

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ENVIRONMENTAL  
PROTECTION

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Thursday, December 15, 2022  
Start: 12:49 p.m.  
Recess: 4:30 p.m.

HELD AT: COMMITTEE ROOM, CITY HALL

B E F O R E: James F. Gennaro, Chairperson

COUNCIL MEMBERS:

Jennifer Gutiérrez  
Robert F. Holden  
Ari Kagan  
Julie Menin  
Francisco P. Moya  
Sandy Nurse  
Lincoln Restler

## A P P E A R A N C E S (CONTINUED)

Carolyn Olson  
Assistant Commissioner  
Bureau of Environmental Surv. and Policy  
NYC Dept of Health and Mental Hygiene

Carleen McLaughlin  
Lesiglative Director  
NYC Dept of Environmental Protection

Miranda Alquist  
Assistant Director of Legislative Affairs  
Department of Transportation

Seth Berkman  
Energy Policy Advisor  
Mayor's Office of Climate and  
Environmental Justice

Matt Drury  
Department of Parks and Recreation

Keith Kerman  
Chief Fleet Officer  
New York City Department of Citywide  
Administrative Services

Jackson Chabot  
Director of Advocacy and Organizing  
Open Plans

Alia Soomro  
Deputy Director New York City Policy  
New York League of Conservation Voters

Daniel Chu  
Energy Planner  
NYC Environmental Justice Alliance

Joel Kupferman  
Environmental Justice Initiative  
National Lawyers Guild

Patrick Schnell, MD  
Pediatrician

Jason Dragseth  
Resident, District 4

Leslie Vasquez  
Clean Air Program Coordinator  
South Bronx Unite

Graham Van Korff  
Climate Policy Intern  
Office of the Brooklyn Borough President

Hunter Severini  
Resident, Lower Manhattan

Wayne Arden  
Chair of the Transportation Committee  
New York City Sierra Club

Mo-Yain Tham  
New York Policy Researcher  
Jobs To Move America

Deborah Wright  
Political Director  
United Auto Workers Region 9A

Hilary Aidun  
Attorney  
Earth Justice

Taras Kravtchouk  
CEO and Founder  
Tarform Motorcycles

Brain Gittens  
Resident, New York City

Christopher Gawarecki  
Customer Compliance Manager  
HUB Truck Rental Cooperation

Andrew Fox  
Founder and CEO  
Charge Enterprises

Kyra Armstrong  
Environmental Justice Staff Attorney  
New York Lawyers for the Public Interest

Dietmar Detering  
Member of the Anti-Idling Working Group  
DEP

Eric Eisenberg  
Member of the Anti-Idling Working Group  
DEP

Jaron Burke  
Environmental Health Manager  
WE ACT for Environmental Justice

Lonnie Portis  
Environmental Policy/Advocacy Coordinator  
WE ACT for Environmental Justice

Michael McFadden  
Member of the Anti-Idling Working Group  
DEP

Natasha Elder  
Regional Director  
NYPIRG

Sam Wilson  
Senior Vehicles Analyst  
Union of Concerned Scientists

Sarah Evans  
Assistant Professor of Environmental  
Medicine and Public Health  
Icahn School of Medicine at Mount Sinai

Zach Miller  
Metro Region Operations Manager  
Trucking Association of New York

Souvik Chatterjee  
Resident of New York City

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2 CHAIRPERSON GENNARO: Yes, I'm ready.

3 SERGEANT AT ARMS: Good afternoon and welcome to  
4 today's Committee hearing on Environmental  
5 Protection. At this time, place all electronic  
6 devices on vibrate or silent mode. If you want to  
7 testify, please come to the sergeant arm's desk and  
8 fill out this testimony slip. If you want to submit  
9 testimony, you may do so. At  
10 testimony@council.nyc.gov. Again, that is  
11 testimony@council.nyc.gov. Thank you. Chair you  
12 may begin.

13 CHAIRPERSON GENNARO: Thank you and good  
14 afternoon. My name is Jim Gennaro Chair of the  
15 Committee on Environmental Protection, and today  
16 we'll be holding an oversight hearing, examining our  
17 local air quality, and hearing some legislative  
18 metric measures to improve it. The US EPA sets  
19 regulations for six classes of commonly encountered  
20 airborne pollutants. These pollutants, known as the  
21 criteria pollutants, are particulate matter, ground  
22 level ozone, carbon monoxide, sulfur oxides, nitrogen  
23 oxides, and lead levels. They are regulated under  
24 both what are called primary standards, which aim to  
25 prevent deleterious effects to human health, and

2 secondary standards, which are aimed at protecting  
3 the environment and property.

4 Air quality data is plotted over a map of the  
5 various regions of the United States. Geographical  
6 areas where levels of specific pollutants exceed  
7 levels outlined in the Clean Air Act regulations are  
8 said to be in non-attainment. As of December 6,  
9 2022, New York City is considered to be in attainment  
10 for five of six criteria pollutants, with the  
11 exception of ozone where the city is considered to be  
12 in moderate non-attainment.

13 Despite the existence of detailed air quality  
14 regulations for a variety of air pollutants, exposure  
15 to pollutants and air toxics have been linked to a  
16 variety of adverse health outcomes, both physical and  
17 psychological. Elevated levels of airborne  
18 particulate matter have been linked to negative  
19 health outcomes, both mental and physical. Children  
20 are particularly vulnerable to the effects of  
21 exposure to airborne pollutants, because they consume  
22 more air per unit of body size compared to adults,  
23 and are more likely to be active outdoors during peak  
24 traffic hours, and tend to play closer to the ground  
25 where particulate matter concentrations are highest,

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2 and because the membrane barriers in their  
3 respiratory tract are not fully developed. People  
4 living in environments with a high level of sulfate  
5 particles (I'm not going to give you the units) are  
6 more likely to have lung cancer compared to those  
7 living in those living in a community with lower  
8 levels of sulfate particulate pollution, and positive  
9 correlations have been found between ambient  
10 concentrations of nitrous oxide and incidents of  
11 breast cancer in women. The takeaway is that air  
12 pollution is bad, clean air is good. So that's the  
13 summary of that.

14 Let's talk about some of the bills that we're  
15 going to be hearing today. We have Intro 279  
16 authored by the majority leader, Councilmember  
17 Powers, who joins us today. It would amend the  
18 Administrative Code in the City of New York in  
19 relation to the purchase of zero emission vehicles by  
20 the city. I have a lot more in my statement about  
21 that bill, but being that Councilmember Powers is  
22 here and is going to make a statement on it. I will  
23 defer to his description of the bill and what it  
24 does. Intro 606 authored by councilmember Aviles --  
25 she's not here, right? Okay, so I'll talk about it.



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2 Intro 606, authored by Councilmember Avilés, would  
3 amend the Administrative Code of the City of New York  
4 in relation to motor vehicles idling near parks,  
5 green spaces, playgrounds, by requiring the NYPD,  
6 Parks Department, and Department of Sanitation to  
7 issue summonses, notices of violations, and/or  
8 appearance tickets to any motor vehicle idling for  
9 longer than one minute. The citywide standard is  
10 three. This would reduce it to one. This local law  
11 would take effect 90 days after becomes law. Intro  
12 612, authored by Councilmember Cabán, who is with us  
13 today, would amend the New York City Charter in  
14 relation to monitoring powerplant performance.  
15 Because she's here and she's going to make a  
16 statement on it, I will not read my comments on her  
17 bill and I'll leave that to her as the author of the  
18 bill. Intro 684 authored by Councilmember Menin, to  
19 my the left, would amend the Administrative Code of  
20 the City of New York by increasing civil penalties  
21 for drivers of buses and trucks who violate anti-  
22 idling provisions of the Air Pollution Control Code.  
23 Again, I have more I have more in my statement about  
24 that, but councilmember Menin is here and will give a

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2 statement. And so that... so we should hear that  
3 from her.

4 Intro 707, a second bill by Councilmember Avilés,  
5 would add four definitions to Title 24 of the  
6 Administrative Code, including "heavy use  
7 thoroughfare, recreational area, regulated air  
8 contaminant, and at risk populations." The bill  
9 would require the installation of street level air  
10 monitors along designated heavy use thoroughfares,  
11 and every recreation area. It would also require the  
12 issuance of a report to the mayor and the speaker,  
13 The Council regarding results of those monitoring  
14 efforts, including whether they indicate levels of  
15 regulated air contaminants in violation of standards.  
16 The bill would also require city DEP, Department of  
17 Transportation, and Department of Education, to  
18 develop and implement mitigation measures to exposure  
19 risks. Local law will take effect 90 days after it  
20 becomes law.

21 So it's a monitoring bill, but there's also like  
22 a reporting thing that comes... okay. So we're not  
23 monitoring just to monitor. So there is an action  
24 piece to that bill.

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2           And so I'd like to thank the great Committee  
3 staff who have done such great work over the years.  
4 To my right, we have we have Committee Counsel,  
5 Samara Swanson, Policy Analyst, Ricky Chawla,  
6 Financial Analyst, Andrew Lane lawless, and finally  
7 my great Legislative Director, Nabi Kohr, for all of  
8 their hard work. Before I go to those members that  
9 have statements to talk about their bill, I just want  
10 to recognize that we're that we're joined by  
11 Councilmember Menin, Councilmember Kagan to my right,  
12 Councilmember Cabán, Councilmember Holden who joins  
13 us online -- good to see you, Bob -- and our Majority  
14 Leader, Keith Powers. Did I get everybody? Okay.

15           And with that, I'm going to defer to our Majority  
16 Leader to give his statement on Intro 279. I  
17 recognize the Majority Leader for a statement.

18           MAJORITY LEADER POWERS: Thank you Chair Gennaro.  
19 I'll try to keep it short, so you can move on with  
20 your hearing. But thank you. Thank you always for  
21 your... your leadership on these issues, which has  
22 been incredible and steadfast, and we deeply  
23 appreciate it. And thank you for an opportunity to  
24 speak about Intro 279, which we're hearing today and  
25 I'm proud to sponsor along with my colleague

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2 Councilmember Carlina Rivera and 35 of our colleagues  
3 here in the city council.

4 I don't think I have to convince anyone here the  
5 effects of climate change that are already at our  
6 doorstep. From extreme temperatures to devastating  
7 storms, our communities are already feeling the  
8 impact. And that's particularly true for low-income  
9 communities of color and many of communities like  
10 mine that are right on the waterfront.

11 It's more urgent than ever that we take bold  
12 action to stem the tide of climate change and build a  
13 more sustainable future here for our families. Intro  
14 279 would require the city to only purchase zero  
15 emission vehicles starting in 2025, and transition to  
16 the entire vehicle fleet by 2035, putting the city's  
17 goal of electrifying its fleet over 30,000 vehicles  
18 on the fast track. This will have a tangible and far  
19 reaching impact on our carbon footprint, as motor  
20 vehicles make up 28% of our overall greenhouse gas  
21 emissions in New York City according to the DEP.

22 With this legislation, we can reduce harmful  
23 emissions, improve air quality for our communities,  
24 reduce spending in the long term, and set a strong  
25 precedent for communities across the country.

2 I want to acknowledge and sincerely appreciate  
3 the hard work that both this and the previous  
4 administration have done to continue to do the  
5 transition to cities fleet to electric vehicles. And  
6 without question, the goals that we're doing here are  
7 to codify those goals and ensure that we're meeting  
8 those... those public goals with urgency. We have  
9 been... In this city we've been a global leader in  
10 the fight against climate change. And with this  
11 bill, we had the opportunity to hold ourselves  
12 accountable to our ambitious climate goals, and act  
13 swiftly to protect our communities. By electrifying  
14 the city's fleet we'll also be able to invest in  
15 infrastructure for the expansion of electric vehicles  
16 and make it easier for New Yorkers and private  
17 entities to make the switch to electric vehicles as  
18 well. And we know that's been a challenge already  
19 here in the city.

20 New York City can and should be the forefront of  
21 efforts to fight climate change, and build the  
22 foundations for a more sustainable future. And this  
23 bill is one part of making that happen. Thank you to  
24 our Chair Gennaro for his support of this bill, but  
25 for holding this hearing on my bill and a number of

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2 other ones, and giving me an opportunity to talk  
3 about this legislation. And I want to thank my  
4 fellow bill sponsors, Committee staff, advocates, and  
5 my staff Ben Jacobs, and Hayley Buttigieg in my  
6 office for their work tirelessly on this issue. I  
7 look forward to hearing from administration about how  
8 we can work together to successfully transition our  
9 city's fleet to zero emission vehicles. And having  
10 read your testimony, I know we'll keep talking about  
11 ways to make sure that you guys can be in best  
12 compliance with that, and we'll look forward to  
13 having that conversation with you. Thanks so much.

14 CHAIRPERSON GENNARO: Thank you, Mr. Majority  
15 Leader. I'm very happy for your leadership on this  
16 bill. I'm proud to be a co-sponsor of it. 17 years  
17 ago, I passed the first bill of this kind but that  
18 was long time ago, and that bill is kind of kaput at  
19 this point and needed re-energizing and... and to be,  
20 you know, right-sized for the decade that we're in  
21 now. And I really thank the Majority Leader for  
22 doing that.

23 With that said, I recognize Councilmember Menin,  
24 a valued member of this Committee to give her opening  
25 statement on... I'm gonna say the bill number. Let

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2 me do it. Wait for it. Wait for it. Wait for it.

3 Okay, on. Intro 684 I recognize Councilmember Menin  
4 for a statement.

5 COUNCILMEMBER MENIN: Great. Thank you so much  
6 Chair Gennaro for holding this very important hearing  
7 on air quality and its impact on public health. New  
8 York City has one of the highest asthma rates in the  
9 country, and New York City, in fact, has the highest  
10 asthma rate of any city in New York state.

11 So, specifically, from 2017 to 2019, the New York  
12 State Department of Health reported for New Yorkers  
13 17 and younger that the asthma hospitalization rate  
14 was 31 individuals per 10,000 New Yorkers. Children  
15 breathe in more air per pound than adults, and it's  
16 so important to make sure that they are not breathing  
17 in polluted air. That's why I'm proud to have Intro  
18 number 684, which would both increase penalties for  
19 idling trucks and for buses. This bill which has a  
20 supermajority of 38 Councilmembers co-sponsoring it,  
21 as well as the Manhattan Borough President, would  
22 take into account repeat violations as well. For a  
23 first time offender the violation would be between  
24 \$1000 and \$2000. For a second time offender it would  
25 be between \$2000 to \$4000. For three or more it

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2 would be between \$3000 and \$6000. Idling vehicles  
3 are limited to a minute near school and three minutes  
4 elsewhere. The current law applies a civil penalty  
5 between \$350 and \$2000 for vehicles breaking the law.  
6 However, it does not take into account repeat  
7 violations.

8 Companies such as Con Edison and Amazon, for  
9 example, frequently break the law, only to pay the  
10 exact same rate every single time. For example, from  
11 January 1 to November 30 of this year, Con Edison had  
12 982 penalties imposed that totaled \$392,000. Amazon  
13 had 958 penalties imposed that totaled \$379,000. In  
14 most cases, the minimum standard 350 is applied by  
15 OATH.

16 According to OATH's own data on hearings, the  
17 highest penalty applied during hearings in the past  
18 five years was \$600. Why are these companies given  
19 penalties that are seen as a cost of doing business?  
20 We need to change the law. That's the right way  
21 forward to get these companies to actually follow the  
22 law. other municipalities already have laws on the  
23 books that take into account the number of  
24 violations: Sacramento, California, Detroit,  
25 Michigan, New Rochelle, New York, already have laws



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2 that explicitly cite repeat offenses and penalty  
3 decisions. It's high time for New York City to do  
4 the same and my legislation would ensure that. It is  
5 clear enough that it's not being done in the law does  
6 not match a critical need for vulnerable and impacted  
7 communities suffering from idling vehicles. Too  
8 often, my office hears constituents who see idling  
9 vehicles. We know there's an existing citizens air  
10 complaint program that targets offenders but it's not  
11 doing enough. Idling vehicles, frankly, think that  
12 they are above the law. By increasing the penalty,  
13 it will send a clear message that New York City does  
14 not tolerate this behavior. I want to, in  
15 conclusion, thank the bill drafter Julia Goldsmith  
16 Pinkham, Beth Golub, Jeff Baker, Andrea Vasquez, and  
17 from my team I want to thank my Chief of Staff  
18 Jonathan Schatt, and my Legislative and Budget  
19 Director, Brandon Jordan, and of course, I want to  
20 thank Chair Gennaro for holding this important  
21 hearing, and for allowing me the opportunity to  
22 speak, and I look forward to The Administration's  
23 testimony. Thank you.

24 CHAIRPERSON GENNARO: Thank you, Councilmember  
25 Menin. I'm also happy to be among the... the chorus

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2 of co-sponsors on your good bill. And I appreciate  
3 your statement. I recognize Councilmember Cabán for  
4 a statement on Intro 612.

5 COUNCILMEMBER CABÁN: Thank you. Good afternoon.  
6 My name is Councilmember Cabán, and my pronouns are  
7 she/her. And I first want to thank Chair Gennaro for  
8 holding this hearing.

9 The public health impact of power plants on air  
10 quality is a deeply personal issue to my community in  
11 in Queens. New York City Department of Health  
12 Reports show that Astoria has above average levels of  
13 fine particulate air pollution, which is linked to  
14 elevated rates of asthma, chronic lung illness, and  
15 cardiovascular disease. And while the city does keep  
16 track of this air quality information, we don't  
17 currently play a part in the monitoring of New York  
18 City power plants, a disproportionate number of which  
19 are in Queens, and then another disproportionate  
20 number of which are located in western queens.

21 So currently, all the power plant performance  
22 monitoring happens at the state level, even though  
23 the air quality impact of power plants is a very  
24 local issue. And as Intro 612 illustrates, I think  
25 the city should be actively at the table, not just

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2 tracking compliance, but also proactively weighing in  
3 on decisions and recommending improvements, and Intro  
4 612 as a simple straightforward bill accomplishing  
5 just that. And I want to thank the advocates that  
6 have taken the time to give testimony. And with  
7 that, I'll pass it back to Chair Gennaro. Thank you.

8 CHAIRPERSON GENNARO: Thank you, Councilmember  
9 Cabán. Can people hear me with this thing? I'm  
10 trying to be like a good example or whatever. Okay.  
11 Yes, and I think we have some housekeeping that we  
12 have to do, if the Committee Counsel to get the  
13 witnesses ready to go? Okay, let me just...

14 COUNSEL: Would you please raise your right  
15 hands? Do you swear or affirm to tell the truth, the  
16 whole truth and nothing but the truth today? And  
17 answer faithfully to Chair Gennaro?

18 ALL: Yes.

19 COUNSEL: Thank you.

20 CHAIRPERSON GENNARO: Thank you. And certainly  
21 before we get started, I will be quite remiss if I  
22 didn't recognize that we've been joined by two great  
23 members of this Committee, Councilmembers Nurse and  
24 Restler. I'm happy to have them with us today. And  
25 we good to...? They are all sworn in good to go?

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2 Alright? Okay. You know what? I'm very grateful  
3 when, you know, members of the Committee come and,  
4 you know, bring forward and bills and... and other  
5 members have questions.

6 I going to defer the questions I have because I'm  
7 going to be here for the whole hearing anyway. And I  
8 always like to hear from my colleagues and make sure  
9 that they get an opportunity to ask their questions  
10 as soon as possible, because they have many, many  
11 things to do.

12 And I am going to recognize Majority Leader  
13 Powers for questions on his bill. I recognize  
14 Councilmember Powers for questions. What's that?  
15 Pardon me? Oh, my God. And so, you know, how about  
16 we do this...?

17 MAJORITY LEADER POWERS: I mean, I can ask  
18 questions all day, but I feel like maybe...

19 CHAIRPERSON GENNARO: I think the Majority Leader  
20 had a great idea: Why don't we hear the testimony,  
21 because these three people sitting in front of us  
22 saying what the heck is going on?

23 What's that? Yeah. Okay, good. Good. Good.  
24 Good. Good. Good. I was so excited to hear Keith's

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2 questions that I forgot a critical element, which is  
3 like your testimony.

4 We're joined by Councilmember Gutiérrez. It's a  
5 pleasure to have her with us. Thank you. And so...  
6 Okay, so we have the testimony from The  
7 Administration. Thank you, Mr. Majority Leader for,  
8 you know, giving me the one-on-one and sharing a  
9 hearing. And my glasses are fogging up. And if you  
10 could introduce the panel, whoever is going to be the  
11 main witness, and then you proceed with your good  
12 testimony.

13 ASSISTANT COMMISSIONER OLSON: Great. Everybody  
14 can hear me? Okay. Good afternoon Chair Gennaro and  
15 members of the Environmental Protection Committee.  
16 I'm Carolyn Olson, Assistant Commissioner for the  
17 Bureau of Environmental Surveillance and Policy at  
18 the New York City Department of Health and Mental  
19 Hygiene. On behalf of Commissioner Vasan. Thank you  
20 for the opportunity to testify today. I am joined by  
21 my colleagues Carleen McLaughlin from the Department  
22 of Environmental Protection, Miranda Alquist from the  
23 Department of Transportation, Seth Berkman from the  
24 Mayor's Office of Climate and Environmental Justice,  
25 Matt Drury from the Department of Parks and

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2 Recreation, and Keith Kerman from the Department of  
3 Citywide Administrative Services.

4 On behalf of The Administration, we appreciate  
5 the opportunity to speak today on the importance of  
6 air quality and its related public health impacts in  
7 New York City. The New York City's Air Quality  
8 Program aims to bring public health to bear on  
9 development of equitable sustainable policies for New  
10 York City. While the Federal Clean Air Act already  
11 provides surveillance of air quality at the citywide  
12 level, we recognize the importance of tracking  
13 spatial differences in air quality within the city.  
14 And in 2007, the Health Department established the  
15 New York City Community Air Survey, or NYCCAS. NYCCAS  
16 tracks neighborhood-level differences and changes  
17 over time in air quality within the five boroughs.  
18 It also creates publicly available data to support  
19 programs, policy development, community awareness,  
20 and research. We began collecting data in December  
21 2008, and next year, we will release our 13th year of  
22 air quality data. In 2015, Local Law 103 was enacted  
23 codifying NYCCAS and its annual report, which we  
24 deliver to The Council and publish every Earth Day.

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2 NYCCAS is proudly the largest ongoing air monitoring  
3 program of any US city.

4 Briefly, I'd like to explain how NYCCAS works.

5 The department collaborates with Queens College of  
6 the City University of New York to collect two-week  
7 air pollution samples at around 90 street level sites  
8 across the five boroughs four times a year. Each  
9 site was purposely selected to provide a  
10 representative sample of pollution across a variety  
11 of natural and built environments and emission  
12 sources within our city, from the middle of St.  
13 Mary's park in the Bronx, to Times Square, to  
14 residential neighborhoods in Queens.

15 We then generate estimates for five pollutants:  
16 the fine particulate matter, or PM 2.5, black carbon,  
17 which is a specific type of PM 2.5, nitric oxide,  
18 nitrogen oxide, ozone, and sulfur dioxide. Each  
19 monitoring site contributes to our resulting air  
20 pollution models, which include the averages for each  
21 pollutant and allow us to estimate differences in  
22 levels across city neighborhoods, and to identify the  
23 most important sources of emissions.

24 In addition to the Annual Report, which is  
25 available in an interactive online format, we

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2 recently released our updated environment and health  
3 data portal with in depth views of NYCCAS data, how  
4 pollution sources drive differences among New York  
5 city neighborhoods, and the health impacts of air  
6 pollution. We have also developed engaging data  
7 stories on a variety of air quality related topics,  
8 including the impact of the COVID-19 New York State  
9 pause on air quality, understanding changes in the  
10 sources of air pollution in New York City, and what  
11 our NYCCAS data tell us about the influence of car  
12 and truck emissions on air quality.

13 After today's hearing, we would be happy to walk  
14 you or your staff through our data.

15 NYCCAS has documented significant improvements in  
16 the city's air quality over the past decade. Average  
17 levels of PM 2.5 nitrogen dioxide, nitric oxide, and  
18 black carbon have all declined more than 35%, and  
19 average wintertime averages of sulfur dioxide have  
20 plummeted 98%, bringing levels in line with those  
21 measured in rural areas. While all neighborhoods  
22 have seen declines in pollution areas of the city  
23 with high levels of traffic, greater building  
24 density, more restaurants using char boiling and open  
25 fire grilling appliances, and more industrial land



2 use have higher levels of pollution. Our data and  
3 analyses clearly show that where there is more  
4 traffic, especially diesel traffic, there is worse  
5 air quality, and when traffic volume is reduced, such  
6 as during the New York State pause, air quality  
7 improves.

8 Air pollution has long been known to have an  
9 impact on public health that is disproportionately  
10 borne by low-income communities and communities of  
11 color. Therefore, the Health Department's Air  
12 Quality Program also conducts research on the public  
13 health burden of air pollution and estimates the  
14 health benefits of policies that either directly or  
15 indirectly address air quality. A critical finding  
16 from this work is that the most polluted  
17 neighborhoods in New York City are not the same  
18 neighborhoods that experienced the highest burden of  
19 air-pollution-related health outcomes, including  
20 respiratory and cardiac health, hospitalizations, and  
21 premature death. We see the highest rates of health  
22 impacts in neighborhoods where a majority of  
23 residents are people of color. This greater health  
24 burden is related to communities that have  
25 experienced racist policies and chronic

2 disinvestment, which consequently face increased  
3 health challenges, and puts them at greater risk of  
4 air quality impacts. This pattern is different than  
5 most other cities in the US, and makes it especially  
6 important for emission reduction programs and  
7 policies in our city to target the negative effects  
8 on public health, rather than simply seek to reduce  
9 pollution overall.

10 To further this goal, our team along with  
11 academic collaborators has recently released a tool  
12 that allows users to estimate the health impacts and  
13 associated costs from increasing or decreasing the  
14 emissions from a variety of sources at the zip code  
15 level, such as truck traffic, oil burning in  
16 buildings, construction equipment and power plants.  
17 This tool the Zip Code Level Air Pollution Policy  
18 Assessment, or ZAPPA, is available on the environment  
19 and health data portal, and we provide trainings to  
20 city staff and researchers.

21 The Health Department is proud of the work that  
22 we do to track neighborhood level air quality and  
23 quantify the health impacts of the air pollutants.  
24 But we know we cannot do this alone. Our sibling  
25 agencies have been doing tremendous work to improve

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2 air quality and know how important it is to Public  
3 and Environmental Health. I will share some of the  
4 great work they have been doing.

5       The Department of Environmental Protection, DEP,  
6 enforces the city's air pollution control code which  
7 regulates sources of pollution to protect and improve  
8 air quality. The code includes regulations  
9 concerning vehicle idling, fuel oil, dust emissions  
10 from construction and demolition sites, and emission  
11 control devices for char boilers and cookstoves. In  
12 addition, DEPs robust green infrastructure and blue  
13 belt programs increase green space, which provides  
14 clean air benefits.

15       The Department of Parks and Recreation oversees  
16 and maintains the city's parks and public trees,  
17 which provides an incredible array of environmental,  
18 social, and economic benefits, including cleaning and  
19 cooling the air, reducing stormwater runoff, shading  
20 buildings and conserving energy by reducing heating  
21 and cooling costs, protecting city pavement from rain  
22 and sun, noise mitigation, and increasing corporate  
23 property values. DPR is responsible for just over  
24 half of the city's tree canopy. Under the Adams  
25 administration, an additional \$136 million has been

2 allocated for tree planting, allowing DPR to plant  
3 20,000 trees each year for the next four years.

4 The Department of Citywide Administrative  
5 Services, or DCAS, is leading New York state and the  
6 nation in the conversion to electric vehicles.

7 Through Mayoral Executive Order 90 of 2021, the city  
8 committed to an all-electric fleet. In partnership  
9 with the US DOT Volpe Center, and in accordance with  
10 Mayoral Executive Order 53 of 2020, DCAS recently  
11 published a Clean Fleet Transition Plan outlining the  
12 current status of electric options for each of the  
13 city's 120 types of on road vehicles.

14 Currently, the city has over 4000 plug in  
15 electric units, which is the largest plug in fleet in  
16 New York State and one of the largest in the country.

17 DCAS is currently working to replace an additional  
18 1000 gas and diesel vehicles with electric models.

19 In addition, the city recently introduced over 200  
20 Ford Mach E's for law enforcement, and is currently  
21 receiving the first of over 300 orders of electric  
22 cargo vans. DCAS is working with the Department of  
23 Sanitation to introduce all electric sweepers with  
24 the Department of Corrections to introduce all

2 electric buses, and with DPR on all electric pickup  
3 trucks.

4       The Department of Transportation, DOT, has many  
5 initiatives aimed to reduce emissions and pollution  
6 from the transportation sector. DOT encourages the  
7 shift from cars to low-carbon modes of truck travel,  
8 including walking, biking and public transit. This  
9 is done through expanding the protected bike lane  
10 network and bike parking, continuing to operate and  
11 expand the largest open streets program in the  
12 nation, increasing bus speeds and reliability along  
13 major corridors in all five boroughs through bus  
14 lanes, busways, improved bus stops, and transit  
15 signal priority, and expanding shared micromobility  
16 and carshare. DOT is also expanding the commercial  
17 cargo bike program and the off-hour deliveries  
18 program to shift trips from trucks to cargo bikes,  
19 and is working with the MTA to plan and implement the  
20 congestion pricing program.

21       DOT also works to reduce emissions from vehicles  
22 themselves by working with partners to expand  
23 electric vehicle charging infrastructure, to promote  
24 the adoption of electric cars and trucks. And  
25 through the New York City Clean Trucks Program, the

2 agency gives incentives to accelerate the deployment  
3 of cleaner trucks in industrial business zones, which  
4 are located near environmental justice communities  
5 that have historically been subject to a  
6 disproportionate amount of diesel exhaust emissions.  
7 The program supports replacing older, dirtier,  
8 diesel-powered trucks with advanced transportation  
9 technologies and alternative fuels trucks, including  
10 electric trucks, leading to cleaner air and health  
11 benefits in these communities.

12 Thank you for the opportunity to testify, I'm  
13 going to turn to my colleague Carleen McLaughlin, who  
14 will now testify on the bills being heard today.

15 MS. MCLAUGHLIN: Good afternoon Chair Gennaro and  
16 members of the Environmental Protection Committee.  
17 I'm Carleen McLaughlin, the Director of Legislative  
18 Affairs...

19 CHAIRPERSON GENNARO: If I could just jump in for  
20 a minute, just before you start your good testimony,  
21 we're joined by Councilmember... Councilmember  
22 Aviles. And after the statement of The  
23 Administration, we'll hear from The Councilmember to  
24 give statements on her two bills. So that's just how  
25 that's going to work. Okay, so I wanted to recognize

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2 her and let people know that she'll be speaking on  
3 her bills presently. Now do I have... so this was...  
4 Committee Counsel, where's the testimony from the  
5 witness who's speaking now? (background voices)  
6 Yeah. This is the one of the bills? Okay. Thank  
7 you. Please continue.

8 DIRECTOR MCLAUGHLIN: Certainly. Thank you. I'm  
9 Carleen McLaughlin, the Legislative Director at DEP,  
10 and I'd like to just speak briefly about the bills  
11 being considered today.

12 Okay, if you could speak a little more... a  
13 little slowly, and louder, and right into the  
14 microphone. Oh, sure.

15 Okay, I'll start with Intro 279, which would set  
16 deadlines to electrify the city's vehicle fleet. The  
17 Administration shares the goal of a zero admission  
18 fleet, and is currently working toward this through  
19 Executive Order 90, but we request edits to some  
20 details of the bill.

21 We support The Council's work to incorporate  
22 these goals into law. DCAS would like to discuss the  
23 appropriate goal date for the emergency and  
24 specialized equipment. Electric vehicles and many of  
25 these types of units are not yet available in the

2 marketplace. Because of this, we have currently set  
3 2040 as a goal for these specialized and emergency  
4 response units to provide sufficient time to work  
5 with manufacturers to establish viable electric  
6 options, and to be able to properly test and certify  
7 these units.

8       The Department of Education has similar concerns  
9 about the 2025 date for school buses. We also want  
10 to work with council to include text about the need  
11 for available backup power options for emergency  
12 vehicles. As emergency services fleets are  
13 electrified, we must ensure that NYPD, FDNY,  
14 sanitation, and other critical service can remain  
15 operational at all times including during widespread  
16 power outages.

17       Next, I would like to speak about the two bills  
18 that would amend the city's anti-idling program,  
19 Intro 606 and 684. Intro 606 would shorten the  
20 idling time near parks, green spaces, and  
21 playgrounds. Intro 684 would increase penalties for  
22 buses and trucks that receive repeated idling  
23 violations. We support both proposals. In fact, DEP  
24 is looking for ways to expand to the citizens



2 complaint program, so we would like to incorporate  
3 some recommendations into the bills.

4       The Citizen complaint program has been remarkably  
5 successful. We have received more than 40,000  
6 citizen idling complaints in 2022. That's a 400%  
7 increase from when we started the program in 2019.  
8 We are committed to the continued success of the  
9 program. So we request that any change to the law  
10 incorporate improvements to the program itself. We  
11 want to ensure that DEP and OATH can manage the  
12 program effectively, and that a wide breadth of  
13 community members can participate. We thank The  
14 Council for focusing on idling and look forward to  
15 working together to strengthen the enforcement  
16 program.

17       And just one additional note, it is important to  
18 say that any changes to the Citizen Air Complaint  
19 Program may require staffing and resources. DEP has  
20 staff who investigate complaints and issue summonses,  
21 and OATH has staff who process the summonses,  
22 adjudicate the cases, and process the awards to  
23 citizen complainants. So like I said, any change the  
24 law that might increase the volume of complaints  
25 under this program should consider additional

2 resources that might be needed to facilitate this new  
3 volume of complaints.

4 Now, Intro 707 would require specific air  
5 monitoring on heavy use thoroughfares, The  
6 Administration is very supportive of programs that  
7 reduce traffic-related pollutants, which are  
8 associated with negative health effects. While we  
9 support the ultimate goal and intentions of this  
10 bill, we recommend changes to its details.

11 Primarily, we would like to work with The Council to  
12 prioritize allocating resources to emission reduction  
13 efforts. DOHMH and the State Department of  
14 Environmental Conservation already maintain air  
15 quality monitoring systems around the city, so we  
16 know the danger of traffic, and we know what  
17 pollutants are in our air. As DOHMH discussed, the  
18 New York City Community air survey is the largest  
19 ongoing urban air monitoring program of any US city.  
20 With such a robust monitoring system already in  
21 operation, the Administration favors dedicating  
22 resources directly to further reducing emissions from  
23 vehicles, rather than to additional monitoring work.  
24 We look forward to working with The Council on this  
25 matter.

2       Finally, I will touch upon Intro 612, which would  
3 require the city to formally monitor reports and  
4 permits issued by the State under Title 5. We share  
5 The Council's interest in protecting and advocating  
6 for New Yorkers. For that reason we are involved in  
7 siting discussions in New York City, and have opposed  
8 several power plants. That being said Title 5 is a  
9 state process, so DEC has sole authority over this  
10 work and a staff to accomplish. Intro 612 ask the  
11 Mayor's Office of Climate and Environmental Justice  
12 to provide oversight to this process, but MOCEJ does  
13 not have the authority or the needed expertise to  
14 accomplish this bill's goals. MOCEJ would only be  
15 able to offer suggestions to a state agency already  
16 responsible and staffed for doing this work. The  
17 city will continue to be very active and engaged in  
18 any siting regulatory processes to help meet our  
19 climate and energy goals, and looks forward to  
20 working with The Council to further these goals.

21       Thank you for your consideration of these  
22 matters. We look forward to engaging in thoughtful  
23 discussion with the Chair and the bill sponsors to  
24 work toward our shared goal of enriching the  
25 environment and promoting public health for all New

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2 Yorkers. My colleagues and I are happy to answer any  
3 questions that you have.

4 CHAIRPERSON GENNARO: Thank you Director  
5 McLaughlin. Like I indicated, I am going to  
6 recognize Councilmember Avilés for her two bills. I  
7 don't have the numbers at hand, but I recognize  
8 Councilmember Avilés for a statement. But before you  
9 go, I see that we've been joined by Councilmember  
10 Brewer. I want to recognize that she's with us here  
11 today, and with that I... So 606 and 707. I  
12 recognize Councilmember Avilés for statements on both  
13 bills.

14 COUNCILMEMBER AVILÉS: Great, thank you so much  
15 Chair Gennaro for hearing these two bills today and  
16 the opportunity to address you all and my colleagues.

17 First, let me thank our advocates on Intro 606.  
18 I'd like to extend gratitude to Eric Eisenberg, who  
19 has worked tirelessly to make sure the majority of  
20 Councilmembers were signed on to this legislation,  
21 and has enlisted the support of the American Academy  
22 of Pediatrics, among others on this important piece  
23 of legislation.

24 The bill is quite simple and common sense. As  
25 you know, the current city law prohibits idling in

2 front of schools for more than one minute. The logic  
3 for having such a law is obvious we need to protect  
4 our children from the harmful impacts of exhaust and  
5 particulate matter as well as to prevent the  
6 exacerbation of it asthma symptoms for children who  
7 suffer from this condition. The same logic then  
8 should apply to all of those spaces our children  
9 should occupy. Intro 606 thus would make idling near  
10 our city parks, green spaces, playgrounds for more  
11 than one minute, punishable with financial penalties  
12 similar to those near schools.

13 For Intro 707, I'd like to thank the Brooklyn  
14 Borough President, Antonio Reynoso, for his work on  
15 this legislation in the previous session. I'd also  
16 like to thank our last-mile advocates who continue to  
17 put air quality concerns front and center in our  
18 district as well as Community Boards 6 and 7. As  
19 many of you know, I represent district 38, which is  
20 an environmental justice community. Since the  
21 pandemic we have seen the rapid proliferation and  
22 concentration of last-mile facilities as a direct  
23 result of discriminatory planning frameworks of the  
24 past, which continue to cause black and brown  
25 communities to suffer and bear the brunt of the

2 impact of environmental contaminants and burdening  
3 infrastructure. While I continue to grapple with a  
4 way to more directly regulate last mile facilities in  
5 the interim, we need to understand the impact that  
6 this massive uptick in delivery vehicles, cars,  
7 trucks, 18-wheeler tractor trailers, has had and will  
8 continue to have on our district, Intro 707 calls on  
9 New York City to begin monitoring air quality at  
10 designated heavy use thoroughfares. If we utilize  
11 the data that we had under our previous system,  
12 perhaps we may not have been concentrating these  
13 levels of facilities in one community. So it really  
14 just does beg the question: The installation of air  
15 quality monitors at these sites will continue to help  
16 us to understand the extent to which air quality  
17 impacts the health of New Yorkers and help us measure  
18 the difference between the air quality is before and  
19 after these facilities come online. In addition, our  
20 city agencies after collecting the data, will be  
21 required to identify, develop, and implement  
22 mitigation measures, which will help reduce air  
23 contaminants.

24 If you come to my district, you will begin to  
25 understand what it means to have unregulated

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2 expansion of an industry in the name of economic  
3 progress. You will see how short sighted it is for  
4 the city to endlessly approve private for-profit  
5 projects that ultimately bring harm than good to  
6 communities.

7 We already bear the brunt of polluting  
8 infrastructure at disparate levels that benefits the  
9 city, while harming our local community. You will  
10 see that the city continues to lack a holistic  
11 perspective on proposals which inherently reside in  
12 communities composed of transportation networks,  
13 businesses, and most importantly, people.

14 I look forward to the testimony of the advocates  
15 on both these bills and to advancing these important  
16 pieces of legislation. I would also like to add that  
17 while The Administration noted support of the  
18 intention of the bill and... and noted preferring  
19 reducing emissions from the vehicles, I would like to  
20 know how... how The Administration proposes to do  
21 this in concrete terms. Has it negotiated terms to  
22 electrify vehicles of any of these last-mile  
23 facilities or any of the facilities? They have not.  
24 Yet they continue to introduce thousands of vehicles

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2 into an environmental justice community despite air  
3 quality, even what we know about it today.

4 So I look forward to the testimony and the  
5 information, and I want to thank again Chair Gennaro  
6 for allowing me to put this forward today. Thank  
7 you.

8 CHAIRPERSON GENNARO: Sure. Thank you. Thank  
9 you, Councilmember... Councilmember Aviles. Once a  
10 stutterer, always a stutterer, 65 years and counting.  
11 Let me... I mean, I know I said we were going to go  
12 right to Keith. But I'm just going to jump in in  
13 with a question and I think supports what  
14 Councilmember Avilés is getting at with her...  
15 with... with one of her good bills. In the opening  
16 testimony on the... on the oversight portion of the  
17 hearing about -- because this is also not just a  
18 legislative hearing, it's an oversight hearing -- on  
19 air quality, as I go through the testimony from the  
20 Health Department, and there is, you know, all this  
21 very good information about the New York City  
22 Community air survey. It's great to survey. It's  
23 great to monitor. And then, so there's the  
24 monitoring piece. Then there's ZAPPA, which is the  
25 tool that lets people, you know, know what is being



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2 found in the monitoring, and it gives us the ability  
3 to like, track how we're doing over time. What...  
4 And then the next part of the statement goes into  
5 what all the various agencies are doing.

6 But what I don't see, which is what I think  
7 Councilmember Avilés is kind of getting at which -- I  
8 don't want to put words in her mouth. So we've got  
9 the monitoring piece, and then we've got the  
10 reporting piece. It seems to me that in order to  
11 complete the cycle that should feed into a mitigation  
12 piece. So if you're monitoring, and you're  
13 reporting, and you kind of like know where the  
14 hotspots are, I'm wondering if that shouldn't... and  
15 was not mentioned in the statement, although I don't  
16 know if it's it's a thing or not, you know, whether  
17 or not that information is... whether or not there's  
18 a, you know, some kind of collaboration with, you  
19 know, DOT, with regard to rearranging truck routes,  
20 that could take the burden off of certain  
21 communities. Like that's what I... that's what I  
22 don't see, I see the monitoring, I see the reporting.  
23 I don't see that funneling into like a mitigation  
24 component. And I think that is, what is missing,  
25 notwithstanding what all the other agencies are

2 doing, and what The Council has... has done regarding  
3 air quality. We got rid of, you know, in one fell  
4 swoop, this is years ago, we got rid of number six  
5 fuel for heating oil. We took... we took number four  
6 fuel, and had a phase-out date for when... and we  
7 also took four fuel and, you know, took it from 4000  
8 parts per million of sulfur down to 1500. And that  
9 was an act of this Council. And, you know, we did  
10 the bioheat, as well. And at the same time the state  
11 came in with the ULSD for number two fuel.

12 Those actions all combined, were the equivalent  
13 of taking every car, truck and bus off the street of  
14 off the streets of the city forever. So we've all  
15 been, you know, doing a lot of good work. And that's  
16 great. But you know, much more to do particularly in  
17 certain communities.

18 So what I'm what I'm getting at here is, if you  
19 could speak to the extent, if there is any of the  
20 monitoring, and the reporting to a mitigation piece  
21 that would feed directly to DOT that would... that  
22 would either mandate them to do some kind of like  
23 reassessment of truck routes, or some kind of like  
24 mitigation piece. That's what I think Councilmember  
25 Avilés is getting at. We can measure, measure,

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2 measure. But we have to mitigate, mitigate,  
3 mitigate. And so again, I don't want to put words in  
4 your mouth, but this is what I'm trying to get at. I  
5 think this is something I'm you know, I'm interested  
6 in. In the meanwhile I told Keith he could ask  
7 questions first, and I... I lied, and so sorry,  
8 Keith. Okay. So what... What's your response to  
9 that?

10 ASSISTANT COMMISSIONER OLSON: So I'll... I'll  
11 start and then I'm going to turn it to my colleague  
12 from DOT. But the Health Department... All of that  
13 work that we do around surveillance and monitoring is  
14 designed precisely for that purpose.

15 CHAIRPERSON GENNARO: Beg your pardon? Say that  
16 again?

17 ASSISTANT COMMISSIONER OLSON: Is designed  
18 precisely for the purpose of working with our sibling  
19 agencies with DCAS, with DOT...

20 CHAIRPERSON GENNARO: Yeah, but I don't really  
21 see it in the statement that it feeds directly to  
22 DOT, in order to perhaps, you know, make some kind of  
23 environmentally sensitive reassessment of truck  
24 routes. That's what I don't see in this statement.

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2 ASSISTANT COMMISSIONER OLSON: Right. So I  
3 can... I'm going to turn it to my colleague to talk  
4 about exactly the different programs that they have.  
5 But I will say that we work closely with them all the  
6 time sharing our data and talking about the ways in  
7 which...

8 CHAIRPERSON GENNARO: Meh... Okay, but you  
9 know...

10 ASSISTANT COMMISSIONER OLSON: ...data is  
11 impacting certain communities and how to prioritize  
12 the communities with the greatest health burden. And  
13 I'll turn it to Miranda.

14 CHAIRPERSON GENNARO: Yeah, and with a mask on,  
15 you've got to speak loudly, slowly, and very close to  
16 the microphone like I'm doing.

17 MS. ALQUIST: Well. Thank you, both  
18 Councilmembers for the questions. I'm Miranda  
19 Alquist, Assistant Director of Legislative Affairs at  
20 DOT. And Councilmember, I know you've you have  
21 raised this with my office before and we're very  
22 committed to working on this with you. We're  
23 starting a Red Hook study in 2023 that we hope to  
24 work with you closely on.

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2 CHAIRPERSON GENNARO: I'm having a little  
3 difficulty hearing. So right up against the mic.

4 MS. ALQUIST: Okay, well... we will be start...

5 CHAIRPERSON GENNARO: Yeah, just pull the mic  
6 closer.

7 MS. ALQUIST: Can you hear me now?

8 CHAIRPERSON GENNARO: Better.

9 MS. ALQUIST: Okay. Yeah. Hello, everyone. I'm  
10 Miranda Ahlquist, Assistant Director of Legislative  
11 Affairs at DOT. Thank you both for this question. I  
12 know, my office has been working with you,  
13 Councilmember Avilés, on this issue. And we will be  
14 starting a study of Red Hook in this coming year.  
15 And thank you again for bringing this up. And as my  
16 colleague said, we work closely with Health  
17 Department to figure out where to do these  
18 mitigations.

19 But just taking a step back, like so much of  
20 DOT's work aims to reduce emissions and reduce  
21 pollution, from like, our protected bike lanes, our  
22 improving bus speeds, and making people transition,  
23 take buses more, shared micromobility. All of this  
24 is like a very holistic approach to this work.

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2       Regarding truck routes, like I want to get a  
3 little more information to send back to you, but I  
4 think this Red Hook study will be informative and  
5 help us as we move forward.

6       CHAIRPERSON GENNARO: Okay, one more question,  
7 Keith. Can you give me a concrete example where the  
8 monitoring piece that you talked about, and like the  
9 reporting piece has directly led to the mitigation of  
10 a certain area, either by your changing truck routes  
11 or whatever one example.

12       MS. ALQUIST: Yes. Well I have... It's not  
13 about truck routes, but it's about our Clean Trucks  
14 Program. This is a very successful program that  
15 built off the success of the Hunts Point Clean Trucks  
16 Program. And it's a federally-funded rebate  
17 incentive program to accelerate the deployment of  
18 cleaner trucks and industrial business zones. These  
19 are located in close proximity to environmental  
20 justice communities. And this leads to really great  
21 air benefits for those communities directly. So like  
22 we... By using that data, we've been able to target,  
23 like, where those... where these rebates should be  
24 given.

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2 CHAIRPERSON GENNARO: So when you're talking  
3 about the Clean Air Trucks Program, I know you talked  
4 about it. It was talked about in this statement.  
5 What does it do? It gives trucks that are cleaner  
6 more access? What does it... what does it do?

7 MS. ALQUIST: Yes. It gives financial incentives  
8 for them to switch from like heavy diesel to  
9 alternate fuels such as compressed natural gas,  
10 hybrid electric, and full battery electric vehicles.

11 CHAIRPERSON GENNARO: Right. But it's fair to  
12 say that the... that if I was in Councilmember Avilés  
13 district, and I watched the trucks go by, the  
14 percentage of trucks that that know about the  
15 program, participate in the program would be... you  
16 know, would be negligible. And so I think, from  
17 where I am, like in the cheap seats here, I think we  
18 need, you know, what, like... The missing piece is  
19 the... is the mitigation that would take trucks off  
20 certain routes, and see if we can find other routes  
21 that would be more environmentally sensitive.

22 Now, I understand that that's going to lead to a  
23 lot of yelling and screaming, because when you open  
24 up new truck routes, people aren't going to want to  
25 hear it. And no one likes yelling and screaming.

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2 But I think the goal is... is equity here, and burden  
3 sharing, and I think that is the is the missing  
4 piece.

5 And I know that Councilmember Avilés will follow  
6 this up with her questioning. But I'm going to, at  
7 long last after fits and starts, after offering him  
8 to ask questions before you testified, and then  
9 whatever, and da-da-da. So Keith has now learned  
10 never to trust me. And that's a good lesson for him  
11 to learn, you know. And he... As Majority Leader, he  
12 has to keep people like me in line. And so... And  
13 with that I open the floor, I recognized him for  
14 questions on his bill. Please.

15 MAJORITY LEADER POWERS: Thank you. I feel so  
16 much pressure now to deliver world class questions  
17 here. But thank you for... to the Chair for his  
18 opportunity to ask questions early here.

19 Just a couple of questions on the legislation  
20 that I introduced on electric vehicles. The number  
21 one is: Can you outline the biggest challenges for  
22 the agencies right now, when it comes to meeting the  
23 deadline? Some... Some of the deadlines in our  
24 legislation reflect what the prior administration has  
25 said I believe what this current administration has



2 said. So that's where we're taking them from.

3 You're asking for, I think, some caveats to that.

4 So can you just tell us explain to us why, and  
5 what are the largest challenges that you see in  
6 compliance to that?

7 DEPUTY COMMISSIONER KERMAN: Absolutely.

8 MAJORITY LEADER POWERS: And also, while you're  
9 doing that, can you also tell us where we are right  
10 now in terms of electric vehicles?

11 DEPUTY COMMISSIONER KERMAN: Sure. So thank you,  
12 Majority Leader. My name is Keith Kerman. I'm the  
13 Chief Fleet Officer for the City of New York and the  
14 Deputy Commissioner at DCAS, and I'm happy to be  
15 again in front of you Chair Gennaro and also  
16 Councilmember Brewer, who have been... I do want to  
17 mention, since you did mention the previous law,  
18 Local Law 35 of 2005, which I believe you're both  
19 sponsors of, and I've had the privilege, on behalf of  
20 The Administration, going over two decades now to  
21 administer. You know, that law had incredible  
22 impact. We built the largest alternative fuel  
23 powered fleet in the United States, public or private  
24 at over 20... about 20,000 vehicles. And this is  
25 really the opportunity now to take the next step, and

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2 to build an all-electric fleet, a zero emission  
3 fleet.

4 So where we are now: We're at 4050, electric  
5 vehicles, which is, you know, is the largest electric  
6 plugin fleet is operates in New York state. At DCAS,  
7 working with OMB, we are now working on about 1000  
8 additional replacements. So we expect by you know,  
9 mid next year, summer of... of next year to be at  
10 about 5000. And that's kind of the pace, we need to  
11 be at: At least 1000 a year. And then to escalate  
12 that going forward.

13 MAJORITY LEADER POWERS: Okay. Why... Why is  
14 that the pace that we need to be working at? I guess  
15 what, that's kind of the crux by question: Like,  
16 what are the challenges? But why... Why is that?  
17 Why is it 1000 a year the pace that we need to be  
18 working at?

19 DEPUTY COMMISSIONER KERMAN: So to electrify the  
20 entire city fleet, the on-road fleet, you're going to  
21 need to be at about 25,000 vehicles. Depending on  
22 your goal date, if it's 2035, then you probably going  
23 to need to be about 1500 to 1600 a year. But 1000 is  
24 a big threshold. And that goes into what the  
25 challenges are.

2           So on the light duty side... light duty,  
3 certainly non-emergency, we have those models: The  
4 sedans, the SUVs, the minivans at least in the plug  
5 in hybrid, we have models that are developing. We  
6 are just now in the first really big and very  
7 exciting rollout of medium duty electric. And  
8 that... Even a few years ago, I could not have told  
9 you the marketplace could have supported that. But  
10 right now we have 350 transits, cargo vans, and of  
11 course, we know delivery vans in general are one of  
12 the big explode... exploding types of vehicles out  
13 there. So the city is going to lead with 350 of our  
14 city cargo vans going all electric, and they are  
15 rolling into agencies right now. DCAS has its first  
16 electric pickup truck contracts. we will be buying  
17 over 100 Electric pickups to start.

18           So we're able to make progress now on medium  
19 duty, and medium duty is 25% of the city fleet. So  
20 that's an important sector. The challenge is where  
21 you get into the heavy duty, and especially when you  
22 get into law enforcement and emergency services.

23           So just a single example. There is not a current  
24 fire engine or ladder that is all electric that meets  
25 the FDNY specs in the country or in the world.

2 MAJORITY LEADER POWERS: So can I just... just  
3 because in the respect of time, because I've a minute  
4 or so. I understand there's not... We have  
5 exemptions in the bill for... for areas where they're  
6 not widely available vehicles, I think the fire  
7 department would fit into that. Can you just explain  
8 why you think you need an extra time to comply with  
9 the bill that I have? I think you're asking for an  
10 extra five or so years.

11 DEPUTY COMMISSIONER KERMAN: For... though,  
12 right. So we're what we're saying, And what we have  
13 in the Executive Order now is... it's about 15% of  
14 the city fleet we're talking about. So for 85% of  
15 the fleet, we think we can make 2035, and that the  
16 models exist in the marketplace. For that 15%, and  
17 it's fire department, it's other specialized  
18 emergency service response for police, other  
19 specialized units, we just want to work with you to  
20 set expectations. It's absolutely true: The law has  
21 exemptions. The law gives the DCAS Commissioner in  
22 partnership with the DEP Commissioner, the ability to  
23 exempt for the different, you know, supply, charging  
24 and other issues. But we do want to set  
25 expectations. i do think for that set of vehicles.

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2 2040 is what you know... unless... we actually hope  
3 and are working toward a big change in manufacturing.  
4 We push manufacturers every day. But right now that  
5 looks like a more realistic date for us to commit to,  
6 and not wanting to be dependent on exemptions. We  
7 don't want to do tons of exemptions. We want to meet  
8 these targets.

9 MAJORITY LEADER POWERS: Okay, okay, I'm just  
10 going to...

11 CHAIRPERSON GENNARO: No, no, no, I'm just  
12 saying... I just wanted to jump in. I just want to  
13 give you some latitude to ask what you want to ask.

14 MAJORITY LEADER POWERS: I appreciate it. Thank  
15 you. I'll be respectful to that. There's going to  
16 be a lot of questions here. I just wanted to ask one  
17 more question, which was on same topic.

18 I think there was a discussion around needing  
19 backup power for emergency vehicles. So can you tell  
20 us what infrastructure currently exists for backup  
21 power, whether it's at police precincts, or FDNY  
22 station houses, in terms of generators and what would  
23 be needed here in order to accommodate transformation  
24 to electric vehicles?

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2 DEPUTY COMMISSIONER KERMAN: Absolutely. So, you  
3 know, currently the city operates 200 general use,  
4 you know, gas stations, fuel stations. And so we  
5 have a diesel generator -- you know, not a great  
6 thing, we don't love diesel generators -- but in  
7 emergency backups, each of those has a diesel  
8 generator tied to it. But that's a single fuel  
9 station. That's 200. As we go to an all-electric  
10 fleet right now, the police department has 9000 total  
11 fleet assets alone, fire about 2500 fleet assets, you  
12 will now be dependent on being able to do backup  
13 power across thousands of electric chargers. And so  
14 that taxes your... your backup power capacity. And  
15 we don't want the answer to be that we buy thousands  
16 of diesel generators, right? That doesn't... So  
17 some of the things we are already doing: We are  
18 introducing solar carports there at six solar  
19 carports, currently operating throughout the city,  
20 completely free standing off the grid, a really great  
21 product, and anyone who's been in the municipal  
22 building knows there's a solar carport right next to  
23 the municipal building, we have an additional 71 that  
24 we have purchased and are going to be coming in in  
25 the next couple of months. So that's one resilient

2 opportunity. We're looking at battery storage  
3 chargers, chargers that don't feed directly from the  
4 grid, but actually feed from the grid a battery, and  
5 that battery feeds the vehicle. Why is that  
6 important? If the power goes out, the battery is  
7 charged, you can charge for 12 to 24 hours.

8       And we are also looking at some of the federal  
9 grants, we are talking to a lot of manufacturers  
10 about you know, bigger battery storage type  
11 solutions. So just one example: The city currently  
12 operates 65 liquid fuel trucks, and those are for  
13 emergencies. Right? So basically, fuel trucks  
14 emergency goes down during Sandy, we depended on them  
15 enormously. So what's the electric version of that?  
16 Right? We need a big electric battery truck. And  
17 we're working on those things. So we are  
18 definitely... We recognize with our emergency  
19 services partners that backup power will be very  
20 important. And we just think it's something to  
21 mention, you know, the law is actually very well  
22 written on... on these kinds of qualifying issues.  
23 We just thought that one was probably a good one to  
24 add.

2 MAJORITY LEADER POWERS: Great. Thank you for  
3 your feedback. And we'll continue to talk with you  
4 guys about how to work together on this. And thank  
5 you to the Chair for giving me the opportunity.

6 CHAIRPERSON GENNARO: Thank you Mr. Majority  
7 Leader. I recognize Councilmember Menin for  
8 questions on her bill.

9 COUNCILMEMBER MENIN: Great. Thank you so much  
10 Chair. First of all, I'm thrilled to hear that The  
11 Administration supports my bill number 684. I just  
12 have a couple of follow-up questions: Who would  
13 enforce 684?

14 DIRECTOR MCLAUGHLIN: Thank you, Councilmember  
15 Menin for that question and for your focus on this  
16 issue. So 684 would amend, of course, the existing  
17 idling requirements of the city. So it would be  
18 enforced by DEP and other agencies that are currently  
19 authorized to enforce idling requirements. It would  
20 also be part of the Citizen Complaint Idling Program.  
21 And so any members of the community could report on  
22 idling violations through that program.

23 COUNCILMEMBER MENIN: Okay. Thank you. And  
24 what's the forecasted change in revenue that the city  
25 expects if the bill is passed?



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2 DIRECTOR MCLAUGHLIN: So that's another great  
3 question. That's something... It's a little  
4 difficult to predict that right now, of course. I  
5 can say that we've had more than 40,000 reports  
6 through the citizen complaint program. Those are  
7 complaints of trucks and buses just in 2022. And  
8 more than 90% of the cases that DEP brings to OATH  
9 through that program are found to be in violation and  
10 fines are assigned in those... more than 90% of the  
11 cases. So it could be significant.

12 That being said, of course, the goal of the  
13 program is not revenue collection, I think we all  
14 share the goal is to encourage more compliance with  
15 the idling requirements and to reduce idling overall.  
16 And so that is the more important goal that we're  
17 going to focus on.

18 COUNCILMEMBER MENIN: Great. And just one last  
19 follow up question: So what currently happens when a  
20 city owned vehicle is reported for idling? And has  
21 the city issued any idling violations against  
22 municipal vehicles?

23 DIRECTOR MCLAUGHLIN: Sure. Thank you for that.  
24 We encourage anyone who sees a city vehicle idling to  
25 report that. We certainly... First, we encourage

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2 that to be reported directly to DEP at our NYC idling  
3 email address. You can also report it to 311. When  
4 we get reports of city vehicles that are idling, we  
5 reach out to the agency that operates the vehicle and  
6 they can handle that directly with their staff to  
7 make sure everyone's aware of the... of the laws and  
8 the policies, and complies with everything that they  
9 should be complying with.

10 COUNCILMEMBER MENIN: So has the city issued any  
11 against municipal vehicles?

12 DIRECTOR MCLAUGHLIN: Uh, DEP have not issued any  
13 against municipal vehicles that I'm aware of. We  
14 usually... we handle those by reaching out to the  
15 agencies to handle administratively.

16 COUNCILMEMBER MENIN: Okay. Thank you, Chair,  
17 very much.

18 CHAIRPERSON GENNARO: Thank you, Councilmember  
19 Menin for bringing forward this good bill, and I  
20 appreciate you being here. I'm glad that we could  
21 accommodate your schedule. And now, what we've all  
22 been waiting for. Councilmember Avilés. I recognize  
23 her for questions on her two good bills, and I have  
24 your back.

25

2 COUNCILMEMBER AVILÉS: Thank... Thank you Chair  
3 Gennaro. I guess our colleague had mentioned a truck  
4 study that is set to commence, that I will note for  
5 the record has been requested for well over a decade  
6 by our community. In fact, probably two decades,  
7 we've been requesting, as one of the districts with  
8 the largest industrial manufacturing zones, for  
9 multiple traffic studies, both the Red Hook corridor  
10 of Third Avenue and... and excuse me, Sunset Park's  
11 Third Avenue corridor and Red Hook. So long, long  
12 overdue, and we welcome it.

13 Nevertheless, I was just looking at the NYCCAS...  
14 NYCCAS survey. And it's particular to note that  
15 there are no air monitors in Red Hook. There is one  
16 on the other side of the BQE in Gowanus. There is  
17 one in Sunset Park very far from... actually at the  
18 beginning of the industrial sector. And that is it.  
19 That is the totality of air quality monitoring in one  
20 of the busiest industrial sectors of New York City.

21 CHAIRPERSON GENNARO: Councilmember, I just asked  
22 the sergeant to move the microphone a little closer  
23 to you.

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2 COUNCILMEMBER AVILÉS: I'm sorry, closer.

3 Apologies. I'm so into the sitings here. I'm... I'm  
4 actually appalled.

5 Our community has mentioned not being able to get  
6 any data. And here this confirms that we actually  
7 have no air quality... air quality monitoring  
8 happening in very critical environmental justice  
9 communities. So can The Administration tell me why  
10 this is the case?

11 ASSISTANT COMMISSIONER OLSON: Yes. Thank you  
12 for... thank you for the question Councilmember. So  
13 as you saw, the locations of all of our monitors are  
14 available online. And the way that NYCCAS has been  
15 designed is that each of the locations has been  
16 chosen scientifically in order to represent the wide  
17 variety of different areas and emission sources in  
18 our city. So we have over 90 monitors all over the  
19 city, and each location has been selected in order to  
20 provide a representative sample at the end of the  
21 day, so that we can use all of those data to create  
22 estimates for the entire city.

23 So each individual monitor... the data that come  
24 from it are... are added to models so that we can  
25 then estimate for the entire city. So we don't

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2 provide data only for one monitor. We provide data  
3 ultimately for every neighborhood in order to  
4 understand those differences between neighborhoods.  
5 So that's the way that our monitors are selected.  
6 And we actually, you know, make sure that we have  
7 strong representation of traffic, of industrial, as  
8 well as in parks, in highly residential areas, et  
9 cetera.

10 COUNCILMEMBER AVILÉS: But the city currently has  
11 no data monitoring of Red Hook itself and has cited  
12 over the last couple of years... we have seven last  
13 mile facilities, well over a million square feet of  
14 these gargantuan facilities that are not using the  
15 water, although on the water, they are using trucks.  
16 And there has been introductions of thousands of  
17 cars, vans, delivery sprint vans, and these trucks  
18 into our community and the city has zero monitoring.

19 ASSISTANT COMMISSIONER OLSON: So again...

20 CHAIRPERSON GENNARO: I'm going to jump in just  
21 for a second and let's... and let's not, you know,  
22 worry about the clock. And so, just kind of add on  
23 to that question. It's just that, I see the  
24 Councilmember... I think it's a difference between a  
25 citywide, global, you know, like... like a citywide

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2 effort to compile, kind of like a database of... not  
3 to, you know, denigrate it, but like scientific, you  
4 know, esoterica, you know, to... to get data where  
5 you get like a picture of the whole city and find out  
6 where the... where there are problems and you know  
7 where the air quality is getting better. But and so  
8 you're kind of approaching it from the macro level.

9 But the Councilmember is approaching it from the  
10 micro level. I mean, she lives there she represents  
11 107,000 people who, you know, who are living their  
12 lives there, and she sees the, you know, the  
13 developments in real time, and she sees what's going  
14 on in the street.

15 So I think what we're, you know, what we need to  
16 have is some blending of the macro with the micro in  
17 order to address, you know, real serious problems.  
18 And I think input from the member who represents  
19 people... that there ought to be some ability to, to  
20 kind of fold that into what you're already doing.  
21 And then getting back to the drum I was banging  
22 earlier. There's got to be a mitigation piece. And  
23 so that's my... so I'm adding that layer on top of  
24 her good question. I hope you don't mind.

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2 COUNCILMEMBER AVILÉS: No, not at all. Not at  
3 all.

4 I think, yes... What we see is, is not only a  
5 lack of neighborhood level data, but any  
6 consideration of that. And the compounding, we are  
7 not also talking about the cement plant, the waste  
8 treatment facility, the peaker plant, all within a  
9 short... small radius, and multiple other facilities  
10 that are there. The city is not looking at any  
11 compound... any collective assessment of what a  
12 community is dealing with, and doesn't want to  
13 monitor anymore? You know, it's our community that  
14 is suffering incredibly high rates of lung cancer,  
15 incredibly high rates of asthma. And yet a continued  
16 pursuit of an economic development strategy that  
17 continues to site these facilities in that very same  
18 community. If we have the data, why are we not using  
19 it? And what are the concrete mitigation efforts  
20 that are happening? We see more facilities coming  
21 online with no end in sight. It takes 20 years to  
22 get a truck route, it takes us to beg private  
23 entities to do air quality monitoring, right?  
24 Because if you don't have the data, you cannot prove  
25 it. Yeah, we are sick and dying every single day.

2           So I... I cannot understand how this is adequate.  
3 And the Admin thinks that this would be okay.  
4 Without any mitigation strategy, what can I go to my  
5 community and say, how the agency is... is mitigating  
6 what we are facing? What mitigation strategies are  
7 you putting forward. Don't tell me clean trucks,  
8 because there are none as, as the Chair pointed out,  
9 we have no clean trucks.

10           CHAIRPERSON GENNARO: And, and also just add,  
11 because... so the Councilmember is talking about  
12 mitigation. You know, she's also talking about steps  
13 like siting of certain kinds of facility that  
14 would... that only make it worse. And I don't see  
15 any kind of nexus between the monitoring and the  
16 reporting. So I talked earlier about a nexus between  
17 that and DOT will with regard to... with regard to  
18 traffic routes. But you know, with... with regard to  
19 zoning, and like citing of certain facilities, I  
20 think there needs some... the needs to be some  
21 consideration of that as well.

22           And so that's where the breakdown is, like we're  
23 doing a lot of data collection. But you know, when  
24 it comes to mitigation of what's already there, when  
25 it comes to not making it worse by siting a certain



2 facility that's going to, you know, create all kinds  
3 of traffic spikes and backups, and, you know, trucks,  
4 queuing and all kinds of vehicles, that's where it  
5 falls down.

6 COUNCILMEMBER AVILÉS: And I might note, Red Hook  
7 in particular, if you don't know the geography, has  
8 one truck route, and thousands of trucks are being  
9 introduced into this truck route that is residential,  
10 a very narrow street. It is a two way street. With  
11 more and more trucks being added every homeowner on  
12 that block of Van Brunt will tell you their houses  
13 are already cracking from the volume. The  
14 infrastructure cannot sustain it.

15 And yet, every couple of months, there's a new  
16 facility that is being sited. And so there is a  
17 complete disconnect both with the planning, with the  
18 policy, with the mitigation effort, and with any data  
19 we seem to have, which is also not easily available  
20 by public and clearly not even relevant.

21 So, you know, I think we have a long way to go.  
22 And I think for The Administration to say that it's  
23 done enough monitoring is an affront. And clearly we  
24 see that that is the case here. It needs to be  
25 integrated into all of those things.

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2 CHAIRPERSON GENNARO: Yes, and we'll wait for  
3 some response from The Administration on that.

4 ASSISTANT COMMISSIONER OLSON: So thank you, I  
5 really appreciate all of the issues that are being  
6 raised, I want to make sure that there's a clear  
7 understanding of the way that we're currently doing  
8 our surveillance. We do have neighborhood-level  
9 estimates available publicly on our environment and  
10 health data portal, both for air quality -- so for  
11 the actual air pollution levels -- as well as the  
12 associated health benefits... or sorry, health  
13 impacts of those... of that air pollution.

14 And the way that that is... is created is with  
15 the representative sample that I talked about, which  
16 includes areas for example, like Hunts Point, which  
17 is very similar to the types of industrial areas that  
18 you're describing in Red Hook. And then we also  
19 combine that with emissions data... with information  
20 about the emission sources, whether it's traffic  
21 volume at... at individual streets, whether it's  
22 building density, et cetera. So these things are all  
23 combined together in order to generate those  
24 estimates. And so those data provide us with a very  
25 robust understanding of the differences between

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2 neighborhoods and the levels of pollution, as well as  
3 health benefits... or sorry, health impacts from that  
4 air pollution.

5       So that's the approach that we're taking. And  
6 we're very, very dedicated and working hard with our  
7 partners at DOT and other agencies on how can we be  
8 directly addressing using these data, which are made  
9 publicly available, and which we work directly to  
10 provide to our partners as well to analyze and  
11 understand the impacts of a variety of different  
12 policies and methods to address these problems.

13       And so that is definitely our goal, we share that  
14 goal with you. We're very happy to discuss the data  
15 further, look at it with you, think about how it can  
16 be used in order to... to push forward a variety of  
17 different projects. And I don't... I defer to  
18 others.

19       COUNCILMEMBER AVILÉS: So would you say the...  
20 What is the threshold of the amount... the  
21 introduction of cars, vans, tractor trailers, do you  
22 think is okay for any community in New York City?

23       ASSISTANT COMMISSIONER OLSON: I'm sorry, I don't  
24 understand the...

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2 COUNCILMEMBER AVILÉS: Do you have threshold of  
3 the amount of additional cars, trucks, vans, that you  
4 would introduce into a community without concern?

5 ASSISTANT COMMISSIONER OLSON: No, we don't have  
6 any.

7 COUNCILMEMBER AVILÉS: Okay. So if... what we  
8 are seeing is upwards of thousands of additional  
9 cars, trucks, vans into a very concentrated area. Is  
10 that not cause for alarm?

11 ASSISTANT COMMISSIONER OLSON: So we know that  
12 the amount of traffic on the road is definitely an  
13 important factor in understanding how pollution  
14 varies across our city. And that's one of the pieces  
15 of information that goes into understanding...

16 COUNCILMEMBER AVILÉS: But that's not thousands  
17 additional in a concentrated area is really no  
18 concern. We know it we know it just contributes.

19 I'm trying... What I'm trying to get at here is  
20 if there is a threshold, someone's ignoring it. We  
21 are seeing a very isolated... geographically isolated  
22 community bearing the brunt of thousands of diesel  
23 trucks additionally. Mmore than what the city is  
24 already, you know, from COVID, we know car ownership  
25 expanded, we are talking on top of that. And there

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2 is no cause for alarm and there is no end in sight.

3 By the time we finish our trucks study, we will be a

4 year in how much more emissions does our community

5 have to swallow before somebody notices? That's what

6 I'm not understanding with the data and the

7 assessments. It seems not to be taken into account

8 anywhere.

9 CHAIRPERSON GENNARO: I can certainly sympathize

10 with the Councilmember. I believe that, you know,

11 data needs to drive action and needs to drive change.

12 And that seems to be the missing piece.

13 I'll just make a side note to The Council. You

14 know, once upon a time I passed the law, I can't

15 remember how many years ago, that when it comes to

16 you know certain city decision making, we added the

17 you know criterion of environmental protection when

18 it comes to, like a host of various kinds of city

19 decisions. If we could, like, unearth that law and

20 find out, like, what it says. And so being that that

21 is on the books someplace, and, you know, maybe it

22 was at the time... you know, maybe now it's like

23 regarded as sort of like a symbolic thing. But that

24 may be a hook for us to kind of... to kind of work

25 this a little harder and, you know, get the kind of

2 paradigm that we need, because it's very  
3 interdisciplinary. Right. It's you folks. It's  
4 DOT. It's city planning. It's, you know, like the  
5 zoning and what the zoning will permit. But, you  
6 know, there has to be some sort of consideration in  
7 order to give these communities relief. I didn't  
8 want to step on your question there. But I mean,  
9 I'll give the Administration the final word on what  
10 Councilmember Avilés and I just expressed,

11 ASSISTANT COMMISSIONER OLSON: Yeah, so I, you  
12 know, I will just echo that I really appreciate your  
13 advocacy. I definitely hear what you're saying.

14 CHAIRPERSON GENNARO: Right. We're trying to  
15 beat up on you. Like, we like you. Yeah, I mean, we  
16 have no problem with you. We like you.

17 ASSISTANT COMMISSIONER OLSON: Well, I appreciate  
18 that. Thank you. But I you know, in all sincerity,  
19 you know, I hear you, and we share your goals. We  
20 share the importance of measuring this across the  
21 city. We've invested a huge amount and understanding  
22 to the very best of our ability, and do conducting  
23 this surveillance. Because we're the Health  
24 Department, right?, because like air quality, we do  
25 that surveillance from the Health Department because

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2 of the importance of the health impacts. So we make  
3 those data available. We work very closely with our  
4 colleagues to share those data and to use them as  
5 part of the decision making in addressing these...  
6 these very important issues. So I really appreciate  
7 that. And I don't know, I'm going to turn. There  
8 may be some additional things from... from DOT.

9 MS. ALQUIST: I also want to echo the thanks in  
10 raising this today. And we definitely do hear you.  
11 And... But you asked like, what is the threshold, I  
12 think we do see... we see this and like, I'm  
13 acknowledging that, and City Hall has convened a  
14 multi-agency working group to... to talk about  
15 freight, to figure out how we can work together with  
16 the various agencies. You raise zoning. That's DCP.  
17 We all do need to be working together. And I  
18 think... I'm really excited about this Red Hook study  
19 and working more with you on this, but we definitely  
20 hear you and we share your goals of mitigating this  
21 and keeping New Yorkers safe.

22 CHAIRPERSON GENNARO: And what I'll say,  
23 Councilmember Avilés, just this week, the  
24 Administration made an announcement of its new PlaNYC  
25 effort. You know, many, many years ago, there was a

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2 PlaNYC under Bloomberg. Now there's a new PlaNYC. I  
3 am a member of that... I'm a member of the advisory  
4 board or whatever it's called. And that just  
5 happened this week. There are a number of EJ  
6 representatives on the new PlaNYC thing... PlaNYC  
7 effort. And I think that provides a little bit of a  
8 window into because it's... it's completely blue sky.  
9 It's just... It's a panel of, you know, all kinds of  
10 urban planners and experts on how we can make, you  
11 know, cleaner, greener and particularly more  
12 environmentally just city, and if they can't come up  
13 with something, then I don't know what. And so, you  
14 know, we should talk offline and figure out how we  
15 interact with PlaNYC, and make sure this is, you  
16 know, on their agenda front and center. But I'm into  
17 your stuff here. I'm not, you know, I got you on  
18 this. Okay.

19 And so... Does that conclude your questioning? I  
20 just wanted to give you a lot of latitude on this.  
21 Okay. And so...

22 COUNCILMEMBER AVILÉS: Thank you Chair. I  
23 appreciate the courtesy and the time.

24 CHAIRPERSON GENNARO: No, no, no. This is...  
25 We're going to... We're going to do something here.



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2 And so who's next for questioning? (background  
3 voices) No, no. Yeah. But who asks first? Okay.  
4 So I... Okay. So I recognize Council... Sandy, did  
5 you... did you put it for questions? Okay. Does  
6 anybody know who was first? Okay. Okay. Alright.  
7 So, I recognize a Councilmember Nurse for questions.

8 COUNCILMEMBER NURSE: Okay. Thank you, Chair. I  
9 just have short, pointed questions. At our  
10 sanitation hearing in November, we heard from the  
11 commissioner say that DSNY's effort to electrify a  
12 lot of their fleet is undergoing. But there's a lot  
13 of challenges with the collection... the garbage  
14 collection vehicles. And we understand because when  
15 they plow, they conk out. And it all makes sense  
16 that the technology isn't there for it. And so I  
17 guess I was curious about... for the heavier parts of  
18 the municipal fleet, what is the role of either DCAS  
19 or other agencies in kind of a regular assessment of  
20 the new technology available? How often does that  
21 happen? And how does it happen? Do people reach out  
22 to you who are producing this technology? Or is it  
23 kind of in a... some kind of quarterly or just a  
24 little bit more for us to understand how that works?

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2 DEPUTY COMMISSIONER KERMAN: Absolutely. And  
3 thank you for the question. So we did... We have  
4 through Executive Order 53 of 2020, a process called  
5 the Clean Fleet Transition Plan -- actually, there's  
6 also a Safe Fleet Transition Plan -- and we have  
7 partnered over now seven or eight years with the  
8 United States Department of Transportation, the Volpe  
9 Center, which is kind of their research think tank.

10 And so just a few weeks ago, we published our  
11 first Clean Fleet Transition Plan report with Volpe,  
12 which goes through -- its public record, we can share  
13 it with you -- for every single type of vehicle in  
14 the city fleet without exception.

15 COUNCILMEMBER NURSE: We used it for our  
16 hearings.

17 DEPUTY COMMISSIONER KERMAN: Oh, that's fine,  
18 so...

19 COUNCILMEMBER NURSE: I'm just... I was just more  
20 of like, how you're getting the updates of new...  
21 does that report come out? I'm sorry for my  
22 ignorance. Does it come out periodically? Or is it  
23 going...?

24 DEPUTY COMMISSIONER KERMAN: Yes, by Executive  
25 Order, we will produce that every two years. We are

2 constantly meeting with vendors. So we're in what we  
3 call market research. Right? So in the last six  
4 months... six months, our sustainability team has met  
5 with over 110 vendors in market research. We are in  
6 contact with everyone in the industry endlessly. We  
7 do run a fleet show... a public fleet show, which is  
8 awesome. So it's a lot of fun, in May, in Flushing  
9 Meadow Park, where we have you know, hundreds of  
10 vendors pitching the latest and best in technology.

11 And then on the trucking side, it's absolutely  
12 true: Certain things like the plowing, the fire  
13 equipment are still technology challenges. We are  
14 working on those right? There is... We are in  
15 contact with the major manufacturers like Mack and  
16 Seagrave. But there is progress that can be made now  
17 as we work for those. So the city has about 350 to  
18 400 garbage trucks that do not plow. The parks  
19 department has about 160. Sanitation also has about  
20 200. There are a few a DOT. So we're working on  
21 contracts right now we have our first order of seven  
22 in. And we're working through DCAS to get contracts  
23 for all those other garbage trucks in place. So  
24 start where you can, and we can... we can move those  
25 garbage trucks first, as we work to get the plowing

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2 solutions. And we're doing the same every year.

3 We're bidding box trucks right now, rack trucks right  
4 now, bucket trucks right now. So, you know, we  
5 will... wherever the marketplace allows, and that is  
6 84%... 85% of the fleet.

7 COUNCILMEMBER NURSE: Right. I understand, yeah.

8 DEPUTY COMMISSIONER KERMAN: So there has been a  
9 big advance. So we're going to go hard and push  
10 where we can do that, where the market allows, and  
11 then keep asking our manufacturers to dig in and do  
12 better and get us options on the others.

13 COUNCILMEMBER NURSE: Thank you. Thank you. My  
14 other question was: What are your... Which companies  
15 are you procuring from? You know, what are your top,  
16 top companies the top three that we're... we're  
17 working with?

18 DEPUTY COMMISSIONER KERMAN: Sure. So right off  
19 the bat, Ford is the largest supplier of vehicles  
20 currently to the city fleet of about 11,000 assets.  
21 That's mainly because the main police car is the Ford  
22 Interceptor... Interceptor hybrid right now and so  
23 we have a lot of police cars. Then GM and Toyota on  
24 the light and medium duty side are your top three.  
25 On the trucking side, your top three are Mack,

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2 Freightliner, and then Seagrave. Mack is most of  
3 your garbage trucks, Freightliner is a lot of the  
4 DOT, Parks, DEP equipment. And then Seagrave is...  
5 is the vast majority of fire equipment.

6 COUNCILMEMBER NURSE: Okay. And then a question  
7 about your siting criteria for the charging stations.  
8 I know that there's a layer of consideration around  
9 environmental justice, maybe, or perhaps where  
10 there's higher rates of emissions that are  
11 concentrated or different types of air pollutants.  
12 But what are... What is the criteria you're using for  
13 those siting decisions?

14 DEPUTY COMMISSIONER KERMAN: Well, we're rolling  
15 out charging in all parts of the city, and we have a  
16 published map. We are in every part of the city, EJ  
17 communities outside all five boroughs.

18 One thing, you know... often... and we welcome  
19 any help we can get, you know. We need to find the  
20 space ourselves, right? You need to find locations  
21 where we can put up charging. DCAS currently offers  
22 11 fast chargers to the general public just as well  
23 as fleet, so if we can find a spot that the fleet can  
24 use, but also the general public has asked us, we  
25 will do that. And we're looking to do an additional

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2 20 in the next year. Certainly, you know, finding  
3 spaces is can be tricky. You know, in many ways,  
4 we'll take any available space we can find, right?  
5 We want to get out this charging. We are committed  
6 to doing 1776 fast chargers by 2030. And we're  
7 funded for that. That's a lot... We'll get...  
8 We'll go anywhere someone can find us viable space.  
9 I will say one of the benefits of the solar carports  
10 that we're putting out, and we're bringing in 71, in  
11 the next few months, is that is an extremely flexible  
12 asset. So that does not require infrastructure. It  
13 does not... We don't have to go to Con Ed and say...  
14 So that's something where, if you know, if there's  
15 advice about places that we could place those, that  
16 is quite literally tow in, and they work. We just  
17 bring them over. So that's something that's much  
18 more flexible. You... Some of the other work, you  
19 know, we partner with Con Ed to find, you know, we  
20 obviously need the space, we also need the electrical  
21 infrastructure, but we're open to placing wherever,  
22 you know, we can.

23 COUNCILMEMBER NURSE: Thank you. Chair, just one  
24 last question?

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2 CHAIRPERSON GENNARO: Yeah, I was going to say,  
3 if you want you can...

4 COUNCILMEMBER NURSE: And just on the power  
5 plants, the bill number... the bill that I think  
6 Councilmember Cabán had introduced: So with this  
7 CLCPA in place, and upcoming Title 5 permit renewals  
8 happening in 2023, hHow is the city planning on  
9 engaging with that? And, you know, with that  
10 process? And is there any time in the past where  
11 you've engaged with something like that, that you  
12 could that we could hear more about, in terms of what  
13 it might look like moving forward?

14 CHAIRPERSON GENNARO: Please state your name for  
15 the record for you reply.

16 MR. BERKMAN: Sure. Hi, my name is Seth Berkman.  
17 I'm an energy policy adviser in the Mayor's Office of  
18 Climate and Environmental Justice. So you asked  
19 about the CLCPA and powerplant permitting.

20 So first thing I would note is that powerplant  
21 permitting is a state jurisdictional issue.

22 COUNCILMEMBER NURSE: Yep.

23 MR. BERKMAN: I think as you know, and we stated  
24 in our testimony, the Department of Environmental  
25 Conservation is resourced to monitor powerplant

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2 permitting, they are resourced to do enforcement  
3 actions, if any plant is not in compliance. And  
4 that's why we don't necessarily support the bill...  
5 the bill, because our office isn't resourced to  
6 provide technical input.

7 COUNCILMEMBER NURSE: Does the city take  
8 positions on these?

9 MR. BERKMAN: Yeah. That's where I was going to  
10 go next. So as an example... So typically, the city  
11 does not support new fossil fuel infrastructure  
12 unless it's necessary for safety or reliability  
13 reasons. To just give one example, of a power...  
14 powerplant that the city provided an opinion on... a  
15 statement... comments on, was a powerplant renewal in  
16 Astoria. I think it was in 2021, but I'm not 100%  
17 certain on the date, and the city opposed the renewal  
18 of that powerplant's permit, and ultimately they  
19 were... they were denied.

20 One thing that's exciting that the city is... has  
21 supported in the past is using sites that are  
22 currently fossil fuel infrastructure for the siting  
23 of clean energy. So we supported the Certificate of  
24 Public Convenience and Necessity, the CPCN, and for

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2 an energy storage project that would exist on that  
3 site.

4 One of the reasons we were able to support the...  
5 sorry... to oppose the renewal of the permit for that  
6 particular plant in Astoria is because we have also  
7 engaged in supporting... supporting clean energy  
8 infrastructure projects elsewhere that allow for  
9 fossil plants to be retired without threatening  
10 reliability of the grid. So we're very active in  
11 supporting clean energy infrastructure that makes it  
12 possible to essentially retire fossil fuel  
13 infrastructure without threatening electric  
14 reliability.

15 COUNCILMEMBER NURSE: So just... You... You all  
16 will be actively participating in providing input in  
17 this process that's upcoming?

18 MR. BERKMAN: Yes.

19 CHAIRPERSON GENNARO: Okay. And... Good  
20 Councilmember Nurse, if I can just jump in, because  
21 I... I used to be a Deputy Commissioner at DEC, and I  
22 again, I don't want to put words in Councilmember  
23 Cabán's mouth, but I think what she's getting at with  
24 her bill is that she wants the bad actors kind of  
25 like tracked and... tracked and reported on to The

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2 Council, because we have the ability... like... We  
3 have the ability that The Administration doesn't  
4 have, because if you yell and scream at the DEC too  
5 loudly, they're just going to squash you like a bug.  
6 That's just what's going to happen. I used to do  
7 that for a living, and so but... you know, we can say  
8 whatever we want. And so I think what, you know,  
9 Councilmember Cabán is looking for is reporting so we  
10 could sort of, you know, chronicle the bad actors who  
11 are currently on the scene. And then we could take  
12 that report, and we could do whatever we want with  
13 it. We could protest, we could, you know, we could  
14 yell at The Governor, we could yell at the DEC  
15 Commissioner, things that The Administration can't do  
16 without getting spanked.

17 And so I think this is, I think this is... what  
18 this is about. And so and, you know, we get that the  
19 city doesn't have much of a role in the process of  
20 siting, and this and that, and, you know, whether or  
21 not like the city, you know, approves or disapproves  
22 of some permanent going forward. Like the DEC  
23 couldn't care less, but what the DEC... you know,  
24 what... what might affect the DEC's actions, and the  
25 state's actions is, you know, for... for the bad

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2 actors, that they're not kind of riding herd on that  
3 they should do a little better job at that. I think  
4 that's what that bill is kind of getting at, and  
5 so... Who's... Who's tapping me? I'm being tapped  
6 right now? I know as Councilmember Nurse. I was  
7 referring to Councilmember Cabán who is not here. So  
8 yeah, I know. Yeah. Did I call you...? I didn't  
9 call you Councilmember... Yeah. Okay, fine, fine.  
10 Fine. But thank you. All right. So is that good?  
11 Okay. Okay. Very good. Thank you, Councilmember  
12 Nurse. I recognize Councilmember Gutiérrez for  
13 questions.

14 COUNCILMEMBER GUTIÉRREZ: Thank you, Chair. I  
15 just want to... [BELL RINGS] Oh, I just started.

16 [LAUGHTER]

17 I'm sorry.

18 CHAIRPERSON GENNARO: Okay, Gale, you're up.

19 COUNCILMEMBER GUTIÉRREZ: No!

20 So I just wanted to uplift what Councilmember  
21 Avilés, I think, eloquently and beautifully drove  
22 home: The reality that the datasets that you are all  
23 using can be valuable, but what's happening on the  
24 ground, what's happening in a more current basis is  
25 also just as valuable. And so I just want to uplift

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2 that because there is... for a long time, the south  
3 side of Williamsburg, Bushwick, parts of North  
4 Brooklyn have always been considered environmental  
5 justice communities.

6 So I have some questions about the report, I was  
7 able to look at... through it during opening  
8 statements. Can you just explain to me in my short  
9 time, what... what are the parameters around what you  
10 all considered a retired site on the report?

11 ASSISTANT COMMISSIONER OLSON: You're talking  
12 about the NYCCAS report?

13 COUNCILMEMBER GUTIÉRREZ: Yes.

14 ASSISTANT COMMISSIONER OLSON: Okay. So retired  
15 sites, I... we... So over time, we have a set of a  
16 core... core 60 monitors, that are... have been in  
17 the same place for the entire period of the study.  
18 And then the remainder of the sites are ones that  
19 have changed as we have updated our methods and also  
20 as our city has evolved and changed, and we make sure  
21 that we have a representative sample. So a retired  
22 site is one that in the past may have been operating  
23 but is not operating currently.

24

25

2 COUNCILMEMBER GUTIÉRREZ: And is there anything  
3 that would trigger a retired site to then be a...  
4 just an operating site.

5 ASSISTANT COMMISSIONER OLSON: So it would just  
6 depend each year as we look at our sites and create  
7 our sample with the scientists who are doing that  
8 work. If they find that they need a particular type  
9 of area represented, then we would consider going  
10 back and sampling in that same place that we had been  
11 in the past, or potentially going to a different one.

12 COUNCILMEMBER GUTIÉRREZ: So what do you all need  
13 to hear from us, as far as advocacy? So I'm speaking  
14 for Williamsburg. And I'm also speaking for  
15 Councilmember Avilés' position. What do you all need  
16 to hear from us, besides this hearing to let you know  
17 this is an area that needs attention. This is an  
18 area that we know needs to be monitored.

19 ASSISTANT COMMISSIONER OLSON: So I... you know,  
20 I would say we're we want. As I said before, we  
21 appreciate the advocacy and we definitely are  
22 interested in making sure we have the best possible  
23 data to represent air quality across the city. We  
24 work very hard on that. And so we would be very  
25 interested and happy to meet with you and your staff

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2 to talk about the ways in which we collect the data  
3 for NYCCAS and how we combine it with emissions data  
4 so that you have a full understanding of that and we  
5 can hear from you what your what your interests are.

6 COUNCILMEMBER GUTIÉRREZ: Thank you. Okay, so I  
7 have three questions. I'm just going to shoot...  
8 shoot them out, and you answer them how you can.

9 My next question is: How does The Administration  
10 or your multiple agencies, with respect to this to  
11 this report or just any air quality Report: How do  
12 you all work with the groups doing this work on the  
13 ground? Specifically, El Puente has a wonderful  
14 study called "¡Nuestro Aire!" (Our Air!). This air  
15 quality study started before its founder Luis Garden  
16 Acosta passed away. The report is live on their  
17 website. But what we find is that this report means  
18 nothing to... at least it didn't mean anything to the  
19 previous administration. They deemed the park that  
20 needed to be condemned because of how toxic it was,  
21 and The Administration still move forward with the  
22 CPI initiative to redo the park. I was at the ribbon  
23 cutting. It's toxic.

24

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2       So how do you all work with the CBOs that are  
3 doing this work on a more consistent basis, and I  
4 would say even in a more meaningful basis?

5       My next question is: How does this report... How  
6 does it inform infrastructure? And I raise that  
7 specific example, because there was a lot of local  
8 support around rerouting the funds for this  
9 initiative to another park, because it was toxic,  
10 because it sits at the at the foot or the entrance of  
11 the Williamsburg Bridge, and still The Administration  
12 move forward with this infrastructure project. So  
13 what does this report do if it's not informing better  
14 use of city dollars to improve our park space, our  
15 open space?

16       And then my last question is: Does the  
17 various... Do the various levels of reporting... Do  
18 they all talk to each other? Do they reflect data  
19 that overlaps? That I think would be really  
20 meaningful for us as policymakers? Thank you. Thank  
21 you, Chair.

22       ASSISTANT COMMISSIONER OLSON: Oh. So I'll take  
23 a stab at those, and then I'm happy to follow up,  
24 uh... follow up further.

25

2           So I will just say that, at the Health Department  
3 with our monitoring, we work very hard to make the  
4 data that we have available to all these different  
5 groups across the city. We meet with groups. And  
6 we've actually done projects with El Puente, as an  
7 example, specifically around hyperlocal monitoring in  
8 order to understand air quality, and think about how  
9 that looks in the context of the broader picture of  
10 air quality across the city. So that's definitely  
11 one of our goals, and we're always very happy to work  
12 directly with community based organizations, talk  
13 with them about their data, and show them ours and  
14 make sure that there's good communication there.

15           And then our, our sharing of data, as I've  
16 discussed earlier, is not just with the public, but  
17 very actively with our other city partners. And I  
18 know that there's a lot of processes in place for  
19 community engagement as they engage in a variety of  
20 these different actions.

21           DIRECTOR MCLAUGHLIN: Hi. I just want to add  
22 also, the Department of Citywide Planning does  
23 perform environmental impact study assessments of  
24 certain developments around the city. They're not  
25 with us here today. But I know that process does



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2 review things like traffic patterns that might be  
3 altered by a new development. And so we're happy to  
4 follow up with them and with your office and  
5 Councilmember Avilés's office to talk about that  
6 process in more detail.

7 CHAIRPERSON GENNARO: Thank you, Councilmember  
8 Gutiérrez. I recognize Councilmember Brewer for  
9 questions.

10 COUNCILMEMBER BREWER: Thank you very much. I am  
11 focused on the delivery people. And I know, I know  
12 this is not necessarily vehicles, but when you have  
13 your public-private electrical possibilities of  
14 charging, does that include the batteries? Or  
15 bicycles? Or could it?

16 DEPUTY COMMISSIONER KERMAN: Currently, no,

17 COUNCILMEMBER BREWER: By the way, you're  
18 fabulous. I just want to let you know, Keith.

19 DEPUTY COMMISSIONER KERMAN: Thank you. I  
20 appreciate the chance to have been...

21 COUNCILMEMBER BREWER: About 30 years of  
22 fabulousness. Go ahead.

23 DEPUTY COMMISSIONER KERMAN: I've had the  
24 pleasure of working with you testifying in front of  
25 you for three decades. And thank you very much.

2           So the current... One of the issues, and we've  
3 been looking at how to accommodate this: Fast  
4 charge... Electric bikes do not fast charge. Right?  
5 So when we put out a fast charger right now, an  
6 electric bike simply cannot use it.

7           COUNCILMEMBER BREWER: Okay.

8           DEPUTY COMMISSIONER KERMAN: So one of the things  
9 we are looking at is whether we could include regular  
10 charging, kind of like 220-volt ports, in fast  
11 chargers. They actually are in solar carports. So  
12 your solar carport, you could actually go over and  
13 bring your bike. And we do have a few of those we're  
14 making publicly accessible. It's kind of a pilot.  
15 But one of the things we're looking at is: As we  
16 install fast chargers, can we put in regular ports so  
17 that you could do just that, and how do we fit them  
18 in so you're not blocking the vehicle?

19           So currently: No, because an electric bike  
20 simply can't fast charge. But we are looking at our  
21 specs. We are going to bid on a new set of fast-  
22 charging specs, actually, in January. And that's one  
23 of the things that we're looking at is how to kind of  
24 added in some regular charge ports, so you could do  
25 exactly what you're talking about.

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2 COUNCILMEMBER BREWER: Thank you. That might  
3 curtail some of these fire problems.

4 Number two is the people that do the citizen  
5 complaints. I know some of them, they're making  
6 their whole friggin' living on doing this, right?,  
7 like a very nice salary. Is it distributed around  
8 the city? Like, is it making a difference in the  
9 areas that you're doing it? They're friends of mine,  
10 (but they're challenging, may I add), and they, you  
11 know, they come outside my office and just stand and  
12 nail people. I don't know if it's helpful or not.  
13 I'm just I know they're making money. And that's  
14 good. And maybe I... I want to know if it's working.  
15 Is it helping to curtail the idling? Is it helping  
16 the air quality, et cetera.

17 DIRECTOR MCLAUGHLIN: Sure. Thank you so much  
18 for bringing that up. We are, as I said, really  
19 proud of the program, and the amount of participation  
20 that we have. We think overall, that's an incredibly  
21 good thing, right? That we have more than 40,000  
22 complaints that came to us just this year. And we...  
23 so the way the process works is a citizen reports the  
24 incident to DEP, the DEP looks at the evidence,  
25 processes the case, and takes it... forwards that

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2 information to OATH and takes it... takes it to OATH.  
3 More than 90% of the cases that the EP brings to OATH  
4 have been found in violation. And so a fine has been  
5 assessed, and we're very proud of that also. One of  
6 the things we really want to do as we are looking for  
7 ways to expand this program and improve this program,  
8 based on the lessons that we've learned over the past  
9 four years, is to ensure that as many people have  
10 access to it as possible. Of course, anyone can do  
11 it from anywhere in the city, but we'd like to make  
12 the process simpler.

13 COUNCILMEMBER BREWER: Mr. Chair, can you turn  
14 your mic off or something? I'm sorry. Go ahead.  
15 I'm sorry. Sorry.

16 DIRECTOR MCLAUGHLIN: Yes. So we'd like to make  
17 the program more efficient, more effective in a way  
18 that more people will be able to access it more  
19 easily.

20 COUNCILMEMBER BREWER: That's what I was hoping.

21 DIRECTOR MCLAUGHLIN: Yes, exactly. And so  
22 that... Because we want to encourage it to be used  
23 as a citywide tool, and not just used by a few  
24 individuals.

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2 COUNCILMEMBER BREWER: I do find that it's not  
3 clearly able to be used by a lot of different people  
4 diversity, and I know who's using it. So I don't...  
5 I guess it's helping, but hopefully, it's helping the  
6 air quality in addition to people's pocketbooks. And  
7 I guess there's more to be done on that.

8 DIRECTOR MCLAUGHLIN: Yeah. Absolutely.

9 COUNCILMEMBER BREWER: So the data, you have  
10 shows where people come from? Those who are making  
11 the complaints in addition to the numbers?

12 DIRECTOR MCLAUGHLIN: So we have the locations of  
13 the complaints...

14 COUNCILMEMBER BREWER: Right. Where they're  
15 complaining, but not necessarily where they're from?

16 DIRECTOR MCLAUGHLIN: I don't know how much DEP  
17 has versus how much OATH has. We'll have to get back  
18 to you on that.

19 COUNCILMEMBER BREWER: I think it'd be good to  
20 have a more... a greater variety of people making the  
21 complaints. That's what... I'm... We're both  
22 agreeing on that.

23 DIRECTOR MCLAUGHLIN: Yes, absolutely.

24 COUNCILMEMBER BREWER: And then finally... This  
25 is just the overall, you know, decades. But your

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2 data, Health Department, certainly says, you know,  
3 what is healthy, what's not, neighborhood based,  
4 great, that's... et cetera. I guess my question is:  
5 How do you measure... maybe you do this, that, you  
6 know, this truck route changes, these number of  
7 vehicles are less polluting, et cetera, and then it  
8 brings down the... or brings up the quality of the  
9 air? How do you how do you figure that? In other  
10 words, how do you say: "East Harlem, asthma, we know  
11 well. How do we get the asthma down? This and this  
12 and this will make the difference." Is that  
13 something that you do? Or is that just a bigger  
14 picture that's not done at this time?

15 DIRECTOR MCLAUGHLIN: So I guess I... I would  
16 point you back... This is something that's very  
17 important to us. It's thinking about how can we be  
18 as concrete as possible?

19 COUNCILMEMBER BREWER: Exactly. I'm terrible at  
20 rhetoric.

21 DIRECTOR MCLAUGHLIN: About a specific... a  
22 specific policy or specific programs? And the what  
23 are the actual air quality and health benefits that  
24 we would achieve? And we actually worked with  
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2 academic partners to create our zip... ZAPPA... the  
3 Zip Code... Oh, gosh, I'm going to have to...

4 COUNCILMEMBER BREWER: I saw it listed in here.  
5 I saw it listed in here.

6 DIRECTOR MCLAUGHLIN: So ZAPPA, which is a tool  
7 that allows anyone -- but is particularly valuable  
8 for policy makers, people who are doing these types  
9 of programs -- they can put in: What is the change  
10 that we anticipate making? And then they can...  
11 It'll spit out, like: This is amount that we would  
12 see the air, the air quality improve, this is what  
13 that translates into, actual lives saved,  
14 hospitalizations averted, and also costs.

15 So we are actively trying to do that. And we  
16 encourage you to check out the tool and we're happy  
17 to provide trainings on that as well.

18 COUNCILMEMBER BREWER: Okay. I mean, not to  
19 belabor it, because time is up but I think that's the  
20 kind of thing that should be pushed heavily. And  
21 obviously the layperson can help, but it would seem  
22 to me that the agency should be pushing the  
23 community, and all agencies to do the same --  
24 whatever the metrics are -- to get the number to be  
25 satisfactory in terms of air quality. I don't know

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2 if the layperson is going to be completely... It  
3 would be great for you to work with some of the  
4 Community Boards so that they can do that same  
5 effort. Thank you very much.

6 CHAIRPERSON GENNARO: Thank you, Councilmember  
7 Brewer. It's my pleasure to recognize Councilmember  
8 Restler for questions.

9 COUNCILMEMBER RESTLER: Thank you, Chair Gennaro,  
10 and thank you for your leadership and... and giving  
11 us the opportunity to hear so many great bills. I  
12 really want to just thank my colleagues,  
13 Councilmembers Avilés, Menin, Brewer. And... I don't  
14 know. Sorry, Gale. You were just in my head. But  
15 not Brewer... Powers, Cabán, for introducing such  
16 great legislation. And I'm enthusiastic to support.

17 I'd like to firstly just start by letting the  
18 record show that on May 12 of this year, I wrote an  
19 op ed in AM New York, praising the Adams  
20 administration. I get told that I'm too mean to the  
21 other side of City Hall. So I just want the  
22 record... (inaudible), you got that for your notes?  
23 It's already noted. Good. I get told I'm too mean,  
24 so I want the record to show praising the work of  
25 Keith Kerman and DCAS for the city's fleet reduction.



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2 So the announcement was a 4% fleet reduction, if  
3 I recall correctly. How are we doing? Could we get  
4 a progress update?

5 DEPUTY COMMISSIONER KERMAN: Thank you very much,  
6 and good to be with you again.

7 COUNCILMEMBER RESTLER: I appreciate your work.  
8 So I agree with Gale. You're fabulous.

9 DEPUTY COMMISSIONER KERMAN: Too high a standard.  
10 You know, if I could get my family to say that, it  
11 would be great. But so... So where are we right now?  
12 I'm going to... I'm going to cite what will come out  
13 in the PMMR. And so we are still working from the  
14 PMMR period. And there will be other public  
15 discussion of this, but I'll just cite what will come  
16 out in the PMMR in a couple of weeks. And that's  
17 through October 30. So that isn't necessarily the  
18 full scope of where we are.

19 So the four-month actual fleet: The total fleet  
20 size in the PMMR will be 28,865, and that will be  
21 down from 29,601, from the fiscal year 22 four-month.

22 COUNCILMEMBER RESTLER: And remind me the goal  
23 again? Is to get to 24,500?

24 DEPUTY COMMISSIONER KERMAN: It was... Yes, it  
25 was 855 vehicles. So the total... So we're making a

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2 lot of progress on that. We are 75 to 80% of the way  
3 there. And then I'll... There will be future  
4 discussion of where... we when we get to the target,  
5 but...

6 COUNCILMEMBER RESTLER: Okay.

7 DEPUTY COMMISSIONER KERMAN: ... we have been  
8 working. I can... I can assure you there is no other  
9 topic I work on more in my life than this, and we're  
10 far... that... we're in the... we're in the... if  
11 you're a football fan, we're in the red zone.

12 COUNCILMEMBER RESTLER: I appreciate to hear that  
13 we're already making some solid progress. And I  
14 think that, you know, as somebody... as the  
15 representative for downtown Brooklyn, we see just an  
16 expensive city fleet that takes over our streets  
17 every day, and that doesn't follow the rules when it  
18 comes to parking. The Department of Sanitation isn't  
19 even allowed to ticket city vehicles that fail to  
20 comply with alternate side parking. They don't have  
21 the mechanism to do it, which I find baffling. But  
22 we need to... to dramatically reduce the size of the  
23 city fleet and get people on city bikes. Like me.

24 So the next set of questions I had related to air  
25 quality. So I will I think go to Carly on these.

2           Could you just share with us? The type of the...  
3 My understanding is there is resistance to  
4 Councilmember Avilés's bill in part because of... you  
5 already have such a wide prevalence of existing air  
6 monitoring. As somebody who represents a large swath  
7 of the BQE, could you tell us about the air  
8 monitoring that you have in place particularly around  
9 the triple cantilever structure? Or the DEP team?  
10 Thank you.

11           ASSISTANT COMMISSIONER OLSON: Sure, thank you  
12 for the question. So as previously discussed, our...  
13 the NYCCAS survey is designed to specifically monitor  
14 the variety of different areas around the city and  
15 the different emission sources. One example would be  
16 very-heavy-use thoroughfares like the BQE. And so we  
17 have monitors around the city at places that  
18 represent that type of pollution. And then we use  
19 traffic data in our models as one of the emission  
20 sources, as we generate then the overall picture and  
21 neighborhood-to-neighborhood differences.

22           COUNCILMEMBER RESTLER: So looking at that same  
23 modeling, and thinking about those differences: One  
24 of the things that The Administration's indicated  
25 that they're seriously considering, if not intent on,

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2 is three lanes of traffic up from two lanes of  
3 traffic by the triple cantilever. What would be the  
4 impacts from an air quality standpoint on that kind  
5 of dramatic increase in current truck traffic in our  
6 community?

7 ASSISTANT COMMISSIONER OLSON: So I would defer  
8 to our colleagues at DOT about any special big plans,  
9 but I will say that...

10 COUNCILMEMBER RESTLER: But you could speak to it  
11 broadly in modeling, because you're looking at these  
12 issues, and you understand what it would mean to add  
13 20,000 cars and trucks a day to my community, or 6  
14 million cars and trucks a year, which is clearly one  
15 of the issues that this administration is intent on  
16 at least considering.

17 ASSISTANT COMMISSIONER OLSON: So... So that is  
18 exactly what our... the tool that I was just  
19 discussing is designed to do, so that we can actually  
20 look at increased levels and put it into the...

21 COUNCILMEMBER RESTLER: Share with me your  
22 expertise. I'm trying to understand. As somebody  
23 who looks at these tools and models, what would be  
24 the impacts for that kind of increase that we could  
25 see in our community?

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2 ASSISTANT COMMISSIONER OLSON: So I don't have  
3 that answer right now. But that's... that's exactly  
4 the kind of thing that we can use these tools for.  
5 If we see... if we...

6 COUNCILMEMBER RESTLER: Do you think it would  
7 improve air quality in our community?

8 ASSISTANT COMMISSIONER OLSON: ... I was just  
9 going to say...

10 COUNCILMEMBER RESTLER: Do you think it would  
11 improve the asthma rates?

12 ASSISTANT COMMISSIONER OLSON: If you'll let me  
13 finish.

14 COUNCILMEMBER RESTLER: No please!

15 ASSISTANT COMMISSIONER OLSON: I think that we  
16 all... like we know that traffic specifically drives  
17 air quality. That this is one of the drivers of  
18 differences across the city. When we see more  
19 traffic, we know that there's going to be worse air  
20 quality. And if we see less traffic, we're going to  
21 see improvements. And that's one of the reasons we  
22 have all of these focus in in our administration and  
23 in our work around trying to make the traffic that is  
24 on our streets be more electric and be lower  
25 emissions. And also trying to think about ways to

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2 change modes and hopefully encourage other... other  
3 options

4 COUNCILMEMBER RESTLER: So clearly detrimental to  
5 our air quality, to public health...

6 ASSISTANT COMMISSIONER OLSON: Yes.

7 COUNCILMEMBER RESTLER: ...would be seriously  
8 problematic for our community.

9 ASSISTANT COMMISSIONER OLSON: Increased  
10 traffic... increased traffic means increased  
11 emissions, and increased emissions is worse for  
12 public health.

13 MS. ALQUIST: And I just want to chime in that we  
14 are seeking to build as narrow of a roadway as  
15 possible. And we're... I mean, I know we've... My  
16 team has discussed this with you, and you've been at  
17 the meetings and everything, but we are interested  
18 in...

19 COUNCILMEMBER RESTLER: Who are you again? I'm  
20 sorry.

21 MS. ALQUIST: I'm with the Department of  
22 Transportation, Miranda Alquist, Assistant Director  
23 of... sorry... Miranda Alquist, Assistant Director of  
24 Legislative Affairs at DOT.

25 COUNCILMEMBER RESTLER: Okay.

2 MS. ALQUIST: So we are seeking to build as  
3 narrow of a roadway as possible. We're interested in  
4 exploring HOV, BRT, and other possibilities. But we  
5 must also adhere to federal standards when  
6 constructing the highway, and NYSDOT... New York  
7 State DOT and FHWA must ultimately sign off on the  
8 design proposal.

9 COUNCILMEMBER RESTLER: Have you consulted with  
10 the State or Feds on this increase number of lanes?

11 MS. ALQUIST: I think that is still... That  
12 needs to... This is all in process right now.

13 COUNCILMEMBER RESTLER: Okay. Because I've been  
14 told you haven't. But that you've... So look, I'm  
15 not going to... It's not fair to you for me to rake  
16 you over the coals over... over this. So I will bite  
17 my tongue. But I've made my point. And the public  
18 health implications of what you all are considering  
19 are widely known and understood, as your own  
20 colleagues in government have attested to just now.

21 So I hope, I hope, I hope that you all have seen  
22 the light and will not try to pursue 6 million  
23 additional cars a day in my community. Thank you.

24 CHAIRPERSON GENNARO: Thank you, Councilmember  
25 Restler, and I have advice for The Administration,

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2 and that is: Just give Councilmember Restler like  
3 what he wants, he's going to get it anyway. And  
4 so... And I'm going to help him. And so, resistance  
5 is futile, you know?

6 COUNCILMEMBER RESTLER: Thank you.

7 CHAIRPERSON GENNARO: So... Thank you. Thank  
8 you, Lincoln. And, with that said, I have no more  
9 questions for the for the panel. We certainly  
10 appreciate The Administration's indulgence, you know,  
11 the great panel that was sent here to ask hard  
12 questions... to... to answer hard questions. And we  
13 look forward to keeping the discussion going. So  
14 thank you all very much.

15 And Keith, always good to see you. Everyone else  
16 also, good... good to see you.

17 I'd just like to hear from Alfonso. I just want  
18 to make sure that someone from The Administration is  
19 going to stay behind to listen to all the good  
20 testimony that's... that's coming, right? Okay, so  
21 you have... you have an individual in mind for that,  
22 right? Okay, great. I just want to make sure that  
23 that the people who are going to be heard now are  
24 going to be heard by The Administration as well.

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2 Thank you all very much. Thank you. I just have  
3 to get a glass of water and so The Council will call  
4 the first three witnesses. I'll be back in two  
5 minutes then we can hear all the good testimony that,  
6 you know, is yet to come. I'll be right back.

7 [5.75 minutes silence]

8 That was longer than two minutes. But when I was  
9 downstairs, getting my glass of water, I bumped into  
10 none other than The Speaker, you know. And so we  
11 always take these opportunities to kind of, you know,  
12 have some interactions. So that was a nice moment  
13 and productive. So I ran up the stairs. So we had  
14 these people, okay.

15 COUNSEL: (background voices)

16 Okay. Oh, these people are here. Is that what  
17 we do it?

18 COUNSEL: Okay. It's up to you.

19 CHAIRPERSON GENNARO: Yeah, I think the people  
20 that are here have been sitting and waiting. You  
21 know, they came out, and it's going to be snowing and  
22 everything. So...

23 All this is on the record, by the way. 100 years  
24 from now they're going to hear this conversation, and

25

2 they're going to be able to read it. Yeah, we're on  
3 the record.

4 COUNSEL: Alright, let's go.

5 CHAIRPERSON GENNARO: Okay, so I appreciate  
6 everyone that's come to testify. You know, it's an  
7 incredible, you know, perseverance and commitment to  
8 wait hours to talk for two minutes. And so we do  
9 appreciate it. I have my legislative director as  
10 well as all the Committee staff. So you know, we got  
11 the A team, you know, the other members, you know,  
12 are good to have, but I'm the Chair, and you have my  
13 undivided attention. I'm turning my phone over.  
14 Okay? I'm not even going to look at it. So whoever  
15 is going to speak first, just state your name and  
16 proceed with your good testimony.

17 MR. CHABOT: Good afternoon. My name is Jackson  
18 Chabot, and I'm the Director of Advocacy and  
19 Organizing at Open Plans, an over-20-year-old  
20 nonprofit dedicated to safe and livable streets. I  
21 want to start by commending this Committee on their  
22 practical common-sense solutions to make our streets  
23 safer and healthy places. I'm here today to testify  
24 in support specifically of Intro 606 and 684.

2 This is the New York we all deserve. The choice  
3 is clear, you must pass 606 and 684. Research shows  
4 vehicular-related air pollution, which is neurotoxic  
5 has been causally linked to strokes, heart attacks,  
6 cancer, mental health illness, and dementia. In  
7 children it has been associated with low birth  
8 weight, delays in brain maturation, behavioral  
9 problems, and learning issues.

10 This information should scare us all. And yet,  
11 companies operating truck and bus fleets still have  
12 free roam over our city as much as pigeon swarms do.  
13 These bills must pass so that we can protect our  
14 youngest New Yorkers, those walking to 3k, or in  
15 strollers, and our oldest New Yorkers who cannot sit  
16 outside because the air quality is so bad, and whose  
17 lungs are most vulnerable, as Councilmember Avilés  
18 specifically pointed out in her communities.

19 On top of this, particulate levels are highest  
20 nearest roadways, and those using the nearby  
21 sidewalks, bike lanes, and plazas, face the highest  
22 immediate exposure, especially if they're playing and  
23 exercising or spending a lot of time there, as  
24 Councilmember Gutiérrez pointed out about the park  
25 and her district.

2           Just considering this reality makes me cringe.  
3           What we're saying is that corporations' selfish  
4           choice to ignore readily-available anti-idling  
5           measures is more important than the air we all  
6           breathe. We also need design solutions. If we don't  
7           want trucks and buses idling then we need to give  
8           them places to actually park and we need to  
9           dramatically expand and enforce loading zones. Just  
10          this morning I saw delivery parks... delivery trucks  
11          parked on an elevated bus stop at the...

12           CHAIRPERSON GENNARO: Please conclude.

13           MR. CHABOT: ...corner of Broadway and Franklin  
14          idling away. Not a care in the world. We need  
15          action now and we cannot delay. Thank you.

16           CHAIRPERSON GENNARO: Thank you very much for  
17          your advocacy on these bills, and we appreciate the  
18          support.

19           MS. SOOMRO: Good afternoon. My name is Alia  
20          Soomro and I'm the Deputy Director for New York City  
21          Policy at the New York League of Conservation Voters.  
22          Thank you Chair Gennaro and members of the Committee  
23          on Environmental Protection for the opportunity to  
24          testify today. We have submitted longer written  
25          comments.

2 New York City has one of the country's highest  
3 rates of asthma hospitalizations and deaths among  
4 children, young adults, black and Latino residents,  
5 and residents of high-poverty neighborhoods. Poor  
6 air quality leads to poor health outcomes, such as  
7 respiratory and cardiovascular diseases, especially  
8 for vulnerable populations such as seniors, children,  
9 and people of color due to structural racism and  
10 historic disinvestment. NYLCV supports Intro 606,  
11 684, and 707, all of which would work towards  
12 reducing the amount of pollutants in the air and  
13 improving public health. Intro 606 and 684 would  
14 curb vehicular idling, so preventable adverse health  
15 effects can be averted. NYLCV also supports Intro  
16 707, because this bill would provide badly needed air  
17 quality data, and shed light on the heavy air  
18 pollution burden that low-income and communities of  
19 color bear, especially with the proliferation of last  
20 mile facilities since the start of the pandemic.

21 NYLCV broadly supports the intent of Intro 279,  
22 which is to convert the nation's largest municipal  
23 fleet to zero emission vehicles, cut down on the  
24 city's greenhouse gas emissions, and address  
25 environmental injustices. While we support the bills

2 requirements for light-duty vehicles, we have  
3 concerns about the feasibility of the timeline for  
4 medium and heavy-duty vehicles, such as garbage and  
5 fire trucks and school buses. We were proud to  
6 advocate with our partners for Local Law 120 of 2021,  
7 a nation-leading law that requires the city to ensure  
8 that all school buses in use by September of 2035 be  
9 all electric zero emission school buses. In addition  
10 to the fiscal 2023 state budget that requires all  
11 school bus purchases statewide to be zero emission  
12 starting in 2027.

13 Since aggressive existing city and state electric  
14 school bus laws were carefully negotiated with many  
15 stakeholders, we need to find a valid reason for it  
16 to be revisited. NYLCV would support the provisions  
17 of Intro 279 if the city were to find the timelines  
18 for medium and heavy duty vehicles, feasible given  
19 the city's requirements, and its capital process, or  
20 if there are amendments to the bill timeline. So a  
21 better balance is an ambitious timeline with  
22 practicality. We encourage the City Council to  
23 continue collaborating with advocate city agencies  
24 such as OMB, DCAS, ConEd, and NatGrid. We also urge  
25 the city to produce a plan on capital spending and

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2 charging infrastructure for medium and heavy-duty  
3 vehicles under the bill's timeline, to identify  
4 challenges and solutions to implementation, such as  
5 charging infrastructure funding and for any  
6 procurement issues.

7 CHAIRPERSON GENNARO: Please conclude. Please  
8 conclude now.

9 MS. SOOMRO: NYLCV is encouraged by these air  
10 quality bills. We believe that Intro 279 should be  
11 amended and we would be happy to work with the City  
12 Council, other advocates, in this city government.  
13 Thank you for the opportunity to speak.

14 CHAIRPERSON GENNARO: Thank you. Thank you. I  
15 go back with the League of Conservation Voters since  
16 it was founded by Paul Elston, probably a name you  
17 don't even know. But he's the one that founded it  
18 30-some-odd years ago, when I had black hair. So  
19 give my best to Julie, Josh, and everyone at LCV.  
20 Thank you very much. Thank you.

21 MR. CHU: Good afternoon. Thank you Chair  
22 Gennaro, for holding this hearing. My name is Daniel  
23 Chu. I'm the Energy Planner with the New York City  
24 Environmental Justice Alliance. While air pollution  
25 impacts from transportation and energy sector affects

2 us all, low-income communities and communities of  
3 color suffer disproportionately from respiratory  
4 problems caused by air pollution. This is why NYC-  
5 EJA is a member of the PEAK Coalition, which also  
6 includes, UPROSE, THE POINT CDC, New York Lawyers for  
7 the Public Interest, and Clean Energy Group. Our  
8 goal is to end the long-term standing pollution  
9 burden from power plants on the city's most climate  
10 vulnerable people. PEAK Coalition supports Intro  
11 612. Fossil fuel generation is a major source of  
12 emissions in New York City. We support this bill  
13 because it ensures that our municipal government is  
14 engaged with the enormous health risk climate  
15 emissions and utility costs associated with dirty  
16 fossil fuel power plants, many of which can be  
17 replaced by renewable energy, battery storage, and  
18 transmission upgrades by 2030.

19 The Office of Long Term Planning and  
20 Sustainability should also make tracking of power  
21 plant emissions and Title 5 permit compliance  
22 publicly accessible. The city should also take  
23 necessary and adequate steps to notify the public  
24 about any Title 5 non-compliances.



2 This bill can also incentivize the mitigation,  
3 retirement, and replacement of these facilities with  
4 emissions free solutions. For example, the city  
5 could undertake increased air quality monitoring when  
6 any power generator or other Title 5 air permit  
7 holder is found to be out of compliance. Data from  
8 this air monitoring could be incorporated into the  
9 comments the city make makes in permit renewal  
10 proceedings to among other factors such as a history  
11 of repeated violations, call for the state to impose  
12 the maximum penalties on the state and local laws.  
13 The city can also explore ways to take action before  
14 the permit holder is out of compliance by taking  
15 preventive or long term planning measures to reduce  
16 that possibility.

17 NYC-EJA is also supportive of Intros 279, Intro  
18 606, and intro 684, and intro 707. Requiring the  
19 City to pursue zero emission trucks will accelerate  
20 the elimination of diesel emissions, designate heavy  
21 use thoroughfares to mitigate the impact of a massive  
22 uptick in last-mile warehouses in our city, and  
23 expand on the sensitive receptors to include parks  
24 and green spaces that are impacted by vehicle idling  
25 by can help reduce tailpipe emissions, improve the

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2 lives of New Yorkers, and tackle climate change.

3 Thank you for your time.

4 CHAIRPERSON GENNARO: Thank you very much. And  
5 please give my best regards to Eddie. And I ask this  
6 panel, and everyone who's going to testify here, or,  
7 you know, through the television, if they would be so  
8 kind as to submit their remarks in writing and, you  
9 know, the staff can tell you how to do that. I don't  
10 even know how that works.

11 How does it work? Why don't we say it on the  
12 record? We just want the stuff, because we go  
13 through this and we pick out good environmental  
14 ideas. Then I write laws and take credit for the  
15 mess how that works.

16 You gotta turn on the microphone.

17 (background voices)

18 Testimony@council.nyc.gov. Okay. Thank you.

19 Appreciate it. Next panel.

20 Did we call them already? Did you call the next  
21 panel ready?

22 COUNSEL: No. I'm calling them now.

23 CHAIRPERSON GENNARO: Okay. You know, what we'll  
24 do is we'll call the next panel, and then the panel  
25 after that.

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2 COUNSEL: Okay. Joel Kupferman, Patrick Schell,  
3 and Jason Dragseth.

4 CHAIRPERSON GENNARO: That's this panel, and the  
5 next panel is... is on deck

6 COUNSEL: The next panel is Andrew Fox, Graham  
7 Van Korff, and Leslie Vasquez.

8 CHAIRPERSON GENNARO: Okay. Joel, why don't we  
9 start with you? If you're ready. Is this panel  
10 three or four?

11 COUNSEL: I thought it was three.

12 CHAIRPERSON GENNARO: Oh, okay.

13 COUNSEL: We're on the second panel. That's  
14 right.

15 CHAIRPERSON GENNARO: Yeah. So we called a panel  
16 of three. And then like the next panel. But the  
17 fourth person who came up, you'll just stay for the  
18 next panel. That's fine. We're not going to chase  
19 you. Joe, you're up, buddy. Yeah, yeah. Turn on  
20 your microphone, and talk right into it, and stay as  
21 close to two minutes as you possibly can. You're a  
22 passionate guy. It's hard to do that. I get it.  
23 But we're trying to, you know...

24 MR. KUPFERMAN: Thank you, Joel Kupferman,  
25 Environmental Justice Initiative, National Lawyers

2 Guild. I represent several tenant associations,  
3 community groups, unions, and the like. For the last  
4 five, six years, I've been concentrating on air  
5 monitoring and air pollution and bad exposure  
6 problems.

7 Part of the problem missing today, and all these  
8 proposals, is that we keep on -- and as you... as  
9 Chairman Gennaro pointed out -- we're just getting on  
10 more aggregate data, and not the data that we need to  
11 stop the bad pollution that's going on. We're  
12 asking... We've asked before, and I believe the law  
13 states it, that those monitors should be moved around  
14 to the hotspots to actually create evidence that the  
15 Department of Buildings, the DEP, and the Health  
16 Department could use to stop unfettered construction  
17 that's going on. We've learned that unfettered  
18 construction leads the re-suspension of soil.  
19 Harvard studies have shown that a slight increase in  
20 exposure to PM 2.5, the small dust causes a major  
21 increase in COVID death. 19,500 tons of soil is  
22 uncovered every day in New York, and lot of it  
23 that's... most of that is at construction sites.  
24 Without that monitoring, it's not going to work. We  
25 can't stop. The aggregate monitoring at OATH

2 hearings and the like is used as an alibi. They're  
3 saying that the neighborhood is bad. We're just  
4 adding something more. If only we can get that fine-  
5 tuned data. It's there.

6 Also the rules have to be changed on enforcement.  
7 \$1.4 billion is uncollected in city fines. So even  
8 these small fines that are being imposed. They've  
9 literally laughing at me and us in the city for  
10 not... for not doing anything. The city has  
11 something called the bad actor policy, which we  
12 should enforce. We've used that before in bad  
13 pesticide spraying. The city ripped up an \$8 million  
14 contract. So the city has to do that. They should  
15 not give out permits anymore to people with bad  
16 construction. And also, part of the problem -- I  
17 just wanted to just finish up -- is that when we made  
18 complaints to DEP, who was here, their air quality  
19 people go out, they measure, and they also tell us  
20 they can't stop any bad construction sites. That  
21 it's up to the power of buildings. So there is less  
22 than any coordination that they talked about, and in  
23 many other cases, we found intrusion of... of toxic  
24 soils and PM 2.5 from brownfield sites. The city

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2 Health Department refused to register or to measure  
3 that dust inside the buildings at adjoining sites.

4 So part of the problem is just going back...

5 CHAIRPERSON GENNARO: Please conclude.

6 MR. KUPFERMAN: Okay. What I really urge that...  
7 is the enforcement point that's there. No more just  
8 aggregate sampling. It's aspirational. And it's  
9 really important to stop the city from, you know,  
10 allowing bad pollution to go on. But there was  
11 just... there are laws on the books that we can  
12 concentrate and make them stop.

13 CHAIRPERSON GENNARO: Thank you, Joel. Thank  
14 you, Joel. But I think we did a pretty good job here  
15 today of making that point. I do think we did. And  
16 Abby, I want to make a note to you about all the  
17 uncollected fines. If you touch base with Joel after  
18 he steps down, I want to... I want to hear more about  
19 that. Next witness, please. Thank you, Joel.

20 DR. SCHNELL: Good afternoon. My name is Patrick  
21 Schnell. I'm a board certified pediatrician. And I  
22 spent many years treating children in the Manhattan,  
23 Brooklyn, and the Bronx. And I'd like to thank the  
24 thank the Council for the opportunity to testify.

25

2 I'm testifying in support of the anti-idling  
3 bills, Intro 684 and Intro 606.

4 As we all know, air pollution is associated with  
5 asthma exacerbations. So it will not surprise you  
6 that I spent a lot of time treating asthma in the  
7 Bronx. The Bronx has some of the worst air quality  
8 and asthma rates in the country. Air quality is even  
9 worse in proximity to major highways, and children  
10 living close to such highways are much more likely to  
11 require hospitalization for asthma. These children  
12 miss school days from illness or hospitalization.  
13 They have poor sleep quality, affecting attention  
14 span and learning ability. They suffer side  
15 effects... side effects from asthma medications, and  
16 they may be socially ostracized due to inability to  
17 fully participate in sports.

18 Physicians and politicians have known about this  
19 for decades. But what have you done about it? In  
20 2022, vehicular traffic in New York is worse than  
21 ever, and idling continues unabated as it has for  
22 decades. Current idling laws don't prevent the big  
23 companies that have accumulated hundreds or even  
24 thousands of idling tickets from continuing to idle.

2 Sadly, we seem to have accepted that kids in the  
3 Bronx will suffer from asthma.

4       So let me tell you about other critical health  
5 effects. Exposure to traffic related air pollution,  
6 especially diesel fumes affects brain development and  
7 intellectual development in children. Air pollution  
8 is neurotoxic impacting the brain and the nervous  
9 system. Children exposed in utero and an early life  
10 to high levels of air pollution from truck traffic  
11 more often suffer from premature birth, low birth  
12 weight, delays in brain maturation, and learning  
13 issues. Later in life, they often have reduced  
14 attention span memory issues, and are at higher risk  
15 of developing autism and mental health issues. But  
16 not only children are affected. Even adults can  
17 develop cognitive impairment and even a dementia,  
18 Alzheimer's disease and Parkinson's disease as a  
19 result of traffic related air pollution.

20       And finally, air pollution causes about a quarter  
21 of all lung cancer, strokes, and heart attacks. Air  
22 pollution has been called the new tobacco and a  
23 silent health emergency by the WHO. It kills almost  
24 10 million people annually worldwide. No New Yorker  
25 breathes air meeting WHO's standards for clean air.



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2 Air pollution is reducing every New Yorker's life  
3 expectancy by months or even years.

4       So why do we accept this. There is no valid  
5 justification for idling. We need to take decisive  
6 action. Clean air does not just happen. Clean air  
7 is a societal responsibility and a political choice.  
8 It is up to us to protect the most vulnerable members  
9 of our society. Idling substantially contributes to  
10 air pollution in New York City. It is our obligation  
11 to create effective deterrence that will result in  
12 behavior change. The current fines for idling are  
13 clearly insufficient. Idling pollutes our children's  
14 future and all of our health. It is beyond time that  
15 we did something about it.

16       CHAIRPERSON GENNARO: Thank you, doctor. I  
17 certainly appreciate, admire, and I'm grateful, you  
18 know, to your dedication to children as you treat  
19 them and to the conditions that make them sick in the  
20 first place. Thank you very much for your  
21 dedication. Next witness.

22       Press the button, red light.

23       MR. DRAGSETH: All right, ready to go. So I'm  
24 Jason Drax, I'm here as a private citizen, I'm a  
25 constituent of Councilmember Powers. So I appreciate

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2 the sponsorship of 279. I wanted to speak briefly  
3 about that. Based on the comments that were made  
4 here today, it sounds like there's alignment between  
5 The Council and The Administration on going to  
6 electric vehicles. The issue will be timing of when  
7 the vehicles can become available. My understanding  
8 through my involvement with some civic organizations,  
9 including the Sierra Club, that I'm a member of, is  
10 that electric vehicles are available in all  
11 categories, light, medium, and heavy. So I would not  
12 accept that assumption that they are not available.

13 CHAIRPERSON GENNARO: We're going to get to the  
14 bottom of that. Yeah, like, we're going to get to  
15 the bottom of that, don't worry about that.

16 MR. DRAGSETH: Yeah. And further, a major  
17 commitment by a city like New York City to develop  
18 heavy vehicles, medium vehicles, low... will arguably  
19 accelerate development by these companies of those  
20 vehicles. So I don't think The Council should back  
21 down on timing of this legislation. And in fact, it  
22 can be an agent for quicker change if the city steps  
23 up and makes a commitment.

24 So that's kind of some of the feedback that I had  
25 for the Committee based on what I heard here today.

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2       Lastly, one issue that was not mentioned with  
3 respect to going electric vehicles... to electric  
4 vehicles is the noise reduction. Internal combustion  
5 engines are very loud. And electric vehicles are  
6 very quiet. And so the whole issue of noise  
7 pollution, I understand there's particulate matter  
8 and asthma and other issues, but noise reduction is a  
9 major... kind of... should be a major emphasis for  
10 the City Council. And going electric will help  
11 reduce noise. So thanks. I want to make that  
12 comment, because no one had talked about it.

13       CHAIRPERSON GENNARO: Thank you. Thank you.  
14 Yeah, I have to get used to my electric vehicle. I  
15 leave the car, and it's like on, you know, and... and  
16 why is it dinging at me? Because the thing is still  
17 on. So, I'm used to the noise, but making a point  
18 that my car doesn't make a sound. And so...

19       MR. DRAGSETH: And garbage trucks are very loud.  
20 They come through the block every couple...

21       CHAIRPERSON GENNARO: Yeah, they're loud.

22       MR. DRAGSETH: ...a couple of times every week.

23       CHAIRPERSON GENNARO: Yup. Thank you to this  
24 panel. I appreciate it.

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2 We have the first member of the next panel  
3 already with us, and the other two who were  
4 previously called. And as the next two members of  
5 this panel come up, we're going to read out the next  
6 panel who should get ready.

7 COUNSEL: Okay.

8 CHAIRPERSON GENNARO: Joel, you're killing me.  
9 You're killing me.

10 (background voices 15 seconds)

11 I didn't know of such a thing. But thank you for  
12 bringing it to our attention. And I think... Yeah,  
13 so whoever is the third member of this panel should  
14 come forward. And...

15 COUNSEL: So, it was Wayne Arden, Hunter Surveni,  
16 and Leslie Vasquez.

17 CHAIRPERSON GENNARO: No, that's this panel.  
18 Right?

19 COUNSEL: Yeah. And then the next panel is  
20 Graham Van Korff, Andrew Fox, and Kira Armstrong.

21 CHAIRPERSON GENNARO: Okay, so that panel will be  
22 next. Please. Make sure the red lights on.

23 MS. VASQUEZ: Thank you. Good afternoon, members  
24 of the Committee of Environmental Protection. My  
25 name is Leslie Vasquez. I'm a Clean Air Program

2 Coordinator at South Bronx Unite, which is an  
3 organization to advance equity and justice for  
4 residents of the South Bronx and frontline  
5 communities across the city and state.

6 We are in the midst of a climate crisis made more  
7 and more clear by the growing number of extreme  
8 weather events across the city, state, country, and  
9 the world. This crisis is a direct result of our  
10 dependence and overuse of fossil fuels. We are well  
11 past the moment that this dependence has to stop, and  
12 we must use every tool at our disposal to do that,  
13 including legislation.

14 Communities like the South Bronx, where I work,  
15 have suffered far too much and far too long from  
16 disproportionate fossil fuel pollution. The Zero  
17 Emission Vehicles Bill, which is Intro 279, is a step  
18 towards addressing both the climate crisis and the  
19 injustice done to communities like the South Bronx.  
20 The bill would also help the city reach its climate  
21 goals, reduce the toxic air pollution that  
22 disproportionately harms historically marginalized  
23 communities, and strengthens the city's economy with  
24 the creation of green jobs. Without this bill, the  
25 city will continue to utilize diesel and gas-fueled

2 vehicles that continue to emit toxins like carbon  
3 dioxide, carbon monoxide, particulate matter, and  
4 nitrogen oxide just to name a few.

5       The repercussions that follow the city's  
6 compliance to carbon emitting vehicles are  
7 experienced by the communities who can afford it the  
8 least. For communities like the South Bronx, asthma  
9 rates are already one of the highest in the country  
10 and children and teenagers visit emergency rooms with  
11 respiratory illnesses at rates twice city's average.  
12 We cannot afford to endure additional respiratory  
13 illnesses, and we cannot afford to wait another year  
14 without government action. The city's continued  
15 reliance on fossil fuel fleet will only further  
16 pollute our air and worsen the climate crisis. Thank  
17 you so much.

18       CHAIRPERSON GENNARO: Thank you very much. I  
19 thank South Bronx Unite for their good testimony. I  
20 wish to be associated with these remarks. Thank you.

21       MR. VAN KORFF: Good afternoon. I'm here on  
22 behalf of the Brooklyn Borough President, Antonio  
23 Reynoso. Thank you Chair Gennaro, and members of the  
24 Committee for holding this hearing today. While the  
25 Borough President supports all efforts to improve our

2 city's air quality, I want to focus specifically on  
3 Intro 707, which the Borough President introduced  
4 last term, and reintroduced this term with  
5 Councilmember Avilés, whose Brooklyn community is  
6 deeply impacted by air pollution and associated  
7 health impacts.

8       The Borough President's office is currently  
9 undertaking a comprehensive planning effort for  
10 Brooklyn. We are still in the information gathering  
11 phase, but we can already tell you that after looking  
12 at all kinds of data, a pattern emerges in which  
13 lower income communities of color have worse outcomes  
14 and wealthier white communities for nearly every  
15 metric we've measured. Environmental factors such as  
16 air quality are no exception. According to the  
17 Department of Health and Mental Hygiene and no  
18 neighborhood in Brooklyn falls within the WHO's  
19 recommended target level for fine particulate matter,  
20 PM 2.5. But the worst levels occur in the  
21 environmental justice communities of Greenpoint,  
22 Williamsburg, and Bushwick, the BQE corridor  
23 including Gowanus, Red Hook, and Sunset Park, and the  
24 East Flatbush Brownsville border along Linden  
25 Boulevard.

2           Unsurprisingly, asthma rates are high in all  
3 these neighborhoods, especially in eastern Brooklyn,  
4 as shown by the map below, for those who can see it,  
5 concentrations of these pollutants are directly  
6 associated with truck routes and high traffic areas,  
7 which should be a surprise to no one.

8           This is not a small problem. The DOHMH estimates  
9 that 1 in 20 premature deaths every year in New York  
10 City happen because someone's health condition was  
11 exacerbated by breathing PM 2.5. The DOHMH notes  
12 that children are particularly impacted because they  
13 breathe more air than adults relative to their body  
14 weight, their exposure is higher to the same amount  
15 of pollution which can lead to both acute and chronic  
16 illnesses.

17           Consistent accurate reporting prompts action, and  
18 the existing data is insufficient. The DOHMH data  
19 referenced here comes from projections based on  
20 limited monitoring. New efforts by the state focuses  
21 only on specific disadvantaged communities, and  
22 environmental justice groups have spent too long  
23 doing this work on their own covering limited  
24 geographies. This legislation will require the city  
25 to conduct consistent monitoring at heavy use



2 thoroughfares and adjacent parks and playgrounds  
3 citywide. The more information we have the better  
4 because everyone deserves clean air to breathe.

5 Thank you for holding this hearing today and for  
6 allowing me the time to address why we all need to  
7 support Intro 707 and continue to put the health of  
8 New Yorkers and future generations first.

9 CHAIRPERSON GENNARO: Thank you very much for  
10 being here on the Borough President's behalf. We  
11 appreciate him. He was a great council colleague.  
12 He is a great Borough President, and he continues to  
13 champion the right things. Please give him our best  
14 wishes. Thank you.

15 MR. SEVERIONI: Hello. My name is Hunter  
16 Severini and I'm here to speak in support of 606 and  
17 684. As a long-term resident of lower Manhattan, I  
18 notice trucks idling virtually every time I leave my  
19 apartment. It is clear to me that the current fines  
20 are not enough to encourage the necessary changes in  
21 behavior by the transportation industry. Despite the  
22 ever increasing amount of enforcement, idling remains  
23 a persistent and widespread problem. The proposed  
24 bills will help this by immediately increasing both  
25 enforcement and compliance.

2           Considering finite resources, I believe this is  
3 the only effective option available to quickly  
4 address a problem that threatens the health and  
5 livelihoods of millions of people. After much  
6 research, it is clear to me that although New York  
7 City is a leader when it comes to environmental laws,  
8 we could still be doing much better. Other cities,  
9 such as Los Angeles, are looking at our policies as a  
10 model, and it is imperative that we continue to  
11 innovate and set a good example. 606 is obviously  
12 well-crafted because it encourages commercial  
13 vehicles not to idle around parks and playgrounds  
14 where there is a high concentration of children. 684  
15 is likewise necessary to make a more significant  
16 impact using existing resources by increasing idling  
17 fines, which currently do not appear to be sufficient  
18 to discourage the practice of idling. For these and  
19 many other reasons, I fully support both bills.  
20 Thank you for your time.

21           CHAIRPERSON GENNARO: Thank you very much for  
22 coming here to testify on behalf of this good  
23 legislation. Every voice helps. Thank you very  
24 much.

25           COUNSEL: The next...

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2 CHAIRPERSON GENNARO: Well, the next panel knows  
3 who they are. How about the panel after that... and  
4 so the panel after this one too

5 COUNSEL: Well, the thing is now we're up to  
6 this...

7 CHAIRPERSON GENNARO: Okay. Yeah. So let's...  
8 let's just do the last two witnesses.

9 COUNSEL: So we have two witnesses. Mo-Yain Tham  
10 and Deborah Wright. And then we have Christopher  
11 Gawarecki on Zoom.

12 CHAIRPERSON GENNARO: Okay. So... so we have the  
13 last two in-person witnesses with these, right? And  
14 then we go to Zoom.

15 COUNSEL: Right. These are the last two in  
16 person.

17 CHAIRPERSON GENNARO: Okay. So the other person  
18 can follow. Here we go. You said two. I count  
19 three.

20 Well, everyone can just state their name for the  
21 record, and they'll go into the record. It's fine.  
22 I mean, people pop in, looks like a fun place to be.  
23 I get it. Okay.

24

25

2           Okay, this gentleman was the first to be seated.  
3           So we'll go from my right to my left, please. Please  
4           say your name for the record.

5           MR. ARDEN: Good afternoon, Chair Gennaro,  
6           Members of the Environmental Committee (inaudible)  
7           about this critical bill, Intro 279. I'm here to  
8           testify on behalf of the Sierra Club. I serve as a  
9           volunteer for the New York City Sierra Club group,  
10          where I'm Chair of the Transportation Committee.

11          The Sierra Club is in strong support of this  
12          legislation, the Zero Emissions Vehicles for New York  
13          City Act. This bill will ensure that the city is  
14          doing its part to address climate change, improve  
15          public health by cleaning up our air, and position  
16          New York City as a national leader in sustainability.  
17          The existing law regarding low-emission vehicles in  
18          the municipal fleet was enacted in 2005. It has  
19          served its purpose and the time has come to update it  
20          given advances in zero emission vehicle technology  
21          and availability, as well as the urgency of the  
22          climate crisis.

23          The Sierra Club is submitting detailed written  
24          testimony on the many reasons to pass this bill.  
25          Today I'd like to comment on feasibility.

2           The city can absolutely meet the benchmarks of  
3 this bill in every single vehicle category applicable  
4 to New York City. With one exception, zero emission  
5 vehicles from multiple suppliers manufactured in the  
6 United States are available today.

7           Regarding charging infrastructure, we urge the  
8 city to leverage private-sector expertise to  
9 accelerate the transition from oil to electricity.  
10 Many companies, including those headquartered here in  
11 New York, are eager to help. And the federal  
12 government has made billions of dollars available for  
13 cities to purchase zero emission vehicles and to  
14 install infrastructure. By 2020, Shenzhen, China had  
15 deployed its entire fleet of 16,000 buses to all  
16 electric models. That's approximately the same  
17 number of heavy duty vehicles that are in our fleet.  
18 This bill calls for New York City to make the same  
19 transition by 2035, some 15 years later.

20           This city council said bold but achievable goals  
21 for decarbonizing New York City's building sector  
22 with Local Law 97. We could do the same for our  
23 transportation fleet by passing the Zero Emission  
24 Vehicles for New York City act.

2 Thank you again for holding this hearing...  
3 hearing, and The Council's leadership on electric  
4 vehicles.

5 CHAIRPERSON GENNARO: Thank you. And I want to  
6 thank the Sierra Club. When I... When I wrote the  
7 2005 bill, I got great support from the Sierra Club  
8 back then. And here we are 17 years later. It's  
9 good we haven't aged, you know. Anyway, so thank you  
10 again.

11 MS. THAM: Members of the Committee. Thank you  
12 for this opportunity to speak on Intro 279. My name  
13 is Mo-Yain Tham, and I'm the New York Policy  
14 Researcher with Jobs To Move America. We are a  
15 strategic policy organization focused on making sure  
16 our public investments do the most public good:  
17 creating high quality jobs and healthier communities.  
18 While we recognize the importance and need to  
19 celebrate the electrification of New York City's  
20 municipal fleet, we believe this process should also  
21 ensure a good transition for impacted workers and  
22 create community sustaining manufacturing jobs.

23 With the New York City's 30,000 municipal  
24 vehicles, the city can shape the market and ensure  
25 that the purchasing process creates high quality jobs

2 in the growing electric vehicle sector. JMA believes  
3 this bill should include significant labor provisions  
4 to protect jobs and encourage manufacturers to commit  
5 to good wages, benefits, and training.

6 JMA recommends the addition of two amendments:

7 The inclusion of a workforce development report would  
8 require purchasing agencies to evaluate the numbers  
9 of jobs created or lost, possible skill gaps, as well  
10 as a comprehensive plan to train, retrain, and  
11 transition existing drivers and mechanics to work on  
12 electric vehicles.

13 The inclusion of good job procurement policy:

14 This would allow purchasing agencies to utilize a  
15 competitive best-value procurement process in order  
16 to encourage bidders to compete up to win the  
17 contract. Bidders are given extra credit for  
18 proposing good wages, benefits, and retraining, such  
19 as training diesel fuel mechanics to safely work on  
20 electric vehicles. Once the bidder wins the project,  
21 these commitments become enforceable in the contract.

22 As New York City continues to address the ongoing  
23 climate crisis, we encourage your Committee to  
24 support the addition of these two amendments in order  
25 to ensure the transition to electric vehicle does not

2 adversely impact unionized municipal fleet workers  
3 and the transition creates good manufacturing jobs.

4 Also, we encourage the Committee to consider the  
5 testimony submitted by SEIU Local 246, our New York  
6 City Central Labor Council, since they were not able  
7 to attend in person, and they are in alignment with  
8 these recommendations. Thank you for your time.

9 CHAIRPERSON GENNARO: Thank you very much from  
10 that... to add this labor perspective to this... to  
11 this issue. I'm glad you brought that forward.  
12 Thank you.

13 MS. WRIGHT: Good afternoon. My name is Deborah  
14 Wright, and I'm the Political Director for United  
15 Auto Workers Region 9A. Our region encompasses the  
16 Northeast states and we represent approximately  
17 33,000 members within the region in a diverse array  
18 of industries. Nationally, the UAW represents  
19 250,000 active members in motor vehicle and parts  
20 manufacturing, which includes light vehicle assembly,  
21 heavy truck assembly, powertrain, and school bus  
22 assembly. The Big Three car manufacturers have  
23 already begun to transition production to electric  
24 vehicles, which we support, with GM committing to be  
25 all electric by 2035. It is important to note that



2 we also represent 1400 members building school buses,  
3 both internal combustion engine and electric, at  
4 Thomas Built and IC Bus/Navistar. UAW contracts at  
5 all these employers provide industry leading wages  
6 and benefits sector wide. For some time, the UAW has  
7 partnered with many environmental groups across the  
8 country, quickly working to help shape policy to  
9 combat the devastating effects of climate change on  
10 our communities. The UAW supports policies to create  
11 a sustainable future.

12 Sustainability is more than just green  
13 technologies, however. It is also sustainable jobs  
14 and sustainable communities. With a massive public  
15 investment directed to electric vehicles, we have an  
16 opportunity and a responsibility to ensure that those  
17 investments are also investments in workers and  
18 communities. It is not enough to simply say "green  
19 jobs are good jobs" without ensuring that workers are  
20 not left behind. For manufacturing workers, there is  
21 risk in the industrial transformation that is going  
22 to come with the transition to electric vehicles.  
23 Workers are concerned about their jobs. But smart  
24 procurement policy can support good union

2 manufacturing jobs and protect the planet by  
3 investing in electric vehicles.

4       Although we appreciate the need to accelerate the  
5 electrification of New York City's municipal fleet,  
6 Intro 279 is missing critical labor provisions to  
7 ensure a just transition for impacted workers and to  
8 create community standing manufacturing jobs. The  
9 public procurement process must be more than just  
10 buying goods and services, and always looking for the  
11 lowest bid to save money. There needs to be policies  
12 that protect the rights of workers to organize and  
13 bargain without fear, intimidation and retaliation.

14       That is why we are working together with Jobs To  
15 Move America and other coalitions of environmental  
16 and community groups to support their work in tying  
17 procurement to strong commitments to workers and  
18 communities. We are in agreement with the two  
19 amendments that Jobs To Move America has talked about  
20 today and that are included in my testimony that I  
21 already submitted to this Council. Thank you.

22       CHAIRPERSON GENNARO: Thank you. If you have a  
23 copy of that, if you just give that to my Legislative  
24 Director, because I want to do a dive into this...  
25 into this labor aspect to make sure that the bill

2 reflects. I mean, I go back a long time with the  
3 UAW.

4 MS. WRIGHT: Yes.

5 CHAIRPERSON GENNARO: And so... And with labor in  
6 general. So, thank you for bringing that forward.

7 MS. WRIGHT: Thank you very much.

8 CHAIRPERSON GENNARO: I appreciate it. Navi  
9 right... right over here is one who should get that.  
10 Okay?

11 COUNSEL: The next panel: Hillary Aidun of Earth  
12 Justice, Taras Kravtchouk, and Brian Gittens.

13 CHAIRPERSON GENNARO: And we apologize to the  
14 online people who thought that they were going to be  
15 next. We just want to finish with the people in  
16 person, and then we'll go to the online witnesses.

17 Why don't we start from my right to my left?

18 MS. AIDUN: Thank you Chair Gennaro and Committee  
19 members for the opportunity to testify on the  
20 important issue of air quality. My name is Hilary  
21 Aidun, and I'm an attorney at Earth Justice, a  
22 National Environmental Law Organization. The bills  
23 being heard today are critical to realizing New York  
24 City's climate and environmental justice commitments,

2 and we thank the bill sponsors and the Committee for  
3 their work.

4 Earth Justice strongly supports Intro 279, which  
5 as discussed in more detail and written testimony  
6 submitted by my colleague, (inaudible), will make the  
7 city's fleet electrification commitments binding, and  
8 be a major step to reduce greenhouse gas emissions  
9 and tailpipe pollution. Intro 606, 684, and 707 aim  
10 to address the urgent issue of truck pollution by  
11 requiring air monitoring and mitigation measures on  
12 certain heavily trafficked thoroughfares, and  
13 expanding and strengthening penalties for idling.

14 Heavy duty diesel vehicles are responsible for  
15 approximately half of on-road tailpipe emissions in  
16 the city, emit significant greenhouse gases, have a  
17 disproportionate impact on low-income communities and  
18 communities of color, and emit particulate matter and  
19 precursors to ozone, which can cause damage to the  
20 airways, heart attacks, strokes, lung cancer, and  
21 more severe and frequent asthma attacks.

22 The New York City and metropolitan area suffers  
23 from persistently poor air quality and exceeds  
24 federal air quality standards for ozone. Vehicle  
25 emissions are a significant contributor to existing

2 ozone levels and are a main driver of neighborhood  
3 level variation in air quality, which concentrates  
4 pollution in low income communities and communities  
5 of color. To combat this dire public health issue,  
6 we need to reduce truck traffic and emissions  
7 rapidly, especially in communities where truck use is  
8 concentrated. Instead of the opposite is happening.  
9 Trucks now deliver more than 2.4 million packages  
10 every day in the city. Some predict a 67% increase  
11 in truck volume in the city by 2045, or an additional  
12 75,000 trucks on the street each day.

13 The proliferation of last-mile warehouses  
14 compounds these problems by increasing the total  
15 number of truck trips for delivery throughout the  
16 city. In the past few years, low-income communities  
17 of color in the city have become the last mile  
18 warehouse epicenter.

19 We commend the city council for taking steps to  
20 address trucks that are currently on the road and  
21 look forward to working with the city to address  
22 mitigate and more possible prevent an increase of  
23 truck traffic in the months and years to come. Thank  
24 you.

2 CHAIRPERSON GENNARO: Thank you very much.  
3 Always great to have Earth Justice in the house. I  
4 knew you would be here. Thank you.

5 MS. AIDUN: Thank you, sir.

6 MR. KRAVTCHOUK: Good afternoon, Chairman Gennaro  
7 and the Council. Thank you for the opportunity to  
8 testify for the bill Intro 279. My name is Taras.  
9 I'm CEO and Founder of Tarform Motorcycles, which is  
10 one of the few electric vehicle manufacturers based  
11 right here in New York City. So we create electric  
12 motorcycles based out of Brooklyn Navy Yard. In the  
13 last five years, we've been in development, and this  
14 year started shipping our very first vehicles.

15 And we noticed a big change in the consumer  
16 mindset in terms of hunger and appetite to adopt  
17 electrical vehicles. But there seems to be a lot of  
18 dissonance and lack of information from both the  
19 government, but also from the manufacturers that are  
20 advancing electrification.

21 So we see there's a big opportunity for the city  
22 to lead and prove that electrical vehicles are  
23 advantageous in many other aspects besides just  
24 carbon emissions, and also support local  
25 manufacturing, the training of the workforce that

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2 would... would like to do... to go away from fossil  
3 fuels and embrace electrical vehicle transportation.

4 And just, yeah, a big... big fan of making our  
5 cities greener, focus on lightweight mobility, and  
6 bring awareness that there's more sustainable ways to  
7 move around in the city. Thanks so much.

8 CHAIRPERSON GENNARO: Thank you. You know,  
9 we've... A lot of people talk about electric  
10 vehicles, a lot of people talk about that one.  
11 You're actually out there doing it. And so we  
12 certainly appreciate it, and applaud your efforts.  
13 And the fact that you're doing here right in New York  
14 City, makes it all the more sweet. Now I'm glad to  
15 know of your... of your activities in your business.  
16 And please keep in touch.

17 MR. KRAVTCHOUK: Thanks so much. Thank you. You  
18 will see our bikes on the streets very soon. They  
19 call them the Tesla motorcycles... But that... that  
20 remains to be seen in a few years.

21 CHAIRPERSON GENNARO: Okay. Okay. I look  
22 forward to it. Thank you.

23 MR. GITTENS: Good afternoon. Thank you for the  
24 chance to speak to the Chair and to the to the  
25 Committee today.

2 I want to take my couple of minutes to emphasize  
3 to the Chair, and to the Committee, and to The  
4 Council the significance and the importance of the  
5 anti-idling program that the city has, and it truly  
6 is a crown jewel of the city's environmental efforts.  
7 It's something that the city should be very proud of.  
8 And no other city in the country, and as far as I  
9 know, no other city in the world has enforcement of  
10 idling like New York City does. It is truly  
11 something that I'm proud of as a New Yorker, and the  
12 city should take great pride in.

13 In the couple of years... in the couple years  
14 that I've been keeping an eye on idling as I'm  
15 walking the streets, the program is making a  
16 difference. Just, anecdotally, and it's hard to  
17 measure this because there's so many fac...  
18 obviously, because there's so many factors involved  
19 in... in air pollution, so many pluses and minuses  
20 all over the place. But anecdotally, I can just tell  
21 you, for example, Verizon used to run their trucks  
22 all day long, every truck... every truck you passed  
23 on the street was on. And that's totally changed  
24 now. Almost every truck that I pass now with  
25 somebody eating lunch inside or... or whatever it



2 might might it might be. The truck is now off.  
3 It's... it's significant. It's making a real  
4 difference.

5 As the Council knows, idling has been unlawful in  
6 New York City for 50 years. And it's unlawful in  
7 many parts of the country, but New York is actually  
8 doing something about it. Idling is the low hanging  
9 fruit in... in environmental change. All it takes is  
10 a flick of the wrist to turn the engine off.

11 And you know other... other things that are  
12 beneficial -- adopting electric vehicles, etc. --  
13 they're important but they're tough. This is not  
14 tough. Idling: All it takes is to flick the...  
15 flick the wrist and turn the vehicle off. So I just  
16 want to emphasize in favor of 606 and 684, and the  
17 idling program in general in the city. Now is not  
18 the time to let it be watered down. And I'm very  
19 happy that The Council is not what not letting it be  
20 watered down and in fact is strengthening it.

21 One thing that The Council may want to put an eye  
22 toward or take a look at is that city permits are  
23 still being issued to agencies, or rather companies  
24 that have large amounts of outstanding fines for  
25 idling for other violations. I know there's... this

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2 has been looked at many times in the past because  
3 there's such significant ECB debt, but it's still  
4 happening. Nothing has changed on that. So maybe  
5 that's something that The Council can turn its  
6 attention towards in the future. Thank you.

7 CHAIRPERSON GENNARO: Yeah, that's something  
8 we're looking at. And when Joel mentioned it, that  
9 really got my attention. I didn't really know there  
10 were that many outstanding fines, but we got to do  
11 something about that. And so good things come out of  
12 every hearing, and that's this is one of them.

13 I thank this panel very much. I appreciate it.  
14 And with that? Okay, we have...

15 (background voices)

16 And thank you Alfonso, for staying yourself. My  
17 God, I didn't know... I thought that you're going to  
18 task it. You know, but here you are. I appreciate  
19 that.

20 COUNSEL: And on Zoom, Christopher Gawarecki.

21 CHAIRPERSON GENNARO: It's going to show up on  
22 here? I'm going to see it on here? Am I going to  
23 see it on this here? On the big screens? Oh, there  
24 it is. Okay.

25

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2 MR. GAWARECKI: Hi, good afternoon, everybody.  
3 Thank you. Thank you for my statement today. My  
4 name is Christopher Gawarecki. I am the Customer  
5 Compliance Manager for HUB Truck Rental Cooperation.  
6 I'm going to be the bad guy here. I got all these  
7 trucks behind me. But I just wanted to... and  
8 specifically for Intro 684. We're seeing these  
9 citizens idling. That comes to us directly. The  
10 biggest problem we see is... there... We own all of  
11 the trucks. There's no transfer of liability option  
12 available. So where can we be classified as a repeat  
13 offender. So we lease a truck. We have over 600  
14 lease customers out there. We operate also around  
15 2500 trucks. Another thing I'd like to bring up is:  
16 All of our trucks are fitted with diesel particulate  
17 filters and DEF (that's diesel after-treatment  
18 systems) that also qualify for the DEC clean truck  
19 program. They're also certified clean idle, and carb  
20 certified in the state of California, which the state  
21 of California exempts our trucks... or clean  
22 certified idle trucks. They're exempt from idling  
23 rules, unless it's in a restricted area such as a  
24 park or a school. So I just wanted to bring that up.

25

2           The transfer of liability which I had mentioned  
3 before is key to us. With all these customers out  
4 there, we're getting all of them. And a few people  
5 have mentioned that the outstanding fines out there,  
6 while they're not bringing the amount of money they'd  
7 like to bring in to handle the idling issue, the  
8 problem is a hearing dates are now scheduled for the  
9 third quarter of 2024 for hearing these cases. So  
10 that's a huge issue as far as due process.

11           If it would be easier say like a red light camera  
12 ticket or the ability for somebody to just instantly  
13 pay the fine? But I'm speaking for over 600 lease  
14 customers, and there's going to be a lot of pushback  
15 on this if these fines are doubled, because the  
16 process now has serious flaws. So thank you for your  
17 time.

18           CHAIRPERSON GENNARO: Thank you. If you would...  
19 I've got a question for you. So you're a company  
20 rents trucks... leases trucks, right?

21           MR. GAWARECKI: Correct sir.

22           CHAIRPERSON GENNARO: Right. And so you lease a  
23 truck, rent the truck, somebody takes it, they get an  
24 idling ticket... Who gets the ticket? You?

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2 MR. GAWARECKI: So it depends. So all the trucks  
3 are registered to HUB Truck Rental Corporation. It  
4 depends on the person issuing the ticket. Most of  
5 the time it goes to us, because they're all  
6 registered under our name. However, there are times  
7 where, because the company name is written on the  
8 side of the vehicle, that it will go to them. So...  
9 But most of the time it is going to me, and  
10 administratively, it's a lot to issue... send out all  
11 these tickets to the lease customers, explain to  
12 them, and that's... that's the biggest problem we  
13 have there. Every truck we rent and lease... and  
14 they are six... six and seven year leases, they all  
15 go to... to us. The majority of them.

16 The other thing I'd like to notice. I forgot to  
17 mention. All of our trucks are actually equipped  
18 with a three minute idle time. So it can be  
19 overridden if the driver decides to turn the truck  
20 back on or step on the accelerator pedal. But I just  
21 wanted to say from our... our aspect on the industry  
22 -- because I'm kind of the first person speaking on  
23 this from our side -- we do see some serious issues  
24 here.

25

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2 CHAIRPERSON GENNARO: So... So you get the  
3 ticket. And it's very difficult for you to reach out  
4 to the individual who was renting the truck at the  
5 time, but you can... but you know who it is, right?  
6 You can tell...

7 MR. GAWARECKI: No, we're send... So we're the  
8 middleman. We're dishing these tickets out to the  
9 lease customers stating they're responsible. But  
10 because they're in HUB Truck Rental's name, we need  
11 to send this to our attorney so they can litigate it.  
12 Hearings are approximately now third quarter of 2024  
13 to hear these cases.

14 So that's an awful long amount of time when these  
15 things are given, out and hearing is... is given. We  
16 will then receive a stipulation letter settling for  
17 \$350, and then we issue that to the customer as well  
18 saying if they want to settle it there's no attorney  
19 fee involved, and it can be over and done with. But  
20 raising the fines is really not going to solve the  
21 problem. It's the delay of hearing dates, which is a  
22 major problem.

23 CHAIRPERSON GENNARO: So... So when you go to the  
24 entity that would adjudicate these tickets, which  
25 would be OATH, I presume, right?

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2 MR. GAWARECKI: CORRECT.

3 CHAIRPERSON GENNARO: Because I was the one that  
4 took ECB and put it over in OATH. So it wasn't a  
5 kangaroo court. At least you could get some  
6 semblance of jurisprudence that actually goes on  
7 there. And... But you're saying that you're getting  
8 dates for 2024 for the adjudication of tickets?

9 MR. GAWARECKI: For hearing dates. It'll tell  
10 you the date when the violation was committed. It  
11 will also give you... Well, first of all, when you  
12 get the first notice... Several notices are sent.  
13 One could be from the Secretary of State, usually the  
14 first one is from OATH. And when you get the  
15 original violation, it doesn't even give you a plate  
16 number so you can identify the trucks. So then you  
17 go into the ECB, put in the violation number, find  
18 out which truck had this. Then we go and identify  
19 the customer and send him all... send that company  
20 all the information.

21 So this is all being left out of the conversation  
22 on this due process part of it. It's a lot. And we  
23 don't want to be.

24 And what's confusing to us is: We have several  
25 large customers in the Hunts Point area. And they're

2 running trucks that they've gotten through the Clean  
3 Trucks Program. And our trucks qualify for the Clean  
4 Trucks Program. But now we're being told we can't  
5 get an exemption that our trucks... where not that  
6 long ago, were called claim.

7 And all of our trucks have certified clean idle  
8 decals on them so they can be identified. We had  
9 discussions with the DEP through the Trucking  
10 Association Of New York. We were looking for an  
11 exemption. They stated it has to go through the City  
12 Council.

13 So you know, I know I'm the first one stating the  
14 opposite side of what I've been hearing today, but I  
15 just feel that with over 600 lease customers out  
16 there, there's going to be a lot of backlash on this.  
17 And it's going to you know, we don't want people  
18 idling and breaking the law. But this is where we're  
19 at, and the due process is the biggest. Second is  
20 we're looking for some kind of exemption because our  
21 trucks -- if they comply with the clean trucks, why  
22 don't they... why don't we... why don't they get an  
23 exemption?

24 CHAIRPERSON GENNARO: Okay. Here's what...  
25 here's what we're going to do. I'm not going to, you



2 know, commit to any kind of... I'm also not the  
3 author of the bill, although I am the Chair of the  
4 Committee. I'm going to task the Policy Analyst for  
5 the Committee. His name is Ricky Chawla. And you  
6 have his contact information because he's a witness.  
7 Right?

8 Okay. So I want you to have a longer  
9 conversation with Ricky. And then that way we can  
10 get all of these issues, you know, regarding other  
11 people getting tickets, and all that... and, you  
12 know, I think we should have a good grasp of this,  
13 when we negotiate this bill.

14 MR. GAWARECKI: Can I just make one more  
15 statement and thank you for your time. It's very  
16 much appreciated.

17 CHAIRPERSON GENNARO: Yeah. I'm giving you more  
18 attention, because you're representing like the  
19 counter-argument or whatever, or the impact or  
20 whatever. I'm not going to give away the store, but  
21 I certainly want to hear you out. And so...

22 MR. GAWARECKI: No. What I just would like to  
23 say is: I am a member of the Trucking Association...  
24 Trucking Association of New York called TANY. And  
25 we're always welcome for discussion, meetings, and...

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2 and anything to make this a little bit more of a  
3 streamlined process. There's always hiccups, but  
4 there are really some key things we would like to  
5 discuss, and we're always open for discussion.

6 CHAIRPERSON GENNARO: I would be... I would ask  
7 you when you have your conversation with Ricky to  
8 make sure that the Trucking Association, which your  
9 firm and other firms are part of... We always like  
10 to deal with trade... with trade organizations. And  
11 so that that's always a good way for us to get a  
12 sense of what's going on with an industry.

13 So we're going to leave it at that. You're going  
14 to have a conversation with Ricky, and you guys talk  
15 as long as you want. Okay?

16 MR. GAWARECKI: Sounds good. Thank you, sir.

17 CHAIRPERSON GENNARO: Thank you for bringing this  
18 forward.

19 MR. GAWARECKI: No problem.

20 CHAIRPERSON GENNARO: You bet.

21 COUNSEL: Now we have two witnesses here.

22 CHAIRPERSON GENNARO: Okay, we're going to, uh...

23 COUNSEL: Andrew Fox and Kyra Armstrong. Then  
24 we'll go back to...

25

2 CHAIRPERSON GENNARO: Then we'll go back to the  
3 Zoom. Okay, please.

4 MR. FOX: Good afternoon. My name is Andrew Fox.  
5 I'm honored to present to this distinguished panel.  
6 I'm from New York City, and I'm the Founder,  
7 Chairman, and CEO of the New-York-City-based company  
8 Charge Enterprises, founded in 2019. We are listed  
9 on NASDAQ under the symbol CRGE, and we exist  
10 primarily to build the necessary infrastructure and  
11 technology to make mass adoption of electric vehicles  
12 possible.

13 While Charge supports nationwide EV projects (we  
14 have over 150 employees living and working throughout  
15 the state of New York) we're also developing electric  
16 vehicle charging solutions here for use in New York  
17 City. The largest privately owned professional  
18 parking management company in New York City, City  
19 Parking, appointed Charge to be the exclusive EV  
20 charging infrastructure provider for their 135  
21 locations, and most recently Charge and New York  
22 City, along with Connected Curb, installed the pilot  
23 EV charging program at the Brooklyn Navy Yard. This  
24 installation presents the potential for on-street  
25 parking and EV charging at scale.

2 Charge supports New York City Municipal Zero  
3 Emission Vehicle Bill. I believe that this bill is  
4 an important piece of legislation for New York City.  
5 And it'd be a model for cities intent on being  
6 proactive and getting ahead. The automotive  
7 transformation is upon us. It represents a massive  
8 change to our economy, and it's irreversible.  
9 According to the most recent figures, global auto  
10 manufacturers have announced investments totaling  
11 \$1.2 trillion through 2030. These companies cannot  
12 afford to run competing gasoline and electric  
13 vehicles for long. The industry builds for the world  
14 and the world is going electric and automakers are  
15 shifting fast. I hope New York City does as well.  
16 And I encourage The Council to support future EV  
17 charging programs. Our city needs tens of thousands  
18 of chargers for both personal use and government  
19 fleet vehicles, and as I said, the transformation is  
20 here. Let's not ignore the obvious. And let's plan  
21 a timely and manageable purchase program of zero  
22 emission vehicles. Thank you.

23 CHAIRPERSON GENNARO: Thank you. And to the  
24 extent that you want to make your company and what it  
25 has to offer, you know, known to city government

2 and... city government and to the Adams  
3 Administration, the gentleman sitting right at that  
4 table is the representative of the Adams  
5 Administration at the highest levels and would be  
6 happy to take your information. And you know, so  
7 that way you can you know, liaise with people who are  
8 interested in your technology in city government.

9 MR. FOX: Yep. We've... we've grown a from New  
10 York City base to about a \$700 million company in  
11 three years. And so as you could imagine, the market  
12 is growing very, very quickly, and so I'd be honored  
13 to speak to this.

14 CHAIRPERSON GENNARO: Okay, yeah. Maybe someday  
15 I'll be working for you. Okay? Just kidding. I'm  
16 not looking for another job right now, but good on  
17 you.

18 Okay, please. Please turn on your microphone.

19 MS. ARMSTRONG: Sorry about that. Is it on now?

20 CHAIRPERSON GENNARO: Yes, it is.

21 MS. ARMSTRONG: Perfect. Thank you. Thank you  
22 for affording me the opportunity to speak. I want to  
23 first acknowledge Chair Gennaro's patience,  
24 responsiveness, and attentiveness during this

2 hearing. I give you full credit that you've remained  
3 here and that's incredible.

4 CHAIRPERSON GENNARO: Thank you.

5 MS. ARMSTRONG: My name is Kyra Armstrong with  
6 the New York Lawyers for the Public Interest. I'm an  
7 environmental justice staff attorney.

8 I want to primarily address one bill before you,  
9 Intro 279, but we will be submitting written  
10 testimony regarding all of the bills before you.

11 CHAIRPERSON GENNARO: Thank you.

12 MS. ARMSTRONG: Intro 279 is a crucial piece of  
13 legislation that will require New York City to  
14 transform its entire fleet of more than 30,000  
15 vehicles to EVs. The bill has a purchasing  
16 acceleration deadline to begin in 2025 and requiring  
17 the full conversion of the municipal fleet by July  
18 2035, and provides New York City with an opportunity  
19 to lead and help rapidly scale up domestic production  
20 of the several types of EVs ranging from police to  
21 motorcycles to sanitation trucks. This bill also  
22 accelerates the purchasing of zero emission school  
23 buses and enhances current law. While the city has  
24 piloted programs introducing electric vehicles to its  
25 fleet, now is the time to ensure that the city

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2 realizes the full benefits of mature electric vehicle  
3 technology to protect New York residents and workers  
4 and to realize huge savings on fuel and maintenance  
5 costs over the lifetime of these vehicles.

6 While we are fully supportive of this crucial  
7 legislation, we urge The Council to consider a few  
8 amendments making this bill even stronger, and  
9 continuing this Council's tradition of advancing  
10 environmental justice and aggressively reducing  
11 emissions in New York City. Particularly, we urge  
12 council to consider amendments that change the  
13 purchasing price waiver from 50% to 100%. This broad  
14 waiver fails to consider the far lower fuel and  
15 maintenance costs of electric vehicles, and that the  
16 total cost of owning and operating such vehicles in  
17 many cases, is competitive with internal combustion  
18 vehicles, and expected to climb in the upcoming  
19 years. The city has already adopted [bell rings]...  
20 Oh, I can stop there.

21 CHAIRPERSON GENNARO: Please continue and just  
22 finish. Just... just conclude. I have a soft spot  
23 for The New York Lawyers. So...

24 MS. ARMSTRONG: We appreciate it. Um, we would  
25 just also recommended that you provide an exemption

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2 of school buses from the waivers for medium, light-  
3 duty, and heavy-duty vehicles so that they are  
4 standalone. And we also want to consider that our  
5 JMA partners have presented amazing amendments today,  
6 and whether that becomes a separate piece of  
7 legislation or is included in Intro 279, we are fully  
8 supportive of that. And we also defer to our Sierra  
9 Club partners on any other amendments that they wish  
10 to see in Intro 279.

11 CHAIRPERSON GENNARO: Uh... Thank you and to the  
12 extent did you have any ideas like you just mentioned  
13 regarding any kind of additional legislation that  
14 perhaps I myself might want to sponsor, I have my  
15 legislative director, Navi Kohr. You can have that  
16 conversation with her. I'm always looking for ideas.

17 MS. ARMSTRONG: I personally love Navi, and have  
18 had the opportunity to meet her. So I will e-mail  
19 her.

20 CHAIRPERSON GENNARO: Okay, sure. You... You  
21 should talk. Okay?

22 MS. ARMSTRONG: Thank you so much.

23 CHAIRPERSON GENNARO: I mean, at least you know,  
24 you can give your information to one another and talk

25



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2 here, or later or whatever, as long as the  
3 conversation gets... gets done.

4 MS. ARMSTRONG: I appreciate sir. Thank you.

5 CHAIRPERSON GENNARO: Thank you very much. All  
6 my best to The New York Lawyers.

7 COUNSEL: The next witness...

8 CHAIRPERSON GENNARO: Okay, we're going back to  
9 Zoom right?

10 COUNSEL: Right. Back to the Zoom.

11 Deitmar Detering, Eric Eisenberg, and Jaron  
12 Burke.

13 CHAIRPERSON GENNARO: I can see myself on TV now,  
14 so I'm adjusting my tie. But you got to push it the  
15 opposite way that you think it's going to go. Okay.

16 SERGEANT AT ARMS: Your time will begin.

17 MR. DETERING: Okay, I will start. Thank you for  
18 the opportunity to testify in support of Bills 606  
19 and 684. And thank you for the many co-sponsorships  
20 that these bills have already received. My name is  
21 Dietmar Detering, I live with my wife and two  
22 daughters in Sunnyside, Queens. I'm a member of the  
23 Anti-Idling Working Group with the DEP.

24

25

2           The DEP has done a tremendous job keeping up with  
3 a large number of cases involving trucks and buses  
4 idling yet the problem persists.

5           You can walk out of your meeting right now, and  
6 within a minute or two you will encounter a truck or  
7 a bus spewing out toxic gases and particulate matter  
8 for no reason whatsoever. I grew up in Germany, and  
9 businesses do not let that trucks and buses idle. If  
10 it happens, it is so extraordinary that normal  
11 citizens will immediately turn their heads and wonder  
12 what's going on, and then complain about the  
13 unnecessary pollution. Here in our city, however,  
14 truck and bus idling is normal and people breathe in  
15 the extra dose of life-shortening and quality-of-  
16 life-reducing fumes without even noticing. Idling is  
17 everywhere, despite the enforcement that's done  
18 already.

19           We need to change this pro-idling culture, but  
20 we're not succeeding. The DEP can testify that  
21 idling enforcement comes at a cost to the city. It  
22 binds precious resources not available for other  
23 important tasks of the department. The obvious  
24 answer: higher fines. This will move the fines from  
25 the cost of doing business to something that actually

2 changes corporate behavior that lets the DEP focus on  
3 other tasks again. The goal and the effect of  
4 increasing the fines by Intro 684 is not for the city  
5 to make more money off idling vehicles, but to write  
6 many fewer tickets, and finally to reach the goal of  
7 the original anti-idling law: an idling free vehicle  
8 culture and cleaner air for all of us.

9 This should also reduce the hearing backlog that  
10 Mr. Gawarecki mentioned in his testimony. Please  
11 support Intro 684. In regards to Intro 606, this  
12 bill creates more consistency with the existing rules  
13 against idling around schools. If you oppose idling  
14 in front of schools, then you should also oppose  
15 idling next to parks and playgrounds, please support  
16 interest 606 as well. Thank you.

17 CHAIRPERSON GENNARO: Thank you. I'm already a  
18 proud sponsor of all those bills and I... I agree  
19 with you. Thank you for taking the time to be here.

20 COUNSEL: Eric Eisenberg.

21 SERGEANT AT ARMS: Your time will begin.

22 MR. EISENBERG: Hi, I'm here to speak on behalf  
23 of anti-idling Intro 606 and 684. I'm a local  
24 attorney and volunteer on the Anti-Idling Working  
25

2 Group along with Dietmar, arranged by the DEP, and  
3 other citizens and other persons.

4 We advise the DEP on New York City's existing  
5 idling law and how best to enforce it. The  
6 enforcement is directed against companies whose  
7 trucks' and buses' engines, despite not moving the  
8 vehicle or doing anything useful, nonetheless spew  
9 exhaust.

10 New York City's 1972 idling law allows running  
11 engine to operate work and refrigeration equipment,  
12 to heat a bus in low temperatures, and to cool a  
13 school bus and high temperatures. So when a ticket  
14 is actually issued, the bus or truck company really  
15 has no excuse.

16 The unnecessary exhaust represents an  
17 environmental health and noise crisis in New York  
18 City. The DEP is receiving about 50,000 idling  
19 complaints in 2022. That's twice the number of  
20 helicopter noise complaints to put that in  
21 perspective. This is so much idling that DEP is  
22 forced to schedule hearings years out, as HUB Truck  
23 points out. DEP identified the program needs more  
24 funding, and this needs to be provided by City  
25 Council and the Mayor immediately to cut back on

2 delays. The investment will more than pay for itself  
3 and provide procedural justice.

4 Multiple giant multibillion dollar corporations  
5 have each received well over 1000 DEP idling  
6 summonses. Given the current enforcement capacity  
7 and surveillance, this likely hides millions of  
8 uncaught pollution violations by each of these mega  
9 corporations. The current penalties clearly don't  
10 deter these big companies from idling. With Intro  
11 684, control could be achieved. Corporations will  
12 adopt electric vehicles, install auto shut-offs,  
13 provide workers with battery packs to charge cell  
14 phones, or train drivers to shut off the engines.  
15 These actions would reduce fuel consumption and  
16 engine wear and actually save the corporations money.

17 By making unnecessary emissions expensive  
18 companies will engage in less events to maximize  
19 their own profit. As for Intro 606, the idling law  
20 already has tougher rules for idling in front of  
21 schools. Intro 606 simply extends those rules to  
22 parks, playgrounds, and green spaces. Children  
23 playing outdoors have no physical protection from  
24 exhaust emissions, so they must be protected by as  
25 long.

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2 SERGEANT AT ARMS: Time expired.

3 MR. EISENBERG: New Yorkers recently  
4 overwhelmingly voted for a constitutional guarantee  
5 of clean air. By passing Intro 606 and 684, City  
6 Council the making good on that guarantee. New  
7 Yorkers, and especially the disproportionately  
8 affected minority communities of the South Bronx and  
9 central Brooklyn deserve no less.

10 I will be submitting some language suggestions  
11 for Intro 684 in writing in the nature of making some  
12 technical clarifications. Thank you.

13 CHAIRPERSON GENNARO: Thank you. We certainly  
14 appreciate any kind of technical clarifications or  
15 suggestions for the legislation, actual clauses we  
16 would greatly appreciate that. Thank you for  
17 commitment to fighting idling, and all of your  
18 efforts on being on the DEP taskforce...

19 MR. EISENBERG: Anti-Idling Working Group.

20 CHAIRPERSON GENNARO: Yeah, working group. Thank  
21 you for that. I appreciate your testimony, and get  
22 those recommendations to us. We'd appreciate that.  
23 Thank you.

24 CLERK: The next witness: Jaron Burke.

25 SERGEANT AT ARMS: Your time will begin.

2 MR. BURKE: Good afternoon, Chair Gennaro, and  
3 the Committee on Environmental Protection. My name  
4 is Jaron Burke, and I'm the Environmental Health  
5 Manager at WE ACT for Environmental Justice. I have  
6 a Master's of Public Health with a focus on  
7 environmental health policy and air pollution, and  
8 thank you for the opportunity to testify to this  
9 Committee for the first time on a matter important to  
10 both WE ACT and myself.

11 I'm here today to speak on the importance of air  
12 quality monitoring. Anyone who knows the history of  
13 air pollution in New York City should be familiar  
14 with the Great Smog event of 1966, the culmination of  
15 many years as the most polluted city in the country.  
16 Surprisingly, the city began monitoring air quality  
17 13 years before that in 1953, which raises the  
18 question: How did they allow air pollution to get so  
19 out of control? The answer, there's only one monitor  
20 for the whole city, clearly not enough to capture all  
21 sources of air pollution around the city.

22 While it's hard to understand why city officials  
23 thought one air quality monitor would be sufficient  
24 for an entire city, they realized that was  
25 insufficient after 10% of the city's population

2 suffered adverse health effects as a result of that  
3 event.

4       Fast forward to today and unfortunately, the city  
5 is still learning this lesson. According to the  
6 Department of Health's Environmental Health Data  
7 Portal, the city only has five real time monitors for  
8 the whole city, most of which have not been active  
9 for months. The city also does monitoring through  
10 the New York City Community Air Survey or NYCCAS, but  
11 only collects data for two weeks at a time at each of  
12 those locations during each season. That is  
13 insufficient.

14       While current monitoring practices may help the  
15 city capture overall trends for regulatory purposes,  
16 it doesn't help identify specific sources of  
17 pollution, which need to be mitigated to improve air  
18 quality and health outcomes for overburdened  
19 communities. Mitigation is especially important  
20 given the city's history of siting polluting  
21 facilities and communities of color and low income.  
22 Because of those polluting facilities, rates of  
23 childhood asthma are higher in communities of color  
24 and low income than the citywide average. Other  
25 health impacts, like cardiovascular disease are also



2 plaguing northern Manhattan and the South Bronx, due  
3 to environmental injustice.

4 SERGEANT AT ARMS: Time expired.

5 MR. BURKE: This is why WE ACT supports Intro 612  
6 to require monitoring of powerplant performance. We  
7 urge The Council to co-sponsor and pass the bill,  
8 (inaudible) plants around the city emit 20 times as  
9 much nitrogen oxide per unit of electricity than  
10 regular power plants and contribute to the high rates  
11 of respiratory illness like asthma, heart disease,  
12 and cancer...

13 CHAIRPERSON GENNARO: Thank you.

14 MR. BURKE: ...in our communities. Moreover, the  
15 city needs to allocate more money to meaningfully  
16 involve community based organizations in the  
17 monitoring process and provide technical assistance  
18 to facilitate community monitoring networks.  
19 Communities should receive support to maintain air  
20 sensor networks to capture local sources of air  
21 pollution so we can mitigate them.

22 SERGEANT AT ARMS: Time expired.

23 MR. BURKE: We actually will provide a more  
24 detailed written testimony and thank you again, for  
25 allowing me to testify.

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2 CHAIRPERSON GENNARO: Thank you. Give my best to  
3 the folks that WE ACT, and you know, I gave you a  
4 little latitude here, but try to stay within the time  
5 next time. But it's great that you are with WE ACT,  
6 and welcome. Thank you. Appreciate your testimony.  
7 I agree with you. Best to Peggy and everybody at WE  
8 ACT.

9 COUNSEL: The next witness is Lonnie Parks.

10 SERGEANT AT ARMS: Your time will begin.

11 MR. PORTIS: I think that's me, right? Lonnie  
12 Portis.

13 COUNSEL: Portis.

14 MR. PORTIS: Good afternoon, Chairman Gennaro and  
15 the Committee on Environmental Protection...

16 CHAIRPERSON GENNARO: We just had a WE ACT guy.  
17 We just had a WE ACT guy.

18 MR. PORTIS: You another WE ACT one... you get  
19 two today.

20 CHAIRPERSON GENNARO: Alright. I'm glad to see  
21 you.

22 MR. PORTIS: It's nice to see you again and  
23 always a pleasure to provide testimony, especially on  
24 the issue of air quality. For those who don't know  
25 me, I'm Lonnie Portis, the Environmental Policy and

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2 Advocacy Coordinator at WE ACT for Environmental  
3 Justice. Since our beginnings WE ACT has been  
4 fighting for cleaner air uptown. Residents of  
5 northern Manhattan and South Bronx have faced greater  
6 burden of health impacts from poor air quality in  
7 comparison to other neighborhoods for decades due to  
8 past environmental racist policies, programs, and  
9 practices.

10 WE ACT encourages the City Council to continue to  
11 pass legislation that reduces emissions and pollution  
12 from all sectors and also improves air quality  
13 throughout the city. The city should also equitably  
14 fund and implement strong mitigation -- that was the  
15 word of the day -- mitigation and monitoring efforts  
16 prioritized communities of color and low income  
17 communities that are disproportionately impacted by  
18 poor air quality. WE ACT will provide a detailed  
19 written testimony that includes all the bills as well  
20 as the program that we're advocating for in relation  
21 to improving air quality throughout the city,  
22 especially in the environmental justice community,  
23 particularly Intro 470, which would require building  
24 owners to end the use of Number 4 fossil oil, by  
25 January 2025. Ultimately, banning Number 4 fuel oil

2 in 2025, five years earlier than currently projected,  
3 will lead to direct air quality improvements in our  
4 communities. We have been advocating for speeding up  
5 this phase out for many years.

6 But today I want to uplift and show WE ACT's  
7 support for Intro 279. New York City transportation  
8 emissions is our second largest source of emissions  
9 after buildings, and New York City has made no  
10 visible progress on this sector. Every year motor  
11 vehicles contribute approximately 11% of the local  
12 fine particulate matter and 28% of the nitrogen oxide  
13 emissions in New York City. Air pollution PM 2.5  
14 from trucks contribute to 10% to 15% of all asthma  
15 emergency department visits in Central Harlem and  
16 East Harlem residents each year. Children in Harlem  
17 and South Bronx are also 10 times more likely to  
18 visit emergency department for asthma related events  
19 triggered by poor air quality.

20 SERGEANT AT ARMS: Time expired.

21 MR. PORTIS: I can move forward here. But Intro  
22 279 requires the city to convert its entire municipal  
23 feet to zero emissions by 2025. This bill will force  
24 progress to reduce emissions from transportation  
25 sector, but also create a higher demand for zero

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2 emission vehicles aiding in achieving cost parity  
3 fossil fuel powered vehicles.

4       Additionally, we strongly urge the city to deploy  
5 zero emission vehicles equitably, insuring  
6 communities negatively impacted the most by poor air  
7 quality are prioritized by implementation. The city  
8 should also work closely with utility companies to  
9 modernize, strengthen, and green our grid as we  
10 electrify our vehicles and buildings.

11       Again, I'm going to send you more detailed  
12 testimony that's going to include all the other  
13 policies, programs or laws that were that were at  
14 least able to address in this hearing,

15       CHAIRPERSON GENNARO: Yes, please send that.  
16 Regarding the Number 4 Oil Bill, that was going to  
17 get voted out at the next stated meeting. It's not  
18 quite ready. So... But that's happening. That's  
19 like my baby, and we're going to make sure that it  
20 gets done the right way. And also, you know, we act  
21 as part of the new PlaNYC thing, right? You guys are  
22 on that, right?

23       MR. PORTIS: (inaudible) is.

24

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2 CHAIRPERSON GENNARO: (crosstalk) Yeah, so make  
3 sure you bring this up in that in that forum as well.  
4 Okay?

5 MR. PORTIS: I'm sure she will. (crosstalk)

6 CHAIRPERSON GENNARO: So thank you, Lonnie,  
7 always good to see you.

8 COUNSEL: The next witness is Michael McFadden.

9 MR. MCFADDEN: Good afternoon, and thank you for  
10 allowing me to testify today. I am now... can you  
11 hear me?

12 CHAIRPERSON GENNARO: Yes.

13 MR. MCFADDEN: I am now, after listening to  
14 today's testimony, even more aware of just how  
15 damaging motor vehicle emissions and the unnecessary  
16 idling of vehicles is having on New York City  
17 children, the poor, and people of color, who are all  
18 disproportionately affected by this unnecessary  
19 activity. I am strongly in support of the anti-  
20 idling, Intro 684 and 606.

21 This is your opportunity to make a real lasting  
22 and positive change for the many by the simple act of  
23 passing these bills into law. As a member of the DEP  
24 Anti-Idling Working Group, retired member of the  
25 NYPD, and New York City resident, I have seen and

2 experienced firsthand how changes to priorities and  
3 enforcement together can affect sought-after changes  
4 in behavior. That is what is required here. There  
5 is a culture and belief that it is simply okay to  
6 continuously run a vehicle engine while simply  
7 sitting in the vehicle or even leaving it unattended.  
8 Large truck and bus engines spewing poison into the  
9 air or for no reason.

10 We are only talking about unnecessary idling.  
11 Violations are issued to corporations, not  
12 individuals. Only those who idle unnecessarily have  
13 the mere risk of receiving a summons. Unnecessary  
14 idling is an epidemic yet it is seen as a cost of  
15 doing business by many companies. By passing these  
16 two bills, New York City will be demonstrating its  
17 leadership and its seriousness in protecting the air  
18 that New Yorkers and indeed others breathe, and that  
19 is also doing its part to limit climate change.

20 New York City Law was passed banning smoking from  
21 many public spaces. It wasn't the most popular  
22 proposal initially. Yet it is now widely regarded as  
23 one of the most significant changes affecting public  
24 health.

25 SERGEANT AT ARMS: Time expired.

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2 MR. MCFADDEN: These two bills are no different.  
3 During your consideration of these bills, I simply  
4 ask you to take a few 30-minute walks around your  
5 city and it's schools and parks and actually take  
6 notice of just how often and how many vehicles are  
7 unnecessarily idling. Please act now and pass these  
8 bills. Thank you.

9 CHAIRPERSON GENNARO: Thank you. Thank you for  
10 the service to DEP regarding anti-idling, and  
11 certainly thank you for your service to the NYPD.  
12 Appreciate you being here.

13 MR. MCFADDEN: Thank you sir.

14 COUNSEL: The next witness is Michael Streeter

15 MR. STREETER: [unrelated conversation  
16 accidentally recorded]

17 COUNSEL: So is he available now?

18 CHAIRPERSON GENNARO: Do we... Do we have a  
19 witness?

20 COUNSEL: Michael Streeter?

21 CHAIRPERSON GENNARO: What happened to Michael  
22 Streeter? Okay. We're going to skip over Michael  
23 Streeter for now who is engaged in a private call.  
24 We'll go to the next witness

25 COUNSEL: Natasha Elder.



2 MS. ELDER: Hi, good afternoon. My name is  
3 Natasha Elder and I'm the Regional Director at  
4 NYPIRG. NYPIRG is nonpartisan, not-for-profit  
5 research and advocacy organization, environmental  
6 protection, public health, and civic empowerment are  
7 our principal areas of concern. Thank you, Committee  
8 Chair Gennaro and members of the Committee for the  
9 opportunity to testify today.

10 Although all of the issues being brought forth  
11 are of importance to protect the health of New  
12 Yorkers, we are specifically testifying in support of  
13 Intro 64, which will increase the civil penalty for  
14 idling infractions imposed on drivers of buses and  
15 trucks.

16 Idling is a significant and usually unnecessary  
17 source of nitrogen oxides and particulate matter,  
18 with an estimated 130,000 tons of carbon dioxide  
19 emitted in New York City each year, leading to heart  
20 attacks, lung cancer, increased asthma related  
21 symptoms, premature death, among other things.  
22 Idling increases air pollution, and although people  
23 of all ages are affected by it, children are  
24 particularly vulnerable especially in communities of  
25 color. Particulate matter and nitrous oxide are more

2 apt to be found in schools with higher enrollment of  
3 racially and ethnically marginalized children, and  
4 trucks and buses account for half of all traffic  
5 pollution related premature deaths in black and  
6 Hispanic communities.

7       Generational climate justice is an issue that's  
8 also in the front and center of the students we work.  
9 Idling wastes large amounts of fossil fuels and  
10 results in significant emissions of greenhouse gases  
11 that contribute to climate change. With millions of  
12 vehicles driven in New York on daily basis,  
13 increasing civil penalties for buses and trucks and  
14 reducing idling will result in massive reductions in  
15 fuel consumption and a significant decrease in New  
16 York's carbon footprint. Continuing to ignore these  
17 facts will hurt New Yorkers' health and our wallets  
18 as we foot the bill for disaster cleanups like Ida  
19 and Sandy.

20       The negative effects on the health of New Yorkers  
21 and our climate as a whole has spawned creative  
22 policy solutions. New York's electric bus network  
23 has been growing, and congestion pricing continues to  
24 be another critical piece in the fight to reduce  
25

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2 emissions and promote environmental justice practices  
3 while supporting our critical mass transit systems.

4 SERGEANT AT ARMS: Time expired.

5 MS. ELDER: I'm wrapping up. We are in a climate  
6 crisis and our health is failing. Reducing the  
7 idling of hundreds of trucks and buses will better  
8 protect the public health of New Yorkers. Increasing  
9 civil penalties will bolster efforts to meet these  
10 goals. We urge the passage of 684. Thank you.

11 CHAIRPERSON GENNARO: Thank you very much, and  
12 God bless, NYPIRG.

13 COUNSEL: Thank you. The next witness is Nikki  
14 Coss. Did she... is she gone?

15 CHAIRPERSON GENNARO: Okay, next witness.

16 COUNSEL: Sam Wilson. What happened?

17 MR. WILSON: Well, good afternoon Chair and  
18 members of the Committee. My name is Sam Wilson, and  
19 I am a Senior Vehicles Analyst with the Union of  
20 Concerned Scientists, a national nonprofit with the  
21 goal of putting rigorous science to work in our  
22 democracy.

23 On behalf of our nearly half a million supporters  
24 thanks for the opportunity to comment in support of  
25 Intro 279 as proposed.

2 Perhaps the most meaningful part of this critical  
3 bill is its movement on medium and heavy-duty  
4 vehicles. Trucks and buses make up over half of the  
5 city's municipal fleet, and these vehicles are by far  
6 the most polluting vehicles on the road. Even models  
7 that run on compressed natural gas -- often falsely  
8 market as a cleaner solution -- can emit significant  
9 amounts of ozone forming nitrogen oxides and lung  
10 damaging fine particulates in real world operations.

11 According to the New York City Department of  
12 Health, fine particulate emissions from trucks and  
13 buses operating in the five boroughs are responsible  
14 for an estimated 170 premature deaths each year in  
15 New York City. Concentrations of this deadly  
16 pollutant are nearly twice as high in areas of high  
17 poverty, and New Yorkers of color experience exposure  
18 at higher than average rates.

19 Electrification is really the only sure way to  
20 reduce emissions from heavy-duty vehicles. And with  
21 over 130 models of electric trucks and buses  
22 available today, spanning from fire pumper trucks to  
23 class eight semis, these clean vehicles are ready to  
24 get to work. Swift action to electrify trucks and  
25 buses is necessary to improve New Yorkers access to

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2 clean air and address climate change impacts for  
3 future generations. Furthermore, this bill's  
4 timeline is both technologically and economically  
5 feasible, and it actually moves slower than zero  
6 emissions heavy-duty regulations elsewhere. So for  
7 example, California's proposed Advanced Clean Fleets  
8 Rule would require large municipalities to only add  
9 zero emissions trucks to their fleets beginning in  
10 2024 (so it's about six and a half years faster than  
11 this bill) and existing California regulations  
12 require even the smallest public transit agencies in  
13 the state to purchase only zero emissions buses a  
14 full year and a half before this... this bill's ZEV  
15 requirements for the city buses begin.

16 SERGEANT AT ARMS: Time expired.

17 MR. WILSON: So in conclusion, the comparatively  
18 conservative timeline of this bill for medium and  
19 heavy-duty vehicles gives the city ample time to plan  
20 and execute this much needed transition. Thank you  
21 for the opportunity again to comment today. I'm  
22 going to submit some more detailed comments in  
23 writing and would also be happy to meet with the  
24 Committee members and staff to answer any questions,  
25 and the Chair is certainly welcome to take credit for

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2 any of the great ideas that are presented today.

3 Thanks so much.

4 CHAIRPERSON GENNARO: Thank you very much. It's  
5 a privilege to... to get testimony from the Union of  
6 Concerned Scientists. We really appreciate your  
7 patience being with us today. And you provided  
8 excellent testimony which should be of great help to  
9 us. And please submit the full thing to us so we can  
10 get the full benefit of it. Thank you so much.

11 COUNSEL: Okay, the next witness is Sarah Evans.

12 SERGEANT AT ARMS: Your time will begin.

13 DR. EVANS: Good afternoon. Thank you. My name  
14 is Sarah Evans. I'm an Assistant Professor of  
15 Environmental Medicine and Public Health at the Icahn  
16 School of Medicine at Mount Sinai. I'm speaking on  
17 behalf of the Mount Sinai Children's Environmental  
18 Health Center in support of Intro 606 and 684.

19 We are a team of pediatricians and scientists who  
20 specialize in how the environment impacts health. We  
21 also operate an environmental pediatrics clinic where  
22 we counsel and treat New York City children who are  
23 disproportionately burdened by exposure to air  
24 pollutants and asthma. As such, we applaud all

25

2 efforts of this council to improve outdoor air  
3 quality.

4       As you've already heard, children are highly  
5 vulnerable to the harmful effects of automobile  
6 emissions both directly through air pollutants and  
7 indirectly through climate impacts. They breathe  
8 faster than adults so inhale more pollutants, which  
9 then penetrate deep into their lungs, enter the  
10 bloodstream and impact multiple bodily systems to  
11 impair lung function, increased risk of learning and  
12 behavioral problems, autism, obesity and diabetes,  
13 heart attack and stroke, more severe COVID-19  
14 outcomes, poor pregnancy outcomes dementia, cancer  
15 and lower life expectancy.

16       Idling is an environmental justice issue with low  
17 income and communities of color bearing the greatest  
18 burden of exposure to air pollutants and the highest  
19 asthma rates in the city. For example, East Harlem,  
20 a designated environmental justice area and the  
21 neighborhood in which our center is situated has some  
22 of the highest rates of asthma ED admissions in the  
23 city, at 580 per 10,000 Children, compared with just  
24 49 per 10,000 children a few blocks away in the  
25 predominantly white and wealthy upper Eastside

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2 neighborhood. citywide racial inequities and asthma  
3 rates in children in grades K through 8 are stark  
4 with rates of 12.9% 11.3% and 5.3%, for black, Latinx  
5 and white children respectively. These inequities  
6 place children of color in EJ areas at the highest  
7 risk for adverse health impacts from pollutants  
8 produced by idling vehicles.

9 All New York City children deserve safe and  
10 healthy places to play our environmental pediatric  
11 clinic counsels families

12 SERGEANT AT ARMS: Time expired.

13 DR. EVANS: ... on the steps that they can take  
14 it home to improve their child's asthma management,  
15 like guidance on best practices for proper  
16 administration of medication and how to eliminate  
17 asthma triggers inside the home.

18 But we also recommend outdoor play as an  
19 essential part of a healthy childhood. Yet families  
20 have little control over air quality outside of their  
21 home. By enacting and strictly enforcing the  
22 proposed legislation the city can improve air quality  
23 in the vicinity of playgrounds, parks, and green  
24 spaces, giving most vulnerable New Yorkers access to  
25 clean air. Thank you very much for your time.



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2 CHAIRPERSON GENNARO: Thank you. Now is... Now  
3 at Mount Sinai... Is that where Phil... Dr. Phil  
4 Landrigan... is he still active in what he does? Is  
5 he is he retired or? Dr. Phil Landrigan? Uh... Is  
6 he...?

7 DR. EVANS: Oh, thank you. Sorry, I couldn't  
8 unmute. Yes. And he is my former mentor, and Chair  
9 of our department who I learned most everything I  
10 know about environmental pediatrics, and he is now at  
11 Boston College. He is not retired.

12 CHAIRPERSON GENNARO: Oh great.

13 DR. EVANS: We still have an active department.

14 CHAIRPERSON GENNARO: Please give him my best  
15 wishes.

16 DR. EVANS: I will.

17 CHAIRPERSON GENNARO: We know each other. We did  
18 a lot of work together back in the day.

19 DR. EVANS: He trained many of us in this work.

20 CHAIRPERSON GENNARO: Back when we were younger  
21 men. Put it that way. You know, so thank you for  
22 being here and please say hi to Phil. I appreciate  
23 everything you had to say.

24 COUNSEL: And the next witness is Zach Miller.

25 SERGEANT AT ARMS: Your time will begin.

2 MR. MILLER: Good afternoon, Chairman Gennaro.  
3 My name is Zach Miller, and I am the Metro Region  
4 Operations Manager for the Trucking Association of  
5 New York. I testify today regarding Intro 684.

6 Currently, we are experiencing significant  
7 challenges with the Citizen Idling Complaint Program.  
8 While we support the need to curb emissions from  
9 idling vehicles, the program, as designed has created  
10 a host of challenges for both the industry, and as we  
11 learn through encouraging conversations with DEP, the  
12 agency as well, and must be addressed before a new  
13 fine schedule is created.

14 Issues of due process, the timing of summonses,  
15 the lack of notification to drivers or registered  
16 owners during the service of a summons, the absence  
17 of information and evidence provided on a summons,  
18 and the inability to transfer liability for leasing  
19 companies are just a few of the problems.

20 To elaborate, we've seen complaints received  
21 anywhere from 6 to 12 months, sometimes more, after  
22 the complaint, which threatens due process because it  
23 interferes with preparation of a defense. The  
24 service of a summons is supposed to be upon either  
25 the driver or the registered owner, but many go

2 directly to the Secretary Of State without any  
3 notification, leaving the owner uninformed and unable  
4 to defend themselves. There's a lack of information  
5 or evidence provided on summonses and accessible to  
6 defense. There is no mechanism for respondents to  
7 request and view the evidence that had been filed  
8 against them with sufficient time to decide whether  
9 they wish to settle or pay the summons.

10 We ask The Council to consider amending the OATH  
11 rules and the New York business corporation law to  
12 ensure proper summons notice to relevant parties.

13 Further, this system has created a cottage  
14 industry for well-off individuals to earn a nice side  
15 hustle while utterly failing to curb emissions from  
16 idling. Increasing fines allowing individuals to  
17 earn more money will only exacerbate the backlog at  
18 DEP will drain trucking companies of vital funds to  
19 make clean investments. It is curious that citizens  
20 are giving 25% of a fine but there is no revenue that  
21 goes to a fund for fleets to access in order to  
22 purchase zero emission vehicles or clean technology.

23 TANY stands in support of DEP's mission of  
24 providing clear and more sustainable future and  
25 environment to our city and its residents. That is

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2 why a number of TANY members have pivoted towards  
3 purchasing certified clean idle trucks to carry out  
4 the necessary work while also working to maintain  
5 their carbon footprint.

6 SERGEANT AT ARMS: Time expired.

7 MR. MILLER: However, these cleaner trucks are  
8 held to the same standards as older trucks that do  
9 not have diesel particulate filters installed, also  
10 known as DPF technology. We urge The Council to  
11 consider treating certified clean idled trucks  
12 differently in this program, as the state of  
13 California does, since it provides more fairness to  
14 truck owners. We're minimizing their environmental  
15 impact while simultaneously encouraging owners of  
16 older trucks to upgrade such vehicle types.

17 As always, the Trucking Association of New York  
18 looks forward to ongoing collaboration and dialogue  
19 with the City Council, the department of  
20 Environmental Protections and the city of New York.  
21 Thank you for your time.

22 CHAIRPERSON GENNARO: Thank you. And please make  
23 sure to submit your full testimony. We want to make  
24 sure that the Trucking Association, when we you know

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2 negotiate the bill, has all of its concerns, you  
3 know, duly considered.

4 MR. MILLER: Absolutely. And I already submitted  
5 it. And there are also a couple of issues that you  
6 raised today, which I'd like to talk about... about  
7 problems with the Hunts Point program. So yeah,  
8 we'll definitely be in touch.

9 CHAIRPERSON GENNARO: Yeah. So it'd be important  
10 for the Trucking Association to be involved in these  
11 discussions.

12 MR. MILLER: Absolutely. Thank you.

13 CHAIRPERSON GENNARO: I'm not, you know, author  
14 of the bill, but I'm the Chair of the Committee and I  
15 will make sure that that happens. Okay. Thank you  
16 very much. Appreciate it.

17 COUNSEL: And the final witness, Souvik  
18 Chatterjee.

19 SERGEANT AT ARMS: Your time will begin.

20 MR. CHATTERJEE: Hello, my name is Souvik  
21 Chatterjee, and I just wanted to say the streets of  
22 New York City are disgusting. The air quality is  
23 terrible, and I can't even walk around with it in a  
24 safe manner. I need to walk around with a mask and I  
25 think everyone should be wearing a mask to avoid air

2 pollution. However, wearing masks 24/7, as the  
3 pandemic showed is not a practical solution. So the  
4 government really needs to step up and start passing  
5 more rigorous legislation like those before us today.

6 These intros will hardly impact economic  
7 activity, and that is really the question with how  
8 much you want to lower economic activity for the  
9 health of people in New York City.

10 Air pollution kills 10 million people a year  
11 possibly. That is one death and every five deaths  
12 globally. According to WHO guidelines, 97.3% of  
13 people breathe air that is considered unhealthy.  
14 Those statistics are alarming and off the charts.  
15 Air pollution in the form of car exhaust contains  
16 nitrogen dioxide, carbon monoxide, benzene, which is  
17 linked with leukemia. The American Lung Association  
18 publishes lots of information about these chemicals  
19 and what they can do to the human body and how they  
20 can interact with other chemicals in the air to have  
21 more complex effects on the human body. These  
22 chemicals get trapped in the lungs. If they're small  
23 enough, they go right into the bloodstream. So they  
24 really do impair the human body in several ways.  
25 They can increase infant mortality, they can affect

2 pregnant women. Lung cancer survivors are in  
3 particularly endangered. People with chronic  
4 obstructive pulmonary disease, or COPD. Obviously,  
5 people with asthma, it can cause asthma, it can lower  
6 lung function and children, it can increase rates of  
7 diabetes, strokes, heart attacks, other  
8 cardiovascular problems, and of course, deaths.

9 SERGEANT AT ARMS: Time expired.

10 MR. CHATTERJEE: And these are deaths that  
11 wouldn't otherwise happen if there wasn't air  
12 pollution.

13 So, to mitigate air pollution, the low hanging  
14 fruit is to reduce... reduce idling as much as  
15 humanly possible. I think these bills do it. Thank  
16 you.

17 CHAIRPERSON GENNARO: Thank you. Thank you very  
18 much. We appreciate your good testimony. Thank you  
19 very much.

20 COUNSEL: That's it. Okay, okay.

21 CHAIRPERSON GENNARO: This hearing is hereby  
22 adjourned.

23 [GAVEL]

24

25

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date 12/19/2022