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## **MEMORANDUM IN SUPPORT**

**LEGISLATIVE REFERENCE** S.1343-A – by Senator Parker – Finance Committee  
A.472-A – by M. of A. Woerner – Environmental Conservation Committee

**TITLE** **AN ACT** to amend the environmental conservation law, in relation to establishing the "clean fuel standard of 2025"

### **SUMMARY OF PROVISIONS**

Section 1 of the bill is the legislative findings and declarations.

Section 2 of the bill establishes the title of the legislation.

Section 3 of the bill would amend the environmental conservation law by adding a new section 19-0333 to require the Department of Environmental Conservation (DEC), in consultation with the New York State Energy, Research and Development Authority (NYSERDA), to promulgate regulations to create a clean fuel standard for New York State. Other than aviation fuels, regulation of which is preempted by federal law, the standard will apply to all providers of transportation fuels, including electricity, and is intended to reduce carbon intensity from the on-road transportation sector by at least twenty percent by 2033. The bill would require that DEC promulgate regulations that take into account the low carbon fuel standard adopted in other states, provide for coordination with other northeastern states to promote regional solutions to reduce greenhouse gas (GHG) emissions, and provide for fees for registering providers in order to offset implementation costs. To ensure program integrity and environmental protection, the bill would require DEC to impose accounting and reporting requirements for the calculation of lifecycle emissions, including consideration of indirect emissions and environmental consequences. The bill would require electric utilities, state agencies, and authorities, in consultation with the climate justice working group and climate action council, to invest or direct, to the extent practicable, forty percent of the entity's earned credit value to electrified transportation programs, projects or investments to directly benefit disadvantaged communities. This program is intended to be similar to the California low carbon fuel standard, which promotes reductions in GHG emissions in the transportation sector by assigning carbon intensity values to all fuels, taking into account the entire lifecycle of the fuel, and requiring high carbon fuels to promote clean fuels through a credit mechanism. The commissioner would be required to report to the legislature on the program within twenty-four months following adoption of the regulations.

Section 4 of the bill would provide that the act takes effect immediately.

### **REASONS FOR SUPPORT**

The establishment of a clean fuel standard would require transportation providers of transportation fuels to reduce the GHG emissions that are byproducts of the fuels they make. This program would establish the gold-standard pathway to creating a more resilient market for ultra-low and zero emission vehicles and would help

the state achieve its climate goals. Fuels produced or imported in New York State would need to meet certain carbon intensity benchmarks according to a timetable developed by DEC in consultation with NYSERDA. Fuels that exceed the annual benchmark would receive credits, and fuels that fail to meet the benchmark would result in a deficit that would need to be offset by credits from renewable fuel producers and electric utilities. The standards would become more rigorous each year.

Poor air quality has led to high asthma rates – which have a disproportionate impact on Black and Latinx youth, as well as those residing in high poverty neighborhoods. In California where a similar program has been in existence since 2011, more than 38 million tons of CO<sub>2</sub>e have been removed from the atmosphere. The California program has been so successful that it was amended in 2018 to require further reductions in GHG.

Clean fuel standards have profound economic benefits. Washington State estimated that implementation of its clean fuel standard will result in between \$1.8-\$3.8 billion in economic benefits due to improved health and reduced health care costs. In California, the program has not only removed more than 3 billion gallons of diesel from the air, it has also created jobs in both urban and rural communities. Implementation of the proposed program in New York would further the City’s environmental sustainability goal of achieving carbon neutrality by 2050. New York City has already set goals to completely phase out light-duty internal combustion engine vehicles by 2035 and medium and heavy-duty vehicles by 2045. This measure would also enable the City to meet and exceed the emission reduction standards of New York State’s landmark Climate Leadership and Community Protection Act, decreasing the impact of pollution on disadvantaged communities. With its fleet, NYC has shown the potential to implement wide-spread electrification, including EV fast charging, and to replace all fossil diesel fuel with renewable diesel for trucking until zero emissions can be achieved. California has established leadership in both electrification and renewable diesel through implementation of its low carbon fuel standard, and New York should adopt a similar approach.

Accordingly, the Mayor urges the earliest possible favorable consideration of this proposal by the Legislature.

Respectfully submitted,

SHANNA F. WITHERSPOON  
Director

PW:4/17/25