

Senate Majority Leader Andrea Stewart-Cousins
Legislative Office Building, Room 907
Albany, NY 12247

Assembly Speaker Carl Heastie
Legislative Office Building, Room 932
Albany, NY 12248

Re: Support for Passing the “Clean Deliveries Act,” S.2127/A.1718, This Session

Dear Majority Leader Stewart-Cousins and Speaker Heastie:

The undersigned organizations write to express our strong support and urge for swift passage this session of the Clean Deliveries Act (S.2127/A.1718), which would, among other things, establish emission reduction plans for “mega-warehouses” used primarily to facilitate e-commerce deliveries to residences. Currently, air pollution from these facilities is unregulated – despite their clear impact on climate and public health.¹ Moreover, the noxious impacts from these facilities are concentrated in and around the disadvantaged communities (DACs) where they overwhelmingly tend to be sited, and also disproportionately harm the drivers who have to work around idling vehicles. This bill is a necessary action to address this conspicuous regulatory vacuum and ensure that these massive facilities are doing their part to help achieve the steep emission cuts required by the Climate Leadership and Community Protection Act (CLCPA).

Transportation is responsible for 29% of climate-altering emissions statewide, second only to the buildings sector overall and the largest source of fuel combustion emissions.² And while other sectors like electricity are on a downward trend, transportation emissions in New York State remain stubbornly high – largely due to trucks and other diesel vehicles. Studies suggest that up to one-quarter of transportation emissions are linked to warehousing activities.³

Diesel emissions are also the main contributor to the persistently poor air quality across large parts of New York State, which fail to meet federal air quality standards for ozone. Exposure to emissions from freight hubs is a key reason why communities of color and low-income communities in New York State breathe dirtier air than white and affluent New Yorkers. This inequity is linked to striking disparities in asthma rates and other respiratory conditions.

¹ There are limited studies quantifying emissions from mega-warehouses in New York State. Studies from other states suggest that emissions from a 1.5M square foot facility – which is the size of several developments in New York State – would generate approximately 40 tons of NOx/year. See, e.g., City of Fullerton, Draft Environmental Impact Report, Goodman Logistics Center Fullerton Project (2020), <https://www.cityoffullerton.com/home/showpublisheddocument/1302/637436901673800000>. These would be considered a “major source” of pollution if the emissions were from a single point source in much of New York State.

² New York State Dep’t of Environmental Conservation, 2022 Statewide GHG Emissions Report: Summary Report at tbl. ES-3 (2022), https://www.dec.ny.gov/docs/administration_pdf/ghgsumrpt22.pdf.

³ David Rüdiger et al., *Managing Greenhouse Gas Emissions from Warehousing and Transshipment with Environmental Performance Indicators*, 14 *Transp. Res. Proccida* 886 (2016), <https://www.sciencedirect.com/science/article/pii/S2352146516300837>.

Impacts from E-Commerce Mega-Warehouses

Without targeted mitigation, mega-warehouses will continue to harm the climate and local air quality. Consumer demand for online goods is growing at a massive clip, a decade-long trend that was accelerated during the pandemic.⁴ In New York State, consumer e-commerce spending increased 64% between 2019 and 2021 – compared to just 6.6% growth in retail sales overall.⁵ Nationwide, consumer spending on e-commerce hit a record \$1 trillion in 2022.⁶ In New York City alone, over 2 million e-commerce packages are delivered each day.⁷ Freight tonnage moved by truck in New York State is projected to increase by 716M tons through 2040, with much of that growth attributable to warehousing.⁸ In New York City, this would mean an additional 75,000 trucks on City streets each day.⁹

Unlike traditional warehouses, e-commerce mega-warehouses can exceed several hundred thousand square feet – with many surpassing one million square feet. They generally operate on a 24/7 basis. The industry is also pioneering new designs that include multi-story facilities, which multiply local impacts on workers and local residents. Each facility can generate hundreds or even over a thousand vehicle trips per day, including diesel-spewing heavy trucks, delivery vans, and heavy equipment used on site – emitting tons of harmful pollutants that impact local communities and warehouse workers. The net emissions from a single warehouse are comparable to many power plants, but they have largely escaped regulatory oversight.

The “mega-warehouses” covered under this bill are a clear example of the transportation sector’s disproportionate burden on communities of color and low-income communities throughout New York State. Because freight activity is primarily carried out over waterways and by truck, e-commerce companies require facilities near ports and highways – where, due to generations of environmental racism, pollution is already concentrated and where more low-income communities live. The sheer magnitude of packages, coupled with the expectations for ever-faster delivery times, has led to a proliferation of mega-warehouses throughout the state – with newer facilities sited closer and closer to population centers.¹⁰ The lack of regulation also threatens workers that support this industry.

⁴ Metropolitan Area Planning Council, *Hidden and In Plain Sight: Impacts of E-Commerce in Massachusetts* at 2 (2021), <https://www.mapc.org/wp-content/uploads/2021/02/Feb2021-Ecommerce-Report.pdf>.

⁵ John Cropley, *Online Purchases by Capital Region Residents Soar but Local Retail Rises as Well*, *The Daily Gazette* (Feb. 27, 2022), <https://dailygazette.com/2022/02/27/online-purchases-by-capital-region-residents-soar-but-local-retail-rises-as-we-ll/>.

⁶ *U.S. Consumers to Spend Record \$1 Trillion Online in 2022 - Report*, Reuters (Mar. 15, 2022), <https://www.reuters.com/world/us/us-consumers-spend-record-1-trillion-online-2022-report-2022-03-15/>.

⁷ Sarah Simon, *New York City is Drowning in Packages*, *MIT Tech. Review* (July 12, 2022), <https://www.technologyreview.com/2022/07/12/1055161/new-york-city-packages/>.

⁸ New York State Dep’t of Transp., *New York State Freight Transportation Plan*, Tech. Mem. 5: Freight System and Economic Context at 30–35 (2017), <https://www.dot.ny.gov/content/delivery/Main-Projects/projects/P11618881-Home/P11618881-repository/NYSDOT%20Freight%20Plan%20Tech%20Memo%205.pdf>.

⁹ See N.Y.C. Dep’t of Transp., *Request for Proposals for Consultant/Program Management Services in Connection with the NYC DOT Off-Hour Deliveries Program* at 5 (2022), <https://passport.cityofnewyork.us/bare.aspx/en/fil/downloadpublic/1BC6D969-0C18-40AF-8F1E-6DB112199EA4>.

¹⁰ MAPC, *supra* note 3, at 5.

Overview of Bill

Currently, there is no requirement that these facilities adopt any measures to reduce emissions and protect disadvantaged communities.

The Clean Deliveries Act will help manage this growth and advance environmental justice by requiring mitigation measures at the mega-warehouses where significant vehicle emissions are concentrated. The Department of Environmental Conservation (DEC) would design and implement the program to track and reduce air pollution associated with these mega-warehouses, including by encouraging a shift towards zero-emission vehicles and clean energy – and allows for consideration of whether alternative modes are appropriate for a given facility. It will also require enhanced mitigation around schools and other “sensitive receptors” and in disadvantaged communities, effectuating the CLCPA’s core equity mandates. New facilities would also be required to obtain a permit, further ensuring consistency with climate policy. To help with implementation, mega-warehouses would be required to submit detailed annual reports. Finally, DEC would be tasked with studying mechanisms to reduce emissions in hot spots throughout the state.

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New York State has already taken great strides towards facilitating a shift towards zero-emission trucks and buses, with the Advanced Clean Truck rule and a nation-leading policy on electric school buses. Delivery vehicles are similarly poised for electrification today. And many of the e-commerce companies are on board, making pledges to reduce emissions across supply chains and by placing large orders for zero-emission delivery vehicles. But there is no real mechanism in place to ensure that deployments happen where the air quality benefits are needed most urgently. The communities and workers that have to live with and work around massive freight and logistics centers should be first in line for zero-emission technology. The Clean Deliveries Act will promote deployment of zero-emission vehicles and other clean energy investments in those communities that are currently breathing the dirtiest air – and would be a tangible action to meaningfully act on the CLCPA’s equity provisions.

For these reasons, we urge you to pass the Clean Deliveries Act this session.

Respectfully,