

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ENVIRONMENTAL
PROTECTION, RESILIENCY,
AND WATERFRONTS

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HELD AT: COUNCIL CHAMBERS, CITY HALL

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Kristy Marmorato
Sandy Nurse
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COMMITTEEE ON ENVIRONMENTAL PROTECTION, RESILIENCY,
AND WATERFRONTS

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1
2 SERGEANT AT ARMS: Keep it on. Thank you. Good
3 afternoon and welcome to the New York City hybrid
4 hearing on the Committee on Environmental Protection,
5 Resiliency, and Waterfronts. Please silence all
6 electronic devices at this time. Also at no time,
7 please do not approach the dais. If you have any
8 questions, please ask us, one of the Sergeant-at-
9 Arms, and we will kindly assist you. Thank you very
10 much for your kind cooperation.

11 CHAIRPERSON GENNARO: Okay, Sergeant, we good?

12 Okay, thank you.

13 Sorry for the wait. The previous committee ran
14 over a little bit, and we had to get ourselves
15 together.

16 Good afternoon. I'm Councilmember Jim Gennaro,
17 Chair of the Committee on Environmental Protection,
18 Resiliency, and Waterfronts.

19 Today, we'll hold an oversight hearing on
20 civilian enforcement of the air and noise codes, and
21 here's several pieces of legislation on this topic:
22 Introductions 5, 291, 747, and 941. The committee
23 welcomes testimony from the Department of
24 Environmental Protection, advocates, and interested
25 members of the public.

1
2 The idling of gasoline and diesel-powered motor
3 vehicles produces so-called "criteria air
4 pollutants", as they are referred to in the Clean Air
5 Act, that harm public health. Any exposure to these
6 criteria pollutants can inflame and irritate the
7 respiratory tract, resulting in coughing, aggravation
8 of asthma symptoms, and other conditions. Children
9 are particularly vulnerable to the effects of
10 airborne pollutants, which is why the City's anti-
11 idling efforts have targeted schools and parks.

12 Although the City has made considerable
13 improvements in air quality over the last several
14 decades, the New York City region is still in so-
15 called "serious nonattainment", according to the
16 standards set by the Clean Air Act, for ozone, with
17 concentrations that are up to 50 percent higher than
18 those recommended by the EPA. Ground-level ozone is
19 formed when nitrogen oxides and volatile organic
20 compounds, like those in car exhausts, react with
21 each other in sunlight and in high temperatures.
22 Ozone is an unstable molecule consisting of three
23 oxygen atoms, which damage respiratory tissue through
24 the process of oxidation.

1
2 To better enforce the City's prohibitions on
3 idling, the City established the Citizen Air
4 Compliance Portal in 2019, which allows New Yorkers
5 to submit evidence of idling online in exchange for a
6 percentage of any violation collected for the alleged
7 idler. Since then, New Yorkers have submitted tens
8 of thousands of complaints annually. So that's a
9 lot.

10 This enforcement program of the City's idling
11 laws has undoubtedly helped to improve air quality,
12 as evidenced by the more than 170,000 idling cases
13 brought before the Office of Administrative Trials
14 and Hearings, known as OATH. However, the civilian
15 enforcement program needs to be improved. Let's talk
16 about that.

17 Last year, DEP testified that on multiple
18 occasions, idling complainants had engaged in abusive
19 behavior towards city employees, including verbal
20 harassment, attempted assault, and unauthorized
21 access of secured government office space. Other
22 complainants have submitted the same video evidence
23 for multiple violations with the intent to generate
24 multiple summonses.

1
2 Under current law, DEP must review the evidence
3 submitted by complainants within 45 days, which may
4 not be sufficient time for the agency to weed out all
5 such duplicitous conduct.

6 You heard about the amount of violations that
7 they're dealing with, so they need time to do that.

8 These aggressive and dishonest behaviors are not
9 acceptable and need to be addressed by the Council,
10 in my opinion. My bill, Intro 941, would reform the
11 city's idling complaint program in several ways.

12 It would allow DEP to remove complainants from
13 the program if they violate a code of conduct. This
14 common-sense measure would help to ensure the safety
15 of DEP staff and the integrity of the evidence that
16 is submitted by complainants. The bill would also
17 increase the amount of time which DEP may review the
18 city's idling complaints from 45 to 90 days, provide
19 exemptions to ensure the comfort of school children,
20 and make additional reforms.

21 Despite the increase in civilian enforcement of
22 the city's idling laws, certain companies continue to
23 accrue a large number of repeat violations.

24 According to a press release from the Mayor's Office,
25 Con Edison, Amazon, Verizon, and other large

1
2 companies, each received thousands of idling
3 violations between 2019 and April 2023, which are
4 presumably regarded by such companies as a cost of
5 doing business, which does nothing to decrease
6 pollution from idling. Increased idling penalties
7 for buses and trucks, such as those proposed by Intro
8 291, which is sponsored by Council Member Menin (and
9 she'll have an opportunity to speak on the bill after
10 I finish my statement), could help to stop recidivist
11 idlers and lead to less pollution.

12 The goal of anti-idling laws are to decrease
13 pollution, not to generate revenue. Further, some
14 have raised concerns that the idling complaint
15 program is not sufficiently accessible. Intro 5,
16 sponsored by Council Member Avilés (she's going to
17 get a chance to talk about our bill in a moment as
18 well), would address the problem by requiring DEP to
19 translate the-- You know what? I'm going to let her
20 tell it. Okay.

21 This hearing will also address civilian
22 enforcement of the noise code. In October last year,
23 this committee held a hearing on DEP's management of
24 civilian noise complaints.

1
2 The hearing showed that virtually all such
3 complaints were submitted by a handful of
4 complainants who earn large sums of money by
5 haphazardly and often incorrectly enforcing just one
6 provision of the noise code, which related to the use
7 of sound reproduction devices by commercial
8 businesses. Some of these businesses have received
9 multiple violations at once, totaling up to tens of
10 thousands of dollars in penalties without the
11 opportunity to cure the initial violation. This city
12 enacted Local Law 16 in January of this year, which I
13 sponsored, to end this abuse of the civilian noise
14 complaint program.

15 We revisit this topic of civilian noise
16 complaints today to discuss Intro 747. This bill,
17 sponsored by me, would require DEP to establish a
18 code of conduct for civilian noise complainants. Its
19 enactment would help to prevent such abuse of the
20 civilian noise complaint program from reoccurring.

21 There you have it.

22 I would like to thank the committee staff. We
23 have Policy Analysts Ricky Chawla and Andrew Bourne,
24 Legislative Counsel Austin Malone, new to this
25 committee, to my right. We welcome him. Financial

1
2 Analyst Tanvir Singh, as well as my legislative
3 director, Josh Gachette, for all their work. I would
4 also like to thank former Committee Counsel Claire
5 McLaughlin, a champion for environmental legislation,
6 who made tremendous contributions to the work of this
7 committee. And I would be remiss if I didn't point
8 out another former counsel to the committee, Samara
9 Swanson, who I just saw in the room. I didn't know
10 she was coming.

11 [APPLAUSE]

12 Let's all give Samara a hand. Where is Samara?
13 Samara the Great. Thank you for coming today.

14 And I will recognize the following Council
15 Members who have joined us. We have Council Members
16 Marmorato, Salamanca, Jr., Holden, Nurse, Avilés,
17 Zhuang, and we're also joined by Julie Menin.

18 And I'm going to recognize now Council Member
19 Avilés to talk about her bill, and then I'll
20 recognize Council Member Menin to talk about her
21 bill.

22 So I recognize Council Member Avilés.

23 COUNCILMEMBER AVILÉS: Thank you, Chair Gennaro,
24 for holding this hearing today and for offering Intro
25

1
2 5 to be heard again, as we did hold a hearing for
3 this bill as Intro 898 a little more than a year ago.

4 So good afternoon, everyone.

5 As many of you know, I represent an environmental
6 justice community with a large non-English speaking
7 constituency. Nearly half of the residents in my
8 district natively speak Spanish, Mandarin, Fujinese,
9 or Arabic. As an environmental justice community, we
10 are also impacted by a host of air quality issues,
11 all of which we are working diligently on, including
12 the BQE, which cuts through our district, a truck
13 route that runs through the residential roadways,
14 cruise ships that dump toxic air exhaust into our
15 neighborhood, and last-mile vehicles that idle at
16 their point of origin in our district and throughout
17 the neighborhood as they make deliveries, among
18 others.

19 While Intro 5 only gets at a small portion of
20 what we are experiencing in District 38, it makes
21 sense to me that at a time when DEP is understaffed
22 and when we want to minimize police encounters where
23 they may be unnecessary, that we wouldn't find ways
24 to further empower our residents to help make the
25

1 changes that we would like to see in our own
2 communities.

3
4 Last time we heard this piece of legislation, the
5 administration testified that language access
6 services were sufficient to help those who submitted
7 idling reports, and that it was unclear whether
8 evidence in a legal proceeding could be submitted in
9 a language other than English.

10 I look forward to hearing today from the
11 administration what data they have to support the
12 sufficiency of language access services with regards
13 to the air quality program, as well as an answer to
14 the question of how these same services may be used
15 in a more integrated manner to allow for submission
16 of evidence, allowing greater access to the program
17 for communities like mine.

18 So thank you, Chair, and I look forward to
19 hearing from everyone.

20 CHAIRPERSON GENNARO: Thank you, Council Member.
21 I recognize Council Member Menin to speak on her
22 bill.

23 COUNCILMEMBER MENIN: Thank you so much, Chair
24 Gennaro, for today's hearing on the City's air
25 quality and its impact on public health. Last year,

1 a report by Earthjustice found that among the top 20
2 asthma capitals in the United States, New York City
3 was ranked 15th, ahead of Miami, Nashville, and Los
4 Angeles. Alarming, the city was ranked fifth for
5 asthma-related deaths and fourth for the fewest
6 asthma specialists per asthma patient.
7

8 We can do better to stop being a capital for
9 asthma. That is why I introduced Intro 291, that
10 increases penalties for idling trucks and buses. The
11 bill, which has a supermajority of 35 Councilmembers
12 and the Manhattan Borough President, takes into
13 account repeat violations as well.

14 For a first-time offender, the violation would be
15 between \$1,000 and \$2,000. For a second-time
16 offender, it would be \$2,000 to \$4,000. For three or
17 more, it would be between \$3,000 to \$6,000.

18 Right now, vehicles are limited to one minute of
19 idling near a school or park and three minutes
20 elsewhere. A violation results in a civil penalty
21 between \$350 and \$2,000. Repeat violations are not
22 taken into account.

23 Most companies appearing before the Office of
24 Administrative Trials and Hearings, or OATH, receive
25 literally a slap on the wrist with a minimum

1 standard, \$350 adjudicated by OATH. Just last year,
2 there were a whopping 77,382 tickets issued. Nearly
3 54% or slightly over 42,000 of the tickets were for
4 out-of-state violators.
5

6 Other municipalities already have laws on the
7 book that take into account the number of repeat
8 violations: Sacramento, California, Detroit,
9 Michigan, and New Rochelle, New York, already have
10 laws that explicitly cite repeat offenses in penalty
11 decisions. It's time for New York City to do the
12 same, and my legislation would ensure that.

13 Increasingly, the penalty sends a clear message
14 that idling is not the cost of doing business in New
15 York City. Cleaner air is vital for communities
16 across the city, and I want to thank the bill drafter
17 Julia Goldsmith Pinkham, Beth Golub, Jeff Baker, and
18 Andrea Vasquez.

19 And for my team, I want to thank my Chief of
20 Staff, Jonathan Shutt, Janesis Vargas, and Mercedes
21 Anderson.

22 And I also want to thank the Chair so much for
23 holding today's hearing. Thank you.

24 CHAIRPERSON GENNARO: Thank you, Councilmember
25 Menin.

1
2 And now I have to turn it over to you to swear in
3 the witnesses, right?

4 COMMITTEE COUNSEL: Please raise your right hand.

5 Do you affirm to tell the truth, the whole truth,
6 and nothing but the truth, and to answer all
7 Councilmember questions with honesty?

8 ALL: Yes.

9 COMMITTEE COUNSEL: Thank you. You may begin.

10 CHAIRPERSON GENNARO: Thank you very much for
11 being here, Commissioner, you and your good team, and
12 I look forward to your good testimony.

13 COMMISSIONER AGGARWALA: Thank you, Mr. Chairman.
14 And I guess I would ask the Sergeant of Arms, with
15 the committee's permission-- Ah. Excellent. Thank
16 you.

17 We did have a couple of images because there are
18 some graphs and exhibits in the testimony that I
19 thought would be helpful.

20 CHAIRPERSON GENNARO: Oh, okay.

21 COMMISSIONER AGGARWALA: But you've got them--

22 CHAIRPERSON GENNARO: And make sure you speak
23 right into the microphones there.

24 COMMISSIONER AGGARWALA: You've got printouts,
25 but we didn't have enough for everybody here.

1
2 Good afternoon, Mr. Chairman and members of the
3 Environmental Protection Committee. I'm Rohit T.
4 Aggarwala, Commissioner of the New York City
5 Department of Environmental Protection.

6 I'm joined today by Julie Lubin, DEP's Deputy
7 Commissioner of Environmental Compliance. Julie
8 oversees the Bureau of Environmental Compliance, BEC,
9 which manages the enforcement of the noise and air
10 codes, including the citizen complaint programs.
11 Until earlier this year, BEC was managed as part of
12 our Bureau of Sustainability, but I made the decision
13 to bring in a new Deputy Commissioner specifically
14 focused on the agency's air, noise, and asbestos
15 work, reporting directly to me to ensure that BEC
16 receives the attention it deserves.

17 And I will say, Julie's done an amazing job and,
18 of course, is a Council alum, I will point out, not
19 an elected, but Council staff alum.

20 While today's focus is on DEP's citizen complaint
21 programs, our main message is that writing tickets
22 for idling is not an end in itself, but rather is one
23 tool to reach the goal of driving down vehicle
24 emissions. While successful, the program has flaws,

1 particularly in its failure to address pollution in
2 many environmental justice communities.
3

4 With some edits we would like to discuss with the
5 Committee, we believe the combination of Intros 5,
6 291, and 941 can significantly improve the program's
7 impact on air pollution.

8 Mr. Chairman, you and I have worked together on
9 this issue of air quality for nearly two decades.
10 You have sponsored some of the most important air
11 quality legislation we have, including the
12 legislation that enabled DEP to phase out dirty
13 heating oil, one of our most impactful local air
14 quality initiatives.

15 New York City has, in fact, made tremendous
16 progress on air quality, driven largely by changes in
17 both vehicle and building fuels as mandated by
18 federal and local legislation. Over the past 20
19 years, we've seen a 60% decline in PM 2.5 and a 40%
20 decline in nitrogen dioxide, as found in recent
21 research by the Department of Health and Mental
22 Hygiene.

23 The health impacts of these improvements have
24 been clear and direct. Over that same period, the
25 number of asthma-related emergency room visits in New

1 York City dropped by pretty much the same amounts.

2 This success is remarkable. Today, our air is
3 cleaner than it has been since the Civil War.

4 The same DOHMH study also found that the bulk of
5 this improvement stemmed from fuel quality
6 requirements that were mandated federally for
7 vehicles and locally for heating oil. In other
8 words, we only saw a real improvement when changes to
9 equipment and fuels made it physically impossible to
10 pollute. These mandates for mechanical or
11 infrastructure improvements do much more than
12 attempts to change behavior.

13 Today, the biggest impact of air pollution is on
14 EJ neighborhoods. The same DOHMH study found that
15 the people who really suffer from air pollution are
16 those who live in EJ neighborhoods like the South
17 Bronx, Harlem, the North Shore of Staten Island, East
18 New York, and Brownsville. The reality of pre-
19 existing health conditions and reduced access to
20 health care make air pollution a much greater threat
21 in these neighborhoods than in wealthier parts of the
22 city.

23 In this administration, we have worked to
24 implement several air quality laws enacted by the
25

1 City Council. We have accelerated the phase-out of
2 No. 4 heating oil pursuant to Local Law 32 of 2023.

3 We have implemented the Local Law of 2015
4 requirement to regulate emissions from restaurants
5 with wood or coal-burning ovens and are progressing
6 on its requirement to regulate emissions from
7 restaurants with charbroilers. These rules have been
8 controversial. Some of you may remember the pizza
9 flying over the gate.
10

11 But DEP and this administration are committed to
12 improving air quality and public health, and we
13 appreciate the Council's continued partnership on
14 this.

15 We have also been dedicated to reducing vehicle
16 emissions. DCAS is aggressively electrifying the
17 city's own vehicle fleet, and the city recently won a
18 \$15 million federal grant from the U.S. Department of
19 Transportation to build the nation's largest curbside
20 electric vehicle charging program.

21 We have also embraced 100% renewable fuel for the
22 city's heavy-duty vehicles, and DEP's new on-road
23 diesel vehicles are all equipped with idle shutdown
24 technology. We also focused on addressing the
25 pollution caused by delivery trucks. As promised in

1
2 PlaNYC and in the points of agreement related to the
3 City of Yes for Economic Opportunity, we are
4 developing a proposal for an indirect source rule to
5 reduce emissions from trucks going to and from
6 warehouses, many of which are located in
7 environmental justice communities. I look forward to
8 speaking with you more about this proposal in the
9 future.

10 A simple way to reduce vehicle emissions is to
11 reduce idling. The Citizen Complaint Program is a
12 useful tool in that overall effort.

13 Pursuant to Local Law 58 of 2018, DEP has
14 established a formal citizen error complaint program
15 that invites civilians to report potential idling
16 violations. Anyone can submit evidence of an idling
17 violation, including a video and incident
18 description, to DEP through our website. These
19 reports go to BEC under Deputy Commissioner Lubin.

20 BEC inspectors review all of the submissions, but
21 I will point out it's important that each submission
22 creates workload at BEC because we have to review it.
23 I'll say more on that in a moment.

24 If the inspectors determine that the evidence is
25 sufficient, they issue a summons. DEP pursues the

1 vast majority of complaints, which are those that we
2 believe are valid and fully documented. Each is
3 reviewed by a DEP air and noise inspector.
4

5 If the vehicle owner is found in violation at the
6 subsequent hearing at the Office of Administrative
7 Trials and Hearings, OATH, the individual who
8 submitted the evidence receives 25% of the collected
9 fine.

10 If DEP does not issue a summons, the person who
11 submitted the evidence may decide to self-pursue the
12 case at OATH, and is entitled in that case to receive
13 50% of the collected fine if the self-pursued case
14 leads to a violation.

15 Could I have the next slide, please?

16 The program has grown exponentially with reports
17 increasing from 9,000 in 2019 to over 80,000 in 2023.
18 We have already surpassed 80,000 this year. So, we
19 believe we are on track for 120,000 in 2024.

20 In 2023, 95% of the cases DEP brought to OATH
21 resulted in a violation. So resulted in a decision
22 by the administrative judge that that violation was
23 legitimate.

24 The next slide, please.
25

1
2 This administration has also invested resources
3 in this program, including increasing the number of
4 BEC staff to process these complaints. At my
5 direction BEC has also adopted automation processes
6 that have accelerated processing times.

7 Altogether we have increased our processing
8 capability by roughly five times. However, the
9 number of complaints submitted has gone up nearly 10
10 times. As a result, our processing times have nearly
11 doubled.

12 We continue to pursue efficiencies in our
13 processing, but the fact is that each video must be
14 watched by one of our inspectors, which places a
15 limit on how many we can process.

16 Several large companies have received many
17 violations and our colleagues at the law department
18 have pursued the largest violators reaching
19 agreements with several of them that have resulted in
20 millions of dollars of fines paid to the city.

21 As I said earlier, our goal is not to issue more
22 fines. Our goal is to reduce air pollution. So we
23 must use the civilian complaint program and idling
24 violations as a tool to do that. As this program has

1 grown, we have found many shortcomings in its design,
2 which we believe these bills could address.
3

4 If I could actually go two slides ahead now,
5 please, I'd be grateful.

6 The most important challenge is fundamentally
7 that most trucks are designed to keep the engine
8 running. Air conditioning, heating, music, and other
9 cab comfort functions turn off when the engine is
10 off. Thus, a traditional vehicle forces the driver
11 to choose between obeying the law and his or her own
12 comfort.

13 The best solution to this is electrification.
14 Electric trucks can idle all they want without
15 producing emissions.

16 Further, because most of a vehicle's emissions
17 are generated while it is driving, not while it is
18 stationary, replacing one gas-powered vehicle with an
19 EV has many times the benefits of stopping one
20 vehicle from idling.

21 A second-best solution is retrofitting, and we
22 have some images of those devices on the screen.
23 Vehicles can be retrofitted with anti-idling devices.
24 Some shut off the engine after a set amount of time
25 and are installed with batteries that power features

1 like air conditioning and lights. These stop devices
2 reduce idling and prevent drivers from facing
3 discomfort. This is a tangible mechanical solution
4 that would consistently address this problem.
5

6 These devices do cost money. We estimate between
7 \$5,000 and \$11,000, depending on the battery demand
8 and the complexity of installation, per truck, to
9 install both anti-idling technology and batteries
10 providing for driver comfort. The Civilian Complaint
11 Program can be a tool to incentivize companies to
12 install these devices.

13 We have used idling enforcement to encourage
14 these kinds of improvements. Under the law, DEP has
15 broad authority to grant waivers for idling. To
16 date, we have granted just one waiver to a fleet that
17 committed to electrifying half of its vehicles by the
18 end of 2025.

19 Last week, we issued three waivers conditional on
20 the applicants electrifying or installing anti-idling
21 devices. We believe the people of New York would
22 benefit greatly if those companies accept those
23 terms. But it would be helpful for this program
24 directly to incentivize truck owners to either
25 electrify or install anti-idling devices.

1
2 This is why the cure provision in Intro 941 is so
3 important. The cure encourages vehicle owners to
4 spend money on a mechanical change instead of a fine.
5 It encourages the owners to actually address the
6 issue.

7 Could we go back one slide, please, now? Sorry.
8 We were out of order.

9 A second problem with the current program is that
10 it has essentially done nothing to improve air
11 quality in many environmental justice communities.

12 I'd ask you to look at these two maps.

13 As these two maps show, on the left-hand side is
14 a map of where all of the complaints were issued in
15 fiscal year 2024. As that map shows, most civilian
16 complaints are issued in the Manhattan core, in the
17 wealthier parts of Brooklyn, and in Western Queens.
18 There is minimal attention to the areas that need it
19 the most.

20 On the right-hand side, of course, are the
21 environmental justice neighborhoods in the city. It
22 doesn't show up as well, but you see they are kind of
23 the inverse of the other. The deterrent effect of
24 this program therefore is mainly limited to trucks
25 idling in Manhattan.

1
2 In fact, because DEP's air inspectors now spend
3 basically the vast majority of their time processing
4 citizen complaints, an unintentional impact of this
5 program has been to shift DEP's own enforcement out
6 of many EJ neighborhoods to the processing of these
7 primarily Manhattan violations. This is another way
8 that a cure provision encouraging anti-idling devices
9 would be impactful. Once installed, the device would
10 be active wherever the truck goes, so a ticket issued
11 in Manhattan could also improve air quality in the
12 Bronx.

13 Another problem is that the error code includes
14 provisions that are imprecise or in conflict. As a
15 result, when an OATH judge identifies a point where
16 the law is vague or contradictory, a case is often
17 dismissed. Many of the weak aspects of the law have
18 only become clear as increased enforcement has
19 brought more varieties of circumstances.

20 The bills being heard today are an opportunity to
21 address these issues and strengthen the law. Issues
22 include: Only vehicles with commercial plates are
23 subject to the program, but many vehicles in
24 commercial use do not have commercial plates. Thus,

1
2 the law today discourages owners from getting the
3 commercial plates they should have.

4 Obscured or altered license plates are a valid
5 defense according to OATH rulings against a
6 complaint. Thus, the law today encourages drivers
7 and owners to obscure or tamper with their license
8 plates. Only one summons is allowed per vehicle per
9 day in the same location, even hours apart.

10 The fines increase for a second and third
11 violation, but only on the same vehicle, not for
12 multiple offenses from vehicles in the same fleet.
13 And there is no upper temperature limit dictating
14 when a vehicle can idle for heat or cooling. In
15 practice, this has meant, under ALJ rulings, that
16 school buses can idle without limit by arguing that
17 they were simply running the engine to manage
18 internal air temperatures, even adjacent to a school.

19 We would like to use these bills being heard
20 today to resolve these issues. Addressing them would
21 make the law clearer to follow and easier to enforce.

22 A final shortcoming of the program today is that
23 it has enabled unprofessional behavior from some
24 participants. We should hold those who submit
25

1 complaints to certain standards of professionalism
2 and integrity.
3

4 The first issue relates to the timely submission
5 of complaints. There is currently no time limit on
6 how long a complaint can be filed after it is
7 recorded. DEP's own inspectors are expected to
8 report their complaints within nine days of observing
9 the violation, though typically we do so within five
10 days. It is important that civilian complainants be
11 required to do the same. We have observed some
12 complainants saving violations for months and then
13 dumping them all at once.

14 This is unfair to the accused and causes issues
15 for DEP and OATH, which then have to process large
16 volumes of complaints in bunches, slowing down the
17 review time for all complainants.

18 The second issue is finding instances of fraud
19 among some participants. Submitting false reports is
20 wrong and it wastes city resources and time.

21 Our inspectors have found the same video being
22 submitted twice with different allegations with the
23 intent to generate two summonses based on the same
24 event. A single complainant submitting videos from
25 different boroughs allegedly taken at the same time,

1 and a complainant resubmitting slightly altered
2 evidence after DEP had already found it unacceptable.

3 To combat fraud, DEP has started issuing
4 summonses to individuals who have committed this
5 egregious behavior.
6

7 We are not discouraging participation in this
8 program. We are working to ensure that all
9 participation is appropriate. In 2023, more than 900
10 people submitted at least one idling complaint.

11 Summonses were issued to a total of four
12 individuals.

13 If I could have the next slide, please.

14 A further issue we've been experiencing is that
15 some participants have harassed and verbally attacked
16 civil servants. The behavior of the complainants has
17 included aggressive verbal harassment targeted at
18 specific employees, attempts to access secure
19 government office spaces looking for specific
20 individuals, and in one instance, an attempt to
21 assault a staff member. We have some quotes here on
22 the screen. Frankly, I hesitate to read them because
23 I don't want to legitimize them with my voice, but
24 they are an example of the kinds of obscene and
25

1
2 personal attacks that our staff deal with from a
3 select few of the participants in this program.

4 Such behavior is unacceptable. No one should
5 feel threatened or tolerate abuse or harassment as
6 part of their job. We need to protect our staff from
7 the few individuals who feel they are justified in
8 mistreating our employees.

9 In sum, civilian complainants should be held to a
10 code of conduct to protect staff and ensure the
11 integrity of the civilian complaint program.

12 Withholding reports, submitting false reports, and
13 harassing staff should not be permitted.

14 If a DEP inspector were accused of any of these
15 actions, we would take them off enforcement duty and
16 investigate.

17 We must recognize the role that civilian
18 participants are playing. They are not just making
19 311 complaints. They are contributing to the
20 initiation of legal proceedings under the Air Code.

21 It makes them an extension of the city's
22 enforcement. There must be a method to address
23 fraudulent submissions and abusive behavior.

24
25

1
2 I've mentioned already how powerful anti-idling
3 devices could be in reducing idling, not only in
4 Manhattan, but citywide.

5 Today, levied fines, which range from \$350 to
6 \$2,000, appear to be too low to incentivize
7 mechanical change like the installation of anti-
8 idling devices. This is why in PlaNYC a year and a
9 half ago, the Adams administration clearly stated its
10 support for increasing the fines. However, fines
11 cannot be increased unless necessary reforms are put
12 in place.

13 The law must be more precise, must encourage
14 cures, and must protect staff and the integrity of
15 the system.

16 In addition, any fine increase must be coupled by
17 a change in the bounty structure. Today, the payout
18 for the civilian complainant is based on a percentage
19 of the fine imposed. Fines start at \$350 but can
20 increase up to \$2,000 for repeat offenses. We know
21 from published reports that some participants are
22 earning between \$150,000 and \$250,000 per year from
23 this program. If the fine were quadrupled, it would
24 mean that someone could earn a million dollars per
25 year from this program.

1
2 By contrast, the average salary of a DEP air
3 inspector is roughly \$55,000 per year.

4 While we can and should pay people who do the
5 service of reporting offenses, we do not need to make
6 them millionaires. I don't believe any of the
7 civilian enforcers are doing work that deserves more
8 money than a trained DEP inspector earns.

9 We suggest a flat rate payout for complainants.
10 Today, complainants earn \$87.50 for first offenses if
11 DEP submits the complaint. Instead of quadrupling
12 that bounty, we suggest a flat rate payout of \$100.

13 This brings me to the legislation being heard
14 today. We fully support the intent of the four bills
15 being heard. We do want to recommend a few specific
16 changes that we believe are consistent with the
17 objectives of these bills and would further enhance
18 the program.

19 Intro 5 requires that the Citizens Air Complaint
20 Portal be translated into the designated citywide
21 languages. We encourage New Yorkers of all
22 backgrounds to participate in the complaint program.
23 Currently, the portal has instructions and
24 translations in all of the designated citywide
25 languages.

1
2 We welcome a discussion of ideas to encourage
3 broader participation. Intro 941 addresses many of
4 the shortcomings of the current program that I have
5 described. We have discussed the need for these
6 changes at previous hearings, and are grateful for
7 the chair for his leadership on this.

8 I'd particularly like to stress again the
9 importance of the cure provision this bill would
10 create. This bill delivers on the idea that air
11 quality, not fines or bounties, is the purpose behind
12 this program. A truck that is retrofitted because of
13 a summons issued in Manhattan will improve air
14 quality everywhere it travels in the city.

15 Regarding the bounty, Intro 941 cuts the current
16 percentages in half. As I mentioned, we would
17 instead recommend fixing the bounty at \$100 for a DEP
18 pursued claim and \$150 for a self-pursued claim.

19 Intro 941 also authorizes DEP to create a code of
20 conduct for participation in the program.

21 We think the bill language should be amended to
22 reflect that a complainant would be disciplined for
23 the same reasons as we would discipline a DEP air and
24 noise inspector. That is, submitting fraudulent or
25 falsified evidence, abusing or harassing city staff,

1
2 or intimidating, harassing, or threatening
3 individuals in connection with a complaint.

4 Intro 291 would raise fines for idling
5 violations, which is consistent with this
6 administration's policy as stated in PlaNYC.

7 In fact, we would like to propose raising the
8 maximum even higher, to \$10,000, for companies that
9 receive significant numbers of repeat offenses in a
10 year, companies as we have seen, like Verizon and Con
11 Ed. This would require assigning repeat violations
12 to companies instead of individual trucks.

13 Additionally, as I noted earlier, we cannot support
14 Intro 291 unless other important changes to the
15 program are addressed, and so we ask the Council to
16 consider these bills as a packaged pass together.

17 Intro 747 extends some of these idling citizen
18 complaint program changes to the noise citizen
19 complaint program. Consistent with what I said about
20 Intro 941, we support the overall idea but would
21 recommend changing the bill to establish a clear and
22 high standard for discipline, and that the language
23 of Intro 747 should be brought into alignment with
24 what is finalized for Intro 941.

1
2 Both the genius and the challenge with the
3 civilian complaint program is that it creates a clear
4 financial incentive for people to issue complaints.

5 More than 2,500 New Yorkers have participated in
6 this program since its inception. The vast majority
7 seem to be driven largely by the desire to improve
8 air quality. A small group, however, have turned
9 this into what one participant described as a, quote,
10 "lucrative side hustle", unquote.

11 I have no problem with people making money from
12 doing the work to submit evidence of idling, but this
13 law has created a lobby that has a direct financial
14 stake in more summonses being issued, but not a
15 direct financial stake in improving air quality. I
16 encourage you to treat these viewpoints with the same
17 skepticism you would treat of any lobbyist seeking to
18 prevent the reform of a government program from which
19 their client makes millions.

20 I want to reiterate my and my colleagues' thanks
21 to Chair Gennaro and the Committee for your attention
22 to these programs.

23 I recognize that the bills being heard today
24 include many of the ideas that we discussed during
25 the noise enforcement hearing last fall. The

1
2 Council's partnership on these is critical to
3 maximizing the effectiveness of these citizen
4 enforcement programs.

5 Thank you again for the opportunity to testify.
6 My colleagues and I are happy to answer any questions
7 that you have.

8 CHAIRPERSON GENNARO: Thank you, Commissioner,
9 for your comprehensive testimony. I certainly
10 appreciate it. I am going to be going through your
11 statement in a moment, as I normally do, and pose
12 some questions. I want to recognize that we are
13 joined by Councilman Restler. I appreciate his
14 presence here today.

15 I will just go back through your statement. I
16 have a pair of questions. For me, I am going to try
17 to limit my questioning because we have so many
18 people scheduled to testify.

19 Of course, one of the main benefits we get from
20 these hearings is hearing from stakeholders. We have
21 a whole bunch of people who want to testify. So we
22 do want to get to them because this hearing is going
23 to go on for hours, but I have to do my due diligence
24 and pose some questions to you.

1
2 I made notes in your statement. I just want to
3 reinforce what you said on page 2 of your statement.
4 We are talking about ozone, but PM2.5 is a critically
5 important pollutant. It's small particles that go
6 straight into the lungs, go right past the body's
7 defenses. There is a 60 percent decline in PM2.5,
8 and also a big reduction in NO2. And to correlate
9 that with the reduced visits to emergency rooms for
10 asthma is incredible.

11 I mention this because we should do everything we
12 can to redouble our efforts to make these numbers
13 even lower.

14 I just want to reinforce to everyone here that
15 this is what this is all about. It is not about
16 revenue, so thank you for that.

17 Your testimony, again, I am just sort of
18 reinforcing about how what we are doing, even though
19 a lot of the action takes place in Midtown Manhattan
20 and Lower Manhattan, it is going to spill over into
21 the EJ communities and give them some needed relief,
22 and so we certainly do appreciate that.

23 I am actually going to ask you a question soon,
24 so just get ready. It is coming.

1
2 Now, on page 4 of your statement, you talk about
3 the exponential growth of the program from 9,000
4 violations to 80,000 in 2023. We are over 100,000
5 now. We are looking at 120,000 cases by the time we
6 close it out, and you indicate that all of these have
7 to get reviewed.

8 For the benefit of this panel, for people in the
9 audience who may have a little bit of confusion, so
10 the civilian enforcer gives the complaint to DEP.
11 DEP makes a determination as to whether or not it
12 wants to pursue that, which it does with OATH. It
13 does the adjudication with OATH. There are
14 presumably violations that it believes the evidence
15 is not sufficient to pursue it and dismisses those
16 violations.

17 Now, is that completely dispositive, or can the
18 complainant then go to OATH after it is found to be
19 insufficient by DEP? How does that work?

20 COMMISSIONER AGGARWALA: Sure. Thank you,
21 Councilmember, and I will ask the Deputy Commissioner
22 to chime in perhaps with a few more of the details.

23 CHAIRPERSON GENNARO: You can call me Chairman if
24 you want.

25 COMMISSIONER AGGARWALA: Sorry?

1
2 CHAIRPERSON GENNARO: You can call me Chairman if
3 you want.

4 COMMISSIONER AGGARWALA: Okay, Mr. Chairman. I'm
5 sorry.

6 CHAIRPERSON GENNARO: I'm messing with you,
7 Rohit. It's okay. It's all good. We're friends.

8 COMMISSIONER AGGARWALA: So, the way the law
9 states it now is DEP basically has first dibs, if you
10 will.

11 CHAIRPERSON GENNARO: Right.

12 COMMISSIONER AGGARWALA: We have the right to
13 decide that a complaint is valid and likely to
14 succeed based on the case law that's been accumulated
15 by all of these ALJ decisions at OATH. If so, the
16 law basically requires us within 45 days to tell the
17 complainant whether we are going to pursue it or not.

18 If we do not pursue it, they are allowed to self-
19 pursue. That's that alternative path. It requires
20 them to do the paperwork of taking the case to OATH.

21 CHAIRPERSON GENNARO: Right. But I just want to
22 drill down on that a little bit, because that would
23 be-- I guess, a reason-- So DEP gets the first
24 opportunity and it theoretically could sort of pass

1 on that opportunity because it just can't get to it
2 within the requisite amount of time.

3
4 And so once DEP's so-called clock is up, then the
5 complainant has-- given it to DEP and now can take
6 it to OATH. And I understand how that works, but if
7 there is a determination made by DEP that the
8 evidence is insufficient, fraudulent, whatever, does
9 DEP have the ability to completely dismiss that case?
10 Or it goes back to the complainant to make their case
11 to OATH, notwithstanding the fact that DEP has found
12 the violation to be-- I'm just wondering whether DEP
13 has the ability to just completely dismiss a
14 violation and that's the end of it.

15 DEPUTY COMMISSIONER LUBIN: Right. If we find
16 that the evidence is insufficient, the citizen could
17 not pursue it. They can pursue it if we are too
18 late. We don't review it in time.

19 CHAIRPERSON GENNARO: Right. Okay. And so DEP
20 does have the ability to dismiss a violation, Deputy
21 Commissioner, right?

22 DEPUTY COMMISSIONER LUBIN: Right. We say it
23 doesn't meet the-- it's like not having a *prima facie*
24 case. They can't go forward.

1
2 CHAIRPERSON GENNARO: Right. And is there any
3 appeal that is available to the complainant or...?

4 DEPUTY COMMISSIONER LUBIN: No.

5 CHAIRPERSON GENNARO: No. Okay. And so I just
6 want everyone to understand the process. It's just
7 so if DEP gets them, they move them through OATH,
8 they get the violation, or they don't do it in time,
9 or they just outright dismiss it.

10 Okay. So I just want to make that clear for
11 everybody.

12 I've got to change my distance glasses to my
13 reading glasses. Yeah.

14 Thank you for your discussion of the, you know,
15 cure provision. I'm in agreement with you on that.
16 And that is the vector by which, you know, we, you
17 know, create real meaningful change in idling in New
18 York City.

19 I'm very happy to engage with you on a discussion
20 about the bounty structure, and how the, you know,
21 increase in fines, you know, can lead to, you know,
22 people making millions of dollars for doing this.
23 And, so we've tried to partner before. And I look
24 forward to speaking with you more about that.

1 We'll hear testimony from stakeholders, of
2 course. And thank you for your support of 941.

3 And this is what happens when we have, like, a
4 lot of collaboration in previous hearings. We're,
5 you know, we're kind of, like, on the same page. And
6 so I appreciate that. I have maybe one or two
7 questions that I want to get to.

8 But we have-- Who's looking to ask questions?
9 Oh, Councilmember Avilés wishes to be recognized for
10 questions. I recognize Councilmember Avilés for
11 questions.

12 COUNCILMEMBER AVILÉS: Great. Thank you, Chair.
13 Excuse me. So if a non-English-speaking individual
14 wishes to submit an idling complaint through the
15 citizen error complaint portal, how do they go about
16 doing so?

17 COMMISSIONER AGGARWALA: Thank you,
18 Councilmember. Right now, as I mentioned in the
19 testimony, all of our materials are available in all
20 of the languages. The website has the Google
21 Translate button, so it can automatically be
22 translated. The downloadable form is-- The
23 instructions are all in the variety of languages.

1
2 We currently require that the open form section
3 be submitted in English. Right now we do that for a
4 practical reason. That is something that our
5 inspectors have to rely on to make their complaint
6 that they are signing their names to.

7 And we are exploring with the Law Department what
8 flexibility we would have to accept things in other
9 languages. And unfortunately, we did not get a
10 determination or guidance from the law department in
11 time for this hearing, so it is something that we
12 would be very eager to work with you with.

13 But as I said in my testimony, I think the
14 biggest single problem with this program is that it
15 is mainly used in the non-EJ parts of New York City.

16 And so we have to do more to get participation in
17 those neighborhoods such as the ones you represent.

18 COUNCILMEMBER AVILÉS: Yeah, I think that point
19 definitely underscores, because right now I was
20 actually trying to submit a complaint as we were
21 sitting here. And the interface is not as simple.

22 And I think clearly the agency has made an effort
23 to translate what the interface is, but you have to
24 toggle between multiple windows already. So we are
25 nowhere near an interface that is remotely user-

1 friendly, which to me is a giant barrier for anyone
2 who is going to be submitting. So, the user
3 interface needs a long way to go to make it actually
4 accessible.
5

6 I think also it does say you have to answer
7 everything in English. If you don't know, you can't
8 answer it. I'm kind of mystified, but I realize that
9 you are working on that.

10 In the Immigration Committee, we're going to be
11 looking at Local Law 30 and how the city is actually
12 meeting its mandate to provide language
13 accessibility. And we see kind of these real gaps
14 across the system. And this is unfortunately another
15 place where we need to do some serious work.

16 So, in terms of-- Oh, I think I just talked
17 through pretty much all my questions. I mean, I
18 think we have a long way to go to make this program
19 accessible to non-English speaking communities.

20 If I may just quickly say to you, Chair, if it's
21 okay--

22 CHAIRPERSON GENNARO: Yes, sure.

23 COUNCILMEMBER AVILÉS: I look forward to working
24 with you on that, and we definitely need to do a
25

1 better interface that makes it easier for New Yorkers
2 to participate.
3

4 In terms of currently the idling law in New York
5 City notes a maximum of three minutes, and that time
6 is cut substantially, as you know, near schools, as
7 an acknowledgement that children are particularly a
8 vulnerable population that we are seeking to protect.

9 Is there any evidence to suggest that 18 minutes
10 is the amount of time that's needed for either
11 loading or unloading or the health impacts of an 18-
12 minute interval?

13 COMMISSIONER AGGARWALA: I'm sorry,
14 Councilmember, what's the 18 minutes?

15 COUNCILMEMBER AVILÉS: The 18 minutes is under, I
16 guess, the legislation in Intro 941.

17 COMMISSIONER AGGARWALA: I thought it was 15.
18 So, Councilmember, I'll address--

19 COUNCILMEMBER AVILÉS: Let's do 15.

20 COMMISSIONER AGGARWALA: Yeah, I'll address the
21 way I understand that and then ask the Deputy
22 Commissioner to elaborate.

23 As I mentioned in my testimony, first of all, DEP
24 follows the case law that the administrative law
25 judges create, right? As in all legal proceedings

1 (these are legal proceedings; these are not 311
2 complaints), right? And some of the difficulty of
3 the forms that we have is because this is different
4 than just registering a complaint. This is kind of
5 doing the same paperwork that a DEP inspector or a
6 police officer has to do to initiate a legal
7 enforcement proceeding.
8

9 We, therefore, when we review these things, we
10 review them both for whether they are complete in
11 terms of evidence: Is the video fully three minutes?
12 Do we think it shows what it's claimed to show? We
13 also consider it in light of the case law that has
14 developed at OATH. And there is a gap, as I pointed
15 out, which I think we can fix here, which is that
16 there is an inconsistency between the law that
17 governs school bus internal comfort and a gap in what
18 the air code says school buses can do.

19 As a result, OATH ALJs have dismissed a set of
20 school buses, of school bus cases, and we believe we
21 should use legislation to clarify and tighten it so
22 that there is greater alignment.

23 In terms of 15 minutes, the issue here, again, is
24 that these vehicles require the engine to run either
25 for heating or for cooling. And so we would be very

1 happy to work with the council and with the committee
2 to make this even clearer, but there is going to have
3 to be some amount of time for the bus either to cool
4 things down when it's hot out, or warm things up when
5 it's cool out before the students get on board.

7 Let me just ask, Julie, did I do that justice?

8 DEPUTY COMMISSIONER LUBIN: Yes. We currently
9 have a best practice for 15 minutes, which the law
10 would codify. In some cases, the engine of a vehicle
11 needs the three minutes versus the one minute, but
12 the 15 minutes is to allow for this cooling and
13 heating.

14 COUNCILMEMBER AVILÉS: Yeah. I think what I
15 often see actually on a daily basis is a lining up of
16 four to five buses in front of a building who are
17 sitting there idling for significant amounts of time
18 with no children in them because they've already
19 dropped off the kids. Is this standard just going to
20 continue to allow them? I guess how does the
21 standard address the cumulative impact of having four
22 or five buses at a clip idling for such significantly
23 long periods of time in front of school buildings?

24 COMMISSIONER AGGARWALA: Well, again

25 Councilmember--

1
2 COUNCILMEMBER AVILÉS: With and without children?

3 COMMISSIONER AGGARWALA: Right. The issue is the
4 defenses that the OATH ALJs have demonstrated they
5 are willing to accept.

6 So it may be in practice that you know that
7 they've done their work for the day. There's not a
8 student that's going to get on board for the next
9 hour or two. But if an ALJ is willing to accept an
10 argument that, "Oh, maybe there was going to be
11 another student coming back," then that summons would
12 get dismissed.

13 And our objective is through this-- through this
14 legislation to clarify it so that we can be clear
15 about the ones that should be pursued.

16 COUNCILMEMBER AVILÉS: Yeah. I guess just
17 lastly-- Thank you, Chair, so much.

18 CHAIRPERSON GENNARO: Yeah. I'm happy to give
19 you latitude. I'm going to jump in on this, too.

20 COUNCILMEMBER AVILÉS: No, I know.

21 CHAIRPERSON GENNARO: It's okay.

22 COUNCILMEMBER AVILÉS: In terms of the you
23 mentioned in your testimony electrification being one
24 of the key elements here. How is DEP pursuing and
25 ensuring that that the state and the city are

1
2 incentivizing and moving very aggressively to fully
3 electrifying our school bus fleet?

4 COMMISSIONER AGGARWALA: Well Councilmember first
5 of all as you know DEP is not in charge of either the
6 school buses or vehicle electrification. However
7 this administration has made vehicle electrification
8 a significant priority, as I said in my testimony.
9 Several months ago we celebrated a very large federal
10 grant that NYCSBUS received.

11 And in fact I was speaking with the CEO of
12 NYCSBUS just the other day, who was able proudly to
13 inform me that New York City is now the home to the
14 largest fleet of electric school buses. It's still
15 pretty small because it's still just starting and the
16 first vehicles are being delivered, but they are
17 there. And we think that is one of our biggest
18 opportunities.

19 And as you know the state law now will require
20 school buses to electrify as well. So, we think
21 that's very promising over the next five to 10 years.

22 CHAIRPERSON GENNARO: And also I want to jump in
23 that at the end of the end of 2021, we did a Danny
24 Dromm bill on school buses that creates a-- I think a
25 date certain it's off the top of my head. I think

1
2 it's-- I think it's 2035 and that's either a new
3 electric school bus, or an old one that gets
4 retrofitted.

5 I believe the I believe the final completion is
6 2035 on that, and there are like milestones that get
7 to that. I can't speak to the state law. I can just
8 say what we've done on the on the city level. That
9 went through my committee. Like I said, it was a
10 Danny Dromm bill.

11 Regarding the 15 minutes if-- This also is not
12 just school buses it's also these you know charter
13 buses that go to Atlantic City, and it's cold out or
14 whatever. And you know the idea is that if it's
15 really cold or really hot, and if there are
16 passengers in the bus that's the difference.

17 So, if they're so if there are not passengers in
18 the bus they just can't stage an idle. So that's not
19 how that works.

20 COUNCILMEMBER AVILÉS: Well it does, in
21 practicality.

22 CHAIRPERSON GENNARO: Yeah I get it.

23 COUNCILMEMBER AVILÉS: My question is around--

24 CHAIRPERSON GENNARO: It's a long way sometimes
25 between the creed and the deed.

1
2 COUNCILMEMBER AVILÉS: Yeah. Yeah. Around the
3 mitigation. Like what is the mitigation plans that
4 are-- or like how does the city-- how is the city
5 trying to either allocate resources to-- to mitigate
6 these collective impacts that we're seeing and in
7 particular in front of schools.

8 CHAIRPERSON GENNARO: I'm happy to jump in on
9 that. I think what we're trying to do with-- and
10 also what the Commissioner made reference to is that--
11 - You know each of the bills has like a piece and
12 depending upon-- So this one zigs, this one zags,
13 whatever. But we've got to put the whole puzzle
14 together. So, this is what we're seeking to
15 accomplish. This is not like a one-bill problem.

16 This is a, you know, multiple bill that's going
17 to require you know several local laws to be put
18 forward as a package. And these items are just being
19 heard for the first time here. Well not your bill,
20 but second time for your bill. But you know the idea
21 is to get you know all the stakeholder input, and
22 then you know then the real fun begins in terms of
23 how we, you know, continue to craft the bills that
24 they-- so that they will address all the outstanding
25 issues. One that you, you know, brought up which is

1
2 very relevant particularly in your community and you
3 know many communities. And so was that good.

4 COUNCILMEMBER AVILÉS: Yeah. Thank you chair and
5 thank you commissioner. I guess just one last
6 question in terms of the language accessibility work
7 that is in process.

8 Are there any time frames that you can share, or
9 milestones that the department is planning to meet in
10 the exploration and work to make this system language
11 accessible that I can bother you about?

12 COMMISSIONER AGGARWALA: Councilmember, I'm happy
13 to talk with you offline about that. Frankly a lot
14 of it depends on our colleagues at the Law Department
15 and they assure us that they are working on it as
16 quickly as they can.

17 COUNCILMEMBER AVILÉS: Great. I'll keep calling.

18 COMMISSIONER AGGARWALA: The law department has a
19 stake. Thank you.

20 COUNCILMEMBER AVILÉS: Thank you so much.

21 CHAIRPERSON GENNARO: Thank you, Councilmember.

22 And I said, I had one last question. And so, we have
23 the citizen enforcers doing a lot of work around
24 town, and we want to make sure that that program
25 proceeds, you know, along lines of excellence. But

1 in many people's estimation there is, you know,
2 nothing better than a DEP professional out there
3 doing the enforcement, which of course happens. And
4 I just wanted to ask what is the number of air and
5 noise enforcers that are in the field now?
6

7 That's kind of like the first question.

8 And the second one, you know, in terms of where
9 they're deployed, you know, we have maps and
10 everything about where the EJ hotspots are or
11 whatever. I would imagine that they're deployed in
12 areas where their efforts will, you know, reap the
13 most benefits in terms of clean air.

14 If you could talk about numbers and where they're
15 deployed that'd be great.

16 COMMISSIONER AGGARWALA: Well I'll ask the deputy
17 commissioner to chime in with numbers. But let me
18 start by saying, first of all, we have a very small
19 group of air and noise inspectors.

20 They do both air and noise inspections. It is
21 the same group of people. They do not make a lavish
22 salary, and we do have some retention issues in that
23 group.

24 Traditionally, DEP has only been staffed to be
25 responsive. So, we will pursue complaints that are

1 based on 3-1-1 calls. People call 3-1-1, they have
2 either an air quality or noise complaint, we will
3 schedule a visit. And that works much of the time
4 when you're talking about a static issue. If there
5 is a construction site or something like that. It
6 doesn't really work for vehicles because they're
7 mobile. That's why we are innovating around
8 different approaches to technology-based enforcement.

9 Many of you know that we've had a very successful
10 program of noise cameras. It's the same problem. If
11 the violation moves around, it's very hard for a
12 limited number of inspectors to chase after it.

13 And as I mentioned in my testimony, one of the
14 things that has happened: While the number of the
15 civilian complaints has grown so much is that our
16 limited pool of air and noise inspectors are
17 increasingly chained to their desks reviewing these--

18 CHAIRPERSON GENNARO: Oh. So it's the same--

19 COMMISSIONER AGGARWALA: It's the same people.

20 CHAIRPERSON GENNARO: --that respond to
21 complaints and also view the video footage at Lefrak
22 or wherever. Right?

23 COMMISSIONER AGGARWALA: Right. Right. And they
24 were the ones I was out a couple of weeks ago at
25

1
2 Forest Hills Stadium on Saturday night or a Sunday
3 night.

4 CHAIRPERSON GENNARO: OK. Well you could invited
5 me.

6 COMMISSIONER AGGARWALA: The same group of
7 people.

8 CHAIRPERSON GENNARO: You could have invited me,
9 but okay. You know.

10 COMMISSIONER AGGARWALA: But OK you know We were
11 dealing with the neighbors who didn't like it. So,
12 it wasn't a party.

13 CHAIRPERSON GENNARO: OK. Well I'm always ready
14 to give you backup.

15 And so, did the Deputy Commissioner want to add
16 something on that?

17 COMMISSIONER AGGARWALA: The numbers.

18 DEPUTY COMMISSIONER LUBIN: Yes. Currently we
19 have 65 air and noise inspectors, and we have 15 who
20 watch videos and prepare summonses. Of these 10 are
21 dedicated to only idling and five are on and off
22 idling. So, these inspectors are doing, as the
23 commissioner, said all kinds of air inspections in
24 response to 3-1-1. We have odors. We have dust. We

1 have every kind of noise, commercial music, dog
2 barking.
3

4 It's sort of an endless black smoke all kinds of
5 issues that we have to address through the 3-1-1
6 system. So it's actually a pretty small number
7 relative to all the issues we have in the city.

8 Ten of those inspectors only are reviewing videos
9 and at present do not go in the field. So, I think
10 that was part of your question, and the other five do
11 both. And that could include an idling complaint as
12 well.

13 For example, a passenger car. The citizen--
14 Civilians do not do those. They only do commercial
15 vehicles, but we may do everything.

16 CHAIRPERSON GENNARO: Right. Okay. All the more
17 reason why we have to get the civilian enforcement
18 right, and operating along lines of excellence, code
19 of conduct, everything going like we need to make it.

20 So this is, you know, a difficult endeavor. I've
21 been grateful to have the administration's
22 partnership, and you know your partnership,
23 Commissioner, and that of your good team. And we
24 look forward to peeling the onion and arriving at a
25 place where everyone is pretty much in their happy

1 place. And I'm not saying that to be funny. I just-
2 - We just need to get it right. And so we thank you
3 for your commitment to partnering with us on that.
4

5 And with-- Anybody wants to ask questions?

6 Councilmember Restler wishes to be recognized.

7 I recognize Councilmember Restler for questions
8 but he's not going to get as much time as Alexa.

9 Okay?

10 COUNCILMEMBER RESTLER: We can't all be Alexa
11 Avilés.

12 DEPUTY COMMISSIONER LUBIN: I'm tellin' ya.

13 COUNCILMEMBER RESTLER: Thank you very much Chair
14 for the opportunity, and for the hearing today and
15 thank you Commissioner and team for your thoughtful
16 testimony.

17 I just want to generally state how appreciative I
18 am of the partnership with DP under your leadership.
19 So thank you very much for the work that you do and
20 your stellar team.

21 I did have a few questions that I wanted to ask
22 that I just worry about some of the operational
23 implications of some of these changes and would love
24 some more information.

1
2 The reduction in time, to have only five days to
3 submit a complaint from the time that the video is
4 captured.

5 Well let me just one step back.

6 I think citizen enforcement tools are important,
7 and I think that they are valuable, and I think you
8 testified to that today. I believe that there are
9 many other areas where we could be doing more citizen
10 enforcement that would be very helpful in ensuring
11 that bad actors across the city of New York are held
12 accountable.

13 There's only so many city workers. You only have
14 so many eyes and ears, and as hard as the inspectors
15 at DP work, and as much as we appreciate their
16 service to the city, like it's just impossible for
17 them to be holding everyone accountable that needs to
18 be. So this is another effective deterrent and I
19 think it's a useful tool.

20 I'm concerned-- So just having only five days to
21 submit the paperwork. It's-- I think we would all
22 agree a complex process to actually submit a claim.
23 Are there, you know, having documents notified et
24 cetera, have you thought at all along with the
25 reduced time frame to streamline or simplify the

1 process to submit a complaint? Would that be a part
2 of that trade-off in the reduced time frame?
3

4 COMMISSIONER AGGARWALA: Look, as I said, we have
5 been working very hard to figure out how to make this
6 entire system as efficient and simple as possible.
7 Any increase in simplicity reduces our workload,
8 improves our performance, streamlines our own
9 operations as well.

10 I think one of the things that we have been
11 working on is whether there is an app that we could
12 develop that would simplify a lot of that. You know,
13 as you know government agencies aren't always the
14 best at developing apps and so we are working on it,
15 but it is-- it is a bit of slow going.

16 But look I would be very interested in working
17 with the committee if there are ideas for how we can
18 make it easier to submit.

19 COUNCILMEMBER RESTLER: I appreciate that. I
20 think--

21 COMMISSIONER AGGARWALA: In ways-- But if I
22 could finish-- In ways that are consistent still with
23 the successful determinations at OATH. Because
24 frankly I think one of the things that-- that
25 repeatedly gets lost here is that we are playing a

1
2 role of quality control. And just as we would not
3 let one of our air inspectors submit a complaint that
4 we think would violate case law and would be
5 dismissed. We do the same quality control here.
6 This is not the same as 3-1-1 complaints.

7 COUNCILMEMBER RESTLER: Fair. I just think that
8 these those two things should go hand in hand. If
9 we're tightening the time frame up and only giving
10 people five days to submit the complaint, then we
11 should streamline the process and make it easier to
12 do it. So, I'm open to those kinds of tradeoffs. I
13 just think they need to happen.

14 Another thing that I wanted to ask about is-- I
15 have a couple things actually. But another thing I'd
16 like to ask about is the reduction in the percentage
17 of the fine collected going back to the complainant,
18 and imposing a flat fare as well-- a flat fine amount
19 as well. Have you considered capping the total
20 amount that a single complainant could generate in
21 revenue in the course of a year?

22 Complainant X could generate up to X thousands of
23 dollars in revenue from submitting idling complaints.

1
2 COMMISSIONER AGGARWALA: It's not something that
3 I have considered. I don't know if there's a basis
4 in law.

5 DEPUTY COMMISSIONER LUBIN: That's not something
6 that we've considered to date. And as the
7 Commissioner said if that was something that the
8 council were interested in, you know, it would have
9 to be the subject of legal research.

10 COUNCILMEMBER RESTLER: Great. I do think it's
11 worth considering. I think that if we want to
12 encourage Jane and John Doe to capture idling, submit
13 the complaint, we want it to be an easier process for
14 them to submit it and we want everyone to be thinking
15 about how we can do that.

16 If we want to discourage somebody from giving up
17 their job and just spending all day filing idling
18 complaints, then having a cap might be a way to
19 pursue that.

20 So you know I just think it's a different
21 approach that's worth considering as well.

22 And then I wanted to talk a little bit about
23 school buses. I'm really pleased that you reference
24 NYCSBUS.

1
2 They have a big depot in the 33rd Council
3 District. I think that they are a tremendous new
4 nonprofit organization that frankly should be taking
5 over every single school bus contract in the city of
6 New York. We would be-- have a more reliable system
7 with the office of people transportation if NYCSBUS
8 had every single contract, and they're doing a great
9 job with students with disabilities, and they're
10 electrifying the fleet. I just went out and visited
11 one of the new electric school buses before the first
12 week of school. I'm all about it.

13 And I think it's not unreasonable for us to say
14 we don't want kids on a bus if the temperature is
15 cold or the temperature is hot. That's a dangerous--
16 can be a dangerous condition especially for students
17 with disabilities and other folks who have other
18 challenges.

19 Could we limit the violations to only when
20 students are on a bus? We don't want school bus
21 drivers keeping the engine running when there aren't
22 students, right? And so is that something that could
23 be considered, or have you considered that in as DEP
24 approaches this as well.

25

CHAIRPERSON GENNARO: Yeah. I'll just mention
that that's, like-- that's in the bill, like--

COUNCILMEMBER RESTLER: That is there? okay. I
misunderstood that.

CHAIRPERSON GENNARO: If there's no students
then, you know-- then, yeah it only kicks in if
there's students.

COUNCILMEMBER RESTLER: Thank you for clarifying
Chair. I apologize for missing that.

Okay. Those were my primary questions. I think
that there are good-faith efforts to make this work
better. And I think that there's still some fine
tuning to do here and I welcome the opportunity to
continue the conversation. I know our Chair always
has an open door, and I appreciate that very much,
and appreciate you coming today with thoughtful
testimony, and look forward to trying to make some
improvements so that we can really make this citizen
enforcement model even more successful. Thank you.

CHAIRPERSON GENNARO: Thank you Councilmember
Restler for your good questions, as always. And we
still have a lot of work to do, and we know that
you'll be right in the center of it. And we

1 appreciate you being a very active member of this
2 committee.
3

4 With that said I have no more questions for this
5 panel. I want to again thank everyone for all the
6 good work--

7 COUNCILMEMBER HOLDEN: Hello.

8 CHAIRPERSON GENNARO: I'm sorry. I'm sorry.
9 Well, he has the paper and I didn't see your name on
10 the paper. So this is name on the paper?

11 Oh okay. Yeah.

12 COUNCILMEMBER HOLDEN: It's too small. Yeah.

13 CHAIRPERSON GENNARO: Just make a big check so I
14 can see it. Okay. All right.

15 I recognize Councilman Holden.

16 COUNCILMEMBER HOLDEN: Thank you. Thank you
17 chair and thank you commissioner and deputy
18 commissioner. A couple of questions on your
19 testimony where you mentioned that OATH, if the
20 license plate is doctored somewhat, that they get--
21 they can get off, right? And you mentioned about if
22 the license plate is not commercial, it doesn't-- and
23 I have that issue all the time with commercial
24 vehicles parked in the neighborhoods and police don't
25 recognize it, because it doesn't say commercial on

1 it, it's misregistered or it's out of state. Now,
2 what about these out-of-state vehicles that, like,
3 Pennsylvania that doesn't have commercial on it?
4

5 Are those considered-- do we get around that?
6 Or New Jersey I believe does the same thing.

7 DEPUTY COMMISSIONER LUBIN: I don't know the
8 practices of other states, but I don't believe we can
9 enforce against companies that are out of state.

10 COUNCILMEMBER HOLDEN: So it's clearly a truck.

11 DEPUTY COMMISSIONER LUBIN: No, we can--

12 COUNCILMEMBER HOLDEN: It's clearly an 18-wheel
13 truck.

14 DEPUTY COMMISSIONER LUBIN: enforce that. So
15 what we would recommend is that the bill say that,
16 obviously, commercial vehicles that do not have
17 commercial plates would be subject to the law.
18 That's one of the recommendations that we would make.

19 COUNCILMEMBER HOLDEN: Because yeah because the
20 Bill 291 mentions RCNY, which is the Rules of the
21 City of New York. And that's the problem.

22 DEPUTY COMMISSIONER LUBIN: Yes.

23 COUNCILMEMBER HOLDEN: Because that that that has
24 a whole bunch of trucks that would not be included,
25 and we couldn't do anything about.

1
2 DEPUTY COMMISSIONER LUBIN: Agreed. And our
3 recommendation would be to modify-- to have a carve
4 out that most of the City of New York's rule that
5 cited there would apply except for the commercial
6 plate requirement.

7 COUNCILMEMBER HOLDEN: Yeah. It would be under
8 the vehicle traffic laws which is a state, if--

9 DEPUTY COMMISSIONER LUBIN: Well, that one we
10 think is too broad, actually. It captures too many--
11 That one refers to, I believe, the word property very
12 generally.

13 So, we like the City Rule but we would tweak the
14 City Rule to encompass commercial vehicles that do
15 not have commercial plates.

16 COUNCILMEMBER HOLDEN: Right. So if it's a van,
17 and they don't have seats in them and they're loading
18 and unloading, that's a commercial vehicle
19 essentially, right?

20 DEPUTY COMMISSIONER LUBIN: We agree with what
21 you're proposing.

22 COUNCILMEMBER HOLDEN: Okay. So that's a very,
23 very important feature, because otherwise so many
24 vehicles would get through, and we wouldn't be able
25 to enforce that. So that's an important thing on--

1
2 Chair? --that the 291 should include. And that's
3 why--

4 But the biggest problem is-- And I think we have
5 to also do this with the police department because
6 they don't know what a commercial vehicle is many
7 times. Because I tell them, "This is a van." And
8 many people are getting around the laws now by not
9 registering-- what you what you mentioned
10 Commissioner not registering as a commercial vehicle.
11 So, they can park in neighborhoods. They can do--
12 you know they could idle. They could unload. And
13 they're parking on the streets of residential areas.

14 So yeah. So that's an important feature, and I
15 thank you for that. And if we can get you know--
16 I'll vote for the bill if they make those changes.

17 Thank you so much.

18 No chair. Okay. There's a pause in the action.

19 COMMITTEE COUNSEL: Yeah.

20 COUNCILMEMBER HOLDEN: You want me to take over.
21 I'll take over. I'll give myself more time again.

22 Okay. I'd like to recognize Councilmember
23 Marmorato, and then back to Holden. Thank you so
24 much.

1
2 COUNCILMEMBER MARMORATO: Okay. Thank you so
3 much. Commissioner: Bravo on the flood kit event.
4 My district was ecstatic. Between education and the
5 goodies that they received, it's a huge hit in my
6 district, and I look forward to you guys doing more
7 of them throughout the city.

8 I'm sure the people of the city really would
9 appreciate it like our district did.

10 So, I just wanted to go over the civilian
11 complaints. So, District 13 is very active,
12 especially when it comes to reporting the illegal
13 cannabis shops.

14 We do an online form ourselves and then we pass
15 it over to the sheriff's office.

16 So, as far as civilian complaints for the idling
17 cars: How do these-- How do my constituents go about
18 it? Because I am shocked that we're not even on here
19 with complaints, and I just want to know how they can
20 get active and how they can actually get compensated
21 for this.

22 COMMISSIONER AGGARWALA: Well, you know, first of
23 all just to be-- Well first of all thank you. We
24 had a great time in your district. In fact, we were
25 just out in the Rockaways last night doing another

1
2 one with a similarly large crowd. So I appreciate
3 that. And I want to thank Beth Defalco, our Deputy
4 Commissioner for being the mastermind of that whole
5 program.

6 First of all let me just be clear: The citizen
7 complaint program only applies to trucks and buses,
8 commercial-- So not for not for cars. And again it
9 is online. As Councilmember Avilés has pointed out,
10 it is-- it requires a little bit of work to figure
11 out. We acknowledge that, as I've said. We have
12 been trying to figure out how we could streamline it
13 both from a process and from a user interface point
14 of view. I don't have any real news on that right at
15 the moment, but it is certainly something that we are
16 working on.

17 But basically we have a website. People can go
18 read the instructions. You have to record with a
19 video for three minutes. You have to get several
20 sides of the vehicle. There has to be enough
21 evidence through sound or exhaust or something to
22 make it clear to a judge that the engine is actually
23 running. And-- And you have to demonstrate the
24 reporting marks, the license plate and other
25 information that's on the vehicle.

1
2 All of that is very clear on our Web site. Again
3 it's a little bit complex, but it is all pretty well
4 documented, which is why-- and I think the evidence
5 for that is that we have had 2500 New Yorkers
6 participate, right? So it is isn't just a handful of
7 people who have figured this out. It is 2500
8 individuals thus far.

9 COUNCILMEMBER MARMORATO: Okay. Now what now
10 what is-- what are you doing with like false
11 complaints? Like, is there-- Has there been a-- Like
12 you have a percentage of how many false complaints
13 there are?

14 COMMISSIONER AGGARWALA: It is a very small
15 number, right? And that's-- that's a wonderful part
16 of this program, right? The vast majority of the
17 complaints that are submitted are good. The vast
18 majority of them DEP takes ownership of and submits,
19 and therefore we do a lot of the work rather than
20 requiring the citizen complainant to do that work.

21 Again what we see every now and then is when an
22 administrative law judge makes a ruling, right?, and
23 basically changes the way the law is interpreted. We
24 do react.

1
2 And so there have been some changes over the last
3 two years in our guidance, but it's always driven by
4 the fact that we feel that we can only put forward
5 complaints that we think have a high likelihood of
6 being upheld.

7 COUNCILMEMBER MARMORATO: Just a few more
8 questions I have.

9 So, given that you like to ensure safety and
10 protection for the civilian complaints for people
11 facing abuse or threats, what is DEP doing currently
12 to monitor and address these threats of violence and
13 abuse towards our civilians?

14 COMMISSIONER AGGARWALA: Towards our workers, or-

15 -

16 COUNCILMEMBER MARMORATO: No. The civilians that
17 are reporting.

18 COMMISSIONER AGGARWALA: Look, we have heard-- we
19 have received a handful of instances where-- where
20 people seeking to record information and file
21 complaints have been threatened by-- by the drivers
22 or-- or what have you. Look you know our air and
23 noise-- Basically we advise the same thing as we
24 advise our air and noise inspectors. DEP's air and
25 noise inspectors are unarmed. It is one of the

1 reasons that we divide responsibility for,
2 particularly noise enforcement, with-- with the
3 police. In any instance where there is the potential
4 for a threat, we do not send our inspectors. We ask
5 the police department to take it.
6

7 And so basically our advice is, if and when that
8 happens, we need civilians to withdraw. We do not
9 have any way right now to take action against that
10 unless the civilian files a complaint with NYPD.

11 COUNCILMEMBER MARMORATO: Okay. Okay. Thank you
12 so much. Thank you, Chair.

13 CHAIRPERSON GENNARO: Thank you, Councilmember.
14 And with that I'll thank the panel for the third
15 time, and look forward to working with you, and
16 everyone should know that the administration is--
17 although they are not going to have a person in the
18 room there will be multiple people from the
19 administration-- I just talked to the representative
20 of the mayor's office, that all of the testimony that
21 is put forward today is going to be listened to by
22 the administration, and so-- and so I'm a stickler
23 about that because the Administration should hear the
24 good testimony, and they always cooperate in that.
25

1 So anything that is said to this Council will also be
2 heard by the administration.

3
4 So, with that said: Great to see you, Rohit, and
5 everyone else, and Deputy Commissioner, and... Yeah.

6 Thank you, Rohit.

7 We're going to take a minute just to work with
8 staff here to kind of get the order of witnesses
9 together. People should not-- will be-- we will have
10 a little business to do and then we're going to go to
11 the public testimony.

12 [4 MINUTES 50 SECONDS SILENCE]

13 Okay. If I could ask people to sit down and--
14 Okay. While staff is getting the witness slips and--
15 Oh, it's done. Okay. Fine.

16 And so, before we can commence with the public
17 comment period I want to thank everyone at the
18 outset.

19 You know it's-- We're going to be here for a
20 while. And so-- and it's going to be a two-minute
21 sort of strictly enforced limit on testimony. And
22 so, we ask people to keep it within two minutes,
23 because the people at the end of the hearing are
24 going to be waiting a long time.

1
2 And so, two minutes and then we're going to call
3 time. I like to be a little flexible. I don't think
4 the amount of witnesses we have today is going to
5 give me the ability to do that.

6 But before we can start, I have this boilerplate
7 that I have to read about the public comment period.
8 I'm legally obligated to read this. Just read the
9 whole thing, right?

10 Okay. All right. I start here or up here?

11 COMMITTEE COUNSEL: Right here.

12 CHAIRPERSON GENNARO: Okay. I now open-- We
13 didn't used to do this but now we do it.

14 I now open the hearing for public testimony. I
15 remind members of the public that this is a formal
16 government proceeding and that decorum shall be
17 observed at all times, as such members of the members
18 of the public shall remain silent at all times.

19 This is the next section. Okay.

20 The witness table is reserved for people who wish
21 to testify. No video recording or photography is
22 allowed from the witness table.

23 Further, members of the public may not present
24 audio or video recordings as testimony but may submit
25

1 transcripts of such recordings to the Sergeant at
2 Arms for inclusion in the hearing record.

3
4 If you wish to speak at today's hearing please
5 fill out an appearance card with the Sergeant at Arms
6 and wait to be recognized. When recognized you will
7 have two minutes to speak on today's hearings-- on
8 today's hearing topic of citizen complaint programs
9 including the following legislation Intros 5, 291,
10 747, and 941.

11 Is that it?

12 COMMITTEE COUNSEL: That's it.

13 CHAIRPERSON GENNARO: Okay I did it. All right.

14 I'm going to be calling the first panel. Yeah, I
15 think my I think my eyeglass prescription just ran
16 out.

17 First witnesses: Our very own Samara Swanston.

18 I didn't put her on top, but she's a favorite of
19 council staff here. So, she is part of the first
20 panel. Look forward to hearing from her. Wayne
21 Arden from the Sierra Club, and Eric Goldstein, a
22 frequent flyer at this committee for Natural
23 Resources Defense Council, Gregory Smithsimon
24 representing the Rise to Resilience Coalition, and
25 Juno Juno Chow LaSonge from the-- she represents a

1
2 citizen complaint program. It looks like Suhali
3 Mendez, New York lawyers for the Public Interest.
4 That will constitute the first panel.

5 I'll put my other glasses on. And so--

6 Why don't we go from my left to my right.

7 And good to see you Samara. Thanks for thanks
8 for being here today. It's great to-- How many
9 years were you with the council?

10 MS. SWANSTON: Seventeen.

11 CHAIRPERSON GENNARO: Seventeen. Wow. Now
12 you're on the other side of the table. So, thank you
13 very much for being here. And please commence with
14 your good testimony. You got-- You've got to speak
15 into the mic. You got to get the mic.

16 MS. SWANSTON: Hi. Good afternoon. My name is
17 Samara Swanston and I recently retired from the city
18 council after more than 17 years as legislative
19 attorney on this very committee. In 2018 I helped
20 draft Local Law 58, which expanded access for
21 citizens to report illegal idling and to be paid 25
22 percent of the fines which is the correct and fair
23 percentage for this important work.

24

25

1
2 Together with Councilmember Helen Rosenthal, and
3 George Pakenham we set the groundwork for today's
4 hugely successful program.

5 Let me be clear. The program is working exactly
6 as we intended in 2018. I'm here today because I
7 Oppose 941, and I support two very important bills:
8 Intro 5 and Intro 291. We need to protect the
9 Citizen Complaint Air Program and expand it even
10 further. Intro 941 threatens this crucial program
11 and Intro 941 needs to be stopped.

12 Let me address the elephant in the room. Money.
13 First, big companies are paying millions of dollars
14 in fines and they don't like it.

15 Second, some try to complain about individual
16 citizens making a lot of money from the program. To
17 those people I say: "So what?" Last year there were
18 over 77,000 citizen idling violations issued. Up
19 from 16 in 2018. Up from just 16. Each one
20 represents a truck or bus polluting our air.

21 [BELL RINGS]

22 Who cares--

23 CHAIRPERSON GENNARO: Samara, I love you but I
24 have to be fair to everybody. Your time has expired.

1
2 You are the most wonderful person I know. I
3 appreciate it.

4 Thank you.

5 [APPLAUSE]

6 Thank you for your good testimony. I appreciate
7 it.

8 Eric.

9 MR. GOLDSTEIN: Good afternoon, Mr. Chairman,
10 members of the committee. Eric Goldstein from the
11 Natural Resources Defense Council.

12 The citizen complaint and citizen enforcement
13 provisions of the city code are among the most
14 creative and empowering actions ever taken by the
15 Council to ensure implementation of city laws
16 designed to safeguard public health and the quality
17 of life for city residents. They were added in the
18 early 1970s based upon the Federal Clean Air Act
19 citizen supervision and they were designed to address
20 serious air quality and noise quality, problems that
21 continue to this day. NRDC was among the first
22 groups to use the air code provision in the 1980s
23 when we went after diesel bus idling and diesel bus
24 visible emissions.

1
2 To be sure, in recent years the operation of
3 these citizen enforcement programs has not been
4 perfect, and we detail those issues in our written
5 testimony. But the need for the Council is to mend
6 these provisions to enhance them, not to end them.
7 For despite the best efforts of DEP and its staff and
8 despite the progress that's been made in reducing
9 overall pollution, the need for citizen enforcement
10 of our air and noise codes remains both necessary and
11 desirable.

12 We oppose Intro 941 in its current form and
13 believe it would significantly weaken the citizen
14 enforcement program. Specifically, we object to the
15 provision that would allow idling adjacent to schools
16 for 15 minutes and we also object to the proposal
17 that would allow for reduced penalty provisions of
18 50% if anti-idling technology has been installed.
19 And while we are supportive of conversion to electric
20 buses, electric vehicles, we set forth our details
21 again in our written testimony.

22 Intro 741 would require DEP to create a code of
23 conduct. We agree with the motivation behind this
24 bill, but we believe it should be amended before
25 passage. We set that out in our written testimony.

1
2 Intro 291 introduced by Councilmember Menin would
3 increase civil penalties. NRDC supports this
4 legislation. We also encourage the council to
5 consider adding some mechanism for capping the bounty
6 awards that could result from these increased
7 penalties.

8 [BELL RINGS]

9 And finally, Intro 5.

10 CHAIRPERSON GENNARO: Eric, your time has
11 expired.

12 MR. GOLDSTEIN: Would require DEP to translate
13 citizen air complaint portal into other languages.
14 We support that bill as well.

15 CHAIRPERSON GENNARO: Thank you, Eric. I
16 appreciate it. It's always, like, where would the
17 city be without NRDC and where would NRDC be without
18 you, being there for at least 40 years that I know
19 of. And so--

20 MR. GOLDSTEIN: Thank you for your leadership.
21 And we look forward to working with you, with all of
22 the stakeholders and the commissioner to come up with
23 reforms that are sensible and that advance the mutual
24 objectives we all share.

CHAIRPERSON GENNARO: I wouldn't have it any other way. Thank you, Eric.

Please proceed. If you could state your name for the record. Oh. I'm supposed to call your name, right? Where are the slips? Okay. If you could proceed with-- If you could state your name for the record and proceed with your testimony.

MS. MENDEZ: Thank you. My name is Suhali Mendez. I am the Policy and Legislative Coordinator at New York Lawyers for the Public Interest. And before I begin my testimony, I want to offer thanks to the committee as well as Chair Genaro for offering this hearing and allowing the public to testify on these important pieces of legislation.

As someone who was born as well as raised in the Bronx, seeing firsthand the impacts of vehicle idling in communities like mine, and seeing the frequency and the idling along with the spewing of dangerous emissions that harms human health and environment, we strongly support and urge the passing of introductions of bills number 5 as well as 291, as these bills will continue to progress the council's commitment to New York City's climate goals.

1
2 Last year we released a report, as you may know,
3 on school bus idling called Wake Up And Smell The
4 Fumes, which we observed that one in four school
5 buses were found idling longer than one minute in
6 front of schools. This is to say that idling is
7 still an issue.

8 We do, however, have concerns about Intro 941,
9 which will alter regulations on the citizens
10 complaint programs to enforce idling law. This bill
11 would severely weaken the effectiveness of the
12 program by decreasing the financial incentives of New
13 Yorkers by imposing a stricter deadline for the DEP
14 to create arbitrary rules which exclude some New
15 Yorkers.

16 We hope to see mandates for proactive measures to
17 expand and reform the citizen air complaint program
18 to make it more transparent, equitable, accessible
19 for all New Yorkers, namely those in heavily impacted
20 communities, such as the Bronx.

21 [BELL RINGS]

22 And lastly, there are additional recommendations.

23 CHAIRPERSON GENNARO: Please complete your
24 sentence.

25 MS. MENDEZ: Pardon?

1
2 CHAIRPERSON GENNARO: I said please complete your
3 sentence.

4 MS. MENDEZ: Oh, sure. Thank you. I just wanted
5 to say that additional suggestions are included in my
6 testimony at length, which I will submit.

7 CHAIRPERSON GENNARO: Thank you. Thank you.
8 Your time has expired. I appreciate your good
9 testimony.

10 Sir, please state your name for the record. Oh,
11 I just saw you inside, right?

12 MR. ARDEN: I'm sorry?

13 CHAIRPERSON GENNARO: I just saw you inside.

14 MR. ARDEN: We just spoke for a couple of
15 seconds.

16 CHAIRPERSON GENNARO: Okay yeah. My glasses
17 don't work that well.

18 MR. ARDEN: Good afternoon, Chair Gennaro and
19 members of the Environmental Production Committee.

20 My name is Wayne Arden. I'm here to testify on
21 behalf of the Sierra Club, which represents nearly
22 15,000 members in New York City. I'm Chair of the
23 Transportation Committee and Vice Chair of the New
24 York City Executive Committee.

1 We strongly support Intro 291, which if passed
2 will increase idling penalties applicable to trucks
3 and buses.
4

5 In general, trucks and buses, which are often
6 heavy-duty vehicles, pollute disproportionately more
7 than lighter medium-duty vehicles. We have observed
8 that many drivers do not comply with the existing
9 anti-idling law, and thus to improve compliance, both
10 stiffer penalties and more vigilant enforcement are
11 necessary.

12 We view Intro 291 as a much-needed but still
13 interim measure.

14 On September 28th, a year ago, the New York City
15 Council voted unanimously in favor of the ZEV for New
16 York City Act, which Mayor Adams signed into law on
17 October 23rd. This law, Local Law 140, accelerates
18 the city's purchase and use of zero-emission
19 vehicles.

20 Local Law 140 should be thought of New York
21 City's North Star regarding transportation emissions.
22 The best way to reduce the harmful pollution
23 generated by internal combustion engines, whether
24 idling or not idling, is to replace them entirely
25 with zero-emission technologies. In addition, to

1
2 reduce the pollution generated by idling vehicles, we
3 call upon Governor Hochul to reinstate congestion
4 pricing without delay.

5 Per Bloomberg, New York City suffers from the
6 world's worst congestion. London has implemented
7 congestion pricing, and Transport for London reports
8 that at the end of 2023, roadside NO2 emissions were
9 65% lower in central London and 45% lower in outer
10 London than in 2016.

11 In summary, we staunchly support Intro 291, but
12 it is one of multiple steps New York City must take
13 to reduce the debilitating effects of transportation
14 emissions.

15 [BELL RINGS]

16 CHAIRPERSON GENNARO: Perfectly timed. Thank you
17 for your good testimony. Really appreciate you being
18 here today. Best to the Sierra Club.

19 MR. SMITHSIMON: I want to thank the committee
20 and the chair for holding this meeting. I'm Greg
21 Smithsimon, and I represent the Rise to Resilience
22 Coalition, a campaign of more than 100 groups working
23 on climate resilience policies.

24 The coalition has asked me to make use of this
25 hearing on citizen reporting and the environment to

1
2 raise the issue of resident reporting of flooding,
3 especially that caused by rainstorms. Because
4 residents frequently use 311 to report flooding from
5 storms, we see several opportunities to streamline
6 reporting, to collect more consistent data on
7 flooding in the city, and to refer residents to
8 appropriate resources to address flooding.

9 Currently, flooding reports on the online 311
10 system are divided among categories like street
11 flooding versus highway flooding and can't be
12 reported on the 311 app.

13 CHAIRPERSON GENNARO: Sir, you're off topic.
14 This is not a hearing about that.

15 MR. SMITHSIMON: I understand. All right.

16 CHAIRPERSON GENNARO: And so I'm more than happy
17 to hear your views about the oversight topic or the
18 bills.

19 MR. SMITHSIMON: I understand. I confess that
20 the group that sent me was somewhat misinformed on
21 the topic, and so I'm sorry to take up the
22 committee's time.

23 CHAIRPERSON GENNARO: Oh. Thanks. Just the
24 same. But out of fairness, I have to keep people on
25 topic.

1
2 MR. SMITHSIMON: I understand.

3 CHAIRPERSON GENNARO: But I appreciate that. I
4 appreciate this panel. And as everyone knows, we
5 want the benefit of your full written testimony so
6 that it can be duly considered. And great to see
7 you, Samara, and Eric, as always.

8 And so thank you all very much.

9 And the next panel?

10 Is this it? Wrong glasses.

11 Okay. The next panel will consist of Ryan
12 O'Toole, of, it looks like, Walton Hauling, Melissa
13 Barbour, representing Mechanical Contractors
14 Association of New York, Larry Zogby, representing
15 RDS Delivery, Demos Demopoulos, Local 553 of the
16 Teamsters. Demos and I go back a long time. Kendra
17 Hems, the Trucking Association of New York, Patrick
18 Condren... What is this? Bus4NYC Coalition and Bus
19 Association of New York. So that is our second
20 panel.

21 Why don't you hold these slips.

22 Put my other glasses on. Okay.

23 We're going to change it up. We're going to go
24 from my right to my left.

25 And so it was really the green that got me.

1 The green caught my eye.

2 MR. ZOGBY: Thank you. My name is Larry Zogby,
3 President of RDS Same Day Delivery.
4

5 Thank you for the opportunity to speak regarding
6 New York City's Citizen Air Complaint Program. The
7 program definitely impacts our daily operations and
8 small business at hand. In regard to due process,
9 complaints often arrive 6 to 12 months after the
10 alleged violation.

11 Hearings are scheduled another 6 to 12 months
12 later, making defense preparation difficult at best.
13 Our team waits hours on Zoom hearings, losing up to a
14 half a day with no clear process for scheduling or
15 commitment. The background system lacks effective
16 policies, procedures, and it hampers efficiency.

17 Timely issuance of summons is essential for our
18 legal proceedings.

19 In regard to access to evidence, summons is often
20 like critical evidence such as videos or detailed
21 complaints. The lack of transparency hinders our
22 ability to prepare a defense.

23 Evidence should be made available before hearings
24 for fair adjudication. Some of the nuances. We're a
25 last-mile delivery.

1 We focus on medical deliveries. I want you to
2 think about specimen, pharmaceuticals, organs, all
3 that require controlled temperature. Drivers face
4 weather-related challenges, cold, heat, rain, snow.

5 Think of safety systems, air conditioner, heat,
6 defrost, often require more than three minutes of
7 idling. Public safety must be a priority over rigid
8 time limits.

9 I'm definitely against 291 to increase penalties
10 for idling.

11 Penalties should not be increased until the
12 program's flaws are addressed. I'm definitely in
13 support of 941 and 747. These bills address key
14 issues with the program.

15 The program is being exploited as a full-time job
16 by some individuals, which was never the law's
17 intent. It's an unintended consequence.

18 We support the bills and urge their passage. The
19 program is flawed, but 941 and 747 offer the
20 solutions. Thank you very much.

21 [BELL RINGS]

22 CHAIRPERSON GENNARO: Thank you for your good
23 testimony. I'm just going to hold up a second.

24 [ONE MINUTE SILENCE]
25

1
2 Okay. We're back. If you could state your name
3 for the record and proceed with your testimony.

4 CONDREN: Thank you, Mr. Chair. My name is
5 Patrick Condren. I'm a lifelong person from
6 Brooklyn, New York, and living in New York City in
7 the bus business. I represent the Bus Association of
8 New York as a board member and the administrator of
9 the Bus4NYC Coalition, which was formed recently on
10 behalf of private bus companies here in New York City
11 who provide public transportation.

12 I'm here to point out that trucks and buses are
13 different, New York State Motor Vehicles
14 notwithstanding. In fact the reality is public and
15 private buses both serve the same riding public.
16 This common good is for the benefit of people,
17 passengers, and the public; not materials, food, or
18 truck items.

19 Respectfully, the effort and clarification that
20 the Commissioner mentioned before, there's need for
21 clarification in these bills.

22 Buses are separate. Fifty-five cars generate
23 significantly more emissions than a 55-passenger bus.
24 The people on a bus are doing the right thing.

1
2 I heard school buses mentioned before. Well,
3 there's grandchildren, aunts, uncles, and many people
4 in the room today who ride a bus periodically,
5 whether it's local, express, commuter, intercity,
6 tour travel, et cetera.

7 The MTA in their recent environmental assessment
8 for the Congestion Pricing Program recognized trucks,
9 unfortunately, as being the major issue in dealing
10 with what we're dealing with.

11 Buses are like being-- when they're idling, need
12 to have people on board because they cannot
13 regenerate the air and turn on and off, they need to
14 stay on. Just like you're in a plane at the gate,
15 you're in a tube, and if that air comes down hot?
16 You're in trouble.

17 Speaking of regeneration, the reality is that
18 many of the new buses, the air coming into the buses
19 is dirtier than going out.

20 In California, bus operators are asking
21 government to get a tax credit for the benefit of
22 cleaning the air.

23 Reality is that buses are not trucks, unlike
24 other vehicles, such as refrigerated trucks. Buses
25 often need to maintain power.

[BELL RINGS]

Passenger safety is paramount. For these reasons, we suggest buses be exempt.

CHAIRPERSON GENNARO: Thank you. Thank you very much for your good testimony. I'm just going to hold that up again. If you could sit on this side of me, Andrew, so I could have access to both you, and the Council, and the committee at the same time, because otherwise I've got to talk over him to get to you.

And so while Andrew repositions himself, push this out of the way, get my warmth. Okay. Great.

Okay. Demos, you're up.

MR. DEMOPOOLUS: Thank you. Good afternoon. My name is Demos Demopolous, and I'm Secretary-Treasurer of Joint Council 16 of the International Brotherhood of Teamsters. Thank you, Chair Gennaro and the other members of the committee, for the opportunity to testify before you this afternoon.

I'm here today representing both leadership of Teamsters Joint Council 16 and its thousands, actually 120,000, rank-and-file members, many of whom are truck drivers working in New York City. It's on behalf of them that we strongly urge the laws regulating idling engines and citizen complaints be

1 fully reimagined before the committee even considers
2 the law increasing penalties for idling infractions.

3
4 Having fines jump from \$350-- and I heard
5 testimony from DEP that it's even going to be higher
6 than that-- only serves to further incentivize the
7 outrageous and sometimes illegal behavior of the
8 vigilantes earning thousands to allegedly catch
9 idling drivers.

10 I just want to state also that it's not only the
11 big companies that are getting hit with this. It's
12 also the small companies. And in some cases, even
13 the employee winds up having to pay. These small
14 companies cannot sustain these kinds of fines and
15 operate a business, particularly if they're Teamster
16 employees, to provide the benefits and the wages that
17 their contracts demand.

18 And they're happy to do so, but sometimes they
19 have a rough time. If the goal is idling legislation
20 to encourage business to invest in renewable
21 energies, raising fines does the opposite. Many of
22 the companies are using renewable energies.

23 They're using the renewable diesel fuel, which
24 you're aware of, and how much that reduces the
25

emissions, and they are going electric wherever they can, and they're trying to make accommodations.

[BELL RINGS]

CHAIRPERSON GENNARO: Demos. I've got to say your time has expired.

MR. DEMOPOLOUS: Yeah. You've got my testimony. Just--

CHAIRPERSON GENNARO: But we, you know, we did biofuels together. We did the horse carriages together.

MR. DEMOPOLOUS: We've worked very well together over the years. And it's my hope that we continue to do so, my friend.

CHAIRPERSON GENNARO: Hear, hear. I appreciate that. Thank you. Demos.

Please state your name for the record.

MS> BARBOUR: Hi. My name is Melissa Barbour. I am the Assistant Director of the Mechanical Contractors Association of New York. Our members perform heating, air conditioning, refrigeration, and fire sprinkler installation and service work throughout the five boroughs of New York City. Most of our contractors are small-to-medium-sized

1
2 businesses operating in an already challenging
3 environment.

4 I'm here today submitting testimony, as you know,
5 regarding this oversight hearing.

6 We surveyed our membership of over 400
7 contractors to gather data, and our results found a
8 lot of what you heard today. There's significant
9 inconsistencies between contractor experiences,
10 making it clear there's no streamlined, fair, or
11 reasonable process in place for small businesses to
12 contend with these violations.

13 We asked our members, what's the average amount
14 of time it takes from the date of incident to receipt
15 of violation? Answers ranged from a few weeks to
16 three months to six months to nine months.
17 Absolutely all over the place.

18 We asked, when you receive a violation, can you
19 view the video evidence? This overwhelming response
20 was no. The lack of transparency hinders the ability
21 to prepare a defense.

22 We also asked: What's the average time period
23 between receipt of violation and the hearing? The
24 quickest hearing date was six months. The majority
25

1 was over a year, and most recently, two years from
2 the date of the violation.
3

4 In addition, the procedure for the hearing is
5 difficult and timely, and our members expressed
6 frustration with trying to get in to call into the
7 hearing, waiting on the phone for all parties to be
8 present, waiting for a call back, and many must
9 decide if disputing the violation is worth the cost
10 of losing a day of work.

11 This lack of timeliness across all facets makes
12 it impossible for a fair, legal proceeding to take
13 place.

14 We strongly support efforts for a cleaner
15 environment, but we want to achieve this goal rather
16 than creating a revenue stream disguised as an
17 environmental regulation. So, we really respectfully
18 request that the council take immediate steps to
19 address and correct the inequities present with the
20 program.

21 [BELL RINGS]

22 To that extent, Intro 291, we are against, and we
23 support the changes in the other bills. Thank you.

24 CHAIRPERSON GENNARO: Thank you. And if you have
25 written testimony-- And this goes to all the panel.

1
2 I mean, one thing you're always looking for in
3 testimony from stakeholders is the extent to which
4 the bills that are on the table accomplish or don't
5 accomplish what you would like to see accomplished.
6 And revisions that you think would be beneficial.

7 And so that's always the best kind of testimony.

8 MS. BARBOUR: I did include that in my last
9 paragraph, but I ran out of time.

10 CHAIRPERSON GENNARO: Make sure-- That's the--
11 To everyone yet to testify: It's like, we have the
12 bill, it does this, we want it to do that, or
13 whatever, and that's always the most compelling kind
14 of testimony. But you know.

15 MS. BARBOUR: Thank you.

16 CHAIRPERSON GENNARO: And people are free, after
17 they testify, to submit more detailed testimony after
18 the fact. There's a website for that or whatever.
19 And that will-- I'll have the Counsel read into the
20 record or whatever. But thank you for your good
21 testimony.

22 Now I'll ask this gentleman to state his name for
23 the record and proceed.

1
2 MR. MILLER: My name is Zach Miller. I am the
3 Director of Metro Region Operations for the Trucking
4 Association of New York.

5 I testify today regarding the Citizens Air
6 Complaint Program and the myriad ways it has gone off
7 the rails. I must start off, though, by saying that
8 we do not condone unnecessary idling. Enforcement is
9 a key tool to be deployed when an operator is doing
10 something they should not be doing. We even agree
11 with much of what the Commissioner said today.

12 However, the key to successful enforcement is not
13 to create a profitable cottage industry, but to
14 permanently and positively change behavior. This
15 program excels in the former and fails in the latter.

16 Of immediate concern is the lack of due process.
17 On average, complaints arrive nine months after the
18 violation was issued, and the hearing is scheduled
19 nine months after that. This severely impacts fleets
20 and drivers' ability to prepare a defense.

21 By that time, the driver may no longer be with
22 the company, may not be able to recall the events of
23 the day, or the customer that was being serviced may
24 no longer be in operation.

1
2 Another significant impediment to due process is
3 the lack of access to evidence needed for a thorough
4 defense. Videos or specific details of the complaint
5 are often absent from the summons.

6 Respondents must ask for videos in advance of the
7 hearing. Sometimes that request is granted,
8 sometimes it is not. When it is granted, the video
9 link is only active for three days.

10 In fact, I recently saw a ticket issued to the
11 wrong fleet. The fleet tried for months to explain
12 this to DEP with no response. Finally, on the
13 hearing date, the video clearly showed a vehicle
14 belonging to a different company.

15 Every other camera-issued ticket in New York City
16 is received in a timely manner and a link to the
17 video or a picture is included with the summons,
18 allowing fleets to decide if they wish to fight the
19 ticket or pay in a timely manner.

20 Speaking of which, in every other enforcement
21 program, from parking tickets, camera tickets, way in
22 motion tickets, there is a built-in mechanism to
23 transfer liability, which does not exist here. This
24 is especially burdensome on rental and leasing
25

1 companies, as well as fleets utilizing independent
2 contractors.

3
4 This prevents summonses going to the liable
5 party, which paints them as repeat violators, even
6 though they are not operating the equipment.

7 In each one of the points raised, from due
8 process to access of evidence to transfer liability,
9 it makes this program purely punitive while limiting
10 the ability to--

11 [BELL RINGS]

12 CHAIRPERSON GENNARO: Thank you. And I will
13 point out, because a lot of people are bringing this
14 up: My bill would mandate that people who are being
15 accused get to see all the evidence. I think that's
16 only--

17 MR. MILLER: And we support 941 and 747.

18 CHAIRPERSON GENNARO: Okay. Yeah. Thank you.

19 And so, sir, if you can state your name for the
20 record and proceed.

21 MR. O'TOOLE: Good afternoon. My name is Ryan
22 O'Toole, and I'm the Vice President of Walton
23 Hauling. We're a truck rental house for the film and
24 TV industry.

1
2 As such, a few aspects of the city's current
3 idling violation program have proven problematic for
4 us, and we're hoping to see some positive reforms.

5 First, the drivers on our vehicles don't work for
6 us. They work for the film and TV productions that
7 rent our trucks. Since we receive idling summons
8 anywhere from six months to over a year after they
9 happen, sometimes the productions at that point are
10 shut down, and we have no way to bill them back to
11 the customer.

12 In those cases, we are having to pay the
13 violation and eat the cost, even though the driver
14 was not employed by us. We would like to see a much
15 quicker turnaround time in the issuance of these
16 summons.

17 As a rental house, sometimes our trucks are
18 rented out short-term to 20 different productions
19 over the span of just a few months. The escalating
20 fees by number of idling violations per truck has
21 become a big problem for us in this area.

22 Sometimes our vehicles are on their third and
23 subsequent violation, but each one of those
24 violations was received by a different customer and
25 different driver.

1
2 In those situations, the customer understandably
3 is willing to pay the \$350 fine, but not willing to
4 pay the escalated \$600 fine for the prior violations
5 that other customers received. For this reason, a
6 transfer of liability program would be a very welcome
7 development so that our customers are not penalized
8 for other customers' infractions.

9 And finally, also, access to video and photograph
10 evidence has been a huge problem for us. The vast
11 majority of times I requested video evidence prior to
12 a hearing, I never received it.

13 And as Zach just mentioned, we had a violation
14 received well over a year ago. We did not have a
15 plate number in our fleet matching the plate number
16 on the violation.

17 I requested numerous times video evidence prior
18 to the hearing and didn't receive it. So I did
19 attend the scheduled hearing a few weeks ago. The
20 video evidence provided during the hearing clearly
21 showed that it was another company's truck that was
22 idling.

23 [BELL RINGS]

24 CHAIRPERSON GENNARO: And thank you for your good
25 testimony, and you made some very good suggestions

1 there, and we do appreciate that, and we appreciate
2 the full body of your testimony.

3 MR. O'TOOLE" Thank you. Absolutely.

4 CHAIRPERSON GENNARO: And I thank this panel for
5 its good contribution to the hearing.

6 I just have to step out for two minutes. The
7 counsel to the committee will set up the next panel,
8 and then I'll be right back.

9 COMMITTEE COUNSEL: Okay. The next panel will be
10 Ileana Spinner, Robin Warren, Hayden Brockett,
11 Patrick Schnell, and Michael Streeter.

12 [2.5 MINUTES SILENCE]

13 CHAIRPERSON GENNARO: Okay. We're back.

14 Thank you for your patience and tolerance. And
15 like I said, we're going to start at this end and go
16 that way. So we're going to start to my left, and
17 we'll go across to my right.

18 Sir, sure. All right. State your name for the
19 record and proceed.

20 MR. STREETER: Sure. Hi. I'm Michael Streeter.

21 I've been a participant in and champion of the
22 idling program since 2019. I submit a lot--

23 CHAIRPERSON GENNARO: Is the mic on? Is the mic
24 on? Is it a red light?
25

1 MR. STREETER: There we go. Is that better?

2 All right.

3 CHAIRPERSON GENNARO: Yes.

4 MR. STREETER: Hi. I'm Michael Streeter. I've
5 been a participant in and champion of the idling
6 program since 2019. I submit a lot of complaints,
7 but at the same time, I've also recruited a lot of
8 folks.

9 I've trained and mentored and spent countless
10 hours answering questions for people trying to get
11 started. Having done this for five years now, there
12 are so many companies that I used to catch idling
13 that now barely idle or have outright stopped.
14 Stroman Line Hall used to idle in front of Key Foods
15 on Montague Street in Brooklyn for about 20 minutes
16 several days a week. And those trucks are all over
17 the city. They were idling everywhere.

18 And then one day, it just stopped completely. If
19 you saw the idling segment on The Daily Show recently
20 with the great Samara, that was something that came
21 about through me. And I'm very proud of that segment
22 and of the awareness it brought to the program and
23 even more so the positive response. People want this
24 program in their own city.
25

1
2 If you think I'm in this for the money, why would
3 I do all that? Wouldn't that put me out of business?
4 The program just had its biggest month ever in August
5 with about 12,000 submissions. Complaints are up,
6 but make no mistake, idling is down because there's
7 more of us participating in the program.

8 Intro 941 will discourage participation. It will
9 make recruiting new participants even harder than it
10 already is, and it will cause many companies to
11 revert to their bad behaviors. If the idea that
12 there are people making a lot of money doing this, if
13 that's the problem, first off, so what? But more
14 importantly, that is a symptom of the way the program
15 is currently set up to where you've got mostly
16 savants with postgraduate degrees submitting the
17 majority of the complaints.

18 [BELL RINGS]

19 So to fix that, don't pass Intro 941. Instead,
20 pass Intro 5. Make it less complicated, more
21 accessible.

22 CHAIRPERSON GENNARO: Thank you.

23 MR. STREETER: Thank you.

24
25

CHAIRPERSON GENNARO: Thank you for your good testimony. I appreciate your service to the reduction of air pollution in New York City.

Please state your name for the record.

DR. SCHNELL: Good afternoon. My name is Dr. Patrick Schnell. As a pediatrician and participant in the Citizens Air Complaint Program, I support Intro 5 and 291, but I strongly oppose 941, because 941 is a compilation of proposals that are diametrically opposed to protecting the environment, and, consequently, human health.

First, this bill would significantly extend the time school buses are allowed to idle throughout the city. Specifically, school buses will be able to idle for 18 minutes at certain temperatures with no penalties at all. It is truly remarkable that in the age of impending climate collapse, we're debating a proposal to increase rather than to limit idling. It is also remarkable that the detrimental effect on the health and well-being of school children does not seem to have any relevance whatsoever to whoever authored this proposal. Children are clearly going to be harmed by this bill.

1
2 Second, Intro 941 would encourage more idling by
3 giving a discount to companies that install so-called
4 anti-idling technology. In reality, these devices
5 are frequently already installed in trucks in
6 operation today.

7 I have seen truck drivers intermittently tap on
8 their gas pedals to outsmart this technology. They
9 may evade tickets, but they don't stop idling. All
10 these devices do is let companies escape summonses
11 while still exposing New Yorkers to unnecessary air
12 pollution.

13 As such, these devices actually encourage idling.

14 If Intro 941 passes, drivers and companies will
15 quickly learn that they are now free to idle as much
16 as they want without having to fear any enforcement.
17 Intro 941 will therefore cause more pollution, not
18 less.

19 Third, Intro 941 reduces incentives for citizens
20 to join the program, undermining the only effective
21 means of enforcing our anti-idling laws. This
22 program requires a lot of work. I realize that \$750
23 dollars may sound like a lot of money, but in
24 reality, many fines are never paid, and if they do
25 get paid, it may take 2-5 years.

1
2 In addition, we have significant expenses and pay
3 taxes on this money. With the current award
4 structure, we generated \$50 million dollars for New
5 York City. This money dwarfs in comparison with the
6 positive financial and human long-term impact.

7 [BELL RINGS]

8 By eliminating idling, there will be fewer deaths
9 over the next 5-50 years, fewer cancers, fewer
10 hospital admissions, fewer New Yorkers diagnosed with
11 heart attacks, strokes, Parkinson's disease--

12 CHAIRPERSON GENNARO: Thank you for your good
13 testimony. Your time has expired.

14 DR. SCHNELL: And this by the way includes--

15 CHAIRPERSON GENNARO: Thank you for your good
16 testimony. I appreciate it.

17 If you could please state your name for the
18 record and proceed with your testimony.

19 MS. WARREN: My name is Robin Warren, New York
20 Clean Air Collective, I am here--

21 CHAIRPERSON GENNARO: If you could speak right
22 into the microphone so people could hear you better,
23 and I'll give you a couple of seconds on the clock
24 after because we-- oh, he had to reset it. Fine.
25 Thank you.

1
2 MS. WARREN: My name is Robin Warren, New York
3 Clean Air Collective, I am also a fellow with
4 Terra.do Climate School.

5 I'm here today to help dispel a misconception
6 about who participates in the Citizens Air Complaint
7 Program and about who will be most profoundly
8 impacted if the program is diminished, as it
9 certainly will be if Intro 941 passes.

10 Mine is one of many families for whom the
11 Citizens Air Complaint Program has become a lifeline.
12 We are a family of four who live in a one-bedroom
13 apartment in this city. We are part of the sandwich
14 generation, caring for children and looking after
15 seniors. This is my family, and this is why I
16 participate in the Citizens Air Complaint Program.

17 Our youngest daughter was four when she was
18 diagnosed with acute respiratory distress syndrome.
19 Feeling angry and helpless about the air pollution in
20 our neighborhood, we read about the Citizens Air
21 Complaint Program in the New York Times and decided
22 there was something my husband and I could do. The
23 very next day, my highly educated and principled
24 husband, a brown man in his 50s with a pronounced
25 Bengali accent, hit the streets with a cell phone

1 camera at the ready and a photo of our four-year-old
2 daughter.
3

4 We learned as we went along, first by watching
5 training videos by WE ACT, the West Harlem Alliance
6 for Environmental Justice, then by fellow clean air
7 activists as we met them in the street. We learned
8 that this is a labor-intensive endeavor, that this
9 wasn't just taking a three-minute video. We learned
10 how to post each occurrence with all of the requisite
11 documentation in a reasonable window of time.

12 [BELL RINGS]

13 CHAIRPERSON GENNARO: I'll tell you what. Here's
14 what I'm going to do. And so, your time has elapsed,
15 and I get to ask questions, and my question is that--
16 I believe you were about to make a good point. I
17 would ask you to make that point. But your time had
18 expired, but I'm asking you a question, so, please
19 proceed.

20 MS. WARREN: Specifically in reference to the
21 reasonable window of time, we are a busy family with
22 children, and already the program is very
23 complicated. It is a complex process. Five days is
24 just not a realistic possibility.
25

1 And that in itself, that one thing about 941
2 itself has the probability of crushing this program,
3 in my opinion.
4

5 CHAIRPERSON GENNARO: Thank you, I just wanted to
6 ask the question, make sure you got that on the
7 record. And I appreciate your being here today, and
8 making the points that you made. Thank you very
9 much.

10 MS. WARREN: Thank you.

11 MR. BROCKETT: Thank you, Chairman Gennaro. My
12 name is Hayden Brockett. I live on the Upper West
13 Side with my family, two sons and my wife. I'm a
14 union member, a lawyer, and a former federal
15 prosecutor. I'm also a volunteer as part of the
16 nonprofit New York Clean Air Collective. Which
17 represents the 2,500 ordinary people who work in the
18 Citizens Air Complaint Program.

19 Chairman Gennaro, today we join with the NRDC,
20 the League of Conservation Voters, the New York Civil
21 Liberties Union, the New York Lawyers in the Public
22 Interest, and dozens of citizens who are here today,
23 and are going testify on Zoom, and who cannot make it
24 today because they are busy: We all oppose Intro
25 941.

1 I can tell you personally how this program works.
2
3 The stretch of Broadway outside my home used to have
4 Merchant's Fleet trucks delivering for Amazon, idling
5 all day, every day.

6 But thanks to me, my kids, and many other
7 reporters, these trucks shut off overnight. That is
8 exactly what these citizens want. When Commissioner
9 Aggarwala comes here and slanders us, and says that
10 we are in it for the money, let me be clear, we want
11 the idling program to be put out of business because
12 we want idling to stop.

13 We also-- I personally have testified to you,
14 Chairman Gennaro, about how the air inspectors need
15 to be paid more money. There's 65 of them total, 15
16 review air complaints. I agree, there should be way
17 more, they should be paid more, period, end of story.

18 Unfortunately, I'm a former federal prosecutor,
19 and in my 30 seconds remaining, I'll tell you that
20 the DEP cannot be trusted to enforce the code-- the
21 speech code, that they have asked for and that you
22 currently have in Intro 941. Why? I'll tell you.
23 Of the five people-- He was wrong before. He said
24 four. There were five that they have prosecuted,
25 judges at OATH have tossed those false statement

allegations finding them completely untrue. Why?

Because those people made mistakes.

[BELL RINGS]

If 941 goes forward, people will have chilled participation because they will be prosecuted for making mistakes. That is not how it works in America.

And I only mention that because we want to do the right thing.

CHAIRPERSON GENNARO: Your time has expired.

MR. BROCKETT: Thank you.

CHAIRPERSON GENNARO: I want to ask you, I want to ask you to finish your point to put it on the record.

MR. BROCKETT: Thank you. There is just one example-- Someone who submitted his first complaint ever, and he happened to be in a different time zone than the Eastern time zone when he submitted it and the DEP's website introduced an error. He told the DEP about it and they charged him with making a false statement, when it was obviously a misstatement.

I cannot believe I even have to tell you this, Chairman Gennaro, an OATH hearing officer heard it, and tossed that charge immediately, but it spent

1 thousands of dollars and man hours and stress for him
2 to have to do something to fix what the DEP had done
3 itself.
4

5 I bring that up because it is relevant to 941.
6 Right now, 941, as written, will make the DEP
7 commissioner judge, jury, and executioner with no
8 oversight from this Council and no oversight from a
9 judicial officer.

10 That is not how we need to do things in America.

11 The Adams administration has proven that with
12 respect to oversight of this program, it is abusing
13 its authority. I hate to have to say that, but it's
14 absolutely true.

15 And I'd be willing to work with you more about
16 the specifics. I have tried to meet with Chairman--
17 excuse me, with Commissioner Aggarwala about that.
18 He told me to my face that he's not going to put any
19 positive changes into this program unless and until
20 he gets a code of conduct, which is opposed by the
21 New York Civil Liberties Union because that's not how
22 the First Amendment works.

23 We get a right to petition the government for
24 redress of wrongs, and that's guaranteed in the First
25 Amendment. If there are bad actors, if there are

1 unkind things that are said, that shouldn't happen.

2 It should not happen, but the answer is not a speech
3 code.

4 Thank you so much for your time.

5 CHAIRPERSON GENNARO: Thank you, thank you.

6 [APPLAUSE]

7 Please state your name for the record and proceed
8 with your testimony. And no, everyone will not be
9 getting, you know, like-- Yeah. Okay, please.

10 MS. SPINNER: My name is Ileana Spinner. We want
11 New Yorkers to be excited to get out and report--

12 CHAIRPERSON GENNARO: You have to speak right
13 into the microphone.

14 MS. SPINNER: -- and report illegal idling, and
15 be paid more for working more. A strong citizen
16 incentive is vital.

17 Intro 941 makes it harder for new people to join
18 this important program, and it makes it easier for
19 big companies to pollute our air. This is wrong. We
20 should not be writing loopholes into the air code.
21 We should not be cutting the awards. And frankly,
22 we're astonished that we have to come to City Hall to
23 remind this committee of that fact.
24
25

1
2 My dear friend, Samara Swanston, wanted the
3 committee to know something else that she didn't get
4 a chance to say, and this is her quote.

5 "The issue of air pollution is very personal to
6 me because I have lost multiple family members to
7 asthma. Sadly, this year, 3200 New Yorkers will die
8 from air pollution, and 6000 adults and children will
9 be rushed to the emergency room because of asthma."

10 Her personal loss of family members is why she
11 helped draft and pass the law expanding the Citizens
12 Air Complaint Program and setting the award at 25%.
13 This program is working, and only Intro 5 and Intro
14 291 should move forward because they combat illegal
15 idling. But Intro 941 must be stopped today.

16 I, too, personally have asthma, and during the
17 pandemic, I would sit on the Brooklyn Heights
18 Promenade with the BQE basically car-free. I saw my
19 pulmonologist after that, and he said to me, "I cured
20 you." I said, "No, you didn't cure me. Far less
21 pollution helped lessen my asthma symptoms." And my
22 Brooklyn Heights neighbor also participates in this
23 program, and I've barely seen an idling truck
24 anymore.

1 The program has made a difference. It works.
2
3 And I hardly need this anymore (it's my inhaler)
4 because I can walk on Fulton Street and Montague
5 Street, and I'm able to breathe.

6 [BELLRINGS]

7 CHAIRPERSON GENNARO: Thank you for your good and
8 compelling testimony. I want to thank this panel.
9 People should submit their statements in full to the
10 council so that your testimony can get all due
11 consideration. I appreciate that, and I'll call the
12 next panel.

13 Okay, the next panel, Patrick Hyland of the Metro
14 Truck Association, April McIver, the Plumbing
15 Foundation of New York, and, oh, my old friend,
16 Felice Farber of the Subcontractors Trade
17 Association, Rocco Lacertosa, also someone I go back
18 a long time with, from the New York State Energy
19 Coalition.

20 Okay, now we're going to go from the Brooklyn
21 Bridge side towards the Hudson River. That's how
22 we're going to do it. Okay, Brooklyn, let's do it.

23 MR. HYLAND: Good afternoon. I would like to
24 thank you, Councilman Gennaro, for holding this
25 hearing and allowing me to address the committee. My

1 name is Patrick Hyland, and I am the Executive
2 Director of the Metropolitan Trucking Association.
3 Our association represents employers who exclusively
4 hire Teamster Local 282 drivers to operate their
5 trucks, performing heavy construction, delivery, and
6 hauling of aggregate supply materials throughout the
7 five boroughs.
8

9 To be even more specific, we own the dump trucks,
10 dump trailers, flatbeds. Approximately half of these
11 companies are certified MWBE businesses, and the
12 largest fleets we represent are, in fact, certified
13 MWBEs. Our membership comprises the subcontractor
14 trucking companies working on public works projects
15 throughout the city.

16 As you see, these projects can vary both in size
17 and complexity. Getting materials delivered and
18 excavated materials hauled out of New York City is
19 more difficult than other locations we represent due
20 to traffic, density, the vertical nature of this
21 metropolis, et cetera. These are the type of
22 conditions that occasionally require the need for the
23 trucks to be held in line outside the construction
24 site before entering and departing.
25

Legislators that preceded you in the council thought it would be appropriate for Teamster 282 drivers to operate these vehicles to constantly turn them on and off outside these sites. I can assure you that is not the way these \$250,000 vehicles are meant to be operated. On the contrary, these vehicles need to warm up for a few minutes per time when restarted before being put into gear.

These trucks are also BIC certified, which means they are certified clean idle vehicles. I will submit my written-- I'm just going to get to a few bullet points here.

CHAIRPERSON GENNARO: Sure.

MR. HYLAND: We appreciate you taking this up in the bill and addressing the program.

A few things we'd like to see in it: A certified clean idle exemption program similar to the state of California, which is about a 10-minute program. We believe the time should be extended similar to more of a five-minute time at minimum like other municipalities.

[BELL RINGS]

Also, we'd like to see a potential loading or delivering exemption like other municipalities have

1 when these trucks are working outside a construction
2 site.
3

4 CHAIRPERSON GENNARO: Thank you, your time's
5 expired. I appreciate your good testimony and you
6 made points that we want to consider.

7 [TO COUNSEL:] Are you taking notes on the
8 testimony?

9 Okay, he's taking notes, that's good. And so
10 thank you very much for your testimony.

11 Please state your name for the record and proceed
12 with your testimony.

13 MS. MCIVER: Hello, Chairman. My name is April
14 McIver. I'm the Executive Director of the Plumbing
15 Foundation of the City of New York representing New
16 York City licensed master plumbers as well as
17 engineers, manufacturers and supply houses.

18 We do support efforts to mitigate emissions into
19 the environment, but we do have concerns with the
20 Citizen Air Complaint Program. I heard you loud and
21 clear about addressing the actual Introductions that
22 are on here, so I will say that first. We are here
23 to support Intro 747 as well as 941 as good first
24 steps towards reforming this program as well as
25 oppose 291 until the program is reformed.

1 I'd like to highlight a couple of concerns that a
2 lot of my colleagues have addressed today, especially
3 the due process concern in terms of the timeline. We
4 surveyed our contractors. I've had a lot of calls
5 over the last two years, regarding the different
6 timelines, when they received the complaint from the
7 date of observation, when their hearing is and the
8 lack of having a link to the evidence to prepare a
9 proper defense and that's a huge concern for our
10 members.
11

12 In addition, I just wanted to highlight, I heard
13 the term "arbitrary" tossed around earlier and I
14 think looking at the time, the three minute and the
15 one minute time, I don't really know the good reason
16 behind that because our state has a five-minute
17 idling law. I think that's an area that should be
18 considered by the council as well.

19 And then lastly, health and safety concerns. I
20 think DEP actually did a pretty good job of
21 highlighting the concerns regarding harassment in
22 terms of the citizens that are engaged in the
23 program. But I'd like to highlight that OSHA has
24 requirements on employers to protect workers from
25 something called cold stress and they also have

1 requirement employers to prevent heat related
2 illnesses and I think these need to be considered.

3 Thank you.

4
5 CHAIRPERSON GENNARO: Thank you very much for
6 your testimony and best regards to the Plumbing
7 Foundation.

8 Felice Farber.

9 MS. FARBER: Thank you. Good afternoon, Chair
10 Gennaro. I'm Felice Farber, Executive Director of
11 the Subcontractors Trade Association. STA represents
12 350 union specialty trade contractors and I'd like to
13 highlight that a number of our members are small
14 mechanical, electrical and plumbing contractors and
15 they're reporting receiving violations oftentimes
16 while waiting to make deliveries at job sites.

17 Our primary concern with the Citizens Air
18 Complaint Program is the lack of due process that's
19 been mentioned. Six to 12 months to get the summons
20 and 18 to 24 months to actually get a hearing. So we
21 urge the council to require timely issuance of
22 summonses and timely hearings to ensure fair
23 proceedings.

24 In addition, as mentioned, we're very concerned
25 about the lack of access to evidence. Oftentimes

1 they don't get the video or specific details in
2 advance, and it makes it very difficult to present
3 defense or to follow up. So, we strongly recommend
4 the council mandate the availability of evidence well
5 before hearings to facilitate a fair and efficient
6 adjudication process.
7

8 Again, as mentioned, we're very concerned about
9 vehicle operator safety and the temperature
10 requirements of OSHA, and efforts on the state
11 legislature to pass a temperature control act as
12 well. So public and driver safety must remain a top
13 priority, and we ask that these be considered.

14 Green vehicles was mentioned as well and
15 something that we support. We believe penalties
16 should be adjusted based on the type of truck with
17 reduced penalties for cleaner, more efficient
18 vehicles such as clean idle vehicles, trucks equipped
19 with regeneration systems. We've also had members
20 complain about getting ticket violations for trucks
21 that had automatic shutoff features as well.

22 So, in conclusion, while the Citizen Air
23 Complaint Program aims to address air quality
24 concerns, it currently does so in a manner that
25

undermines due process, lacks transparency and
unfairly penalizes certain parties.

Intro 941 and 747 address some of the issues I
raised but do not go far enough. We believe that
with thoughtful reforms, the program can better
achieve its environmental goals without unduly
burdening the trucking industry. Thank you.

CHAIRPERSON GENNARO: Thank you, Felice. Good to
see you.

MS. MCIVER: Good seeing you too, sir.

CHAIRPERSON GENNARO: Oh, Rocco. Yes, please.
you know, I know your name, not everyone does. Thank
you.

MR. LACERTOSA: Good afternoon, Chair Gennaro and
members of the Committee on Environmental Protection.
My name is Rocco J. Laceratosa. I serve as the CEO
of the New York State Energy Coalition, NYSEC.

Our association has long served as an advocate
for the oil heating industry, ensuring that the
policies, regulations and issues that affect our
members and their customers are addressed with
urgency and foresight. I'm here to discuss the
serious concerns NYSEC has with the Citizens Air

1 Complaint Program and its impact on our members who
2 provide essential services to New York City.
3

4 The program has unfortunately become a source of
5 frustration and financial burden for our members.
6 NYSEC represents businesses that provide vital
7 services, including heating of critical city
8 infrastructure, such as police departments, fire
9 stations and NYCHA campuses. These are services that
10 are essential to the safety and well-being of New
11 Yorkers, especially during the colder months when
12 reliable heat is essential.

13 The main issue with the program is the lack of
14 due process. Our members often receive complaints
15 months after the alleged idling violation occurred,
16 making it extremely difficult to respond to prepare
17 an adequate defense. The drawn-out process places an
18 undue burden on businesses that are simply trying to
19 operate within the law.

20 Timely issuances of summons is not just a matter
21 of fairness. It is essential for ensuring the
22 businesses have a chance to defend themselves
23 properly.

24 It is important to recognize that our industry
25 has long been committed to reducing emissions

1 independently of this program. NYSEC was
2 instrumental in the adoption of bioheat, making New
3 York City the first city in the nation to mandate
4 cleaner, renewable heating oil.
5

6 We continue to lead in sustainability efforts,
7 but the Citizens Air Complaint Program is not the
8 driving force behind these changes. It has been our
9 industry, and our partners here today that have
10 proactively made efforts to adopt cleaner
11 technologies and practices that have made a
12 difference.

13 NYSEC imposes Intro 291, which seeks to increase
14 penalties and strongly supports Intros 941 and 747,
15 which would add transparency and fairness to the
16 Citizens Complaint Programs.

17 It's concerning that some individuals have turned
18 the program into a full-time pursuit.

19 [BELL RINGS]

20 CHAIRPERSON GENNARO: Rocco, if I ask you a
21 question and give you more time, people are going to
22 be throwing stuff at me, because we've known each
23 other a long time.

24 MR. LACERTOSA: Exactly.
25

CHAIRPERSON GENNARO: And so, thank you for your testimony. I want to thank this panel for its good addition to this proceeding, and make sure that your full testimony is entered into the record by submitting it to the Council. Appreciate you being here today, everybody.

And Felice, good to see you.

Okay, the next panel, Eric Eisenberg, Ryan Lofom[sp], I don't know, yeah, Lofom[sp], I'm not sure. Looks like Tingting Wang, Brooklyn, Hunter Severini? Hunter Severini. I just can't see that, you have to read it. Rafil Kroll Zaidi. Okay, here we go.

Okay, so for this panel, we're going to start this side and go this way. Thank you very much for your patience and tolerance for being here, and please state your name for the record and proceed with your good testimony. Thank you.

MS. WONG: My name is Tingting Wong. I am a proud resident of Bed-Stuy in Brooklyn. I'm a substitute teacher and tutor, and I'm opposed to Intro 941 and 747.

I live near a lot of schools, and emissions from idling make the air near many of these schools so

1 atrocious, I often find myself holding my breath when
2 I walk or bike past. I have never filed an idling
3 complaint, but I learned about the Citizens Air
4 Complaint Program recently in the same moment I
5 learned about this new legislation.
6

7 From my perspective, Intro 941 in particular
8 seems almost totally aimed at discouraging citizen
9 reporting and restricting the program. I'm
10 particularly concerned about the 15-minute grace
11 period for school buses. While the intent of the
12 legislation is to allow for 15 minutes of idling, the
13 practical effect will be to permit indefinite idling,
14 as citizens will not be able to realistically record
15 over 18-minute video complaints.

16 Finally, I am concerned that amid all of this
17 talk of money, the fine abatement seems to shift the
18 focus of financial precariousness for the commercial
19 respondents who are almost universally the real
20 millionaires in the equation, to not the citizen
21 reporter who does all of this confusing work in good
22 faith for a very uncertain and delayed reward.

23 Why is the city seeking to rebalance the program
24 entirely in favor of Amazon and Con Ed? Why not
25 impose stricter limits on idling near NYCHA housing

1 and hospitals? Why not set aside a portion of fines
2 for small business electrification? Instead, this
3 bill slashes participant awards by half. The cap
4 needs to be on idling, not participation. Thank you.
5

6 CHAIRPERSON GENNARO: Thank you very much for
7 your participation and your good testimony.

8 Before the next witness starts, Josh, can I see
9 you for a second?

10 [1 MINUTE OFF RECORD SPEAKING]

11 Okay, yeah, the Counsel to the Committee has--
12 And you know what, Josh, why don't we just have you
13 sit up here with us also? He's my legislative
14 director.

15 Yeah, yeah, because I just-- just rather than
16 calling him over when I have something. And we have--
17 - Yeah, so there should only be five people at the
18 panel, so whoever we didn't call shouldn't-- has to
19 wait their turn.

20 UNKNOWN SPEAKER: Speak up a little bit.

21 CHAIRPERSON GENNARO: Oh, okay, I'm just saying
22 that we called five--

23 UNKNOWN SPEAKER: Go over the names.

24 CHAIRPERSON GENNARO: Oh, yeah, so we're going to
25 go over the names to see, you know, who's who. Yeah.

COMMITTEE COUNSEL: Okay, the five names that were called are Eric Eisenberg, Ryan Lofom[sp].

MR. WU: Oh, I thought you said Wanfang.

COMMITTEE COUNSEL: Okay, oh, okay. Thank you.

CHAIRPERSON GENNARO: All right, we'll get to you. Yeah. We'll get to you, sorry about that.

Okay, now we can continue. Thank you for being here, sir. Please state your name for the record and proceed.

MR. EISENBERG: Eric Eisenberg. The Citizen Air Complaint Program involved smart, if perhaps slow, choices by the City Council, putting us on a path towards cleaner, healthier air and reduced climate change. In the 70s, City Council banned idling and allowed members of the public to report it, yet there was little enforcement, and so this wise law had little effect on cleaning our air.

In 2009, Local Law 4, co-sponsored by Tish James, John Liu, Gale Brewer, and James Gennaro, allowed idling enforcement by more city agencies and expanded citizen enforcement to trucks, as defined by the VTL, which was also smart.

Chair Gennaro said, "With young children especially susceptible to air pollution, it's

1 important that we take measures to address the
2 problem. This legislation is a breath of fresh air
3 for our school children." Indeed, we must take
4 measures to address the problem and let children
5 breathe clean air.
6

7 Yet, the public still didn't know about their
8 ability and duty to clean the city's air.

9 Finally, in 2018, Helen Rosenthal's Local Law 58
10 lit the fuse that finally brought real enforcement,
11 real clean air for our children. The minimum idling
12 penalty went upwards.

13 It guaranteed members of the public a fair 25%
14 share of idling summonses, based on their evidence,
15 and required the DEP to publish information online.
16 Empowered with knowledge and the promise of a fair
17 reward, citizens took up the call. Some corporations
18 have already gotten the message and virtually stopped
19 their illegal idling.

20 To borrow a phrase, we are not going back. Intro
21 941 would stifle public speech contrary to the First
22 Amendment. Just ask the New York Civil Liberties
23 Union about this bill. And also undo all of the
24 legislative progress in the last 50 years towards
25 clean idling emissions-free air.

1
2 On the other hand, Intros 5 and 291 do great
3 things. They reverse the Adams Administration's
4 discriminatory practice of refusing to accept
5 complaints in foreign languages. Intro 291 would
6 mean compliance with idling laws by even the deep-
7 pocketed megacorporations that have been treating the
8 recidivist idling as a mere cost of doing business.

9 [BELL RINGS]

10 I urge the city council to pass Intros 5 and 291
11 and reject the deeply unconstitutional and backwards-
12 looking Intros 941 and 747. Thank you.

13 CHAIRPERSON GENNARO: Your time has elapsed,
14 thank you. Please state your name for the record and
15 proceed.

16 Good afternoon.

17 CHAIRPERSON GENNARO: Your mic is not on.

18 MR. LOKI[SP]: Is it on now? Yes. All right,
19 good afternoon. My name is Ryan Loki[sp].

20 I'm here today to offer testimony regarding Intro
21 941. As you have likely noticed, I am wearing an
22 Amazon delivery vest. I am not speaking on behalf of
23 Amazon, but I am speaking as an Amazon delivery
24 driver who spends most of his day in environmental
25 justice neighborhoods. I also live in one.

1
2 I applaud the committee for seeking out ideas on
3 how to provide violators the opportunity to reduce
4 their fines in return for reducing pollution going
5 forward. However, the committee has proposed a
6 solution that will not work in reality.

7 Many companies have already installed shutoff and
8 idle limiters. I know Amazon has on many of their
9 vans and their large 18-wheel trucks. These
10 shutoffs, however, are commonly set for two and a
11 half minutes.

12 Us drivers know this. Most drivers will simply
13 turn the vehicle off and then immediately turn it
14 back on when the idle limiter kicks in. This avoids
15 a violation, but does almost nothing to stop the
16 pollution.

17 I have dozens of videos of these shutoffs and
18 restarts and will happily make them available to any
19 member who would like to view them.

20 Further, it is unrealistic to expect DEP to
21 oversee the installation and upkeep of the devices.
22 DEP clearly does not have the manpower or funding to
23 take on any more administrative tasks at this point.

24 Further, DEP claims they don't want full-time
25 citizen enforcers, but for some reason want citizen

1 enforcers to submit faster than a DEP enforcement
2 agent. It makes no sense.
3

4 As I believe the DEP officials testified to, an
5 inspector has nine days to submit their complaint.
6 This bill would only provide five days to citizen
7 enforcers. How is that fair on any level? I have a
8 demanding full-time job. My hours can vary
9 considerably.

10 Between Thanksgiving and Christmas, I may not be
11 able to submit until after the holiday season ends.
12 That could be up to six weeks later. Perhaps a
13 reasonable compromise is in order on the timeframe,
14 but it is unreasonable to expect full-time
15 responsiveness from non-full-time participants.

16 I respectfully ask the committee to vote down
17 this bill and instead get to work on a fair bill that
18 works for everybody: DEP, employers, participants,
19 and the environmental justice neighborhoods. Thank
20 you.

21 [BELL RINGS]

22 CHAIRPERSON GENNARO: Thank you very much for
23 your testimony. I appreciate you being here today.

24 Sir, please state your name and proceed with your
25 testimony.

1
2 MR. KROLL ZAIDI: My name is Rafil Kroll Zaidi.
3 I'm a journalist and a participant in the CACP. As a
4 result of my own participation, I've seen, in my
5 neighborhood, waste-carting trucks that line up next
6 to PS307 actually waiting their turn before turning
7 on the engines.

8 And contrary to what Commissioner Aggarwal
9 suggests, this pays dividends in other neighborhoods.
10 Drivers don't have low-jacks that allow them to idle
11 only in EJs.

12 My most rewarding experience so far has come from
13 mentoring new participants.

14 I volunteered last year to train new participants
15 through a nonprofit in Hunts Point. The difference
16 from one year to the next was striking. The polluted
17 street grid there has lit up with summonses.

18 The gatekeeping that has kept this program from
19 EJs is not due to other citizens. We are the ones
20 who do the outreach.

21 At the same time, it has been immensely
22 frustrating to try to explain the city's
23 unnecessarily convoluted management of this program
24 to these new participants.

1
2 Intro 941 proposes not only to increase these
3 complications by giving DEP broad power to rewrite
4 the program whenever it sees fit, but also to ban
5 participants from engaging in protected speech simply
6 because they are, and I quote, "unfamiliar with those
7 rules or protest them in principle." For example, by
8 being so bold as to submit a truck with Florida
9 plates.

10 I've experienced firsthand this taste of the
11 future. I was one of the administration's five so-
12 called false statement summonses over everyday
13 submission errors. This has resulted in a year and a
14 half of OATH proceedings, thousands of dollars in
15 legal fees, and a series of no-shows and, ironically,
16 false statements by DEP employees.

17 These summonses, if I may be plain, were meant to
18 chill participation and create pretext for this
19 bill's speech code.

20 Or are we to believe that there was a hodgepodge
21 of fraud in this program exactly in February 2023,
22 and that now, maybe 140,000 complaints later,
23 crickets? There was never, Chair, any issue with
24 citizen misconduct.

1
2 The executive branch has shown itself to be
3 unworthy of the increased powers that counsel would
4 hand them through 941 and 747.

5 [BELL RINGS]

6 This all-powerful speech tribunal--

7 CHAIRPERSON GENNARO: Your time has elapsed, but
8 I want to ask you to finish your thought.

9 MR. KROLL ZAIDI: Thank you, Chair. An all-
10 powerful speech tribunal for the Adams administration
11 would be a bizarre intervention. Thank you.

12 CHAIRPERSON GENNARO: Thank you very much for
13 your compelling testimony.

14 Please state your name for the record and
15 proceed.

16 MR. SEVERINI: Hello, my name is Hunter Severini,
17 and I'm a resident of Lower Manhattan that has
18 reported thousands of error code violations all over
19 the five boroughs.

20 I'm here to voice my strong support for Intro 5
21 and Intro 291, as well as my strong opposition to
22 Intro 747 and Intro 941.

23 Intro 5 will open up the Citizen's Air Complaint
24 Program to the quarter of New York City residents
25 that are not English proficient. This requirement to

1 provide government services in other languages is
2 widely acknowledged by the city, and I believe
3 deserves to be extended here.
4

5 Intro 291 is another outstanding bill that should
6 be scheduled for a vote as soon as possible.

7 Considering the limited number of citizen reporters,
8 increasing idling penalties is the only way to
9 further reduce air pollution. The current system has
10 been effective, but illegal idling remains a
11 persistent and widespread problem.

12 As much as these bills would each improve our
13 collective environment, there are two others that
14 pose the potential to cause lasting and irreversible
15 harm. Intro 747 seeks to impose an unconstitutional
16 and unnecessary code of conduct against citizens,
17 much like its sister bill, Intro 941. Both bills
18 mention a reasonable opportunity to be heard in
19 regard to disqualifying citizens from serving
20 complaints.

21 In practice, this can mean an on-paper hearing,
22 as mentioned by Olga Statz, former Deputy
23 Commissioner and General Counselor at OATH, in an
24 internal email that became public as part of a court
25 filing. On-paper hearings do not allow the accused

1
2 to be heard or to cross-examine witnesses. I have an
3 active lawsuit against DP and OATH challenging this
4 practice.

5 I also have another active lawsuit challenging
6 DP's abuse of 24-112 charges against citizen
7 reporters for allegedly making false and misleading
8 statements. It has been transferred to the Appellate
9 Division, First Department, for disposition.

10 Metadata on Intro 941 shows the author is Lisa
11 Alley, a lawyer at DEP who has been involved with
12 these charges against citizens.

13 I believe that introducing legislation authored
14 at least in part by DEP violates the intended
15 separation of powers between the legislative and
16 executive branches of government.

17 Aside from my thoughts on these bills, there are
18 real and lasting issues with the DEP that I've shared
19 with numerous members of the Council and would like
20 to see addressed at some point.

21 [BELL RINGS]

22 So, would I have a moment to finish that?

23 CHAIRPERSON GENNARO: Your time has elapsed, but
24 I'll allow you to complete. I'm posing a question to

1
2 you to ask you to complete your thought, not your
3 full statement, but your thought.

4 MR. SEVERINI: Yeah, very quickly. So yeah,
5 specifically, Chairman Gennaro, I'd just like to
6 implore you to give more consideration to some of
7 these concerns that have been expressed to your
8 staff.

9 I've had a meeting with Josh, I've met with
10 Henry, and I found them very easy to talk to.

11 And the three main issues that I have with DEP
12 that I did not see in any of these legislation are
13 that they don't maintain the database of past
14 violations, which causes them to not cite past
15 offenses when issuing many of their violations.

16 Number two, that they routinely block citizens
17 from self-prosecuting idling complaints, which have
18 not been finalized with them by within 45 days of the
19 law requires.

20 As you saw earlier in their presentation, in
21 2024, the DEP's processing time is 113 days. So if
22 you look at the almost non-existent number of self-
23 prosecutions, it's clear that DEP is illegally
24 blocking citizens from pursuing complaints over 45
25 days old.

1 And number three, that DEP almost exclusively
2 uses the anonymous email address,
3 NYCIdling@dep.nyc.gov to communicate with citizens.
4

5 It is highly unlikely that any of this will
6 change barring some sort of further legislative
7 mandate from the council.

8 CHAIRPERSON GENNARO: Thank you. Thank you for
9 your testimony.

10 I want to thank this panel for your compelling
11 testimony, and we're going to call the next panel.

12 And once again, man of a certain age, I have to
13 take a break for two minutes, and then when I get
14 back, the panel will be impaneled. I ask the Counsel
15 to the Committee to impanel the next panel, or bring
16 the witnesses forward.

17 COMMITTEE COUNSEL: Okay, the next panel will be
18 Jonathan Robidoux, Leslie Braam, Larry Lee, Peter
19 Wessel, Ephraim Rosenbaum.

20 [1.5 MINUTES SILENCE]

21 CHAIRPERSON GENNARO: Okay, so we're going to go-
22 - Right, we're going to go from this way to that
23 way. Okay, so you're up, my friend. State your name
24 for the record. Make sure you talk right into the
25 microphone, microphone on, and proceed.

1 MR. ROBIDOUX: Thank you, Mr. Chairman. My name
2 is Jonathan Robidoux. I'm a member of the clerical
3 union, UCATS 3882, and I've been a participant in the
4 Citizen's Error Complaint Program since 2020.
5

6 In that time, I've observed many idling vehicles.
7 I've seen vehicles idling and left unattended. I've
8 seen vehicles idling with the drivers asleep.

9 I've seen vehicles idling with the driver
10 charging their phone and watching a movie.

11 One time I saw a vehicle left unattended and
12 idling on Third Street for over an hour straight.

13 I have three daughters all in elementary school.
14 I am here for them. Whenever the city issues a
15 sufficiently severe air quality alert, they aren't
16 permitted outside for recess. My children have
17 already missed months and months of recess in their
18 short lives because of the state of the world.

19 Kids these days have a lot to be afraid of, even
20 the air. Sometimes I wonder if I've been foolish or
21 selfish to bring them into this world such as it is.

22 What kind of world am I going to leave for my
23 children? Are we going to leave to our children?
24 The Air Program gives me a chance to fight for a
25 cleaner world for them. I owe them that.

1
2 The Air Program is making a difference. Imperial
3 bag and paper trucks always used to idle outside my
4 office. I submitted idling complaints against them,
5 and now they never do. Across the whole city,
6 complaints against Imperial Bag and Paper in 2024 are
7 only a fraction of what they were in prior years.
8 Their trucks are still there, but they no longer
9 idle.

10 That's just one example.

11 Intro 941 aims to stifle the promise of cleaner
12 air that the Air Program brings. It will help make
13 the egregious idling behavior that I observe every
14 day more prevalent and poison our air, hurting our
15 children and their future.

16 Intros 5 and 291 will help limit this. Please do
17 the right thing and oppose Intro 941 and support
18 Intros 5 and 291. I promise you that my children
19 will remember what choice you make.

20 [BELL RINGS]

21 CHAIRPERSON GENNARO: Thank you for your
22 compelling testimony. I appreciate you being here
23 and your patience and waiting so long to give your
24 testimony. Thank you, sir.

1 Please state your name and proceed. Go get right
2 up close to the microphone. Just pull it toward
3 yourself.
4

5 MS. BRAAM: Can you hear me?

6 CHAIRPERSON GENNARO: Yeah, it moves. It'll
7 slide along with it.

8 MS. BRAAM: Good afternoon, Chair and the
9 Environmental Committee and staff.

10 My name's Leslie Braam, and I live on the Upper
11 East Side. When I arrived in this city and I noticed
12 all the idling, at first, I would politely ask some
13 of the drivers if they were standing outside their
14 vehicle, could they turn off their engines? I was
15 told they couldn't, that the battery might die. I
16 was told they couldn't because they had to leave the
17 engine running.

18 They were trained that way. Some people have
19 told me they were trained to leave their engines
20 running. I was told to mind my own business. I was
21 asked if there was something better for me to do and
22 all much nastier comments.

23 And so I decided to start filming what I saw
24 because the polite way was not getting me anywhere.
25 And then I became a citizen complaint, a participant

1 in the Citizen Complaint Program, and I'm a newcomer
2 to it.
3

4 And I think this program is the most effective
5 way of getting these professionally operated trucks
6 and buses to stop idling.

7 I ask you please do not weaken the DEP Citizens
8 Complaint Program by reducing incentives, penalizing
9 mistakes, or giving more exemptions to companies. I
10 urge you to vote no on Intros 941 and 747.

11 I applaud the work of this committee and your
12 statement upholding the city accountable to its
13 stated emissions goals, which is to reduce greenhouse
14 gas emissions by 80% by 2050. In order to do that,
15 you need to vote yes on Intro 291 to increase the
16 penalties for idling infractions by buses and trucks,
17 and to uphold and enforce the environmentally
18 friendly policies. Also vote yes on Intro 5, which
19 will end the Adams Administration's discriminatory
20 policy of refusing access to the Citizen Complaint
21 Program to the 25% of the attorneys speaking.

22 [BELL RINGS]

23 CHAIRPERSON GENNARO: Thank you, your time has
24 elapsed. I feel compelled to tell folks, most people
25 would know this, but the bills were written, now

1 they're being heard, and now is when all the push and
2 shove happens, in terms of what do we do with this
3 one, do we do it, how do we do it, and whatever, and
4 so to use an analogy, we have sort of like clay
5 that's kind of like on the potter's wheel, so to
6 speak. And so-- And the purpose of this hearing is
7 to figure out how we can make the bills better, how
8 we can, I mean, we can-- So there's a whole
9 collaborative process that's going to commence now,
10 so when people talk about vote for this one and don't
11 vote for this one, I know that means you support one
12 and not the other, but it is always the case that
13 bills, once they're introduced, don't-- By the time
14 they get voted up or down, they don't look exactly
15 like they were when they were first heard, and so
16 hence this ongoing process, and sometimes it takes a
17 while to get it done. Because we want to make sure
18 we get it right, but that's just been an editorial
19 comment. I appreciate your being here and your
20 patience in waiting to testify.

21
22 Sir, please state your name for the record and
23 proceed.

24 MR. WESSEL: Sure, thank you. My name is Peter
25 Wessel.

1
2 I want to thank you, first of all, for taking the
3 opportunity to allow me to speak here today. Looking
4 at recent events in world affairs, I don't take that
5 lightly or granted. I do want to share my
6 perspective and experience with the program.

7 I have two small children. I live in Manhattan.
8 I started out to the program, as many others have
9 said, by reading a New York Times article about the
10 asthma levels in New York City.

11 I was appalled and frankly quite saddened by the
12 fact that asthma levels are excessively high in the
13 city. At the same time, I was very encouraged to see
14 that the city had taken actions to allow people to
15 enforce the air code and air quality in New York
16 City. So, I want to thank you, Chair, and other
17 committee members for making that possible.

18 I can speak firsthand of the experience. When I
19 started reporting, our neighborhood was completely
20 filled with excessive idling. We're not talking a
21 little bit of idling.

22 I have two minutes of time. The minimum
23 requirement is three minutes, even longer. And this
24 is something that was prevalent everywhere.

1 I can say firsthand in the neighborhood I live,
2 that amount of excessive idling is severely reduced.
3 And I think it's very much thanks to the program. So
4 thank you. I don't take that for granted.
5

6 And I also want to share some of my concerns with
7 Intro 941. I was one of the five members that has
8 been basically prosecuted by the DP for quote-
9 unquote, "knowingly making a false statement."

10 In my case, it was my very first admission with
11 the DP platform. There is a time zone bug that they
12 have there. They apparently know about it.

13 To my knowledge, I'm not sure if it's been
14 addressed at this point in time, but they decided to
15 go ahead and prosecute me for what was a time zone
16 challenge. And I'm very happy that at that point in
17 time, it was possible to have a hearing with OATH. I
18 recognize many members who said it's a long process,
19 a due process, but it's a fair process.

20 I was allowed that opportunity. And thanks to
21 legal representation, this has now been addressed and
22 it's been clarified that there was no false
23 statement. But I also recognize I come from a
24 privileged background. I have the means so I could
25 have representation. Not everyone can.

2 [BELL RINGS]

3 Intro 941-- I recognize I'm on time-- I'm not
4 sure that's going to be allowing others to take the
5 same actions. And that concerns me.

6 CHAIRPERSON GENNARO: Thank you for your
7 testimony. Appreciate your being here.

8 And before you start your testimony, I have to
9 put in an eyedrop. I don't want to be distracted. I
10 don't want to be eyedropping while you're testifying.

11 Oh, that's good. Okay. Thank you.

12 Now this hanky is only used for eye dabbing,
13 okay? I don't multitask my handkerchiefs, you know.
14 This is only for eye dabbing and that's it. I don't
15 want people to think that I use the other
16 handkerchief to dab my eyes, okay?

17 Now that's on the record for all time.

18 Okay, yeah, great, okay. Let me put on my proper
19 glasses.

20 Next. Sir, please state your name for the record
21 and proceed with your testimony.

22 MR. ROSENBAUM: Thank you, Mr. Chairman. My name
23 is Ephraim Rosenbaum. I've been doing this program
24 since 2019. It used to be I'd go out on my lunch
25 hour and I could find six people just walking down

1 the street. These days, you'd be lucky to find one
2 in an hour. I think the idling's gotta be down to
3 about 20%.

4
5 In my neighborhood on the Lower East Side, you'd
6 find Amazon trucks idling from ten in the morning to
7 eight at night, often next to schools. Those trucks
8 are all off now or else they're electric.

9 So, you know, I think if it ain't broke, don't
10 fix it, I think applies here.

11 Quickly on the underserved parts of the
12 community, I'm not sure if the DEP Commissioner
13 understands completely how the program works or
14 frankly how wind and air work, but if we keep hitting
15 Verizon and Con Ed wherever that occurs, that
16 benefits every neighborhood in NYC when they finally
17 join Amazon in largely shutting off all over the
18 city.

19 So, we're a great alternative to the police
20 because we're unarmed and we're not looking for
21 conflict and we're a great alternative to the DEP
22 because they initiate almost no cases on their own,
23 and never did, and their submissions lose in court
24 far more often than ours do. So please don't punish
25 us for our success.

1 I feel like the world is literally watching what
2 we do. This program, this city and other countries
3 have expressed a keen interest in it. The good we do
4 here could have a global echo effect.

5 So please don't needlessly risk this vital
6 program. Respectfully, Mr. Chairman, on 941, I think
7 that clay needs to be thrown back in the pile and the
8 pot remade from scratch. Thank you.

9 CHAIRPERSON GENNARO: Thank you for your
10 testimony. Appreciate you being here.

11 Sir, please state your name for the record and
12 proceed.

13 Oh, make sure you turn your mic on. I think it's
14 off.

15 MR. LEE: Thank you, Mr. Chairman. My name is
16 Larry Lee. As a lifelong New Yorker, I can honestly
17 say that I love this city, even with all its pimples,
18 wrinkles and imperfections.

19 I'm here to say I oppose Intro 941.

20 I'd like to address one specific issue, which is,
21 excuse me, dealing with a cough here.

22 CHAIRPERSON GENNARO: Sergeant, can we have a
23 glass of water for the witness?
24

1 MR. LEE: Thank you. The issue of a five-day
2 deadline: Submit within five days or else. If you
3 do a deep search, you will be very, very, very hard-
4 pressed to find any government agency in America,
5 city, state, or at the federal level, that has this
6 policy, a policy this aggressive. It does not exist.

7
8 If you zoom out and take a look at this proposal
9 of five days, it speaks volumes. DEP is basically
10 saying, no more complaints. We cannot handle this
11 volume.

12 So, the five-day rule is not the solution. The
13 solution is to fix the DEP processes. You fix the
14 process, you fix the problem.

15 I would like to introduce-- share with you about
16 my friend, Manny Ho. We were good friends. We went
17 to NYU together.

18 He was the salt of the earth. A lot of
19 relationships today are based on transactions. What
20 can you do for me? What's in it for me? Manny was
21 different. He really had a servant heart. His
22 attitude is, what can I do for you? Unfortunately,
23 my friend Manny died before he reached the age of 50.
24 In hindsight, I wish I could have told him, Manny,
25

1 stop smoking so much. Say no to drugs. Stop eating
2 red meat. Lose a little bit of weight. Exercise.

3 [BELL RINGS]

4 Then I woke up one morning to the fact-- If I
5 may?

6 CHAIRPERSON GENNARO: Yeah, this is compelling,
7 so please finish.

8 MR. LEE: Okay, thank you, Chair.

9 CHAIRPERSON GENNARO: I mean, not that--
10 Everyone's testimony is compelling, but I'm just--
11 Okay.

12 MR. LEE: Thank you very much. Then I woke up to
13 the fact that none of the above pertained to my
14 friend Manny. You see, he didn't smoke, he didn't
15 drink, he never touched drugs, and he was not
16 overweight. He was a picture of perfect health.

17 Manny died because he had lung cancer. His
18 biggest mistake between him and his immigrant parents
19 was they moved to the East Village. You see, he
20 lived on 2nd Avenue and East 7th Street.

21 His bedroom windows and living room windows faced
22 2nd Avenue with thousands of buses, cars, and trucks
23 passed by and spewed smoke into his apartment,
24

1 because he could not afford the Con Ed bill for AC in
2 the summertime. This is why I am here today.

3 Last but not least-- And Manny, rest in peace,
4 we're trying our best.

5 Last but not least, as my mom, when she was
6 alive, used to teach me-- well, before I say that,
7 sometime--

8 CHAIRPERSON GENNARO: We have to conclude.

9 MR. LEE: --he answer is right in front of us.
10 You take your hand, you put it on the key, you lift
11 it to the upright position.

12 That took less than two seconds and two calories.
13 As my mom, when she was alive, used to say, "Now, was
14 that that hard?" Thank you.

15 CHAIRPERSON GENNARO: Thank you very much. And,
16 Sergeant, if you could give this to the witness,
17 please.

18 MR. LEE: Thank you, Chair.

19 CHAIRPERSON GENNARO: Yeah, it's a Ricola.

20 MR. LEE: Thank you so much.

21 CHAIRPERSON GENNARO: Surgery. Thank you to this
22 panel. I appreciate your good testimony. How many?

23 Okay. Kevin McGhee, it looks like. What's that?
24 Oh, Keith McGhee. Wanfang Wu. Wanfang Wu. Aaron
25

1
2 Jacobs. Grant-- The last name begins with a B,
3 first name, Grant. And, final witness on this panel,
4 looks like Duc Anh Le.

5 Yeah. Okay. Okay.

6 We're going to start on this side and proceed
7 that way.

8 And, please state your name for the record and
9 proceed.

10 MR. LE: Good afternoon. My name is Duc Le. I
11 am a participant of the Citizen Air Complaint
12 Program. I was born in Ba Trang, a Pottery Village
13 in Vietnam, where traditional pottery making rely on
14 coal as a main source of fuel.

15 Our villagers suffer from high rate of cancer and
16 lung-related diseases, which were the direct result
17 of air pollution. One of the victims was my cousin,
18 Lim, who was like my brother to me, tragically died
19 of lung cancer at the age of 16.

20 New York City once faced similar problem. In
21 1964, it had the worst air pollution of any major US
22 city. As a New York Times article puts it, quote,
23 "Once upon a time, you could touch the air in New
24 York. It was that filthy," end quote.

1
2 Thanks to critical environmental law, the city is
3 now much cleaner, but we can't take that progress for
4 granted.

5 When I moved to the US, I was struck by how clean
6 the air and water were. I felt privileged to be
7 here, but I also felt a deep responsibility to help
8 preserve these basic rights for future generation.

9 Last year, a good friend introduced me to the
10 Citizen Air Complaint Program. Initially, I was
11 skeptical, but I quickly realized this program is one
12 of the most effective air quality initiatives in the
13 world. It empowers everyday citizens to report
14 illegal idling and hold polluter accountable.

15 The program has made a profound impact, reducing
16 air pollution, improving public health, and
17 generating revenue for the city.

18 Unfortunately, Intro 941 threatens to undermine
19 all this progress by reducing the financial
20 incentives. This bill discourages the very citizen
21 participant that makes a program so successful.

22 Fewer people will be motivated to report
23 violation, which mean more polluters will go
24 unchecked.

1 Intro 941 also threatened another fundamental
2 American value, free speech. By penalizing
3 participant who disagree with the DEP.
4

5 [BELL RINGS]

6 This reminds me of the authoritarianism system I
7 grew up under in Vietnam, where speaking out could
8 cost you dearly. Thank you.

9 CHAIRPERSON GENNARO: Your time is concluded.
10 Thank you.

11 I don't know if there's been-- I just want to
12 remind panelists, it looked like there might have
13 been some photography or videoing. That's not
14 permitted. And so, Sergeant, just keep an eye on
15 that.

16 Oh, okay.

17 And so, thank you for your testimony.

18 The next witness, please state your name for the
19 record and proceed.

20 MR. BROM[SP]: Is this on? Okay. My name is
21 Grant Brom[sp]. I work as an actuator at a large
22 life insurance company and live in the East Village.
23 I'm a regular and enthusiastic participant in the
24 Citizens Air Complaint Program.
25

Two weeks ago on Wednesday, I had a date in Long Island City, which went okay, thanks for asking. On my way home, I swung through the desolate.

CHAIRPERSON GENNARO: A date? A date, is that what you said?

MR. BROM[SP]: Mm-hmm. On my way home, I swung through the desolate East Williamsburg Industrial Park and recorded a number of large trucks idling with abandon.

People who don't participate in the Citizens Air Complaint Program would consider this to be insanity. And maybe they're right. But receiving a fair share of what the city collects makes it less crazy.

And this type of dedication is what made the program as successful as it is in improving our city's air. Participating in the CACP is far from an easy bet. We only get paid when the company pays, which in some cases is never.

Brinks, for example, has only paid a handful of their thousands of summonses. The city can settle for nickels on the dollar, which they did recently with numerous Highland Datacom summonses.

This isn't even to talk about the costs of participating. DEP has prosecuted CACP participants

1 before for run-of-the-mill submission errors, which
2 have professional implications for myself and others.

3
4 Is it worth threatening my day job to
5 participate? It's something I have to ask myself
6 every day. DC also accepts citizen complaints, but
7 does not share the awards.

8 I submitted a bus complaint during a recent visit
9 to DC, and the DC inspectors were shocked with the
10 professionalism of my submission. All of their fines
11 are higher, and it is easier to submit. They don't
12 require video, and submitters can just use the 311
13 app. They don't get too many citizen complaints.

14 It's too much trouble for too little reward. 941
15 is essentially reversing what has made NYC's program
16 so successful by directly disincentivizing citizens
17 while increasing the risk to participate and doing
18 nothing to address the barriers of entry.

19 And yeah, that's my testimony. Thank you.

20 CHAIRPERSON GENNARO: Thank you very much for
21 your testimony and your patience that you had to wait
22 to deliver it.

23 And with that said, I'll call upon the next
24 witness to state your name for the record and to
25 proceed with your testimony.

1 MR. JACOBS: Thank you, Chairman Gennaro and
2 staff. My name is Aaron Jacobs. I live in New York.
3 I'm a New York City teacher. I teach ninth graders
4 in the Bronx 10th District by Fordham, an area
5 plagued with very high traffic.
6

7 And as a result of air pollution, a very large
8 portion of my students struggle with asthma every
9 single year. My students and I can tell you that
10 every day there are delivery trucks and buses that
11 idle next to our school and the schools around the
12 corner. My classroom's on the second floor, so we're
13 on the front lines.

14 This illegal idling happens both during and after
15 school. These buses regularly idle while no students
16 are even on the bus all the time. Trucks and buses
17 illegally idle on even the mildest of days.

18 I can smell the fumes in my classroom. Students
19 often ask me, "Mister, what's that smell?" And I
20 look out the window, and as usual, it's an idling
21 truck or bus. My students and I can regularly
22 breathe these fumes, leaving no choice but to keep
23 the windows closed on even the hottest of days.

24 Intro 941 will weaken the law and make it easier
25 for school buses to idle. I teach my students to

1 question everything. So my question to the council
2 is: Who benefits from this change in the law?
3 Because I can tell you, it's not my students.
4

5 Like many New Yorkers, my students have little
6 idea of the dangers they face when they're standing
7 outside near these buses and trucks. This pollution
8 is deadly. This law would leave my kids more exposed
9 to toxic fumes.

10 Lastly, I live in New York. This program works.
11 In my neighborhood in Midtown, I'll walk around now,
12 and it's becoming very difficult to report, which is
13 a good thing.

14 This is due to the amount of trucks who stopped
15 idling, such as Amazon, for one. So, Intro 941
16 threatens the city's single best way to enforce our
17 air code. If it passes, our air will get even
18 dirtier and more dangerous.

19 It also intimidates new users, and it doesn't
20 welcome them. I support Intro 5, Intro 291, to help
21 protect the program and make it even better. I
22 oppose Intro 941 entirely.

23 I yield back to the chairman. Thank you.

24 CHAIRPERSON GENNARO: Thank you very much. What
25 do you teach, by the way?

1 MR. JACOBS: I teach global history, ninth grade.

2 CHAIRPERSON GENNARO: Global history?

3 MR. JACOBS: Yeah.

4 CHAIRPERSON GENNARO: Wow. Ninth grade.

5 MR. JACOBS: It's a lot to teach.

6 CHAIRPERSON GENNARO: God bless.

7 MR. JACOBS: Absolutely. Thank you.

8 CHAIRPERSON GENNARO: Okay. Sir, yeah, please
9 state your name for the record. Hi. And proceed
10 with your testimony.
11

12 MR. Wu: All right. Good afternoon. I'd like to
13 thank-- I'm Wanfang Wu, and I'd like to thank the
14 committee for this opportunity to improve the
15 nation's only program that effectively targets
16 idling.

17 I'm a small business owner. I help with
18 secretarial work, and I've been a participant in the
19 past two years for this program. In my neighborhood,
20 previously, every morning at 7 a.m., a fleet of
21 vegetable delivery trucks will idle their engines,
22 but because of my reporting and this program, they've
23 all stopped.

24 So, this program is effective. I'm afraid that
25 941 will claw back the good progress we've made.

1 I'll talk about two things.

2 The anti-idling device provision creates a big
3 loophole. So even if every truck were to have this
4 device installed, there'll be a class of drivers
5 that'll just turn the engine back on, either because
6 they dislike being told what to do, or it's just
7 ingrained in their habits. Now, because the shutoff
8 happens right before three minutes, they don't get a
9 ticket, they're immune, and their companies don't
10 care because they're not receiving tickets.

11 I think this should be patched up. The second
12 thing is: The five-day limit is really short. As
13 the commissioner mentioned they hold their own staff
14 accountable to nine or five days, but that's their
15 full-time job.

16 A lot of us participants, we're doing this on top
17 of our full jobs. And life gets complicated.
18 Reporting this is complicated. So I think that will
19 really impede participation.

20 And thank you so much for your time.

21 CHAIRPERSON GENNARO: Thank you. I think you
22 should be a teacher too. I'm just saying that.

23 Okay? What's that? Yeah.

24
25

1 Please, please, sir, say your name for the
2 record.
3

4 MR. MCGHEE: Thank you, Mr. Chairman. My name is
5 Kevin McGee. I'm an environmental health and safety
6 professional with 20 years experience in the field.
7 I do have a day job. Idling complaints is something
8 I do in my spare time on the way to work during
9 lunch. It's the reason I walk 12 miles a day. It's
10 been really good for my health.

11 This program is the only means of enforcing the
12 idling law that actually works. The law went
13 unenforced for almost 50 years, during which idling
14 went unchecked and the health of New Yorkers was
15 needlessly harmed. Threats to this program, which I
16 believe Intro 941 is, will result in a return to
17 previous levels of idling and will cause more harm
18 and death.

19 The commissioner expressed some concerns about
20 citizens making too much money from this, which I
21 think, frankly, is a red herring.

22 What does it really matter to deterrence against
23 pollution if one person files 100 complaints or if
24 100 people each file one complaint? Although if the
25 latter scenario sounds better to you, I would

1 encourage support of Intro 5 so that the program can
2 be opened to the 25% of the city that's not fluent in
3 English.
4

5 There are critical incentives here that empower
6 ordinary New Yorkers and the city's most affected and
7 marginalized communities with access to take part.
8 It's called environmental self-defense.

9 Balanced against this incentive, consider that
10 more than one in four summonses are never paid and
11 the ones that do take one to three years or even
12 longer to come in. Consider the work involved in
13 overcoming the barriers to participation and learning
14 to submit successful complaints.

15 Given these existing challenges, I'm deeply
16 concerned about a collapse in citizen engagement if
17 the incentive is gutted by 941 and with it, the end
18 of enforcement.

19 Veteran watchdogs will quit, institutional
20 knowledge will vanish, and new recruits will dry up.

21 I'd ask the committee, have you considered the
22 harms to public health if citizen engagement
23 collapses and rampant island pollution returns, along
24 with the damage to public health and the increase in
25 healthcare costs?

1
2 Lastly, I just would say, I think if you polled
3 those of us wearing these green stickers, you'd find
4 that we'd like to have a lot more people doing this.
5 We'd like a world where it's no longer viable as a
6 so-called lucrative side hustle, mostly because the
7 program's been gutted because thousands of enforcers
8 walk the streets.

9 [BELL RINGS]

10 CHAIRPERSON GENNARO: Thank you very much for
11 your testimony. How many miles do you walk a day?

12 MR. MCGHEE: Usually 12, 12 to 15.

13 CHAIRPERSON GENNARO: 12 to 15? Come on, oh wow.
14 Good for you. Good for you. Yeah, well I thank this
15 panel for its very compelling testimony.

16 Okay, the next panel.

17 Sarah O'Brien, great handwriting, Josh Bisker,
18 Bryce Stack, Gregory Gonzalez, Andrew Van Brisker,
19 and George-- looks like P-A-K. I don't know what
20 comes after that.

21 George-- Pardon? Okay, great. You're
22 identified. Okay. And so in keeping with the way
23 we're alternating the way we go, we're going to start
24 on my right and then proceed that way.

1
2 And so sir, if you could state your name for the
3 record and proceed, thank you.

4 MR. PAKENHAIM: My name is George Pakenham. Good
5 afternoon, City Councilmembers. Let's talk about
6 Bill 941 and public health. As some of you may know,
7 I'm producer director of the documentary film, Idle
8 Threat, Man on Emission. The film helped launch the
9 Intro Bill 717A, which once passed, gave the green
10 light to citizens to enforce idling laws, which the
11 DEP and NYPD had basically ignored since 1971.

12 So, we gather here today to pick apart that law
13 and perhaps destroy its essence. I hope not.

14 Yes, a few activists are being chastised for
15 being overzealous about clean air.

16 A few are being scolded for making too much
17 money. But be that as it may, I believe the Adams
18 administration is missing the point on Bill 941. The
19 true value of the Citizens Air Campaign lies in its
20 focus on public health.

21 In this case, public health translates into clean
22 and breathable air. Simple fact is that needless
23 engine idling is a toxic poison that can affect the
24 well-being of all New Yorkers. Yet public health
25

1 issues, sooner or later, boil down to an individual's
2 personal health.
3

4 I started my own campaign on this engine idling
5 matter in 2006, that's 18 years ago. From 2006 until
6 now, I've spent thousands of hours on the streets and
7 sidewalks gathering data, acquiring evidence on
8 idling trucks and buses, all the time surrounded by
9 poisonous stench.

10 What was this effect on me personally? In 2019,
11 I learned I had developed heart disease. I now have
12 six stents in my heart. A year later, I learned I
13 had a bulge in a blood vessel in my brain behind my
14 left eye, and on December 1st, 2022, I had brain
15 surgery to cap an aneurysm. Two years ago, I was
16 diagnosed with Parkinson's disease.

17 [BELL RINGS]

18 My condition has left me with near constant
19 tremor in my right arm and leg--

20 CHAIRPERSON GENNARO: Here's what I'm going to
21 do. I'm going to say your time has expired, but you
22 were very prominent in the program for a long time.
23 You have a very compelling story. I would ask you to
24 continue.

25 MR. PAKENHAIM: Thank you.

CHAIRPERSON GENNARO: But not indefinitely, you know.

MR. PAKENHAIM: So in conclusion, I put aside all my medical issues, and I don't regret a moment of the time that I had spent over the years in an effort to eradicate needless engine idling. Please use your power to help avoid Intro 9-4-1.

CHAIRPERSON GENNARO: Thank you for putting yourself on the front lines, and for the sacrifices that you've made as a result of your advocacy. I wish you good health.

Oh, oh, hang on, we got... Okay, the council, the committee has indicated that Dan Rodriguez, representing Coach Bus, has been added to this panel, just kind of like for the record. It was a late add, I'm told.

And so please, sir, state your name for the record and proceed.

MR. VAN BRISKER: Thank you. Andrew Van Brisker. Chair, you know from your long environmental legacy, our clean air laws weren't gifts. They were bought with blood. They're stained with the stories of children struggling for air, of lives cut short by pollution-induced illness, of communities fighting

1 for their very right to breathe. I know this fight
2 firsthand, you see. I'm not here as just a concerned
3 citizen or parent today.
4

5 I'm here as someone who's stared death in the
6 face. I know the cost of dirty air. Four years ago,
7 doctors told me, "You have cancer." My first thought
8 was, I'm going to die. How do I tell my kids? It
9 shattered my world, put my career on hold. I endured
10 grueling treatment. Side effects were brutal.
11 Simple tasks became monumental challenges. I missed
12 work, fell behind, and watched my life unravel.

13 I told bill collectors, "I know I owe it. I'll
14 pay it when I can." It opened my eyes to how fragile
15 our health is and the precious nature of the air we
16 breathe.

17 Toxic emissions from idling trucks and buses
18 serve no purpose. This program is our frontline
19 defense. Last year, ordinary New Yorkers brought
20 77,193 deterrent penalties.

21 Wow. The city? 210 with its 65 air inspectors.
22 As we consider this bill, we must ask ourselves, who
23 stands to benefit? Who stands to benefit if you let
24 school buses idle 18 minutes near our schools? Not
25 our children? Who stands to benefit if you slash the

1 citizen reporting times from 90 to five days, but
2 double the department's time to 90,
3 institutionalizing inefficiency, as Ms. Warren
4 discussed, as others have discussed today? Not
5 evidence quality, not new participants, not English
6 language learners, not working parents. Who stands
7 to benefit if you break the program's enforcement
8 backbone by slashing citizen incentives to take part?
9

10 [BELL RINGS]

11 Who stands to benefit if you give the department
12 unchecked powers to create vague--

13 CHAIRPERSON GENNARO: Your time has elapsed.
14 Your time has elapsed. I appreciate you being here.
15 Next witness.

16 MR. BISKER: Hi, everyone. My name is Josh
17 Bisker. As a citizen's air complaint program lets
18 people like me and my neighbors reduce the number of
19 idling trucks in our neighborhoods, 941 threatens to
20 destroy it. This issue is personal. I'm a born New
21 Yorker who has had asthma since childhood, and I'm
22 dedicating this testimony to my neighbor, Ms. Pam,
23 who is permanently disabled from the asthma she
24 developed after moving here from Barbados.

1 This is also an issue where I have expertise. I
2 am a participant in the program, and I am also a
3 former delivery driver. I'm here to tell you that
4 commercial vehicles should not be allowed to pollute
5 the air we breathe, and that our current complaint
6 program should be expanded, not eroded. 941 damages
7 the program in four ways: It creates loopholes to
8 let polluters escape consequences, it increases the
9 technical barriers that already make it hard to
10 submit complaints, it introduces opaque new risks for
11 people who might submit incorrectly, and it cuts the
12 rewards for participation in half. The results will
13 mean fewer people who are able to take part in the
14 program and more idling trucks everywhere.

15 I want to say why the 25% reward is actually
16 vital to participation. I've been working two part-
17 time jobs in the trades and in the service industry
18 while also submitting regular complaints for about
19 two years now, because it took ages to learn how to
20 navigate the system, and over 18 months to even start
21 getting paid out. Some of the submissions will not
22 get paid out for years.

23 If the rewards had been half as high or
24 potentially a quarter as high because of abatements,
25

1 I could never have sustained my participation in the
2 program while keeping bread on my table, and I never
3 would have started submitting the complaints at all.

4 The reward structure has made this program
5 accessible to working-class New Yorkers like me, and
6 I can testify to its effectiveness. I've watched
7 companies like UPS and Amazon teach their drivers to
8 stop idling and electrify their fleets. I've seen
9 dump truck drivers start turning off their engines
10 between loads.

11 I've also seen what the program can do for the
12 workers at these companies. One Con Ed worker told
13 me that he spent 10 years driving one of the
14 company's box trucks and finishes every day with a
15 headache and a nausea.

16 He also told me that Con Ed keeps promising the
17 workers they'll electrify by 2035. That's 10 years,
18 he said, but they could do it tomorrow if they really
19 wanted to. 10 years.

20 [BELL RINGS]

21 CHAIRPERSON GENNARO: Your time has expired, but
22 you gave very exemplary and well-pointed testimony.
23 I appreciate it.

24 MR. VAN BRISKER: Thank you, sir.

CHAIRPERSON GENNARO: And so, next witness,
please state your name for the record and proceed.

MS. O'BRIEN: Good afternoon. Thank you,
Chairman, everyone, for the opportunity. My name is
Sarah O'Brien. I grew up on Queens and Staten
Island. I'm currently 22 years old, and I'm here
today to share my experience in Oppose Intro 941.

I've been reporting for about a year now. I have
two stories for you. First, picture this: You work
relentlessly for 30 years, city employee, trying to
afford your American dream, a home, maybe with a
porch if you're lucky, one that you can relax on once
you finally retire. The only problem is your once-
dreamt-of oasis is transformed into a pollution zone.

This was my dad's reality. He retired from the
city after working 30 years and wanted nothing more
than to sit on his front porch in peace, but trucks
pulled up day after day and idled right in front of
him, forcing him inside. So then what? Maybe you
call 311 day after day to no avail. You're helpless.

If only there were a program that allowed
citizens to make an impact. Good news, there is.
And that's exactly what my dad did. Within a matter

1 of weeks, he saw his landscape transform from literal
2 black clouds to clear skies.
3

4 Chairman, the program works well. Drivers become
5 more mindful and don't idle. Finally, he gets to
6 enjoy his retirement in peace and I get to stop
7 hearing about it.

8 I had a similar experience. I was a student and
9 working as a teacher providing free classes through
10 the Parks Department. At one specific site, the
11 class happened to be at the same time as a commercial
12 garbage pickup. The exhaust and noise was unbearable
13 for the children, many choosing to leave early, and
14 as their teacher, I felt helpless. I would kindly
15 ask the driver to move or turn off the engine and he
16 would laugh.

17 As soon as I made it clear that I started to
18 report his actions, silence, the engine went off, and
19 the issue was solved just like that.

20 Chairman, please remember me and my dad. We are
21 two examples of how the program works well. Multiply
22 this by the number of participants we have and that's
23 a lot of wins for the people, city, and environment.

24 Intro 941 is a step backward. Please hold these
25 companies accountable for their actions. Thank you.

1
2 CHAIRPERSON GENNARO: Thank you very much for
3 your testimony and your patience.

4 Sir, please state your name for the record and
5 continue.

6 MR. STACK: Yes, hello. My name is Bryce Stack
7 and I just am a regular New Yorker. I have a full-
8 time day job. I'm a union member and I work in the
9 public sector and I took the afternoon off to come
10 here and testify.

11 The first time I saw the inside of an emergency
12 room is when my brother had an asthma attack when he
13 was six years old. And today, the New York City
14 Department of Health and Hospitals estimated that
15 1,400 people in New York City died directly
16 attributable to air pollution, and that's not
17 counting the number of hospital visits of those who
18 went to the hospital, but thankfully made it out
19 alive.

20 I just wanted to say that everyone who's come up
21 here and testified, the ones who've participated in
22 this citizen complaint program like myself, we all
23 have a story about why we got into it, and I just
24 wanted to say that I think we should expand the
25 program.

1
2 I think this program is special because it allows
3 New Yorkers in every neighborhood to make a
4 difference where they live. If they have a truck
5 that idles every day, they can go out there and they
6 can make the complaint and then the idling will stop.

7 So, I think with respect to Intro 941, I think
8 the reduction in pay that's proposed would have a
9 negative impact.

10 I think it'd be tough to get people in the
11 environmental justice zones to participate in this
12 program when it already takes a very long time to get
13 paid because participants only get paid after the
14 company has paid, and I think it would be difficult
15 in those neighborhoods if you said to them that the
16 pay has been reduced by 50% as is currently proposed.

17 So, I think we should give DEP more air
18 inspectors. In the next budget, let's get more
19 enforcement.

20 We're at the finish line. We can stop idling in
21 New York City. So, thank you, Mr. Chairman, for all
22 the hard work that you've done over the years in this
23 council and thank you to the legislative staff who've
24 been here all day and who are working on this as
25 well.

1
2 CHAIRPERSON GENNARO: Thank you, thank you.
3 You're most gracious, I appreciate that. Sir, please
4 state your name for the record and proceed.

5 MR. GONZALEZ: Hello, thank you. My name is
6 Gregory Gonzalez, thank you. The Citizens Air
7 Complaint Program means a lot to me.

8 As a father of a young child in preschool and a
9 former teacher, I think air quality is very
10 important, especially the air quality in front of our
11 schools. I am active in the Air Complaint Program
12 part-time and in my spare time. I make it a point to
13 walk past several schools while I'm walking through
14 Queens and Manhattan or whatever borough I'm walking
15 in that day.

16 Almost every time I have gone out, I've found
17 commercial vehicles idling in front of a school and
18 these vehicles are poisoning the air of New York
19 City's children. I will often find several vehicles
20 idling at lunchtime in front of schoolyards where
21 children are actually playing outside. In fact, I
22 saw the scenario yesterday.

23 The Air Complaint Program is a spectacular tool
24 to fight air pollution and gives us the power to get
25 vehicles to shut off their engines. The program

1 needs to be given a chance to grow and not be
2 restricted. For every complaint I issue to a
3 vehicle, there are one or two more that turn off
4 their engines before they are in violation.
5

6 I know that the operators of the vehicles are
7 aware of the program and are now shutting off their
8 engines. I have had hundreds of vehicles shut off
9 their engines specifically in front of schools. From
10 my experience, the Air Complaint Program has been
11 extremely successful in improving air quality.

12 I am asking the council to reject 941. Intro 941
13 specifically imposes a five-day limit to submit
14 complaints and lowers the payment for someone who
15 submits from one-fourth to one-eighth. Intro 941
16 would lower participation in the Citizen Air
17 Complaint Program, and as a family man with many
18 responsibilities, would make it extremely burdensome
19 for me to participate in the program further. Thank
20 you.

21 CHAIRPERSON GENNARO: Thank you very much.

22 Sir, welcome. State your name for the record.
23 Proceed.

24 MR. RODRIGUEZ: My name is Dan Rodriguez. I am
25 the Vice President of Public Affairs for Coach USA.

1 I'm here today to request a full exemption from the
2 proposed bills.
3

4 At Coach USA, we take idling very seriously, as
5 we first and foremost want to mitigate carbon
6 emissions to the lowest possible levels. We use
7 state-of-the-art technology to ensure this happens
8 every single day, by monitoring every single bus and
9 coach we operate. If, for example, a bus is idling
10 for longer than the approved times, our dispatch
11 teams look to see why, and if unnecessary, ensure it
12 stops. We have been cited for our efforts in this
13 regard by the United States Environmental Protection
14 Agency.

15 For example, our clean diesel engines emit less
16 than four pounds per passenger mile, as opposed to 14
17 pounds per passenger mile by your common SUV.

18 We are required by the United States Department
19 of Transportation, through Regulation 49CFR, to
20 maintain bus and coach cabin temperature at certain
21 levels, for example, during the summer months, cool
22 temperatures, while in the winter months, at warm
23 temperatures.

24 This, at times, necessitates that our buses and
25 coaches idle longer than the allotted time.

1 We also have instances where we are cited during
2 the off and onboarding of passengers. During those
3 times, the bus is idling longer than usual, as
4 sometimes there are passengers who require additional
5 time to get on or off due to a disability. Our buses
6 are equipped with cameras inside and out of them, as
7 the violation goes counter to the American with
8 Disabilities Act.
9

10 With the visual proof, those two are dismissed.

11 [BELL RINGS]

12 We are in an industry that has been struggling to
13 get back on its feet, and because of the pandemic.
14 You may recall the saying--

15 CHAIRPERSON GENNARO: Your time has elapsed, but
16 I would just ask you to finish your thought.

17 MR. RODRIGUEZ: You may recall the saying, too
18 big to fail. Well, we're too important to fail. Bus
19 transportation is a vital component for many New
20 Yorkers and others visiting or going to work here.

21 Thank you.

22 CHAIRPERSON GENNARO: I just have a question.
23 You mentioned the name of your company? What's the
24 name of the company?

25 MR. RODRIGUEZ: Coach USA.

CHAIRPERSON GENNARO: Oh, Coach USA. Now, when you ask for an exemption of coach-- Of course, laws don't work that way. We'd have to exempt that entire class of vehicle. And so, you understand that.

MR. RODRIGUEZ: Yes. Absolutely.

CHAIRPERSON GENNARO: Thank you for coming down and giving the benefit of your views. We appreciate your commitment to good busing, and I appreciate everyone else on this panel for your good and very compelling testimony.

I wish you all happiness and good health.

Appreciate it.

And I don't think we have any more in-person testimony. We have remote witnesses?

Oh, okay, I have to read this?

We will now turn to remote testimony. Once your name is called, a member of our staff will unmute you, and the Sergeant-At-Arms will give you the go-ahead to begin. Please wait-- Once again, please wait for the Sergeant-at-Arms, for the Sergeant to announce that you may begin before delivering your testimony. And with that said, we'll call the first witness.

1 Wait, where's the-- Okay. Okay, the first
2 witness is Ryan Snyder. Ryan Snyder.

3 SERGEANT AT ARMS: You may begin.

4 MR. SNYDER: Good afternoon, Chair Gennaro and
5 the members of the committee. I appreciate the
6 opportunity to testify before you today on behalf of
7 the Truck Renting and Leasing, Association named as
8 TRALA.
9

10 My name is Ryan Snyder, and I am the Director of
11 Government Relations for TRALA. TRALA is
12 particularly interested in New York City's Citizen
13 Air Complaint Program as it negatively impacts our
14 members' daily operations and those of its customers.
15 TRALA is a national trade association representing
16 500 renting and leasing companies.

17 Their members provide short-term commercial
18 rental vehicles, and short-term consumer rental
19 vehicles, and full-service leases to customers who
20 operate a vehicle or a fleet of vehicles.

21 First, I want to say TRALA supports New York
22 City's effort to reduce transportation-related
23 emissions. However, the program is impractical and
24 is inconsistent in its delivery of complaints and
25 ultimately does not achieve its goals.

1
2 As the program currently stands, truck owners are
3 penalized for idling violations without a system to
4 transfer liability to the operator. This is
5 essentially burdensome for the rental and leasing
6 companies that own and maintain the vehicles, but do
7 not operate them. Often trucks are rented for a day
8 or two at a time, and this creates an environment
9 where the vehicle owners are fined instead of the
10 operators who are responsible for the suspected
11 idling.

12 Like others have mentioned, complaints are often
13 delivered anywhere from 6 to 12 months of the alleged
14 idling violation, with hearings scheduled for another
15 6 to 12 months after that. In addition, the program
16 does not send the infractions to the correct mailing
17 locations, particularly with the truck renting and
18 leasing businesses.

19 Unfortunately, due to the nature of renting and
20 leasing to smaller businesses, some companies
21 utilizing the vehicles at the time of the alleged
22 violation and those operating the vehicle during the
23 time are no longer in business and therefore cannot
24 be fined for their idling mishaps when the complaint
25 arrives a year after the reported incident.

1 This is unfair and leaves the rental and leasing
2 companies liable for having to defend themselves for
3 an idling infraction in which they were not operating
4 the vehicle.
5

6 [BELL RINGS]

7 SERGEANT AT ARMS: Your time has expired.

8 CHAIRPERSON GENNARO: Mr. Snyder, your time has
9 expired. I would encourage you to send your full
10 written testimony, and now is probably as good a time
11 as any to give-- because this is also being live
12 streamed. People can see this. So what's the email
13 for where people can send it?

14 COMMITTEE COUNSEL: Okay, you can email your
15 written testimony to testimony@council.nyc.gov.

16 CHAIRPERSON GENNARO: Okay, and once again, that
17 is testimony@council.nyc.gov. Thank you, Mr. Snider,
18 for your good testimony. Appreciate it.

19 Our next witness is Louis Dubuque, I think.
20 Louis Dubuque?

21 SERGEANT AT ARMS: You may begin.

22 MR. DUBUQUE: Correct. Thank you, Chairman. My
23 name is Lou Dubuque, Northeast Regional Vice
24 President for the National Waste and Recycling
25 Association. And I'm here today to express our

1 concerns in opposition to the imposition of increased
2 idling fines for private refuse haulers operating in
3 New York City.
4

5 Sanitation workers play a crucial role in
6 maintaining the cleanliness and hygiene of our
7 communities. Their job is demanding, and their work
8 often involves complex and challenging conditions.
9 Imposing fines on sanitation trucks for idling could
10 have several negative consequences that outweigh the
11 intended environmental benefits.

12 It's important to note that DSNY trucks that pick
13 up residential refuse are exempt from idling
14 violations. With the implementation of the
15 Commercial Waste Zone Program private refuse
16 collection is more like a franchise system run by the
17 City of New York, where all aspects of commercial
18 refuse collection are determined by DSNY.

19 This reality minimizes the differences between
20 residential and commercial collections and begs the
21 question why commercial refuse collections are not
22 exempt from idling violations.

23 Of greater concern is the disturbing and
24 problematic method of enforcing of idling laws for
25

1 commercial refuse trucks as part of the Citizen
2 Idling Complaint Program.

3
4 While we wholeheartedly support initiatives aimed
5 at reducing emissions and promoting a healthier
6 environment, we believe that the program,
7 particularly as it pertains to commercial sanitation,
8 creates several negative impacts that need to be
9 addressed. NWRA is strongly opposed to Intro 291
10 that would adopt a progressive idling fine schedule,
11 increasing idling fines to \$6,000 for a third
12 offense. This significant increase will promote more
13 reckless behavior by citizen videographers who can
14 receive 25% of the fine paid.

15 Sanitation trucks are equipped with specialized
16 equipment that needs to remain operational while the
17 vehicle is stationary. Idling allows crucial systems
18 such as compaction mechanisms and hydraulic lifts to
19 function properly and efficiently. Without idling,
20 these systems could fail or perform suboptimal.

21 [BELL RINGS]

22 SERGEANT AT ARMS: Thank you for your testimony.
23 Your time has expired.

24
25

1
2 MR. DUBUQUE: Okay, thank you. We submitted our
3 testimony already, so you can read that at your own
4 leisure. Thank you.

5 CHAIRPERSON GENNARO: We appreciate that, Lewis.
6 Thank you for your testimony.

7 Next witness, Anne Diebel.

8 SERGEANT AT ARMS: You may begin.

9 MS. DIEBEL: Hi, my name is Ann Diebel, and I
10 live in Brooklyn and I'm a private investigator.

11 I recently began submitting complaints under the
12 idling program, and I'm expressing my opposition to
13 Intro 941.

14 Just as background, when I went for walks in the
15 morning with my toddler to the grocery store, I would
16 notice utility vans next to the elementary school or
17 a big truck next to the Con Ed plant running for no
18 reason, both on my way out and still going on my way
19 back. Some of my initial complaints were rejected
20 for reasons that are not entirely clear. There's a
21 learning curve, and the city seems to have extremely
22 high standards for not calling a submission
23 frivolous. So, thanks to help from more experienced
24 program participants, I was able to puzzle through
25 the DEP's requirements. They're confusing even to

1 someone with my professional background, very used to
2 dealing with municipal bureaucracies and assembling
3 evidence packages.
4

5 I oppose Intro 941 for a variety of reasons, one
6 of which is that submitting complaints within five
7 days of recording would be burdensome for me as a
8 working mother, as I'm sure it would be for other
9 participants with busy lives. It was earlier shown
10 that DEP under current circumstances currently has a
11 problem hitting 90 days to rule on complaints, even
12 though the current law requires 45. DEP clearly
13 needs more resources to keep this and other
14 enforcement actions going.

15 I'm glad to see, as per city records, that DEP
16 inspectors are at least getting a lot of overtime pay
17 from this program.

18 I have other reasons for opposing Intro 941, but
19 I will leave my testimony at that.

20 I'll just say, in conclusion, that it restricts
21 and weakens what by any measure is a successful
22 program under the guise of improvement.

23 Thank you.
24
25

CHAIRPERSON GENNARO: Thank you. Thank you very much for your concise and compelling testimony, we appreciate that. Best to you.

Next witness-- Next-- Just hang on. Just have to do a little sidebar with staff for a second.

Okay, and the last witness, Ernest Welde. Ernest Welde.

SERGEANT AT ARMS: You may begin.

MR. WELDE: Yes, hello, and I wish I could be there in person. I'm actually at a work conference right now on the protection of children in terms of their health, so I think it's very appropriate that I'm testifying today about this bill. I have been a participant of the Citizens Air program since 2018, and I've been involved in idling work since 2004.

I actually went to law school to be a better advocate for anti-idling work. I am asking you, please do not support 941. It has many flaws, and I'll get into a few of them. I do support 291 and 5.

When I first moved to New York, I started to discover that I was breathing badly, and I went to the doctor. He diagnosed me with asthma, and I started working on anti-idling work at that point.

1
2 There is no need for people to idle in New York
3 City. Even three minutes is too long, and I would
4 encourage you to address that and move it to one
5 minute for the whole city. I do not think that the
6 941 would encourage more participation in the
7 program. I think that it would discourage
8 participation.

9 The amount of money that we are getting on this
10 program is not that much. Most of my complaints,
11 over 50% of the companies that I have filed
12 complaints against have not even paid their tickets,
13 so most of us are already facing a 50% reduction in
14 the amount that we get. I do not think that school
15 buses need 15 minutes to idle.

16 I carry an air monitor with me when I'm doing my
17 reports. The air monitor tells me to leave the area
18 when I'm around a school bus. They are among the
19 dirtiest vehicles in the city, and they idle right on
20 the playgrounds.

21 Why do the buses need to even sit in front of the
22 schools? They all queue up there. They do not need
23 15 minutes. One minute is plenty of time. There's
24 no analysis that shows that 15 minutes is what they
25 need to get a comfortable cabin temperature.

1
2 And DEP has misled you among many things that
3 they misled you about today, in that there are only a
4 few cases that talk about passenger comfort, and
5 frankly, I do not think that they defended themselves
6 very well in those cases. A company has a defense,
7 and they can take that defense for passenger comfort
8 to the OATH hearing. Anti-idling technology will
9 actually in--

10 [BELL RINGS]

11 SERGEANT AT ARMS: Thank you for your testimony.
12 Your time has expired.

13 CHAIRPERSON GENNARO: Thank you for your good
14 testimony and for your advocacy at the conference
15 where you are. And I just have to ask if we-- Hang
16 on. Oh, it's provided for me.

17 If we have inadvertently missed anyone that has
18 registered to testify today and has yet to have been
19 called-- and I'm embarrassing staff by reading it as
20 they wrote it-- Please use the Zoom raised hand
21 function. What is this raised hand function? We're
22 here.

23 COMMITTEE COUNSEL: It's in Zoom.

24 CHAIRPERSON GENNARO: Oh, it's in Zoom. It's in
25 Zoom.

1 Okay, is there anyone else that's out there in
2 Zoom land we haven't heard from? No? Okay. Did I
3 read that right?
4

5 COMMITTEE COUNSEL: Yeah.

6 CHAIRPERSON GENNARO: Okay. Well, that's not
7 right. Okay, I'm just making a point. So, okay.

8 Seeing none, I will now close the hearing. Thank
9 you to the members of the administration and members
10 of the public who have joined us today. Before I get
11 to my final-- That doesn't-- I thank people that,
12 but that doesn't quite tell it. I'll tell it my way
13 now.

14 I've been an analyst for this committee going
15 back to 1990. I was elected in 2001, started with
16 the council. I chaired this committee in 2002,
17 chaired it for 12 years, and then took over again.

18 And somewhere-- In 2001, when I came back to the
19 council, most of the, like the lion's share of clean
20 air legislation has either been authored by me or
21 shepherded through the council by me. I take my
22 responsibility very seriously.

23 I will say that the people who testified today,
24 who made very compelling cases, you have not wasted
25 your time, or your afternoon, or your day. I found

1 that your testimony was very compelling and will have
2 an impact on our deliberations going forward. That
3 kind of understates it.

4 But that is-- Let's just say I was in a
5 different place than when I started the hearing. And
6 we'll just kind of leave it at that. I thank you all
7 for your time and patience.

8 This hearing started a long time ago. And with
9 that, this hearing is adjourned. I want to just
10 express my gratitude for those who kind of spent the
11 day with us to make sure that the views got heard,
12 and the way you support one another is not kind of
13 like lost on me. It's kind of like a very haimish
14 kind of thing. If people don't know what that means,
15 someone nearby can explain that to you. And with
16 that, this hearing that was made better by your
17 testimony is hereby adjourned.

18 [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 September 30, 2024