



New York City Environmental Justice Alliance

462 36th Street, 3F, Brooklyn, NY 11232 | www.NYC-EJA.org

On the ground – and at the table.

New York City Environmental Justice Alliance Testimony to New York City Council Committee on Environmental Protection, Resiliency and Waterfronts on Int 0107-2024 and Int 1130-2024

February 28, 2025

Founded in 1991, the New York City Environmental Justice Alliance (NYC-EJA) is a non-profit, 501(c)3 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 by coordinating campaigns to inform City and State policies. Through our efforts, member organizations coalesce around specific common issues that threaten the ability of low-income communities of color to thrive.

We are part of the Last-Mile Coalition and the ElectrifyNY coalitions, which work to regulate the siting and operation of last-mile and mega e-commerce warehouses. NYC-EJA has long advocated for reducing vehicle miles traveled, tailpipe emissions, and air pollution. Many of our members' communities are located near industrial business zones, truck routes, and highways, and have been disproportionately burdened by air pollution. Int 0107-2024 and Int 1130-2024 are key pieces of legislation to address some parts of the unregulated e-commerce industry, but companion legislation to protect workers is still necessary.

Int 0107-2024 presents an opportunity to illustrate the impacts of increased truck traffic and protect the health of communities, particularly environmental justice communities. Air pollution from vehicular traffic contributes to an array of respiratory issues, cardiovascular diseases, and other chronic health conditions. Communities that have historically been disproportionately impacted by the placement of polluting infrastructure, including highways, bus depots, and e-commerce warehouses, should be prioritized for mitigation efforts after the reports are issued. By identifying heavy-use thoroughfares in every borough and installing air quality monitors at key intersections, the bill ensures that the city will be able to take action to reduce air pollution through place-based mitigation and protect communities.

Int 1130-2024 is ambitious in establishing the nation's first citywide indirect source rule to address the emissions associated with e-commerce warehouses. However, the bill needs to address some critical concerns to ensure a comprehensive approach to reducing emissions.

Last-mile e-commerce warehouses differ from traditional warehouses due to the high volume of product loading and unloading and product flow velocity, which results in way more truck trips coming in and out of last-mile e-commerce warehouses compared to traditional warehouses. Last-mile warehouses are clustered near environmental justice communities and pose a public health risk because of increased vehicular congestion and tailpipe emissions.

The definition included in the legislation addresses key concerns raised by communities that live near these warehouses and manufacturing warehouse neighbors. However, the bill should include language to target warehouse operators that own or operate an accumulation of smaller facilities. Currently, operating e-commerce warehouses with a building footprint smaller than fifty thousand square feet do not fall under this definition. Furthermore, omitting this language could lead warehouse developers and operators to construct facilities that bypass this square footage threshold. By adding language that addresses this potential threat, the City can regulate smaller facilities and networks of facilities.

The legislation should require air quality monitoring between six and twelve months before warehouse operators must comply with reducing emissions. This will allow DEP to track warehouse operators' efforts to reduce emissions after the plans begin. The NYC Community Air Survey indicates that annual average levels of four key pollutants have decreased citywide. However, in recent years, we have seen evidence that areas with a higher density of last-mile warehouses, such as the Newtown Creek area in Queens and Brooklyn, near JFK airport, Sunset Park in Brooklyn, and Hunts Point in the Bronx, have higher pollution levels.

While the legislation requires indirect sources to implement air pollution mitigation plans approved by the commissioner, establishing a point system will provide a structured, flexible, and manageable way to track, assess, and incentivize emissions reductions. This can allow warehouse operators different avenues to reduce emissions and make it easier for the Department of Environmental Protection (DEP) to track emissions reduction. The bill should require warehouse operators to implement an array of options to guarantee emissions reductions. For example, the warehouse operators could be required to implement one or more of the following:

- acquire zero-emission vehicles and charging infrastructure,
- install solar panels and or batteries on-site,
- consider alternative transportation modes for incoming and outgoing trips, where appropriate, only after consulting with affected workers, or
- paying additional fees.

Furthermore, the legislation should require zero-emission vehicles and not allow near-zero-emission vehicles, including, but not limited to, biofuel, renewable diesel, compressed natural gas, or renewable natural gas. By permitting non-zero-emission vehicles at these facilities, New York City will not be able to reach its climate targets, and neighborhoods will continue to experience delayed reductions in air pollution. Lastly, the legislation should require enhanced mitigation measures for qualifying warehouses located near sensitive locations, including but not limited to schools, daycares, playgrounds, parks, hospitals, senior centers, nursing homes, public housing, and disadvantaged communities.

Warehouse operators should also be required to submit annual data to DEP through this legislation. Given our antiquated zoning laws that permit these facilities to be constructed “as-of-right” in manufacturing zones and C8 districts, no comprehensive public database of these facilities exists. Therefore, it is unknown where many of these facilities exist, the number of daily incoming and outgoing trips occur, the types of vehicles used, or the amount of pollution these facilities are causing. Requiring warehouse operators to submit annual reports will allow the City to better plan for e-commerce warehouses and implement new regulations to address the other negative impacts caused by these facilities. Warehouse operators should at least be required to submit the following information:

1. the average daily number of inbound and outbound vehicle trips by vehicle weight and class, and by time of day and day of the week;
2. the average daily vehicle miles traveled for all vehicles making inbound and outbound trips to and from the qualifying warehouse;
3. the average daily vehicle miles traveled and the number of inbound and outbound trips for alternative modes of freight;
4. a heat map of the frequency data for trip destinations;
5. the number of jobs at the facility, including drivers and others employed by third-party contractors, with a breakdown of the percentage of part-time and full-time employees, independent contractors, unionized and non-union employees;
6. the percentage of vehicles used, specifying on-road vehicles and off-road vehicles as well as weight and vehicle class, that are zero emissions;
7. the number of electric vehicle charging stations installed and actual usage;
8. the number of hydrogen fueling stations installed and actual usage;
9. the number of on-site renewable energy generation systems installed;
10. the number of vehicles used to deliver from the site that are owned by the warehouse operator but leased to a third party, and the proportion of leased vehicles used as compared to vehicles owned by the warehouse operator;
11. the identity of subcontractors who conduct more than ten percent of total delivery vehicle trips from the site, including the entity name, principal officers, business address and contact information, and the total number of employees; and
12. any other information necessary to effectively implement and enforce any rule or regulation.

It is encouraging to see that the City Council is tackling the issues of this unregulated industry. These two pieces of legislation are key pieces of the complex puzzle to address the impacts of e-commerce warehouses. Companion legislation to address labor issues and establish worker protections is also necessary. These two bills can help the City reduce the emissions associated with the operation of e-commerce warehouses, push for the adoption of zero-emission vehicles, and create healthy, sustainable communities. To ensure the bills achieve their intended goals, it will be crucial to incorporate stronger provisions throughout the legislation.