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COMMITTEE ON ENVIRONMENTAL PROTECTION

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ENVIRONMENTAL
PROTECTION

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February 16, 2023
Start: 10:58 a.m.
Recess: 11:06 a.m.

HELD AT: COMMITTEE ROOM - CITY HALL

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

COUNCIL MEMBERS:

- Jennifer Gutierrez
- Kamillah Hanks
- Robert F. Holden
- Ari Kagan
- Julie Menin
- Francisco P. Moya
- Lincoln Restler

2 SERGEANT-AT-ARMS: Check, one, two. Check,
3 one, two. This is a prerecorded sound test for the
4 Committee on Environmental Protection. Today's date
5 is February 16, 2023. It's being recorded by Michael
6 Leonardo in the Committee Room.

7 SERGEANT-AT-ARMS: Good morning and
8 welcome to the New York City Council hybrid hearing
9 on the Committee on Environmental Protection.

10 At this time, please silent all
11 electronic devices to vibrate.

12 Chair, we are ready to begin.

13 CHAIRPERSON GENNARO: Thank you. Ready to
14 begin? Everybody good to go? Okay. [GAVEL] Good
15 morning. I am Jim Gennaro, Chair of the Committee on
16 Environmental Protection, and today we'll be holding
17 a vote on Intro 470-A, which would establish new
18 deadlines for the phase-out of heating oil grade
19 number 4, prohibiting its use after July 1, 2025, for
20 boilers located in city-owned buildings and
21 prohibiting its use after July 1, 2027, for all other
22 boilers. 470-A would also raise penalties for burning
23 a prohibited fuel after the phase-out dates and
24 prohibit the issuance or renewal of any permit to use
25 heating oil number 4 in a boiler after June 30, 2024.

1 That's actually good because the phase-out will start
2 earlier so you won't be able to get a permit to re-up
3 your boiler after June 30 so it'll phase out in 2024,
4 2025, 2026, and by July 1, 2027, everything will be
5 out. Across our city, thousands of buildings are
6 heated not with electricity or natural gas but with
7 petroleum heating oil, a product chemically similar
8 to the diesel fuel used in motor vehicle, and when
9 burning heating oil, it emits pollutants here in the
10 city in the air you and I breathe every day. Each
11 year, heating oil number 4 emits thousands of tons of
12 carbon dioxide, particulate matter, sulfa dioxide,
13 and heavy metals into our air. These pollutants can
14 trigger asthma attacks and increase rates of heart
15 disease, lung cancer, and premature death. Intro 470-
16 A will reduce these pollutants by accelerating the
17 phase-out of number 4 oil. Committee Staff estimates
18 the implementation of this bill has the potential to
19 prevent deaths, lifelong respiratory illnesses,
20 emergency room visits for asthma attacks, and so
21 forth. These public health benefits will largely
22 accrue to environmental justice communities as more
23 than half of the buildings that use number 4 oil and,
24 get this, 65 percent of the schools use number 4 oil,
25

are located in environmental justice communities.

Furthermore, nearly a quarter of all the buildings that use number 4 oil today are city-owned buildings.

Citywide, it's like 0.02 percent of the buildings use number 4 oil, but in schools it's 25 percent of

school buildings, and that is obscene. This data is

unacceptable. Children are particularly vulnerable to

the health effects caused by airborne pollution, and

no parent should make a choice between sending their

child to public school and risking exposure to these

toxic pollutants. The City must lead by example by

phasing out number 4 heating oil by 2025, which is

even earlier than the accelerated deadline set by

Mayor Adams. We may recall that he made a statement

recently that he's going to phase out this fuel in

schools by 2026, and that's a nice pledge and we

certainly appreciate that he feels the need to do

that, but we're going to do that one year earlier and

we're going to put in law so we'll be sure that that

happens. It doesn't cost much to realize these

benefits. The Department of Environmental Protection

estimates that only 1,800 buildings must upgrade

their boilers in order to convert to cleaner fuels.

For each dollar spent on boiler upgrades, it could be

2 up to \$4.75 in citywide health savings. It's amazing
3 what Staff can calculate. I urge my fellow Council
4 Members to vote for Intro 470 in order to make our
5 city cleaner, healthier, and more environmentally
6 just.

7 I'd like to thank the terrific Staff who
8 have done such great work over the years, Counsel
9 Samara Swanson, Policy Analyst Ricky Chawla to my
10 right, the new guy, Andrew Bourne, who is terrific,
11 Financial Analyst Andrew Lane-Lawless, and finally,
12 last but not least, my Legislative Director Nabby
13 Kaur for all of their hard work.

14 We want to recognize the Members who are
15 here with us today, Council Members Menin is here,
16 Moya and Holden remotely, Council Member Restler,
17 Council Member Gutierrez, Council Member Kagan,
18 Council Member Hanks.

19 With that, I think we're to the vote part
20 of the show, right, Bill?

21 COMMITTEE CLERK WILLIAM MARTIN: You're
22 right.

23 CHAIRPERSON GENNARO: Okay, so with that
24 said, I will ask Bill to call the record. I urge all
25 my Colleagues to vote yes on this bill.

1 COMMITTEE ON ENVIRONMENTAL PROTECTION

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2 COMMITTEE CLERK WILLIAM MARTIN: Good
3 morning. William Martin, Committee Clerk. Roll call
4 vote Committee on Environmental Protection, Proposed
5 Introduction 470-A. Chair Gennaro.

6 CHAIRPERSON GENNARO: Aye.

7 COMMITTEE CLERK WILLIAM MARTIN: Holden.

8 COUNCIL MEMBER HOLDEN: I vote aye.

9 COMMITTEE CLERK WILLIAM MARTIN: Thank
10 you. Moya.

11 COUNCIL MEMBER MOYA: I vote aye.

12 COMMITTEE CLERK WILLIAM MARTIN: Thank
13 you. Gutierrez.

14 COUNCIL MEMBER GUTIERREZ: Aye.

15 COMMITTEE CLERK WILLIAM MARTIN: Hanks.

16 COUNCIL MEMBER HANKS: I vote aye.

17 COMMITTEE CLERK WILLIAM MARTIN: Menin.

18 COUNCIL MEMBER MENIN: Aye.

19 COMMITTEE CLERK WILLIAM MARTIN: Nurse.
20 Restler.

21 COUNCIL MEMBER RESTLER: This is a great
22 bill. Aye. Congratulations.

23 COMMITTEE CLERK WILLIAM MARTIN: Kagan.

24 COUNCIL MEMBER KAGAN: Permission to
25 explain my vote.

2 CHAIRPERSON GENNARO: Sure.

3 COUNCIL MEMBER KAGAN: Like with the story
4 of Local Law 97, this is the same story. It's an
5 unfunded mandate, and no building management, anybody
6 receiving any kind of tax credits and assistance,
7 it's accelerated schedule, it will negatively affect
8 a lot of tenants, shareholders, and no city
9 government, no state government helping to deal with
10 all of these issues. It's just do it, penalty
11 otherwise, and it will be bad. By the end of the day,
12 renters will pay more, shareholders will pay more,
13 and though the goals are good but they're
14 implementation is bad so I'm voting no.

15 CHAIRPERSON GENNARO: I just feel
16 compelled to state on the record that we worked long
17 and hard on the bill, and we did put in a hardship
18 clause because all of the buildings who already had
19 it on their calendars to comply by 2030, which was
20 the date that was set in law for them to comply, we
21 realized that there might be a hardship with some of
22 the buildings because it's not a just a few oil
23 change. Sometimes that will trigger a boiler room
24 upgrade. We recognize that that could lead to
25 hardships which is why we put a hardship provision in

2 the bill so they could make application to have the
3 burden relieved by giving them a little more time to
4 comply, but that's it. I'm kind of glad you mentioned
5 that because to the extent that people may think that
6 we're coming on strong to people, we had pretty good
7 support across the board and when we had to make
8 considerations for hardship or whatever, we did that,
9 and I'm happy about that. Should we leave the record
10 open for Nurse?

11 She's not going to be able to make it?

12 COMMITTEE CLERK WILLIAM MARTIN: Final
13 vote on Proposed Introduction 470-A is seven in the
14 affirmative, one in the negative, and no abstentions.

15 CHAIRPERSON GENNARO: Thank you, Bill. I
16 thank Council Member Restler for his kind words. With
17 that, this vote is adjourned. [GAVEL]

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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 February 20, 2023