

Environmental

Advocates

NY

EANY SUPPORTS Banning Emissions Tampering



Memo #48

No Same As

[S.6172 \(Hoylman\)](#)

Explanation:

This legislation prohibits the tampering of emissions control devices of heavy-duty vehicles and establishes a fine of \$1000-5000 for such an offense, with an additional fine of \$750 if the registered owner of a diesel-powered vehicle operates the vehicle with a defective emissions control device. By establishing a penalty for disabling an emissions control device or operating a heavy-duty vehicle without such a device, New York is demonstrating how important tailpipe pollution restriction are to the health and safety of its communities.

Transportation emissions from the combustion of diesel fuels result in particle pollutants such as particulate matter 2.5, which has been linked to [lung and heart disease](#). Low income communities and communities of color face increased levels of vehicle pollution as these communities are often intersected by heavily trafficked areas, transportation corridors, expressways and routes populated by heavy-duty vehicles such as ports. Requiring pollution control devices to be intact will help reduce this disproportionate emissions burden, thereby improving health outcomes.

Air pollutants can [fluctuate greatly](#) over small distances and short time periods, which is why hyperlocal emissions controls are critical for reducing emissions and co-pollution overall. By creating more stringent regulations around emissions control devices for heavy-duty vehicles, New York is aligning regulation with the values of the Climate Leadership and Community Protection Act (CLCPA), including co-pollutant reductions and the protection of disadvantaged communities.

This bill would better conform with the spirit of the CLCPA if it was expressly stated that at least 35% of the penalty monies collected and deposited into the Environmental Protection Fund be invested in disadvantaged communities.

Summary:

This legislation amends the Environmental Conservation Law by adding a new title 13 to article 19 which would make it illegal to tamper with any device that is required to control the emissions of a heavy-duty vehicle. It will also make illegal the sale, distribution, possession or installation of any defective emissions control device with a fine of no less than \$1,000 and no more than \$5,000, with escalating fines for repeat offenders. Within 180 days of the effective date, the Department of Environmental Conservation will require annual visual vehicle inspections. This legislation also amends the Vehicle and Traffic Law to prohibit registered owners of diesel vehicles from operating the vehicle if there is a defective air emissions control device, punishable with a fine of \$70. Penalties collected will be deposited into the Environmental Protection Fund.