

THE CLEAN DELIVERIES ACT: S. 1180C / A.3575C



FACT CHECKING INDUSTRY FEARMONGERING







What is the Clean Deliveries Act?

E-commerce giants are choking New York neighborhoods with truck traffic and pollution. These mega-warehouses operate 24/7, with thousands of diesel trucks pumping toxic emissions into the air we breathe daily.

The Clean Deliveries Act would clean up this pollution through an indirect source rule for e-commerce mega-warehouses 50,000 square feet or greater. It is based on a proven model of success in California's South Coast. **Yet retail giants and industry associations are making deliberately misleading claims** to prevent lawmakers from delivering those same protections in New York. This fact sheet sets the record straight.

Myth Busting

-  **FALSE:** The bill carves out New York City.
REALITY: New York City is not exempt from the legislation. The City may keep its own warehouse rule if and only if it has its law in place prior to the State. This is to avoid delays in emission reductions, given that the City is farther along in developing its own rule.
-  **FALSE:** The bill will impede growth and cause warehouses to leave the state.
REALITY: Real-world evidence directly refutes this threat. Opponents of this rule raised this threat in the South Coast. Since they adopted their rule 3 years ago, total warehousing size and numbers have continued to expand in the region.

-  **FALSE:** The bill will raise food prices.
REALITY: The bill does not impact food distribution. Wholesalers are entirely unaffected. It only targets e-commerce warehouses, and only the very largest mega-warehouses (those over 50,000 square feet or more) are affected. Even for these warehouses, compliance is highly flexible and phased in.
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-  **FALSE:** The bill mandates EVs.
REALITY: The legislation does not mandate use of electric vehicles, nor any one, specific action. EVs are simply one (popular) compliance option of many, and warehouses can choose the measures that make most sense for them, such as rooftop solar, improved delivery operations, and installing air filtration equipment.
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-  **FALSE:** The bill demands actions that are not feasible.
REALITY: Real-world data proves the rule is eminently feasible. Opponents also raised this same argument in the South Coast, but warehouse operators have earned 3.5 times the number of compliance points they were required to reach – meaning they are over-complying and ahead of schedule.
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- In fact, many retailers including Frito-Lay, Amazon, FedEx, and Ikea are already operating growing fleets of electric vans, and these could count toward compliance under any future DEC rule.

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✗ FALSE: The bill will raise consumer costs.

✓ REALITY: Consumers are paying higher costs **NOW** because of the industry's continued dependence on diesel, which has gone up in price by more than 50%. Even before the war, many investments in electrification could be paid back over their lifetime and yield cost savings for businesses and consumers. Unlike the costs of investment in electrification and clean energy, higher costs paid for diesel do nothing to yield long-term cost savings.

✗ FALSE: The bill acts as a fine on warehouse operators.

✓ REALITY: The bill does not impose a fine. Operators can elect to pay a fee in lieu of implementing emission reduction measures. In practice, only 5% of all compliance in South Coast has relied on fees - the majority of compliance has been met by warehouses reducing their own pollution.

✗ FALSE: The bill imposes new construction and operational standards.

✓ REALITY: The legislation has no mandates. It directs DEC to develop a flexible rule where warehouse operators choose from a menu of options that work best for their situation. For example, if grid constraints make installing charging infrastructure difficult, operators can choose another option, like installing air filters or rooftop solar. There are also no significant new construction requirements.

Industry will always argue that protecting public health will hurt business, and therefore communities must simply accept their pollution.

But we have multiple, proven models of success that show otherwise. From congestion pricing to the South Coast's own ISR rule, there is clear evidence that health-protecting policies are not only feasible, but remarkably beneficial.

The Clean Deliveries Act is exceedingly reasonable – it does not have specific mandates for how to reduce emissions, and stakeholders have the opportunity to shape the rule with DEC to ensure it works in various regions across the state. The Legislature should move with confidence to pass the Clean Deliveries Act.