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COMMITTEE ON ENVIRONMENTAL PROTECTION

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CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ENVIRONMENTAL PROTECTION

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TUESDAY, June 7, 2022

Start: 12:06 p.m.

Recess: 01:19 p.m.

HELD AT: REMOTE HEARING, (VIRTUAL ROOM 1)

B E F O R E: HON. JAMES F. GENNARO
CHAIRPERSON

COUNCIL MEMBERS:

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

1 COMMITTEE OF ENVIRONMENTAL PROTECTION

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1 COMMITTEE OF ENVIRONMENTAL PROTECTION

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2 A P P E A R A N C E S

3 Samara Swanson
4 Committee Counsel
5 Committee of Environmental Protection

5 Angela Licata
6 Deputy Commissioner of Sustainability
7 New York City Department of Environmental Protection

7 Julia Casagrande
8 Policy Advisor
9 Mayor's Office of Climate and Environmental Justice

9 Lonnie Portis
10 Environmental Policy and Advocate Coordinator
11 WE ACT for Environmental Justice

11 Rocco Lacertosa
12 Chief Executive Officer
13 New York State Energy Coalition

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2 SERGEANT BRADLEY: PC recording is up.

3 SERGEANT SADOWSKY: Thank you. Recording to the
4 cloud all set. And good afternoon and welcome to
5 today's remote New York City Council hearing of the
6 Committee on Environmental Protection. At this time
7 would all council members and staff please turn on
8 their video? To minimize disruption, please place
9 electronic devices on vibrate or silent mode. Thank
10 you for your cooperation. Chair, we are ready to
11 begin.

12 CHAIRPERSON GENNARO: Thank you, thank you
13 Sergeant, um, uh. I want to thank everyone for
14 joining our virtual hearing today of the Committee on
15 Environmental Protection. My name is Jim Gennaro. Uh,
16 I welcome everyone and, rather than saying welcome in
17 a general way, uh. Oh, okay. I'm following my script.
18 I'm supposed to gavel in three times.

19 [GAVEL]

20 Gaveled in. Okay, um, we are, I'm going through
21 the Zoom here. Uh, we're joined by Council Members,
22 uh, Holden, Council Member Nurse, Council Member
23 Kagan, Council Member Menin, um, uh, Council Member
24 Moya, um, uh, Council Member Hanks, uh.

2 I would ask staff to text me the names of any
3 members that I might have missed and also during the
4 proceedings if, uh, Ricky, you could just, uh, keep
5 me posted with, uh, members who, uh, join the
6 hearing, certainly want to recognize them.

7 And, uh, first order of business, I'm going to
8 turn it over to our moderator, the Counsel to the
9 Committee Samara Swanson, to go over some procedural
10 items and then I'll do my opening statement and we
11 can begin. So, uh, Samara, if you could proceed?

12 COUNSEL TO THE COMMITTEE SWANSON: This hearing of
13 the Environmental Protection Committee. Before we
14 begin, I want to remind everyone that you will be on
15 mute until you are called on to testify, when you
16 will be unmuted by the host. I will be calling on
17 panelists to testify. Please be aware that there
18 could be a delay in muting and unmuting, so please be
19 patient.

20 Please listen for your name to be called. I will
21 be periodically announcing who the next panelist will
22 be. We will begin with testimony from the
23 administration which will be followed by testimony
24 from members of the public.

2 During the hearing, if Council Members would like
3 to ask a question, please use the Zoom raise hand
4 function and I will call on you in order. We will be
5 limiting Council Member questions to five minutes,
6 including responses. I will call on you when it is
7 your turn to speak.

8 During the hearing, if Council Members would like
9 to ask a question again, use the Zoom raise hand
10 function and I will call on you in the order that you
11 raised your hand. And now I'd like to hand it over to
12 Chair Gennaro for his opening statement.

13 CHAIRPERSON GENNARO: Uh, thank you, Samara. I
14 appreciate all your good work on this hearing. This
15 is kind of a tough one to pull together. There's a
16 lot of back and forth with staff, but I think we're
17 in a very good place now. It's kind of a complicated
18 issue. And, okay, let me start my statement, okay.

19 Good afternoon, I'm Jim Gennaro, Chair of the
20 Committee on Environmental Protection. Today we'll
21 hear, uh, Intro 470-2022, a local law to advance the
22 phase out of number 4 heating oil. Uh, this is being,
23 this bill is being put forward by myself, and, our,
24 my, uh, co-prime sponsor, uh, Council Member Cabán

2 and, um, and is also being sponsored by, uh, Council
3 Member Brenin.

4 I have a very, I have a very complicated, um,
5 opening statement before me that's been drafted with
6 great precision by staff, but I think, you know, it,
7 it's a complicated issue, and I think I just want to
8 start off by, you know, giving some history and just
9 talking like in a plain language kind of way just to
10 give people a sense of history, because it's, it,
11 it's important.

12 Uh, you know, going back about 10 years, uh, you
13 know, the Council really wanted to do a lot, you
14 know, working hand in hand with the, with the
15 Bloomberg administration to, uh, to clean heating
16 oil. Uh, you know, heating oil, we burn about, you
17 know, a billion or so gallons, of, of, uh, you know,
18 heating oil per year. It, and it produces, uh, you
19 know, quite a lot of pollute, uh, uh, you know, quite
20 a lot of pollution or at least the heavier grades of
21 heating oil. And that's what I'm going, that's what
22 I'm going to, you know, get into now because, and I
23 don't want to make this a tutorial, but it's
24 important for people to understand, you know, where
25 this is all coming from.

2 Uh, you, once upon a time in New York City, we
3 had three grades of heating oil. We had number 2,
4 which most people know. You see the trucks driving
5 around in neighborhoods and filling up residential
6 tanks. Um, and then, you, you'd, so, so that's grade
7 number 2. Um, now the next grade up from that in
8 terms of, um, you know, being more heavy, industrial
9 kind of fuel would be, um, heating oil number 4 and,
10 you know, heating oil number 6. Now, there are really
11 only two kinds of heating oils. There's number,
12 there's 2 and there's 6. 4 is a blend of, of, of, of,
13 of, of 2 and 6.

14 And, um, what we don't have any more in New York
15 City is fuel oil blend number 6, which is essentially
16 like tar. It was unbelievably terrible with regard to
17 its emissions. It really had to go. There are places
18 around the state that still use it, but, but, we
19 don't use it here. Um, and, uh, it was about 1% of
20 the city's buildings that were using fuel oil number
21 6, but it was producing like the predominant amount
22 of pollution from heating oil, just number 6 alone
23 with its small penetration, you know, into, like, the
24 market. It was horrible. It had to go.

2 So, 10 years ago, we did a couple of things. Um,
3 working with D, working with DEP, um, uh, uh, uh, we
4 did this whole package at once. So, we worked with
5 the administration, and, you know, DEP through rule
6 making, um, uh, indicated by, I think 2015, they were
7 no longer going to certify boilers that burned number
8 6 oil. So as of 2015, you know, number 6 was out of
9 the question. That was like, a huge, you know, clean
10 air benefit for, for the city.

11 Um, and then the Council at the time that we put
12 number 6 on the road to extinction, um, we legislated
13 in this Council, uh, making number 4 oil much cleaner
14 in terms of sulfur content. Sulfur is a really bad
15 pollutant. It creates, uh, you know, sulfur oxides
16 which is a respiratory irritant. It's bad and so, um,
17 number 4 oil at the time was north of 3,000 parts per
18 million of sulfur, sometimes around 4,000. And the,
19 and the Council legislated it, that it could be no
20 more than 1,500 parts per million of sulfur, making
21 it a lot cleaner. Okay. Good, uh, that's a good
22 thing.

23 And then we made a big (INAUDIBLE) by which
24 number 4 oil had to be out of service, that people
25 couldn't use it anymore. And for, and for, you know,

2 residences that was January 1, 2030. Or, or, or for,
3 for non-power plant uses. This should be residences,,
4 uh, schools, you know, other kinds of commercial, um,
5 enterprise, big engines or whatever, uh, they had to
6 stop using number 4 by January 1, 2030. And for power
7 plants, they had to stop using it by January 1, 2025.

8 And so, and then also at the same time, we added
9 bio-blends to heating oil, so 2, 4, and 6. We started
10 with a B2 blend and then we went with B5 which is
11 where we are now. Ultimately, we're going to go to
12 B10 and B20. That's what's in the law right now and
13 there are, there are, there are, you know, timetables
14 when that is going to key in, uh, and that has served
15 to make, you know, uh, um, uh, uh heating oil
16 cleaner, um, including number 4. (INAUDIBLE)

17 So, this is all, you now, very well intended and
18 so we, you know, negotiated this number 4 phase out
19 for January 1, 2030, but we have seen that, you know,
20 with regard to when, where it is predominantly used,
21 number 4 oil, you know, staff has found, you know,
22 through an analysis, that is predominantly in
23 communities of color. And so, uh, and notwithstanding
24 the fact that number 4 oil is a lot cleaner than it
25 used to be, um, it's still very, very, with regard

2 to, let's say like, number 2. So, you know, number 2
3 is 15 parts per million sulfur which is, you know,
4 almost hard to detect, so it's essentially sulfur
5 free, you know, number 2 is. And you know, number 4
6 is not, not at 15. It's at 1,500. And so, you know,
7 these areas of the city where number 4 is being
8 burned, um, are getting the, you know,
9 disproportionate, you know, effects of, you know, the
10 burning of number 4 and we don't think it's prudent
11 to keep them burning that, um, um, until January 1,
12 2030.

13 So, in certain parts of the City when number 6
14 boilers were shut down, some of them, you know,
15 converted to number 2 oil, some converted to natural
16 gas and some of them just went to number 4 oil. Um,
17 and that seemed to happen most in communities of
18 color. Uh, and so this provides a rationale, and I
19 think we need a significant rationale to go forward
20 with this bill, because, remember, we, we made a deal
21 that people could use this stuff until January 1,
22 2030 and now we're changing the deal. That's a big
23 deal. I mean, like we had a handshake on this and now
24 we're kind of going back on our word, so, and for the
25 process, you know, for the purpose of full

2 disclosure, this is not the way ordinarily I like to
3 operate.

4 But, you know, things have changed in the last 10
5 years and the, you know, conversion of, uh, number 4
6 boiler, going from number 4 to number 2, um, is, is
7 easier. You know, you don't need to swap out your
8 boiler. You know, you do need to clean out your tank,
9 um, but, um, it's something that we think is doable,
10 prudent, and, um, you know, part of what we're
11 talking about today and, uh, we'll hear from
12 witnesses, is the, you know, uh, clean air benefits
13 that will accrue from, you know, phasing out number 4
14 more quickly.

15 Um, we currently burn about 45 million gallons of
16 number 4. Um, that's not a great thing. Uh, yes, it's
17 not the, you know, it's by no means a, you know, a
18 majority of, uh, oil that we burn. Like I said, we
19 burn about a billion gallons of heating oil a year,
20 um, but we can do better than 45 million gallons,
21 particularly this being burned in communities of
22 color, uh, and also in a lot of schools. I think we
23 can certainly do better than that.

24 Um, you know, city government, um, you know, uh,
25 city government uses, they burn about 22% of the 45

2 million gallons of, you know, number 2, uh, and 78%
3 of that 22% is, is burned in schools. So most of
4 what's the government of the City of New York burns,
5 is burned in schools and I think that's a loser. We
6 can certainly do better than that. Uh, and, um, and,
7 and, and, because of the way things have played out
8 over the last 10 years, you know, this has shifted
9 more towards communities of color, um, we have to
10 really do whatever we can for the environmental
11 justice community.

12 So that is the history behind what we're doing
13 and why we are compelled to sort of try to move
14 forward with this bill, and to, you know, hear what
15 people are going to have to say about it. Um, and,
16 but I lost my train of thought, but, um, let me see
17 if I can try to get it back. So, um, uh, so, we'll be
18 hearing from the administration. And they, oh, um,
19 you know, that's why it's always best to work from
20 your script. But you can't deny me that that was a
21 pretty good history lesson, right? Everyone of these
22 (INAUDIBLE) history lesson, everybody. That wasn't
23 bad, okay, 78%, 22%, it's all up here. Okay, so, it's
24 all, we're trying. And Julie's smiling. Thank you,
25 Julie, I appreciate that.

2 And so, um, uh, oh, okay, so let's get, let's, so
3 let's, so, so, for, so, the, so the action part of
4 the bill, that's what I was going to talk about, um,
5 what would take, um, for, for the users that I
6 mentioned, um, uh, the, um, uh, the, the, the, uh,
7 you know, non-power plant users of number 4 would
8 have to, uh, you know, phase out number 4 fuel five
9 years faster.

10 And for certain users of number 4, this would be
11 in, you know, buildings that use number 4 as a backup
12 fuel. So, they are primarily on natural gas, but
13 sometimes they're called upon by the gas utility to
14 come off gas, because there's not enough gas to go
15 around so they're use, so, so they're called upon to
16 use their backup fuel. And so, if their backup fuel
17 is number 4, we're asking them to come off number 4 a
18 little earlier than, you know, they, they, they have
19 to come off even sooner. This would be December 31,
20 uh, 2023, which is one year, one day sooner than the
21 other people who will phase out by January 1, 2025.

22 So, if you use number 4 as a backup fuel, in like
23 a dual fuel kind of thing, um, then you have to come
24 off a little quicker. And also for number 4 users
25 that use an above ground storage tank, uh, we want

2 them to come off one year sooner than everyone else.

3 That would be the last day of 2023, rather than the

4 first day of 2025. And like, the rationale for that

5 is if you're using your oil in an above ground

6 storage tank, you know, it's a little easier to make

7 the switch over to number 2 like you, because the

8 tank is already above ground. It's like, you know,

9 easier to kind of scrub it and all that, and get

10 ready for like, the number 2, for the conversion from

11 4 to 2.

12 If you have an underground storage tank, it's a

13 little more yelling and screaming. You know, you have

14 to, you don't actually have to take the tank out of

15 the ground, but if it's buried in the concrete, you

16 got to bust the concrete. You got to cut the tank

17 open, you got clean it out. And so, you know, um, um,

18 for, for, for those, we're going with the, you know,

19 2025 date.

20 And so, um, and there's all kinds of stuff in the

21 briefing paper about the, you know, health effects of

22 this. I think I filibustered my time, but I, um, uh,

23 you know, suffice it say, if you're burning fuel in

24 communities of color, that emits, like, all the

25 criteria of pollutants, both of the pollutants that

2 are regulated by the Clean Air Act, um, uh, and
3 others that are, and others that are outside the
4 Clean Air Act, like, you know, um, heavy metals and
5 that kind of thing. So, this is something that we
6 want to move past.

7 And so, I just felt particularly compelled to
8 give a thorough rationale for why the Council is
9 going, is trying to go back on like a handshake they
10 previously made. That's not the way I ordinarily like
11 to do business, but I think it's called for, uh, you
12 know, in this case. And so, um, that is probably the
13 most rambling opening statement I ever made. You're
14 all, you all are going to get, you know, service
15 badges to say that you lived through this or
16 whatever.

17 Sergeant, make sure everybody gets their badges
18 please. We could, if, if you could do that, uh, and,
19 with that said, Samara, uh, I want to make sure that,
20 has anyone else joined us since I, uh, since I last
21 recognized Council Members? Um, Samara, anybody?

22 COUNSEL TO THE COMMITTEE SWANSON: No.

23 CHAIRPERSON GENNARO: No, okay. And so, uh, with
24 that said, let me go back to my hearing script.

25 Samara, why don't you just tell me what happens now?

2 COUNSEL TO THE COMMITTEE SWANSON: Okay.

3 CHAIRPERSON GENNARO: I, okay, here it is. I will
4 now turn it back over to the Committee Counsel. I'm
5 officially doing that. Samara, your ball.

6 COUNSEL TO THE COMMITTEE SWANSON: Okay, thank
7 you. And I will now deliver the Oath of Author, of,
8 of, uh, the Oath, uh, to, uh, the Council Members,
9 Angela Licata, and Julia Casagrande. Okay, do you
10 affirm to tell the truth, the whole truth, and
11 nothing but the truth before this Committee and to
12 respond honestly to the Council Member questions?

13 DEPUTY COMMISSIONER LICATA: I do.

14 COUNSEL TO THE COMMITTEE SWANSON: Thank you. You
15 may begin when ready.

16 CHAIRPERSON GENNARO: Uh, uh, uh, um, if I could
17 assert some privilege here. I just want to, uh, state
18 that I long worked with, uh, you know, Deputy
19 Commissioner Licata. We go way, way back and she was
20 around for, for all this stuff, um, when we did all
21 the fuel stuff and I'm very happy that she's the one
22 representing the administration here because she has
23 the, uh, you know, she has the vast, you know,
24 knowledge of the institution about all the steps that
25 we've taken, uh, you know, thus far. And it's, uh,

2 uh, um, it's a, it's a pleasure and a privilege to
3 have her, uh, before the Committee today and, um,
4 and, and, uh, and, and, and I understand that your
5 colleague from the Mayor's Office of, uh, MOCEJ, uh,
6 yeah, Mayor's office Okay, yeah.

7 Julia is, is, is, is, is here to answer
8 questions. I can't quite make out your last name. My
9 reading glasses are, I'm due for a new prescription
10 but I can see Julia. Thank you very much for being
11 here. I am going to call upon you, so get ready.
12 Okay, um, and with that said, Angela can give us the
13 benefit of your good testimony. We are all ears.

14 DEPUTY COMMISSIONER LICATA: Good afternoon,
15 Chairman Gennaro and Members of the Committee. I, in
16 fact, very much appreciated the history lesson. It
17 felt a little like a victory lap for us. Um, and
18 certainly we don't rest on our laurels. And with no
19 further ado, let me jump into my written testimony.

20 I am Angela Licata, Deputy Commissioner for
21 Sustainability at the New York City Department of
22 Environmental Protection. I am joined today by Julia
23 Casagrande, Policy Advisor at the Mayor's Office of
24 Climate and Environmental Justice, or MOCEJ.

2 Thank you for the opportunity to speak today
3 about transitioning to less polluting fuels for
4 heating and hot water systems in our City's building
5 stock. This has been a priority for DEP and the City
6 Council for many years, as you recognized.

7 Approximately, 5,300 buildings were required to
8 begin transitioning from number, um, from fuel oil
9 number 6 in 2011 as a result of local law 43 of 2010.
10 We know based on the New York state and New York City
11 Community Air Survey data that this change had a very
12 significant impact on improving air quality,
13 especially in northern Manhattan and portions of the
14 Bronx that had especially high concentration,
15 concentrations of boiler conversions.

16 Traditionally, vulnerable socio-economically
17 disadvantaged areas experienced the greatest
18 proportion of health benefits from the number 6 fuel
19 oil conversion. And when we estimated, approximately
20 1,200 tons of pm 2.5 emissions were reduced and
21 prevented an estimated 210 premature deaths annually.

22 The passage of local law 38 of 2015 built on this
23 progress by requiring a full phase out of fuel oil
24 number 4 by 2030. Since 2015, um, approximately 1,000
25 boiler applicants have converted from systems that

were previously using number 4 to number 2 or natural gas, um, all voluntarily.

Currently, approximately 3,366 buildings across the City now burn fuel oil number 4, with 1,517 using number 4 as a backup fuel to natural gas as part of what is known as a dual fuel system. These buildings use number 4 when natural gas is at a high demand during very cold weather conditions. The other approximately 1,849 buildings use number 4 fuel exclusively. DEP regularly communicates with building owners to ensure that they are aware of regulatory expectations and options to meet these regulations.

Phasing out fuel oil number 4 will have important air quality and public health improvements by reducing emissions of particulate matter, oxides of nitrogen, sulfur dioxide, and carbon dioxide. The Department of Health and Mental Hygiene expects these improvements may result in fewer premature deaths, respiratory, and cardiac hospitalizations, and asthma emergency room visits. As with the transition from fuel oil number 6, the transition from fuel oil number 4 will have significant health benefits in environmental justice neighborhoods.

2 Approximately, 72%, in fact, of these buildings
3 that currently use number 4 are in environmental
4 justice or potential environmental justice
5 communities, especially in northern Manhattan and the
6 Bronx.

7 Converting from fuel oil number 4 to another
8 source will require investment from building owners.
9 The conversion costs vary significantly depending on
10 the building's current system and the new system that
11 is installed. We appreciate that some building owners
12 may need help understanding their options for
13 compliance, so MOCEJ, through the New York City
14 Accelerator, connects building owners with the
15 technical assistance and utility incentives that they
16 will need to transition away from fuel oil number 4.

17 The New York City Accelerator provides
18 personalized outreach and assistance from experts who
19 offer advice on energy efficient and clean energy
20 technology, local laws and incentives, and financing
21 options to fund building upgrades. First launched in
22 2012 as Clean Heat, this program assisted the phase
23 out from the number 6 fuel oil for many buildings.

24 We have been working toward cleaner heating oil
25 in the City for over 10 years as was acknowledged by

2 the Council Member and there are a number of upcoming
3 biodiesel requirements both from City and the state.
4 In anticipation of these requirements, building
5 owners should already be taking steps to clean up
6 their fuel equipment to ensure compliance. Currently
7 the air code requires that all buildings convert from
8 number 4 to number 2 oil or alternative sources by
9 2030. Intro 470 would accelerate the transition time
10 frame, timeline.

11 We share Council's goal to phase out number 4 oil
12 as soon as possible so we want to work with the
13 Council to ensure that the bill details consider cost
14 and technological considerations to best serve all
15 impacted communities. And we thank the Council for
16 their attention to this topic and look forward to
17 working together on this bill.

18 My colleague and I are very happy to answer any
19 questions that you have.

20 CHAIRPERSON GENARRO: Okay, uh, uh, thank you
21 Deputy Commissioner, I certainly appreciate your good
22 testimony and, um, all of your work over the years,
23 you know, to get us. I mean, yeah, what I kind of
24 left out of my rambling statement, was, um, you know,
25 all the gains that were made. And, uh, you know,

2 people should know that, you know, getting rid of
3 number 6, uh, you know, phasing out number 2, uh, uh,
4 uh, uh, uh, uh, phasing out number 4, uh, going to
5 the, you know, full extent of bio, uh, in heating oil
6 to be 20, which we're ultimately going to hit since
7 it's sort of set in law, and the state doing what it
8 did to take number 2 heating oil and to make it, um,
9 what we call, um, ultra-low sulfur, which is 15 parts
10 per million.

11 All those four steps combined will be the
12 equivalent of taking every car, truck, and bus off
13 New York City streets forever. So, um, this is, uh,
14 this is, um, and, and, you know, number 6 alone was
15 most of that. And so, um, so, here we are. Uh, and,
16 um, what I would like to ask the administration,
17 first of all, like, what, what, what I just heard is
18 something, um, short of, um, uh, um, support for the
19 bill which is, uh, I kind of expected that. But
20 certainly, you know, support for the process, to, to,
21 work, you know, with us, you know, towards this
22 worthy goal. And, and I, you know, certainly do
23 appreciate all, you know, the work that you're doing
24 with the Accelerator because it really helps building
25 owners and it really, um, uh, you know, helps with,

2 uh, uh, uh, it helps with financing, um, but at the
3 end of the day, we have, and this will be more to
4 like real estate people if they come up, um, but, uh,
5 at the end of the day, we have to acknowledge that,
6 you know, number 4 is a cheaper fuel, um, and it has
7 a higher BTU content than number 2. Um, so you
8 literally have to burn more number 2, um, than you
9 would burning number 4. And so, um, you know, there's
10 kind of a built-in incentive to stay with this
11 currently legal fuel, um, between now and the, uh,
12 and, and the current phase out date which is what we
13 fear, uh, that, you know, notwithstanding, all these,
14 you know, all these incentives, um, you know,
15 building owners will, um, um, you know, will, will,
16 will, uh, you know, keep using it. Uh, that's the
17 private sector.

18 And then with regard tot the public sector, what
19 account of, my, my, my question for you and by
20 extension to the whole administration, you know, we
21 have 180 schools that are currently using this stuff,
22 or at least, you know, those are the numbers that I
23 had, that, that, that I have and I, I'd like to ask
24 either you, or, uh, you know, uh, Julia, if I could
25 be so, you know, informal as to call you by your

2 first name, um, uh, as to, if you could let us know
3 where these schools are, not today, if you don't have
4 the numbers in, in front of you, but certainly we
5 want to know where these schools are, and we want to
6 know what, I mean, or, or I want to know, it's my
7 question. I, I, I want to know the administration's
8 current commitment to phasing out, um, you know,
9 number 4 in its own assets, uh, you know, with regard
10 to number 4. Most of those, I've been told, about 78%
11 of the number 4 burned by the City of New York, by
12 City government is in schools but it's burned in some
13 other places as well.

14 Um, and what is the administration, because now
15 we're not talking about the private sector. We're
16 talking about, you know, the City, deep pockets, can
17 do anything if it has like, you know, the will to do
18 it. And so, what is the City's vision now for, uh,
19 you know, phasing out number 4 in all of its own
20 assets, you know, particularly schools.

21 DEPUTY COMMISSIONER LICATA: Well, thank you for
22 that question and I will answer simply by saying that
23 the schools are starting, um, to make that conversion
24 and I will turn it to, um, Julia for the details on
25 the, some of the pilot work.

2 POLICY ADVISOR CASAGRANDE: Thank you.

3 CHAIRPERSON GENNARO: And, and, and thank you,
4 Julia. And, and, and before you start now, the reason
5 why I'm coming down, I'm going to try to come down, I
6 think my colleagues will, will try to come down heavy
7 on the City, is because it's difficult, you know, for
8 us to sort of squeeze the private sector and say, you
9 know, we're going back on a handshake that we made
10 with you. Meanwhile, the City of New York is going to
11 like take its time in getting it done.

12 So, it's kind of like we have to squeeze City
13 government, like, as hard as we possibly can, as a
14 rationale to say, "Hey, you know, private sector, you
15 know, building owners, you know, we're going after
16 you, we're smacking you with this. But like we're
17 smacking, you know, City government operations even
18 harder. We have like a firm commitment that they are
19 going to phase out as quickly as possible."

20 And so, I mean, there is no way I can get away
21 with, or any of, or the Council can get away with,
22 you know, putting a burden on the private sector,
23 that, you know, that the, that, that City government
24 isn't willing to, you know, step up to. You follow
25 me? And so, this is why we really want to come down

2 hard on the City so that helps us with, you know, the
3 heavy lift that we have with the private sector.

4 So, with that said, uh, Julia, Julia, please
5 continue.

6 POLICY ADVISOR CASAGRANDE: Yes, of course. Um,
7 thank you Council Member for that question. We are
8 definitely committed to leading by example, um, with
9 the City compliance with this law. Um, as far as the
10 schools go, the 180 number you have is the, um,
11 buildings that are remaining on fuel oil number 4 and
12 are not currently in design for construction for
13 conversion. We have 231 (INAUDIBLE) that we're still
14 building but a number of those are already in design,
15 um.

16 CHAIRPERSON GENNARO: Whoa, whoa, whoa. Hang on.
17 For a second, so, um, um, um, so, so the, so the 180
18 number are those that are burning 4 and they're not,
19 you know, currently being, you know, retrofitted, but
20 the universe of schools that are burning number 4
21 today, um, is larger than 180 because they are in the
22 midst of midst of being converted. Is that fair to
23 say?

24 POLICY ADVISOR CASAGRANDE: Yes, we have 231 that
25 are, were burning number 4 as of the last heating

2 season, but we are in the process of converting some
3 of that which gets you to that 180 number that you
4 had. Um, there is one other facility that is burning
5 number 4 currently, um, but, as you've said, the
6 majority is schools. We are definitely committed to
7 converting those as soon as possible and have been
8 working with DCAS, as well as the FPA and the
9 Department of Education to develop a plan to do that.

10 Um, the (CROSSTALK).

11 CHAIRPERSON GENNARO: Let me just go over the last
12 sentence. So, you're working with, you know, DCAS and
13 others to develop a plan to convert all City assets
14 that are currently on 4 to a, uh, you know, to, to,
15 number 2 or solar or whatever you're going to do, to
16 something, like, other than 4. Um, so that plan
17 doesn't yet exist, kind of like that vision of moving
18 City assets off number 4 doesn't yet exist. It's in
19 development. Like, do we know when that plan's going
20 to exist?

21 POLICY ADVISOR CASAGRANDE: It, it is, it exists,
22 um.

23 CHAIRPERSON GENNARO: Okay.

24

25

2 POLICY ADVISOR CASAGRANDE: Some of the aspects of
3 it are being finalized, but it definitely is
4 (CROSSTALK).

5 CHAIRPERSON GENNARO: Okay. Well, why don't you
6 share some of the secrets with us in terms of, um, if
7 this plan exists, you know, even in draft form, you
8 have, you know, you have, um, you know, you know, you
9 have access to it, and I'm wondering whether or not
10 that plan was developed with a mindset to meet the
11 January 1, 2030 phase out. Something tells me that
12 that's probably what it was because everyone knows
13 that the June, that the January 1, 2030 phase out is
14 in law, it's on the books, and the City has to
15 comply. It's probably, that's probably what this was
16 geared towards, meaning the 2030 mandate. Is that, is
17 that, is that fair to say?

18 POLICY ADVISOR CASAGRANDE: Officially yes, but I
19 can elaborate. Um, there is a plan to electrify
20 currently, five schools in the next two fiscal years
21 and \$1 billion of, um, budget in the executive budget
22 to electrify schools by 2030. So, we're looking to
23 electrify as many schools as possible as quickly as
24 possible.

2 As far as getting off number 4 fuel oil as
3 quickly as possible, which is a separate, um, similar
4 but separate issue.

5 CHAIRPERSON GENNARO: Yeah.

6 POLICY ADVISOR CASAGRANDE: Um, we are pursuing an
7 operational maintenance retrofit to convert to number
8 2 with B10 which is required by 2025, um, as quickly
9 as, as possible and can be compliant with this law.

10 CHAIRPERSON GENNARO: Um, would it be fair to say,
11 that, and again, I don't want to create sort of like
12 an out for the administration or, or an argument for
13 them, uh. Oh, it looks like we've been joined by
14 Council Member Guitérrez, right? Is that, she, she,
15 she, uh, and we have, we're also joined by Council
16 Member Restler. Council Member Guitérrez and Council
17 Member Restler are now with us, and, um, yes, hi.
18 And, and, and I would ask that, uh, uh, Council
19 staff, you know, keep me posted with, um, you know,
20 Members as they, as they, uh, as they, as they join
21 the hearing.

22 So, uh, uh, um, as I was saying Julia, um, uh,
23 you know, is it the City's contention that a, and I
24 don't want to put words in your mouth, but if the
25 City were to have to abide by a mandate of January 1,

2 2025 instead of, um, January 1, 2030, um, would the
3 administration make the argument that, that, uh, um,
4 that, that that faster phase out of number 4 would,
5 uh, impede the electrification of schools? Is that
6 what I'm going to hear?

7 POLICY ADVISOR CASAGRANDE: No, um, the faster
8 phase out will not impede the electrification of
9 schools.

10 CHAIRPERSON GENNARO: Good, okay.

11 POLICY ADVISOR CASAGRANDE: Fully committed to,
12 uh.

13 CHAIRPERSON GENNARO: You could have used that by
14 the way. I'm just saying I gave you an argument and
15 you just like, thank you for your honesty because I
16 almost like gave you, you know, an argument to like
17 use against this, but you didn't take it. So, that
18 shows your integrity. I appreciate it.

19 POLICY ADVISOR CASAGRANDE: Thank you. Um, the
20 fuel oil 4 conversion to number 2 is going to be
21 pursued via operational maintenance and the
22 electrification as soon as possible via capital, um
23 capital expenses. We do, I'm not interested in
24 installing new fossil fuel infrastructure, um.

2 CHAIRPERSON GENNARO: Uh, um, okay. Let me, let me
3 ask the, uh, following. Let's just say this bill
4 happens, the new date is January 1, 2025. We're
5 asking, um, you know, many buildings in the, because
6 the, you know, majority of number 4 users are in the
7 private sector, uh, and so we do this, um, can the
8 administration get this done by that date?

9 DEPUTY COMMISSIONER LICATA: I'll, I'll take that.

10 CHAIRPERSON GENNARO: Okay.

11 DEPUTY COMMISSIONER LICATA: Uh, yeah, so one of
12 the things that we have to consider is our permitting
13 at New York City DEP for the equipment is on a
14 triennial, uh, basis. And we would need, once we have
15 legislation in place, about six months to create a
16 rule to, um, have these conversions in place and take
17 place. So that puts us, I believe, um, at a period of
18 time where it's maybe, let's say, January to start,
19 uh, January 2023. That doesn't really give us enough
20 time, and my view, um, and I think, um, some others
21 in the City share this view, is that we should
22 probably begin this type of transition during summer
23 months, not the heating season.

24 CHAIRPERSON GENNARO: I, uh, yes, I mean, we, we,
25 we, we've actually, you know, heard that from DEP,

2 and, um, yeah, and, um, uh, I think that a July 1st
3 date would be better than a January 1st date because
4 if anybody, you know, was like out of compliance and
5 their boiler got shut off, you know, better shut off
6 a boiler on, you know, July 1st than January 1st, and,
7 because, you know, we don't want any public safety,
8 (INAUDIBLE), you know, we don't want to hurt people.
9 Um, and, um, so, uh, you know, like a little bit of
10 cold water is, um, you know, not as bad as no heat.
11 Um, but, uh, but that, but we're just playing with
12 like (INAUDIBLE).

13 And so, um, but, when this, you know, we, we feel
14 pretty confident, um, about this bill and, um, we
15 just want to make sure the city's going to be able to
16 do its share, um, and not have the private sector
17 come back at us and say like, "You can't even get,
18 you know, the city with, you know, infinite
19 resources, you know, to get this stuff done. Uh,
20 meanwhile, we in the private sector have to like push
21 and shove to get, you know, you know, to get it
22 done."

23 So this, unfortunately, is going to be a
24 situation where the City really has to lead by
25 example and kind of figure it out. But anyway, uh,

2 you know, you were, I, I, I, uh, please continue. I
3 just wanted to add that to, um, what, you know, from
4 what, from, from, from our point of view, because
5 the, because the City is not the biggest user. The
6 biggest users are, you know, private sector
7 buildings. And so, um, so we need the City to do what
8 it, what it, what it can in its own, you know, in its
9 own facilities, particularly schools. And also, we're
10 using the Accelerator program and everything it's
11 going to have to do, um. That's where you come in,
12 Julia, to make sure everybody knows what they got to
13 do and they can do it and they can get financing and,
14 you know, on and on.

15 And so, um, did you have anything more, Angela,
16 um, on that?

17 DEPUTY COMMISSIONER JAROTTE: Okay, just simply to
18 emphasize that we want to have accurate and
19 consistent, clear messaging for this building stock,
20 uh, and in fact, we want to acknowledge.

21 CHAIRPERSON GENNARO: When you say building stock,
22 you mean the City, City government stock, right?

23 DEPUTY COMMISSIONER JAROTTE: I, I mean both the
24 City and the private.

25 CHAIRPERSON GENARRO: Oh, fine, fine, fine.

2 DEPUTY COMMISSIONER JAROTTE: Yeah, and we want to
3 make sure that we have a firm understanding of the
4 cost. As you know, um, our costs have been volatile
5 as of late in terms of, um, fuel oil and, um, even
6 natural gas, and we just want to take that into
7 account when we're thinking about transitioning these
8 buildings.

9 CHAIRPERSON GENNARO: Uh, certainly, yeah, um. You
10 know, but I, I, I, I, um, uh, you know, I don't sell
11 short the Mayor's Office of Climate and, um,
12 Environmental Justice, they seem to know, like they
13 know exactly where these buildings are. There's, you
14 know, 15, there's 1,849 that, uh, you know, use it,
15 uh, solely, number 4, there's 1,517 that use it as a
16 backup fuel. So, it looks like the Mayor's office is
17 already on the case. I'd like to know where these
18 buildings are. Um, it would just be a matter of
19 figuring out what kind of help they need to make this
20 all happen.

21 And so, um, with that, um, I have, uh, um, kind
22 of gone on and on here. I always, uh, like to engage,
23 uh, my members, sort of, uh, early in the process. I,
24 you know, reserve the right to come back for more
25 questions. Right now, it is my pleasure to recognize

2 my good colleague, Council Member Julie Menin. I
3 recognize Council Member Menin for questions.

4 COUNCIL MEMBER MENIN: Thank you so much, Chair.
5 And I have to say, I loved your history lesson. I
6 thought that was fantastic. I worked many years ago
7 on number 6 issues so it was a wonderful walk down
8 memory lane. So, thank you for taking the time to do
9 that.

10 So, I have two questions. The East Harlem part of
11 my district, Council District 5, has very high asthma
12 rates. So, I wanted to get an understanding from the
13 administration of what effect would phasing out the
14 remaining number 4, uh, boilers have on the City's
15 air quality?

16 DEPUTY COMMISSIONER LICATA: Thank you for
17 recognizing that air quality benefit. Um, I don't
18 have the actual tonnages or pounds, um, reduced. But,
19 we do know based on the number 6 conversions that
20 there is a tremendous reduction in three of the
21 important pollutants. And that is, um, nitrogen
22 oxides, uh, sulfur content, and also the pm 2.5 which
23 is really the inhalable, respiratory aspects of
24 particulate matter and that's the one that is

2 usually, um, creates an asthma incidence or incidents
3 of air quality illnesses.

4 So, we can get back to with more precise numbers.
5 Um, we have calculated that out. I just didn't bring
6 it and I don't have it at my fingertips.

7 COUNCIL MEMBER MENIN: Okay, thank you. Uh, the
8 other question I have is regarding the NYSERDA
9 retrofit grants. I wanted to get a better
10 understanding of, um, how many grants have been
11 disseminated in what neighborhoods in particular.

12 DEPUTY COMMISSIONER LICATA: Julia, I'm going to
13 turn that you in terms of NYSERDA support.

14 POLICY ADVISOR CASAGRANDE: Um, sure, of course.
15 Yeah, NYSERDA grants would be coming from the state
16 level so I don't have the information in front of me
17 as far as what, where those grants went, but we are
18 definitely (INAUDIBLE) to, um, see what we can get to
19 you and work with Council Members to advocate to the
20 state to, um, just review that (INAUDIBLE).

21 COUNCIL MEMBER MENIN: Yeah, that would be great.
22 I'd love it if we could get, Chair, if I could ask
23 that information could go to the Committee so that we
24 make sure there is real equity in terms of the

2 disbursement of these grants and that neighborhoods
3 in need are actually getting access to them.

4 CHAIRPERSON GENNARO: Uh, by all means, uh, uh,
5 uh, Council Member, I think that's a great question.
6 And I direct the Committee Counsel to make sure that
7 all Members of the Committee, and any, any, anyone
8 else who is, um, you know, um, interested in the
9 Council, for example, people who may sign on to this
10 bill, uh, you know, get that information as well, so,
11 so we can have that.

12 And I ask that Council Member Menin, uh, be
13 granted a little more time because she asked me a
14 question and that shouldn't count against her time.

15 COUNCIL MEMBER MENIN: Um, thank, well thank you
16 so much. And then I guess my last question and thank
17 you, Chair, for that extra time, is just on the
18 Accelerator. If you could talk a little bit more
19 about the, uh, the interaction between the public and
20 the Accelerator. Like, how many applicants have there
21 been? I, I didn't understand that part of the
22 testimony, if you could just give a little bit more
23 specifics on it.

24 CHAIRPERSON GENNARO: And I will say that, uh, uh,
25 uh, uh, um, I will essentially, uh, make that my

2 question so when the clock runs out, um, uh, you
3 know, we, we will have the benefit of a full answer
4 from the administration. Take as long as you want.

5 DEPUTY COMMISSIONER LICATA: Thank you. Julia, do
6 you have that data to share?

7 POLICY ADVISOR CASAGRANDE: Of course. And, thank
8 you, and I'm, I'm sorry if I'm, my answer is cutting
9 out a little. Please let me know if you miss anything
10 that I've said. Um, but, as far as the Accelerator
11 goes, we provide free technical assistance.

12 SERGEANT SADOWSKY: Time is expired.

13 POLICY ADVISOR CASAGRANDE: Accelerator, as well
14 as connections to financial, to financial incentives
15 and (INAUDIBLE) going to number 2 fuel oil.
16 (INAUDIBLE) retrofit, um.

17 COUNCIL MEMBER MENIN: Sorry, I can't hear you at
18 all. I'm, I'm.

19 CHAIRPERSON GENNARO: Yeah, you're breaking up a
20 little bit. You're breaking up a little bit, Julie.
21 You're breaking up. Is there anything you can do from
22 your end to help that?

23 POLICY ADVISOR CASAGRANDE: Um, sure. I'm sorry
24 about that.

2 CHAIRPERSON GENNARO: Yeah, I, I, um, I would say
3 switch your camera off, which you just did. It may
4 give you a little more bandwidth.

5 POLICY ADVISOR CASAGRANDE: Yes, that is what I
6 tried. Can you hear me a little bit better now? Okay,
7 um, sorry about that. Um, I'll start over. So the New
8 York City Accelerator provides technical assistance
9 as, as well as connections to financing mechanisms
10 and incentives to help buildings to perform energy
11 efficiency work, generally (INAUDIBLE) work, and, um,
12 more cap. And we want to ensure that buildings that
13 are, um, that are compliant with this law are also
14 considering (INAUDIBLE) seven compliance, as well as
15 for biodiesel requirements that Council Member
16 Gennaro was talking about. So that there's a lot of
17 synergy among these and, um, that, that Accelerator
18 can help to tie all these together.

19 Um, as of today, the program has reached 3,145
20 buildings and the current goal is to assist 5,850
21 buildings. Um, we definitely have information on
22 where these number 4 fuel oil buildings are and we
23 (INAUDIBLE) to do direct outreach to help them reach
24 our to meet our fair climate goals.

25 COUNCIL MEMBER MENIN: Thank you.

2 CHAIRPERSON GENNARO: Okay, thank you Council
3 Member Menin for you questions and, uh, uh, insight.
4 As you heard, I, uh, um, um, have directed staff of
5 the Committee to make sure that the information
6 received from the administration is, um, uh, given
7 out to all the members of the Committee and anyone
8 who may sign on to this, uh, to this bill.

9 So, thank you. Are there, um, any other members
10 of the Committee or members in general who may be on,
11 who wish to ask a question of the administration?

12 Um, seeing none, uh, we'll, uh, move on to our
13 next witness. But, uh, not without, um, thanking
14 Angela and, um, Julia for their good testimony, and,
15 um, uh, and again, I, I, I also have to, um, uh, you
16 know, make sure people know how hard, um, Angela has
17 worked over the years, uh, you know, making sure that
18 we got to this good place and we're all working
19 together back the day like, "Okay, you know, who's
20 going to do number 6?" And the EP said, "Look, we can
21 do that by rule making but the Council had to do the
22 cleaning of number 4." We're working with the state
23 to get them to make 2 to go, um, ultra-low. We worked
24 with the administration on, on, on bio even though
25 that came from us. So it was, uh, you know, a good

2 little operation that we had, and now we are
3 reinventing that wheel, and so, um, we certainly
4 expect good things, um, certainly, uh, happy that,
5 um, Angela is still there, uh, and look forward to
6 working with, uh, uh, Julia as well.

7 And so, uh, thank you very much for your good
8 testimony. We would ask that someone from the
9 administration stay on the Zoom here to get the
10 benefit of all the good testimony that we're going to
11 hear. Um, I don't know if that's going to be someone
12 from, you know, (INAUDIBLE) gov, or Julia herself or
13 whatever, but we need to make sure that someone from
14 the administration is staying on throughout the
15 entirety of the hearing. Can we get a handshake on
16 that, Angela?

17 DEPUTY COMMISSIONER LICATA: We do.

18 CHAIRPERSON GENNARO: Okay, great, okay. Uh, thank
19 you very much. I'll turn it back over to Madam
20 Moderator, uh, who can, uh, call the next witness.

21 COUNSEL FOR THE COMMITTEE SWANSON: Um, now we're
22 going to turn to the public testimony. I'd like to
23 remind everyone that we'll be calling on individuals
24 one by one. Each panelist will be given two minutes
25 to speak. Please begin once the Sergeant has started

2 the timer and given you the cue to begin. Council
3 Members who have questions for a particular panelist,
4 please use the raise hand function in Zoom and I will
5 call on you after the panelist has completed their
6 testimony.

7 For panelists, once your name is called, a member
8 of our staff will unmute you and the Sergeant of Arms
9 will give you the go ahead to begin upon setting the
10 timer. Please wait for the Sergeant to announce that
11 you may begin delivering your testimony.

12 Our first witness today is Lonnie Portis of WE
13 ACT.

14 CHAIRPERSON GENNARO: Uh, uh, and, and, uh, Madam
15 Moderator, if could just, maybe just list the first
16 three witnesses so that they know they're on deck.
17 You know, so we got Lonnie, and then we, so who's
18 after Lonnie and then after that.

19 COUNSEL TO THE COMMITTEE SWANSON: After Lonnie,
20 we have, um, um, Rocco Lacertosa of the New York
21 Energy Coalition and then we have, uh, Carlos Castell
22 Croke of the New York League of Conservation Voters
23 and after that, we have Brett Thomason of the New
24 York Steamfitters Local 638.

2 CHAIRPERSON GENNARO: Thank, uh, uh, thank you,
3 Samara.

4 COUNSEL TO THE COMMITTEE SWANSON: Lonnie?

5 MISTER PORTIS: Yeah, ready.

6 SERGEANT SADOWSKY: Your time will begin.

7 CHAIRPERSON GENNARO: Lonnie, you're on. You're
8 on. Good to see you. Good to see you.

9 MISTER PORTIS: Nice seeing you too, Good
10 Afternoon, UH, Chairman Gennaro and the Committee on
11 Environmental Protection. I am Lonnie Portis. I'm the
12 Environmental Policy and Advocate Coordinator at We
13 Act for Environmental Justice. Um, as, uh, Chair
14 Gennaro summed up in his amazing introduction, uh,
15 kind of comes down to fuel number 4 oil is dirty. And
16 it produces a high level of particulate matter that
17 pollutes our air.

18 Uh, since the beginning, uh, since our
19 beginnings, WE ACT for Environmental Justice has been
20 fighting for clean air uptown. Uh, Harlem has always
21 dealt with the poorer air quality in comparison to
22 other neighborhoods due to the disproportionate
23 placement of, uh, bus depots, plants, sanitation
24 sites, train and truck yards, truck ways creating
25 traffic, um, and more. And the rates of childhood

1 asthma are higher than average rate in New York City.
2
3 And the other impacts such as cardiovascular disease
4 are plaguing northern Manhattan due to environmental
5 injustices.

6 Under New York City's Clean Heat Program, uh,
7 number 6 fuel oil was successfully banned. However,
8 number 4 fuel oil is still allotted till 2030. While
9 many buildings have, uh, phased out of this oil,
10 buildings in lower income neighborhoods and
11 neighborhoods of color still use, uh, number 4.

12 To quote Dr. Diana Hernandez's 2018 article about
13 the issue, "Residential fuel oil number 4 continued
14 to be burned by 3,253 residential buildings." I'm
15 sure those numbers have been updated here, uh, uh,
16 since then. "Despite the City's efforts to educate
17 and incentivize owners to switch cleaner fuel oils,
18 to cleaner fuels. Uh, of these buildings, 1,724 or
19 53% were clustered in Manhattan, north of 110th
20 Street in the Bronx, uh, disproportionately higher,
21 uh, than the area's population. Only 1/5 of the
22 City's residents live in these neighborhoods."

23 Ultimately, banning number 4 fuel oil, um, in
24 2025, five years earlier than currently projected,
25 will lead to direct air quality improvements in our

2 community. Uh, WE ACT has been advocating for
3 speeding up this phase out for many years and happy
4 to see this discussion happening today.

5 Uh, when this bill was originally introduced,
6 local law 97 was not a law with the earlier phase out
7 of the fuel oil. Um, we do have some concern that it
8 will take some time for these buildings longer to
9 install.

10 SERGEANT SADOWSKY: Time is expired.

11 MISTER PORTIS: More energy efficient heating.

12 CHAIRPERSON GENNARO: Uh, uh, Lonnie, keep going.
13 Just, just, you know, wrap up in a minute, okay?

14 MISTER PORTIS: I'm wrapping up. Thank you. Uh, to
15 mitigate this, uh, and to the impact, it is important
16 the City proactively reach out to buildings who have,
17 uh, who have to phase out the fuel and assist them in
18 affordably electrifying, meaning offering financing
19 if needed instead of switching to natural gas sources
20 or other fuel grades. Uh, we know which buildings
21 will have to do this phase out and so it should be,
22 uh, they should be targeted, uh, the most.

23 So therefore, I, you know, I join advocates and
24 experts and community members to urge the City to
25 pass Introduction 0470. And, uh, thank you Council

2 Member Gennaro and the Committee on Environmental
3 Protection for holding this, uh, timely hearing on
4 such an important matter.

5 CHAIRPERSON GENNARO: Thank you, Lonnie. It's
6 always great to see you. And, uh, you know, please
7 give my best to Pinky and everybody, uh, at, at, at,
8 at WE ACT, and, uh, it seems like this hearing is a
9 little bit, kind of like flying, um, under the radar.
10 We, we, we, we're not having like lots and lots of
11 environmental, um, advocates coming forward, but, uh,
12 you know, certainly, you know, if, uh, if, uh, WE ACT
13 is with us, and we've got, we've got, we've got good
14 support. And, uh, you know, we know of We Act's
15 ability to, you know, rally the EJ community behind
16 this bill and, uh, we want to work with you to, to,
17 uh, do that, to get into the community to make sure
18 that people know that this is something that, um, we
19 really have to try and, and get some done.

20 And I know I can count on you and WE ACT, um,
21 and, uh, and other, you know, like minded
22 organizations to, u, to, to, to, to help us get this
23 over the finish line. So, I really appreciate you
24 being here, Lonnie, and, uh, uh, and we look forward

2 to working with you and WE ACT and others to, uh,
3 make this bill a reality. We appreciate it very much.

4 MISTER PORTIS: Thank you.

5 CHAIRPERSON GENNARO: Uh, thank you, Lonnie. Um,
6 Madam Moderator, next, uh, next up.

7 COUNSEL TO THE COMMITTEE SWANSON: Our next, uh,
8 witness is Rocco Lacertosa from the New York State
9 Energy Coalition.

10 CHAIRPERSON GENNARO: Thank you, Rocco. Good to
11 see you. Good to see you.

12 CHIEF EXECUTIVE OFFICER LACERTOSA: Thank you.

13 SERGEANT SADOWSY: Your time will begin.

14 CHIEF EXECUTIVE OFFICER LACERTOSA: Thank you
15 Chairman Gennaro and Committee Members for the
16 opportunity to testify before you today. Uh, my name
17 is Rocco J Lacertosa and I serve as the Chief
18 Executive Officer of the New York State Energy
19 Coalition, NYSEC. NYSEC serves as the voice of the
20 biodiesel and heating oil industry from Manhattan to
21 Montauk. Today, I would like to focus my testimony on
22 Intro 470, sponsored by Chairman Gennaro and Council
23 Members Cabán, Brannan, Brewer (SP?), Joseph, and
24 Nurse, which would require building owners to end the
25

2 use of number 4 oil by December 31, 2023 for specific
3 boilers and by January 1, 2025 for all boilers.

4 Since 2012, NYSEC has worked tirelessly with our
5 state and local partners to ensure that a cleaner and
6 more renewable liquid fuel was being used in
7 buildings throughout New York City and state.

8 Starting in the Bloomberg administration, NYSEC has
9 worked with the City Council, the Mayor's Office, and
10 environmental organizations to phase out heavy
11 heating oils in New York City and to require
12 biodiesel blends in all heating oil, including B5
13 today and B20 biodiesel by 2034.

14 The industry has invested tens of millions of
15 dollars in infrastructure in New York to ensure that
16 there is a larger and more accessible supply of
17 biodiesel for New York customers.

18 I would like to publicly thank Chairman Gennaro
19 for his leadership on this issue. We would not have
20 made the tremendous gains in air quality in this City
21 without your expertise and leadership a decade ago
22 and we support you today.

23 This year marks 10 years since you set out to
24 create a cleaner and more sustainable heating fuel.
25 And I am pleased to say that those efforts have

2 resulted in the removal of nearly a half a billion
3 gallons of petroleum from the market. We continue to
4 push forward with many members going well beyond the
5 required biodiesel blend, selling customers B20 and
6 even B50. It is truly an exciting time for our
7 industry.

8 Similarly, we worked with Chairman Gennaro and a
9 former and current sustainability (INAUDIBLE), uh, on
10 phasing out number 4 and number 6 oil in New York
11 City. We are equally proud of that achievement. Our
12 industry's future is in clean, ultra-low sulfur
13 heating fuel blended with higher blends of biodiesel,
14 so we are happy to phase out the heavy fuel oils.

15 SERGEANT SADOWSKY: Time is expired.

16 CHIEF EXECUTIVE OFFICER LACERTOSA: We agreed to a
17 time schedule reflecting current laws which.

18 CHAIRPERSON GENNARO: Uh, uh, please wrap up,
19 Rocco, but it's okay, but just kind of finish your
20 thoughts.

21 CHIEF EXECUTIVE OFFICER LASITOSA: Will do. Which
22 dictated 6 oil be phased out by 2015 and that number
23 4 be phased out by 2030. The bill, Intro 0470 would
24 accelerate the already codified timeline by five
25 years. NYSEC is committed to a cleaner energy future

2 and remains committed to an accelerated phase out of
3 number 4 heating oil.

4 Our only request is that the City Council
5 coordinate its efforts to the extent possible with
6 the New York state legislature for a consistent and
7 reasonable timeline. We look forward to discussing
8 this legislation further with the Council. Thank you.

9 CHAIRPERSON GENNARO: Uh, thank you, Rocco, uh,
10 uh, uh, um, always good to hear from you and always
11 good to, uh, you know, work with your industry to,
12 uh, to, uh, to green heating oils. You know, we've,
13 uh, we've gone from 6 to, to, to the old 4, to the
14 cleaner 1,500 ppm sulfur 4, um, to, you know, number
15 2 going from full sulfur to, you know, uh, um, ultra-
16 low. I didn't know there are a lot of things going on
17 in the industry, you know, in the, uh, in your
18 industry to ultimately go to, uh, you know, carbon
19 zero, you know, heating oils.

20 And so, uh, uh, you know, this is, uh, you know,
21 a testament to, uh, you know, to your member's
22 commitment, um, to, you know, green their product.
23 And, and, and I'm grateful to hear from those that
24 sell the oil, which is your members, um, that they
25 are, uh, that this is something, uh, that they are,

2 you know, on board with. Um, you know, uh, just like
3 anyone else, uh, you know, in this mix, I want to
4 make sure it's, you know, done in a way that kind of
5 makes sense for your members.

6 Can you tell me a little bit about what's going
7 on in the state and the ability and, and, and what's
8 going on there because, um, because you mentioned
9 some sort of reconciliation into what we're doing
10 here, and what we're offering. If you could tell us
11 about that.

12 CHIEF EXECUTIVE OFFICER LACERTOSA: Yeah, um, the,
13 uh, the Senate had, had, passed a bill to phase out
14 number 4 oil by 2027. Uh, it didn't pass. It died in
15 the Assembly, uh, and the question there, or the
16 concern there, was, uh, costs, uh, that the, the
17 Senate staff brought up, uh, potential costs to, uh,
18 to consumers and so on.

19 CHAIRPERSON GENNARO: Uh, let me, let me just stop
20 you there for a second.

21 CHIEF EXECUTIVE OFFICER LACERTOSA: Sure.

22 CHAIRPERSON GENNARO: I'm, I'm going to take a
23 guess and say that, uh, and um, I certainly don't
24 speak for the Assembly, but, um, when they say costs,
25 were they talking about if private buildings that are

2 currently burning number 4 go to more expensive
3 number 2, then the, you know, increased costs that
4 would be born by landlords have to be, then would get
5 transferred to, to tenants? Was that what that was
6 about? Do you have any sense of that?

7 CHIEF EXECUTIVE OFFICER LACERTOSA: Uh, it was
8 more a sense that, uh, first, that the cost, you
9 know, of conversion was, was one of the things that
10 they brought up in terms of, you know, cleaning
11 tanks and adjusting burners and so forth.

12 CHAIRPERSON GENNARO: Okay. Right, right.

13 CHIEF EXECUTIVE OFFICER LACERTOSA: Uh, that, that
14 was, that was one of the main issues. So, we would
15 like to see some coordination there between the state
16 and the City. Uh, only because, you know, in, we
17 have, uh, wholesalers who have, you know, one foot in
18 the upstate region and one foot in the downstate
19 region. So, you know, it would be a, a bit of, um,
20 logistical, uh, issue for them to have, you know, one
21 fuel oil phased out, you know, a couple of years
22 earlier than, than the other. So, I think 2027, uh,
23 was what the, uh, the state was looking at. That's
24 what I wanted to, you know, just mention on that.

2 CHAIRPERSON GENNARO: Okay. So, we should know
3 that that's going on.

4 CHIEF EXECUTIVE OFFICER LACERTOSA: Right.

5 CHAIRPERSON GENNARO: And the, and that was, uh,
6 uh, that was passed by the Senate. It presumably is
7 going to come back next year.

8 CHIEF EXECUTIVE OFFICER LACERTOSA: It will come
9 back next year.

10 CHAIRPERSON GENNARO: And, and, um, yeah, I'm not
11 sure we can wait, but we'll, uh, um, uh, I will
12 direct, uh, uh, the staff of the Committee to, um,
13 talk to the staff. I guess, did this come out of
14 EnCon? Is that what Committee it was in?

15 CHIEF EXECUTIVE OFFICER LACERTOSA: Yes, yeah.

16 CHAIRPERSON GENNARO: Okay, okay. So if, uh, I
17 want to direct staff to talk to the Senate, uh, um,
18 EnCon Committee, which I guess is Kaminsky, but he's
19 not running again, right?

20 CHIEF EXECUTIVE OFFICER LACERTOSA: Correct.

21 CHAIRPERSON GENNARO: Um, and then, and then we've
22 got?

23 CHIEF EXECUTIVE OFFICER LASCEROSA: Englebright.

24 CHAIRPERSON GENNARO: And then, you know,
25 Englebright.

2 CHIEF EXECUTIVE OFFICER LACERTOSA: Actually,
3 Paulin had the bill in, in, the Assembly.

4 CHAIRPERSON GENNARO: Right, but, it's, uh, you
5 know, it's, uh, I mean, I go back with Steve 45
6 years, so, um, um, you know, and, and uh, it would be
7 his guy, I guess, you know, uh, Steve Lisk, is, uh.

8 CHIEF EXECUTIVE OFFICER LACERTOSA: Steve Lisk.

9 CHAIRPERSON GENNARO: Yeah, and so, if I could
10 direct, um, uh, uh, um staff of the Committee and,
11 uh, my own, uh, uh, uh, uh, Eldie, Nabjot to, uh, to,
12 you know, reach out to the, um, EnCon committee in
13 Senate and the Assembly and just kind of like find
14 out what going on. That would be good information to
15 have.

16 CHIEF EXECUTIVE OFFICER LACERTOSA: Okay.

17 CHAIRPERSON GENNARO: So, um.

18 CHIEF EXECUTIVE OFFICER LACERTOSA: Could I
19 mention one more thing, Councilman?

20 CHAIRPERSON GENNARO: Sure.

21 CHIEF EXECUTIVE OFFICER LACERTOSA: You know, I
22 referenced in my testimony, a B20 and B50. Um, we're
23 actually, two of the biggest burner manufacturers in
24 the industry, Beckett and Carlin are, are right now,
25 uh, ramping up to produce B100 burners and they will

2 have them in production by the end of the year. Um,
3 in other words, a B100 burner would eliminate
4 petroleum completely and burn biodiesel exclusively.

5 Uh, we have a laboratory out in, uh, Plainview,
6 Long Island that we are doing, uh, numerous, uh,
7 tests.

8 CHAIRPERSON GENNARO: Oh, that's the thing you got
9 a guy from Brookhaven National Laboratory.

10 CHIEF EXECUTIVE OFFICER LACERTOSA: That's right.
11 Yes, Dr. Tom Butcher is, uh, works for us now and he
12 has two engineers that are working on, uh, different
13 aspects of, uh, blending and also equipment to, to
14 burn at these higher blends. And we've had a lot of
15 successful, you know, work done on this. So, I just
16 wanted to mention that we are moving, you know, even
17 higher. Uh, and we, we want to see, uh, the fact
18 that, we want to do everything we can to help, you
19 know, cleaning up and reducing emissions in New York
20 City and New York state.

21 CHAIRPERSON GENNARO: Uh, uh, thank you, Rocco,
22 and, uh, it is kind of, you know, refreshing and a
23 little surprising, uh, that the, you know, that the
24 oil heat industry is like, uh, actually, uh, one step
25

2 ahead of us. It's not like, not like, we're pulling
3 you like you're pulling us. And so, um.

4 CHIEF EXECUTIVE OFFICER LACERTOSA: We've been at
5 it for a long time.

6 CHAIRPERSON GENNARO: Uh, you know, we certainly
7 appreciate your commitment to a green future and we
8 thank you and your good industry for all your work
9 and, you know, for your support for what we are trying
10 to do here today.

11 CHIEF EXECUTIVE OFFICER LACERTOSA: Thank you,
12 appreciate the opportunity today.

13 CHAIRPERSON GENNARO: Uh, okay. Thank you. Is
14 there anyone else that wished to, that wishes to ask,
15 uh, Rocco, what, you know, we're friends. I just call
16 him Rocco.

17 CHIEF EXECUTIVE OFFICER LACERTOSA: That's fine.

18 CHAIRPERSON GENNARO: Anyone else, yeah, anyone
19 who, else who, let me change my thing to gallery.
20 Okay, I don't see any other questions for Rocco.
21 Rocco, I thank you very much. Uh, best to Linda.

22 CHIEF EXECUTIVE OFFICER LACERTOSA: Thank you.

23 CHAIRPERSON GENNARO: And we'll, uh, proceed to
24 the next witness.

2 COUNSEL TO THE COMMITTEE SWANSON: Uh, our next
3 witness is Carlos Castell Croke from New York League
4 of Conservation voters.

5 SERGEANT SADOWSY: Your time will begin.

6 ASSOCIATE CASTEL CROKE: Thank you. Uh, good
7 afternoon everyone. My name is Carlos Castell Croke.
8 I'm the Associate for New York City Program's at the
9 New York League of Conservation Voters. NYLCV
10 represents over 30,000 members in New York City and
11 we are committed to advancing a sustainability agenda
12 that (INAUDIBLE) our neighborhoods and our economy
13 healthier and more resilient.

14 Um, NYLCV is, is committed to preserving healthy
15 air quality in New York City and would like to offer
16 support for Intro 470 which would speed up the
17 phasing out of number 4 heating oil to January 1,
18 2025. This proposal can help drastically improve air
19 quality in New York City.

20 When the number 6 heating oil was phased out, uh,
21 6,000 buildings at the end of 2016 as part of the New
22 York City Clean Heat Program. Other buildings all
23 around New York City are still burning number 4 which
24 releases large volumes of fine, particulate matter
25 into the air. Additionally, number 4 heating oil

1 combustion disproportionately occurs in neighborhoods
2 of lower socio-economic status. Therefore,
3 contributing to environmental injustice in New York
4 City.
5

6 Emissions released from burning number 4 oil are
7 correlated with higher frequencies of cardiovascular
8 disease, respiratory illnesses such as asthma and
9 bronchitis, and death. Particulate matter, nitrous
10 oxides, and sulfur dioxide are all emissions, um,
11 from burning number 4 oil which, when inhaled, can
12 cause respiratory illnesses and dysfunction.

13 According to the Environmental Defense Fund,
14 replacing number 4 oil with number 2, cuts
15 particulate matter emissions by 90%, nitrous oxide
16 emission by 10%, and sulfur dioxide emissions by 68%.
17 Um, and that might be a little outdated, but, um, we
18 can see even more benefits from including, uh, the
19 new blends that were discussed.

20 Currently scheduled for phase out number 4
21 January 2030 is not aggressive enough. Pushing for
22 the deadline forward to 2025 is that the City can
23 take their accelerate and meeting their air quality
24 goals of (INAUDIBLE) out NYC and our emission
25 reduction goals. Just this five-year difference would

2 mean hundreds of deaths and emergency room visits
3 averted.

4 I'd like to thank the Council for their support
5 over the years in the environmental health issues
6 that concern members and look forward to continuing
7 to work, uh, with them in the future. Thank you.

8 CHAIRPERSON GENNARO: Um, thank you very much,
9 Carlos. We can always count on you for great
10 testimony. We can always count on, um, um, LCV for,
11 for, um, for, um, you know, uh, uh, you know, sound
12 environmental policies and your ability to advance
13 them. Those are like the, you know, two elements that
14 we, uh, you know, get out of, uh, um, LCV in, you
15 know, large degree and we are very, very grateful for
16 it and we're grateful for your, uh, support.

17 I couldn't have said it any better myself. You
18 said it better than I did. You know, you should have
19 given the opening statement. But anyway, uh, um, uh,
20 uh, uh, great testimony. We do very much appreciate
21 it. Please give our best to, uh, please give our best
22 to Julie and Josh and, uh, um, all the staff at LCV
23 and thank you for being with us today and thank you
24 for your support.

1 Uh, and, uh, Madam Moderator, before we go on to
2 the next witness, I did get a little surprise when,
3 um, uh, uh, Rocco was testifying. He, uh, um,
4 indicated that were more, that there were more
5 supporters for this, more sponsors for, for, for
6 this, for this bill than I even knew about. Like, the
7 copy of the bill that was given to me for the purpose
8 of today's hearing, uh, was me, Cabán, and Brannan
9 and, um, it seems that, um, it seems that there are
10 more sponsors than that, um, um, including Council
11 Member Nurse, I believe I heard him say.

12 So, I want to give, so if you could read out all
13 the sponsors that are on this bill, um, so that, you
14 know, we can, uh, you know, put it on the record. Uh,
15 I mean, it's one thing for a witness to say that
16 they're, that they're on the bill, but I want to hear
17 it from the Council, um, itself, like the sponsors
18 that are on this bill. So, okay, so it's me, it's
19 Cabán, it's Brannan. Who else?

20 COUNSEL TO THE COMMITTEE SWANSON: (INAUDIBLE) is
21 another one.

22 CHAIRPERSON GENNARO: Yeah.

23

24

25

2 COUNSEL TO THE COMMITTEE SWANSON: Uh, Nurse is
3 another one. Uh, I don't know if there are any
4 others.

5 CHAIRPERSON GENNARO: I, I, I, I think I heard him
6 say Council Member Joseph, the Chair of the, um,
7 Education Committee. She would be.

8 COUNSEL TO THE COMMITTEE SWANSON: Okay.

9 CHAIRPERSON GENNARO: I mean, is she on?

10 COUNSEL TO THE COMMITTEE SWANSON: I don't see
11 her.

12 CHAIRPERSON GENNARO: Okay. But anyway, and, um,
13 um, you know, uh, uh, I just wanted to, I just wanted
14 to make sure I, I wasn't leaving anyone off. I, I, I,
15 like, the copy I got had three sponsors, um, and so
16 I, I, I thank Council Member Buress and Council
17 Member Brewer and, uh, and Rocco made reference to,
18 uh, Council Member Nurse being on. Maybe she is, but
19 maybe she isn't, but it would be great if she were
20 because she's Chair of the Committee on Education and
21 we're talking about schools and so that would be,
22 that would be great. I just wanted to, you know, you
23 know, rectify that lapse and with that we can move on
24 to our next witness.

2 COUNSEL TO THE COMMITTEE SWANSON: Um, our next
3 witness is Brett Thomason of the New York
4 Steamfitters Local 638.

5 POLITICAL DIRECTOR THOMASON: Um, thank you.

6 SERGEANT SADOWSKY: Time will begin.

7 POLITICAL DIRECTOR THOMASON: I'm, uh, Political
8 Director of Steamfitters 638. Um, Councilman, thank
9 you for inviting us to this. Council Member Gennaro
10 and, and thank you also for the, the staff time
11 you've generously given us. It's been great working
12 with Nabjot and Matt and.

13 CHAIRPERSON GENNARO: Sure, thank you.

14 POLITICAL DIRECTOR THOMASON: Um, I submitted a
15 longer, um, written testimony for anyone that wants
16 to see it so I'll, I'll keep this short. But, um,
17 we're here today, um, supportive, uh, because our,
18 our members work in, on, um, boiler systems and the
19 heating systems in buildings and large facilities, so
20 this work directly implicates us. Um, and one of the
21 things we talk about when talk about addressing the
22 climate crisis, is the need for a transition because
23 we know that things can't be done overnight. Um, so
24 when we say that our members do green jobs, this is
25 the kind of work we do in, in aiding that transition.

2 Um, we, we know that not all buildings can be
3 immediately electrified so these are the kinds of, of
4 upgrades and efficiency measures that can be taken so
5 that we're, um, making that, um, transition to green
6 energy, ultimately.

7 Um, I would also add too, and, and a lot of folks
8 have been, uh, have pointed out, the, the byproduct
9 of burning these fuels and what it does, especially
10 for the, the vulnerable and the already infirm, um,
11 but our members work day to day near those facilities
12 so this will have a, a real, um, benefit, on the job,
13 for their, um, standard of living, uh, as we switch
14 away from the dirtiest fuels and, and ultimately, um,
15 transition to clean energy. So, um, I just wanted,
16 I'll leave it there with, with our support and thank
17 the Council Member for, uh, sponsoring this
18 legislation.

19 CHAIRPERSON GENNARO: Uh, uh, uh. Thank you,
20 Brett. I go back with 638 a long time and really
21 grateful, uh, you know, for your members, and, uh,
22 you know, your commitment to a greener future and
23 your members' ability to facilitate that. Matt, you
24 know, my labor liaison will certainly be in touch
25 with you and any other, you know, um, uh, um, any of

2 the labor support that you think that there is out
3 there for this. Um, Nabjot, I'll make a note to
4 Nabjot to tell Matt, who's not on this, um, to, um,
5 uh, to, to, um, uh, have Matt, um, to reach out to
6 Brett to see if we could get other labor partners.
7 Um, you know, you, you would have some insight into
8 that, Brett, and so we would, uh, we would certainly
9 appreciate that.

10 So, um, always great to work with the
11 Steamfitters and, um. Yea, I go back a real long time
12 and, uh, and, and the, uh, the partnership continues.
13 So thank you for being here. Thank you for, you know,
14 representing labor in this very important topic and,
15 uh, we look forward to working with you and, and
16 getting this thing done. So, thank you, Brett,
17 appreciate it very much. Seeing no one else who is,
18 um, uh, wishes to ask Brett a question, uh, I, I, I
19 thank you for being here and we'll move on to the,
20 uh, next witness, Samara.

21 COUNSEL TO THE COMMITTEE SWANSON: Uh, I think
22 that's the final witness. I'm not sure we have any
23 other witnesses. Has anyone else registered to
24 testify today? Um.

25 SERGEANT SADOWSY: No others.

2 COUNSEL TO THE COMMITTEE SWANSON: Okay.

3 CHAIRPERSON GENNARO: Okay, so, um, Samara, you
4 tell me what to do now. I'm ready.

5 COUNSEL TO THE COMMITTEE SWANSON: Uh, gavel out.

6 CHAIRPERSON GENNARO: Okay, so, uh, let me just,
7 uh, oh, you know what I didn't, you know, because I
8 worked, with we need to put this on the record,
9 because I, I kind of went spontaneous when I was
10 doing my opening statement, I failed to mention the
11 most important part of it, um, of my opening
12 statement which is I'd like to thank the current
13 Committee staff for doing such great work over the
14 years, Committee Counsel Samara Swanson, Policy
15 Analyst Ricky Calla, Financial Analyst is Jonathon
16 Seltzer, and finally my great Legislative Director,
17 Nabjot Kaur, uh, for all their hard work. Um, you
18 know, this turned out to be a short hearing but
19 there's a lot of push and shove that went to getting
20 us to this good moment and I really appreciate the
21 staff for all that, you know, they did in making this
22 good hearing and, which was hard and putting up with
23 me which was even harder.

24 Uh, and, um, um, with that said, um, uh, uh, I, I
25 thank all of the witnesses who gave us their good

2 testimony, all of the, uh, uh, all of the Council
3 Members who, uh, gave us their time and attention and
4 their views. And with that, this hearing is hereby
5 adjourned.

6 [GAVEL]

7 Thank you.

8 COUNSEL TO THE COMMITTEE SWANSON: Thank you.

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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 July 13, 2022