

# STATE OF NEW YORK

472--A

2025-2026 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. WOERNER, SAYEGH, WILLIAMS, MAGNARELLI, STIRPE, R. CARROLL, RIVERA, SIMON, HEVESI, VANEL, DINOWITZ, HUNTER, BARRETT, SEAWRIGHT, HYNDMAN, BENEDETTO, JACKSON, BURDICK, LUNSFORD, BRAUNSTEIN, CLARK, BRONSON, SIMPSON, RA, K. BROWN, DURSO, KIM, BICHOTTE HERMELYN, DeSTEFANO, GIBBS, BORES, RAGA, DE LOS SANTOS, GANDOLFO, LEE, SIMONE, ROSENTHAL, FORREST, EACHUS, LEVENBERG, MEEKS, PHEFFER AMATO, DAVILA, SLATER, TAPIA, WALSH, SHIMSKY, COLTON, STERN, REYES, JONES, LUPARDO, WEPRIN, ROZIC, SANTABARBARA, WALKER, COOK, JACOBSON, McMAHON, BURKE, ANDERSON, PEOPLES-STOKES, RAJKUMAR, CRUZ, FALL, TAYLOR, DILAN, BUTTENSCHON, CONRAD, MIKULIN, LAVINE, CUNNINGHAM, NOVAKHOV, ZINERMAN, SEPTIMO, ZACCARO, BENDETT, ALVAREZ, CHANDLER-WATERMAN, BLUMENCRANZ, McDONOUGH, SCHIAVONI, O'PHARROW, MITAYNES, PAULIN, LASHER -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to establishing the "clean fuel standard of 2025"

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

- 1 Section 1. Legislative findings and declarations:  
2 1. The transportation sector in New York is a leading source of crite-  
3 ria pollutants and the leading source of greenhouse gas emissions that  
4 endanger public health and welfare by causing and contributing to  
5 increased air pollution and dangerous climate change. Meeting the  
6 pollution reduction requirements of the Climate Leadership and Community  
7 Protection Act will require sharp decreases in transportation-related  
8 emissions.  
9 2. Shifting from today's petroleum-based transportation fuels to  
10 alternative fuels has the potential to significantly reduce transporta-  
11 tion emissions of air pollutants and greenhouse gases and is recommended

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

LBD01966-03-5

1 by the Intergovernmental Panel on Climate Change as an important pathway  
2 for holding global warming to 1.5 degrees Celsius.

3 3. The Climate Leadership and Community Protection Act directs the  
4 Department of Environmental Protection to promulgate regulations that  
5 will reduce greenhouse gas emissions, including from on-road vehicles.

6 4. New York signed a 15-state MOU to develop an action plan to reduce  
7 toxic diesel emissions from medium and heavy-duty vehicles by 2050.

8 5. A clean fuels standard regulation would promote innovation  
9 production and use of non-petroleum fuels that reduce vehicle and fuel-  
10 related air pollution that endangers public health and welfare and  
11 disproportionately impacts disadvantaged communities.

12 § 2. Short title. This act may be known and may be cited as the "clean  
13 fuel standard of 2025".

14 § 3. The environmental conservation law is amended by adding a new  
15 section 19-0333 to read as follows:

16 § 19-0333. Clean fuel standard.

17 1. A clean fuel standard is hereby established. The clean fuel stand-  
18 ard is intended to reduce greenhouse gas intensity from the on-road  
19 transportation sector by twenty percent by two thousand thirty-three.  
20 In advance of two thousand thirty-three and every five years thereaft-  
21 er, the department shall promulgate regulations determining the minimum  
22 additional greenhouse gas intensity reduction to be achieved over the  
23 following five years, with further reductions to be implemented based  
24 upon advances in technology and to support achieving the requirements of  
25 the New York state climate leadership and community protection act and  
26 the goals of the scoping plan established pursuant to section 75-0103 of  
27 this chapter, as determined by the commissioner. Fuels which provide  
28 net human health benefits through overall air quality improvements rela-  
29 tive to diesel and gasoline usage shall be eligible. Aviation fuels  
30 shall be exempted from the clean fuel standard due to federal  
31 preemption, but sustainable aviation fuel shall be eligible to generate  
32 credits on an opt-in basis to help encourage development of a viable  
33 sustainable aviation fuel market.

34 2. The clean fuel standard shall apply to all providers of transporta-  
35 tion fuels, including electricity, in New York, shall be measured on a  
36 full fuels lifecycle basis and may be met through market-based methods  
37 by which providers exceeding the performance required by the clean fuel  
38 standard shall receive credits that may be applied to future obligations  
39 or traded to providers not meeting the clean fuel standard. The gener-  
40 ation of credits must use a lifecycle emissions performance-based  
41 approach that is technology and feedstock neutral to achieve greenhouse  
42 gas reductions. In addition, the department shall consider other envi-  
43 ronmental impacts of fuels in determining credits, including but not  
44 limited to crop displacement impacts and forms of pollution other than  
45 greenhouse gas emissions, whether or not occurring within the United  
46 States.

47 3. For purposes of this section the term "providers" shall include,  
48 but shall not be limited to, all refiners, blenders, producers or  
49 importers of transportation fuels, or enablers of electricity used as  
50 transportation fuel, "greenhouse gas intensity" means the quantity of  
51 lifecycle greenhouse gas emissions per unit of fuel energy, and "full  
52 fuels lifecycle" means the aggregate greenhouse gas emissions, including  
53 direct emissions and indirect emissions, such as emissions from direct  
54 or indirect land use changes, whether or not such emissions occur within  
55 the United States, measured in carbon dioxide equivalents, as such term  
56 is defined in subdivision two of section 75-0101 of this chapter, with

1 aggregate per unit fuel energy emissions determined by the commissioner  
2 after consideration of all relevant factors, including as contemplated  
3 by subdivision four of this section.

4 4. The full fuels lifecycle shall be assessed annually and such  
5 assessment shall include all stages of fuel and feedstock production and  
6 distribution, including but not limited to feedstock generation or  
7 extraction through the distribution, delivery, and use of the finished  
8 fuel by the ultimate consumer.

9 5. a. Within twenty-four months following the effective date of this  
10 section, the commissioner, in consultation with the New York state ener-  
11 gy research and development authority, shall promulgate regulations  
12 establishing a clean fuel standard with performance objectives to imple-  
13 ment subdivision one of this section. Such regulations shall include  
14 establishment of measures to limit costs and maximize savings.

15 b. The clean fuel standard shall take into consideration the low  
16 carbon fuel standard adopted in other states, and the recommendations of  
17 the scoping plan, and shall include coordination with other Northeastern  
18 states to promote regional reductions in greenhouse gas emissions.

19 c. In addition, such regulations shall:

20 (i) require providers to disclose all information material to deter-  
21 mine the full fuels lifecycle and impose rigorous standards regarding  
22 transparency with respect to information relevant to determining the  
23 full fuels lifecycle;

24 (ii) require such disclosure and transparency in order to obtain cred-  
25 its; and

26 (iii) impose significant penalties for failure to disclose or report  
27 information required by such regulations or as otherwise requested by  
28 the department.

29 d. Such regulations shall include fees for the registration of provid-  
30 ers to offset the costs associated with implementation of the clean fuel  
31 standard.

32 e. Such regulations shall allow for a deferral of the program based on  
33 emergency or forecasted conditions.

34 6. Electric utilities, state agencies, and authorities, in consulta-  
35 tion with the climate justice working group and the climate action coun-  
36 cil established pursuant to section 75-0103 of this chapter, shall, to  
37 the extent practicable, invest or direct available and relevant program-  
38 matic resources to provide forty percent of such electric utility's,  
39 state agency's, or authority's overall credit value on electrified  
40 transportation programs, projects, or investments to directly benefit  
41 disadvantaged communities, including, but not limited to, electrifica-  
42 tion and battery swap programs for school or transit buses; electrifica-  
43 tion of drayage trucks; investment in public electric vehicle charging  
44 infrastructure and electric vehicle charging infrastructure in multi-fa-  
45 family residences; investment in electric mobility solutions such as elec-  
46 tric vehicle sharing and ride hailing programs; multilingual marketing,  
47 education, and outreach designed to increase awareness and adoption of  
48 electric vehicles; and additional rebates and incentives for low-income  
49 individuals beyond existing local, federal, and state rebates and incen-  
50 tives.

51 7. Within twenty-four months following the adoption of regulations  
52 implementing a clean fuel standard, the commissioner shall report to the  
53 legislature regarding the implementation of the program, the reductions  
54 in greenhouse gas emissions that have been achieved through the clean  
55 fuel standard and targets for future reductions in greenhouse gas emis-  
56 sions from the transportation sector.

1 8. Nothing in this section shall preclude the department from enacting  
2 or maintaining other programs to reduce greenhouse gas emissions from  
3 the transportation sector.

4 § 4. This act shall take effect immediately.