



## **A.8642 (SWEENEY, PEOPLES) S.1145-A (PERKINS, ET AL.)**

### **Summary**

This bill would amend the Environmental Conservation Law, adding a section requiring that any heating oil sold after July 1, 2011, for residential, commercial or industrial use in New York State may not have a sulfur content greater than 15 parts per million (ppm). Classified as ultra-low sulfur diesel (ULSD), this 15 ppm threshold is consistent with industry and public health standards. The bill also includes a provision allowing for a temporary suspension of the requirement via executive order if there are insufficient supplies of ULSD to meet demand.

### **Explanation**

Since the 1960s, state and federal regulations have been updated to curtail the burning of dirty fuels. A recent example is the adoption of the Highway Diesel Rule by the U.S. Environmental Protection Agency (EPA) in 2006, which requires on-road diesel meet the ULSD standard. However, many parts of the state—particularly the New York City metro area—fail to attain ambient air quality standards required by the Clean Air Act.

Millions of New Yorkers reside in these non-attainment areas, where incidence of asthma and other respiratory ailments is high. According to the EPA, 89 percent of the state's population resides in an area in which air quality does not attain federal health standards. The EPA has declared that the counties of Suffolk, Nassau, Queens, Kings, Richmond, New York, Bronx, Westchester, Rockland and Orange are in “non-attainment” for fine particulate matter (PM 2.5).

One of the largest sources of the sulfur dioxide emissions that cause elevated levels of PM 2.5 is the combustion of heating oil, second only to power plants. This pollution is a direct result of the sulfur content of the oil burned. Reducing the sulfur content from traditional No. 2 oil (500 ppm) to ULSD (15 ppm) can result in up to 95 percent reduction in PM pollution, and up to 30 percent reduction in nitrogen oxides that contributes to smog. Because more than one million New York City homes use oil for heating purposes, switching to cleaner fuel will result in significant improvement in air quality. And since this pollution has local impacts, even those New Yorkers residing in counties that meet federal air quality standards will realize health benefits.

To date, New York regulations to lower the sulfur content of fuels have largely focused on mobile sources such as trucks, buses and ferries, resulting in marked reductions in pollution; these measures have failed to address heating oil. This bill would fill that regulatory gap by cleaning up the oil burned in homes, factories and businesses, resulting in dramatic improvements in air quality for millions of New Yorkers.

**Environmental Advocates of New York strongly supports this bill.**

**Memo 9**