

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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February 28, 2025  
Start: 10:25 a.m.  
Recess: 2:10 p.m.

HELD AT: 250 Broadway - Committee Room, 16<sup>th</sup>  
Floor

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

COUNCIL MEMBERS:  
Alexa Avilés  
Justin L. Brannan  
Robert F. Holden  
Kristy Marmorato  
Sandy Nurse  
Lincoln Restler  
Rafael Salamanca, Jr.  
Susan Zhuang

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

Rohit T. Aggarwala  
Commissioner of the New York City Department of  
Environmental Protection  
(DEP) and New York City's Chief Climate Officer

Julie Lubin  
DEP'S Deputy Commissioner of Environmental  
Compliance

Dawn Miller  
Senior Advisor, DEP

Lacey Tauber  
Office of the Brooklyn Borough President

Jessica Enzmann  
Sierra Club

Andrew Saavedra  
Earthjustice

Shangtong Li  
Newtown Creek Alliance

Renzo Ramirez  
Teamsters Local 804

Damian Contreras  
Teamsters - pollution effect on workers

Nicholas Kammerer  
Teamsters - last mile warehouses

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

Bryce Stack  
NY Clean Air Collective

Zach Miller  
TANY

Osaige Afe  
LIC Partnership

Gloria Boyce-Charles  
Southeast Queens

Crystal L. Brown  
Resident of Southeast Queens

Julia Corrado  
ALIGN

Clifton Smith(?)

Ryan Lokey

Amy Turner  
Sabin Center for Climate Change Law

Kevin Garcia  
NYEJA

Christopher Garawecki  
Hub Trucking

Michelle Meyer  
International Council on Clean Transportation

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

Hayden Brockett

Jim Wright  
American Institute of Architects NY

Katherine Walsh

Eric Eisenberg

Nathan Taft  
Safe Cities with stand.earth

Jaqi Cohen  
Tri State Transportation Campaign

Dylan Jaff  
Consumer Reports

Robyn Marquis  
Calstart

Evi Boyd

Michael Streeter

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2 SERGEANT AT ARMS: Testing one, two. Today's  
3 date is February 28, 2025. Today's hearing is on  
4 Environmental Protection Resiliency, and Waterfronts  
5 being recorded on the 16<sup>th</sup> Floor by Keith Polite.

6 SERGEANT AT ARMS: Everybody settle down, we are  
7 getting ready to begin. Everybody settle down we are  
8 getting ready to begin.

9 CHAIRPERSON GENNARO: It seemed kind of settled  
10 to me, you know? Yeah, we call this hearing room the  
11 shoebox for obvious reasons.

12 SERGEANT AT ARMS: Good morning and welcome to  
13 the New York City Council hearing of the Committee on  
14 Environmental Protection, Resiliency and Waterfronts.  
15 At this time can everybody please silence your  
16 cellphones? If you wish to testify, please go to the  
17 back of the room to fill out a slip. At this point  
18 and going forward, no one is to approach the dais. I  
19 repeat, no one is to approach the dais. Chair, we  
20 are ready to begin.

21 CHAIRPERSON GENNARO: Thank you Sergeant. Let me  
22 just myself together. Okay, here it goes. [GAVEL]  
23 Good morning. I am Council Member Jim Gennaro, Chair  
24 of the Committee on Environmental Protection,  
25 Resiliency and Waterfronts. Today we will hold an

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1  
2 oversight hearing on so-called last mile deliveries  
3 and their effect on air quality. Additionally, we  
4 will be hearing two Intro.'s, bills, sponsored by my  
5 esteemed colleague Avilés, Council Member Avilés to  
6 my left. First bill, Intro. 107, which would require  
7 DEP to designate high traffic corridors around the  
8 city as heavy use thoroughfares and increase air  
9 quality monitoring along those roadways and Intro.  
10 1130, which would require the Commissioner of DEP to  
11 promulgate rules aimed at reducing admissions related  
12 to so-called indirect sources, which are facilities  
13 or infrastructure that effect mobile sources of air  
14 pollution like combustion engine deliver trucks to  
15 site one example. But I'll leave it to Council  
16 Member Avilés to speak further on her bills. I'm  
17 sure she has a lot to say about her good bills. I'll  
18 recognize her after my statement.

19 For more than a decade, ecommerce sales in the US  
20 have grown at a great rate. As of 2021,  
21 approximately 80 percent of deliveries in New York  
22 City went directly to residential customers with more  
23 than 80 percent of New Yorkers receiving a package  
24 delivery at least once a week. It's a lot of  
25 packages.

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2 The New York City Metropolitan Council projects  
3 the city will see 530 million tons of truck  
4 transported freight in 2045. A 67 percent increase  
5 compared to the tonnage transported by truck in 2012.  
6 With this increase in truck traffic, comes the  
7 potential for a profound increase in environmental -  
8 well the statement says harm. I'm going to go with  
9 what the statement says. An increase in  
10 environmental harm, particularly in communities where  
11 the distribution centers are often clustered, which  
12 are already struggling with more than their fair  
13 share of that burden.

14 When we talk about trucks, we're not just talking  
15 about the last mile stuff. We're talking about  
16 trucks who are just coming over the GW bridge to  
17 bring stuff to the five boroughs, NASA, Suffolk  
18 County, so it's all included. Like the last mile is  
19 one aspect of it but it's a you know much larger  
20 picture.

21 Back to the statement. Vehicle exhaust contains  
22 four of the six so-called criteria air pollutants you  
23 know monitored by the USEPA through the clean air act  
24 and those would be particulate matter, ozone,  
25 nitrogen oxides, often called Nox and carbon

1  
2 monoxide. These pollutants can have severe health  
3 consequence particularly in cases of childhood  
4 exposure. Medium and heavy duty trucks like the ones  
5 often used to deliver our goods - to deliver our  
6 goods contribute an outsized amount of these  
7 pollutants relative to the number them on the road.  
8 Nationally they, the trucks, represent less than ten  
9 percent of vehicles but account for more than 60  
10 percent of NOX and fine particulate matter emissions.  
11 It is clear that we must work to ensure that shifts  
12 in our New Yorkers receive goods. I did read this  
13 already for some reason, I'm having difficulty with  
14 it. Okay, it is clear that we must work to ensure  
15 that shifts in our New Yorkers receive goods do not  
16 come at the expense of our health and the  
17 environment.

18 Shifting the transport of goods from roads to New  
19 York City's waterways and rail freight network can  
20 reduce congestion, minimize the negative effects of  
21 overweight trucks on city infrastructure and reduce  
22 associated pollution. Moving goods by water generally  
23 produce fewer emissions per ton mile. Travel  
24 compared to road transport and trains, water, can  
25 can move a ton of goods nearly 500 miles on a single



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1  
2 gallon of fuel. Maximizing the use of these assets  
3 could potentially remove thousands of the most  
4 polluting vehicles in our city from the road each  
5 year, significantly reducing emissions associated  
6 with growing ecommerce trends.

7 I look forward to hearing from the Administration  
8 about how we can better utilize our existing  
9 infrastructure networks to address the growing issue  
10 of emissions related to last mile delivery  
11 activities. I see we have people here as we should  
12 from the trucking sector. I don't think the trucking  
13 sector has anything to worry about you know being  
14 phased out at any time in the New York future. I  
15 think the concept is to sort of blend other  
16 modalities that can you know support the good work  
17 that the truckers do.

18 Okay, now the thank you part. I'd like to thank  
19 the Committee Staff. I have Legislative Counsel  
20 Austin Malone, way to my right, who has been serving  
21 in an interim capacity and this is a special hearing  
22 that Natasha Bynum to my immediate right, this is her  
23 first hearing as lead Counsel to the Committee. So,  
24 this is a banner day queue the balloons. No  
25 balloons, okay. Balloons are not environmentally

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2 friendly so these imaginary balloons we will stick  
3 with. And also Sierra Townsend, the Associate  
4 Counsel to the Committee who does a great job, Policy  
5 Analyst Ricky Chawla and Andrew Bourne, Financial  
6 Analyst Tanveer Singh, as well as my Legislative  
7 Director Josh Gachette for all of their hard work. I  
8 have already recognized Council Member Avilés and  
9 we're also joined by Council Member Marmorato. It's  
10 always a pleasure to be with Council Member  
11 Marmorato, the pride with the Bronx. And so, and  
12 before I turn it over to the Counsel to swear in the  
13 witness, I'm going to recognize Council Member Avilés  
14 who is going to walk us through both of her good  
15 bills and then we'll proceed with swearing in the  
16 panel. I proudly recognize my colleague Council  
17 Member Avilés.

18 COUNCIL MEMBER AVILÉS: Thank you so much Chair  
19 and thank you for holding this important hearing  
20 today. And thank you to all the advocates who have  
21 come out to help us think through how to best craft  
22 the indirect source rule that is being considered  
23 here today. And everyone who is participating in  
24 this important hearing.

25

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1  
2 As many of you may know in the room, you've heard  
3 me say before the communities that I represent have  
4 suffered from an inundation of last mile e-  
5 distributions facilities. All generating an enormous  
6 amount of truck traffic. All within small geographic  
7 zone. For years I've sought to bring regulation to  
8 this industry so that we might improve health  
9 outcomes for our environmental justice community but  
10 not only for those community members but also for the  
11 workers that support these facilities. But in that  
12 search, we have been met with many jurisdictional  
13 challenges. I can't express to you how delighted I  
14 am to be here today finally to be able to discuss a  
15 viable policy model for local municipalities like  
16 ours, which has been successfully tested out in  
17 California.

18 Through the indirect source rule, we will be able  
19 to ask a logistic center operator to choose from a  
20 many of mitigation options that will help us improve  
21 quality, air quality and thereby community health.

22 While what we are discussing here today is only a  
23 broad framework, I look forward to the development of  
24 a more robust version of this legislation in the  
25

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1  
2 coming months, having been formulated by all of our  
3 comments and testimony here today.

4       So, I just want to thank again everyone for being  
5 part of this process to get us to this particular  
6 moment. Something that is important about this  
7 indirect source rule policy is really - it is a  
8 moment where I can tell my community,, we are  
9 actually looking at mitigation efforts and we have  
10 tried all manners of ways to figure out how to bring  
11 some relief to a community that not only is dealing  
12 with a proliferation of these distribution facilities  
13 but that has a long history of hosting many  
14 environmental burden facilities that other  
15 communities would not want and because they are well  
16 resourced and wealthier, they often were able to push  
17 off those facilities into poor black and brown  
18 communities.

19       So, it is just really important that we are  
20 finally getting potentially a tool that will ask  
21 operators; this is not about a moratorium but is  
22 asking operators to claim responsibility for what  
23 they are doing and to do better, and to do that all  
24 throughout their operations. Not just plant one tree  
25 and walk away but to really claim what is happening

1  
2 with fullness, so we can have an honest conversation  
3 about implications, both in our economy and our  
4 health and wellness.

5 And so, finally, I also want to mention Intro.  
6 107. While I know this legislation had a hearing in  
7 the past and the Administration has expressed  
8 concerns around resource constraints, I look forward  
9 to hearing from the Administration today, what a more  
10 workable solution might be for us to attain the air  
11 quality monitoring we need in an environmental  
12 justice community.

13 Residents and policy makers need to have access  
14 to more nuance data than what is currently available  
15 so that we can better understand the future of the  
16 regulatory measures that might be necessary for us to  
17 continue to improve community health. And so, again,  
18 a lot of gratitude here because it takes an enormous  
19 amount of work. Thank you to the Administration for  
20 their efforts and to my colleagues and to all of you  
21 for participating. It's a critical issue. All New  
22 Yorkers deserve clean air and that's what we're  
23 fighting for. Thank you Chair.

24 CHAIRPERSON GENNARO: Thank you Council Member.  
25 Appreciate your efforts to bring these bills forward.

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1  
2 Your great advocacy you know regarding clean air in  
3 the community that you represent and the city at  
4 large and thank you for recognizing all of the good  
5 advocates who give their time and talent you know to  
6 make sure that concerns are heard. This is a lot of  
7 how the Council works. It's the advocacy community  
8 that really drives a lot of the work that we do and  
9 coming here today, fitting into our little shoebox of  
10 a hearing Chamber. We really appreciate your  
11 presence today and we look forward to your good  
12 testimony later.

13 I have in my hand remarks from a Council Member  
14 who couldn't be here but very concerned about this  
15 issue, Council Member Brooks-Powers. She is the  
16 Minority Whip. She wanted me to read her statement  
17 into the record, which I'll do now. So this is as if  
18 she's saying it, even though I'm referencing myself,  
19 so. I'm going to do it in my own voice. I'm not  
20 going to imitate her voice. And so, that would be a  
21 neat trick. Good morning and thank you Chair Gennaro  
22 for convening today's hearing. As we discuss air  
23 quality and last mile deliveries today, we must  
24 recognize a significant environmental and public  
25 health challenges posed by the increased truck

1 traffic in our communities, particularly in Southeast  
2 Queens. The Council represents Southeast Queens.

3  
4 Communities like bare a disproportionate burden  
5 of pollution from the growing network of warehouses,  
6 air cargo freight facilities and transportation hubs  
7 near JFK airport which he does represent. The  
8 indirect source rule is a critical step in regulating  
9 facilities that attract high levels of vehicle  
10 activity and contribute to harmful emissions.

11 However, it's essential that we get this right. She  
12 wrote that in bold print. It's essential that we get  
13 this right.

14 Making sure that facilities like air cargo  
15 freight operations are included under the scope of  
16 the indirect source rule is vital for communities  
17 heavily impacted by truck activity.

18 I look forward to hearing from the Administration  
19 and I want to thank my colleague Council Member  
20 Avilés for her leadership on this issue. There are  
21 questions that are associated with her statement that  
22 will either get folded into the questions that we ask  
23 of the Administration or we may just give them to the  
24 Administration to provide you know detailed answers  
25 to the minority, to the Majority Whip's questions.

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3 And uhm with that, I think we're up to the - and  
4 I also, I know I'm supposed to get kind of a special  
5 copy of the Commissioners statement. Do I have that?  
6 They went out of their way to make a special - no,  
7 no, no, I need the large font. Okay, great, okay.

8 Alright, okay I think yeah, we're going to do the  
9 affirmation, the swearing in and what ever it's  
10 called.

11 COMMITTEE COUNSEL: Good morning. Please raise  
12 your right hand. Do you affirm to tell the truth,  
13 the whole truth and nothing but the truth before this  
14 Committee and to respond honestly to Council Member  
15 questions?

16 Thank you, you may begin when you're ready and  
17 please state your name and title for the record.

18 ROHIT AGGARWALA: Thank you. Good morning Chair  
19 Gennaro. Good morning Council Member Avilés, good  
20 morning, well I guess no other members at the moment  
21 but all of you in spirit. I am Rohit Aggarwala,  
22 Commissioner of the New York City Department of  
23 Environmental Protection and Chief Climate Officer  
24 for the City of New York. I'm joined today by Julie  
25 Lubin, the Deputy Commissioner of Environmental  
Compliance at DEP. The bureau she oversees does the



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2 agencies air, noise and asbestos work and I'm also  
3 joined by Dawn Miller, my Senior Advisor who has done  
4 a tremendous amount of work over a couple of year now  
5 on what has led the indirect source rule.

6 CHAIRPERSON GENNARO: And that's Dawn to your  
7 right, right?

8 ROHIT AGGARWALA: That's right, Dawn Miller. I'm  
9 as joined by another colleague, Cari Olson, from the  
10 Department of Health and Mental Hygiene, which is our  
11 partner on air quality in so many ways. By the way  
12 Council Member, with your approval I know we have  
13 some slides up and I'm grateful for that. I'll be  
14 able to share with you all some of the exhibits from  
15 my testimony and what I'm reading from is in a  
16 bridged version we're submitting a more comprehensive  
17 set of statements into the record.

18 CHAIRPERSON GENNARO: Great, thank you.

19 ROHIT AGGARWALA: I'm pleased to have the  
20 opportunity to testify on legislation that relates to  
21 the delivery of one of our PlaNYC initiatives, to get  
22 polluting trucks off our streets, especially in low  
23 income neighborhoods that have become the epicenter  
24 of the boom in warehouse operations over the last  
25 decade.

1  
2 I'm also pleased that this is a great example of  
3 partnership between the Administration and the  
4 Council. The indirect source rule that would be  
5 authorized by Intro. 1130 was a commitment made last  
6 May by First Deputy Mayor Maria Torres-Springer in a  
7 letter to Speaker Adrienne Adams as part of the City  
8 of Yes for Economic Opportunity. New York City has  
9 made tremendous progress improving air quality. We  
10 know this because we have one of the most robust air  
11 quality monitoring systems in the country. The New  
12 York City Community Air Survey, which has been  
13 managed by the Department of Health and Mental  
14 Hygiene since 2008.

15 NYCCAS uses a network of 85 air quality monitors  
16 across the city to measure key air quality  
17 indicators, providing neighborhood specific data  
18 tracking neighborhood level differences and changes  
19 overtime in air quality within the five boroughs.  
20 NYCCAS generates estimates for five pollutants: fine  
21 particulate matter or PM2.5, Black Carbon, nitric  
22 oxide and nitrogen dioxide, ozone and sulfur dioxide.  
23 This data allows us to identify the most impactful  
24 pollution contributors in each area, report annually  
25 on criteria pollutant levels, and create publicly

1 available data to support programs, policy  
2 development, community awareness and research. We  
3 know that the three major emissions and by the way,  
4 this is a map of where the NYCCAS monitors currently  
5 are and I'd ask for the next slide please.  
6

7 We know from NYCCAS that the three major emission  
8 sources driving local air quality levels in  
9 differences by neighborhoods are commercial cooking,  
10 buildings and traffic. This information shows us  
11 which communities bare the greatest burden of air  
12 quality related health impacts and what interventions  
13 would be most impactful. The improvements in New  
14 York City's air quality have been driven largely by  
15 changes in vehicle and building fuels, mandated by  
16 federal and local legislation. Over the past 20  
17 years -

18 CHAIRPERSON GENNARO: You better hang on; I just  
19 lost my place. Okay, sorry about that. Okay, go  
20 ahead. Thank you.

21 ROHIT AGGARWALA: Over the past 20 years, we've  
22 seen a 60 percent decline in PM2.5, a 40 percent  
23 decline in NO2 or nitrogen dioxide, and as a result,  
24 we've seen a 50 percent reduction in asthma related  
25 emergency room visits in New York City attributable

1  
2 to pollution. These were driven by several  
3 initiatives, including federal requirements for  
4 cleaner diesel fuel. Here in New York City, the City  
5 Council, with your personal leadership Chairman,  
6 enabled DEP to ban dirty heating oil, and then in  
7 2015 the City Council required the DEP take action on  
8 what is now the largest local source of particulate  
9 matter, which is commercial cooking.

10 Pursuant to that legislation, our rules on cook  
11 stoves took effect last year and our rules on char  
12 broilers had a hearing last month. While we have  
13 seen citywide improvements, these have not been  
14 evenly distributed. In fact, the negative health  
15 impacts of air pollution are now even more  
16 concentrated in low income neighborhoods than they  
17 were before.

18 Air pollution from traffic alone contributes to  
19 an estimated 320 premature deaths and 870 emergency  
20 department visits and hospitalizations each year in  
21 New York City. These are concentrated in  
22 neighborhoods such as the South Bronx, Harlem, the  
23 North Shore, East New York and Brownsville. The  
24 reality of preexisting health conditions and reduced  
25 access to healthcare make air pollution a much

1  
2 greater threat in these neighborhoods compared to  
3 wealthier parts of the city.

4 Based on NYCCAS data, the Health Department has  
5 found that the density of warehouses, a stronger  
6 indicator of freight industrial use that generates  
7 truck traffic explains the difference in pollution  
8 levels between neighborhoods much more clearly than  
9 industrial zoning generally. Areas with a higher  
10 density of warehouses, such as New Town Creek in  
11 Queens, near JFK, Sunset Park in Brooklyn and Hunts  
12 Point in the Bronx have higher levels of truck  
13 related air pollution.

14 To be clear, freight is not the enemy. We need  
15 to move goods. We just need to move them smarter.  
16 90 percent of New York City's goods move by truck, a  
17 far higher number than the national average of 70  
18 percent. More than 80 percent of New Yorkers receive  
19 at least one package at home each week and 18 percent  
20 of New Yorkers receive packages four or more times  
21 per week.

22 By 2045, New York is expected to accommodate a 43  
23 percent increase in freight. The city has been  
24 working to shift freight away from trucks and to make  
25 the trucks cleaner through a number of initiatives,

1  
2 the Clean Trucks program, administered by DOT and  
3 funded by the federal government has funded more than  
4 700 clean trucks, 672 of them replacements. Starting  
5 this March, NYCCTP will be using the remaining USEPA  
6 Volkswagen Settlement funding to support zero  
7 emission vehicles exclusively.

8 DOT has been working to make it easier for  
9 delivery companies to adopt electric cargo bikes.  
10 New York City has the largest cargo bike program in  
11 the country with more than 130,000 cargo bike trips  
12 each year. DOT is also promoting micro hubs which  
13 provided dedicated spaces for truck operators to  
14 transfer deliveries onto smaller, more sustainable  
15 modes of transportation such as bikes and tan carts.  
16 The initial Micro Hub Pilot program will include up  
17 to 36 locations, with the first five locations  
18 launching this year on the upper west side under the  
19 BQE in Clinton Hill and in Greenpoint.

20 DOT's Off Hour Deliveries program has over 1,000  
21 locations participating and DOT recently launched a  
22 \$6 million incentive program to provide small  
23 businesses with tools and technologies to allow for  
24 overnight deliveries. The program aims to add 5,000  
25 off hour delivery locations by 2040, shifting 62,000

1  
2 truck away from peak hours. New York City EDC and  
3 DOT continue to work on a Blue Highways program to  
4 reactivate marine infrastructure, helping to shift  
5 deliveries from larger trucks to our waterways.  
6 Today, only eight percent of our freight moves by  
7 water.

8 The city is working with the private sector  
9 through the Blue Highway RFEI to identify  
10 opportunities to reactivate waterways including  
11 pilots to test how we can use our existing passenger  
12 ferry network and infrastructure to move goods up and  
13 down to the East and Hudson Rivers. The city and its  
14 partners in the federal and state governments are  
15 investing \$368 million to modernize and electrify the  
16 Brooklyn Marine Terminal, reimagining the 122 acre site  
17 as a key node in our blue highway network. We are  
18 also looking to shift more freight to rail. New York  
19 City's network of more than 90 miles of freight lines  
20 and nine railyards are assets with significant -

21 CHAIRPERSON GENNARO: You're going to have hold  
22 up again because the version I have is a little  
23 different than the version you have.

24 ROHIT AGGARWALA: Sorry.  
25

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CHAIRPERSON GENNARO: No, isn't it here? 90

miles right, New York City Rail freight includes over  
90 miles. That's where we are alright? Okay,  
alright. Alright please continue.

ROHIT AGGARWALA: Okay, however the efforts to  
shift back towards rail face challenges. The trend  
in fact has been away from rail and towards trucks  
over the past several decades. In 1972, Brooklyn and  
Queens moved 73,000 car loads per year but in 2017,  
it was just 17,000 car loads. The city, however, is  
leading by example. The Department of Sanitation is  
actually the biggest user of rail freight in New York  
City today using it to export waste by rail. The  
city owns three freight rail facilities, the Brooklyn  
Waterfront Rail system in Sunset Park, the Staten  
Island Railway Right of Way to the north and west  
shore of Staten Island and the rail facility in Hunts  
Point food market.

To support businesses use of freight rail, the  
city is continuing to invest in our rail terminals at  
the 65<sup>th</sup> Street Railyard. The 1<sup>st</sup> Avenue Railyard and  
the Arthur Kill Lift Bridge. The Lift Bridge, which  
is part of the Staten Island Railroad was recently



1 awarded a \$17 million federal railroad administration  
2 grant for capital upgrades.  
3

4 Finally, as you know, I hope the Council act on  
5 Intro. 941, which will improve the Citizen Anti-  
6 Idling program and make it far more effective and  
7 more impactful in low-income neighborhoods where  
8 citizen enforcers have tended not to go. I'm  
9 grateful for our discussions since that bill was  
10 heard last year and I hope a revised bill can be  
11 enacted soon along with a bill to increase fines.

12 Could I have the next slide please? While  
13 trucks, trains, ferries and bikes are modes that  
14 don't pollute or that do and don't pollute, the  
15 patterns of freight movement in New York City are  
16 significantly shaped by the location and facilities  
17 of the city's large warehouses. New York City has  
18 more than 8,000 warehouses, most are relatively  
19 small, 6,800 or about 85 percent are under 25,000  
20 square feet. A subset are large, about 500  
21 warehouses are over 50,000 square feet while just six  
22 percent of the total number of warehouses. These  
23 large warehouses comprise more than 40 percent of  
24 total warehouse space. Many of these are recent. In  
25 the past ten years, 35 warehouses and distribution

1  
2 centers greater than 75,000 square feet were either  
3 newly constructed or completely renovated in New York  
4 City.

5 New York City's largest warehouse operators range  
6 from parcel delivery companies like FedEx and UPS to  
7 direct consumer companies like Amazon, Ikea and Fresh  
8 Direct and also include large suppliers to retailers  
9 like Pepsi Cola, Restaurant Depot, Manhattan Beer and  
10 Coke Cola. Can I have the next slide please?

11 The biggest concentrations of large warehouses  
12 are in Red Hook and Sunset Park in Brooklyn, Maspeth  
13 and Long Island City in Queens and in the South  
14 Bronx. Red Hook has nine warehouses over 100,000  
15 square feet. Sunset Park has 10. Maspeth has 20 and  
16 the South Bronx 13. We do not currently have data on  
17 how many truck trips each of these generates but  
18 based on national averages, these may produce more  
19 than 12,000 trips per year, per warehouse and likely  
20 more.

21 Next slide please. The largest heavy duty trucks  
22 are only about four percent of truck traffic; however  
23 these are some of the most polluting vehicles and  
24 their traffic concentrates near some of our most  
25 vulnerable neighborhoods. 96 percent of trucks

1 driving around New York City are medium duty. These  
2 trucks offer the potential for near term  
3 electrification because electric versions are  
4 available and these trucks can complete their daily  
5 runs and charge overnight if warehouses and fleet  
6 bases provide the charging they need.  
7

8 Next slide please and we have some examples of  
9 this already taking place. In fact the Frito Lay  
10 Warehouse in Ridgewood Queens is a great example of a  
11 New York City operation that is leading the way and  
12 electrifying it's fleets using a combination of Level  
13 2 chargers and fast charging for their medium duty  
14 trucks, as shown here.

15 New York City's warehouse industry is diverse in  
16 terms of operating arrangements. While some  
17 warehouse owners own their buildings, many operators  
18 lease. Some producers operate their own fleets and  
19 others outsource to third party logistics providers,  
20 like CH Robinson, JB Hunt and Rider. Some of the  
21 largest companies, like FedEx and UPS, control most  
22 aspects of their supply chain.

23 This is important because it means a one size  
24 fits all policy would be difficult to effectively  
25 design. A policy that gives operators choice for how

1 to reduce their pollution is most likely to yield the  
2 best results. Understanding these factors is  
3 important for designing an indirect source rule  
4 because they help us project how the warehousing  
5 industry might respond to increasing regulations.  
6 Different warehouses with different ownership models,  
7 traffic patterns and performance standards will have  
8 different opportunities to become less polluting.  
9

10 A warehouse indirect source rule is a strong  
11 policy tool the city can use to address air pollution  
12 from freight movement. It's neatly at the  
13 intersection of the long standing need to green our  
14 freight industry and the more recent growth and  
15 recognition of the acute impacts in neighborhoods  
16 with concentrations of warehouses.

17 An indirect source rule is just that. A rule  
18 that regulates the indirect air pollution related to  
19 a facility. The direct air pollution from a  
20 warehouse might come from the buildings heating  
21 system. DEP already regulates those. The indirect  
22 air pollution from a warehouse comes from the vans  
23 and trucks that are attracted to the facility and  
24 therefore the house is indirectly generating the  
25 pollution leaving these trucks tailpipes. Currently,

1  
2 DEP does not have a mandate to regulate indirect  
3 sources. The most significant indirect source rule  
4 in place today is Southern Californias 2021 Warehouse  
5 Indirect Source Rule.

6 An important element of an Indirect Source Rule  
7 is that it could apply to both new and existing large  
8 warehouses. There is also a separate but related  
9 proposal the Department of City Planning is  
10 advancing, a last mile facility zoning special  
11 permit. That special permit would focus on the  
12 siting and opening of new last mile warehouses.

13 In contrast, the indirect source rule proposal  
14 could be broader in scope impacting existing and  
15 future large warehouses and the pollution they create  
16 each year. We envision a warehouse indirect source  
17 rule in which the city's largest warehouses are  
18 required to earn a number of points each year as it  
19 is proportionate to the number of vehicle trips made  
20 to their warehouse. Trips made in heavy duty trucks,  
21 which pollute the most, would be waited more heavily  
22 than trips made in smaller vehicles, but all motor  
23 vehicles making deliveries would count towards a  
24 warehouses compliance obligation.

1  
2 Large warehouse operators would have a menu of  
3 options they could mix and match to meet their  
4 compliance obligation. This would include points for  
5 both acquiring and using zero emission and near zero  
6 emission vehicles, cargo bikes, and EV chargers. It  
7 would also include many items beyond delivery fleet  
8 conversion. This could include installing anti-  
9 idling technology in existing vehicles, electrifying  
10 yard trucks for forklifts or investments in tree  
11 preservation or planting. It would also provide a  
12 powerful incentive to adopt rail, marine or bike  
13 freight alternatives to trucks.

14 As I've said, an indirect source rule need not  
15 apply to all warehouses to be effective. New York  
16 City's 500 largest warehouses account for more than  
17 40 percent of total warehouse space. As we see it,  
18 the rules should apply to large warehouses, which  
19 generate the most pollution and likely have the  
20 greatest capacity to make investments to reduce their  
21 pollution. Facilities that are primarily doing  
22 manufacturing should not be subject to these rules.  
23 We can design the policy to have a large enough  
24 impact that we see air quality improvements without  
25 including small operators or New York City

1  
2 Manufacturing. A diverse points menu is important to  
3 providing the diverse set of warehouse operators with  
4 options that work for them whether they own and  
5 operate their own fleets or outsource that function  
6 to third parties. It also reflects the fact that  
7 some investments take time and planning. So, a  
8 warehouse owner might choose certain compliance  
9 options in early years as it plans for the long term.

10 We also see a lot of promise in the concept of a  
11 custom plan, which would incorporate the potential to  
12 incentivize things like marine and rail investments  
13 and allow owners to make use of new technology or  
14 support other key initiative such as micro hub  
15 development, off hour deliveries or EV fleet  
16 resilience.

17 Now, turning to the specific bills up for a  
18 hearing today. I'll start with Intro. 1130, which  
19 would direct DEP to promulgate an indirect source  
20 rule. We're grateful to Council Members Avilés,  
21 Brooks-Powers and other cosponsors for introducing  
22 this legislation and to you Mr. Chair for calling  
23 this hearing. As you can tell from my testimony, we  
24 are strongly supportive of creating a warehouse  
25

1  
2 indirect source rule and look forward to working with  
3 Council on language.

4 One area we'd like to discuss is the definition  
5 of a warehouse. We share the goal of focusing on  
6 large warehouse operators. The language in the draft  
7 in the bill seems to be identifying a smaller  
8 universe of warehouse operators than we had  
9 envisioned the policy would apply to. Of the 512  
10 warehouses, we identified that are greater than  
11 50,000 square feet, only 80 are distribution centers.  
12 A rule limited to distribution centers would likely  
13 be significantly less impactful than a rule  
14 addressing a larger universe of large warehouses. We  
15 would like to work together to find a warehouse  
16 definition that includes all operations whose truck  
17 traffic is significantly impacting air quality, while  
18 not including small operators.

19 I'll also note that this legislation must go  
20 through the formal environmental review process or  
21 CEQR before it can be brought to a vote. CEQR is the  
22 process by which city agencies determine what effect,  
23 if any a discretionary action they approve may have  
24 on the environment. CEQR considers a variety of  
25 technical areas including socioeconomic conditions,



1  
2 public health, transportation, energy and air  
3 quality. The public is invited to provide input in  
4 this process and findings from this analysis are  
5 shared with the public. DEP has been funded just  
6 under \$2.2 million for a CEQR review of this policy  
7 and is preparing to be in that process in the coming  
8 months. The process typically takes a year, so we  
9 will expect it will be completed in 2026. We look  
10 forward to working with you on Council and  
11 stakeholder participation in that process.

12 Intro. 107 would require specific air monitoring  
13 on heavy use thoroughfares. While we appreciate this  
14 bills focus on traffic pollution, we believe it would  
15 mandate a set of investments that would not achieve  
16 what we think the bills intention is of reducing air  
17 pollution. Intro. 107 would require significant and  
18 costly air monitoring on almost all city streets 97  
19 percent of New York City streets meet the 100,000  
20 annual vehicle threshold.

21 We strongly believe that we do not need an  
22 additional data collection system. We have the  
23 information we need to create data informed policies.  
24 The NYCCAS system is the largest ongoing urban air  
25 quality monitoring program of any US city and has

1 provided us with rich data. NYCCAS data has been the  
2 basis for major policy initiatives already. Recently  
3 in addition, and could I have the next slide please?  
4 DEC has launched a statewide community air monitoring  
5 initiative that has collected street level pollution  
6 data from ten disadvantaged communities around the  
7 state. Four of these are in New York City in  
8 sections of Brooklyn, the Bronx, Manhattan and  
9 Queens. DEC collected the street level data for one  
10 year and are now using it to develop air pollution  
11 mitigation strategies. They expect to issue a final  
12 report of recommended strategies later this year and  
13 we look forward to the results of this initiative.

14  
15 Finally, the Indirect Source Rule itself, as  
16 contemplated in Intro. 1130, would require warehouses  
17 to track the number and type of trucks that come into  
18 their warehouses every day. With that count, we can  
19 accurately determine the amount of pollution that  
20 trucking activities introduce to a given area. At  
21 this point, allocating resources toward effective  
22 implementation of policies, like the indirect source  
23 rule and other pollution reduction strategies, we  
24 think would be more protective of New Yorkers than  
25 further data collection and we'd like to work with

1  
2 the sponsor and Council Member, I appreciate your  
3 openness and willingness to continue discussing this  
4 with that priority in mind.

5 In closing, I want to reiterate my and my  
6 colleagues thanks to the Committee for your attention  
7 to this issue and for the opportunity to testify  
8 about these today and I look forward to your  
9 questions. Thank you.

10 CHAIRPERSON GENNARO: Thank you Commissioner, I  
11 appreciate your comprehensive statement. We've been  
12 joined by Council Member Holden. Always a pleasure  
13 to be with him and is my custom, I'm going to take a  
14 little walk through your - I have some prepared  
15 questions and wanted to take a look through your  
16 statement and some questions have popped up. So, let  
17 me just before - I made a little - oh he's here. Oh,  
18 oh, we have Council Member Restler who has joined us  
19 via Zoom and we're always pleased to be with Council  
20 Member Restler. Thank him for participating  
21 remotely.

22 Just talking about the - one of the last things  
23 you mentioned was the CEQR review takes a year. You  
24 got \$2 million already in the pipeline for that or  
25 whatever. Now, when one does the CEQR analysis,

1  
2 wouldn't one need as an input like what the Council  
3 and DEP are jointly going to do? I'm trying to  
4 figure out how the CEQR analysis can sort of proceed  
5 in the abstract without like the details of what the  
6 indirect source rule is really going to be. I mean  
7 you know there were big differences between what we  
8 have in the bill and what we may envision once we  
9 hear the testimony. We already know that you know  
10 and DEP has you know big eyes when it comes to you  
11 know the - I can't see without my glasses. I still  
12 can't see, okay. It's a long story you know.

13       So, you know the bill has a certain universe.  
14 Like the universe that DEP envisions would be much  
15 bigger. Wouldn't we need all that tied up in a bow  
16 before we did the CEQR analysis or how does that  
17 work?

18       ROHIT AGGARWALA: I think for major legislation  
19 like this that has a significant environmental  
20 impact, it's pretty standard for these two things to  
21 proceed in parallel. They can't be wildly divergent  
22 and it is really important. It's actually one of the  
23 things that makes it so important that we're having  
24 this hearing and starting this conversation, so that  
25 we have a shared understanding so that we can

1  
2 understand kind of what the range of options you're  
3 thinking about would be. The range of options we're  
4 thinking about and we can plug that kind of spectrum  
5 into the CEQR review. I'm happy to invite Deputy  
6 Commissioner Lubin whose office will be driving it to  
7 -

8 CHAIRPERSON GENNARO: Sure please. Thank you for  
9 being here and please state your name for the record.

10 JULIE LUBIN: Julie Lubin. Thank you yeah, so  
11 that's what we would be doing what the Commissioner  
12 just described. We would be analyzing a sort of  
13 broader version of the program, so that wherever we  
14 land will be within the scope that we analyzed. And  
15 we can do sort of you know Version A, Version B -

16 CHAIRPERSON GENNARO: Oh so it's kind of like a  
17 big tent review?

18 JULIE LUBIN: Yeah and whatever we decide on  
19 would be within that big tent, right?

20 CHAIRPERSON GENNARO: Okay, thank you for that  
21 and you made reference in your statement Commissioner  
22 that you know 90 percent of the city's goods move via  
23 truck, higher than a national average of 70 and in  
24 the same paragraph by 2045, New York is going to have  
25 a 43 percent increase in freight, 430 million tons,

1  
2 up from 300 million today. That's a lot and this  
3 kind of - to transportation - there's kind of two  
4 freight things going on. There's the last mile and  
5 everything involved with you know the real you know  
6 detailed process of what goes on at these fulfillment  
7 centers versus trucks that are just transversing the  
8 city. I mean you know they're coming from  
9 Pennsylvania or wherever and their you know  
10 destination is Suffolk County. So, all of that would  
11 be included in the figure that you cite here. Would  
12 that be accurate? And so, I think one of the things  
13 that we have to Parce and you know that I have an  
14 interest in this. It is to sort of how to figure out  
15 a way as you made good reference to, by you know  
16 increase our marine transport as well as rail  
17 freight. I know that - I don't know if you mentioned  
18 in your statement or not but they made reference to  
19 it, the staff did in the briefing paper, in the very  
20 detailed briefing paper that they prepared for this  
21 hearing. There was a study that was called  
22 Delivering Green from 2021 and that was about you  
23 know DOT and EDC and upgrading old rail spurs and you  
24 know doing what they can to you know create the  
25 intermodal reality that would you know increase rail

1 freight that is just moving through New York City.

2 And you mentioned some of that in your statement.

3 I'm just wondering if you're willing to go a little

4 further. You mentioned 65<sup>th</sup> Street and other things

5 but if you can you know expand upon that a little

6 bit, that would be helpful because I'm drawing the

7 distinction you know between you know someone like

8 Council Member Avilés who is you know has a lot of

9 this going on right outside her front door and you

10 know Selvena Brooks-Powers another other Council

11 Members who see the network of little trucks going

12 all over the place and queuing and everything else

13 and you know the issue of just figuring out how we

14 you know deal with a rate that is just traversing New

15 York City. It's not going to land here. It's not

16 going to go here. It's just passing through and you

17 know to the extent that we can use rail and/or barge.

18 God Bless you.

19 So, that's a beginning at how we - because I

20 think we got a good handle you know on the last mile.

21 I think we're well on our way on that one but I'd

22 like to you know also focus some energy perhaps in

23 future legislation or future cooperation on how we

24 can incentivize rail and water to play a larger role.

1  
2 Even though it goes beyond your own particular  
3 purview but you know well, as DEP Commissioner but as  
4 Chief Climate Officer, that's where I can get you,  
5 you know. And so, what do you think about that?

6 ROHIT AGGARWALA: Well uhm certainly let me -  
7 I'll ask my colleague Dawn Miller to speak in greater  
8 detail.

9 CHAIRPERSON GENNARO: And I also know that the  
10 Administration has been like jumping through hoops to  
11 try to give me like a personal you know briefing on  
12 this. You know between having flu Type A; if you got  
13 to choose a flu, don't choose Type A. I've been  
14 there, done that. Go for B or just don't congregate  
15 in rooms like this with other people. The flu does  
16 not get nearly the respect it deserves, so you know  
17 I've been sort of out of action and I'd like to thank  
18 the Administration; I'm like very assiduous. I'm  
19 like I can't do it well, like how about tomorrow?  
20 So, I appreciate the you know zeal with which the  
21 Administration wants to bring to the table but you  
22 know, just a couple of nuggets of information on that  
23 in front of those assembled here and watching on the  
24 livestream the millions who are watching on the



1  
2 livestream right now. So, it's all yours  
3 Commissioner.

4 ROHIT AGGARWALA: Alright thank you and as I  
5 said, I'll ask Dawn to say a bit more specifically  
6 about delivering green. I think there are really,  
7 you mentioned two type of freight and I think we  
8 really have to think about three types of freight.

9 There is freight that transits that city.

10 CHAIRPERSON GENNARO: Right.

11 ROHIT AGGARWALA: Right, particularly serving  
12 Long Island and what goes from the bulk of the United  
13 States into New England. Some of which crosses the  
14 George Washington Bridge and the Bronx.

15 CHAIRPERSON GENNARO: Right because after all I  
16 mean like, we think about Nassau and Suffolk County  
17 it's like backwaters or whatever but it's more than  
18 three million people live there.

19 ROHIT AGGARWALA: It is. It's less than us so it  
20 stands to reason that actually though a greater  
21 percentage of the say 18 wheeler type traffic that's  
22 in New York City is actually bringing the goods to  
23 those distribution and other warehouses that are in  
24 New York City, right? And one of the reasons -

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3 CHAIRPERSON GENNARO: Well, I mean I don't know.  
4 I know that some are passing through the city, others  
5 are going and you probably, I'm sure have a better  
6 handle on this than I do.

7 ROHIT AGGARWALA: And one of the issues there is  
8 that many of the distribution centers that we have  
9 don't have the direct rail access or the access to  
10 them by rail is highly circuitous you know? Much of  
11 our freight actually stops in Pennsylvania or New  
12 Jersey where in some cases it gets off a train. It  
13 get put on the 18-wheeler to come to Brooklyn or  
14 Queens or whatever, right? And that's the second and  
15 the as you point out the third is the last mile  
16 delivery that's been broken up.

17 The reality is the first one is more difficult  
18 for us to tackle right? The through traffic. It  
19 really is about the overall economics of the rail  
20 freight industry and the facilities that are in other  
21 places that we don't control. Whether it's out on  
22 long island or elsewhere, and as I said earlier, I  
23 think one of the biggest tools we have to encourage a  
24 shift to rail freight is something like the indirect  
25 source rule because if that warehouse has to think  
about the total environmental impact of both what

1  
2 it's bringing in and what it's sending out, then it  
3 will be forced to take seriously what it can do to  
4 make something like rail deliveries work.

5 So, that would be my argument again for why I  
6 think the kind of tool we have in ISR is so  
7 important. It is the push that we need because the  
8 pull is difficult.

9 CHAIRPERSON GENNARO: I certainly would agree  
10 that you know when it comes to you know goods that  
11 end up in New York City I think rail would you know  
12 has difficulties but that percentage, whatever it is  
13 that is passing through New York City, I think that  
14 that's an opportunity for rail and I do know a little  
15 bit about that. And so, and I don't know what you  
16 know percentage of the pie chart you know would be  
17 you know 18-wheeler trucks just going through New  
18 York City. I don't know if anybody has a handle on  
19 that. Like, do we have a handle on that?

20 ROHIT AGGARWALA: I'm sure it's knowable. I do  
21 not know if off the top of my head.

22 CHAIRPERSON GENNARO: Right because I think  
23 that's something that we can get at through a more  
24 robust attention to what we can do to induce rail  
25 freight but I certainly admit that when it comes to

1  
2 you know going all over the city in these various  
3 localities, I don't really - it's certainly more of a  
4 challenge for rail to do that, certainly. Hence the  
5 indirect source rule and everything else that we want  
6 to do and so, did you want Dawn for this?

7 ROHIT AGGARWALA: I think there's you know I  
8 mentioned a number of things in my testimony where we  
9 are doing work and I think if it's okay with you,  
10 let's get the briefing directly with you and we can  
11 talk about what more might be done on rail.

12 CHAIRPERSON GENNARO: Okay, I appreciate that and  
13 okay we just spoke about that. Now the prepared  
14 questions I have. I'm just kind of going through,  
15 you know so. Yeah, I highlighted a bunch of stuff  
16 about rail, that we'll take up separately. Let's  
17 watch the Chairman flip pages. I just want to make  
18 sure I didn't miss anything. Oh, this was the CEQR  
19 thing, I mentioned that.

20 Now in your statement, right the bill envisions  
21 512 warehouses and you have a bigger vision for that.  
22 Could you just kind of go over that again?

23 ROHIT AGGARWALA: Well, actually and Dawn, please  
24 tell me if I'm getting this wrong. Actually the bill  
25 the way we interpret the bill; we think it would

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1 cover 80 distribution centers. Whereas we think  
2 there are 512-

3  
4 CHAIRPERSON GENNARO: Oh okay I'm sorry yup.

5 ROHIT AGGARWALA: Warehouses of a size that we  
6 think would be appropriate to cover.

7 CHAIRPERSON GENNARO: Right.

8 ROHIT AGGARWALA: And it is that distinction.

9 The distribution center is one type of warehouse but  
10 it is not the only kind of facility that is receiving  
11 and sending out large volumes of trucks.

12 CHAIRPERSON GENNARO: Okay. Alright, now some  
13 prepared questions from staff. A lot of these  
14 questions were covered in your statement. Here is  
15 one, we'll try this. The New York, New Jersey and  
16 Long Island region is in serious nonattainment. I  
17 think the term is probably severe nonattainment for  
18 ozone pollution, which means that ozone  
19 concentrations are between 33 and 50 percent higher  
20 than recommended levels, dated from the New York City  
21 Community Air Survey shows that ozone levels in the  
22 city are in 2023 than any other year since 2009. It  
23 will likely increase in the coming years. What is  
24 DEP doing, DEP or anyone doing to help bring the  
25 region into attainment? How does DEP coordinate with

1  
2 other environmental agencies within the rule of an  
3 air quality controlled district to do this work that  
4 is to come into compliance?

5 ROHIT AGGARWALA: Okay so it is true that ozone  
6 is kind of the anemology while on most other key  
7 pollutants, New York City has done extraordinarily  
8 well. Ozone recently had an uptick. This is  
9 actually true across the United States. Basically  
10 everywhere -

11 CHAIRPERSON GENNARO: It's a climate thing  
12 because it involves heat.

13 ROHIT AGGARWALA: That's right. So, 2023 across  
14 the United States showed an increase in ozone across  
15 the board. So this was not just a New York City  
16 thing. As you just pointed out, ozone is a little  
17 bit unusual because it's not actually emitted from  
18 the tailpipe or from the smoke stack. It is a  
19 chemical that forms in the air, in the presence of  
20 heat and sunlight. And so, one of the key things  
21 that's happened is that as our summers get hotter,  
22 there is a greater proclivity to form ozone and  
23 that's one of the key drivers. We also in 2023, had  
24 the Canadian Wildfires, which had a massive continent  
25 wide impacts.

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1 CHAIRPERSON GENNARO: I hated those.

2  
3 ROHIT AGGARWALA: Yeah, we all did, especially  
4 them Canadians I think but uhm and the there is an  
5 anomalous thing that across the board and this is  
6 true outside of New York as well, that it actually  
7 tends to be places with less traffic that have higher  
8 concentrations of ozone. Because even though  
9 nitrogen dioxide is a precursor to ozone, it also -  
10 it's an unstable compound so it absorbs ozone. So,  
11 oddly enough, as we've brought down some of these  
12 other criteria pollutants, we've actually made it so  
13 there is a greater likelihood that ozone will linger.  
14 And finally, ozone is primarily a regional issue. It  
15 travels great distances and therefore much of the  
16 ozone in New York City is probably coming from  
17 elsewhere in the United States. So, ozone is a  
18 tougher nut to crack than many of the other things  
19 that we look at like particulate matter, where we  
20 have a much greater opportunity to address it  
21 locally.

22 I think you know the reality is, we are - we  
23 believe that much of what we need to do to continue  
24 to drive down ozone is the work that we've been doing  
25 to drive down some of these other precursors. That

1  
2 despite that anomaly, it is still the right answer to  
3 focus on reducing nitrogen dioxide, cleaning up our  
4 buildings like through local 97 and other efforts.  
5 Congestion pricing, which will have had I'm sure a  
6 big impact on criteria pollutants in the city and  
7 we'll see that in a year or so. And so, we don't  
8 have a different strategy because of the change in  
9 ozone but I think we're keenly aware of the fact that  
10 climate change is making ozone a greater threat.

11 CHAIRPERSON GENNARO: Thank you. Thank you. I  
12 don't recall whether this was addressed in your  
13 statement or not, I'm finding that most of the  
14 questions prepared by staff you seemed to have  
15 addressed in your statement, which is great.

16 The 2023 PlaNYC Report states that the city aims  
17 to develop a new air quality monitoring program by  
18 2024. So, the question is, what is the status of the  
19 program and to what extent has DEP been involved in  
20 the process of developing such a program?

21 ROHIT AGGARWALA: Council Member, I will have to  
22 unless do you have anything on that? No, we one of  
23 the things that since that, as I mentioned DEC after  
24 PlaNYC came out, DEC undertook its [UNIDENTIFIED  
25 01:01:51] project and I think given what they were



1  
2 doing, we stepped back from that so we don't really  
3 have much to report on that.

4 CHAIRPERSON GENNARO: Okay, fair enough. I'm  
5 easy sometimes. You know a lot of this stuff is  
6 going to be covered in the briefing that I'm going to  
7 get and so, let me just confer with Counsel for a  
8 second. For now, that will do it for me. There are  
9 other members that have questions. I'm happy to  
10 recognize Council Member Holden for questions.

11 COUNCIL MEMBER HOLDEN: Thank you Chair and thank  
12 you Commissioner. I'm sorry I missed part of your, I  
13 have your notes though but I was at a high school and  
14 ran over time on a tour but this is a very important  
15 issue since I represent Maspeth, which has a lot of  
16 warehouses, a lot of trucks and we never seem to get  
17 anywhere with addressing the 53 foot trailers,  
18 tractor trailers, which are illegal in New York City  
19 but you know talking to police commissioners through  
20 the years for decades, we can't seem to get that  
21 enforced, that law enforced whether prohibited from,  
22 unless by special permit which they don't have by the  
23 way. And the drivers are not even trained. Many of  
24 the driver's we found weren't trained to drive these  
25 53 footers but of course, the almighty dollar

1  
2 dictates that the companies are going to have these  
3 driver's you know drive these trucks and the weird  
4 thing about Maspeth is it's a waterfront. Mostly  
5 waterfront, it has - we could use barges like the  
6 Chair said. We don't use our waterways enough in New  
7 York City, so and when the 53 footers come into  
8 Maspeth, they don't fit in some of the bays and it  
9 take them forever to maneuver into the bays. Then  
10 when they do get in, they stick out and block traffic  
11 in the street.

12       So, it's just - it's a never ending cycle here  
13 that the city doesn't seem to want to address at all.  
14 In enforcement, in requirement, and in just you know  
15 regulating these companies that are causing  
16 additional pollution. Because you know what the 53  
17 footers do on streets, very narrow streets and we  
18 have a lot of those in Maspeth that weren't designed  
19 for the 53 foot trailers. And then the extended cab  
20 that these trucks have where it's almost like room in  
21 the back behind the driver. So, if you look at the  
22 sheer length of these, there's a reason why they are  
23 illegal in New York City, these 53 footers. But  
24 nobody seems and I can't get anybody to address this.  
25 Now, you wear two hats obviously with the climates

1  
2 are, I think that could be addressed but I think what  
3 incentives, what ideas do you have to try to get the  
4 industry to change over to barge. I tried to do that  
5 with Sanitation on barging some more waste out of New  
6 York City rather than by rail. But just on those  
7 topics, enforcing the 53 foot trucks, I think that  
8 would go a long way but if you look at Grand Avenue  
9 by the way, which is my district and it's not a truck  
10 route but if you look, many of the bays in West  
11 Maspeth block that traffic and it just extends into  
12 the entire neighborhood.

13 So, question one is how do we get and this was  
14 the Chairs - some of the Chairs question, how do we  
15 get more barges to feed areas that our waterfront  
16 property? It's a tremendous waste. And then, even  
17 the waste management facility by the way in West  
18 Maspeth is waterfront but they don't use it. So,  
19 what incentives could we do and maybe you can help  
20 with that but then also enforcement.

21 ROHIT AGGARWALA: Council Member, look I  
22 appreciate your concern about the 53 footers. I have  
23 to say that even as Chief Climate Officer, I don't do  
24 truck enforcement so I'll have to defer to my  
25 colleagues at NYPD and others. I will say you know

1  
2 knowing that DEP also has our air and noise  
3 inspectors, you know there are types of violations  
4 that are just very difficult to enforce because they  
5 are widespread and particularly when they are moving  
6 vehicles.

7 So, I am happy to take back a question and see if  
8 my colleagues at NYPD can give you a sense. I don't  
9 know if you've spoken to NYPD on this topic under its  
10 newest leadership, which is of course very  
11 aggressive, so maybe Commissioner Tisch will be  
12 interested in this one.

13 COUNCIL MEMBER HOLDEN: Well, it's the first time  
14 that I heard a Commissioner tell and this was going  
15 back to Commissioner Bratton. This is the first time  
16 I ever heard a Police Commissioner say he didn't have  
17 enough personnel to enforce it and that's been the  
18 lingering - and I've subsequent to that I've asked  
19 other Commissioners. I haven't asked the current  
20 Commissioner but I plan to meet with her soon. But I  
21 think that comes under your purview though because  
22 they are tremendous polluters. Well, it's the air.  
23 It's the air quality and they cause - so I think any  
24 pressure that you can put on and say look, this is  
25 causing tremendous pollution. Maspeth is polluted.

1  
2 We have the high asthma rate, but just if you could  
3 address the waterway issues, which I think also falls  
4 under -

5 ROHIT AGGARWALA: Well Council Member look I  
6 think this Administration has been very outspoken and  
7 very aggressive about how marine transport is a big  
8 opportunity in New York City and both Andrew Kimble  
9 and Deputy Mayor Joshi and Maria Torres-Springer  
10 through the Blue Highways Plan and the effort to get  
11 private industry to update the marine facilities that  
12 we have and where EDC is relevant to do so through  
13 the city, I think has been a top priority for us.

14 So, I think we are doing a great deal. As I've said  
15 already, I think the indirect source rule is one of  
16 the key things that we can bring to bear because one  
17 of the challenges is you know you can lead a horse to  
18 water as they say but you can't make them drink and  
19 so, we can make all of these facilities available but  
20 if there is no push to get these large facilities to  
21 be open to new approaches then it is less likely that  
22 they will embrace them and I think what is so  
23 important about the indirect source rule is it will  
24 push the demand to come from these facilities and  
25 they are the ones who are going to have to make the

1  
2 decisions. And then finally, you know I will - I  
3 mean DEP itself, as you know we have a fleet of  
4 sludge votes so we are big believers in the use of  
5 water transportation around the city. And I would  
6 imagine that there is a conversation to be had with  
7 the Department of Sanitation as we move towards the  
8 next solid waste management plan, which is only I  
9 think two years away because it was of course the  
10 first solid waste management plan 20 years ago that  
11 put in place the rail and barge system that we  
12 currently have and started the big shift away from  
13 moving garbage by truck and I'm sure there is an  
14 opportunity in the next one to think about it even  
15 more so.

16 COUNCIL MEMBER HOLDEN: Thank you Chair.

17 CHAIRPERSON GENNARO: I just want to follow up  
18 with Council Member Holden. Wouldn't DOT be an  
19 entity that might have some ability to weigh in on  
20 the 53 foot? I mean, I don't know the extent to  
21 which I mean they have an enforcement apparatus. You  
22 know these are transportation vehicles and have you  
23 tried-

24 COUNCIL MEMBER HOLDEN: This is going - this is  
25 30 years of working on this and always a dead end.

1  
2 Always a dead end because the industry seems to  
3 dictate because it's economical. You know it's like  
4 53 footers are illegal in New York City and - but we  
5 have to move the most goods the best we know how and  
6 we can't change for New York City. We won't change  
7 for New York City.

8 So, it needs legislation but -

9 CHAIRPERSON GENNARO: Well it doesn't because we  
10 already had the legislation.

11 COUNCIL MEMBER HOLDEN: We have the legislation  
12 but again there's got to be incentives for the  
13 industry to change to waterways and also to get away  
14 from the 53 footers and you know unless we get  
15 electric 53 footers -

16 CHAIRPERSON GENNARO: Yeah but I think for now  
17 just you know making notes of you know Counsel to the  
18 Committee and my own legislative director, I mean you  
19 know we should talk to the Transportation Chair.

20 COUNCIL MEMBER HOLDEN: We have and the answer is  
21 well it's NYPD to enforce and then NYPD says, well  
22 you know we don't have the personnel to enforce this  
23 and then back to DOT and so this is how we go around  
24 in circles but I'm looking at the Commissioner of DEP

1  
2 just for because it effects air quality and it  
3 effects -

4 CHAIRPERSON GENNARO: Yeah I'm just -

5 COUNCIL MEMBER HOLDEN: Yeah, but I would like  
6 all the agencies to get together because you know it  
7 should be a taskforce but why hasn't it been  
8 addressed? Even when I have truck weigh stations  
9 come in and I do coordinate with state DOT and  
10 Maspeth because this is a big problem in Maspeth.  
11 The air pollution, we have the LIE running through  
12 our neighborhood, so we have a lot of truck traffic  
13 and when you have 53 footers compounding the problem,  
14 we go around in circles.

15 CHAIRPERSON GENNARO: Yeah, it just drives me  
16 nuts when you have something that's blatantly illegal  
17 and you know entities just indicating that, we're  
18 just going to let it go.

19 COUNCIL MEMBER HOLDEN: Well, I dare say even  
20 when I talk to the precinct CO's, they don't even  
21 know the law. They don't even know that it exists  
22 because it's so wide spread.

23 CHAIRPERSON GENNARO: It's not going to be like  
24 in the Patrol Guide. I mean this has to be - and you  
25 know to the extent that you have a Committee or like



1  
2 a Commission and multiple agencies, that just means  
3 like no one is in charge and I would you know - I  
4 would just like to hang this on DOT and have them  
5 figure it out but you've already gone that way.

6 COUNCIL MEMBER GENNARO: Multiple times.

7 CHAIRPERSON GENNARO: Alright, I don't want to  
8 belabor it here but you know Josh, it's just like  
9 let's put a pin in this and talk about that because  
10 it's just you know if we have these huge tractor  
11 trailers that are - that I didn't make them illegal  
12 but you know they are illegal and they're illegal for  
13 a reason. They're causing a lot of problems around  
14 the city, why are we just putting up with it? So, I  
15 don't want to belabor that but uhm, Josh we should  
16 talk about this off line. And sure, sure, I'm happy  
17 to recognize Council Member Avilés for questions.

18 COUNCIL MEMBER AVILÉS: Thank you. Thank you  
19 Chair. So, unlike the Chair, I'm going to probably  
20 ask questions that are embedded in your testimony  
21 that is very thorough but for the record just to pull  
22 them out because not everybody has access to that  
23 very thorough testimony.

24 So, can you explain how the last mile facilities  
25 differ from traditional warehouses?

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2 ROHIT AGGARWALA: Actually Dawn would you? I'll  
3 as Dawn Miller to take that.

4 CHAIRPERSON GENNARO: Yeah, Dawn if you could  
5 please state your name for the record before you  
6 commence your statement?

7 DAWN MILLER: Yes, I'm Dawn Miller. Yeah and I'd  
8 say the biggest difference is that the last mile  
9 facilities are really focused on that final step of  
10 bringing the goods from that last mile distribution  
11 facility to the consumer. Whereas a traditional  
12 warehouse might be storing goods for bringing them to  
13 a retailer or a wholesaler. So, it's not just  
14 directly to consumer. You know there are differences  
15 in uhm, you know I think one of the things that we've  
16 seen with the rise in ecommerce is more of those last  
17 mile facilities because for them, it is so valuable  
18 to be located very close to their customer base. So,  
19 that's why we've seen them proliferating as ecommerce  
20 has proliferated. You know but as the Commissioner  
21 mentioned in his testimony, all of them are  
22 generating polluting truck traffic or generating  
23 polluting truck traffic, so the way we see it you  
24 know going to a little bigger universe would enable  
25 us to you know basically have the biggest impact from

1  
2 this policy without even approaching small operators  
3 because when we look at that whole warehouse  
4 universe, you know we could get at 40 percent of the  
5 warehouse space by regulating just six percent of the  
6 warehouses in the city. So, by really targeting that  
7 group, we could make a very big impact.

8 COUNCIL MEMBER AVILÉS: So, you guys explained a  
9 little bit - unless you have seen these facilities,  
10 you live next to them, you actually don't have a real  
11 sense. You think a regular warehouse. Can you talk  
12 to us about the distinctions in size? What are we  
13 talking about in terms of like -

14 CHAIRPERSON GENNARO: And also I just want to  
15 chime in for a second. When it comes to the clock  
16 because you know you got two bills on or whatever, so  
17 don't worry about the clock. You can just keep  
18 going, yeah.

19 COUNCIL MEMBER AVILÉS: I can just keep going?  
20 Fantastic.

21 CHAIRPERSON GENNARO: Sergeant, you can stop the  
22 clock for Council Member Avilés.

23 COUNCIL MEMBER AVILÉS: End the clock.

24 CHAIRPERSON GENNARO: Yeah.  
25

1  
2 COUNCIL MEMBER AVILÉS: We could talk about this  
3 all day, all day.

4 DAWN MILLER: Yes and I live in the Columbia  
5 Street Waterfront District so actually the warehouses  
6 in Red Hook are the ones that I see the most often  
7 and I think as you're getting at, a lot of the last  
8 mile facilities are the largest. Some of them are  
9 multistory and multistory warehouses is not something  
10 that we were seeing in the United States at all until  
11 a few years ago. And so, we're seeing just an  
12 intensity of activity from those warehouses. You  
13 know the vast majority of warehouses in New York City  
14 are under 25,000 square feet. That's like about  
15 6,800 of the 8,000 warehouses are under 25,000 square  
16 feet but we have this 500 that are above 50,000  
17 square feet, which I think someone described to me as  
18 uhm the size of a football field. So, it's really  
19 quite a large - it's really quite a large facility,  
20 so more you know I think when we're talking about big  
21 - we are talking about really big and we're seeing  
22 them in more and more places in the city including in  
23 areas that are closed to residential areas where  
24 those are - where residents live near places that are  
25 zoned industrial especially.

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2 COUNCIL MEMBER AVILÉS: Yeah, thank you and also  
3 in terms of hours of operation, do you find any  
4 distinctions with these facilities and maybe the more  
5 traditional?

6 DAWN MILLER: You know that is not an area that  
7 we have studied, so I can't speak personally to that  
8 question but what I have heard anecdotally from the  
9 stakeholders is that the last mile facilities operate  
10 more hours of the day, often bright early morning  
11 hours as compared to traditional warehouses. And the  
12 thing about indirect source rule that I think sort of  
13 makes it both effective and fair, is that it scales  
14 with the volume of truck traffic associated with the  
15 warehouse.

16 So, it's not like every warehouse that's 50,000  
17 square feet would have the same compliance  
18 obligation. If you're 50,000 square feet and you  
19 have tons and tons of trucks 24 hours a day, an  
20 indirect source rule would ask a lot more of you than  
21 of another 50,000 square foot facility that really  
22 has a small volume of trucks coming in and out. So,  
23 it really scales with your truck volume as opposed to  
24 just straight up by your size.

25

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2 COUNCIL MEMBER AVILÉS: Hmm, hmm, thank you. Is  
3 there an estimation of the number of trucks that are  
4 visiting, moving in and out of some of the identified  
5 last mile and ecommerce warehouses?

6 ROHIT AGGARWALA: Well, I'll just say I believe  
7 what we had in the testimony was an estimate of  
8 18,000 truck trips per one of these large facilities,  
9 so 500 times 18,000. What's that 9 million?

10 DAWN MILLER: And I know you're aware but just  
11 for the benefit of the whole group, there is a more  
12 comprehensive study of last mile facilities going on  
13 in Red Hook where they're looking at that very  
14 question of the nature of the truck volume generated  
15 by last mile facilities because a lot of the numbers  
16 that we have and that the Commissioner shared, are  
17 based on more national figures and so, we're trying  
18 to get information about first the special category  
19 that last mile but also what does it look like in New  
20 York City where our theory is that many of our  
21 warehouses are used more intensively than they might  
22 be in other parts of the country because of the cost  
23 of our land and the value of pumping more goods  
24 through our warehouses.

25

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1  
2 COUNCIL MEMBER AVILÉS: Yeah thank you and you  
3 know to Council Member Holden's point, I think one of  
4 my great frustrations has been that these facilities  
5 have all been sited on the waterfront and none  
6 contemplated, nor did the city provide any incentive  
7 or forward thinking about the use of the water.  
8 Rather 100 percent built for encouraging truck  
9 traffic as mode of transportation for the goods and  
10 services. So, this rule is so important and getting  
11 us to understand also the real volume because what we  
12 are seeing is a - well, several years ago, we saw the  
13 proliferation of the building of these massive  
14 facilities and everyone saying, "well, we'll not sure  
15 how many cars and trucks are going to be there." And  
16 they were all being built to the same specs of a last  
17 mile distribution facility and we could see that it  
18 was coming. So, I'm just really heartened that we're  
19 looking at offering a tool that is going to be able  
20 to scale up and scale down accordingly.

21 You mentioned a suggestion of being able to catch  
22 a broader universe of warehouses. Can you talk to me  
23 a little bit more about what distinguishes that  
24 broader universe from the I think 60 you said to  
25

1  
2 maybe the potentially 500? What distinguishes in  
3 that universe?

4 DAWN MILLER: Yes, so what I saw in the bill  
5 draft. It looks like it was focused - the definition  
6 of a warehouse was focusing on fulfillment and  
7 distribution centers, which are sort of that last  
8 steps.

9 COUNCIL MEMBER AVILÉS: So, just use rather than-

10 DAWN MILLER: Yeah and the definition was on how  
11 they were used you know whereas a broader definition  
12 of a warehouse that is not limited to that kind of  
13 last step towards consumers but also includes you  
14 know the soda or beer warehouse that sends out a  
15 bunch of trucks to grocery stores, bodegas, etc..  
16 So, the were seeing it, a facility like that is also  
17 generating truck traffic and air pollution and so,  
18 we're interested in you know discussing with you guys  
19 you know what's the warehouse - what's the definition  
20 of a warehouse that gets us at like the right  
21 population so we're addressing issues from last mile  
22 but also from neighborhoods you know like near JFK or  
23 maybe last mile is not as prevalent there but other  
24 warehouses are really impacting those communities.



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2 COUNCIL MEMBER AVILÉS: I think that's fair and  
3 if the - does the 500 number, we'll use that  
4 encompass warehouses that are above 50,000 square  
5 feet?

6 DAWN MILLER: Yes.

7 COUNCIL MEMBER AVILÉS: Okay, so I think we were  
8 also thinking more about the size and in particular  
9 just making sure we targeted the largest of those but  
10 certainly, I think that we should be able to  
11 negotiate certainly uses within that because that's -

12 DAWN MILLER: Yeah, that's great. I mean 50,000  
13 have been sort of the number we had been co listing  
14 on and so then seeing it in your bill I think we  
15 actually seem fairly aligned on that. That is a  
16 reasonable size threshold and so the area for us to  
17 discuss further is you know, are we making this  
18 distinguished by use?

19 COUNCIL MEMBER AVILÉS: Great so in terms, what  
20 is the city doing to create a plan that matches or  
21 goes beyond the states potential program on the  
22 horizon and the Clean Deliveries Act?

23 DAWN MILLER: So, my understanding is that the  
24 Clean Deliveries Act doesn't contain a lot of details  
25 in terms of you know what the points menu would look

1  
2 like or how a compliance obligation for a warehouse  
3 would be calculated. That those details would be  
4 deferred to rule making at the New York State  
5 Department of Environmental Conservation. So, I  
6 don't have visibility you know into what the details  
7 of the program would be. You know we're really  
8 excited about developing this locally. Because as  
9 we're hearing right, there are some very New York  
10 City specific and even neighborhood specific concerns  
11 but also opportunities right? If you look at the  
12 policy development in southern California, there  
13 isn't mention of burning freight. There isn't  
14 mention of cargo bicycles. There isn't mention of  
15 tree planting and preservation, which are all are  
16 kind of opportunities and needs that are New York  
17 City specific, and so that's you know why we're very  
18 interested in doing this at the city level because  
19 we're able to be closest to kind of the needs and  
20 opportunities locally which just are different from  
21 elsewhere in the state or the country.

22 COUNCIL MEMBER AVILÉS: Are there any other  
23 distinctions between I guess how the rule is modeled  
24 in Southern California and what the thinking is here?  
25

1  
2 You mentioned right now just additional mitigation  
3 options. Are there other distinctions?

4 DAWN MILLER: Yes, uhm, one important distinction  
5 is the smallest warehouse size that is regulated in  
6 Southern California, is the 100,000 square feet. We  
7 think New York City is a dense urban environment and  
8 our warehouses are therefore used intensively, so  
9 that's why we've been looking at a smaller, a lower  
10 size threshold for us rather than what they did in  
11 Southern California.

12 I think the things that are on the points menu  
13 would be different. There's also in the Southern  
14 California policy, there's a compliance option  
15 called, a mitigation fee, which is basically a  
16 warehouse operator could purchase points and then you  
17 know the government uses that money to develop other  
18 mitigation programs. That's not something we've been  
19 contemplating locally. You know we are looking to  
20 have the operators really make changes in their own  
21 operation as opposed to paying money and not having  
22 to change the way they operate.

23 COUNCIL MEMBER AVILÉS: I know the program is  
24 also relatively newish in California. Are there  
25

1 enforcement mechanisms or has it been primarily  
2 carrot and I guess carrots?

3  
4 DAWN MILLER: Yeah, I mean, uhm, so the whole  
5 like you know I guess the key feature of an indirect  
6 source rule whether it's California or the waiver  
7 contemplating here, is that it is a regulatory  
8 policy. It's not an incentive policy. There are  
9 many of incentives out there that provide subsidies  
10 and technical support to fleet operators. Like those  
11 exist and are complementary to an indirect source  
12 rule but an indirect source rule provides the  
13 regulatory requirement that really encourages  
14 operators to take up some of these incentive or to  
15 finally contemplate, what would it look like for me  
16 to move some of my goods by rail or by marine. So,  
17 it is a regulatory program, which means there is an  
18 obligation to comply and there would be penalties for  
19 a noncompliance and those would be worked out, you  
20 know in legislation and rulemaking. You know the  
21 main compliance mechanism is reporting by the  
22 warehouses.

23 So, the way we see it. You know the warehouses  
24 would have to report on their truck trips and on the  
25 actions they're taking from the points menu. They

1 would have to provide documentation to DEP of those  
2 things that they're reporting and all of the  
3 information would be subject to verification on it to  
4 ensure that they're actually doing what they've  
5 claimed to have done to comply.

7 ROHIT AGGARWALA: And I had one other distinction  
8 Dawn and correct me if I'm wrong but I believe in  
9 California the warehouses can also clean up the  
10 building emissions which we wouldn't include in New  
11 York because those buildings are already subject to  
12 Local Law 97. Is that correct? Yes. So we would  
13 really want to focus on the indirect whereas since  
14 they don't have an equivalent Local Law 97 they're  
15 also giving them that option.

16 COUNCIL MEMBER AVILÉS: That's helpful. So, in  
17 terms of like how do we anticipate preventing  
18 operators let's say that fall underneath the  
19 threshold, 49,000 square feet from gaming the system  
20 with potentially like contributing just as much  
21 indirect sources of pollution.

22 ROHIT AGGARWALA: I would just suggest I think  
23 the changing the cutoff over time is relatively easy  
24 and I think if we get this thing up and running at  
25 50,000 square feet, 512 warehouses is a really good

1 place to start. Based on the numbers, if it's 6,800  
2 below, 25,000 and 512 above, you're looking at about  
3 1,000 warehouses between 25,000 and 50,000. I think  
4 you could keep track if you start seeing a massive  
5 spike in 49,000 square foot warehouses, you just  
6 lower the threshold and then I think we've got a well  
7 oiled bath.  
8

9 COUNCIL MEMBER AVILÉS: I'll hold you to it.

10 Now, in terms of the bill leaves it to DEP to  
11 determine if there are other indirect sources beyond  
12 the warehouses that should be subject to the rule.  
13 Have you identified any other categories of indirect  
14 sources for potential inclusion in the rule?

15 ROHIT AGGARWALA: Not at the moment but again, I  
16 think the need and opportunity here is to start with  
17 warehouses. Hopefully as we've said that broader  
18 definition. And again, once we see how this works  
19 you know as an agency head, I'm always happy to have  
20 a bit more discretion so that I could imagine making  
21 rules if we see emerging new classifications or if we  
22 come to appreciate that the solutions that these  
23 large warehouses have put in place are applicable to  
24 other places that are attracting traffic. I mean,  
25 you do have other things that attract traffic, right,

1 major facilities and what have you and you could  
2 think about this going forward but I think, for the  
3 near term, it's really important to start with the  
4 warehouses.

5  
6 COUNCIL MEMBER AVILÉS: Got it and in terms of  
7 has DEP considered how the Indirect Source Rule might  
8 interact with the New York City Industrial Plan,  
9 Local Law 172?

10 ROHIT AGGARWALA: Yes, well DEP is certainly part  
11 of the interagency taskforce that is working on that  
12 and you know throughout the development of this Dawn  
13 and others have been in close contact with EDC, which  
14 is leading that and so I don't think there is going  
15 to be any conflict. I think in fact these two are  
16 highly complementary as well.

17 COUNCIL MEMBER AVILÉS: Thank you. So in terms  
18 of I think we're going to do a segway a little bit to  
19 Intro. 107 if that's okay. Chair, are you good?  
20 Okay, so I guess Intro. 107 would require obviously  
21 DEP to install the street level air monitors at no  
22 fewer than two major intersections on every  
23 designated use thoroughfare and I think you noted in  
24 your testimony that's every block in New York City.  
25 What kind of infrastructure or personnel would it

1  
2 require? You said a lot and we believe you but if  
3 you could expand upon that a little bit.

4 ROHIT AGGARWALA: So, our best interpretation of  
5 this bill would be that it would require something on  
6 the order of 2,200 monitors. Right as I mentioned we  
7 have roughly 85 that we've been using for the last 15  
8 or more years on NYCCAS. So, that's a 25X expansion  
9 of the number of monitors and there's a provision in  
10 the bill as well around parks and playgrounds and  
11 that could be a couple thousand more. So, it's a  
12 significant increase. We think there's roughly 13  
13 FTE that we would need to maintain those monitors and  
14 you know I think the total cost is something on the  
15 order of \$41 million over the first four years. And  
16 you know and again, while I'm always in favor of  
17 additional data and you know just personally you know  
18 NYCCAS was a PlaNYC initiative from the first PlaNYC,  
19 so I take great pride in having contributed to the  
20 creation of NYCCAS. You know the reality is that  
21 Julie's bureau has so many other ways that we could  
22 invest money and headcount to improve air quality  
23 that I can't see how this is the place I would spend  
24 \$40 million if I had \$40 million to improve New York  
25 City's air.



1  
2 COUNCIL MEMBER AVILÉS: On that note, so would  
3 you spend \$40 million to improve air quality?

4 ROHIT AGGARWALA: Well, we would do the things  
5 we're doing. We would continue with all the great  
6 work, which I hope you know we've got a number of  
7 things that I described in my testimony that are  
8 federally funded and I hope we don't wind up losing  
9 any of those federal funds. Obviously this  
10 Administration has expressed its lack of interest in  
11 electric vehicles and vehicle electrification. We  
12 completely disagree with that. Of course we're  
13 extraordinarily in favor of vehicle electrification.  
14 We've continued to invest in things like the marine  
15 facilities that are part of the Blue Highways Plan  
16 and we would invest in our enforcement capability  
17 through things like Intro. 941, which I think would  
18 make the anti-idling laws work much better because I  
19 don't think they're having the kind of impact that  
20 the law intended, and I think that Intro. would  
21 actually get us where we ought to be in terms of  
22 actually reducing idling in a consistent way and you  
23 know I really think that our DEP air and noise  
24 inspectors perform a really valuable service and I  
25 would invest in them.

1  
2 COUNCIL MEMBER AVILÉS: Well done Commissioner.

3 Now, in terms of for NYCCAS and the predictive model  
4 that's used. Obviously in your testimony you note  
5 that the predictive model with the current usage can  
6 really help us drill down and that we know the  
7 sources and places. And maybe this is for the NYCCAS  
8 crew but does NYCCAS offer the opportunity for local  
9 air quality monitoring efforts to integrate to see if  
10 that predictive does in fact take into account kind  
11 of more localized conditions?

12 UNIDENTIFIED: Great-

13 COUNCIL MEMBER AVILÉS: You need to be sworn in.

14 UNIDENTIFIED: Sorry.

15 COMMITTEE COUNSEL: Alright, please raise your  
16 right hand. Do you affirm to tell the truth, the  
17 whole truth and nothing but the truth before this  
18 Committee and respond honestly to Council Member  
19 questions?

20 UNIDENTIFIED: I do.

21 COMMITTEE COUNSEL: Thank you, you may begin.

22 CARI OLSON: Thanks. Cari Olson with the New  
23 York City Department of Health and Mental Hygiene.  
24 Thank you for the question. We - so first of all, we  
25 have really focused with NYCCAS on quality control

1  
2 and making sure that we understand the effectiveness  
3 of our model in understanding specific areas across  
4 the city. and then in addition, we work closely with  
5 partners on local level monitoring and thinking about  
6 how that can be used in conjunction with our city  
7 level and neighborhood level information in order to  
8 better understand specific areas. So, we have a  
9 small working group of community based organizations  
10 that get together regularly and think about very  
11 localized monitoring with low cost sensors in order  
12 to better understand the areas that are particular  
13 concern for specific communities.

14 So, we're always interested in thinking about how  
15 our understanding of the larger sources and the most  
16 important ones for the variation between  
17 neighborhoods, how that looks at a neighborhood level  
18 by working with others.

19 COUNCIL MEMBER AVILÉS: So, does any of those  
20 communities - I know you mentioned Brooklyn; they  
21 seem to be distributed. There's about five I think.

22 CARI OLSON: Yeah.

23 COUNCIL MEMBER AVILÉS: Are any of those in  
24 Brooklyn include Red Hook or Sunset Park?

1  
2 CARI OLSON: Yeah, so we - so a couple of things.

3 So we have a monitor, a NYCCAS monitor specifically  
4 in Sunset Park. That's one of the specifically sited  
5 monitors that is designed in order to capture the  
6 very type of neighborhood that we're discussing that  
7 would be impacted by Indirect Source Rule. And the  
8 in addition we are working with community partners in  
9 Red Hook specifically as well as other neighborhoods  
10 across the city on air quality monitoring.

11 COUNCIL MEMBER AVILÉS: Okay and that uhm, I know  
12 we tried to schedule a time to really look at the  
13 model and we'll definitely do that. I think in  
14 particular because Red Hook is so unique, not only  
15 with the cluster of last mile facilities but it also  
16 has a cruise terminal and also the BQE cuts it off.  
17 Like, it is completely surrounded by environmental  
18 burdens. Not only in the air but in the soil as  
19 well, so it is particularly unique so I'd like to  
20 follow up with you all about how we also integrate  
21 because there is a lot of local air monitoring going  
22 on but it is not clear to me that there has been a  
23 more comprehensive connection because even DOT is  
24 also putting air monitors and it's not clear who is  
25 looking at that data and if there is a comprehensive

1  
2 look at it, so would love to follow up with you about  
3 it.

4 CARI OLSON: Yeah, we look forward to that. I  
5 think we actually have managed to find another time  
6 in our schedule to meet with you and your team next  
7 week, so very much look forward to talking more about  
8 that.

9 CHAIRPERSON GENNARO: And I think if I could just  
10 jump in. I mean there's you know monitoring and  
11 gathering data and as a scientist, you know no one  
12 likes data more than I but it seems like what we're  
13 doing with the Indirect Source Rule is you know what  
14 we want to do is - we're helping to solve the problem  
15 and I just want to be mindful of you know what we're  
16 doing with the Indirect Source Rule and other efforts  
17 that we may you know endeavor to undertake. And then  
18 it's also the question of you know monitoring like  
19 you get the data. It's always a question of like,  
20 what are you going to do with it? But - so yeah,  
21 it's you know great to monitor and get information.  
22 It's also great to take very affirmative action to  
23 reduce some of the you know air pollution vectors  
24 that are having such bad consequences.

1  
2 But yeah so I think we've - yeah, I think with  
3 the monitoring we're good.

4 COUNCIL MEMBER AVILÉS: Yeah, I think what it  
5 shows Chair is that I think for a long time we've had  
6 monitoring. We haven't figured out the mitigation  
7 effort because we just kind of keep accepting  
8 everything as is.

9 CHAIRPERSON GENNARO: Right and just getting bad  
10 news and bemoaning it and so, you know better to  
11 light a candle and curse the darkness and I think  
12 that's what the Indirect Source Rule - I borrowed  
13 that from President Kennedy, so. I also like no one  
14 else in this room actually remember President  
15 Kennedy, so he said that and I borrowed it, so and  
16 now it's mine you know.

17 COUNCIL MEMBER AVILÉS: Yeah, and I will just  
18 finally add. I mean, I think you know the data here  
19 is important in both elements but using the data to  
20 make sure that we are both informing and pushing the  
21 industry to do what is responsible other than just  
22 making profit at our - well, sacrificing our health  
23 and wellness. So, it's important to use that data to  
24 make the industry behave. Certainly not around a  
25 moratorium but to protect people but also consider

1 design efforts, right? I mean I think this issue of  
2 the 53 foot tractor trailers, if our enforcement  
3 mechanisms don't seem to quite be working, I think  
4 there's some design elements here that if you can't  
5 drive it, interesting, you're going to choose  
6 something else. So, there are a whole I think other  
7 ways we should be looking at it and just shifting the  
8 market and using the incredible market power of the  
9 city of 8 million people. These sectors have grown  
10 and there are billions of dollars in profit because  
11 people are using them and so I think we have a  
12 responsibility to also utilize our market power and  
13 our regulatory frameworks to shift to make sure that  
14 we are being responsible for New Yorkers, both  
15 maintaining our economic viability, at the same time,  
16 making sure we're all alive to make purchases.

18 So, I really appreciate the work certainly that  
19 you have been doing and I got to give you a special  
20 shoutout Dawn because I know you have been working  
21 tirelessly on this issue and I know my staff has been  
22 working with you very closely, so just thank you and  
23 your whole team. It's very difficult work and it's  
24 very courageous because we don't see this happening  
25 in other places and we need to do it for our health

1 and wellness. So, I just want to thank you to this  
2 team for being brave and looking at it using a new  
3 tool that is potential novel but could really have a  
4 serious impact in New York City.  
5

6 ROHIT AGGARWALA: If I may Council Member, first  
7 of all, I'll echo my deep gratitude to Dawn and to  
8 Julie for all their work on it. I'd also just like  
9 to recognize that Deputy Mayor Joshi has absolutely  
10 championed this since when we first started talking  
11 about whether we would endorse it in PlaNYC and the  
12 fact that we are here and doing this CEQR report is a  
13 great testimony to her work.

14 CHAIRPERSON GENNARO: Okay, thank you Council  
15 Member. I wish to be associated with your remarks  
16 you know regarding the good work of Rohit and his  
17 team and to be associated with rich remarks about the  
18 Deputy Mayor. Oh, we're also joined by Council  
19 Member Salamanca by Zoom. We appreciate his  
20 presence, a valued member of this Committee.  
21 Grateful that he can be with us here via Zoom on a  
22 Friday. I think I'm going to close out the  
23 Administration portion of the hearing with a  
24 question, which appeared. Things just appear when  
25 you're the Chairman. It just like gets put into your



1 hand and there you go. That's the benefit of great  
2 staff. Question, what does DEP make of criticism  
3 that Intro. 1130 would shift to warehouse activity  
4 outside of New York City's jurisdiction, New Jersey,  
5 Yonkers, whatever, which could inadvertently increase  
6 distance traveled by trucks to delivery into the  
7 city?  
8

9 ROHIT AGGARWALA: Look, I think whenever we take  
10 steps to impose regulation on fixed facilities, there  
11 is a risk of that. I think some of that really will  
12 whether that phenomenon happens, will depend on how  
13 thoughtful we are about the point system that we  
14 impose.

15 CHAIRPERSON GENNARO: Thank you for that and also  
16 you have to be close to where you're going to be  
17 brining the stuff. I mean, people have been noticing  
18 me, I'm going through like an eye crisis or whatever  
19 and I have like these specialized eye drops or  
20 whatever and like at 10:00 last night, I went to my  
21 wife and I'm like, I got to stop at the drug store  
22 before I go to Chair the hearing because it's like  
23 I'm in a bad way and I need them. She goes, "oh  
24 don't worry about and she goes like this. She says  
25 they'll be on the front steps before 4:00 a.m. and

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1  
2 8:00 a.m. this is at 10:00 p.m. last night or  
3 whatever. So, I don't think they can pull that off  
4 from like New Jersey or Yonkers getting me my eye  
5 drops in a couple hours and so real world stories.  
6 You know real world stories, you know I mean this is  
7 what we give you here.

8 Oh you know what? I think maybe we just give  
9 them to the Administration. I think we can give them  
10 to the Administration and then have them answer you  
11 know in writing. I think we've - which do you have  
12 those Counsel? Where are they? Yeah, Sergeant, can  
13 you just hand this to the Commissioner please? I  
14 read the statement before from Council Member Brooks-  
15 Powers. She had some questions that if you could  
16 give that to the Commissioner. If you could  
17 Commissioner, if you could be so kind as to you know  
18 have your staff prepare written responses to those  
19 and get them to the Committee Counsel as well as  
20 directly to Council Member Brooks-Powers, that would  
21 be really appreciated. And uhm, and with that, also  
22 after the big sendoff we just gave them and lotted  
23 them and stuff like that, we don't want to bother  
24 them with my Yonkers question. We don't want to you  
25 know they're still basking in the glow of how they

1  
2 were - right being lotted. And so, with that, I  
3 would like to thank the Commissioner and his team  
4 from DEP and from DOH for being here today. We look  
5 forward to working with you on these initiatives and  
6 other initiative that don't necessarily have to be  
7 legislative. We appreciate your big eyes you know  
8 with regard to how you know we think the Indirect  
9 Source Rule and you know put that on a grand scale to  
10 achieve the benefits that people in New York City who  
11 breath you know deserve.

12 So we appreciate that. So, have a great weekend  
13 and before we transition - so we're good and we  
14 appreciate the Administration. Now we're going to  
15 have a little bit of a changing the guard here.  
16 Before we take the public testimony, people have seen  
17 me fussing with my eyes all morning. I have an eye  
18 situation that I have to get medically addressed  
19 before the end of the day otherwise if I wait until  
20 Monday, I'll be in a bad way. So, if we can have a  
21 little order here. [GAVEL] So, for the public  
22 testimony, I'm going to hand over the gavel to  
23 Council Member Avilés, who is the star of this  
24 hearing anyway to hear the public testimony.  
25 Everyone who testifies, I will have my own, not only

1  
2 the staff of the Committee but my own Legislative  
3 Director Josh Gachette will be here for the duration  
4 of the hearing. So, you know almost as good as  
5 having me here. Actually even better, because you're  
6 going to have Alexa and so, you can't do better than  
7 that, so yeah so we're going to hand over the con so  
8 we speak to Council Member Avilés. This name plate  
9 is going to go away. The hearing will continue and  
10 I'm going to go to the doctor. How about that?

11 [01:52:15]- [01:53:35]

12 COUNCIL MEMBER AVILÉS: Okay so we will open up  
13 now for public comment period. I remind members of  
14 the public that this is a formal government  
15 proceeding and that decorum shall be observed at all  
16 times. As such, members of the public shall remain  
17 silent, please, thank you at all times. The witness  
18 table is reserved for people who wish to testify. No  
19 video recording or photography is allowed from the  
20 witness table. Further, members of the public may  
21 not present audio or video recordings as testimony  
22 but may submit transcripts of such recordings to the  
23 Sergeant at Arms for inclusion in the hearing record.

24 If you wish to speak at today's hearing, please  
25 fill out an appearance card with the Sergeant at Arms

1 and wait to be recognized. When recognized, you will  
2 have two minutes to speak on today's hearing topic of  
3 New York City Air Quality and Last Mile deliveries  
4 and Introductions 1130 and 107. If you have a  
5 written statement or additional written testimony you  
6 wish to submit for the record, please provide a copy  
7 of that testimony to the Sergeant at Arms. You may  
8 also email written testimony to  
9 [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov) within 72 hours of this  
10 hearing. Audio and video recordings will not be  
11 accepted.  
12

13 And we will call the first panel. And so, we'd  
14 like to bring up Lacey Tauber from the Brooklyn  
15 Borough Presidents Office.

16 COMMITTEE COUNSEL: Hi good afternoon. I'm going  
17 to swear you in basically.

18 LACEY TAUBER: Okay.

19 COMMITTEE COUNSEL: Please raise your right hand.  
20 Do you affirm to tell the truth, the whole truth and  
21 nothing but the truth before this Committee and to  
22 respond honestly to Council Member questions?

23 LACEY TAUBER: Yes.

24 COMMITTEE COUNSEL: Thank you, you may begin.  
25

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1  
2 LACEY TAUBER: Okay great. Hi everyone. My name  
3 is Lacey Tauber. I am here on behalf of Brookly  
4 Borough President Antonio Reynoso to express his  
5 solidarity with the impacted communities you will  
6 hear from today and his full support for Intro.'s 107  
7 and 1130.

8 I did a little real time editing of this for time  
9 and so it's not to be too repetitive but just to say  
10 that I think we all agree and know that you know city  
11 data shows that air quality varies broadly by type of  
12 pollutant, location and time but it definitely has an  
13 outsized impact on our low income communities of  
14 color. Which has also been borne out by the recent  
15 DEC data that we've really been diving into that was  
16 discussed today, and that this has been exacerbated  
17 in these neighborhoods by concentration of these last  
18 mile facilities, such as in Red Hook and Sunset Park,  
19 which actually has even more facilities than I  
20 thought as they mentioned today. I think we said 7,  
21 they said 19 in their testimony earlier and DOT's  
22 recent preliminary Red Hook traffic study showed  
23 hundreds of trucks per hour on Red Hook's small  
24 streets creating air quality and safety issues for  
25

1 residents including those who live at the largest  
2 public housing development in Brooklyn.

3  
4 Borough President Reynoso thanks the  
5 Administration for its commitment to addressing this  
6 pressing issue through new programs that were  
7 discussed today like the micro delivery hubs, the  
8 blue highways. The zoning text amendment that DCP is  
9 working on to address facility concentration and of  
10 course the Indirect Source Rule legislation. In its  
11 current form, it's only the beginning of what the  
12 Borough President hopes will be a robust piece of  
13 legislation that responds to community concerns.  
14 Details that need to be flushed out include assurance  
15 that the bill's final language will not impact active  
16 manufacturing businesses, clarification about who is  
17 responsible for regulating and reporting on  
18 emissions, owners versus operators, a framework and a  
19 timeline for required emissions reductions and a  
20 penalty structure for failing to meet that timeline  
21 and requirements for the frequency and method of  
22 reporting.

23 Additionally Borough President Reynoso hopes that  
24 this Council will develop and pass new legislation to  
25 address working conditions associated with these last

1  
2 mile facilities. Previous versions of this  
3 legislation were designed to regulate these  
4 warehouses. They contain both environmental and  
5 labor protections. We just want to stress that these  
6 should not be set up as competing interest but rather  
7 as companion proposals.

8 Finally, on Intro. 107, Borough President Reynoso  
9 originally introduced this bill when he was a Council  
10 Member and it's long past time for it to pass. I  
11 think we're very open to discussion about the bill's  
12 scale but the point is that consistent and accurate  
13 reporting leads to action. I am almost done.

14 And our existing air quality data is  
15 insufficient. I think you know - I was happy to hear  
16 about the working group but you know folks wouldn't  
17 be out there with the purple air monitor standing on  
18 the street corners if they felt that the data that  
19 they had was accurately reflecting their experience  
20 on the ground. So, I hope we can all work together  
21 on some next steps there. So, thank you so much  
22 again for holding this hearing and BP Reynoso is  
23 really excited to work with all of you on all of  
24 these next steps. Thank you so much.



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1  
2 COUNCIL MEMBER AVILÉS: Thank you. Thank the BP  
3 for his consistent partnership. Great so first  
4 public panel is and please forgive me if I  
5 mispronounce your name. I do not mean to insult the  
6 ancestors. Shangtong Li from Newtown Creek Alliance,  
7 Andrew Saavedra and Jessica Enzmann. You may begin.

8 SHANGTONG LI: Good morning. My name is  
9 Shangtong Li and I am the Community Engagement  
10 Coordinator at Newtown Creek Alliance. We are a  
11 community based organization dedicated to restore,  
12 reveal, and revitalize Newtown Creek, an industrial  
13 waterway that borders the Industrial Business Zones  
14 of North Brooklyn, Long Island City, and Maspeth.

15 The city identified the warehouse industry as a  
16 growing burden on our communities. Assembly District  
17 37, covering much of Newtown Creek's Queens side,  
18 including Council Member Holden's District, has the  
19 most large warehouses in the state. And with these  
20 warehouses,, comes trucks and a lot of them.

21 If you walk around in this district, you will see  
22 trucks coming and going from these warehouses one  
23 after another, thousands of truck trips a day. The  
24 delivery trucks run on diesel, which is known to be  
25 deadly, causing asthma, cancer, miscarriage, heart

1  
2 attack and premature death. Newtown Creek  
3 surrounding areas, largely disadvantage communities  
4 sees the highest truck volume citywide.

5 It is hard to breathe and unbearably hot in the  
6 summer in these areas. Nearly 40 degrees hotter than  
7 the rest of the city in 2023. And the combination of  
8 heat and air pollution is a lot more lethal than  
9 either high heat or high air pollution alone.

10 Currently, there are 16 last mile facilities  
11 along the 3.8 mile Newtown Creek watershed, and a lot  
12 more are projected to come. We need strong  
13 regulations to address the adverse environmental and  
14 health impacts that these facilities bring to our  
15 neighborhoods.

16 As a member of the Last Mile Coalition, we  
17 support the coalition's recommendations and the  
18 implementation of Intro. 1130. Specifically, we urge  
19 the city to: implement zero emission transportation;  
20 invest in zero-emission truck and charging  
21 infrastructure. Second, mandate mitigation plans  
22 require warehouses to install air filtration systems  
23 and green buffers planted with trees and vegetation  
24 for sensitive receptor such as schools and hospitals.

1  
2 Sorry, last sentence. Strong regulation and  
3 mitigation strategies are essential to protect the  
4 health of our communities. Thank you all for your  
5 time and consideration.

6 JESSICA ENZMANN: Hello, my name is Jessica  
7 Enzmann, the Senior Campaign Organizer, Clean  
8 Transportation for All with the Sierra Club. The  
9 Sierra Club was founded in 1892 and represents 3.8  
10 million members and supporters nationwide with over  
11 100,000 in New York State. Pollution from warehouses  
12 is not currently regulated in New York City or in New  
13 York State. Loopholes and gray areas and existing  
14 environmental laws leave these kinds of facilities  
15 where emissions come from an aggregation of mobile  
16 sources rather than a discreet point source generally  
17 unregulated.

18 An indirect source rule is a way to regulate  
19 these emissions and stop warehousing practices from  
20 spewing pollution. To ensure this rule is done in a  
21 way to provide maximum benefits to clean air, Sierra  
22 Club and partners from the [INAUDIBLE 02:03:10] New  
23 York Coalition urge for the following to be included  
24 in the law. The rule should include a menu of  
25 options that warehouse owners and operators can

1  
2 follow to reduce emissions, including zero emission  
3 modes of delivery, such as electric vehicles. The  
4 program should push warehouse operators to utilize  
5 zero emission modes of transportation, not near zero  
6 emission vehicles or alternative fuels. Enhance  
7 mitigation measures should be implemented should be  
8 implemented for sensitive receptors including but not  
9 limited to schools, daycares, playgrounds, parks,  
10 hospitals, senior centers, nursing homes, public  
11 housing and disadvantaged communities.

12 Warehouse operators should be required to submit  
13 annual data, the specifics of which are expanded up  
14 on Sierra Clubs submitted written testimony. With  
15 the exponential growth of ecommerce and the increased  
16 demand of warehouses to deliver these goods, this is  
17 a problem we need to catch up to. Moving an indirect  
18 source rule in the New York City Council will benefit  
19 every day New Yorkers by taking a necessary step  
20 forward towards healthy and livable communities free  
21 of air pollution.

22 ANDREW SAAVEDRA: Thank you for the opportunity  
23 to testify on this important piece of legislation.  
24 My name is Andrew Saavedra and I am an Associate  
25 Attorney with Earth Justice, a national nonprofit law

1 organization and a member of Electrify New York and  
2 the Last Mile Coalition. Passing and implementing  
3 Intro. 1130 will allow New York to reduce air  
4 pollution from heavy duty vehicles associated with  
5 last mile warehouses and other high traffic  
6 facilities. Last mile warehouses have been  
7 constructed in New York City at an increased rate  
8 during the past several years. Compared to  
9 traditional warehouses, they generate far more truck  
10 traffic due to their connection with ecommerce  
11 deliveries. And they are primarily being constructed  
12 in low income communities and communities of color  
13 like Maspeth, South Bronx, and Red Hook, whose  
14 residents then bear the brunt of truck pollution,  
15 traffic congestion and decreased pedestrian safety.

16 Intro. 1130 would allow New York to regulate  
17 facilities like Last Mile warehouses by creating  
18 what's called an indirect source rule and we believe  
19 the legislation can be improved by providing the  
20 following guidance to DEP. First, the regulations  
21 that DEP writes should match the rule created by  
22 California, South Coast air quality management  
23 district to the closest extent possible. That rule  
24 has resulted in a significant decrease in air  
25

1  
2 pollution caused by vehicles and importantly has  
3 derived legal challenges.

4       Second, DEP should ensure that the Indirect  
5 Source Rule prioritizes the adoption of zero emission  
6 vehicles as opposed to "near zero emission vehicles."

7       Third, the interest of workers at these  
8 warehouses should be considered throughout the rule  
9 drafting process. Finally, the legislation should  
10 include a timeline for DEP to issue a final rule to  
11 ensure that this process moves as quickly as  
12 possible. Earth Justice looks forward to working  
13 with the Council on this and future policies to  
14 ensure clean air and safe streets for all New  
15 Yorkers. Thank you.

16       COUNCIL MEMBER AVILÉS: Thank you for your  
17 testimony. Council Member Holden has a question.

18       COUNCIL MEMBER HOLDEN: Yeah, I would just add  
19 the Sierra Club, I would just add that something  
20 should be in and also the Newtown Creek Alliance. If  
21 the facility is sited on a waterway, the city should  
22 require that they use it or else they can't be on the  
23 waterway or they can't site - that is critical.

24 Again, if you take a tour of the Newtown Creek area,  
25 most of these warehouses are sitting on the creek,

1 yet none of them that I know of are using it. So,  
2 that should be - you know the Sierra Club should be  
3 considering that as one of your bullet points that it  
4 should require. The city can but you know the  
5 Commissioner, I keep talking to the Commissioner  
6 about this DEP should require or at least incentivize  
7 siting. If you're on a - again look at Waste  
8 Management. You know Waste Management sits on the  
9 creek. I wanted you to stay up there but I guess you  
10 didn't - but because it's important. Look at Waste  
11 Management, their business is garbage. How do they  
12 get it? You know their sitting literally on the creek  
13 and when I asked them when they opened the warehouse  
14 there, I said, are you going to use the waterway?  
15 No, we're not in the barging business. I said, well  
16 you're not in the rail business either or in the  
17 truck business but you're trucking and railing this  
18 stuff out but you're not using the most  
19 environmentally friendly mode of transportation,  
20 which is a barge. And they didn't really have an  
21 answer. So, I think in all the testimonies,  
22 especially the Sierra Club and NCA, that that is  
23 critical. It's a critical point in your testimony,  
24 so if you could think about that. Thank you.  
25

1  
2 COUNCIL MEMBER AVILÉS: Yeah, thank you Council  
3 Member Holden. We've had these conversations  
4 particularly with DCP and the Department of Buildings  
5 that provides the permitting for the building of  
6 these infrastructures, why none of those  
7 considerations ever considered requiring water use.

8 COUNCIL MEMBER HOLDEN: But this was 20 years ago  
9 I testified to this and ten years ago I testified to  
10 this and nothing - again, we don't get anywhere and  
11 so this is very important that any environmental  
12 group mentions this and we put it on the front  
13 burner.

14 COUNCIL MEMBER AVILÉS: Yeah, I agree with you.  
15 Thank you Council Member Holden.

16 COUNCIL MEMBER HOLDEN: Thanks by the way, thank  
17 you for the work that you do in the Newtown Creek  
18 Alliance. That's why I'd like to certain mention for  
19 the record that they work tirelessly and we have to  
20 clean up the creek finally and I think we're sort of  
21 getting there but it's a long process. Thanks.

22 COUNCIL MEMBER AVILÉS: I guess if anyone would  
23 like to respond to the waterfront usage opportunities  
24 or the advocacy around that.



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1  
2 SHANGTONG LI: Yeah, thank you Council Member and  
3 we definitely would advocate what you just proposed  
4 to mandate that whoever leases or buys the property  
5 on at least Newtown Creek waterfront that they will  
6 build proper walking waterfronts and have their goods  
7 and materials delivered using a waterway that is  
8 designated for industrial uses.

9 COUNCIL MEMBER HOLDEN: Yeah and the way to do  
10 that is you could do it through taxes, property  
11 taxes, you could incentivize. I mean that's what  
12 most cities do and municipalities but it's almost a  
13 crime that you're sitting on creek or you're sitting  
14 on a waterway and you're not using that waterway. I  
15 mean that comes with zoning but again, I said this to  
16 the Commissioner over and over again, but in the  
17 testimony you don't hear that and when I did ask  
18 about that, you know how do we? Well, we don't  
19 enforce trucks but you know what? You also could  
20 incentivize or recommend to the leadership and work  
21 with multiple agencies but thank you again for coming  
22 back, thanks.

23 SHANGTONG LI: Thank you.

24 COUNCIL MEMBER AVILÉS: Thank you to this panel  
25 for your advocacy.

1  
2 PANEL: Thank you.

3 COUNCIL MEMBER AVILÉS: Thank you. Next, we're  
4 going to have Renzo Ramirez, Damian Contreras, and  
5 Nicholas Krammerer. Did I say that right?

6 NICHOLAS KRAMMERER: Close.

7 COUNCIL MEMBER AVILÉS: Uh, sorry.

8 DAMIAN CONTRERAS: Good afternoon. My name is  
9 Danian Contreras and I'm a business agent for  
10 Teamsters Local 804. I have seen many of you at our  
11 UPS rallies as well as the recent rallies at the  
12 Amazon facilities in Queens. It's good to be around  
13 friends, me and my members appreciate you. We  
14 support this bill. People deserve to have safe  
15 streets and in an environment free of poison and  
16 pollution. I am speaking to remind our friends in  
17 the City Council of two things. First, that these  
18 employers will not do the right thing willingly and  
19 that these employers are harming their workers even  
20 more severely than they are harming the public.

21 You've seen how Amazon in particular are liars,  
22 cheaters and law breakers when it comes to the last  
23 mile delivery stations. Please do not be naive  
24 enough to believe that they are going to follow this  
25 bill just because it becomes law. Do we truly expect

1 them to accurately report how much they're poisoning  
2 us? Do we expect members of the public to stand  
3 outside of these facilities and count the number of  
4 trucks going in and out? Do we think government  
5 agencies are spending resources on this? The reality  
6 is that public frontline defense is and will always  
7 be working people. Who better to hold employers  
8 accountable than their workers? This bill needs an  
9 avenue for workers and worker committees to ensure  
10 their employers are following the law. When these  
11 companies poison the air, it is the driver's and  
12 warehouse workers who breath in the poison in at the  
13 source. When they jam up traffic or force work  
14 speedups, it's their workers who feel the squeeze and  
15 see the mess first hand. All the things this law  
16 wants to fix, workers experience up close and they  
17 are in the best position to report these conditions.  
18 But we also know that these employers retaliate  
19 against those that challenge them.

21 Right now, Amazon is firing workers for asserting  
22 their right to organize. In Queens, they turned a  
23 hose on workers in freezing temperatures at a  
24 peaceful rally. Make no mistake, when these workers  
25 report violations of the law at issue, Amazon will

1  
2 retaliate against them too. We need anti-retaliation  
3 measures if we want this law to do what it's supposed  
4 to do. Lastly, we need to recognize that the harm  
5 being done to those living near these warehouses is  
6 felt far more acutely by the people inside these  
7 facilities. When we talk about the exhaust being  
8 released into the air, we cannot forget about the  
9 trucks idling enclosed in the building. We cannot  
10 forget about the unsafe and unsanitary conditions.  
11 Injury hazards such as belts moving too fast, lack of  
12 egress, lack of temperature controls, lack of safety  
13 equipment, dangerous production standards, and other  
14 abuses and hazards. We cannot ignore the direct harm  
15 being caused just because we're making an indirect  
16 rule.

17 Big companies like nothing better than when land  
18 use and the environmental issues are separated from  
19 workplace issues but no where is it more clear that  
20 these issues are tied together than when it comes to  
21 logistics. Work speeds up and dangerous quarters  
22 lead directly to traffic slow down, increase vehicle  
23 emissions and workers having to drive hurt or  
24 impaired. And poor workplace conditions result in  
25 higher work turnover. The companies burn through the

1 local labor market requiring them to recruit from  
2 farther and farther away adding commute times and  
3 vehicle miles from thousands of workers into our  
4 system. The place of environmental issues are  
5 directly connected. Whether it is through amendments  
6 or through a sister bill for this work, we  
7 respectfully ask that there be enforcement mechanisms  
8 for workers and worker committees, reasonable work  
9 rates, anti-retaliation protections, measures to  
10 prevent harm and abuse of these workers and  
11 enforcement mechanisms with teeth. Thank you.

12 COUNCIL MEMBER AVILÉS: Thank you.

13 NICHOLAS KAMMERER: Thank you for the opportunity  
14 to testify today. My name is Nicholas Kammerer and I  
15 am one of the Amazon drivers who led an historic  
16 strike in December against unfair labor practices.  
17 We are on the frontlines of Amazon's environmental  
18 injustice. We live in these communities and we work  
19 in these communities. I see the increased traffic in  
20 my neighborhood. We spend more time around polluting  
21 vans than anyone. We want you to take action but  
22 please do not forget all the other problems with  
23 Amazon. Workers are suffering every day. We are  
24 fighting back as a union and we need the City Council  
25

1  
2 to support us. Amazon refuses to take responsibility  
3 for our low pay. Amazon refuses to take  
4 responsibility for our injuries. Amazon refuses to  
5 take responsibility for disrespectful managers.  
6 Amazon has subcontractors that they call our  
7 employers. That's so Amazon can keep all the profits  
8 and keep all the control without having any of the  
9 responsibility.

10 We need the City Council to stand with workers  
11 and hold Amazon accountable. We organized a union  
12 that went on the biggest strike in the history of  
13 Amazon to show that workers have the power to win  
14 what we deserve for our families. Not one box moves  
15 without us and not one dollar is made without us.  
16 New Yorkers have a lot of problems with last mile  
17 warehouses and big problems call for big solutions.  
18 Please take action to protect Amazon workers at our  
19 communities. Thank you.

20 RENZO RAMIREZ: Thank you for the opportunity to  
21 share my experience as an Amazon driver and a  
22 teamster. My name is Renzo Ramirez, my co-workers  
23 and I organized the largest union in Amazon drivers  
24 history right here in New York City. Now we need you  
25 to join our fight for good jobs at Amazon. You see

1  
2 us out in the street all the time we're wearing  
3 Amazon uniforms. We are driving Amazon trucks and we  
4 are delivering all of your packages but Amazon says  
5 that none of us are Amazon drivers. Amazon has  
6 created middle man companies that it controls so it  
7 can control the profit off of our blood, sweat and  
8 tears. But then it can point the finger if there is  
9 an accident or if we ask for more money and we are  
10 asking you to put an end to it.

11 Amazon warehouse workers have more injuries than  
12 the rest of the industry and the injury rates for  
13 driver's are even higher. Driving at union companies  
14 like UPS is a career. At Amazon, many driver's don't  
15 last a week. They put us on the van without training  
16 to do the job safely. We aren't paid nearly enough  
17 to support a family to live here in New York City.  
18 We deserve better, that is why we are organizing.  
19 That is why we need you to stand with us. New York  
20 City needs to regulate companies like Amazon so they  
21 can abide by the best interest of our communities.  
22 Thank you so much.

23 COUNCIL MEMBER AVILÉS: Thank you all for your  
24 work and testimony. I was curious about one of the  
25 conditions I think that was mentioned was exhaust

1  
2 within the facilities and can you speak to the  
3 additional conditions you mentioned like the work  
4 speed ups and the injuries. Can you talk about the  
5 exhaust situation?

6 NICHOLAS KAMMERER: Sure, these warehouses house  
7 hundreds of trucks. You know the larger the  
8 facility, the larger amount of vehicles are housed  
9 within each building. So, when you have to take the  
10 vehicle out, you got to turn it on. It turns on the  
11 fume, you know it turns on the motor and the motor  
12 creates all the fumes and that just stays within the  
13 buildings. I mean, I have witnessed it many times in  
14 the UPS facilities. It's happening in the Amazon  
15 facilities for sure and UPS has been around a little  
16 longer, so there are more regulated but Amazon is  
17 breaking all the rules. Like, it's happening more  
18 there than anywhere else because the oversight is a  
19 lot less but the idling is terrible. I mean everyone  
20 is effected whether you're management or you're the  
21 hourly. Everyone is effected by that.

22 COUNCIL MEMBER AVILÉS: Yeah, thank you for that.  
23 I think we were trying to distinguish earlier. I  
24 think not many people realize the multileveled like  
25 hundreds of thousands of square feet these facilities



1  
2 are until you see it. Having thousands of truck  
3 idling inside a facility that you can't even see it  
4 outside the ones coming out every two minutes is  
5 astounding.

6 NICHOLAS KAMMERER: Yes, when we had the rally in  
7 the Maspeth building on Grand Street, Grand Avenue, I  
8 was amazed of how many floors that facility has, not  
9 to mention the square footage. You know so when you  
10 multiply that by the floors, they had a lot of trucks  
11 coming out of that facility.

12 COUNCIL MEMBER HOLDEN: Yeah, could I add  
13 something? And that facility is about 100 yards from  
14 a District 75 school, which I protested about that.  
15 I said, first of all that school, District 75 school  
16 is smack dab in the middle of that industrial area.  
17 Why would anybody put a school there? Well, the  
18 school was built in the early 20<sup>th</sup> century and there  
19 wasn't factories there. So, this is what happens.  
20 So, I said, well let's move the school, get it out of  
21 there because these students are certainly challenged  
22 beyond belief and their parents and now they're put  
23 into a polluted area and not only there's 18-wheeler  
24 idling and I have videoed it, idling right outside  
25

1 under the windows. And then of course the air  
2 conditioning system is pretty poor of the building.

3 So, that's what the neighborhood is dealing with  
4 and then of course the truck driver. How does the  
5 uhm, when you get the goods, do you have 18-wheelers  
6 going in the facility regularly, in the Amazon  
7 facility?

8 NICHOLAS KAMMERER: So, at the facility that I  
9 had worked at DBK 4, yes the 18 wheelers, they don't  
10 directly enter the facility. Usually there's a  
11 separate kind of entrance way separate from where we  
12 serve the delivery -

13 COUNCIL MEMBER HOLDEN: Yeah, I'm still trying to  
14 figure out where? It's in the back or it's so huge.

15 NICHOLAS KAMMERER: Towards, if you're familiar  
16 with it, kind of the approach from the LIU, it would  
17 be towards the back.

18 COUNCIL MEMBER HOLDEN: Yeah because I don't see  
19 that. It's hard to find that you know it comes in  
20 through the back you say?

21 NICHOLAS KAMMERER: There's a second kind of lot  
22 towards the end of the property.

23 COUNCIL MEMBER HOLDEN: Are they 53 footers, do  
24 you know or?  
25

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1  
2 NICHOLAS KAMMERER: I would not be qualified.

3 COUNCIL MEMBER HOLDEN: Okay if you can look to  
4 see if there are 53 on the side. It has to be  
5 labeled toward the front of the trailer.

6 NICHOLAS KAMMERER: I can definitely check that  
7 out next time.

8 COUNCIL MEMBER HOLDEN: Because I see trucks but  
9 again sometimes they're not marked Amazon.

10 RENZO RAMIREZ: On the 53 footer issue, that is  
11 something that I've actually discussed at length at  
12 meetings within the union hall and the lack of  
13 enforcement from the government. We are well aware  
14 that the 53 foot trailers shouldn't be in the city,  
15 however, we see them not just from UPS but from every  
16 other company in the country that enters the city  
17 limits.

18 COUNCIL MEMBER HOLDEN: But are your drivers -  
19 they're driving it?

20 RENZO RAMIREZ: Yes.

21 COUNCIL MEMBER HOLDEN: Are they trained to drive  
22 53 footers?

23 RENZO RAMIREZ: They're not supposed to but the  
24 company doesn't care.

25

1  
2 COUNCIL MEMBER HOLDEN: So, they're not  
3 certified. You have to be certified and go through  
4 training to be a driver of a 53 footer, I was told.

5 RENZO RAMIREZ: I'm not part of the department so  
6 I'm not 100 percent sure on that. It could be  
7 however, we know for sure that in the city limits  
8 you're not supposed to drive -

9 COUNCIL MEMBER HOLDEN: Yeah, or you're supposed  
10 to have a permit but we don't give permits to go on  
11 the streets. We give permits to go through like on  
12 the expressways. If you're going out to Long Island,  
13 we give a permit. We don't give permits to go on the  
14 streets of the City of New York.

15 RENZO RAMIREZ: Correct that is correct.

16 COUNCIL MEMBER HOLDEN: So, they're in violation.

17 RENZO RAMIREZ: UPS is certainly in violation.

18 COUNCIL MEMBER HOLDEN: Okay, thank you.

19 COUNCIL MEMBER AVILÉS: Thank you Council Member.  
20 Thank you all for your advocacy and the work you're  
21 doing. We're with you. Our next panel, Bryce Stack,  
22 Zach Miller, and Mr. Afe, close. I didn't want to -  
23 oh man - it's not okay.

24 BRYCE STACK: Yes, good afternoon. My name is  
25 Bryce Stack and I'm a member of the New York City

1  
2 Clean Air Collective. NYCAC as we call it, is a  
3 nonprofit organization which advocates for cleaner  
4 air in New York City with a particular focus on  
5 reducing pollution from idling trucks in  
6 environmental justice areas. I speak today highly in  
7 favor of Intro. 107. This legislation is precisely  
8 what we need in order to get to the root of the  
9 problem of air pollution, especially in environmental  
10 justice zones.

11 I'm an active participant in the Citizen Air  
12 Complaint program and I can say with confidence that  
13 citizen enforcement ensures that last mile delivery  
14 cuts down on pollution. This enforcement occurs in  
15 both environmental justice zones and other areas  
16 because Amazon and other companies park large box  
17 trucks on the street turning the engine off in almost  
18 all cases, thanks to the efforts of the Citizen Air  
19 Complaint Program and then workers in these cases,  
20 they walk or they ride electric bikes to deliver  
21 amazon packages to their final destinations. The  
22 Citizen Air Complaint Program also covers  
23 environmental justice zones which include warehouses.  
24 The less density in housing currently incentivizes  
25 companies to use smaller trucks for last mile

1  
2 delivery. Although these trucks are idling much less  
3 than in this past, due to the Citizen Air Complaint  
4 Program, more work needs to be done and some  
5 companies continue to idle habitually. And regarding  
6 the proposed legislation Intro. 1130, as it is  
7 currently, I'm very concerned. The Adams  
8 Administration, who appointed the Commissioner of the  
9 Department of Environmental Protection is looking to  
10 enforce rules that they are writing without Council  
11 approval or input and I'm concerned that as the bill  
12 is currently drafted, the Department of Environmental  
13 Protection will not be held accountable to the public  
14 or the Council.

15 And briefly if I could talk about the issue of 53  
16 footers, I think a Citizen Complaint program could  
17 solve the issue overnight. We've seen this happen  
18 with idling. There are companies that have stopped  
19 idling overnight because when you hit the company  
20 where it hurts in their wallets, when they have to  
21 pay fines, they will no longer break the law. So,  
22 thank you very much for holding this hearing. Thank  
23 you.

24 ZACH MILLER: Good afternoon. Thank you for the  
25 opportunity to testify today. My name is Zach

1 Miller, I am Vice President of Government Affairs for  
2 the Trucking Association of New York. My full  
3 testimony has been submitted. I think I've learned  
4 my lesson that I can't get this done in two minutes  
5 if I read it but the point I really do want to make  
6 out loud relates to the menu of options for an ISR to  
7 work properly.  
8

9 To be successful an ISR must incentivize  
10 investment in cleaner technologies in a way that is  
11 both feasible and sustainable. The NYC Clean Trucks  
12 Program has provided a strong framework, offering a  
13 variety of vehicle options including California  
14 Certified clean idle diesel, battery electric, hybrid  
15 compressed natural gas while delivering significant  
16 emission reductions. 97 percent particulate matter  
17 reduction and 89 percent nitrogen oxide reduction  
18 from trucks that qualify.

19 This type of flexibility menu based approach  
20 should be expanded under ISR to include renewal  
21 diesel powered trucks and other proven technologies.  
22 Additionally, fleet should be able to receive credits  
23 for participating in initiatives such as the off hour  
24 deliveries, micro hubs, and blue highways, all of  
25 which contribute to reduce congestion and lower

1 emissions. And the last point is you know we do know  
2 that New York State is working on an ISR as well. We  
3 highly recommend collaboration between the city and  
4 state so that there are not two different frameworks  
5 of ISR for New York based operators to be dealing  
6 with. Thank you.

8 OSAIGE AFE: Thank you for the opportunity today.  
9 My name is Osaige Afe and I am the Senior Business  
10 Assistant Manager at the Long Island City Partnership  
11 and I'm appreciative of the opportunity to testify  
12 today. As this legislation continues to develop, I  
13 strongly urge that industrial businesses advocates  
14 and stakeholders be engaged in the process to ensure  
15 that the regulations strike the right balance between  
16 stability and urban industrial preservation.  
17 Industrial businesses in the IBZ play a vital role in  
18 NYC's economy as the second largest private employer  
19 provided middle class jobs that set up a pathway to  
20 opportunities for our diverse workforce. These  
21 businesses provide middle class jobs that pay nearly  
22 \$20,000 more annually than retail positions and  
23 nearly double wages of the food and beverage  
24 industry. These are jobs that offer economic  
25 mobility for our diverse workforce, 80 percent of



1 minorities, 50 percent of immigrants. However, the  
2 indirect source threatens to undermine the city's  
3 commitments to the IBZ's. These zones were  
4 established to preserve industrial space, prevent  
5 displacement and ensure that industrial business can  
6 operate and thrive. The proposals could create  
7 additional operational challenges, making it harder  
8 for them to remain in the city and undermine the  
9 promise of the IBZ protection.  
10

11 This bill could also place yet another burden on  
12 businesses that are already grappling with a growing  
13 number of costly mandates. For example, Local Law 97  
14 imposes severe fines for missing hard to miss  
15 emission targets while congestion pricing adds tolls  
16 that further increase the cost of doing business.  
17 These are in addition to the rising costs associated  
18 with minimum wages, increasing paid sick leave and  
19 more putting the Indirect Source Rule on these  
20 challenges and risks tipping the scales too far  
21 making it unsustainable for industrial businesses to  
22 operate in New York.

23 Paradoxically, the Industrial Source Rule, making  
24 the ability for industrial businesses to play - help  
25 the city meet its greenhouse gas emissions reduction

1  
2 goal. Transitioning to clearer operations and  
3 reducing greenhouse gas emission objective but it  
4 requires a significant investment from businesses.  
5 If businesses are weighed down by potential fines  
6 from this rule, they will struggle to make  
7 investments necessary for adopting sustainable  
8 practices.

9 COUNCIL MEMBER AVILÉS: So thank you all to this  
10 panel. I guess I'd like to say just a few things.  
11 So, in terms of the city and state ISR, we have been  
12 talking to each other for many years as you know the  
13 state ISR has been in conversation for a good number  
14 of years. City and state, if the state develops an  
15 ISR and is able to pass it, obviously they will  
16 preempt us, which means that our regulation will need  
17 to align and it cannot be - if they let's say hold a  
18 higher standard or offer, our regulation will need to  
19 then match that. So, I think we have been talking  
20 about how these two things will work together. I  
21 think given that the city is keen on moving forward  
22 and really digging into this issue, we want to  
23 continue to pursue that because we think it's  
24 important and we have some momentum.

1  
2 I hear you Mr. Afe in some of the concerns that  
3 you outlined. I represent one of the largest  
4 industrial business zones in Southwest Brooklyn and  
5 so, we are keenly aware of the balancing act and  
6 particularly what you heard from the Administration  
7 and what we are watching for is to make sure that  
8 these mega facilities in particular are the first  
9 here of regulation. They themselves are destroying  
10 our industrial business zones by just eating up acres  
11 of land that - and no one can compete for industrial  
12 business rent when you're going against Amazon. What  
13 was their annual profit? I don't know, billions,  
14 billions, billions. We aren't worry about them.  
15 They need to pay their workers correctly and they  
16 need to do right by New York City and address all the  
17 labor conditions.

18 However, we are concerned with a healthy  
19 industrial business sector honestly and we want to  
20 retain. So, we will continue to talk and look for  
21 your guidance around how we strike that correct  
22 balance of the two. Really hear your concerns there.

23 OSAIGE AFE: Absolutely, thank you so much for  
24 that and all we are asking is you know for the  
25 industrial advocates to be part of the discussion.

1  
2 COUNCIL MEMBER AVILÉS: Yes and I will say the  
3 Council with all the end zone work, you know we  
4 worked very closely and I hope you all see that you  
5 have some real champions in protecting our industrial  
6 work in waterfronts. Just industrial zones in  
7 general, I would claim that this Council has done an  
8 enormous amount of work on that end and really trying  
9 to prove some action there. It is not an easy feat  
10 when all the city wants to do is build luxury housing  
11 everywhere.

12 OSAIGE AFE: Yeah that's true.

13 COUNCIL MEMBER AVILÉS: But we are having that  
14 fight. So, I just thank you for the work and the  
15 testimony and obviously you know the legislation is a  
16 framework. It doesn't have the details and always  
17 the devil is in fact in the details and until we see  
18 those details and we fight about them; we will hold  
19 this with very cautious optimism of moving forward to  
20 do the right thing and find policy solutions where  
21 there are applicable but I still think we have a  
22 whole lot of other work to do both in design and  
23 citizen and right now we have a federal government  
24 that would be defunding in fact many of the tools  
25 that we were implementing, like alternative methods

1  
2 and you know clean air tools. So, that doesn't take  
3 New York City off the hook and because of your  
4 advocacy we're going to continue to push New York  
5 City to do better by its resident and its businesses  
6 and uhm, yeah, so thank you. Thank you for your  
7 testimony.

8 The next panel is Julia Corrado, Gloria Boyce-  
9 Charles and Crystal Brown. You can start.

10 JULIE CORRADO: Thank you to the Council for the  
11 opportunity to submit testimony today. My name is  
12 Julie Corrado, I am the Researcher and Policy Analyst  
13 at ALIGN: The Alliance for a Greater New York. ALIGN  
14 strongly supports Intro. 1130. This bill would  
15 mitigate the pollution of environmental justice  
16 communities and enforce the emissions regulations  
17 necessary to maintain our climate goals and hold  
18 large corporations accountable.

19 At the state level, a similar version of Intro.  
20 1130 was introduced last session, which contains  
21 expanded and specified language. We suggest Intro.  
22 1130 follow the state bill in both its definitions  
23 and body language to ensure the maximum level of  
24 enforcement.

1  
2 Intro. 1130 is aimed at regulating the harms of  
3 large corporations like Amazon and not small  
4 manufacturers, so we applaud the 50,000 square foot  
5 threshold for a qualifying warehouse and we encourage  
6 Council to keep small manufacturers in mind as this  
7 bill is iterated upon.

8 One cannot properly consider the environmental  
9 problem surrounding last mile warehouses without  
10 confronting the labor concerns within these  
11 facilities. Low wages, poor hours, and possible work  
12 quotas, unregulated subcontracting and more, make  
13 working in last mile facilities dangerous. In fact,  
14 they have some of the highest rates of serious injury  
15 in the country.

16 We strongly urge the Council to address both the  
17 labor and environmental concerns hand and hand. If  
18 Intro. 1130 does not directly incorporate labor  
19 provisions in its language, then Council should  
20 ensure additional legislation is pursued in  
21 conjunction to do so. Labor should be top of mind at  
22 every juncture of this policy making process.

23 During the environmental review process, this  
24 bill will trigger. There also must be continued  
25 opportunities for public input. We urge this

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1  
2 Committee and Council to support the passage of  
3 Intro. 1130 with the strongest possible language and  
4 enforcement and bring overdue reform to last mile  
5 facilities in New York. Thank you.

6 GLORIA BOYCE-CHARLES: Good afternoon, morning to  
7 all and thank you so much for holding this hearing  
8 today. My name is Gloria Boyce-Charles and my family  
9 has resided in the Springfield Gardens Brookville  
10 community since 1975. Because of our colocation with  
11 JFK Airport, our community has been plagued by the  
12 burdens of air plane noise and air pollution and  
13 increasingly within the last 10 to 15 years with the  
14 trucking traffic associated with an ever growing air  
15 cargo industry. We live in an environmental justice  
16 community. Southeast Queens is also home to several  
17 waste transfer stations which are sources of trucking  
18 activity and emissions that I think should also be  
19 covered under this legislation. My testimony will  
20 focus in on air cargo warehouse emissions and you  
21 will hear testimony from others regarding waste  
22 transfer. Now the trucking warehouses within the off  
23 airport business industrial district and those  
24 embedded in residential communities wreak havoc on  
25 the air quality, safety, and quality of life of our

1  
2 residents and in our community, you see one newly  
3 constructed Amazon last mile warehouse but mostly  
4 what you're seeing is we have a business industrial  
5 district and we have other warehouses that are  
6 embedded within residential communities. We don't  
7 know the sizes of those warehouses. In fact, we  
8 don't really know the owners. We don't really know  
9 the operators. We just know that we are plagued with  
10 the heavy traffic, the 53 footers that we thought  
11 about for a long time with NYPD and DOT and I'd love  
12 to talk with you more about that Council Member  
13 Holden. We know that we're plagued with those things  
14 and we know that the air pollution in particular that  
15 this addresses is a real serious problem.

16 By engaging directly with the warehouse owners  
17 and operators, Intro. 1130, I'm hopeful we'll begin  
18 to bring some of the much needed regulation,  
19 transparency and accountability to the warehousing  
20 interests that are operating within our community.

21 Warehouses should be required to meet stated  
22 truck size, weight and emission standards and  
23 information identifying their owners, their  
24 operators, their businesses, and points of contact  
25 should be made publicly available. Perhaps even via



1  
2 a designated central website. I think that we can  
3 begin to address the issue of 53 footers illegally  
4 traversing our streets. By this legislation, there's  
5 an opportunity here because if we're requiring them  
6 to report on their daily activity, the numbers and  
7 the sizes of the trucks coming in and out for each  
8 operator, and the truck routes that they are using,  
9 these statistics should be able to be in compliance  
10 with legally documented truck routes and size and  
11 weight requirements and that should help to address  
12 some of those 53 footers, right?

13 In addition to which, these warehouses should be  
14 charged with finding ways to minimally disrupt the  
15 communities. Right now, they just do what they want.  
16 Homes shake and rattle underneath these trucks that  
17 travel along streets that are not built to  
18 accommodate those weights and sizes.

19 Just as importantly as making sure that we know  
20 who and what is going on there, it's critical that  
21 this legislation really have some measures for  
22 enforcement, monitoring and enforcement of the  
23 legislation. Too often we put all these wonderful  
24 regulations out there and they make sense but there's  
25 no one whose really accountable for monitoring and

1  
2 for enforcing for compliance, and that is just  
3 absolutely so critical in the reason why we find  
4 ourselves in the predicament that we're in today.  
5 There are laws but nobody is taking accountability  
6 for monitoring or enforcing compliance and when the  
7 general public tries to hold someone accountable, it  
8 goes like this, one person points fingers at the  
9 others. So, I'm going to say lastly and I thank you.  
10 It's important to consider that 50,000 square feet  
11 should not be the thing that we're using to determine  
12 if the warehouse ought to be included in this  
13 program.

14 In Southeast Queens, there are clusters and  
15 there's research that's been done by Natalie  
16 Bonbena (SP?) one of the professors out of Queens  
17 College to show that there are clusters of these  
18 warehouses in our communities and I don't know what  
19 sizes they are but imagine the residents who live in  
20 the surrounding community, churches, daycare centers,  
21 shelters, parks, we're all being impacted by the poor  
22 air quality and the traffic quite frankly and the  
23 illegal parking that's coming out of these  
24 warehouses.

25

1  
2       So, this needs to be considered when you're  
3 looking at what warehouses need to be engaged in this  
4 or held under this regulation. I'm going to ask that  
5 you know the designers of the legislation look at  
6 ways to include communities in the ongoing monitoring  
7 and ongoing feedback that you're getting about this  
8 program and how it's working because without that,  
9 you know your community members continue to be  
10 frustrated and underserved and uhm so that's it.  
11 Thank you for your time, I appreciate. Thank you so  
12 much.

13       COUNCIL MEMBER AVILÉS: Well, thank you so much  
14 for your testimony.

15       CRYSTAL BROWN: Good afternoon. It's a real  
16 privilege to be able to attend this hearing. It's my  
17 first ever City Council hearing. I've enjoyed  
18 listening and learning. My role here really was to  
19 support my friend, my neighbor Gloria Boyce-Charles  
20 and so she handed me; I asked for some testimony just  
21 in case I had an opportunity I didn't know I would  
22 have an opportunity. I wanted to yield my time to  
23 Gloria because she's much more articulate and  
24 knowledgeable about this subject but I will say that  
25 I live in Brookville Queens, which is two miles north

1  
2 of JFK. I also live in a zone where we do have as  
3 Gloria mentioned, we do have these industrial zones  
4 embedded there. I have had 53 foot tracker trailers  
5 come down my narrow two lane street. They have  
6 driven over median. One was driving on the opposite  
7 of the road to get to the destination of one of these  
8 industrial zone warehouses. So, I agree yes, that  
9 the - I'm in full support. I'm here to be in favor  
10 of ISR 1130 but I did think as Gloria mentioned that  
11 the minimum should be under 50,000 square feet  
12 because that doesn't account for the huge amount of  
13 traffic that we see from trucks. I also live a mile  
14 and a half from that huge Amazon warehouse and the  
15 traffic there is enormous and it's all 24 hours a  
16 day. It never ceases.

17 So, thank you very much for allowing me to have  
18 some time.

19 COUNCIL MEMBER AVILÉS: Chair Holden.

20 COUNCIL MEMBER HOLDEN: Thank you for the  
21 testimony. Gloria, I don't know how long have you  
22 been battling the 53 footers.

23 GLORIA BOYCE-CHARLES: Oh my goodness.

24 COUNCIL MEMBER HOLDEN: So, we have similar  
25 backgrounds. I wouldn't be sitting here as a Council

1  
2 Member if it wasn't for the 53 foot trucks coming  
3 through my neighborhood at one and two in the  
4 morning, getting stuck on narrow streets, knocking  
5 down fences, knocking down signs, knocking down  
6 traffic lights. We had one corner, we had at least  
7 two traffic lights knocked down twice a month and it  
8 was going on for five years. We couldn't solve it.  
9 We put up no truck signs but the 53 footers do more  
10 than just knock down infrastructure and fences, the  
11 kill. They kill people because their turns are much  
12 wider and then they have to go up on the sidewalk and  
13 they don't see a pedestrian who is standing on the  
14 corner and it's happened in my neighborhood. It's  
15 happened everywhere in the City of New York, yet -  
16 but I love your - Gloria, I love your idea of putting  
17 it in the legislation that we have to control this.  
18 You can't have these trucks coming in. There is  
19 already a law, it's not enforced but I thank you for  
20 your suggestions. Gloria, I'd like to talk to you  
21 about it because we could share notes and maybe we  
22 could do something.

23 GLORIA BOYCE-CHARLES: Yeah, I would love it.

24 COUNCIL MEMBER HOLDEN: Yeah, I would love it.

25

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3 CRYSTAL BROWN: May I ask a question please? My  
4 question or comment, there's so much technology, not  
5 just with congestion pricing but so much technology.  
6 So, Council Member Holden, when you said about  
7 enforcement that the NYPD, the DOT, the DEP doesn't  
8 seem to be able to enforce the regulations about no  
9 53 foot tractor trailers. Why isn't there some kind  
10 of technology that can scan the license plate?

11 COUNCIL MEMBER HOLDEN: There's technology.  
12 There's no resolve to implement the technology. DOT  
13 still puts those wires in the street you know that  
14 dates back 40-50 years to count you know the traffic  
15 and when they could do it on poles with smart  
16 technology. They just don't do it but they don't  
17 again, they don't have the resolve because it's a  
18 business decision. You know the lobby, the trucking  
19 lobby and obviously many other lobbies don't want  
20 that. It's not good for business but what about the  
21 communities that these businesses are in? That's  
22 what we should be asking.

23 CRYSTAL BROWN: My zip code should not determine  
24 my health. My life span.

25 COUNCIL MEMBER HOLDEN: No exactly. Thank you.

CRYSTAL BROWN: Thank you so much.

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2 COUNCIL MEMBER AVILÉS: Thank you to this panel.

3 Council Member Holden, we're agreeing a lot today you  
4 and I. I agree 100 percent with Council Member  
5 Holden. Thank you. And the next panel, Daniel  
6 Hockman(SP?), Clifton Smith and Ryan Lokey.

7 DAN HOCHMAN: Good afternoon, my name is Dan  
8 Hochman. I'm a lifelong New Yorker and resident of  
9 Sunny Side Queens. I also work for a company called  
10 Quantique(SP?), which makes distributed air quality  
11 monitoring infrastructure and sensors. I'm voicing  
12 my support for both pieces of legislation as a New  
13 Yorker but also to reemphasize the need to expand our  
14 monitoring capabilities. The folks from DEP made a  
15 point just now that they kind of indicated that what  
16 we have is enough to measure what's going on with  
17 trucking and I want to register complete disagreement  
18 with that.

19 They only operate 85 nodes, which don't even  
20 measure ultra fine particles or black carbon, which  
21 means you're not really counting what's coming out of  
22 these tailpipes. The second thing I want to disagree  
23 with is the characterization that it's going to  
24 require \$41 million and 13 FTE's to get this done. I  
25 can tell you that whether it's our company or another

1  
2 company, you can get it done for way less than that  
3 and actually count the pollution that matters, which  
4 is ultra fine particles, black carbon, carbon  
5 monoxide and the NOx fumes or emissions.

6 And so in summary, fully in support of the 107  
7 monitoring provisions. I think we can 10X or 20X or  
8 even 30X the monitoring infrastructure in the city.  
9 Certainly not spending \$41 million. Probably closer  
10 to \$10 million and with very far fewer FTE's than the  
11 13 the cited. Thank you.

12 COUNCIL MEMBER AVILÉS: Thank you.

13 RYAN LOKEY: Good afternoon. I'm here to speak  
14 about Intro. 1130 and Intro. 107. My name is Ryan  
15 Lokey. As you have likely noticed, I am wearing an  
16 Amazon delivery vest. That's because I deliver  
17 packages and groceries for Amazon. I am not speaking  
18 on behalf of Amazon but I am speaking as an Amazon  
19 delivery driver who spends most of his day in  
20 environmental justice neighborhoods. Further, I am a  
21 frequent participant in the citizen air, noise and  
22 sanitation programs. In fact, I appear to be the most  
23 active participant in Council Member Holden and  
24 Avilés districts. I am also one of the only  
25 participants who actually participates at night. In



1  
2 Fiscal Year 2024, I gathered information that  
3 supported several thousand idle, dust, and noise  
4 complaints as well as over 100 illegal dumping, theft  
5 and recycling and graffiti cases. In fact, the  
6 injuries and the stamina you're probably hearing in  
7 my voice, were sustained just the other day while  
8 holding a city contractor accountable for violations  
9 of the law.

10 My experience gives me a unique perspective on  
11 these bills and I ask for a little latitude in  
12 addressing them. Once I finish my main testimony, I  
13 would like to offer to speak further on the 53 foot  
14 truck issue. I have significant experience as a  
15 commercial driver and I've worked with Sanitation and  
16 BIC officers to target bad operators in Council  
17 Member Holden's district. I have captured 53 foot  
18 trailers and trucks taking out fences, hydrants,  
19 vehicles, and other items throughout Holden's  
20 district and then a little as well in your district  
21 as well Ms. Avilés.

22 Let me begin with Intro. 1130. Regulating  
23 indirect sources is an excellent idea but as  
24 currently drafted, Intro. 1130 hands too much power  
25 to the executive branch. This is not good policy.

1  
2 It's especially bad policy under the current  
3 administration. Further, it only applies to  
4 warehouses and other sources exceeding 50,000 square  
5 feet. Many of the worst polluters by traffic volume  
6 are considerably smaller. Throughout the Maspeth  
7 IBZ, the North Brooklyn IBZ and the Southwest  
8 Brooklyn IBZ, I have personally witnessed smaller  
9 warehouses, approximately 10,000 to 20,000 square  
10 feet, receive a dozen long haul trucks, the 53 foot  
11 trailers and 50 plus smaller distribution trucks in  
12 just under three hours. This may occur usually at  
13 about 4:00 to 7:00 a.m.. It happens day after day  
14 and in many cases even on Saturdays and Sundays.

15 I could point out a dozen such locations in your  
16 district Ms. Avilés and another dozen or so in  
17 Holden's district without a problem. I would be  
18 happy to provide footage to anybody who would like to  
19 see it. Further, a Council Member raised concerns  
20 about just simply transferring truck traffic to New  
21 Jersey. This is a valid concern. It may surprise  
22 the Council to hear this but a significant amount of  
23 Amazon vans that serve as Manhattan, already come  
24 from New Jersey each and every day. Anytime that  
25 they have excess capacity for the vans and they need

1  
2 to fill it, they send them in from Jersey to operate  
3 in New York City. That's just how it works.

4 Now, as a driver I am not privy to Amazon  
5 corporate decisions but I do have common sense. One  
6 would imagine the company would simply dispatch more  
7 vans from New Jersey until they could secure  
8 warehouses in New York City that are under the square  
9 foot threshold.

10 I'd now like to address Intro. 107. I work from  
11 a number of different Amazon warehouses, most once  
12 again are within Holden and Avilés district. Three  
13 are located in Red Hook, two are located in Sunset  
14 Park, two are in Maspeth. Three of these warehouses  
15 are located immediately adjacent to the Red Hook  
16 recreation zone. Two are adjacent to Basis  
17 Independent School, a K-12 school, two are adjacent  
18 to the Maspeth waterfront. Public School 9 Walter is  
19 only a block away from the Amazon Grand Ave location.  
20 These warehouses known as stations in Amazon lingo  
21 have extensive vehicle traffic.

22 If I recall correctly the DEP Commissioner said  
23 nobody had really counted the truck traffic. I can  
24 tell you, I did. I have been for over a year now.  
25 Each station receives an average of 5 to 40 long haul

1 truck a day. These are the tractor trailers you see  
2 pulling 53 foot trailers. Roughly 90 percent of  
3 their traffic is 53 foot trailers. Each station has  
4 another 100 to 250 local vans coming and going 18  
5 hours a day. During the peak season, that's roughly  
6 21 hours a day but most of the year it is 18 hours.  
7 Then add employees and independent contractors, the  
8 surge workers. They bring an additional 100 to 400  
9 personal vehicles each and every day to each  
10 location. The Grand Ave locations swells to almost  
11 800 vehicles on the busiest of periods.  
12

13 Again, I am happy to provide footage to any  
14 Council Member who would like to see it for  
15 themselves. As you can imagine this volume of  
16 traffic generates considerable local pollution. It  
17 is very important that we as a community study just  
18 how much pollution this traffic is causing. If we  
19 don't track the source pollution, how are we going to  
20 ever propose a solution that would work?

21 In conclusion, I respectfully urge the Committee  
22 to proceed with Intro. 107 and perhaps reconsider the  
23 scope and language of Intro. 1130. Thank you.

24 CLIFTON SMITH: Well, I'm not ready yet, so. So,  
25 well last year - well, I support you last year

1 because last year I support you like last year in the  
2 - I was at the picket line supporting Amazon who went  
3 on strike and I don't work at Amazon. I do work in  
4 Yonkers. Like without going on strike. Like, we  
5 don't go on strike so we sell clothes. We do home  
6 goods for customer, so what we do is that uhm we pick  
7 up the merchandise from the trucks because even  
8 though that we don't have a freight elevator. So, I  
9 do support you but I still support Amazon. So, we  
10 get trucks. We pick up for the trucks, so I do work  
11 at Burlington Coat Factory and I'm an Associate in  
12 Yonkers and I do work in the receiving in Yonkers in  
13 the central app. But what we do is that we like we  
14 do it every day. Like we hit the goals. Like we do  
15 pick up for the customer. Like we're selling  
16 merchandise. Like home goods, like furniture, like  
17 we do the pick up from like clothes, suitcase, shoes,  
18 the shoes, dresses, clothes and baby depot and the  
19 merchandise and that's what we do every day. And  
20 that's all I have to say and my two minutes is up,  
21 that all I have to say.

23 COUNCIL MEMBER AVILÉS: Yeah, thank you. Thank  
24 you so much for your testimony. Mr. Lokey, do you  
25 sleep?

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1  
2 RYAN LOKEY: So, I actually only slept about two  
3 hours last night so that I could come to the Council  
4 meeting today.

5 COUNCIL MEMBER AVILÉS: No, I appreciate, I  
6 appreciate all the work that you have done and  
7 clearly, I needed to talk to you about two years ago.  
8 No honestly, your testimony was very insightful and I  
9 really appreciate both the recommendations, the  
10 caution, and the requests entailed in your testimony  
11 and we'll definitely be talking. Thank you.

12 RYAN LOKEY: Thank you.

13 COUNCIL MEMBER HOLDEN: Yeah, Ryan I want to give  
14 you a proclamation. I mean, again, what you're doing  
15 and how you're very passionate about what you're  
16 saying and your observation on PS9. You know it's  
17 right down the street and they had problems before  
18 the Amazon was built. And that's why I'm still  
19 working to try to move that school because I can't  
20 move Amazon, I don't think at this point but that  
21 school should not be there but just the numbers that  
22 you gave me, that's a good starting point. So, I'd  
23 like to talk to you some more.

24 RYAN LOKEY: Hi Bob, if I may say, I've actually  
25 been in contact with your office. We met a few

1  
2 months ago about Intro. 941 and your office has been  
3 relaying some information regarding I guess some  
4 complaints and some other things.

5 COUNCIL MEMBER HOLDEN: We get a lot, yeah.

6 RYAN LOKEY: Yeah and we've been doing our best  
7 to actually try and get some more support to  
8 Sanitation as well as BIC for the cameras for the  
9 illegal dumping in your district but I'll admit, it  
10 changes constantly.

11 COUNCIL MEMBER HOLDEN: The cameras take forever  
12 to get up. I mean I won't be in the Council by the  
13 time they get up but at least I'll know that's  
14 protecting a neighborhood. They actually pay for  
15 themselves within like one dumping, well two  
16 dumping's let's say.

17 RYAN LOKEY: Absolutely just unfortunately the  
18 individuals who participate in that particular sport  
19 they're very good about spotting the cameras.

20 COUNCIL MEMBER HOLDEN: Oh they are, I didn't see  
21 - again you're good on the undercover because I don't  
22 see that. I don't know about that. I didn't even  
23 know about 3:00 or 4:00 in the morning that's when  
24 these trucks are coming in.

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1  
2 RYAN LOKEY: I would be happy to actually send  
3 the office some dash cam footage.

4 COUNCIL MEMBER HOLDEN: Yeah, let's meet, let's  
5 meet again and let's uh I want to go over some of  
6 these numbers with you and then we could uh but thank  
7 you so much.

8 RYAN LOKEY: You would be amazed sir about the  
9 number of trucks and their 53 foot trailers and you  
10 were spot on about how they're sticking out at the  
11 loading docks. I'll put it this way, on certain  
12 roads such as your review Ave, you could have about  
13 35 to 40 long haul at about 4:00 a.m. and they'll  
14 block the entire road. The entire.

15 COUNCIL MEMBER HOLDEN: Wow, yeah I got to sleep  
16 though you know at my age I have to sleep a little  
17 bit.

18 RYAN LOKEY: Understandable, that's why you got  
19 guys like us.

20 COUNCIL MEMBER HOLDEN: I just want to again, Dan  
21 I want to thank you and I want to talk to you about  
22 the technology because I've been saying this to DOT,  
23 why do we not have these on poles? I was the  
24 Technology Chair in the previous Council and we were  
25 working towards that but you can see that they were



1  
2 just very, very slow and when I still see the  
3 technology they're using from the 1950's, it makes my  
4 blood boil. So what you're saying is correct and I  
5 do want to - Dan, I do want to meet with you at some  
6 point or talk to you on the phone or Zoom to go over  
7 some of these things, so thank you.

8 DAN HOCHMAN: Yeah, I'm happy to do so.

9 COUNCIL MEMBER HOLDEN: Thank you. Thanks so  
10 much.

11 CLIFTON SMITH: And I support you.

12 RYAN LOKEY: Thank you sir.

13 COUNCIL MEMBER AVILÉS: Thank you and now we'll  
14 be moving to panelists on Zoom. So, for those of you  
15 on Zoom once your name is called, a member of our  
16 staff will unmute you and the Sergeant at Arms will  
17 give you the go ahead to begin. Please wait for the  
18 Sergeant of Arms to announce that you may begin  
19 before delivering your testimony.

20 And we are calling first Amy Turner followed by  
21 Kevin Garcia.

22 SERGEANT AT ARMS: Time starts now.

23 AMY TURNER: Hi, my name is Amy Turner. Thank  
24 you so much for the opportunity to testify. I am  
25 here to testify in strong support of Intro. Number

1  
2 1130 in relation to the regulation of indirect  
3 sources of air pollution. I work at the Sabin Center  
4 for Climate Change Law at Columbia Law School where I  
5 direct our City's Climate Law Initiative. So, in  
6 that capacity, I work with local governments across  
7 the country to craft climate policies that minimize  
8 risk of state and federal preemption, and my work  
9 includes the study of local policies to lessen  
10 vehicle greenhouse gas emissions and I'm an expert in  
11 those legal considerations surrounding warehouse  
12 Indirect Source Rule.

13 So, in addition to expressing my support for  
14 Intro. 130, I'm here to share some legal context for  
15 an ISR's legal viability. Local Governments,  
16 including New York City are constrained in how they  
17 may regulate emissions from vehicles, including  
18 freight vehicles. Section 209 of the Clean Air Act  
19 preempts state and local governments from "adopting  
20 or attempting to enforce any standard relating to the  
21 control of emissions from new motor vehicles or new  
22 motor vehicle engines subject to the Clean Air Act.

23 This broad preemption clause, significantly  
24 constrains the city's ability to regulate or  
25 otherwise set stringent vehicle emission standards,

1 including for freight trucks and other vehicles that  
2 frequently enter and last mile ecommerce warehouses.  
3 The city does not have the authority to require that  
4 freight vehicles be electric or be of another low  
5 emissions technology, as doing so would effectively  
6 compel vehicle owners to purchase new vehicles that  
7 exceed the Clean Air Act standards. The city does  
8 however have the authority to regulate the Indirect  
9 Source of those freight vehicle emissions, the  
10 Stationary Ecommerce facilities that they serve.

12 An ISR can avoid preemption by the Clean Air Act  
13 by offering compliance optionality, the very thing  
14 that such a rule is designed to do. If Intro. Number  
15 130 is enacted, DEP will be tasked to setting a  
16 greenhouse gas emission standard for warehouse  
17 facilities and it will develop a menu of compliance  
18 options that warehouse operators -

19 SERGEANT AT ARMS: Time expired. Thank you.

20 COUNCIL MEMBER AVILÉS: You can finish your  
21 testimony.

22 AMY TURNER: Sure. Another warehouse indirect  
23 source rule in effect in the South Coast Air Quality  
24 Management District in Southern California is  
25 structured this way. Its compliance options include

1  
2 acquiring or using zero emission vehicles or near  
3 zero emission vehicles, reducing truck visits,  
4 installing vehicle charging, using vehicle charging,  
5 installing onsite solar and installing air filtration  
6 in homes, schools, hospitals and other offsite  
7 spaces. As such, no warehouse operator or freight  
8 vehicle owner is ever required to purchase a new zero  
9 emissions vehicle. They may choose other selections  
10 from the compliance menu.

11 An Indirect Source Rule promulgated under Intro.  
12 1130 would work similarly. The compliance options  
13 could differ as DEP will select methods for  
14 compliance that meet New York City's unique needs but  
15 the legislation is designed to avoid clean air act  
16 preemption in an analogous way. There are few other  
17 local policy options for minimizing freight vehicle  
18 emissions that can avoid Clean Air Act preemption as  
19 neatly as an ISR. Local efforts to lessen vehicle  
20 pollution outside the scope of Clean Air Act  
21 preemption are all the more critical as our federal  
22 executive branch seeks to role back requirements that  
23 protect our communities.

24 The Trump Administration is already reportedly  
25 considering resending the endangerment finding, which

1  
2 serves as a scientific and legal basis for all  
3 federal regulation of GHGs from vehicles. To  
4 supplement my testimony and to address other legal  
5 considerations surrounding warehouse Indirect Source  
6 rules, I attached to my written testimony my June  
7 2024 white paper entitled, "City's Ecommerce and  
8 Public Health, Free Legal Pathways to Limiting  
9 Freight Vehicle Emissions. It discusses Clean Air  
10 Preemption and other considerations for structuring  
11 an ISR in New York City. Thank you very much.

12 COUNCIL MEMBER AVILÉS: Thank you so much Mr.  
13 Turner. Next, we're going to have Kevin Garcia.

14 SERGEANT AT ARMS: Time starts now.

15 KEVIN GARCIA: Good afternoon everyone. My name  
16 is Kevin Garcia. I am the Senior Transportation  
17 Planner with the New York City Environmental Justice  
18 Alliance. Thank you so much for the opportunity to  
19 speak today and thank you to the Council for all of  
20 their work on this. We are part of the Last Mile  
21 Coalition and the Electrify New York Coalitions,  
22 which work to regulate the siting and operation of  
23 Last Mile and mega ecommerce warehouses. NYCEJA has  
24 long advocated for reducing vehicle miles traveled,  
25 tailpipe emissions and air pollution and many of our

1  
2 members, communities are located near industrial  
3 business zones, truck routes and highways and have  
4 been disproportionately impacted by air pollution.

5 Intro. 107 and Intro. 1130 are key pieces of  
6 legislation to address some parts of the unregulated  
7 ecommerce industry and legislation to protect workers  
8 is necessary. Intro. 107 presents an opportunity to  
9 illustrate the impacts of increased truck traffic and  
10 protect the health of communities, particularly EJ  
11 communities.

12 Now, Intro. 1130 is ambitious in establishing the  
13 nations first citywide Indirect Source Rule to  
14 address the emissions associated with ecommerce  
15 warehouses. However, the bill needs to address some  
16 critical concerns to ensure a comprehensive approach  
17 to reducing emissions. The legislation should  
18 require zero emission vehicles and not allow for near  
19 zero emission vehicles including but not limited to  
20 biofuel, renewable diesel, compressed natural gas, or  
21 renewable natural gas.

22 By permitting non-zero emission vehicles at these  
23 facilities, New York City will not be able to reach  
24 its climate targets and neighborhoods will continue  
25 to experience delayed reductions in air pollution.

1  
2 It is encouraging to see that the City Council is  
3 tackling the issues of this unregulated industry and  
4 these two pieces of legislation are key pieces of the  
5 complex puzzle to address the impact of ecommerce  
6 warehouses, and companion legislation to address  
7 labor issues and establish worker protections is also  
8 necessary.

9 SERGEANT AT ARMS: Time expired.

10 KEVIN GARCIA: Thank you. Thank you so much.

11 COUNCIL MEMBER AVILÉS: Thank you Kevin. Next we  
12 have William Scarboro followed by Christopher  
13 Garawecki.

14 SERGEANT AT ARMS: Time starts now.

15 COUNCIL MEMBER AVILÉS: I understand we may be  
16 having some technical difficulties with William.  
17 We'll give you another second. William, I think  
18 we'll come back to you and hopefully you can work out  
19 the tech issues. We'll move to Christopher  
20 Garawecki.

21 SERGEANT AT ARMS: Time starts now.

22 CHRISTOPHER GARAWECKI: Hi, good afternoon to the  
23 City Council. Thank you for allowing me to testify.  
24 I just got wind of this bill and some of it I  
25 actually really agree with but my title is Compliance

1  
2 Manager for Hub Truck Rental, so I am in the  
3 transportation industry.

4 I'll start off with, as an industry we all are  
5 for cleaner air but there's some concerns we have  
6 with the bills approach, especially to small  
7 businesses and the chain reaction to this potential  
8 regulation. First, we keep hearing about the  
9 electric truck mandate. It's not that easy. It  
10 costs four times as much. They have very - a half of  
11 the range and about half of the cargo capacity and  
12 they're also heavier wearing our roads down.

13 Also, but I do like the fact of water and rail  
14 and would love to see like an infrastructure push  
15 some kind of bill, whether it be statewide. That's  
16 the ultimate solution here. I know it's not easy but  
17 we used it previously when the majority of this area  
18 was industrial based and I can't see why we can't go  
19 back to that.

20 Uhm but it really doesn't help. It kind of  
21 hurts. I think maybe this bill should be rewritten.  
22 Again, we keep hearing about electric trucks. The  
23 reality is they don't exist for the masses. Like I  
24 said, they are four times as much. They are heavier,  
25 less cargo capacity, you'll see more on the road with



1  
2 more wear and tear on our already weakening roadways  
3 in the New York City area.

4 I did hear Councilman Holden's interest on the 53  
5 footer, we know it's a huge issue. I would just like  
6 to add, there is no special training for a 53 foot  
7 trailer. You have a Class A CDL and that's it. So I  
8 just wanted to bring that up.

9 SERGEANT AT ARMS: Time expired. Thank you.

10 COUNCIL MEMBER AVILÉS: Thank you so much for  
11 your testimony. When you were referencing the bills,  
12 was your comments directed at one specific bill?

13 CHRISTOPHER GARAWECKI: Yeah this is on the 1130.

14 COUNCIL MEMBER AVILÉS: Okay Direct Source Rule,  
15 great, thank you. I appreciate that.

16 CHRISTOPHER GARAWECKI: Thank you.

17 COUNCIL MEMBER AVILÉS: Next we will have  
18 Michelle Meyer.

19 SERGEANT AT ARMS: Time starts now.

20 MICHELLE MEYER: Hello, my name is Michelle Meyer  
21 and I'm a Researcher with International Council on  
22 Clean Transportation. An independent nonprofit  
23 organization that provides technical and [INAUDIBLE  
24 03:13:56] regulators.  
25

1  
2 I'm testifying today to highlight the opportunity  
3 to address air quality and public health impacts of  
4 truck emissions through concrete policy action such  
5 as an Indirect Source Rule.

6 Diesel trucks are the main group of vehicles that  
7 operate out of warehouses and they met harmful  
8 pollutants such as NOx, which cause respiratory and  
9 cardiovascular disease. An ICCT research shows that  
10 even relatively newer diesel trucks emit high levels  
11 of NOx, often above the EPA engine certification  
12 limit levels. This is particularly true at low speed  
13 urban driving conditions, which are typical in  
14 neighborhoods where last mile trucks operate in the  
15 city.

16 Recent research has quantified the impact of air  
17 pollution from warehouse trucks operating in the US.  
18 A 2024 study led by Gage Kur of the Milken Institute,  
19 which I supported on use satellite data of NO2  
20 measurements and found that NO2 levels are nearly 20  
21 percent higher near warehouses, which are more likely  
22 to be in or near communities with large share of  
23 racial ethnic minority residents.

24 We see growing evidence of the harmful effects of  
25 NO2 exposure on these residents. New research has

1 directly connected NO2 exposure and premature death.

2 The ICCT is working to update our modeling methods to  
3 include this cause and effect, which we anticipate  
4 will increase our estimates of the traffic related  
5 health impacts. City level policies are important in  
6 addressing the environmental justice issue of air  
7 pollution. Transitioning to cleaner and zero  
8 emission trucks measurably improves air quality and  
9 an indirect source rule could be an effective way to  
10 reduce the health burden on communities of color that  
11 are exposed to the highest levels of harmful air  
12 pollution and improve overall public health. Thank  
13 you.  
14

15 COUNCIL MEMBER AVILÉS: Thank you so much for  
16 your testimony. Next we have Hayden Brockett.

17 SERGEANT AT ARMS: Time starts now.

18 HAYDEN BROCKETT: Hello there. Can you hear me?

19 COUNCIL MEMBER AVILÉS: Yes, we can hear you.

20 HAYDEN BROCKETT: Great, thank you. Thank you  
21 Council Member Avilés for your leadership on  
22 improving New York's air quality and Chair Gennaro  
23 for holding today's hearing. My name is Hayden  
24 Brockett. We met before and I'm a founding member of  
25 the New York Clean Air Collective and a father and

1 husband who participates in the Citizens Air  
2 Complaint program.  
3

4 We as an organization and today we share the goal  
5 of getting more polluting trucks off of our streets.  
6 I am testifying today to support the Committee's good  
7 work on clean air legislation. In particular, Intro.  
8 107, which will require an important study of air  
9 quality in our city. I am pleased to see that there  
10 I think 41 members of the Council who cosponsor it  
11 and I urge the Council to pass Intro. 107.

12 We suffer from terribly poor air quality in New  
13 York, which unfortunately kills 3,000 New Yorkers  
14 each year. As a participant in the Citizens Air  
15 Complaint program, let me just address some incorrect  
16 information that Commissioner Aggarwala gave the  
17 Committee today about the impact of this program in  
18 the context of warehouses and environmental justice  
19 communities. As I'm sending forth in my written  
20 testimony, the data actually show that our highly  
21 successful citizen enforcement program, absolutely  
22 helps lower emissions today in environmental justice  
23 and disadvantage communities and this is crucial for  
24 the Committees last mile efforts because air  
25 enforcement stops idling both at the warehouses and

1  
2 also at the point of delivery. And Council Member  
3 Holden if you want to stop illegal 53's tomorrow, all  
4 you need to do is empower these citizen enforcers to  
5 report these trucks in the city. I see them every  
6 day. I saw three this morning. I'm reporting, going  
7 to report one to DEP and if you can start issuing  
8 tickets today if you give citizens the power to  
9 report these illegal trucks wherever they are in the  
10 city.

11 So Intro. 107 is a step in the right direction  
12 but unfortunately I have very serious concerns about  
13 the language of Intro. 1130 as -

14 SERGEANT AT ARMS: Time is expired. Thank you.

15 HAYDEN BROCKETT: I know it's a work in progress  
16 but in its present form, it's a little more than a  
17 blank check written from the legislative branch to  
18 the executive branch and that is not a good policy at  
19 any time. But the City Council should be writing the  
20 laws and not seeding its legislative authority to the  
21 Executive Branch. I know it's going to be a dialogue  
22 eventually but it's especially troubling now in 2025  
23 for the City Council to make a gigantic and unchecked  
24 grant of power to this mayoral administration  
25 compromised as it is and so, that's my concern with

1  
2 1130 as it is drafted. There are other additional  
3 issues that Commissioner Aggarwala noted that there  
4 is not going to be an environmental review until  
5 2026. I'm not sure how a CEQR review can even take  
6 place given that there isn't a rule in place at all.  
7 There's just sort of a blank check in there and I  
8 just would finally like to say that we should be  
9 strengthening the Citizen Air Complaint program. I  
10 was glad to see the Commissioner talk about using  
11 some of his budget to increase the salaries and maybe  
12 the headcount at the air inspectors. That's great.  
13 I think as the earlier testimony indicated, it's not  
14 going to cost \$40 million to do the study that we  
15 need to get a clear idea of how polluted our air is.  
16 Some of that money absolutely can go today. It  
17 sounds like to increasing the number of air  
18 inspectors and their salaries.

19 So, I just wanted to say thank you so much for  
20 this opportunity to testify and for your efforts to  
21 clear our air. Thank you.

22 COUNCIL MEMBER AVILÉS: Thank you so much Hayden  
23 for your consistent and clear advocacy. I appreciate  
24 you. Next, we're going to have Jim Wright followed  
25 by Katy Walsh.

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3 SERGEANT AT ARMS: Time starts now.

4 JIM WRIGHT: Good afternoon and thank you Council  
5 Members Avilés and Holden, your staff and other  
6 members of the Committee for holding this hearing.  
7 My name is Jim Wright speaking on behalf of the  
8 American Institute of Architects New York. AI New  
9 York strongly supports the need, purpose and goals of  
10 Intro. 1130 to reduce emissions from freight delivery  
11 vehicles, still mostly diesel powered medium and  
12 heavy duty trucks delivering goods to and from  
13 distribution warehouses operating in New York City.

14 The proposed Indirect Source Rule to be  
15 administered by DEP, is a tested and effective way to  
16 speed up the transition to zero emission vehicles.  
17 By improving air quality in neighborhoods most  
18 effected by emissions, local public health outcomes  
19 will be improved and importantly broader  
20 sustainability goals for reducing overall carbon  
21 emissions in the transportation sector can be  
22 advanced.

23 Our testimony today focuses on broad principles  
24 of the ISR enabling legislation by the Council.  
25 First, AI New York supports an all agency approach to  
creating a more sustainable freight network across

1  
2 New York City. In addition to implementing an ISR,  
3 the city is committed to address the impacts of large  
4 distribution warehouses on local residential areas  
5 with its zoning and land use tools. Related to the  
6 ISR, consistent standards need to be adopted by DCP  
7 and referenced in the ISR as a clarify relevant  
8 zoning use for definitions to various warehouse types  
9 and define clear criteria for floor area calculations  
10 in these buildings.

11 As DCP moves forward to develop a special permit  
12 process for new large distribution warehouses, DEP  
13 and DCP need to coordinate terminology and relevant  
14 elements of the regulations to avoid conflicts and/or  
15 redundancy.

16 Second, the ISR should apply to a broad range of  
17 warehouse facilities with high volume vehicle freight  
18 traffic.

19 SERGEANT AT ARMS: Time expired. Thank you.

20 COUNCIL MEMBER AVILÉS: You can complete your  
21 testimony.

22 JIM WRIGHT: Thank you. Not just the largest  
23 fulfillment centers and so-called last mile  
24 distribution facilities, this could include  
25 facilities related to food deliveries from EDC's



1  
2 Hunts Point Food Distribution Center, food delivery  
3 services such as Fresh Direct, home improvement  
4 deliveries such as Home Depot, and Ikea and even  
5 construction material deliveries.

6 Lastly the distribution warehouse floor area  
7 threshold with 50,000 square feet that would trigger  
8 the ISR, seems overly rigid. Extrapolating from  
9 DEP's data, existing warehouses - exempting  
10 warehouses below this threshold would capture only 40  
11 percent of the New York City's warehouse related  
12 vehicle emissions. Alternatively, the step threshold  
13 starting at 25,000 square feet tied to delivery  
14 vehicle trip volume with increments up to one million  
15 square feet of - would capture more of these delivery  
16 vehicle emissions and give DCP, DEP more a larger  
17 arsenal of tools to regulate those emissions.

18 Incorporating these principles into enabling  
19 legislation would give DEP the flexibility to  
20 calibrate most effective set of regulations and  
21 incentives based on local data and results from other  
22 jurisdictions that have implemented their own version  
23 of an ISR. Thank you for considering these  
24 recommendations. We submitted our full written  
25

1  
2 testimony to the Council and I'm happy to answer any  
3 questions you may have.

4 COUNCIL MEMBER AVILÉS: Thank you so much for  
5 your testimony. Next we will have Kathrine Walsh  
6 followed by Eric Eisenberg.

7 SERGEANT AT ARMS: Time starts now.

8 KATHERINE WALSH: Thanks my name is Katy Walsh  
9 and I am the Transportation Chair of Community Board  
10 7, which represent Sunset Park and Winsor Terrace.  
11 Born and raised in Sunset Park and also have  
12 childhood asthma because growing up in our community  
13 and the air quality issues related to it.

14 I've worked tirelessly alongside neighbors in  
15 Sunset Park and neighboring Red Hook with  
16 representatives from local schools and faith groups  
17 and business and senior centers and community based  
18 organizations, specifically to catalyze, convene and  
19 work to change the status quo on the issues related  
20 to last mile trucking and the air quality  
21 transportation and traffic problems that we have  
22 specifically related to the Brooklyn Queens  
23 Expressway and Third Avenue under the BQE, which is  
24 inherently treated like an urban highway by drivers.

1  
2 Many of us started organizing on this issue on  
3 last mile trucking in 2018 hosting community meetings  
4 with local elected officials because we know  
5 firsthand that these facilities unfairly burden our  
6 neighborhood and others throughout New York City with  
7 traffic congestion, dangerous streets, poor air  
8 quality, and really increasing already elevated  
9 asthma rates. In 2021, the Community Board organized  
10 a whole special subcommittee specifically to address  
11 these issues of last mile facilities and the impact  
12 on health and safety. In the last four years, we've  
13 held dozens of meetings with several hundred people  
14 and heard over and over about impacts with  
15 information and attempting to really catalyze action  
16 and legislation that we could see at the city and the  
17 state level. Because we know especially that you  
18 know we're feeling these impacts and the local air  
19 quality monitors like what we cited earlier, the  
20 NYCCAS 85 sites don't cut it in terms of the scale  
21 and magnitude of the issue.

22 So, the first point to make is that we've been  
23 consistent in calling for a solution to the problems  
24 from the last mile trucking and so, we support  
25 legislation. I'd like to represent to support the

1  
2 bill 1130 on the Indirect Source Rule because it is a  
3 clear step -

4 SERGEANT AT ARMS: Your time is expired. Thank  
5 you.

6 KATHERINE WALSH: In addressing the burden placed  
7 on communities like ours. Can I keep going?

8 COUNCIL MEMBER AVILÉS: Yes you can.

9 KATHERINE WALSH: I just want to also register  
10 support personally support for Intro. bill 107, which  
11 designates the high traffic thoroughfares along the  
12 roadways and we need this legislation again because  
13 the current NYCCAS, these 85 monitors do not respond  
14 to the needs of local communities like ours or  
15 prepare us for the scale and magnitude of the issues  
16 that we are facing and will continue to face from  
17 extreme weather events, the air quality that results  
18 from things like wild fires, which New York has  
19 already felt.

20 I know that you know it was cited specifically  
21 the New York State DEC work that was happening on air  
22 quality, that was a moment and time that ACLAMA(SP?)  
23 was working on this. I serve on the Air Quality  
24 Monitoring Advisory Committee that the Brooklyn  
25 Borough President has been organizing to think about

1  
2 outreach and mitigation actions and we are being  
3 tasked with making recommendations to this New York  
4 State air quality legislation and specifically one of  
5 those is going to be on meeting local air quality.  
6 So I just want to come back that one of the key  
7 recommendations that is going to arise from the New  
8 York State work on air quality is coming back to this  
9 issue of the city being able to have local air  
10 quality and monitoring.

11 So, we absolutely need bill 107. The whole point  
12 of this additional monitoring is because the world  
13 around us is changing and we really need to be able  
14 to see these changes and use the data to predict  
15 future regulation that we need. Thank you.

16 COUNCIL MEMBER AVILÉS: Thank you so much Katy  
17 for all your work and advocacy. Next, we have Eric  
18 Eisenberg.

19 SERGEANT AT ARMS: Time starts now.

20 ERIC EISENBERG: Hi, sorry there was some issue  
21 with me unmuting myself. I'm Eric Eisenberg. A lot  
22 of the testimony I was uhm wanting to give was  
23 covered by the excellent testimony of Hayden  
24 Brockett. I do want to expand a little bit on the  
25 concern that Hayden expressed about giving the

1 Administration and the DEP Commissioner a blank check  
2 to write their own rules, rather than relying on City  
3 Council to create a well-formed Indirect Source Rule  
4 Law.  
5

6 I do think that both of the bills that Ms. Avilés  
7 proposed today are well intentioned and I fully  
8 support additional monitoring and we already know we  
9 lose about 3,000 New Yorkers a year to air pollution  
10 and knowing where in particular is the most deadly  
11 might help us a bit.

12 With respect to the giving of power to the DEP  
13 Commissioner, I think the DEP Commissioner tips his  
14 hand in a few ways. One of them is the DEP  
15 Commissioners or [INAUDIBLE 03:29:01] double speak  
16 today on multiple occasions that Intro. 941 will  
17 somehow help air quality. Intro. 941 is a poisoned  
18 pill. Numerous environmental groups have provided  
19 testimony against Intro. 941, the American Civil  
20 Liberties Union has also provided testimony that  
21 Intro. 941 is a violation of the civil rights of  
22 environmentalists by cutting off their speech. It's  
23 clear that the Commissioner is really just interested  
24 in a power grab.  
25

1  
2 We have seen other examples of this with respect  
3 to the Adams Administration and the DEP Commissioner  
4 with respect to air quality previously. Ms. Avilés  
5 sponsored and passed an excellent bill to increase  
6 anti-idling -

7 SERGEANT AT ARMS: Time expired. Thank you.

8 ERIC EISENBERG: To increase anti-idling  
9 enforcement around parks. The DEP used that as an  
10 opportunity to weaken anti-idling enforcement near  
11 schools and I thank Council Member Avilés for  
12 speaking out against the DEP's wrongful use of power.  
13 I also note that the Commissioner has previously  
14 tipped his hand by speaking out and questioning the  
15 legality of Spanish language speakers reporting air  
16 pollution. Of course it's legal for Spanish language  
17 speakers to report air pollution. Again, these are  
18 warning signs that the broad rule making authority in  
19 Intro. 1130 to the DEP and the Adam's Administration  
20 is dangerous and instead we should have City Council  
21 write the rules instead of deferring to this very  
22 dangerous and frequently anti-environmental  
23 administration. Thank you.

24

25

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2 COUNCIL MEMBER AVILÉS: Thank you so much Eric.  
3 I hear you. Next will have Nathan Taft followed by  
4 Jaqi Cohen.

5 SERGEANT AT ARMS: Starting time.

6 NATHAN TAFT: Hi there. Thanks for the  
7 opportunity to speak today. My name is Nathan Taft  
8 and I'm with Safe Cities at Stand Earth. We work  
9 with local government leaders around the country on  
10 policies to phase out fossil fuels and we'd like to  
11 go on the record a strongly supporting the city  
12 taking action to reduce pollution from mega  
13 warehouses via action such as an Indirect Sources  
14 Rule.

15 Ecommerce mega warehouses generate significant  
16 emissions from a large number of delivery trucks that  
17 come in and out of the facility each and every day.  
18 These mega warehouses operate 24/7 and produce  
19 greenhouse gas emissions equal and sealed to those  
20 from power plants and factories. They require  
21 hundreds, sometimes thousands of vehicle trips per  
22 day, including a large number of large heavy duty  
23 diesel trucks. The trucks operated out of the  
24 warehouses pollute particulate matter that we've  
25 heard about today, nitrogen oxides, volatile organic



1 compounds and this worsens local air quality,  
2 increasing the risk of asthma, heart attacks, and  
3 premature deaths in surrounding neighborhoods. Even  
4 though diesel fuel trucks and buses make up only ten  
5 percent of vehicles on US roads, they are responsible  
6 for 50 percent of the transportation sectors nitrogen  
7 oxide emissions. The work that you all are doing  
8 here today is complementary to a state bill, the  
9 Clean Deliveries Act, an important piece of  
10 legislation that is being considered during this  
11 legislative session that safe cities also supports.

12       The fact is the growth of mega warehouses isn't  
13 just a problem in New York City, it's a problem  
14 across the state and unchecked warehouses are  
15 beginning to crop in communities with a zero  
16 regulation. The state bill has a provision to allow  
17 cities to develop stronger requirements and New York  
18 City now has a chance to do exactly that. Safe  
19 Cities is working with local advocates with deep  
20 expertise on this issue, including Earth Justice and  
21 the Tristate Transportation Campaign and we would  
22 like to throw our support behind their specific  
23 recommendations on how New York City should address  
24 warehouse pollution.  
25

1  
2 Thank you for the opportunity to share our  
3 support for New York City taking action and for the  
4 chance to speak. Have a great day.

5 COUNCIL MEMBER AVILÉS: Thank you so much for  
6 your testimony. Next we have Jaqi Cohen.

7 SERGEANT AT ARMS: Starting time.

8 JAQI COHEN: Hi, good afternoon and thank you so  
9 much for the opportunity to testify today. I am Jaqi  
10 Cohen, I'm the Director of Climate and Equity Policy  
11 at Tri State Transportation Campaign. We're a member  
12 of the Electrify New York Coalition. I'm proud to be  
13 here.

14 I'm here to testify in support of Intro. 1130,  
15 which would curb emissions stemming from mega  
16 warehouses across our city. The rise of the  
17 ecommerce has fundamentally changed our urban  
18 landscape. Last mile warehouses pivotal in the shift  
19 are now a common feature in and around our cities.  
20 They facility the near immediate delivery of goods,  
21 which drives huge profits for companies like Amazon  
22 become an enormous cost to the communities living in  
23 their shadows. These football field size warehouses  
24 operating 24/7 generate significant emissions from  
25 the numerous delivery trucks that come and go. These

1  
2 emissions are not only harmful to the environment but  
3 also to the health of nearby communities which are  
4 often underserved and already over burdened by  
5 pollution.

6 One in three New York City residents, that's  
7 about \$3 million people live within a half mile of an  
8 ecommerce mega warehouse, but the burden falls  
9 disproportionately on disadvantaged communities. And  
10 so to paint the picture in numbers, Black residents  
11 are 17 percent more likely to live near these  
12 facilities, Latino communities are 13 percent more  
13 likely to be exposed. Low income neighborhoods face  
14 19 percent higher exposure rates. And I really  
15 resonated with one of the speakers earlier who said  
16 that her zip code should not determine her health or  
17 her quality of life.

18 The health impacts are severe. Diesel trucks  
19 emit particular matter, nitrogen oxides that worsen  
20 air quality and increase risks of asthma, heart  
21 attacks and premature deaths. The diesel trucks make  
22 up a small percentage of vehicles on the road. They  
23 produce 50 percent of all transportation related  
24 nitrogen oxide emissions.

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3 Intro. 1130 compliments the Statewide Clean  
4 Deliveries Act, which we support currently under  
5 consideration in Albany. Together, these two bills  
6 provide a framework for a more sustainable urban  
7 delivery system that would benefit all New Yorkers  
8 and serves as a national -

9 SERGEANT AT ARMS: Time is expired. Thank you.

10 JAQI COHEN: As we witness the growth in online  
11 shopping, comprehensive regulation has never been  
12 more important and by enacting an Indirect Source  
13 Rule for mega warehouses, communities all across the  
14 five boroughs would benefit from cleaner air, safer  
15 streets and healthier neighborhoods. Thank you.

16 COUNCIL MEMBER AVILÉS: Thank you so much for  
17 your testimony. Next, we have Dylan Jeff.

18 SERGEANT AT ARMS: You may begin.

19 DYLAN JEFF: Good afternoon Chair and member of  
20 the community. My name is Dylan Jeff and I'm a  
21 Policy Analyst at Consumer Reports here to express  
22 our support for Intro. 1130, which is a critical step  
23 to reducing emissions attributable to warehouse  
24 facilities.

25 CR is a New York based independent nonprofit  
membership organization that works side by side with

1 consumers to create a fair, safer and healthier  
2 world. With the rise in ecommerce across the country  
3 and in New York, many companies are causing  
4 significant impacts to the communities living around  
5 distribution warehouse facilities contributing to  
6 increased air pollution from diesel based delivery  
7 trucks among other negative impacts.  
8

9 Decades of studies have shown that breathing in  
10 particulates from diesel and gasoline exhaust can  
11 cause a persons chance of getting asthma and  
12 developing cancer while also contributing to preterm  
13 births and miscarriages.

14 While all New York City residents are harmed by  
15 air pollution, vulnerable communities are the most  
16 exposed to distribution warehouse traffic and it's  
17 resulting in polluting emissions. In 2021, Consumer  
18 Reports in the Gardian US published an investigative  
19 report about the rapid expansion of large Amazon  
20 warehouse facilities across the country, which showed  
21 that these warehouse facilities are typically built  
22 in neighborhoods with a disproportionately high  
23 numbers of people of color and low income residents.  
24 More recently in 2022, CR and the Guardian published  
25 additional reporting outlining a lack of publicly

1  
2 accessible air quality data associated with the  
3 operation of Amazon's last mile warehouse facilities,  
4 specifically in Brooklyn's Red Hook neighborhood.  
5 Residents express concern with the increasing noise  
6 and dangerous traffic associated with these  
7 facilities, as well as the fear of additional air  
8 quality problems from increased vehicle traffic  
9 traveling through their neighborhood.

10 An Indirect Source Rule will help manage the  
11 unchecked growth of warehouse facilities, advance  
12 environmental justice by requiring mitigation  
13 measures at these warehouses, which generate  
14 significant vehicle emissions.

15 Consumer Report strongly urges you to support  
16 Intro. 1130 and pass an Indirect Source Rule to  
17 ensure that communities across New York City are  
18 protected from pollution tied to warehouse shipping  
19 traffic in their neighborhoods. Thank you.

20 COUNCIL MEMBER AVILÉS: Thank you so much for all  
21 the work you've done in the reporting specifically in  
22 the conditions in Red Hook. Next, we have Robyn  
23 Marquis followed by Evi Boyd.

24 ROBYN MARQUIS: Did my time start? Sorry, I  
25 didn't hear a queue.

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3 SERGEANT AT ARMS: You may begin.

4 ROBYN MARQUIS: Okay thank you. Good afternoon  
5 everyone. My name is Robyn Marquis. I am here today  
6 representing Calstart as the Senior Director of  
7 Innovative Mobility and I live here in New York City.

8 I want to thank the Committee Members for this  
9 opportunity to provide comments in support of this  
10 proposed legislation to regulate indirect sources of  
11 air pollution.

12 Calstart is a nonprofit organization with over 30  
13 years of experience working with businesses,  
14 organizations, governments and communities to  
15 mitigate climate change and achieve equitable access  
16 to clean transportation for all. In New York State,  
17 Calstart has worked for over a decade on large scale  
18 projects and policies to support this mission,  
19 including a New York Clean Transportation Prize Award  
20 that is deploying zero emission trucks in New York  
21 City and supporting work force development.

22 Both the state and the city have set ambitious  
23 goals for achieving meaningful and necessary  
24 reductions to greenhouse gas emissions and other  
25 harmful impacts created by the transportation sector.  
However, as we've been discussing today, the sharp

1  
2 rise in ecommerce and associated warehouses and  
3 trucks will only continue to increase these  
4 pollutants without interventions. New York City has  
5 over 8,000 warehouse and distribution facilities,  
6 which disproportionately impact low income and  
7 communities of color.

8 Indirect Source Rule policies aim to reduce the  
9 emissions from mobile sources of air pollution that  
10 access and serve these facilities. This type of  
11 policy was adopted in 2021 by an air district in  
12 Southern California and there has already been a  
13 reduction in both nitrous oxides or NOx and  
14 particulate matter. Calstart supports an Indirect  
15 Source Rule approach that has a diverse set of zero  
16 emission menu options, enables multiple pathways  
17 towards compliance and allows flexibility for custom  
18 plans that are responsive to site specific needs and  
19 constraints.

20 The local landscape and density in New York City  
21 also present an opportunity for multimodal solutions,  
22 such as cargo bikes for last mile deliveries. We  
23 appreciate your time today and the opportunity to  
24 share these comments with the Council as it addresses  
25



1  
2 a crucial rule to ensure a healthy and thriving New  
3 York City. Thank you.

4 COUNCIL MEMBER AVILÉS: Thank you so much for  
5 your testimony. Next we have Evi Boyd followed by  
6 Michael Streeter.

7 SERGEANT AT ARMS: You may begin.

8 EVI BOYD: Okay, good afternoon everyone and  
9 thank you very much for holding this meeting today.

10 My name is Evi Boyd, I am the Vice President of the  
11 Rosedale Civic Association and Co-Chair of the Civics  
12 Quality of Life Committee.

13 Our organization was formed in 1946 to represent  
14 the interest of our residents and voters, population  
15 of over 25,000 in Southeast Queens. Rosedale is home  
16 to growing young families, children, and these older  
17 and senior population that still remain in the same  
18 home that they bought years ago. Like it has been  
19 stated by many others that spoke today and even  
20 Council Member Holden, our community is negatively  
21 impacted by these large trucks, tractor trailers,  
22 industrial warehouses and industrial pollution. So,  
23 our recommendations are along the same lines that  
24 you've heard today. We're asking that legislation  
25 strongly, strongly mandates that these warehouses

1  
2 adopt low emission technologies, transition from  
3 electric vehicles, a transition from diesel vehicles  
4 to electric vehicles, electric forklifts, and that  
5 they also adopt the reduction of idling time, which  
6 is currently by law and they're disobeying, for the  
7 safety of their own workers and the community.

8       And also, because I heard the Commissioner  
9 mention that there's existing data from air monitors.  
10 I would like for that to be transparent and to be  
11 made available because we know that air quality  
12 varies from location to location. So, we would like  
13 to see does this existing data reflect all of the  
14 community, especially the challenges that we're  
15 facing in our community and if this existing data is  
16 up to date and is comprehensive.

17       Also, one last thing, we ask that the community  
18 is involved in the discussions and the decision  
19 making in this important matter. Thank you very much  
20 for allowing me to express our concerns.

21       COUNCIL MEMBER AVILÉS: Thank you so much Ms.  
22 Boyd. We hear your recommendations and requests and  
23 we will be back in touch. We appreciate you. Thank  
24 you. Next, we will have Michael Streeter.

25       SERGEANT AT ARMS: You may begin.

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1  
2 MICHAEL STREETER: Hi, my name is Michael  
3 Streeter. I am part of the New York Clean Air  
4 Collective. I care a lot about air quality and I  
5 want to thank Council Member Avilés for introducing  
6 Intro. 107. I'm in awe of some of the testimony  
7 we've heard today. I'm in Red Hook all the time. I  
8 live nearby and the situation by the delivery  
9 warehouses on the proximity of schools is pretty  
10 dire. You know you've got bases independent right at  
11 Columbia and Bay right by the Amazon fulfillment  
12 center and the school has a great rooftop playground.  
13 One of my friends daughters goes there and it's a  
14 great school, a great playground but it's right there  
15 you know in the open air by tons of vehicles driving  
16 in and out. As of last holiday season, you have a  
17 new type of fleet of delivery vans there and they  
18 have rooftop reefers on a van, so they're exempt from  
19 idling laws. So, they just sit there idling much of  
20 the day. They know that they have the golden ticket  
21 on top of their roof, so they leave it running and no  
22 empowered citizen can do anything. So every season  
23 it's something new with Amazon and we need to better  
24 understand the impact of the underregulated last mile  
25 facilities.

1           You know not be playing catch up all the time.  
2  
3       So, Intro. 107 is really important. With that said,  
4       I highly encourage further workshopping of Intro.  
5       1130 as some others have suggested due to the issues  
6       previously mentioned with the Adam's Administration's  
7       history of rule making and executive authority.

8           So, a strong support for Intro. 107 and  
9       respectful but appreciative request to work more on  
10       Intro. 1130. I think it's well-intentioned but I -

11       SERGEANT AT ARMS: Your time has expired. Thank  
12       you.

13       MICHAEL STREETER: I think it's too much of a  
14       giveaway. So, thank you so much to Chair Gennaro and  
15       Council Member Avilés. Have a great weekend.

16       COUNCIL MEMBER AVILÉS: Thank you so much for  
17       your testimony Mr. Streeter. So if we have  
18       inadvertently missed anyone who registered to testify  
19       today and has yet to be called, please use the Zoom  
20       raise hand function if you are testifying remotely  
21       and you will be called in the order that your hand  
22       has been raised. If you are testifying in person,  
23       please come to the dais.

24           Seeing none either remote or in person, I will  
25       now close this hearing. I want to thank the members

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1  
2 of the Administration and all the members of the  
3 public who joined and testified today. This hearing  
4 is adjourned. [GAVEL]

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C E R T I F I C A T E

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



Date March 21, 2025