



December 4, 2024

Dear Governor Hochul and Department of Environmental Conservation,

We, the undersigned, write to express our strong support for New York’s urgent implementation of the Advanced Clean Trucks (ACT) rule. We thank Governor Hochul for [joining your peers in calling out manufacturers’ poor practices to sabotage the zero emission truck \(ZET\) market, committing to decarbonizing trucking, and affirming that “ACT’s requirements are achievable.”](#) We urge the state to also move forward with adopting the complementary Advanced Clean Fleets (ACF) rule, which is on [this year’s regulatory agenda](#) for the State’s Department of Environmental Conservation (DEC). In the current political climate, such regulations are more crucial than ever for reducing harmful air pollution and public health inequities, meeting the state’s climate mandates, and facilitating the transition to clean medium- and heavy-duty (MHDV) transportation.

[Adopted by the state in 2021](#), the ACT requires MHDV manufacturers to gradually increase the percentage of ZET sales over time. ACT supporters, [including large businesses representing over \\$30 billion in assets](#), were eager to adopt the rule in 2021 and lock in MY2025 as the implementation year, with the purpose of sending a market signal to the industry to phase in ZET production. Though the ACT includes many flexibilities for meeting compliance—and [an investigation in California](#) found that manufacturers were fully capable of complying with the ACT upon implementation—[Senate Republicans](#) and the [Trucking Association of New York](#) began pressuring the state to delay the ACT with mere months

to go before implementation in 2025. The DEC almost immediately responded by [proposing amendments for additional compliance flexibilities](#). This industry opposition mirrors a pattern of behavior seen in some of the [11 other states](#) that have adopted this rule, as well as local pushback on other attempts to clean up the transportation sector, such as the [Trucking Association of New York's lawsuit against the Metropolitan Transportation Authority](#) over congestion pricing in New York City, which is still outstanding.

In the years since ACT's adoption in New York, the Governor's office and DEC have taken significant steps to enable the market for ZETs, through incentives and efforts to deploy charging infrastructure. These actions have been complemented by similar efforts at the federal level, and significant private sector investment as well. The market has been moving to meet the deadlines for MY2025, and any step backward will only create uncertainty in this critical clean energy industry.

Not only should New York uphold its commitment to implement the ACT rule on time, it must also take the next step in ensuring the state's clean air future by initiating the rulemaking process for the lifesaving [ACF regulation](#). This regulation complements the ACT rule by requiring fleets to gradually increase their percentage of ZETs, phasing-in clean vehicles and achieving 100% new sales by 2036. Together, the ACT and ACF can help New York achieve its climate and clean air mandates.

New Yorkers cannot wait until 2029 for the state to begin taking steps toward clean air and transformative greenhouse gas emissions reductions. Although trucks and buses make up only 5% of all registered vehicles in New York, they cause disproportionate harm—accounting for [“52% of nitrogen oxide \(NOx\) emissions, 45% of all PM 2.5 pollution, and 24% of global warming emissions from on-road vehicles.”](#) As a result, a delay in ACT adoption could lead to over [\\$310 million](#) in public health costs to New Yorkers. As stated in a [2021 letter in support of the ACT's adoption](#), “due to a long history of racially-motivated zoning [and] transportation,” vehicle tailpipe pollution disproportionately affects communities of color—and that “despite a significant decrease in air pollution nationally over the last forty years, [relative disparities in air quality along racial and income lines have been notably persistent.](#)” A [2021 study](#) by the New York City Environmental Justice Alliance (NYC-EJA) found several PM 2.5 pollution “hot spots” near heavily trafficked facilities and corridors in the Bronx and Brooklyn, including the South Bronx—where [40% of residents live below the poverty line and youth asthma rates are 2.5 times higher than the New York City average](#). Clean air regulations such as the ACT and ACF are critical for protecting public health—which is why the American Lung Association's (ALA) [2024 State of the Air](#) report recommends adopting ZEV standards as one of its six key recommended actions for states. Notably, the ALA report also shows the New York metropolitan area ranks among the country's top 25 cities with the highest pollution from ozone.

Reducing MHDV emissions is also necessary for meeting the state's mandate to fully decarbonize the economy by 2050, as directed by the 2019 Climate Leadership and Community Protection Act (CLCPA). The ACT is a critical component of the [CLCPA's 2021 Scoping Plan](#), or framework for reducing greenhouse gas emissions in accordance with the CLCPA's mandates, and there is no reasonable way to meet the state's emission reduction targets without the ACT. At this year's [UN Climate Summit](#), Governor Hochul

emphasized the need for climate action to not only “safeguard our natural environment but also our most vulnerable communities.” As urged in a [recent op-ed](#) authored by NYC-EJA and the Sierra Club, “it’s past time for our state’s leadership to put this into action,” and “implementing clean truck rules is a clear way for the governor to start to fulfill this commitment to frontline communities.”

While industry and manufacturers have cited high costs for their inability to comply with the ACT rule, a recent [Truck Availability Analysis](#) conducted by the California Air Resources Board revealed significant price disparities between American and European markets, with no clear reason. Manufacturers appear to have artificially raised vehicle costs to [falsify a product shortage and sabotage the market](#). Consistent with [the Governor's joint letter](#), California state officials found that manufacturers had required dealers to purchase a certain number of ZETs before receiving any diesel-powered vehicles, even in applications for which there is no ZET availability. This “ratio-ing” behavior ignores the flexibility built into the ACT to focus on common-sense ZET applications first. Though the ACT does not place any purchasing requirements on dealers or fleets, manufacturers’ unscrupulous business practices shift the responsibility of compliance onto the dealers, resulting in “[an 80% year-over-year decrease in Class 8 vehicle sales](#).” In addition to raising the costs of compliance, manufacturers have engaged in flat-out price gouging, charging 25% more for Class 8 ZET sold in California relative to comparable models in Europe. For its part, New York State has provided numerous incentives and rebates to support the industry in adopting ZET. Instead of partnering on the advancement of this important technology, manufacturers are dragging their heels and [suggesting red tape activities](#) that will only add to the cost of implementation, such as pursuing additional cost-benefit analysis and planning. [The numbers are already in](#), and the immediate implementation of the ACT—in combination with the Low NOx Heavy-Duty Omnibus diesel truck standards—is expected to avoid over 500 premature deaths, prevent 350,000 cases of respiratory illness, and produce over \$2.77 billion in health benefits through 2050.

Implementation of the ACT was always considered an initial step to reducing pollution from the MHDV sector, which contributes to harmful public health disparities and climate change. We urge the state to not only honor this commitment but to implement other tools for addressing harmful truck pollution, such as the ACF regulation. Such leadership is in line with regional priorities, including [New Jersey’s commitment to uphold the ACT](#).

Thank you,

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