



Founders

Vernice Miller-Travis
Peggy M. Shepard
Chuck Sutton

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Northeast States for Coordinated Air Use Management
89 South Street, Suite 602
Boston, MA 02111

Board of Directors

Chair

Jeff Jones

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Secretary

Nancy E. Anderson, Ph.D.

RE: Comments on the Draft Multi-State Medium- and Heavy-Duty Zero Emission Vehicle Action Plan

Treasurer

Ken P. Mak

Dear Members of NESCAUM,

Members

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Neetin Gulati
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Vernice Miller-Travis
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Thank you for your leadership in advanced programs and practices that reduce transportation pollution in the region and for the opportunity to provide input on the Draft Multi-State Medium- and Heavy-Duty Zero-Emission Vehicle (MHD ZEV) Action Plan.

Please see below the WE ACT for Environmental Justice specific comments and recommendations. As the Multi-State ZEV Task Force works towards its finalization, we welcome continued engagement to ensure that equity and environmental justice are centered in the Action Plan and, ultimately, regional implementation.

Respectfully,

Anastasia Gordon

Executive Director

Peggy M. Shepard

Energy and Transportation Policy Manager
anastasia@weact.org | 646-341-2588



Comments on the Equity Provisions in the Draft Multi-State Medium- and Heavy-Duty ZEV Action Plan

In New York, medium- and heavy- duty vehicles are a major source of toxic air pollution that disproportionately impacts people of color¹, particularly communities living near high traffic roads and freight hubs. Exposure to diesel emissions from trucks and buses adversely impacts public health and results in increased rates of respiratory and cardiovascular illnesses and premature deaths.²

A transition away from diesel to zero-emission, all-electric trucks and buses can reduce greenhouse gas emissions³ and deliver clean air and immediate public health benefits for communities overburdened by pollution from medium- and heavy-duty vehicles in New York City and throughout the State.

When New York signed onto the Multi-State MHD ZEV Memorandum of Understanding (MOU) in July 2020⁴, it signaled a continued commitment to climate action and leadership in advancing environmental justice as required under the Climate Leadership and Community Protection Act (CLCPA). The MHD ZEV MOU also complements various State programs, laws and regulations including the recent adoption of the Advanced Clean Trucks Rule,⁵ which can help achieve widespread electrification in the MHD sector and improve air quality, public health, and economic conditions in frontline and environmental justice communities from this transition.

As the Task Force develops the MHD ZEV Action Plan, we put forward the following observations and recommendations to ensure that New York and other participating jurisdictions put in place transformative policies that facilitate a just and equitable transition to zero-emission MHD trucks and buses:

Definitions and Prioritizing Environmental Justice Communities

Communities most harmed by transportation pollution should be the first to reap the emissions reductions from electrification. It is a step in the right

¹ <https://www.ucsusa.org/sites/default/files/attach/2019/06/Inequitable-Exposure-to-Vehicle-Pollution-NY.pdf>

² <https://iopscience.iop.org/article/10.1088/1748-9326/abf60b/pdf>

³ <https://ehjournal.biomedcentral.com/articles/10.1186/s12940-016-0172-6>

⁴ https://www.nescaum.org/documents/mhdv-zev-mou_12-14-2021.pdf/

⁵ <https://www.governor.ny.gov/news/governor-hochul-announces-adoption-regulation-transition-zero-emission-trucks>



direction to begin to redress the inherent and systemic inequities of the transportation system. Therefore, it is important that the relevant definitions and metrics are employed to identify “frontline and overburdened communities” and direct investments and deployment of electric MHDVs and accompanying charging infrastructure to these areas. We recommend the Task Force and states reference key definitions for environmental justice and cumulative impacts that are housed in legislation such as the Environmental Justice for All Act (S.872/H.R.2021⁶) introduced in the 117th Congress.

In addition to standardizing language, this leverages thoughtful and thorough work that has been done to describe the communities that have been disproportionately and adversely affected by pollution and accompanying health impacts from trucks and buses as well as communities historically underserved by transportation. Moreover, we encourage MOU states to consider the process and metrics used by New York State to define disadvantaged to communities,⁷ which was led by the Climate Justice Working Group composed of representatives from environmental justice communities from across the state.⁸

Policies and investments to advance equity and prioritize environmental justice communities

In New York, as part of the NYC Clean School Bus Coalition, WE ACT was instrumental in passing Local Law 120 of 2021, mandating that school buses serving NYC public schools be all-electric by 2035⁹ and led advocacy campaigns to Dump Dirty Diesel MTA buses, which resulted in 95% reductions in tailpipe emissions citywide.¹⁰ Participating states should take action to accelerate the turnover of the dirtiest diesel fleets still in operation and strategically deploy electric trucks and buses in environmental justice communities. In particular, states should encourage rapid deployment and transition to 100% electric transit and school bus fleets, two of the most mature segments of the MHDV market that will provide significant emissions reductions and health benefits for children, low-income communities, and people of color that rely on these modes of transportation the most.

⁶ <https://www.congress.gov/bill/117th-congress/house-bill/2021/text#toc-H29B8B0495AF041089E8CBF8562BC5BC2>

⁷ <https://www.nyserda.ny.gov/ny/disadvantaged-communities>

⁸ <https://climate.ny.gov/Our-Climate-Act/Climate-Justice-Working-Group>

⁹ <https://www.nycschoolbus.org/>

¹⁰ <https://www.weact.org/campaigns/dirty-diesel-campaign/>



States should leverage private and federal funding from the Infrastructure, Investment and Jobs Act to procure electric transit and school buses and build out publicly accessible fast charging electric vehicle charging infrastructure to serve these vehicles but also along major trucking corridors as well as at depots, ports and other goods movement support the electrification of other MHDVs and off-road equipment. It is critical that charging infrastructure is deployed, in the first instance, to serve MHDVs that operate and/or pass through environmental justice communities adversely impacted by diesel pollution from these trucks and buses.

However, we believe the investments in vehicle electrification and infrastructure must be supported with complementary policies, including rigorous mandatory emission reduction standards that decrease our exposure to carbon (CO₂), nitrogen oxides (NO_x), and volatile organic compounds (VOCs) – which contribute to climate change, poor air quality and adverse health effects in our communities.

Studies show that 65% of medium-duty trucks and 49% of heavy-duty trucks used today could be replaced by electric models on the market currently¹¹ and with improving capabilities and economics,¹² the shift to electric MHDVs will occur rapidly. States should view hydrogen's usefulness in the MHDV sector to be extremely limited, specifically for harder-to-electrify applications such as long-haul trucking. This hydrogen must also be produced using excess electricity from renewable energy to ensure that precious public funding and renewable resources are not diverted from direct electrification and efforts to displace fossil fuels.

It is also critical that transportation electrification be matched with aggressive movement towards renewable electricity generation. In New York, the CLCPA requires that 70% of the state's electricity come from renewable energy by 2030, and 100% electricity supply be zero-emissions by 2040. As noted in the action plan, we strongly encourage states to continue to prioritize strategies to replace fossil-fuel electricity generation that negatively impact environmental justice communities with renewable energy sources to avoid shifting emissions from vehicles to power plants. This emphasizes the need for utilities and utility regulators to support state climate and equity goals by prioritizing and approving investments for localized grid updates and managed charging programs as well as the

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https://rmi.org/insight/electrify-trucking/?utm_medium=email&utm_source=spark&utm_content=spark&utm_campaign=2022_05_05&utm_term=button

¹² <https://www.nrel.gov/docs/fy22osti/82081.pdf>



deployment of electric vehicle supply equipment to facilitate the delivery of renewable energy, manage increased power loads, and expedite the electrification of MHDV fleets operating in overburdened communities.

There are further efforts states can take to mitigate greenhouse gas and other toxic pollutants from transportation that plague low-income communities and communities of color. In New York, while adoption of the ACT will accelerate sales in MHD ZEVs, it will still allow 25-60% of sales to be combustion engine vehicles.¹³ It should be the first step in a suite of other California emissions standards that should be adopted, including the HD NOx Omnibus and Advanced Clean Fleets rules to achieve state climate goals while also delivering greater emissions reductions in overburdened communities. Participating states should join both New York and New Jersey, which have expressed their intention to adopt these rules.

Moreover, while we support the recommendation for jurisdictions to “lead by example” by setting ambitious targets to electrify their fleets by at least 2040, we urge states and transportation agencies to adopt comprehensive plans and a phase-in schedule to procure to electric trucks and buses to achieve its targets, ensuring that deployment in disadvantaged communities are prioritized. States can also develop rules to encourage the same for municipal and school district fleets. For example, condition state school transportation aid on conversion to electric school buses.

Bulk purchases will trigger investments and send signals for charging infrastructure and grid service businesses and mobilize electric vehicle supply chains that can reduce the costs of electric trucks and buses.¹⁴ As public fleets benefit from lower vehicle prices due to these bulk purchases, states should pass on this benefit to local municipalities and school districts so that they too can transition their fleets as well.¹⁵

Another policy tool states can employ to realize multiple goals is to designate zero-emission zones in disadvantaged communities. Low- or zero-emission zones like those implemented in Los Angeles and London, require vehicles to meet certain emissions requirements to enter. Fines are imposed on diesel and natural gas trucks while ZEVs are exempt. If designed appropriately, these can drive MHDV electrification and achieve

¹³ <https://climate.ny.gov/-/media/CLCPA/Files/2021-01-26-CAC-Meeting-presentation.pdf>

¹⁴ <https://static1.squarespace.com/static/5c34c6b685ede137995b2e5d/t/60a551ddba05500910810a5f/1621447137355/EV+White+Paper+Final+May+2021.pdf>

¹⁵ Ibid



climate goals in addition to improving air quality, reducing congestion and raising funds for equitable mobility projects such as public transportation, sidewalk repairs, biking and pedestrian infrastructure. This means that communities must be involved from the start so that the zero-emission zone program addresses an area’s particular challenges, appropriate enforcement mechanisms are applied, and that these mechanisms and fines do not harm low- income individuals and communities of color.¹⁶

Robust Community Monitoring and Engagement

In line with the principles of a just and equitable transition listed on page 7, we reiterate the need for states and utilities to “develop and adopt robust community engagement frameworks designed to institutionalize inclusive, accessible, and transparent community engagement.” This should result in the co-design and development of policies, strategies, and trackable and rigorous metrics, that will culminate in significant emissions reductions and deliver public health benefits for communities impacted by pollution from diesel trucks and buses.

As such, we encourage states to support community-led data collection. State agencies should partner with community members and community-based organizations who are close to the problem to design and implement community air monitoring programs that will identify hotspots and prioritize electric trucks and bus deployment in these areas. Community-led air monitoring programs build trust and allow the community to be involved in decision-making around transportation planning and air pollution mitigation strategies. States should ensure there is sustained and full funding for these programs. Local community members must be compensated and provided with the requisite technical assistance and training along with wrap-around services to support a robust community air monitoring program.

Moreover, we strongly emphasize the need for transparency. All data information, including mapping of emission reductions, diesel fleet replacements, and geographical deployments of zero-emission trucks and bus and charging infrastructure must be made available to the public in an easily accessible format, such as an online dashboard/portal. This will ensure that stakeholders can monitor and evaluate the outcomes of MHD ZEV policies and initiatives and provide input. In particular, states should also provide updates as well as regularly engage and seek feedback from

¹⁶ <https://greenlining.org/wp-content/uploads/2021/07/Greenlining-UCS-low-and-zero-emissions-zones-2021.pdf>



overburdened communities that will shape the design or adjust implementation for more equitable outcomes.

Early, sustained and meaningful community engagement is also paramount. We encourage participating states to employ guiding principles to meaningful engagement as outlined in “Promising Practices for EJ Methodologies in NEPA Reviews”,¹⁷ which was created by the Federal Interagency Working Group on Environmental Justice and National Environmental Policy Act Committee in 2016. In addition, we recommend there be adherence to the Principles of Environmental Justice¹⁸ and the Jemez Principles of Democratic Organizing¹⁹ when carrying out public engagement. Another great example of best practice in carrying out the public engagement process can be found in the New Jersey cumulative burden legislation, S.232, bill framework.²⁰

Workforce Development and Community Wealth Building

As all-electric trucks and buses are moving swiftly towards parity with diesel vehicles and car manufacturers make commitments to transition their fleets, states need to build up the workforce as soon as possible. This transition to MHDV electrification and more broadly to a clean energy economy must be just and equitable. The current workforce and communities most affected by disinvestment, climate change and generations of environmental degradation must and deserve to benefit, accessing potential jobs across the EV supply chain,²¹ from manufacturing and the installation and maintenance of EV chargers to battery-recycling and refurbishment as well as opportunities to build community wealth.

However, several barriers to entry exist for low-income individuals and people of color, including a lack of certification and STEM training. In New York, for example, there are limited training and education opportunities for residents to acquire the skills needed to join the electric transportation workforce. A study done by AEE found that there were only four programs specifically geared toward activities in the EV industry.²²

¹⁷ <https://www.epa.gov/environmentaljustice/ej-iwg-promising-practices-ej-methodologies-nepa-reviews>

¹⁸ <https://www.ejnet.org/ej/principles.pdf>

¹⁹ <https://www.ejnet.org/ej/jemez.pdf>

²⁰ <https://legiscan.com/NJ/text/S232/id/2213004>

²¹ <https://info.aee.net/electrifying-new-york-economic-potential-of-growing-electric-transportation>

²² Ibid



As outlined in our Green Jobs Report, we advise New York and other participating jurisdictions to fund and increase the number of relevant workforce training programs, leveraging state and city community college and university systems, inclusive of wrap-around support services. In addition, we recommend connecting trainees to individuals and institutions that can provide tutoring, remedial, secondary and technical learning opportunities and job placement services. This will ensure displaced workers, people of color, and under- and unemployed residents in these communities earn the relevant technical skills to access and retain family-sustaining jobs in the industry.

In addition to recommendations in the action plan to support minority-owned fleets such technical assistance, low-interest financing, etc, there should also be sustained funding to support local economic development and entrepreneurship; from job-training offered by community-based groups, community-ownership of EV chargers to local cooperatives that install, manage and maintain charging stations. Regarding the latter, WE ACT, for example, has a worker training program, out of which a few trainees established a solar installation cooperative,²³ a model that participating states should encourage to advance innovation and wealth building in communities. Lastly, states should encourage electric truck and bus manufacturers to locally hire and establish community benefit agreements.

²³ <https://www.weact.org/2021/03/suns-rises-the-creation-of-our-solar-workers-cooperative/>