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GROUPS ASK: WHERE ARE CLEAN DIESEL REGULATIONS? *Long Overdue Regulations Will Reduce Harmful Effects of Diesel Pollution*

A coalition of environmental and public health groups today urged Governor Paterson to order the immediate implementation of the New York State Diesel Emission Reduction Act of 2006. According to the timelines established by the law, all state owned heavy duty vehicles (used in on-road and off-road applications) and those under contract with the state were required to use ultra-low sulfur diesel fuel (ULSD) beginning in February 2007. Additionally, 33 percent of all such vehicles must be fitted with best available retrofit technologies by December 31, 2008.

Although it has been over two years since the legislation was signed into law, enacting rules have not yet been promulgated.

“New York State continues to lead the nation in the number of deaths and disease caused by diesel exhaust,” said Michael Seilback, Vice President, Public Policy & Communications for the American Lung Association of New York. “For the millions of New Yorkers who struggle to breathe every day, implementation of this law cannot come soon enough.”

The law requires the Commissioner of the Department of Environmental Conservation (DEC) to enact rules to govern which technologies shall be considered best available retrofit technologies. Under the rules, the Commissioner would have the ability to address any issues that might arise should installation of Best Available Control Technology (BACT) run afoul of any vehicle warranty provisions. The bill also requires DEC to submit a report to the Legislature on or before January 1, 2008 and every year thereafter on the use of ULSD and the use of retrofit technologies.

“Every day that New York's Diesel Emission Reduction Act goes unimplemented means another day of dirty air in New York,” said Jackson Morris, Air & Energy Program Associate, Environmental Advocates of New York. “It's time for Governor Paterson and New York State to

put this law into practice, reduce air pollution, and set a clean green example for the private sector to follow.”

“When it comes to air quality – particularly in areas with high traffic volumes and environmental justice concerns – the benefits to the state far outweigh the costs and administrative issues this law might create,” said Marcia Bystryn, president of the New York League of Conservation Voters. “Let’s take this step forward as soon as possible, both for the health of New Yorkers and for the sake of our environment.”

“As a science and evidence-based health organization, the American Cancer Society advocates limits on exposure to pollutants only when they are shown to cause increased cancer risk,” said Peter Slocum, Advocacy Vice President for the American Cancer Society’s Eastern Division. “In the case of dirty diesel, the scientific link to lung cancer is a solid one, compelling us to act.”

“Every time I see a bus or truck blow a cloud of soot into the air, I am appalled that in this day and age we still allow such harmful and highly visible practices,” said Gordian Raacke, executive director of Renewable Energy Long Island. “We have the technologies to dramatically reduce these emissions, what we need now is the political will.”

“For New York to avoid complying with this law is penny-wise and pound-foolish,” said Laura Haight, senior environmental associate with the New York Public Interest Research Group. “New Yorkers are paying for it every day with their health.”

“Low-income communities and communities of color serve as the reluctant hosts to the most polluting facilities; consequently, it is not unlikely to see trucks idling or queued right outside our homes, schools and places of worship,” said Elizabeth Yeampierre, Executive Director of United Puerto Rican Organization of Sunset Park and Chair of the New York City Environmental Justice Alliance. “This is an environmental justice priority and immediate action must be taken to address this serious public health hazard.”

“Communities like East and South Buffalo, Arbor Hill in Albany, Sunset Park in Brooklyn, Northern Manhattan and the South Bronx struggle to breathe because of poor air quality every day,” said Cecil Corbin-Mark, WE ACT for Environmental Justice's deputy director and director of policy initiatives. “Gov. Paterson has always been a champion of our communities, and we hope the state will live up to its obligations to clean up its dirty diesel fleet -- not only fulfilling the law, but also creating needed jobs and reducing health care costs in tough fiscal times for the state.”

The law also established the following schedule for installing the retrofit technologies: not less than 33 percent of all vehicles by December 31, 2008; not less than 66 percent of all vehicles by December 31, 2009; and, not less than 100% of all vehicles by December 31, 2010.

According to the New York State Department of Health, the typical hospital bill for a person on Medicaid who is hospitalized for an asthma attack is \$9,500, which is more than a diesel particulate filter (DPF) would cost. Thus, if each DPF installed provides enough clean air to avoid just one asthma-related hospital admission, then the legislation pays for itself. Furthermore, this law will increase economic opportunities for companies in New York State who currently make diesel emission reduction technologies.

“The bottom line with this law, as with all clean air measures, is that the benefits to the State far outweigh the costs and administrative issues it may create,” added Seilback.

Air pollution problems and their attendant health threats have become serious statewide issues. Millions of New Yorkers are at-risk. In fact, according to the EPA, 89 percent of the state's population lives in a county where air quality does not attain federal health standards. In addition, the EPA has declared the counties of Suffolk, Nassau, Queens, Kings, Richmond, New York, Bronx, Westchester, Rockland and Orange in "non-attainment" for fine particles.

The high air pollution levels in New York State causes people to become sick and even cuts lives short. Diesel pollution has been shown by a wealth of science to trigger asthma attacks; is linked to heart attacks, cancer and even premature deaths in seniors; and is associated with ambient levels of both ozone and fine particles.

The American Lung Association's *State of the Air 2008* report found that from Buffalo to Bayport, and from Staten Island to Saratoga millions of New Yorkers are being forced to breathe unhealthy air. For most of the state, there truly is no escape for New Yorkers whose health is impacted by air pollution.

Diesel emissions remain a particularly troublesome health threat. They are a contributing factor to the ozone problems facing so many New York communities and are a big reason why the New York City metro area has such a problem with fine particles. In fact, New York State has the highest number of deaths and the greatest rate of disease associated with diesel exhaust particles. The New York City metropolitan area leads the nation in total deaths, cancer deaths, and heart attacks associated with diesel emissions. Unlike many areas of the country, the health effects associated with diesel pollution in New York are even greater than those associated with power plant fine particle pollution.

An interactive map showing air quality findings in New York, by county, is available at www.alany.org.

Editor's note – Attached is the letter sent to Governor Paterson on August 1, 2008, urging the immediate implementation of the New York State Diesel Emission Reduction Act of 2006.

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