



March 7, 2024

Founders

Vernice Miller-Travis
Peggy M. Shepard
Chuck Sutton

Comments from WE ACT for Environmental Justice to the New York City Department of Environmental Protection regarding the Adjacent Definition Rule.

Board of Directors

Chair

Jeff Jones

To whom it may concern,

Secretary

Nancy E. Anderson, Ph.D.

My name is Dr. Micaela Martinez, I am the Director of Environmental Health at WE ACT for Environmental Justice. WE ACT for Environmental Justice, an organization based in Harlem, has been fighting environmental racism at the city, state, and federal levels for more than 30 years. We recognize and fight to remedy the negative cumulative impacts of unjust policies that have plagued communities of color for decades. I am writing to let you know that:

Treasurer

Ken P. Mak

WE ACT for Environmental Justice opposes DEP's plan to repeal the existing definition of "adjacent," which has served the city well for years, and replace it with an unworkable, hard-to-understand, and dangerous rule that will increase pollution next to schools.

Members

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Right now, the adjacency rule protects kids in school playgrounds or walking to and from our schools. The proposed rule strips kids in playgrounds of these important protections. And the Department of Environmental Protection (DEP) has failed to take into account any of these harms in proposing this dangerous and harmful rule. According to the Department of Health and Mental Hygiene, Central and East Harlem have 2.5 times the rate of hospitalizations for childhood asthma compared to the citywide average. Increases in vehicle idling near schools will harm our residents, in particular, adding to the cumulative burden of pollution and toxic chemical exposure in environmental justice communities.

Executive Director

Peggy M. Shepard

DEP's flawed rule will increase the amount of legal idling on blocks that have school exits or entrances and increase pollution exposure in children. We would like to highlight some examples illustrating the flaws of this rule: (i) a truck parked across the street from a school will be able to idle three times as long with no penalty, (ii) a vehicle parked one foot past a school line will also not be subject to the one-minute idling penalty, and (iii) a truck parked in a bike lane or on a sidewalk can also pollute for three times longer than under the current rule. **We would like to see the DEP adopt the citizen-proposed rule that will expand the current simple and sensible rule to include parks.**

Sincerely, 

Micaela E. Martinez, Ph.D.

Director of Environmental Health

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