

October 21, 2022

The Honorable Kathy Hochul
Governor of New York State
New York State Capitol Building
Albany, NY 12224

Re: Opposition to Possible Omnibus Low-NO_x Regulations for Trucks

Dear Governor Hochul,

Our organizations – representing thousands of businesses and tens of thousands of workers and their families, are writing to urge your Administration to *not* propose regulations that would adopt California’s Omnibus Low-NO_x regulations for heavy-duty on-highway (HDOH) engines and vehicles (Omnibus regulations). Such regulatory action is premature, and we believe will ultimately be shown as unnecessary, in light of the U.S. Environmental Protection Agency’s (EPA) imminent adoption of new stringent federal HDOH low-NO_x regulations; and it would dramatically reduce or eliminate the availability of the full range of new California-compliant trucks in New York State, which in turn would irreparably harm our industries, our workers, and our communities at a time when New York can least afford it.

We have learned that recent engine-emissions testing conducted by the Southwest Research Institute, subsequent to California’s adoption of the Omnibus Low-NO_x standards, has demonstrated that those low-NO_x standards are technically infeasible. As a result, if New York adopts California’s regulation, Original Equipment Manufacturers (OEMs) have indicated that they will be precluded from offering new HDOH trucks for sale in New York State, starting as early as 2026. We need new trucks to maintain and grow our businesses, and we cannot compete without the means to produce, transport, and sell our goods. If the Omnibus regulations are adopted in New York, we will be forced to keep older, less clean trucks in service for longer periods of time. Under that scenario, New Yorkers will suffer through costly extended maintenance of older trucks, lost business when those older trucks can no longer function, and truck sales lost to other states – while producing no net emissions reductions, or even resulting in emissions higher than they would have been absent opting-in to the California emission program.

Even assuming that certain OEMs might be able to build and offer some number of California-compliant trucks in New York, the relative sales prices of those limited-availability trucks is expected to increase dramatically compared to federally-certified trucks, by approximately \$45,000 per-truck. For our businesses that are already struggling due to the pandemic and the current surge in inflation, this would be overwhelming and would result in the shuttering of businesses, lost jobs and devastated communities throughout the state.

The reality is that New York State has a better alternative available since the U.S. EPA is poised to adopt a low-NO_x Clean Trucks Program (CTP) within the next two months. EPA’s CTP regulations will create a nationwide low-NO_x regulatory program for the same HDOH

vehicles and engines covered by the Omnibus regulations, and it will establish the most stringent low-NO_x standards that can be achieved taking costs and other important factors into account. This will level the playing field with our interstate competitors and provide a cost-effective, environmentally sound alternative to the Omnibus regulations.

Moreover, the resulting elimination of new truck sales in New York would completely undermine the State's recent implementation of the ZEV-truck sales mandates specified under California's Advanced Clean Trucks (ACT) Rule, since the number of those ZEV-truck mandates is derived from the number of sales of conventionally-fueled trucks. If new diesel truck sales fall to zero or near-zero in New York starting in 2026 due to the Omnibus regulations, so too will the mandated sales of ZEV trucks.

For all of these reasons, we urge the Hochul Administration not to pursue any opt-in to the Omnibus regulations, but instead to work with us as we continue to move New York forward. At the very least, any action on this matter should be deferred for two months so we can have the opportunity to assess how EPA's finalized CTP regulations will address the State's concerns regarding HDOH engine and vehicle emissions. Thank you.

Sincerely,

American Trucking Associations
Associated General Contractors of New York State
Associated Builders and Contractors – Empire State Chapter
The Business Council of New York State, Inc.
Capital Region Chamber
Empire State Forest Products Association
Food Industry Alliance of New York State, Inc.
Gabielli Truck Sales, LTD
HEP Leasing, LLC
National Federation of Independent Business in New York
New York State Agribusiness Association
New York Association of Convenience Stores
New York Farm Bureau
New York State Agribusiness Association
New York State Association of Town Superintendents of Highways, Inc.
New York State County Highway Superintendents Association
Northeast Agribusiness and Feed Alliance
Northeastern Retail Lumber Association – New York
Northeast Dairy Producers Association
New York Construction Materials Association, Inc.
New York State Movers and Warehousemen's Association
New York State Vegetable Growers Association
Rochester Builders Exchange
Truck and Engine Manufacturers Association

Trucking Association of New York
Upstate United
Utica Mack, Inc.

Cc: J. O'Leary
A. Dougherty