

STATE OF NEW YORK

8844

IN ASSEMBLY

January 18, 2024

Introduced by M. of A. PALMESANO -- read once and referred to the
Committee on Governmental Operations

AN ACT directing the division of homeland security and emergency services to conduct a study on the public safety implications of the electrification of buildings and the transportation sector in the context of emergency response in adverse conditions; exempting emergency services vehicles and heavy equipment from the requirements of the climate leadership and community protection act of 2019; and prohibiting the use of battery packs which contain cobalt mined components for primary propulsion of emergency services vehicles

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative intent. The legislature finds that, since the
2 passage of the Climate Leadership and Community Protection Act in 2019
3 and the release of the New York Climate Action Council's Final Scoping
4 Plan in 2022, insufficient attention has been devoted to rigorous exam-
5 ination of the consequences of New York's building and transportation
6 electrification mandates on all aspects of emergency response, especial-
7 ly during power outages, storms and other adverse and dangerous situ-
8 ations.
9 The legislature further finds and contends that relying on a function-
10 ing electrical grid to power the vehicles and other equipment used to
11 prepare for, and respond to, emergency situations may lead to an unac-
12 ceptable loss of tactical and operational flexibility, when emergency
13 services are called upon, as these vehicles and other pieces of equip-
14 ment are most likely to be called upon during adverse weather events
15 when a local or regional electrical grid may not be functional or reli-
16 able enough to enable its use to charge and recharge such assets. Emer-
17 gency response vehicles, generators, and other tools and assets used in
18 emergency situations are currently able to function in the absence of a
19 reliable source of electricity through the use of fossil fuels, which
20 may be carried in portable containers as the need arises; removing such
21 a capability via legislative mandate, without known resilient alterna-
22 tives, would, in all likelihood, subject New Yorkers to an unacceptable

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 level of risk during storms, power outages and other dangerous situ-
2 ations.

3 In order to properly assess the risks that the State's building and
4 transportation electrification efforts present to emergency response
5 plans, personnel and equipment, the legislature hereby directs the divi-
6 sion of homeland security and emergency services to conduct a study on
7 the public safety implications of the electrification of buildings and
8 the transportation sector in the context of emergency response in
9 adverse conditions and to promulgate rules and regulations necessary for
10 effectuating its findings and recommendations.

11 § 2. 1. The division of homeland security and emergency services,
12 within nine months of the effective date of this act, shall conduct a
13 study on the public safety implications of the electrification of build-
14 ings and the transportation sector in the context of emergency response
15 in adverse conditions. Such study shall include, but not be limited to,
16 the following:

17 (a) an assessment of the current state of technology related to build-
18 ing and transportation electrification, as of the date of the study, and
19 an evaluation of the potential limitations that such technology may
20 impose on emergency preparedness and response;

21 (b) an evaluation of the strengths and weaknesses of heating and cool-
22 ing provided by heat pumps powered by renewable energy systems to emer-
23 gency services, particularly in the winter months, adverse weather
24 conditions, and power outages;

25 (c) an examination of the impact of electrification on the reliability
26 of emergency services during the transition to a renewable energy system
27 and a zero emissions electric system, pursuant to section 66-p of the
28 public service law, considering factors such as load, voltage sags, and
29 mechanisms to maintain reliability when solar and wind resources are not
30 generating power, especially during adverse weather events, power
31 outages, and periods of unseasonable heat or unseasonable cold;

32 (d) an investigation of the potential hazards and drawbacks of elec-
33 trifying emergency vehicles or other heavy equipment used for emergency
34 management tasks, with a particular focus on operations in the absence
35 of a functioning electrical grid, during power outages, unseasonable
36 heat, and in unseasonable cold conditions; and

37 (e) an examination of the impact of complying with chapter 106 of the
38 laws of 2019 on the reliability of the natural gas system and the elec-
39 tric system for emergency services in the state and their ability to
40 function during adverse weather events.

41 2. The division, along with any retained contractors, shall consult
42 with entities possessing resources and expertise to contribute to the
43 study. Such entities shall include, but are not limited to, vehicle
44 manufacturers, HVAC manufacturers and installers, engineers, electric
45 corporations, electricity generating companies, gas corporations, trade
46 organizations, and other stakeholders.

47 3. The division of homeland security and emergency services shall
48 consult with, and is authorized to receive any information that is rele-
49 vant and material to the completion of the study from, the Long Island
50 power authority, the power authority of the state of New York, the
51 federally designated electric bulk system operator, the department of
52 public service, the New York state energy research and development
53 authority, the department of environmental conservation, the department
54 of transportation, the office of fire prevention and control, and the
55 major gas and electric utilities in the state. Such entities shall be
56 consulted by the division and are directed to comply with any requests

1 of the division necessary to complete the study. Any information
2 received by the division pursuant to this subdivision shall be subject
3 to the same requirements for confidentiality and limitations on use, if
4 any, as are applicable to the division's use of such information.

5 4. Upon completion of the study, the division shall prepare a report
6 with findings for: the promulgation of rules and regulations necessary
7 for effectuating the intent of the findings and recommendations, within
8 the authority of existing law, made by the report; any recommended
9 future courses of action, along with recommended legislation for enact-
10 ment of such courses of action; and those issues requiring further
11 investigation, if any. The division shall submit such report, along with
12 the study, to the governor, the speaker of the assembly, the minority
13 leader of the assembly, the temporary president of the senate, the
14 minority leader of the senate, the chair of the assembly energy commit-
15 tee, the ranking member of the assembly energy committee, the chair of
16 the senate energy and telecommunications committee, the ranking member
17 of the senate energy and telecommunications committee, the chair of the
18 assembly governmental operations committee, the ranking member of the
19 assembly governmental operations committee, the chair of the senate
20 governmental operations committee, the ranking member of the senate
21 governmental operations committee, and the chairs and ranking members of
22 both the assembly ways and means and senate finance committees no later
23 than thirty days after the study's completion.

24 5. Within ninety days of completion of the report of the study's find-
25 ings, the division shall promulgate rules and regulations necessary for
26 effectuating the intent of the recommendations made by the report.

27 § 3. Notwithstanding any provision of law or regulation, including but
28 not limited to chapter 106 of the laws of 2019, to the contrary, emer-
29 gency services vehicles and heavy equipment shall be exempt from all of
30 the provisions of chapter 106 of the laws of 2019, including any recom-
31 mendations put forth by the Climate Action Council established by that
32 chapter, pending the conclusion of the study and the promulgation of
33 associated rules and regulations pursuant to section two of this act.
34 For the purposes of this section, "emergency services vehicles" are
35 defined as in sections 101 and 114-b of the vehicle and traffic law.

36 § 4. Notwithstanding any provision of law or regulation, including but
37 not limited to sections 101 and 114-b of the vehicle and traffic law, as
38 amended by chapter 496 of the laws of 2021, to the contrary, the use of
39 battery packs which contain cobalt mined components, or reasonably
40 suspected of being mined via child labor, for primary propulsion shall
41 be prohibited within any of the vehicles described by sections 101 and
42 114-b of the vehicle and traffic law.

43 § 5. This act shall take effect immediately.