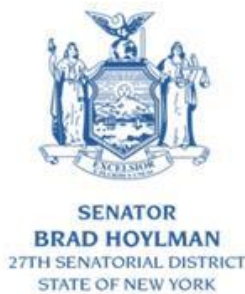


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March 2, 2022

Vincent Sapienza  
Commissioner  
NYC Department of Environmental Protection  
59-17 Junction Boulevard, 13th Floor  
Flushing, NY 11373

**Re: Proposed Changes to the Idling Law**

Dear Commissioner Sapienza:

I write to share my strong opposition to proposed changes to idling rules by the NYC Department of Environmental Protection (DEP). Given the negative consequences to the health of our community and the overwhelming local opposition to this proposal, I urge DEP to reconsider and abandon this rule change.

As you know, vehicle idling is a major source of pollution that has been proven to cause severe illness. Unfortunately, drivers most often idle in front of highly trafficked pedestrian areas, such as stores, businesses, playgrounds, and hospitals among others. Studies have demonstrated the gravity of this issue; those that live near large roadways face serious health repercussions like elevated risks of asthma attacks, heart disease, stunted childhood lung development, adverse birth outcomes, lower IQ scores, cancers and other diseases contributing to premature death.

The overly-broad proposed language would significantly alter the legislative intent of these rules. Current idling protections were carefully crafted to consider the interests of various stakeholders, while ensuring that New Yorkers can have clean air to breathe safely. The proposed changes would create loopholes that have the potential to gut the enforceability of these statutes.

The language proposed by DEP would expand exemptions to allow idling:

*“to accomplish the work for which the vehicle or equipment was designed, other than transporting goods or people, including operating a lift, crane, pump, drill, hoist, mixer or other auxiliary equipment other than a heater or air conditioner...”*

This could allow for idling in nearly any circumstance, for example if you were charging a cell phone in your vehicle, thus undermining the entire spirit of the regulations.

Clean air is not just an admirable goal for DEP to strive for, it is the law of the land. As you are aware, New Yorkers recently approved a constitutional amendment that enshrines our right to clean air in the State constitution. It is my belief that DEP may be in violation of this constitutional protection should the proposal be approved.

As the stewards of many of New York City’s natural resources, DEP is uniquely positioned to be a champion for conservation best practices. I have seen the Department live up to this potential in the past and hope to see the Department once again take up the mantle on climate leadership and sustainability. Again, I urge you to abandon this rule change.

If you would like to discuss further, please contact me at [hoylman@nysenate.gov](mailto:hoylman@nysenate.gov) or 212-633-8052.

Sincerely,

A handwritten signature in black ink that reads "Brad Hoylman". The signature is written in a cursive, slightly slanted style.

Brad Hoylman  
State Senator  
27<sup>th</sup> District