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:

Section 1. Legislative intent. The legislature finds that, since the passage of the Climate Leadership and Community Protection Act in 2019 and the release of the New York Climate Action Council's Final Scoping Plan in 2022, insufficient attention has been devoted to rigorous examination of the consequences of New York's building and transportation electrification mandates on all aspects of emergency response, especially during power outages, storms and other adverse and dangerous situations.

The legislature further finds and contends that relying on a functioning electrical grid to power the vehicles and other equipment used to prepare for, and respond to, emergency situations may lead to an unacceptable loss of tactical and operational flexibility, when emergency services are called upon, as these vehicles and other pieces of equipment are most likely to be called upon during adverse weather events when a local or regional electrical grid may not be functional or reliable enough to enable its use to charge and recharge such assets. Emergency response vehicles, generators, and other tools and assets used in emergency situations are currently able to function in the absence of a reliable source of electricity through the use of fossil fuels, which may be carried in portable containers as the need arises; removing such a capability via legislative mandate, without known resilient alternatives, 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.

LBD13998-01-4

level of risk during storms, power outages and other dangerous situations.

In order to properly assess the risks that the State's building and transportation electrification efforts present to emergency response plans, personnel and equipment, the legislature hereby directs 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 and to promulgate rules and regulations necessary for effectuating its findings and recommendations.

§ 2. 1. The division of homeland security and emergency services, within nine months of the effective date of this act, shall 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. Such study shall include, but not be limited to, the following:

(a) an assessment of the current state of technology related to building and transportation electrification, as of the date of the study, and an evaluation of the potential limitations that such technology may impose on emergency preparedness and response;

(b) an evaluation of the strengths and weaknesses of heating and cooling provided by heat pumps powered by renewable energy systems to emergency services, particularly in the winter months, adverse weather conditions, and power outages;

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

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

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

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

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

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

4. Upon completion of the study, the division shall prepare a report with findings for: the promulgation of rules and regulations necessary for effectuating the intent of the findings and recommendations, within the authority of existing law, made by the report; any recommended future courses of action, along with recommended legislation for enactment of such courses of action; and those issues requiring further investigation, if any. The division shall submit such report, along with the study, to the governor, the speaker of the assembly, the minority leader of the assembly, the temporary president of the senate, the minority leader of the senate, the chair of the assembly energy committee, the ranking member of the assembly energy committee, the chair of the senate energy and telecommunications committee, the ranking member of the senate energy and telecommunications committee, the chair of the assembly governmental operations committee, the ranking member of the assembly governmental operations committee, the chair of the senate governmental operations committee, the ranking member of the senate governmental operations committee, and the chairs and ranking members of both the assembly ways and means and senate finance committees no later than thirty days after the study's completion.

5. Within ninety days of completion of the report of the study's findings, the division shall promulgate rules and regulations necessary for effectuating the intent of the recommendations made by the report.

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

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

§ 5. This act shall take effect immediately.