state-by-state adoption of clean truck rules, I wanted to touch on four primary areas



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related to implementation of the ZEV purchase  
mandate that we are also concerned with.

First, is the lack of charging infrastructure.

A robust charging infrastructure for medium-  
and heavy-duty vehicles does not currently  
exist. Additionally, New York lacks adequate  
truck parking today, and these two issues  
combined create a significant concern on  
access to charging in a cost-effective way.

The cost of a new ZEV can be as much as  
60,000 dollars more than a diesel model, all  
factors considered. As mentioned previously,  
the vast majority of trucking companies in  
New York are small. They are family-owned  
multigenerational companies that simply do not  
have the resources to purchase this equipment.  
The lack of incentives -- unlike California,  
New York does not have a dedicated revenue  
stream to support a robust incentive program  
for the purchase of ZEV vehicles, and we are  
concerned this will undermine the ZEV future.  
By forcing the technology into a market that  
is not ready, it will undermine the goal of  
the Clean Truck program. Accelerating ZEV

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purchase mandates without supporting infrastructure, utility grid preparedness, and a robust incentive is a recipe for failure.

Again, I thank you for the opportunity to outline our concerns. To reiterate, we are not opposed to the adoption of clean truck technology in New York. However, we respectfully request that consideration be given to delaying the adoption so that we can put in policies that will support the use and operation of ZEV trucks. We look forward to continuing to work with the Department to find a smart, sustainable, and achievable way of incentivizing the use of zero emission medium- and heavy-duty vehicles in New York. Thank you.

ADMINISTRATIVE LAW JUDGE STEFANUCCI:

Thank you, Ms. Hems. Our next speaker is Jackie Cohen. Ms. Cohen, if you are a call-in user, please press star 3 so we can unmute your line. Okay.

Our next speaker is Gale Pisha. Your line is unmuted.

MS. PISHA: Can you hear me?

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ADMINISTRATIVE LAW JUDGE STEFANUCCI:

Yes.

MS. PISHA: Thank you for the opportunity to speak today about this important rule. My name is Gail Pisha, P-I-S-H-A and I live in Rockland County. The New York State Thruway runs two blocks from my home and I see all the medium- and heavy-duty truck traffic that goes by each day. With the proliferation of warehouses in Rockland and across the state that truck traffic is just going to increase, so I want to thank Governor Hochul and the DEC for considering the revision of the existing Low Emission Vehicle Program to incorporate California's ACT standards.

As noted by DEC and in its regulatory impact statement, the proposed amendments are consistent with New York State Climate Law to reduce greenhouse gas emissions in the state and pollutants like nitrous oxide, nox, and particulates in disadvantaged communities. I urge the DEC to adopt the ACT rule immediately. We cannot delay in reducing our

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greenhouse gases.

The UN Intergovernmental Panel on Climate Change warned us in August that only by reaching net zero carbon emissions by 2050 will we keep warming at 1.5 degrees Celsius, and continuing or increasing carbon emissions before 2050 will bring warming up to a possible 4.4 degrees Celsius. It's clear that we don't have much time left to prevent the planet from reaching a disastrous level of climate change, and New York State must do its part by adopting the ACT rule this year which you will reduce the greenhouse gas emissions by millions of metric tons. Adopting the ACT rule will also reduce emissions of nox which contributes to ozone formation and particulate matter which will contribute to 3.3 billion dollars in health-care savings from 2025 to 2040.

Rockland County has been a nonattainment zone for ozone for years, and residents here would benefit from the cleaner air. The rule would ensure especially as truck traffic increases. While there will be some costs to

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require sales of zero emission trucks and associated infrastructure, there will also be significant savings in fuel and maintenance costs. When we consider the billions of dollars in damage from severe weather caused by climate change, we can't afford not to adopt this ACT rule now. If New York State is serious about fighting climate change, we must rapidly transition to zero emission transportation. The evidence clearly shows where the planet is headed if we don't stop using fossil fuels now. Thank you.

ADMINISTRATIVE LAW JUDGE STEFANUCCI:

Thank you, Ms. Pisha. Our next speaker is John Carlson. Mr. Carlson, your line is unmuted.

MR. CARLSON: Good afternoon. Thank you. My name is John Carlson, C-A-R-L-S-O-N. And I oversee state policy work in the New York East for Ceres. I am here today to comment in support of the Advanced Clean Truck Rule. Ceres organizes several networks including the Businesses Heard Beta Climate and Energy Policy Network, a coalition of over

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70 major businesses, all committed to driving sustainability throughout the economy. We also coordinate the Ceres Investor Network, which currently includes around 175 members with collectively 30 trillion dollars in assets under management.

One other network relative to today's discussion I want to mention is the Corporate Electric Vehicle Alliance, a collaboration of 24 companies including Amazon, DHL, Ikea, and others looking to completely decarbonize and electrify their fleets.

Our companies and investors see climate change as a significant risk and reducing greenhouse gases as an economic opportunity. We strongly support New York adopting the Advanced Clean Truck Rule including the fleet reporting requirement and see this as an essential component of a comprehensive plan to reduce transportation emissions. The recommendation of the Transportation Advisory Panel to the Climate Action Council wisely recommended adopting zero emission vehicle sales regulations such as the ACT rule, and we

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add our support to that recommendation.

As you know, medium- and heavy-duty vehicles are a major driver of emissions, and transportation emissions disproportionately impact low-income and communities of color. Transportation is also a major cost center for companies. Our Corporate Electric Vehicle Alliance is growing in companies that are investing in electrification because transitioning to EVs can generate significant cost savings over the life of a vehicle. For what you are considering now to the complementary Heavy-Duty Omnibus and Advanced Clean Fleet rules, we need strong policies to coordinate to industry leaders and stakeholders, to increase access to zero emission vehicles, unlock that cost savings and benefits, and drive market transportation at a pace and scale the private sector cannot achieve on its own.

Each of these three rules, the ACT, Heavy-Duty Omnibus, and Advanced Clean Fleet rule are designed to fit together and each is made more effective when all are adopted. Our

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company supports electrification of the sector because it will support cleaner, more energy-efficient economy in New York. This rule will drive local innovation and investment in clean technology, development, and manufacturing, creating new jobs, driving long-term cost savings and community value change, mitigating climate risk, improving public health, and reducing health-care costs. Increased access to cost-effective zero emission commercial transportation options helps businesses stay competitive in a market where their customers, investors, patients, students, and employees increasingly expect them to lead on sustainability.

This rule will accelerate the cost-effective deployment of electric medium- and heavy-duty vehicles and allow our members to meet financial and climate goals, significantly reduce air pollution related health impacts and costs across the state. We applaud New York for taking the step and look forward to working with you to continue the ambition in reducing transportation emissions.



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Thank you.

ADMINISTRATIVE LAW JUDGE STEFANUCCI:

Thank you, Mr. Carlson. Our next registered speaker is Ron Kamen. Ron Kamen?

MR. KAMEN: Thank you very much. Can you hear me?

ADMINISTRATIVE LAW JUDGE STEFANUCCI:

Yes, I can.

MR. KAMEN: Outstanding. Thank you very much for this opportunity. My name is Ron, R-O-N, last name K-A-M-E-N. I am a founder and CEO of starphire.NET. That's S-T-A-R-P-H-I-R-E.net, an incorporated New York State company that I founded and run since 1999, and we do business as EarthKind Energy. We have been doing that since 2014. We are a New York State corporation.

I would like to thank you for this opportunity. I am also a chapter director of New York State Environmental Entrepreneurs or E2. I strongly support this bill. The company strongly supports this bill. It has dramatic potential impacts on New York State health and the economy. The cumulative public

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health benefits alone are over 3 or over 2.7 billion dollars and with complementary policies like the heavy-duty omnibus rule would increase the monetized health values to over 6.3 billion dollars. This is because of the impact of toxic pollution from these trucks and air pollutants in the form of additional hospital stays, health care expenses, decreased work productivity, and missed workdays. The impact on medium- to heavy-duty fleet owners and operators overall will see, according to the MJ Bradley report, a savings of 318 million dollars by 2050, a dramatic impact on the environment. Adopting the ACT rule will unlock 3.3 billion dollars in public and private investments and charging infrastructure which is critical to New York State meeting our climate goals and will also have a positive impact on households and businesses with some impact on the utilities by reducing the net utility cost and increasing utility revenues by over 300 million dollars.

Adopting the act will send a strong

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market signal to vehicle manufacturers that the state is committed to decarbonizing this portion of the transportation sector and from my over three decades of experience working in New York State, policy is key to helping create these markets and have a positive impact on the environment and on the economy and I strongly support the Advanced Clean Trucks rule being implemented. Thank you very much for the opportunity. We will also be submitting written comments. Have a good day. Thank you.

ADMINISTRATIVE LAW JUDGE STEFANUCCI:

Thank you for your comments. I just want to go back to two other registered speakers, make sure I didn't forget anybody. Kevin Garcia? Mr. Garcia, if you are participating by phone and would like to make your comment, please press star 3 to raise your hand. Kevin Garcia?

And lastly, Jordan Brin. Jordan Brin, if you are participating by phone and you would like to make a comment, you can press star 3, and we will unmute your line.

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Okay. I think that concludes today's public comment hearing on the proposed amendments to Part 218. I want to thank you all for your participation this afternoon. Have a great day.

(Time noted: 3:30 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK )

: ss.

COUNTY OF QUEENS )

I, YAFFA KAPLAN, a Notary Public  
within and for the State of New York, do  
hereby certify that the foregoing record of  
proceedings is a full and correct  
transcript of the stenographic notes taken  
by me therein.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 19th day of November,  
2021.



YAFFA KAPLAN