

**Alliance for a Green Economy • American Lung Association NY • Center for Environmental Health • Citizens Campaign for the Environment • Citizens for Local Power • E2 Environmental Entrepreneurs • Earthjustice • Environment New York • Environmental Advocates of New York • Environmental Defense Fund • Green Education and Legal Fund • Natural Resources Defense Council • New York City Environmental Justice Alliance • New York Lawyers for the Public Interest • New York State Nurses Association • NYPIRG • Protect the Adirondacks • Renewable Energy Long Island • Sierra Club Atlantic Chapter • WE ACT for Environmental Justice**

March 18, 2016

Hon. Andrew M. Cuomo  
Governor  
Executive Chamber  
New York State Capitol  
Albany, New York 12224

Hon. Carl E. Heastie  
Speaker  
New York State Assembly  
LOB 932  
Albany, New York 12248

Hon. John J. Flanagan  
Temporary President  
New York State Senate  
State Capitol Room 332  
Albany, New York 12247

Hon. Andrea Stewart-Cousins  
Democratic Conference Leader  
LOB Room 907  
Albany, NY 12247

Hon. Jeffrey Klein  
Senate IDC Leader  
LOB Room 913  
Albany, NY 12247

Hon. Brian Kolb  
Assembly Minority Leader  
LOB Room 933  
Albany, NY 12248

Dear Governor Cuomo and Legislative Leaders:

As advocates for clean air and healthy communities, we strongly urge you to support the full implementation of the Diesel Emissions Reduction Act and avoid including any further delays in the 2016-2017 State Budget.

The Diesel Emissions Reduction Act of 2006 (DERA) was supposed to be fully implemented in 2010, but the Executive and the Legislature have repeatedly passed legislation delaying compliance and allowing vehicles with antiquated emissions controls to continue to pollute our air and threaten the health of our communities. Under current law, full compliance with DERA by state entities and also those working under contracts with the state is expected by the end of this year. In its budget proposal, the Senate is once again advancing legislation to extend the compliance deadline for state vehicles another two years and to entirely eliminate the requirements for those under contract with the state.

DERA requires the state and its contractors to operate a cleaner fleet of diesel trucks by controlling exhaust emissions or replacing old trucks with more efficient vehicles. Diesel emissions are linked to a number of serious public health problems—including lung cancer, premature deaths, and asthma attacks—especially in environmental justice communities. Over 1.4 million adults and 315,000 children suffer from asthma in New York, and it costs taxpayers \$1.3 billion each year to treat.

When DERA was originally passed, legislators rightly touted the law for its potential to reduce air pollution, help kids, and provide a boon to Upstate manufacturing. Yet here we are, a decade later, and we still do not have full compliance. According to administration officials, about 80% of the state's fleet is in compliance with DERA and the compliance rate is much lower for contractors. In defending

the proposed changes to DERA during the March 14th debate, Senator Young stated that the Executive budget does not have funding to support full state compliance. We are mystified by this position since the Executive proposal does not advance a delay, indicating that the agencies do have the resources in their budgets to achieve full compliance.

New Yorkers, especially those living and working in communities already disproportionately burdened by pollution, cannot afford any further delays. DERA must finally be fully implemented, and dirty diesel vehicles must be taken out of service. We appreciate your attention to this matter, and we look forward to working with you to ensure clean air for all New Yorkers.

Sincerely,

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