



NEW YORK CITY ENVIRONMENTAL JUSTICE ALLIANCE

To: Obama Transition Team
From: Elizabeth Yeampierre, Chair
Mathy Stanislaus, Vice-Chair
Re: Environmental Justice Priorities and the Sustainable Urban Environment
Date: December 15, 2008

New York City Environmental Justice Alliance (NYCEJA) is a fifteen-year old alliance of community-based organizations in low-income communities of color in New York City struggling to achieve environmental justice. These communities have been burdened by numerous noxious facilities – most notably waste transfer stations, power plants and brownfield sites and a history of disinvestment.

NYCEJA calls on President Obama to exert his leadership to reverse decades of environmental discrimination against underserved communities of New York City. The principles of environmental justice hold that no community, regardless of race, color, national origin, or income, bear an undue burden of the environmental ills that plague our city and our society. Sadly, what we see in poor neighborhoods of color throughout New York City and the nation is far from this ideal. Black, Hispanic, and Asian communities of the City are forced to endure environmental conditions that result in unsafe living conditions, poor health, missed economic opportunity, and reduced political power. For this reason, the members of NYCEJA call on President Obama to take concrete actions that will promote the development of environmentally safe neighborhoods and help ensure the political, economic and cultural well-being of the underserved and overlooked people of New York City.

The memo details a number of specific recommendations to advance environmental justice. Critical to all of these recommendations are a number of principles:

1. Communities must be empowered and have seat at the table to prioritize actions and resources to remediate and rebuild their community.
2. Any new public works programs must not be at the expense of or destructive to low income communities but rather must grow and enhance those communities; safer energy and fuel regulations and energy remediation efforts and innovations should begin implementation in overburdened EJ neighborhoods;
3. EJ communities must receive high priority when choosing which actions to undertake; EJ and EJ communities must be involved in permitting process so regulations and enforcement are truly effective and protective of EJ communities.



I. Community Based Prioritization of Economic Stimulus/Green Economy Programs

With the nation's economic problems creating tremendous pressure to cut government budgets, coupled with the climate change crises, there is an urgent and growing need to ensure that the limited resources and programs provide economic stimulus in a manner that advances climate changes solutions. Therefore, there are crucial questions of whether these conditions will be considered in the formulation of these the economic stimulus/green economy programs and whether these communities will be empowered to lead in the determination of priorities for resources to rebuild their communities. Will they create good sustainable jobs and will these new jobs be available for members of the local community? Will the new resources be administered and delivered based on a transparent, accountable process? Will low income communities and communities of color in urban/downtown areas that are most acutely burdened by excessive pollution levels, disproportionate disease, as well as the lack of jobs, affordable homes and environmental amenities be a focus of these new resources?

There are two important historical lessons that must be considered in determining the best process for targeting economic stimulus programs. First, the New Deal¹ was not designed to relieve the conditions of poverty but to build physical and human capital that built a large and secure middle class. In doing so, it left out millions of people of color, predominately African-Americans, because this occurred prior to the mandates of the civil rights movement and political compromises with Southern elected officials.

The infrastructure investments portion of the New Deal programs— particularly those implemented from the period from 1950 through the 1970, especially highways, separated communities of color and lower income communities from the rest of America's cities and institutionalized the denial of access to economic growth opportunities from the New Deal investments. One of most notorious legacies is that of the “powerbroker” Robert Moses, whose allocation of New Deal transportation funds, not only perpetuated segregation, but the pathway for flight from urban areas. Highways and parks projects directed by Robert Moses continue to be a barrier in urban areas and highways built from cities to suburban areas continue to fuel the unsustainable sprawl that continues to plague America. This has been compounded over the last thirty years by low income communities of color, particularly those in urban/downtown areas, being subject to disinvestments, and economic programs resulting in these neighborhoods being by-passed, displaced, or made unhealthy by the siting of noxious uses.

The real world consequence of not directly addressing the needs of communities of color and low income communities in the New Deal Programs, coupled with the manner that infrastructure was built, resulted in the further institutionalization of racisms, inequity and environmentally harmful development. Therefore, there are crucial questions of whether these conditions and history will be considered in the formulation of these new programs and whether

¹ See “PUBLIC INVESTMENT, DECENTRALIZATION AND OTHER ECONOMIC LESSONS FROM THE NEW DEAL” by Sherle Schwenninge, *New America Foundation's Economic Growth Program and the Global Middle Class Initiative* 8/12/2008, New , <http://www.newgeography.com/content/00163-public-investment-decentralization-and-other-economic-lessons-new-deal>



these communities will lead in the determination of priorities for resources to rebuild their communities

The Obama Administration should establish a decentralized local and regional process for establishing priorities and plans developed by communities. NYCEJA propose a community reinvestment planning program in which local governments and community based organizations (establish public investment priorities. The community reinvestment planning process would continue the community organizing philosophy used in the Obama Campaign. These programs would take the form of a grant program to develop plans and priorities that consider the current conditions and history noted above as it relates to the economic stimulus investments, including those that provide for green collar jobs, and infrastructure programs, as well as the more traditional environmental justice programs, such as health and environmental study programs. For these community plans and priorities to have meaning, the allocation of resources must be based on these community based plans and priorities.



New York's Brownfield Opportunity Area Program as a model for a Community Investment Planning Program

A potential model for developing plans to revitalize community's, particularly those in urban/downtown area's is New York's Brownfield Opportunity Area (BOA) program. The BOA program brings together key ingredients necessary to catalyze the revitalization of economically distressed areas to meet local community needs and ensure the sustainability of the neighborhoods.

The BOA Program is a community planning tool that seeks to address entire neighborhoods and clusters of brownfields within those neighborhoods, including the conditions fueling abandonment and decay. It encourages residents and community groups to work with municipalities, providing planning grants and seed money to conduct planning, economic analysis, market studies, and data gathering to create viable plan for the cleanup and redevelopment of brownfield projects to attract new investments in neighborhoods that might otherwise never inspire a developer or site owner to redevelop an abandoned property. The BOA Program was conceived as a tool to achieve environmental justice by enabling low income communities burdened with multiple brownfield sites, high incidence of disease and unemployment, to identify and implement alternatives to noxious uses as the primary future for brownfield sites.

At its heart, the BOA program is about creating value. It recognizes that a brownfield program that is based on a "one-parcel-at-a-time" strategy will not result in the revitalization of distressed areas and will frequently invite dirty or stigmatizing uses such as garbage transfer stations. Instead, the BOA approach can reverse the cycle of disinvestment and decay – not by cleaning up one parcel at a time, but by creating a plan for an entire area, including housing, shops, small manufacturing, public amenities, and infrastructure improvements: street lights, trees, parks, sidewalks and roadways. These are the things that together define functional communities and livable neighborhoods that allow current residents to remain and also attract new residents.

Recently, the BOA program was recognized as a key piece of New York State's smart growth strategy to connect the previously disparate initiatives of "smart growth" and brownfields. In the press release announcing Brownfield Smart Growth Spotlight Communities Initiative, Governor Paterson stated "Even in these economically trying times, we must remain aware of the need for us to invest in New York's future. The Brownfields Smart Growth Spotlight Communities Initiative helps us to achieve that goal by building on our commitment to the smart growth principles of sensible, balanced development in town and city centers in need of revitalization. The partnership between BOA community participants and my Smart Growth Cabinet will ensure that the improvements we make create jobs and generate growth as we protect our environment." By formally linking the community based planning and prioritization that is at the core of the BOA program with smart growth principles and resources, this initiative would address the unique urban neighborhood circumstance of clustered brownfield sites, dilapidated infrastructure, inadequate access to waterfronts and parks, and cumulative environmental exposures, in a manner that integrates smart growth, environmental justice, sustainable design and ecosystems management components. It is the targeting of public resources, such as infrastructure resources, based on local priorities and planning, that offers the opportunity to establish a similar program at the federal level, particularly in connection with the economic stimulus programs.

This initiative is viewed as a first step towards achieving a larger vision that seeks to leverage the "smart growth" wave to achieve community revitalization goals in urban



areas/downtowns, especially low income communities. Until now, New York's smart growth efforts had been focused exclusively on preserving the green, low population areas. This is similar to efforts around the country to advance sustainable practices, utilizing terms such as "sustainable development," "green development/green jobs." There has not been a parallel focus on or commitment to regenerate urban/downtown areas or low income communities, in an environmentally or economically beneficial way. The limited government resources through the Spotlight Communities Initiative, particularly in these difficult fiscal times, is replicable in other downtowns/urban centers. And, we expect opportunities to arise for showcasing this work at the national level as a model for urban centers across the country.

II. Reform the Federal Brownfield Program to expand eligibility to not-for-profit organizations.

NYCEJA and its members led the effort to pass NYS Brownfields Law. NYCEJA led this effort because brownfield sites are in and proximate to low and moderate income neighborhoods and communities of color. There are thousands of contaminated and abandoned parcels of land that pose serious environmental and economic development challenges for New York. The blight that these brownfields represent poses a number of serious environmental problems: Children and families are exposed to unknown levels of toxic contamination in their neighborhoods, with abandoned sites often employed as short-cuts or places to play. Populations remaining in blighted neighborhoods suffer from an unhealthy accumulation of environmental insults, with low income communities burdened by the environmental justice circumstances of the clustering of brownfields and the historic siting of low uses (such as waste transfer stations and power plants), along with an eroding cultural and social infrastructure. And urban decay fuels unsustainable sprawl development which eats up open space and increases our dependency on automobiles.

Regional and community based nonprofit organizations across the country are engaged in cutting edge neighborhood revitalization projects that include brownfield redevelopment, changing the way we think about brownfields, land use and community economic development. Nonprofits are uniquely positioned in a number of key ways to revitalize communities through brownfield redevelopment. First, community based nonprofits have the long-term vision and active presence necessary to guide revitalization efforts that often last well beyond the limits of an election cycle. Second, nonprofits can serve a crucial role as a credible, neutral intermediary between the community and public and private entities, advocating for brownfield redevelopment projects that are in the interest of the public good, not just in the interest of a private developer. Third, nonprofits have the specialized brownfield knowledge to act as catalysts, managing and coordinating brownfield activities on behalf of, and in support of, community based organizations that would otherwise pass up these sites without the nonprofit's assistance. Lastly, nonprofits have the capacity to leverage brownfield funding with both private sector resources and with other public funds, including transit-oriented development, anti-sprawl, and smart growth program funds.

USEPA should expand its programs to ensure the regional and community based nonprofit organizations are consulted in the development of USEPA's brownfields, green development programs and have direct access to USEPA resources.

**Priority: Expand EPA Brownfield Grant Eligibility**

The 2002 Brownfields Act made nonprofit organizations eligible for brownfield cleanup grants and job training grants. However, it did not make nonprofits eligible for assessment grants or Revolving Loan Fund (RLF) grants. The Brownfields Act should recognize the tremendous value that nonprofits—whether single-handedly or in partnerships — play in redeveloping brownfields by making nonprofit organizations and nonprofit-controlled entities eligible to receive brownfield assessment and RLF grants, along with cleanup and job training grants.

The 2002 Brownfields Act made nonprofit organizations eligible for brownfield cleanup grants and job training grants. However, it did not make nonprofits eligible for assessment grants or Revolving Loan Fund (RLF) grants. This represents a lost opportunity to maximize these government resources by taking advantage of the community development and financing infrastructure that has developed over the last twenty years, and make more efficient use of public and nonprofit resources for successful brownfield redevelopment. Community Development Corporations (CDCs), Community Development Financial Institutions (CDFIs), and other nonprofit organizations have in place the infrastructure that will allow them to leverage these funds with other public and private resources and expeditiously deliver these resources to revitalize brownfields in struggling neighborhoods of all sizes.

Priority: Improve Flexibility of EPA Brownfield Grant Site Ownership Requirements

The 2002 Brownfields Act requires site ownership as a condition of eligibility to receive direct brownfield remediation grants or revolving loan fund (RLF) sub-grants. Many developers prefer to conduct cleanups prior to taking ownership in order to avoid uncertain liability exposure. The Brownfields Act should give the EPA discretion to determine on a case-by-case basis the most appropriate timeline for site ownership so that the grantee may make the most productive use of direct remediation grant or RLF sub-grant funds in the remediation of the site they are redeveloping.

III. Equitable Solid Waste Management Ensure that all of the agencies responsible for the permitting and oversight of such facilities are adopting health and development standards that aim at reducing the net pollution in our environmental justice communities.

IV. Sustainable Development and Green Infrastructure: Open space, sustainable and affordable development must be supported in low income communities of color nation wide. Green jobs not only need to be living wage jobs but low income community members should be given preferential hiring as these can be both ladders out of poverty and also opportunities to improve the neighborhoods where they live. One example might be the greening of public housing developments which would not only improve the health of the development but also create green jobs for the residents.

V. Education and Investment in Urban Youth: It is imperative that youth development programs such as ACTION, an environmental advocacy training program that provide stipends for high school students while offering academic assistance, leading to college placement, civic engagement, technology and leadership training must receive boosted support in the harsh



economy ahead. THE POINT has (delete) dedicates roughly 75% of its 1.3 million dollar annual operating budget to youth development programs for South Bronx youth and this investment must be matched and leveraged at the national level through investment in Out of School Time and Job Training programs throughout urban areas.

VI. Reduce the impacts from Energy Production on Lower Income Communities and Communities of Color

New York City has one of the highest asthmas rates in the country and power plants are a major source of respiratory irritants.

In the Obama Administration's focus on energy production, it should

- Establish incentives or preferences for repowering of existing plants based on a net reduction of emissions based on a baseline of the maximum actual emissions over the life of plant and reduction be based on individual pollutants, not total pollutants.
- True net air quality benefits of new technologies can only occur if older, more polluting facilities are phased out coupled with a commitment to reduce demand and diversifying the energy portfolio.
- Establish modern emissions standards for all power plants for the pollutants that cause ozone-smog, which causes asthma attacks and may cause the disease asthma; particulate matter, which is a respiratory irritant and may also be a carcinogen; mercury, which inhibits learning and motor skill development; and global warming which will affect us in many ways. Modern emissions standards for old facilities are necessary to address the impacts of high levels of background pollution when bringing in new power plants. It will also encourage the repowering of existing facilities, which can significantly decrease the environmental and public health impacts, while substantially increase the power generated.
- Require all new power plants install the lowest emissions control technology for PM 2.5 emissions.

VII. PM 2.5 Reduction Program

Many portions of the United States are in non-compliance with EPA's National Ambient Air Quality Standard ("NAAQS") for PM_{2.5}, including New York City. NYCEJA believe a proactive strategy is necessary to reduce PM_{2.5} levels to improve public health and air quality for millions of Americans now and beyond those currently set forth in State Implementation Plans—particularly for the environmental justice communities that are impacted from numerous sources of PM 2.5 and suffer from illness associated with such exposure including asthma and cardiovascular illness.



PM_{2.5} pollution has important environmental justice implications. Low-income communities of color, particularly in urban areas, already face dangerously high levels of PM_{2.5} from existing sources and are threatened with additional new PM_{2.5} emissions both from additional diesel vehicles and proposed new power plants. For example, according to the NYC Department of Health and Mental Hygiene (DOHMH), 17% of school-aged children in the South Bronx have asthma, a rate twice as high as the New York City average. THE POINT CDC in the South Bronx has worked as a community partner with Youth Ministries for Peace and Justice, Nos Quedamos, The New York Sports Foundation, The Office of Congressman Jose E Serrano and **New York University** to help conduct the **South Bronx Environmental Health and Policy Study** aimed at “finding out how poor air quality in the South Bronx is, why it is bad, and what is in it to make it that way.” The concluded study was featured in The New York Times Metro section in October 2006. Findings from the study indicate that high asthma rates in the Bronx (and of course every other place like it) can be attributed to air pollution caused by truck traffic and industry in this area. Studies by the DOHMH also indicate a strong association between asthma hospitalizations and socioeconomic conditions demonstrated by higher rates of asthma hospitalization among residents of low-income areas compared to residents of high-income areas. This is just one of numerous studies to draw such a correlation and we are eager to discuss what it will take within the resources available here to feel and breathe change on the ground. Below are recommendations for policy and mitigation action steps that can be taken as part of an environmentally-sound PM_{2.5} policy that will protect the public health of all Americans.

a. POLICY ACTIONS

i. Public Transit

The most obvious and simplest step to reduce the pollutants responsible for local air pollution levels and pollutants responsible for climate change is into maintain and expand public transit. Public Transit is directly linked to air quality – every reduction in vehicle miles traveled from the use of public transit translates into reduce air pollution emissions.

ii. Environmental Review of New PM_{2.5} Sources

Reviews under the National Environmental Policy Action (NEPA_ should explicitly require applicants for new projects to examine the environmental, public health and cumulative impacts of the project’s PM_{2.5} impacts. An applicant should be required to address PM_{2.5} impacts through the preparation of an Environmental Impact Statement (“EIS”) whenever existing background levels of PM_{2.5} are at, above, or just below EPA’s PM_{2.5} NAAQS, as well as whenever other factors indicate that the proposed project may include the potential for at least one significant adverse environmental impact. To facilitate a comprehensive and meaningful assessment, cumulative and localized impacts must also be evaluated. In addition to analyzing PM_{2.5}, applicants should be required to propose mitigation measures to address PM_{2.5} air and health impacts.

b. PM_{2.5} REDUCTION AND MITIGATION ACTIONS

PM_{2.5} Strategy for Power Plants



Developing a comprehensive PM_{2.5} mitigation strategy for existing and new power plants is a complex challenge, but one the Obama Administration should address head-on.²

i. Existing Power Plants

Existing older, dirtier power plants burn coal or oil generate secondary PM_{2.5} when their SO₂ emissions react with other chemicals in the atmosphere. Particulate emissions from such plants have significant health implications: the American Lung Association of New York State (ALANYS) estimates that in 1999, particulate emissions from New York's 19 dirtiest power plants caused: 156 premature deaths; 205 new cases of chronic bronchitis; 1,400 cases of childhood acute bronchitis; 16,000 asthma attacks; and 1,170 emergency room visits and 63 hospital admissions for respiratory problems.

Secondary PM_{2.5} impacts from older, dirtier power plants could be substantially reduced by fuel-switching, repowering and/or the implementation of additional end-of-pipe technologies.

ii. PM_{2.5} Strategy for Diesel Vehicles

While data gaps exist, diesel emissions clearly make up a significant part of PM_{2.5} levels in New York State, especially in urban areas. 1993 DEC data suggest that more than half of the PM₁₀ measured in midtown Manhattan comes from diesel vehicles.³ Given that most diesel PM is less than one micron in diameter, it is likely that diesel's relative contribution to ambient PM_{2.5} levels is substantial. Moreover, diesel PM_{2.5} is especially toxic. The World Health Organization's International Agency for Research on Cancer, U.S. EPA, U.S. National Toxicology Program, CARB and other experts have found that diesel PM is a likely (e.g., EPA) or known (e.g., CARB) form of human carcinogen.

STAPPA/ALAPCO, the association of the nation's state and local air pollution officials, estimates that current levels of diesel PM will yield, on a lifetime basis, 125,000 avoidable cancers nationwide. In California, CARB estimates that 71 percent of the airborne cancer risk is attributable to diesel emissions, even though diesel fuels only 2 percent of the vehicles. DEC's 1993 data suggest that New Yorkers were breathing more than thirteen times as much diesel

² Power plants are not the only stationary sources that emit large quantities of PM_{2.5}. Although the stationary source section of this memo focuses on power plants, PM_{2.5} emissions from other stationary sources such as existing and proposed cement factories are also significant and should also be addressed by New York's PM_{2.5} program.

³ This remains the only study that attributed ambient PM levels to their source. DEC found that 52.5 percent of PM₁₀ emissions at the Madison Avenue site were attributable to diesel vehicles, 21.8 percent of the Madison Avenue emissions were due to long-range transport, and only 5.9 percent came from gasoline-powered vehicles. It should be noted, however, that minimal point sources are found at this location.



exhaust as Californians at that time, yielding a lifetime cancer risk that was several orders of magnitude higher than EPA's cancer risk threshold.⁴

There are a number of steps that New York State should take to reduce PM_{2.5} emissions from diesel vehicles.

1. Reducing Diesel Emissions Should Form the Backbone of a Strong PM_{2.5} Diesel Program.

USEPA can expand its diesel PM_{2.5} reduction efforts by conducting a review of each of its programs to ascertain their contribution to reducing PM_{2.5} in the State. In particular, USEPA should: (1) create a strengthened heavy-duty emissions testing with a focus on the measurement of PM_{2.5} emissions; and (2) develop new I & M tests that would measure PM_{2.5} emissions (as well as the full range of criteria pollutants, similar to I & M for light-duty vehicles).

2. Create a New Programs To Reduce School Bus PM_{2.5} Emissions.

State's PM_{2.5} program implemented through State Implementation Plans should target a wide range of large diesel fleets (e.g., transit, sanitation, and strategic private fleets). However, its first focus should be cleaning up the school buses. For example, New York is home to the nation's largest fleet of school buses—more than 54,000 school buses, including nearly 5,600 buses in New York City. School buses pose an avoidable health threat to the health of the children who ride them—partially because of the high diesel emissions they are exposed to and partially because children are more susceptible to air pollution's health impacts due to their faster breathing and less developed lungs and immune systems.

In 2000 and 2001, researchers from the U.C. Berkeley School of Public Health, the California Coalition for Clean Air and NRDC found that children in a diesel school bus may be exposed to up to four times more toxic diesel exhaust than someone traveling in a car directly in front of it. In a series of emissions tests inside and outside typical school buses,⁵ we measured exhaust levels in the buses that were 23 to 46 times higher than levels considered to be a significant cancer risk according to the U.S EPA and federal guidelines.

To solve this problem, cleaner alternatives to diesel buses (e.g., natural gas, propane, hybrid-electric and battery-electric), are the best approach for New York's new school bus purchases. Despite an incremental cost of at least 10-20 percent,⁶ they are being used by an

⁴ The California MATES study concluded that people in Los Angeles faced a cancer risk of 300 cancers per million people, based on an average ambient exposure of 1.8 ug/m³. This is 300 times EPA's cancer risk threshold of 1 cancer/million people. In 1993, New Yorkers in midtown Manhattan breathed an annual average of 24.8 ug/m³ of diesel PM—more than 13 times as much diesel PM as found in the California cancer risk study.

⁶ 10-20% is the incremental cost for natural gas or propane school buses; hybrid-electric and battery-electric buses have even higher incremental costs.



increasing number of school districts across the country. These buses virtually eliminate the PM emissions associated with diesel buses, and are much lower in NOx and toxic emissions. Additionally, federal, state and local governments have begun to set aside funds earmarked exclusively to help public and private school fleet operators cover the incremental costs. Existing buses should be required to use low-sulfur diesel fuel and to be retrofit with advanced PM traps or other comparable emission control equipment. These investments will be more than offset by savings in childrens' health care costs and increased quality of life.

3. New York Should Develop Retrofit Programs to its PM_{2.5} Program.

Retrofits are an extremely cost-effective way to reduce emissions from existing diesel vehicles. The combination of low-sulfur diesel and particulate traps can reduce PM emissions by more than 85 percent from their baseline emissions (i.e., when they were new). According to EPA, prices are quite variable, due to the great variety of diesel engines, vehicles, and usage patterns. However, even the worst case scenario places the cost at \$10,000 per vehicle,⁷ and California regulations currently provide up to \$8,000 per vehicle for these retrofits. (New diesel transit buses can cost more than \$300,000, and 18-wheel, tractor-trailers can cost \$200,000). The current incremental cost of low-sulfur diesel is approximately 10-11 cents/gallon (although this will disappear in mid-2006, when low-sulfur diesel is required nationwide). As you know, this strategy is being used on MTA transit buses, as well as in thousands of diesel vehicles around the U.S. and Europe.

NYCEJA strongly urges DEC to develop a PM_{2.5} strategy that includes retrofits. This strategy should include the following components: (1) school buses; (2) sanitation trucks and similar equipment; (3) nonroad equipment (e.g., construction equipment, agricultural equipment).

NYCEJA strongly urges USEPA to examine three California programs to clean up diesel vehicles: the South Coast's Fleet Rules, the Lower-Emissions School Bus Program, and the Carl Moyer Program. Each of these programs can be tailored further to meet New York's unique air quality and fleet requirements.

1. The South Coast Air Quality Management District finalized a series of Fleet Rules in 2001 that require targeted fleets to purchase only the cleanest available alternative fuel vehicles (e.g., natural gas, hybrid-electrics and battery-electrics). Not only do these rules require the purchase of the cleanest vehicles, but they will create enough economy of scale to support a growing industry that builds, sells and supports alternative fuel vehicles. These rules cover school buses, transit buses, sanitation trucks, airport vehicles, and other public fleet vehicles. NYCEJA strongly urges New York to adopt the full set of fleet rules, in order to provide the maximum environmental benefit. Further information on these rules can be found at http://www.aqmd.gov/news1/Fleet_Rule_Home.htm.

2. In 2000, the California Air Resources Board (CARB) established a "Lower-Emissions School Bus Program," and funded with a 2000/2001 allocation of \$50 million (another \$16 million was added for 2002). \$25 million was allocated to alternative fuel buses, \$12.5 million



was allocated for “new, cleaner diesel” technologies and \$12.5 million was allocated for retrofitting diesel buses with PM traps and other emission controls. The State pays for 75-85% of the total cost, with a local match varying according to need. CARB estimates that this would fund the purchase of 350 new buses and their infrastructure and retrofit 2,000 existing diesel buses. NRDC opposed the “new, cleaner diesel” component of this program when it was proposed as a compromise measure, but strongly supports the overall program. Further information about this program can be found at <http://www.arb.ca.gov/msprog/schoolbus/summary.pdf>.

3. The Carl Moyer Program provides grants to local fleets that either buy clean-fuel vehicles, install clean-fuel infrastructure (e.g., a natural gas fueling system) or that retrofit their diesel vehicles with advanced emission controls. The Moyer program establishes a competitive process for directing state investments to the fleets that would provide the greatest environmental benefits. Grants cover the incremental costs of vehicles or their fueling infrastructure. Originally authorized at a \$25 million/year level in 1998, it has been appropriated at \$19-25 million ever since. One shortcoming of the Moyer program is that it is based on NOx emissions only—NRDC recommends that New York adopt a comparable grant program, but that New York base its awards on the full range of PM, NOx and toxic emissions reductions that would occur if the fleet made the clean-fuel vehicle or retrofit investment. Further information about this program can be found at <http://www.arb.ca.gov/msprog/moyer/faq.htm#4>.

VIII. Integration of Environmental Justice Into Permitting.

USEPA’s current permitting process does not substantively consider environmental justice. NYCEJA recommends that the Obama Administration implement a new permitting policy that includes the following elements to substantively consider environmental justice in all permitting decisions:

- Permit the rejection of a permit on the basis of disproportionate impacts on lower income communities or communities of color
- Require comprehensive cumulative impact analyses that specifically includes small and moderate sources of pollution,
- Develop community-wide targeted enforcement programs to address the cumulative impact from multiple facilities that impact communities in lower income urban communities; and
- Provide technical assistance grants for communities to hire legal and scientific assistance necessary to understand the details of a proposed project.

Open Space Equity Funding

NYCEJA, its member organization and open space organizations have documented the historic disparity of funding for, and current disparity of open spaces in lower income communities and



communities of color. The Obama Administration should address this circumstance by bases all future open space funding on first eliminating this inequity.