



November 17, 2021

Honorable Basil Seggos
Commissioner
NYSDEC
625 Broadway
Albany, NY 12233

Re: How a Clean Fuel Standard can support the Advanced Clean Truck Rule

Dear Commissioner Seggos,

New York has long been a leader in fighting air pollution associated with cars and trucks, as demonstrated by its status as a 177, or California car, state. As you undertake the process the rulemaking process for the Advanced Clean Truck rule (ACT), we strongly urge DEC to consider the strategies employed by the California Air Resources Board (CARB) designed to support this policy. Namely, we urge that you consider supporting the establishment of a clean fuel standard for New York, such as proposed in A. 862/S. 2962 (Woerner/Parker).

Under New York's landmark Climate Leadership and Community Protection Act of 2019 (CLCPA) - the goals of which DEC is in the process of implementing- New York must reduce its greenhouse gas (GHG) emissions by 85% by 2050. Given that New York's transportation sector is responsible for 47% of its GHG emissions,¹ decarbonizing transportation is essential to reaching this goal. The ACT is designed to complement our CLCPA goals, promoting accelerated decarbonization of the state's transportation sector.

A clean fuel standard, also referred to as a low carbon fuel standard, works by first setting benchmarks or standards for the carbon intensity of transportation fuels based on lifecycle emissions. Fuels that fall below the carbon intensity standard generate credits. These credits are purchased by manufacturers and importers of fuels that pollute more than the carbon intensity standard and thus create credit deficits. The clean fuel standard is therefore designed to make polluters pay for investments in the clean fuel economy, including renewable liquid fuels and EV charging infrastructure that will undoubtedly be key to supporting an increased number of zero-emission trucks, in addition to the 100% zero-emission new vehicle sales.

¹ <https://cbcny.org/research/4-facts-about-new-yorks-transportation-emissions>



In California, the jurisdiction on which the ACT rule is based, the Advanced Clean Trucks/Advanced Clean Cars Programs and a low carbon fuel standard work in tandem. CARB describes California’s low carbon fuel standard as “a key part of a comprehensive set of programs in California to reduce emissions from the transportation sector, including the [...] Advanced Clean Cars Program.”² According to a 2020 report by Energy Innovation and the Environmental Defense Fund evaluating the emissions and economic benefits of California’s Advanced Clean Trucks rule, California’s low carbon fuel standard is key to making the program economically viable. Per the report, “[s]avings on fuel and maintenance plus Low Carbon Fuel Standard (LCFS) revenue far exceed higher manufacturing costs (for new vehicles) and infrastructure costs (for charging) [...] LCFS revenue represents the value stream available to electric trucks [sic] owners” (p. 4).³ Moreover, Appendix C of CARB’s Staff Report on proposed regulation of the Advanced Clean Trucks rule assumes that larger fleets would earn revenue through LCFS credits by building and owning their own EV charging infrastructure,⁴ helping to bolster compliance with the rule’s regulations.

A clean fuel standard has already gained traction as a viable policy option for New York. There is currently legislation to establish a clean fuel standard in both the Senate and Assembly Environmental Conservation Committees. Furthermore, the Transportation Advisory Panel included adopting a clean fuel standard in its recommendations to the Climate Action Council, recognizing it as a key strategy to achieving the CLCPA’s transportation decarbonization goals. Given the importance of this policy mechanism to making New York’s current and potential future zero-emission vehicle laws more feasible and affordable, we strongly urge DEC to support a clean fuel standard for New York as part of its ACT rule-making.

Sincerely,

The Alliance for Clean Energy New York
AMPLY Power
Bollinger Motors
CALSTART
The Coalition for Renewable Natural Gas
Empire Clean Cities
Low Carbon Fuels Coalition
The Nature Conservancy – NY
New York League of Conservation Voters
Nikola

² <https://ww2.arb.ca.gov/sites/default/files/2020-09/basics-notes.pdf>

³ https://energyinnovation.org/wp-content/uploads/2020/06/Clean-Trucks-Big-Bucks_June_17_2020.pdf

⁴ <https://ww2.arb.ca.gov/sites/default/files/classic/regact/2019/act2019/30dayattc.pdf>



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