



A.8642 (SWEENEY, ET AL.)

S.1145-C (PERKINS, ET AL.)*

***not same as**

Summary

This bill would amend the Environmental Conservation Law, adding a new section requiring that No. 2 heating oil sold for residential commercial and industrial use after January 1, 2011, may not have sulfur content greater than 15 parts per million (ppm). Classified as ultra-low sulfur diesel (ULSD), this 15 ppm threshold is consistent with industry and public health standards.

Explanation

Since the 1960s, state and federal regulations have been periodically updated to curtail the burning of dirty fuels from both stationary and mobile sources. A recent example is the adoption of the Highway Diesel Rule by the EPA in 2006, which requires on-road diesel meet the ULSD standard. However, many parts of New York State—particularly the New York City metropolitan area—still fail to attain ambient air quality standards required by the Clean Air Act.

Millions of New Yorkers reside in these non-attainment areas, where incidence of asthma and other respiratory ailments is high. In fact, according to the EPA, 89 percent of the state's population resides in an area in which air quality does not attain federal health standards. The EPA has declared that the counties of Suffolk, Nassau, Queens, Kings, Richmond, New York, Bronx, Westchester, Rockland and Orange are in "non-attainment" for fine particulate matter (PM 2.5).

One of the largest sources of the sulfur dioxide emissions that cause elevated levels of PM 2.5 is the combustion of heating oil, second only to power plants. This pollution is a direct result of the sulfur content of the oil burned. Reducing the sulfur content from traditional No. 2 oil (500 ppm) to ULSD (15 ppm) can result in up to 95 percent reduction in the PM pollution, and up to 30 percent reduction in nitrogen oxides that contributes to smog. Because more than one million New York City homes use oil for heating purposes, switching to cleaner fuel will result in significant improvements in air quality.

To date, New York regulations to lower the sulfur content of fuels have largely focused on mobile sources such as trucks, buses and ferries, resulting in marked reductions in pollution from that sector; these measures have failed to address heating oil. This bill would fill that regulatory gap and result in dramatic improvements in air quality for millions of New Yorkers.

Environmental Advocates of New York strongly supports this bill.

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