



**TESTIMONY BEFORE THE COMMITTEE ON ENVIRONMENTAL PROTECTION
26 JANUARY 2021**

Good morning, Chair Constantinides and members of the committee on Environmental Protection. My name is Mark Chambers, and I am the director of the Mayor's Office of Sustainability. I am joined today by my colleague Angela Licata, Deputy Commissioner for Sustainability at the Department of Environmental Protection. Thank you for the opportunity to provide testimony on measures to jointly improve our city's air quality and combat the climate crisis.

I. Introduction

As this Committee knows, the fossil fuels that we burn to heat our buildings and to power our vehicles negatively impact our short- and long-term health. We know from the Department of Health and Mental Hygiene's Community Air Survey, or NYCCAS, that levels of criteria pollutants are highest in areas of high traffic density, high concentrations of buildings with heat and hot water boilers, industrial areas, and especially where those sources coincide, and that vehicle traffic and building boilers are the highest sources of pollutants at the neighborhood level. Ambient air pollution is a major driver of respiratory and cardiovascular disease hospitalizations, which is of increased concern now during the COVID-19 pandemic. We also know that our low-income neighborhoods and communities of color experience the highest rates of health impacts due to poor air quality, due to a toxic combination of higher levels of pollution and a history of chronic disinvestment and racist policies.

Fortunately, we have made great progress in the past decade in improving air quality in all neighborhoods across the city, and our climate policies that we have prioritized for their potential to improve New Yorkers' health have driven that improvement. Take, for example, the efforts to phase out Fuel Oil #6 by the 2020 deadline. More than 5,300 buildings have now converted to cleaner fuels, resulting in a 95% drop in citywide sulfur dioxide (SO₂) levels and a drop in greenhouse gas emissions. The Climate Mobilization Act is an important next step in reducing fossil fuel use in buildings that will continue to drive improvements in air quality. Since 2009, we've seen a 37% decrease in PM_{2.5}-related premature deaths citywide and a 41% decrease in the rate of respiratory hospitalizations. This represents encouraging progress, but we still have a long way to go.

I will now turn to the pieces of legislation on today's agenda.

II. Introduction 960

Intro. 960 would require specific air monitoring on heavy-use thoroughfares, defined as any traffic corridors that have traffic volume greater than the fiftieth percentile of the average New York City roadway corridors or has traffic in excess of 100,000 vehicles on an annual basis.

We are very supportive of programs that reduce traffic-related pollutants. The negative health impacts associated with these pollutants are well known. In the past several years, the administration has implemented several important emissions reduction programs, including:

- Increasing use of electric vehicles in the City fleet
- Requiring cleaner truck fuel
- Strengthening our anti-idling program, including launching the Billy Never Idles behavior change campaign last year

We support the ultimate goal and intentions of this bill and look forward to working with the Council to strengthen it. Primarily, we would like to work with the Council to prioritize allocating resources to emissions-reductions efforts and to exploring ways of achieving the goals of this bill in light of the City's current fiscal crisis.

III. Introduction 980

Intro. 980 would accelerate the city's timeline to phase out fuel oil grade No. 4 in boilers. Currently, the use of fuel oil grade No. 4 must end by January 1, 2030. The city has made significant improvements in air quality over the last several years, due in part to the Council's legislation, and we are always looking for more opportunities to make even more improvements.

It is clear that eliminating fuel oil No. 6 had a significant impact on improving air quality around the city. Neighborhoods with the highest density of boiler conversions – such as northern Manhattan, and the Southern and western Bronx – saw the greatest improvement in air quality, with the greatest proportion of health benefits occurring in vulnerable, high poverty areas. Eliminating fuel oil No. 4 will continue these improvements for our air and for our climate, and this is of particular importance for our most vulnerable populations. We look forward to working with the Council to thoughtfully implement this legislation.

IV. Introduction 992

Intro. 992 would require the City to report on power plant compliance. The City is committed to ensuring a clean energy transition in New York City and the opportunity it provides, in particular, to improve air quality in New York City. The City could take on the activities laid out in the bill, but setting and enforcing air pollution limits ultimately rests with the State as the NYS Department of Environmental Conservation (DEC) is the primary entity that regulates air pollutants from power plants. We estimate that the bill will require additional resources to track, report out and potentially comment on the Title 5 process for power plants. We support the Council's goal of reducing air pollution from power plants and look forward to working together to transition to clean electricity.

V. Conclusion

We will continue to center health outcomes, especially in our most historically burdened communities, as we plan and prioritize future climate policies and programs. Our office looks forward to continuing to work together to meet this crisis head on with innovative solutions, data-driven action, and fierce urgency to provide a livable future for all New Yorkers.

**Testimony of Justin Wood, Director of Policy
at Council Committee on Environmental
Dated January 26, 2021**

Good afternoon, my name is Justin Wood and I am the Director of Policy at New York Lawyers for the Public Interest.

Thank you Chair Constantinides for the opportunity to testify today, and for your leadership on the critical issues of climate change, systemic environmental and racial injustice, and public health in this City Council. We look forward to continuing to work with you this year to take the further bold steps needed to make a more sustainable, equitable, and just City a reality.

Air quality has come into sharp focus this year, as the links between long-term exposure to air pollutants and severe cases of COVID-19 and other public health issues have emerged. Similarly, scientists and policymakers continue to discover troubling links between climate change and co-pollutants such as black carbon, ozone, and particulate matter. We firmly believe the solutions to our environmental, public health, and economic crises are intertwined. New York City urgently needs policies and investments that will accelerate the transition to renewable energy, transportation, buildings, and waste systems; and to create sustainable local green jobs in the communities suffering most from unemployment and bad air quality.

For NYLPI, our clients, and frontline community partners key priorities for city government include:

1. Take action to shut down dirty and costly peaker power plants sited in disadvantaged communities, and pass legislation as necessary to facilitate rapid expansion of local solar, offshore wind, and battery storage projects. Many of the city's peaker plants are more than 40 years old, and are a major source of ozone, nitrogen oxide, and other pollutants in environmental justice communities – particularly on the hottest days when these plants are most likely to fire up. Intro 0992 is a promising step in this direction and we fully support its passage. We also call for swift passage of Intros 1591, 1592 and 1593 – the Renewable Rikers Act – which will transform the island from a toxic site with a legacy of racial injustice to a renewable infrastructure hub, with the potential to create hundreds of local green jobs and economic stimulus in the communities most impacted by mass incarceration and pollution.

2. Electrify heavy truck and bus fleets to improve air quality, reduce climate emissions, and improve worker health and safety – particularly in environmental justice communities where both private and municipal truck and bus depots are clustered. Intro 0960 will provide a valuable source of data and transparency about the localized air quality impact of heavy-use thoroughfares and truck routes in the city, and we believe this data will make a compelling case for rapid transition to zero-emissions fleets.

To this end, we urge the Council to pass Intro 455 of 2018, which sets a timeline for the electrification of the 10,000-vehicle NYC school bus fleet. Zero emissions school buses should be a top priority, as children’s lungs are particularly susceptible to particulate pollution, and children with disabilities spend disproportionate amounts of time on long special education bus routes. Following the recent announcement that the NYC Department of Education will acquire and directly operate one or more major bus companies, we urge the Council and the Department of Education to transforming this new publicly-owned bus fleet to set a high standard of sustainability and service for the entire industry as soon as possible.

3. Ensure full implementation of the landmark Commercial Waste Zone Law passed by the Council in 2019, including a transition to zero-emissions private sanitation truck fleets and major investment in recycling infrastructure. While responsibility for implementation lies with the Department of Sanitation, the Council must also ensure that this transition is fully funded in the FY 2022 budget. Similarly, we call on the council to set a timeline and pass a budget that promotes local composting and recycling of organic waste – which reduces pollution from exporting our waste, curbs climate emissions, and creates local green jobs.
4. Finally, we strongly support the immediate passage of Intro 980, which will accelerate the phase out of Number 4 heating oil. Combustion of this dirty fuel continues to produce large volumes of fine particulate matter, and is a major source of indoor as well as outdoor air pollution. Buildings burning Number 4 heating oil are also concentrated in environmental justice communities, leading to further disparities in air quality and health in our City.

Thank you for this opportunity to testify today. NYLPI and our partners look forward to working closely with each of you realize our shared vision of a sustainable, equitable, and thriving New York City.

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**Testimony of Carlos Castell Croke
Associate for NYC Programs
New York League of Conservation Voters**

**City Council Committee on Environmental Protection
Hearing on Intro 960 and Intro 980
January 26, 2021**

Good afternoon, my name is Carlos Castell Croke and I am the Associate for New York City Programs at the New York League of Conservation Voters (NYLCV). NYLCV represents over 30,000 members in New York City and we are committed to advancing a sustainability agenda that will make our people, our neighborhoods, and our economy healthier and more resilient. I would like to thank Chair Constantinides for the opportunity to testify today.

We all are well aware of the fact that poor air quality leads to poor health outcomes, especially for vulnerable populations like seniors and children. Specifically, concentrations of particulate matter (PM) and ozone (O₃) are the compounds of air pollution most associated with health issues like respiratory and cardiovascular diseases. Air pollution is responsible for both a climate crisis and a public health crisis. In fact, according to the World Health Organization, indoor and outdoor air pollution is directly responsible for 1 in 9 deaths worldwide. And asthma is the number one source of school absenteeism in New York City.

There are many actions the City can take to improve air quality and public health but I want to point out two main areas that are relevant to this hearing: cleaning heavy duty fleets and reducing the use of heating oil.

Electrifying heavy duty fleets, such as buses and garbage trucks, is essential to improving air quality. I would also like to emphasize the importance of including NYC's school bus fleet in this transition and making it a high priority for the Council, as children are especially susceptible to developing asthma from exposure to particulate pollution.

To maximize climate and health benefits, priority for this school bus transition should be for fleets that are older, those with high vehicle miles traveled, and those traveling in and around environmental justice communities. For these reasons, NYLCV supports Int.

0455-2018 by Council Member Dromm to speed up the transition to cleaner, safer zero emissions school buses. NYLCV also supports Int. 960 because it will monitor air quality along heavy use thoroughfares, which we think will emphasize the heavy air pollution burden children in low income communities bear and the need to electrify school buses and other heavy duty fleets

We would also like to express our support for Int. 980. Making a push to phase out Number 4 heating oil five years sooner than the current schedule is an easy step in fighting climate change and reducing air pollution.

A large portion of indoor and outdoor air pollution comes from the burning of dirty heating oils in our buildings. Although Number 6 home heating oil was phased out of 6,000 buildings by the end of 2015 as part of the NYC Clean Heat program, other buildings all around New York City are still burning Number 4 heating oil, which releases large volumes of fine particulate matter into the air. Additionally, the use of Number 4 heating oil disproportionately occurs in neighborhoods of lower socioeconomic status, therefore contributing to environmental injustice in NYC.

The emissions released from burning Number 4 heating oil are correlated with higher frequencies of cardiovascular disease, respiratory illnesses such as asthma and bronchitis, and death.

The current schedule for phasing out Number 4 heating oil from residential buildings-- January of 2030-- is not aggressive enough: accelerating the deadline to 2025 is a step the city can take to accelerate meeting the air quality goals spelled out in OneNYC as well as providing incentives for new heating technology, beneficial electrification and energy efficiency. Just this five year difference could mean averting hundreds of deaths and thousands of emergency room visits but must be coupled with support to enable a transition to clean heating.

NYLCV is proud to have worked with the City Council over the years on policies that improve air quality and public health, and we hope to continue that work by encouraging the passage of Intros 960 and 980.

Thank you for the opportunity to testify today.

REBNY Testimony | January 26, 2021

The Real Estate Board of New York to The Committee on Environmental Protection on Int. 980

The Real Estate Board of New York (REBNY) is the City's leading real estate trade association representing commercial, residential, and institutional property owners, builders, managers, investors, brokers, salespeople, and other organizations and individuals active in New York City real estate. REBNY thanks the Committee for the opportunity to testify on the retiring of no. 4 oil.

With the launch of PlaNYC in 2007, New York set the ambitious goal of having the cleanest air quality of any major city in the country by 2030. NYC has for the past several years recorded an average EPA Air Quality Index of less than 50, which is "good," but our air quality can still be improved. The most prevalent pollutant in NYC air is PM_{2.5}, or fine particulate matter, and between 2018 and 2019 the city's level held steady at 7 µg/m³ and increased since 2017. While the EPA deems anything less than 10 µg/m³ acceptable, the World Health Organization is clear that any level of PM_{2.5} pollution poses public health risks, increasing rates of cardiopulmonary illnesses. To protect New Yorkers and meet our air quality goals, the City needs to address the largest contributors of pollutants, and no. 4 oil, while only used in less than 1% buildings, accounts for the majority of the NYC heating related PM_{2.5}, according to the Environmental Defense Fund.

REBNY supports our collective environmental goals and continues to work with the City to find practicable steps the real estate industry can take to help make New York City more sustainable and safer for all New Yorkers. We believe this bill works to that end.

BILL: 980-2018

SUBJECT: A Local Law to amend the administrative code of the city of New York, in relation to phasing out the use of fuel oil grade no. 4.

SPONSORS: Council Member Constantinides and the Public Advocate (Mr. Williams).

Int. 980 would proposes expediting the gradual phase-out of No. 4 oil to no later than January 1, 2025. To that end, the bill creates three sequential tiers of retiring No. 4 oil, first affecting buildings that use the fuel as a backup to natural gas, followed by those with above ground oil tanks, followed by those with covered boilers.

Important Note

REBNY generally supports this legislation. No. 4 oil is currently used in a small number of buildings but is nevertheless responsible for relatively high rates of pollution. As such, the measure is reasonable, particularly given that converting from no. 4 to no 2 oil can be done without being overly disruptive to building operations or tenants.

At the same time, we encourage the Council to consider the importance of a predictable regulatory framework that allows buildings to make and implement capital plans. The Department of Environmental Protection has already mandated that no. 4 oil be retired by 2030. Although this bill would accelerate that timeline by five years, some buildings have already accounted for and planned for the retirement of their systems operating on no. 4 oil. If this bill is enacted, those plans will have to be amended, which comes with costs.

Buildings often operate on capital plans of ten years or more. Design and infrastructure costs are forecasted based on the conditions and regulations at the time of the budgeting. As the Council moves forward with any legislation that would require capital improvements and retrofits to buildings, we also encourage you to consider the immediate fiscal realities of buildings, especially now that budgets are strained because of the economic conditions induced by COVID-19 - median rents have dropped more than 15%; vacancies are at their highest point in decades; and landlords have forgone revenue to offer large rent concessions to assist New Yorkers hurting from their own fiscal constraints.

REBNY looks forward to continuing to work with the Council to find practicable ways to achieve our environmental goals.

Thank you for the consideration of these points.

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Important Note



Intro. 980

Memorandum In Opposition

The Rent Stabilization Association represents 25,000 diverse owners and managers who collectively manage over one million units of housing in every neighborhood and community throughout the City. We thank the Committee for giving us the opportunity to testify on behalf of our members in opposition to Intro. 980 of 2018, which amends the administrative code of the city of New York in relation to phasing out the use of fuel oil grade No. 4.

In 2010 when the City Council passed Local law 43 of 2010, it was recognized as important legislation that would achieve cleaner air through fuel conversions by reducing particulate matter and sulfur dioxide emissions to benefit the residents of New York City through cleaner air and a healthier environment. These benefits were achieved through the cooperation of all stakeholders whereby the city's real estate industry partnered with government in formulating a timeline that could realistically meet the aims of the legislation.

As the costs to achieve these clear air targets are substantial, the parties negotiated a two-step timetable to effectuate the conversions from No. 6 fuel oil to No. 4 fuel oil first, and then from No. 4 to No. 2 or an interruptible, dual-fuel system or firm natural gas system by 2030. This timeline as established allowed for a phase-in so that the costs could be budgeted over a multi-year period and also recognized the value of monetizing the longevity of current equipment by not requiring the replacement or upgrade of equipment that still was within the recommended useful life. The full conversion was linked to coincide with boiler replacement cycles that would ease financial and compliance burdens.

During the last decade this plan to achieve cleaner air and make NYC greener has been working. By 2016, the city had achieved 100 percent compliance on the elimination of No. 6 fuel oil in all 6,000 required buildings with conversions to fuel oil No. 4 or 2 or natural gas options having been effectuated. And owners have developed plans to continue these conversions.

The process and timeline were clear in how and when to convert from No. 6 to 4 fuel oil and then from 4 to 2 or dual interruptible or firm gas systems. In the early years, the City undertook regulatory changes to reduce paperwork to speed-up the approval process by eliminating duplicative paperwork and design filings with the aim of reducing the costs of conversion and compliance hurdles and providing assistance to make conversions possible. Buildings undertook these measures knowing that this would be a two-step process and they would have another 15 years to complete the conversion. Buildings had a timetable in which they could evaluate how best to finance these changes. The real estate industry has relied on the timelines set forth in the

law for the last decade to make budgeting and maintenance choices. To be asked at this point to fast-track this the process by five years is both financially and logistically unreasonable.

It is important to recognize that the costs to undertake such projects can be substantial. While the costs to convert from No. 6 to 4 were approximately \$10,000 per building, the costs to convert to a dual interruptible system or firm natural gas is estimated to be in the hundreds of thousands of dollars. It is unreasonable to accelerate this by five years at a time when recouping the improvement costs has been capped by the HSTPA, when vacancies are at an all-time high, when rent collections at an all-time low and when compliance costs are being ignored by the RGB in assessing rent increases. There is no funding source that would make an immediate conversion possible for most owners.

Boiler and burner equipment, gas lines, asbestos removal, gas meter room construction, buried oil tank removal, chimney liner and chimney relocation, these costs, all of which are substantial, taken together means the gas conversion process can easily reach \$500,000 for a modest-sized building: onerous in the best of times, crippling in current conditions. Owners may be forced into making a short-sighted adaptation to No. 2 fuel oil in a reduced conversion period when natural gas might have been the better and preferred long-term solution.

Beyond the financial, there are logistical hurdles to consider. A gas conversion relies not only on equipment modifications within and to the building, but access to gas lines, for which buildings must rely on the gas suppliers. In order to access the gas itself, there may need to be a longer main, new gas piping, or gas boosters even in buildings that already have some gas service. And that is assuming that the supplier has the capacity in its existing main lines to meet the increased demand, otherwise new gas lines need to be installed. The building is at the mercy of the supplier and also subject to DOT limitations should opening streets be required. In the best of cases a reasonable timeline for conversion is up to one year.

In crafting the original legislation, the Council recognized that the costs would be more significant to achieve a conversion to No. 2 fuel oil or natural gas systems, so there was a plan established to meet this target by 2030. The industry has been working diligently to achieve this, despite obstacles and costs. Changing this plan at a time of industry collapse is misguided and unattainable.

For these reasons, the RSA is opposed to Intro. 980.

Testimony in support of Int. No. 2092
Climate resiliency design guidelines and resiliency scoring

Members of the committee, citizens and residents of New York City, and participating legislators,

We thank you for the opportunity to share ECONcrete's testimony.

ECONcrete Tech is a company whose products and technologies support sustainable coastal and marine construction by promoting the development of diverse and productive flora and fauna in industrial, working, and urban waterfronts. Solutions for decreasing the ecological footprint of coastal projects are essential for the successful environmental and economic development of our shorelines and waterfronts.

Our resilience-building roots in NYC run deep. Since our first deployment in Brooklyn Bridge Park in 2013, we have prioritized the safety of New York City residents and its marine ecosystems. We collaborate with the NY Harbor School, Billion Oyster Project, and the Metropolitan Waterfront Alliance to support their invaluable initiatives, such as the Waterfront Edge Design Guidelines and Rise to Resilience. Our projects located at Huron St in Queens, Randall's Island, and Brooklyn Bridge Park are demonstrating the value of ecological design. ECONcrete's inclusion in the upcoming Living Breakwater Project for large-scale flood protection along Staten Island as part of the Rebuild by Design competition highlights the importance of ecologically sensitive large-scale flood protection measures. As private sector stakeholders, ECONcrete unequivocally supports this legislation, and commends the committee for their foresight and proactivity.

We enthusiastically support the establishment of measurable indicators, a resiliency score metric, to not only enumerate the specific parameters of waterfront resilience, but also to require projects to meet or exceed a minimum resilience score. Among the suggested indicators, ECONcrete especially supports the following metrics: Integration with naturally resilient shoreline features; Green infrastructure; Resilient building materials; Living walls or structures; and Integration with and preservation of naturally occurring vegetation and habitat. We additionally support the comprehensive coverage of not only new projects, but also retrofits, improvements and alterations. The passage of this legislation will ensure that New York's resilience strategy is not simply based on mitigation, happening elsewhere and later, but engaged in on-site and real-time environmental protection and ecological uplift. It will enable ecological solutions to overcome barriers to adoption, and improve the structural and ecological capacity of working waterfronts and hardened shores. We applaud the sponsors of this bill for codifying this long-held understanding with a measurable and enforceable addition to local code.

To bolster enforceability, we propose the addition of financial incentives to exceed the minimum score, and award higher-scoring projects with reduced mitigation penalties, or other instruments. In crafting the metrics, we propose collaboration with or adoption of the Metropolitan Waterfront Alliance's WEDG design guidelines for a comprehensive and established scoring system with detailed metrics based on resilience, ecology, and access.

We thank this committee for proposing legislation to score new and maintenance waterfront construction based on resilience metrics, and for regulating a minimum threshold to be attained. We are grateful for your time and attention to this hearing process, and look forward to continuing collaborating with the city on coastal protection projects.

Shimrit Perkol-Finkel on behalf of ECONcrete Tech Ltd.



Testimony of Isabelle Silverman, Esq.
Before the Environmental Committee of the New York City Council
Regarding Int. 980, A Local Law to amend the administrative code of the city of New York, in
relation to phasing out the use of fuel oil grade No. 4

January 26, 2021

Good morning, Council Member Constantinides and members of the Environmental Committee. My name is Isabelle Silverman and I am testifying as a private citizen. I used to work for Environmental Defense Fund (EDF) when the City Council and the Bloomberg Administration phased-out No. 4 and No. 6 heating oil by law and regulation.

Some older or single-wall oil tanks cannot hold No. 2 heating oil

The type of oil tank is relevant when switching from No. 4 oil to No. 2 oil because single wall oil tanks or very old oil tanks might leak when filled with No. 2 oil. This is why the City allowed No. 4 oil to be burned longer than No. 6 oil so buildings could either plan for an oil tank replacement or natural gas conversion.

The New York State Department of Environmental Conservation keeps records of oil tanks and regulates them.

Suggested changes to Int. 980

I have red-lined the attached Int. 980 with the following suggested changes:

1. Buildings that burn No. 4 oil but also have a gas line should no longer be permitted to burn No. 4 by October 1, 2021. For those buildings a switch to firm gas or dual-fuel with No. 2 heating oil is a relatively easy and inexpensive transition that involves either an oil tank cleaning to go to No. 2 oil or if the oil tank cannot hold No. 2 oil, it requires a new contract with ConEd/National Grid to go to firm gas (burn gas only without a backup fuel) or an oil tank replacement.
2. Buildings with an above-ground oil storage tank should no longer be permitted to burn No. 4 oil by June 1, 2022. However, buildings with an above-ground oil storage tank that cannot safely hold No. 2 oil should be allowed to apply for an extension. An extension should also be given if a building can show that it is switching to natural gas or heat pumps.

3. All other buildings (which includes buildings with underground oil storage tanks) should be required to stop burning No. 4 oil by January 1, 2025. The same extension should apply to those buildings if they are switching to natural gas by a certain date (e.g. January 1, 2026) or if they are switching to heat pumps by a certain date.

There is a need for targeted outreach and coordination with the state on incentives and the Retrofit NY program to help as many of the affected buildings as possible skip gas and move to heat pumps over the next five years.

Thank you for helping all New Yorkers breathe a little easier! Feel free to contact me with questions.

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Isabelle Silverman suggested edits in REDLINE

Int. No. 980

By Council Member Richards, Constantinides and the Public Advocate (Mr. Williams)

A Local Law to amend the administrative code of the city of New York, in relation to phasing out the use of fuel oil grade no. 4

Be it enacted by the Council as follows:

1 Section 1. Subdivision d of section 24-168 of the administrative code of the city of New
2 York, as amended by a local law for the year 2017, amending the administrative code of the city
3 of New York, in relation to phasing out the use of residual fuel oil and fuel oil grade no. 4 in boilers
4 in in-city power plants, as proposed in introduction number 1465-A, is amended to read as follows:

5 (d) Except as provided in subdivision (f), no person shall cause or permit a boiler to burn
6 fuel oil grade no. 4 on or after [January 1, 2030, or for a boiler used to generate electricity and/or
7 steam in an electric, steam, or combined electric and steam generation facility, on or after] (i)
8 October 1, 2021, for a boiler that uses natural gas as primary fuel and fuel oil grade no. 4 as a
9 backup fuel, other than a boiler used to generate electricity and/or steam in an electric, steam, or
10 combined electric and steam generation facility, (ii) January 1, 2022, for a boiler that uses an
11 above-ground oil storage tank, other than a boiler used to generate electricity and/or steam in an
12 electric, steam, or combined electric and steam generation facility or (iii) January 1, 2025 for all
13 other boilers. Buildings with an above-ground storage tank which cannot safely hold No. 2 heating
14 oil, can apply for a 2-year extension with the Department of Environmental Protection showing
15 proper documentation showing the oil tank not capable of holding No. 2 oil. Buildings with an
16 above-ground oil tank that cannot hold No. 2 heating oil and plan on switching to heat pumps for
17 heating, can apply for an extension until January 1, 2026 with the Department of Environmental
18 Protection. Buildings with a below-ground oil tank that cannot hold No. 2 heating oil and plan on

1 switching to heat pumps for heating, can apply for an extension until January 1, 2026 with the
2 Department of Environmental Protection.

3

4 § 2. This local law takes effect immediately.

SS LS #1608
5/23/2018 11:50AM



**Testimony by Chris Halfnight
Urban Green Council
Before the New York City Council Committee on Environmental Protection
Re: Intro. No. 980**

January 26, 2021

Dear Chair Constantinides and members of the Committee:

My name is Chris Halfnight and I am Associate Director of Policy at Urban Green Council. Urban Green is a non-profit organization dedicated to transforming buildings for a sustainable future in New York City and around the world.

Urban Green Council supports Intro. No. 980 because accelerating the phase-out of no. 4 fuel oil will reduce air pollution from New York City buildings and improve the health of New Yorkers.

I. Accelerated phase-out of no. 4 oil will reduce local air pollution and improve health.

As the City's analysis, reports and rulemaking have indicated, no. 4 heating oil is a source of significantly higher levels of particulate matter and nitrogen oxides (NOx) than no. 2 heating oil or natural gas. Both pollutants have serious negative health impacts: particulate matter is linked to decreased lung function, aggravated asthma and other respiratory symptoms, while NOx causes ozone and smog, which reduce lung function and cause respiratory inflammation.¹

Researchers at Columbia University's School of Public Health have also documented that the Clean Heat Program's progress has lagged in low-income neighborhoods already burdened with very high asthma rates, many in upper Manhattan and the Bronx.² Accelerating the phase-out of no. 4 heating oil will reduce local air pollution and help improve health outcomes for some of the city's most vulnerable residents.

II. Acceleration should be paired with outreach and support for electrification.

Currently, over 40 percent of NYC's total carbon emissions come from burning fossil fuels for heat and hot water in buildings. In the near term, most if not all building owners affected by this amendment will opt to convert heating systems to no. 2 fuel oil or natural gas – in other words,

¹ See NYC Department of Environmental Protection's 2011 Rules Governing the Emissions from the Use of #4 and #6 Fuel Oil in Heat and Hot Water Boilers and Burners.

² See *Int. J. Environ. Res. Public Health* 2018, 15(1), 117; <https://doi.org/10.3390/ijerph15010117>

from one fossil fuel to another. To reach the city's climate goals, over the next thirty years these buildings must transition to high efficiency electric systems that use clean electricity.

To support that end, Urban Green urges the City Council and Administration to pair this accelerated phase-out with targeted outreach and support programs, coordinated with New York State, to identify and assist leading candidates for building electrification. That outreach should leverage existing state-level rebates, loans, on-bill financing and support from Con Edison, NY Clean Heat, Retrofit NY and other programs.

With the right incentives and outreach, some smaller buildings may be potential candidates to leap from oil to electric systems. In larger buildings, approximately 1,500 properties reported using no. 4 fuel oil in the most recent benchmarking data, representing about 170 million square feet of building area. Some of these buildings are subject to Local Law 97 and will face strict carbon limits in 2030. They may be good candidates for incremental electrification opportunities, such as heat pump installations for common areas or low-level apartments.

In both cases, the City should proactively seize any opportunity to encourage partial or total electrification, avoiding new stranded gas assets in NYC buildings and helping to lay a foundation for retrofits at scale in the decades ahead.

Thank you for the opportunity to comment on this bill.

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Testimony of Nicole Hernandez Hammer

Community Environmental Scientist at UPROSE

New York City Council - Committee on Environmental Protection

Thank you for giving the opportunity to submit testimony today. My name is Nicole Hernandez Hammer, I am a biologist and the community environmental scientist at UPROSE. Founded in 1966, UPROSE is Brooklyn's oldest Latino community-based organization and located in Sunset Park, we are an intergenerational and Black Indigenous Women Of Color-led organization working at the intersection of racial justice and climate change. Sunset Park is a frontline community of over 130,000 in Southwest Brooklyn that has 3 peaker power plants and is seeing a growing number of climate change impacts including more intense storms, flooding and extreme heat.

UPROSE is in favor of bold efforts to improve air quality in New York City by monitoring power plants, reducing co-pollutant impacts for at risk populations, and phasing out fuel oil grade No. 4. Frontline communities have disproportionately suffered from the siting of polluting infrastructure. The emissions from these polluting industries have led to high levels of asthma, reproductive defects, impaired neurodevelopment, increased chronic disease such as cardiovascular disease and other devastating health impacts.

Additionally, this pollution has caused and is further contributing to climate change, resulting in sea level rise, more intense storms, extreme heat, stagnant air and urban heat island effects, that in turn concentrate toxic air in communities, further exacerbating negative health outcomes. It is essential that we enact measures to better track the degree of air pollution, especially in heavy use through fairs, and that this data be made easily accessible to residents, particularly in low income communities of color.. As this work goes forward, EJ communities must be brought into the development, implementation of monitoring and design of corrective mitigation measures in order to create data sets that are most responsive to the information needs and solutions that adequately address the concerns of EJ communities.

Poor air quality has positioned working class communities of color to bear the disproportionate impacts of COVID-19. A recent Harvard study found that people with COVID-19 living in communities with high levels of air pollution are more likely to die from the virus. On a global level, they found that 15% of COVID-19 deaths are potentially linked to man made pollution. Their research indicates that just 1 microgram per cubic metre of air (ug/m3) in PM 2.5 exposure increases coronavirus-related deaths by approximately 11%. Sunset Park residents and allies have fought for decades to mitigate the life threatening degree of toxic air pollution in the community. These efforts include the championing of historic climate change legislation such as the Climate Leadership and Community Protection Act. Yet, polluters continue to target frontline communities as sacrifice zones. As climate change and COVID-19 present us with a

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new normal we must take bold action to mitigate these threats, especially for those that are the most vulnerable.

We thank you for holding this hearing today to address these pressing issues that are putting so many lives at risk. We support your efforts in requiring transparency and accountability from DEC and moving towards operationalizing the CLCPA. In order to meet greenhouse gas reduction targets we need to close the loopholes polluters and their supporters are using to continue poisoning our communities and our planet for profit.

Thank you to the New York City Council for holding this hearing and for the opportunity to provide this testimony.

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Tuesday, January 26, 2021

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Oral Testimony
Before New York City Council
Committee on Environmental Protection

RE: INT 980-2018: Phasing out the use of fuel oil grade no. 4.

Good afternoon Chair Constantinides and members of the Committee. Thank you for the opportunity to testify regarding improving air quality in New York City by addressing fuel oil.

My name is Sonal Jessel, and I'm the Director of Policy at WE ACT for Environmental Justice. Over the past 32 years, WE ACT has been combating environmental racism in Northern Manhattan. I myself have received my Master in Public Health from Columbia University. I am here as an advocate expressing my support with suggestions for Introduction 980, speeding up the phase-out of dirty no. 4 fuel oil in New York City.

No. 4 fuel oil is dirty. It produces a high level of particulate matter that pollutes our air. Since our beginnings, WE ACT for Environmental Justice has been fighting for cleaner air uptown. Harlem has always dealt with poorer air quality in comparison to other neighborhoods. Due to the disproportionate placement of bus depots, plants, sanitation sites, train and truck yards, thruways creating traffic, and more, rates of Childhood asthma are higher than the average rate of New York City. Other health impacts such as cardiovascular disease, and now more severe cases of COVID-19, are plaguing Northern Manhattan due to environmental injustice. "Breathe at Your Own Risk".

Under New York City's Clean Heat Program, No. 6 fuel oil was successfully banned. However, No. 4 fuel oil is still allowed until 2030. While many buildings have already phased off this oil, it is particularly buildings in lower income neighborhoods and neighborhoods of color that still use No. 4.

To quote Dr. Diana Hernandez' article about the issue: "Residual fuel oil #4, [...] continued to be burned by 3,253 residential buildings, despite the city's efforts to educate and incentivize owners to switch to cleaner fuels. Of these buildings, 1,724 or 53 percent were clustered in Manhattan north of 110th Street and the Bronx—disproportionately higher than the area's population (only one-fifth of city residents live in these neighborhoods).

Ultimately, banning No. 4 fuel oil in 2025, five years earlier than currently projected, will lead to direct air quality improvements in our communities. WE





ACT has been advocating for speeding up this phase-out for many years, and is happy to see it come to discussion today.

When this bill was originally introduced, Local Law 97 was not law. With the earlier phase-out of this fuel oil, we do have concern that it will take some of these buildings longer to install more energy efficient heating sources, such as heat pumps. To mitigate this unintended impact, it is important that the City *proactively* reach out to the buildings who have to phase out the fuel, and assist them in affordably electrifying, meaning offering financing if needed, instead of switching to natural gas sources or other fuel grades. We know which buildings will have to do this phase out, so they should and must be targeted.

Therefore, I join other advocates, experts, and community members to urge the City to pass Introduction 980.

I would also like to add our interest in Introduction 960. Heavy truck routes such as 125th Street in East Harlem and 10th Avenue in East Inwood are both areas that WE ACT members have expressed concern with poor air quality due to truck emissions. We believe the monitoring will help the City implement targeted programs to improve air quality in these spaces.

Thank you again to our Chair, Council Member Constantinides, for being a tireless supporter of environmental justice policy initiatives. Thank you to Director Mark Chambers and others in our Mayor's Office of Sustainability, and the Department for Environmental Protection for working on this conversion as well.

Thank you for your time.

Sincerely,

Sonal Jessel, MPH

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