Legislation Text

File #: Res 1042-2003, **Version:** *

Res. No. 1042

Resolution calling upon the United States Environmental Protection Agency to remain committed to requiring a maximum sulfur content of no more than 15 parts per million in diesel fuel for use in on-road vehicles by the year 2006 and in diesel fuel for use in off-road vehicles by the year 2010.

By Council Members Yassky, Avella, Espada, Foster, Gentile, Gerson, Koppell, Nelson, Seabrook, Serrano, Comrie, Fidler, Gennaro, Gioia, Liu, Martinez, Quinn, Sanders, Weprin and Moskowitz

Whereas, Diesel fuel exhaust from on-road and off-road vehicles contains particulate matter, nitrogen oxides and other toxins that result in serious adverse health effects for the people of New York City; and

Whereas, According to the United States Environmental Protection Agency (EPA), based upon human and laboratory studies, there is considerable evidence that diesel fuel exhaust is a likely carcinogen and human epidemiological studies demonstrate an association between exposure to diesel fuel exhaust and increased lung cancer rates in occupational settings; and

Whereas, According to the EPA, diesel-powered on-road and off-road vehicles currently produce approximately 25 and 44 percent, respectively, of the diesel particulate matter pollution from mobile sources nationwide; and

Whereas, According to the EPA's National Air Toxics Assessment - the Agency's ongoing, comprehensive evaluation of air toxics in the United States - New York City is among the areas of the country with the highest modeled ambient air concentrations of diesel particulate matter; and

Whereas, According to the EPA, exposure to particulate matter from diesel exhaust may result in such adverse health effects as aggravated asthma, chronic bronchitis, difficult or painful breathing and decreased lung function; and

Whereas, According to the EPA, diesel-powered on-road and off-road vehicles currently produce approximately 33 and 12 percent, respectively, of the nitrogen oxide emissions from mobile sources nationwide; and

Whereas, Nitrogen oxides cause a variety of health and environmental problems, including the formation of ozone and particulate matter through chemical reactions in the atmosphere; and

Whereas, According to the EPA, ozone may result in various respiratory problems, including aggravated asthma, significant temporary decreases in lung capacity and inflammation of lung tissue; and

Whereas, New York City suffers from the highest asthma rates in the country; and

Whereas, According to the April 2003 edition of "NYC Vital Signs", a publication of the New York City Department of Health and Mental Hygiene, about 700,000 adults and 300,000 children in New York City have been diagnosed with asthma at some time in their lives; and

Whereas, Using ultra low sulfur diesel fuel, having a sulfur content of no more than 15 parts per million (ppm), rather than regular diesel fuel, produces fewer harmful pollutants and facilitates the use of emissions-reduction equipment, which can reduce emissions of particulate matter, nitrogen oxides and toxins by ninety percent or more; and

Whereas, Using ultra low sulfur diesel fuel alone reduces particulate matter emissions by thirteen percent below the use of regular diesel fuel; and

Whereas, The maximum sulfur content for on-road diesel fuel is currently 500 ppm and there is no standard regarding the sulfur content of off-road diesel fuel, which typically has a sulfur level of 3,400 ppm, on average; and

Whereas, The EPA issued a final rule on January 18, 2001, which requires that, beginning on June 1, 2006, refiners must begin producing diesel fuel for on-road vehicles that meets a maximum sulfur standard of 15 ppm; and

Whereas, The EPA issued a proposed rule on May 23, 2003, which would require that, beginning on June 1, 2010, diesel fuel produced for off-road vehicles must meet a maximum sulfur standard of 15 ppm; and

Whereas, According to the preamble to the EPA's May 23, 2003 proposed rule regarding off-road diesel, the EPA "believe[s] that controlling the sulfur content of highway diesel fuel to the 15 ppm level is necessary, feasible, and cost-effective"; now, therefore, be it

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Resolved, That the Council of the City of New York calls upon the United States Environmental Protection Agency to remain committed to requiring a maximum sulfur content of no more than 15 parts per million in diesel fuel for use in on-road vehicles by the year 2006 and in diesel fuel for use in off-road vehicles by the year 2010.

DCD LS#2897
9/10/03, 2:40 p.m.