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January 28, 2011

MAYOR BLOOMBERG AND DEP COMMISSIONER HOLLOWAY PROPOSE NEW HOME HEATING OIL REGULATIONS TO CLEAN THE AIR NEW YORKERS BREATHE

New Standards for Boilers Furthers PlaNYC Goal of Reducing Local Emissions Sources

Burning Heating Fuels Creates More Soot Pollution than all Cars and Trucks Combined

Rules Could Prevent 200 Deaths, 100 Hospitalizations, and 300 ER Visits for Diseases Caused By Air Pollution Each Year

Mayor Michael R. Bloomberg, Environmental Protection Commissioner Cas Holloway, Sustainability Director David Bragdon and Health Commissioner Dr. Thomas Farley today proposed new rules to reduce emissions from the approximately 10,000 boilers in New York City that burn grades Numbers 4 and 6 oil, the dirtiest heating oil types available in New York. Numbers 4 and 6 heating oil have significantly higher levels of sulfur, nickel, and other pollutants compared to other available heating fuels. The new regulations, when fully enacted, will require that all boilers in New York City be required to burn low-sulfur Number 2 oil or natural gas. These regulations build upon earlier steps taken to decrease emissions from boilers, including a 2010 state law that reduces the sulfur content in Number 2 heating oil and Local Law 43, enacted by the City Council and signed by Mayor Bloomberg in August 2010, which created a new low sulfur Number 4 heating oil. The rules fulfill one of the 127 initiatives in *PlaNYC*, the City's long-term plan for a greener, greater New York. Only one percent of City buildings still burn Numbers 4 and 6 heating oil but they account for more soot pollution than all the cars and trucks in New York City combined.

"To clean the air New Yorkers breathe we are going to gradually phase out the dirtiest types of heating oil," said Mayor Bloomberg. "By changing the type of oil we use, we will reduce pollutants and spend less money on maintaining and operating our heating systems. This helps our *PlaNYC* effort to fight asthma, prolong lives, lengthen lifespans and improve quality-of-life."

"A small group of buildings create a disproportionate share of pollutants by burning these two types of home heating oil," said Deputy Mayor for Operations Stephen Goldsmith. "These rules are tailored and targeted to have the greatest impact on air quality without unduly burdening property owners."

"DEP is responsible for making sure that the air New Yorkers breathe is as safe as possible, and the rules we are submitting for public comment today are another giant step forward in improving overall air quality," said Environmental Protection Commissioner Cas Holloway. "The facts are clear: dirty heating oil costs lives, and these rules—which affect only 1% of the city's building stock and are timed to coincide with the natural boiler replacement cycle—are a sensible, cost effective way to eliminate their use in New York City. The regulations we are proposing today are the product of nearly three years of research and consultation with doctors, scientists, environmental stakeholders, and affected property owners, and we believe they strike the right balance between many compelling considerations. I look forward to receiving public comments on these regulations, and implementing a rule that will improve the health of all New Yorkers."

"Reducing high-pollutant fuel oil use across New York City will have an enormous health benefit for all New Yorkers, perhaps second only to our achievements in reducing the city's smoking rates," said NYC Health Commissioner Thomas Farley. "This rule will make the city a healthier place to live and work, for ourselves and for our children."

Increased exposure to fine particulate matter, known as PM 2.5, is known to be linked to lung and heart conditions, contribute to asthma and cause a significant decrease in life expectancy. Emissions from dirty heating oil also contribute significantly to carbon emissions. Burning heating fuels creates more soot pollution than all cars and trucks in the city combined.

Upon full implementation, these regulations will reduce the amount of fine particles emitted from heating buildings by at least 63 percent, and could lower the overall concentration of fine particles in the City's air from all sources by 5 percent. The Health Department estimates that these air quality improvements could prevent some 200 deaths, 100 hospitalizations, and 300 emergency room visits for diseases caused by air pollution each year. The initiative will reduce carbon dioxide by approximately one million metric tons, or over 3 percent of the total needed to meet the *PlaNYC* target of reducing the city's greenhouse gases 30 percent below 2005 levels by 2030.

"Eliminating dirty heating oil is the single largest step New York City can take to improve its local air quality," said David Bragdon, Director of the Mayor's Office of Long-term Planning and Sustainability. "Approximately 1% of the city's building stock are responsible for more soot pollution than all cars and trucks in the city combined. These regulations will propel us towards our *PlaNYC* goal of achieving the cleanest air of any big city in the nation."

"New York City's buildings contribute to nearly 90 percent of soot pollution in our city and through these new home heating oil regulations, our air will be cleaner, our levels of energy usage will be lower and heating systems will be more efficient," said Council Speaker Christine C. Quinn. "The Council, led by the efforts of Environmental Protection Committee Chair James Gennaro, is proud to have partnered with the Administration on these significant changes."

"With this landmark rulemaking, the Bloomberg Administration and the NYC DEP complete the good work of dramatically reducing particulate emissions and other pollutants in New York City from the burning of heating oil," said Environmental Protection Committee Chair James F. Gennaro. "The Council was gratified to work in close partnership with the Bloomberg Administration in passing Local Law 43 of 2010 which took the first steps towards cleaner heating oil for the City. This rulemaking takes the City the rest of the way to the cleaner fuels and cleaner air that the City needs and deserves. I

applaud Mayor Bloomberg and DEP Commissioner Holloway for their outstanding and dedicated work on this rulemaking, and I thank Council Speaker Quinn and my Council colleagues, the oil heat industry, and environmental and public health advocates for all of their hard work in both the legislative and rulemaking processes that led to this good day for New York City's air quality. It has been a special honor for me to work closely on this initiative with Mayor Bloomberg and Speaker Quinn, two great environmental champions that deserve the gratitude of all New Yorkers."

"EPA applauds Mayor Bloomberg and Commissioner Holloway for taking a progressive approach to reducing the use of some of the dirtiest types of fuel," said Judith Enck, U.S. Environmental Protection Agency Regional Administrator. "Exposure to air pollutants from dirtier heating oil can lead to respiratory illnesses, asthma, and heart disease as well as reduce life expectancy. The use of cleaner heating oil will help improve air quality and benefit public health throughout the City of New York, which is especially important to communities with high asthma rates."

"Black smoke from dirty heating oil is needlessly choking New Yorkers," said Andrew H. Darrell, New York Regional Director and Deputy Director of Environmental Defense Fund's national energy program. "Phasing it out quickly is the most effective and important step the Mayor can take right now to deliver clean air."

"Today's announcement is a huge victory for clean air in the five boroughs," said Marcia Bystry, president of the New York League of Conservation Voters. "Home heating oil is one of the City's worst pollutants, and these new regulations will greatly reduce its harmful effects on public health and the environment. Our thanks go out to Mayor Bloomberg, Commissioner Holloway and the Department of Environmental Protection for their work on this initiative and for their commitment to a greener, cleaner New York City."

"We're pleased that Mayor Bloomberg and Commissioner Holloway are taking steps to finally stop the use of the dirtiest heating oil used in New York City," said Scott T. Santarella, President and CEO of the American Lung Association in New York. "For the sake of all New Yorkers who want protection from emissions that pollute our air and lungs, this rule must be adopted."

"For too long, low income communities of color have been beset by the debilitating link between soot exposure and high asthma rates," said Eddie Bautista, Executive Director of the NYC Environmental Justice Alliance. "The enactment of more stringent home heating oil regulations will allow our children to spend more time in school rooms and less time in emergency rooms."

"METRO applauds Mayor Bloomberg and DEP Commissioner Holloway for their groundbreaking initiative to replace Number 6 heating oil with cleaner heating fuels like ultra-low sulfur bioheat," said Gene V. Pullo, President of METRO Terminals, one of New York City's largest family-owned petroleum storage terminals. "METRO has been independently greening our heating oil products – including Number 6 oil - for years and has fiercely advocated for New York City's recently passed biodiesel heating oil and lower sulfur Number 4 oil mandates as well as New York State's ultra-low sulfur No. 2 heating oil mandate. Once again, with New York City leading the way, all heating oil, which has long been one of America's most affordable heating fuels, will be another step closer to also becoming one of America's cleanest and most sustainable heating fuels."

To minimize costs, the regulations will be implemented in several phases. First, effective immediately, any newly-installed boilers will be required to only burn low sulfur No. 2 oil, natural gas, or the

equivalent from an emissions standpoint. Second, all boilers will be required to switch from No. 6 oil to the new low sulfur No. 4 heating oil by 2015, or to an equivalent cleaner fuel. It is estimated that converting a boiler that typically burns No. 6 oil to one that can accommodate low sulfur No. 4 oil will cost roughly \$10,000. Third, existing boilers that have not been replaced by 2030 must be modified to meet the equivalent emissions of burning low sulfur No. 2 oil or natural gas.

Increased exposure to fine particulate matter is known to be linked to lung and heart conditions and to contribute to asthma and a significant decrease life expectancy. The Health Department's Community Air Survey has shown that the greatest concentrations of particulate matter and other pollutants can be found in neighborhoods where a large percentage of buildings burn Nos. 4 and 6 heating oil.

The new proposed regulations are the product of dozens of meetings with environmental, real estate, utility and oil industry stakeholders that were held to craft regulations that substantially improve public health in an achievable timeframe. Though all landlords must comply with the new proposals once enacted, property owners that can demonstrate a severe financial hardship will be able to apply to arrange a compliance schedule to fully follow the new regulations but in an extended timeframe. In these instances, DEP has the option to reach an agreement with these landlords on an extended schedule for full compliance with the new rule.

The proposals follow the enactment of Local Law 43 in 2010, authored by Environmental Protection Committee Chair James Gennaro, and supported by Mayor Bloomberg, Speaker Quinn and the entire City Council. The law helped reduce air pollution, promoted the use of alternative fuels and improved the overall air quality in New York City by requiring the use of 2 percent biodiesel in heating oil after 2012 and creating the new low sulfur No. 4 oil classification with a cap of 1,500 parts per million, reducing sulfur levels by half. This local law complemented a new State law signed in 2010 by Governor Paterson that reduced the sulfur content in No. 2 heating oil by 99 percent.

As part of the City's rulemaking process, the public will have an opportunity to comment on the proposed rules for the next 30 days. A public hearing will be held on February 28, 2011 at the New York City Department of Environmental Protection, 59-17 Junction Boulevard, 6th Floor, Flushing, NY 11373, from 10:00 A.M. to 12 Noon. Written comments can be sent on or before February 28, 2011 as well at www.nyc.gov/nycrules.

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