



## MEMORANDUM OF SUPPORT

### A.1718-A (Mitaynes) / S.2127-B (Gianaris)

May 20, 2024

**A.1718-A (Mitaynes) / S.2127-B (Gianaris): to amend the environmental conservation law, in relation to establishing an indirect source review for certain warehouse operations.**

Founded in 1991, the New York City Environmental Justice Alliance (NYC-EJA) is a non-profit, citywide membership network linking grassroots organizations from low-income communities of color in their struggle for environmental justice. NYC-EJA empowers its member organizations to advocate for improved environmental conditions and against inequitable environmental burdens and climate risks through the coordination of campaigns designed to inform City and State policies. Through our efforts, member organizations coalesce around specific common issues that threaten the ability for low-income communities of color to thrive.

**The New York City Environmental Justice Alliance voices strong support for A.1718-A (Mitaynes) / S.2127-B (Gianaris).** This legislation will empower the state Department of Environmental Conservation (DEC) to develop the regulations and oversee the program to reduce emissions from last-mile and mega e-commerce warehouses.

The rise in e-commerce in recent years, particularly during the COVID-19 pandemic, has led to unregulated growth in the siting and operation of last-mile and mega e-commerce warehouses. Coupled with a demand to meet next- and same-day deliveries, this has increased truck trips and tailpipe emissions in parts of the state, especially in disadvantaged communities. Low-income and communities of color are disproportionately impacted by poor air quality due to historic discrimination in access to housing and racist land-use planning that placed polluting infrastructures and facilities in Black and Brown neighborhoods. Given that local zoning allows many of these facilities to be built “as-of-right” in manufacturing districts, and many of these zoned areas are adjacent to residential districts, including disadvantaged communities, no public or environmental review process is required when a new facility is proposed.

Depending on the size of the facility, each new facility can generate hundreds or thousands of daily vehicle trips, which increases tailpipe emissions and air pollution in surrounding communities. The transportation sector is the second largest contributor to greenhouse gas emissions in New York State.<sup>1</sup> Diesel trucks also emit a series of other health-harming pollutants, including 57 percent of direct fine particulate matter (PM2.5) from on-road vehicles, as well as volatile organic compounds, carbon monoxide, and sulfur dioxide.<sup>2</sup> Air pollution from trucks is also associated with increased health risks at other stages of life and raises the risk of preterm birth, low birth weight, dementia, heart disease, and stroke.<sup>3,45</sup> This endangers communities that have suffered from air pollution from polluting infrastructure and compounds the impact on these communities. Although one in four New Yorkers live within a half-mile of an e-commerce mega warehouse, Black, Hispanic/Latino, and low-income communities live near warehouses at a rate that is more than 59 percent, 48 percent, and 42 percent higher, respectively, than would be expected based on statewide statistics.<sup>6</sup>

To address this, A.1718-A (Mitaynes) / S.2127-B (Gianaris) would require DEC to establish an indirect source rule (ISR) for transportation to address the impacts of last-mile and mega e-commerce warehouses. DEC would promulgate rules requiring the facility-by-facility review of all qualifying e-commerce warehouses exceeding 50,000 square feet. Warehouse operators must minimize pollution by implementing emissions reduction strategies that include acquiring zero-emission vehicles and charging infrastructure, utilizing solar and storage on-site, considering alternative modes of transportation where appropriate, and/or paying additional fees for their operations. A permit would be required to operate any new e-commerce warehouses or those requiring significant modifications. Additionally, warehouse operators would be required to provide ongoing reporting related to truck traffic, emission mitigation measures, and the number of jobs on-site. Lastly, the bill requires a study of low- and zero-emissions zones to reduce air pollution and vehicular congestion throughout the state and prioritize disadvantaged communities.

An ISR aligns with the climate mandates set forth by the Climate Leadership and Community Protection Act and builds on the previously adopted Advanced Clean Trucks and Advanced Clean Cars II rules. This tool is a necessary tool for eliminating diesel emissions in disadvantaged communities.

**For the above reasons, NYC-EJA strongly supports A.1718-A (Mitaynes) / S.2127-B (Gianaris).**

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<sup>1</sup> New York State Dept. of Env'tl. Conservation, 2023 Statewide GHG Emissions Report: Summary Report, at vi, Tbl. ES.3

<sup>2</sup> <https://www.ucsusa.org/resources/ready-work>

<sup>3</sup> <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2767260>

<sup>4</sup> <https://content.iospress.com/articles/journal-of-alzheimers-disease/jad180631>

<sup>5</sup> <https://onlinelibrary.wiley.com/doi/10.1111/joim.13467>

<sup>6</sup> <https://globalcleanair.org/wp-content/blogs.dir/95/files//EDF-NY-Warehouse-Boom-Report-1-18-23.pdf>