



June 30, 2022

Doreen Harris, President and CEO  
New York State Energy Research and Development Authority  
625 Broadway  
Albany, New York 12233-0001  
518-402-8448

Basil Seggos, Commissioner,  
New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233-0001  
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Via Electronic submittal

**RE: New York State Climate Action Council Draft Scoping Plan**

Dear Chairs Harris and Seggo,

We would like to thank the New York State Climate Action Council (NYSCAC) for soliciting stakeholder input on of the 2022 Draft Scoping Plan and appreciate the hard work that went into creating the plan. Below, we detail solutions that must be included for the maritime sector in order to protect public health and combat climate change.

Pacific Environment is a global environmental organization that protects communities and wildlife of the Pacific Rim. We support community leaders to fight climate change, protect the oceans, build just societies, and move away from fossil fuels toward a green economy. Pacific Environment is headquartered in California and has permanent consultative status at the International Maritime Organization (IMO), the United Nations' entity that sets international shipping law. We are co-founders and leaders of a burgeoning global coalition of environmental, environmental justice, and ocean organizations working to rapidly accelerate the shipping industry's zero-emission transition on a 1.5C-aligned timeline.

**Zero Emission by 2035 not 2050**

While greenhouse gas emissions from the maritime sector is smaller compared to other transportation modes in the state, it plays an outsized impact at the Port of New York.

**Table ES.3: 2006-2020 Emission Comparison, tons per year and %**

	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>	VOC	CO	SO <sub>2</sub>	CO <sub>2e</sub>
	tons	tons	tons	tons	tons	tons	tons
<b>2020</b>							
Cargo handling equipment	297	24	23	27	136	0.4	120,296
Heavy-duty vehicles	1,707	68	63	100	595	1.2	338,844
Locomotives	328	12	11	25	72	0.3	27,087
Ocean-going vessels	2,275	40	37	118	237	64.8	167,071
Harbor craft	390	8	7	8	79	0.3	30,303
<b>Total</b>	<b>4,999</b>	<b>152</b>	<b>141</b>	<b>279</b>	<b>1,119</b>	<b>67.0</b>	<b>683,602</b>

Ocean going ships (OGVs) at Port of New York exceed heavy duty trucks in terms of NO<sub>x</sub>, and they are second to trucks in terms of PM<sub>10</sub>. Diesel exhausts are known to cause severe illnesses from aggravated asthma, lung cancer, heart disease and neurological disorders, and premature deaths.

For the shipping industry to meet their “fair share” responsibility for a 1.5°C world, we urge NYSCAC to move the goal from 2050 to 2035, and we urge the State of New York to utilize its port state authority to regulate shipping.

In an effort to end port and shipping pollution, California has now passed three nation-leading regulations, which the State of New York could adopt:

### **Ending In Port Pollution**

California’s [“At-Berth” Rule](#) regulates the amount of pollution that ships, can emit while docked in port. Current regulated vessels include: container ships, reefer, cruise, auto carrier, and tanker. The “At Berth” Rule is considered a zero-emission strategy for ocean-going vessels because it relies primarily on grid based power for compliance.

### **Zero-Emission Ferries:**

The [CA Commercial Harbor Craft rule](#) is a performance standard for tugboats, ferries, barge, dredges, commercial fishing boats and imposes the nation’s first zero-emission shipping requirements on ferries. The rule:

- Requires zero-emission capable new excursion vessels and zero-emission short-run ferries by 2025/26 respectively.
- Requires all other regulated vessels to either upgrade to the cleanest certified engine (Tier 3 or 4) with a diesel particulate filter or pursue a zero emission alternative technology pathway.
- The initial compliance dates are between 2023 and 2032; with up to 8 additional years in compliance extensions (out to end of 2034).
- Provides zero-emission credits to encourage zero-emission vessel deployment.

### **OGV Fuel Rule**

[Ocean-Going Vessel Fuel Regulation](#) regulates the level of Sulphur content allowed in ship fuels once they enter 24 nautical miles of California’s coast line.

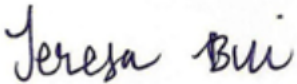
In addition, through Pacific Environment and Stand.Earth corporate campaign efforts via [Ship It Zero](#), cargo owners like Amazon and IKEA have [committed](#) to 100% zero-carbon shipping by 2040 and container companies including Maersk, Hapag Lloyd, and HHM [responded](#) that they are ready to accelerate their efforts to decarbonize.

**The Role of Hydrogen:**

When referring to green hydrogen, we want to ensure that definition means hydrogen produced from electrolysis powered by renewable electricity. Hydrogen produced from steam methane reformation, gasification, or pyrolysis of biogas and biomass are not zero-emission. Their production emits significant pollution, and there is no meaningful supply of sustainable bio-feedstocks to ensure they are low-carbon. In addition, the NY Scoping Plan should only use green hydrogen for limiting the use of green electrolytic hydrogen for only the hardest-to-electrify sectors including aviation, shipping, steel and fertilizer.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink that reads "Teresa Bui". The signature is written in a cursive, flowing style.

Teresa Bui  
State Climate Policy Director

cc: Climate Action Council Members