



NESCAUM/ Multi-State Advance Clean Truck Rule Action Plan Equity and Environmental Justice Recommendations

The Moving Forward Network (MFN) is a national network of organizations that center grassroots, frontline knowledge, expertise, and engagement with the communities across the US that bear negative impacts of the global freight transportation system. In collaboration with allies and partners, MFN identifies local solutions that call for community, industry, labor, government, and political action that advances equity, environmental justice, and a zero-emissions focused just transition. MFN's vision is to see that negatively burdened communities become healthy, sustainable places by reducing and ultimately eliminating negative impacts. MFN is deeply committed to advancing environmental justice, equity, economic justice, and a just transition.

Zero Emission Heavy Duty Trucks alone will not address equity and environmental justice.

Heavy Duty fossil fuel trucks are a critical issue to tackle but are not the silver bullet to addressing environmental justice and equity for communities in and around freight hubs and corridors. The Advance Clean Truck Rule must be adopted without delay but should be considered only the first step in addressing the whole freight system. The global freight system relies upon platoons of ships, trucks, trains, and cargo handling equipment to move huge volumes of goods from places of manufacturing origin to the marketplace to local businesses, governments, communities, and the homes of consumers. All of which generates a significant amount of pollution that contributes to an ongoing health crisis in environmental justice communities and the climate crisis across the globe. These operations are often located in working class, working poor communities of color. As many as 40% of U.S. ports and many freight facilities, such as railyards, freight corridors, and logistics centers, are in areas that currently do not meet the National Ambient Air Quality Standards for ground-level ozone (NO_x) and particulate matter (PM).

Furthermore, global freight transport accounts for about 36% of overall transportation emissions, which accounts for about 24% of direct CO₂ emissions, significantly contributing to climate change. From a climate perspective, the trend is more worrisome than current figures indicate as global freight traffic is accelerating substantially and emissions levels are therefore continuing to increase at an alarming rate.

Moving freight globally and through local neighborhoods produces unacceptable levels of diesel particulate, nitrogen oxides, and other harmful pollution, as well as climate pollutants that disproportionately harm communities of color and the broader environment. The freight transportation system issues a double whammy, throwing a one-two punch with local toxic exposures that profoundly impact environmental justice communities and sector workers, while also substantially contributing to global emissions and climate pollution. The freight transportation sector needs to be addressed as a system and every category within the sector needs to be put on a regulatory fast track that include complementary rules and programs that address equity and environmental justice.

The Health Costs of Freight Emissions

Freight sector emissions have a devastating public health impact, especially for communities located alongside diesel-powered freight operations. Diesel is carcinogenic to humans and there is no safe level of exposure to particulate or ozone pollution produced by fossil fuel combustion. As freight operations continue to expand, this accelerates the public health impacts from freight pollutants including PM and NOx. PM triggers heart attacks, strokes, and asthma causes cancer, exacerbates obesity and diabetes, and contributes to cognitive challenges, including Alzheimer's, dementia, and mental health disorders. Even low levels of ozone can cause irreparable harm, including permanent lung damage, asthma, heart attacks, strokes, heart disease, and reproductive and developmental harm during pregnancy.

Epidemiological studies have consistently demonstrated that children and adults living in close proximity to sources of air pollution, such as busy roadways, have poorer health outcomes, including but not limited to: asthma, respiratory diseases, cardiovascular diseases, lung cancer, preterm births, and low birth weight infants, premature deaths, and other negative health impacts and disparities. Freight sector pollution extracts a heavy human health toll on communities and families at every step of the freight transport and supply chain.

Furthermore, we are still experiencing a global pandemic and Covid 19 has demonstrated that people of color in the United States have disproportionate negative health impacts across the spectrum. When it comes to freight pollution African-Americans made up a proportion of the high-risk population that is 3 times their proportion of the U.S. population and Latinos made up a proportion of the high-risk population that is twice their proportion of the U.S. population. Many peer-reviewed studies have established that exposure to air pollution is a major factor that leads to the disproportionate impact COVID-19 is having on communities of color. In short, communities that have higher levels of exposure to air pollution are more susceptible to mortality from COVID-19. Covid-19 presents the need for urgent action to reduce pollution in communities of color and also presents challenges to public participation which requires special attention.

Centering Environmental Justice Communities and Local Solutions

Communities living in the shadow of freight operations are often working class, working poor communities of color that are caught at the dangerous intersection of toxic pollution, racism, poverty, political imbalance, and climate disaster. The added burden of freight pollution exacerbates the existing health inequities already faced by environmental justice frontline communities and workers in the goods movement sector. These communities already contend with climate vulnerability and devastating climate change related impacts such as flooding, extreme heat, increasingly intense storms, and exacerbation of existing health conditions. They are also being disproportionately exposed to harmful air pollution from ships, trucks, trains, and cargo handling equipment moving global freight.

Environmental justice communities that bear the brunt of the environmental and health impacts of compound sources of pollution, including diesel exhaust, understand the severity of the issues they face and the solutions necessary to confront these issues to demand health and safety for their communities. Community voices and on the ground expertise, along with community engagement and activation, are essential to ensure the development of equitable, just solutions and policies that genuinely meet the needs of communities to improve environmental conditions and public health outcomes.

Economic and Jobs Benefits of Zero-Emission Freight

A variety of economic analysis demonstrate growth opportunities surrounding a zero-emission freight system which includes in a large way heavy-duty trucks. MFN's ["Making the Case for Zero-Emission Solutions in Freight"](#) provides important analyses of the growth opportunities from a nationwide and state level commitment to zero-emission trucks. There is a clear indication of immense economic benefit for zero-emission freight and trucks. The U.S. is in a strong position to rebuild our economy and protect our environment by investing in local manufacturing growth and zero emissions infrastructure development, which will result in both energy and operational cost savings from zero-emission technologies.

Labor and Worker Perspectives for a Just Transition

Labor and those working in and adjacent to the freight sector (including truck drivers) are essential constituents in the movement for a just transition to a cleaner energy economy, air quality improvements, zero emissions, and climate mitigations. Many workers not only work in industries (such as truckers, warehouse workers and railroad workers and dock workers) that expose them to toxics and impact their health, but also live in communities disproportionately bearing the burdens of pollution. Critical considerations from labor and workers in the goods

movement sector, lift up the focus on the misclassification of workers, fear of automation and job loss as a result of electrification, the need for incentives and subsidies for drivers and the movement for a just transition to create healthy, quality jobs.

Specifically, MFN recommends that the states take the following actions in conjunction with and as part of adopting the Advance Clean Truck rules.

Rulemaking and programmatic development process

Adopt Principles of Environmental Justice

The Principles of Environmental Justice (EJ), which were adopted in 1991 at the first National People of Color Environmental Leadership Summit in Washington, DC, are fundamental to the work of MFN members and the network as a whole. Environmental justice affirms the fundamental right of political, economic, cultural, and environmental self-determination for all peoples. To this end all policy making must:

- Establish meaningful community engagement practices that not only focus on frontline community voices but accommodates and facilitates the ability for community members and frontline workers to fully participate in the process.
- Develop public engagement practices that consider the limitations that Covid-19 presents to environmental justice communities. Virtual public meetings are necessary during a pandemic but must accommodate all stakeholders. In some cases community members do not have the same access or experience to digital platforms or tools. More time and full accommodations must be made to allow for all stakeholders to participate in the process.
- Grassroots and frontline community-led organizations must be supported and put in positions to lead in stakeholder and public engagement efforts. Community leaders must be represented at a larger percentage than industry, corporations, and businesses in all stakeholder groups.
- There must be clear, transparent, and truly democratic processes by which decisions are made.
- Include programs and funding to allow for community leaders to fully participate in the process.
- Support self determination by adopting local solutions.

Establish Transparency, Inclusivity, and Accessibility

Authentic and equitable collaborative partnerships only work with honesty, accountability, and mutual respect towards environmental justice and equity. Transparency, accountability, and inclusivity are expected at all levels throughout the policy making process.

To this end all policy making must:

- Ensure frontline communities and EJ groups have full access to all information, research, and data.
- Allow for public access to key staff and decision makers. Schedule regular meetings at times and locations that are available to community members.

Rulemaking and Program Outcomes

Adopt Regulatory Frameworks with Enforcement Mandates that Advance Equity

Regulations with enforceable mandates are necessary for placing the onus on industries to clean up the environment and transition to zero emission transportation. The public and industry stakeholders deserve the privilege of certainty. The relevant industries should be required to meet regulatory measures as part of their business cost. Voluntary zero emissions vehicle programs and policies are non-starters. In addition, the state's actions need to go beyond ACT and must include a low nox rule at a minimum. To this end all policy making must:

- Consist of rules, mandates, and requirements that are enforceable and tractable with timelines, interim targets, and metrics to ensure that goals are met to improve health outcomes and assure community benefits.
- Include regulatory frameworks with enforceable penalties if goals are not met. These penalties need to be at least the same level as California if not higher. Impose meaningful penalties for responsible parties that do not meet requirements across the board, such as reductions, reporting, productions, engagement, perpetuation of environmental racism, workforce development outcomes and equity results need to result in equivalent cost of implementing programs or mitigations to the short fall.
- Develop a structure that allows community members and groups to participate as equal partners at every level of decision-making including resource allocation, needs assessment, planning, implementation, enforcement, and evaluation.

Address and Prevent Health Disparities

Frontline communities bear disproportionate burdens and pay the often hidden, externalized costs of “business as usual” by the freight industry. The costs associated with health disparities and environmental harms must be addressed and prevented going forward. To this end all policy making must:

- Include programs that repair the harm done to communities with mitigation and financing that invest in the environmental justice communities that assure local benefits determined by the local community.
- Include measures and matrices that address existing health disparities. These strategies should improve health outcomes, quality of life, and life expectancy in impacted communities.

Adopt Robust Reporting Requirements and Penalties.

- Reporting must include truck company contracting patterns across sub-segments; economics asset and non-asset fleets; truck leasing practices; contractor finances, and extent of employee misclassification.
- Collect data that demonstrates the public health benefits both locally and globally, equity and environmental justice outcomes and goals that are associated with the ACT and related programs and hold accountable the parties for meeting the milestones set within the rules, programs and initiatives.
- Develop monitoring programs that use hot-spot analysis
- Require companies to report and be accountable for compliance. This responsibility should fall on the company, not individual drivers.
- All reporting data and information must be available to the public.
- Report fleet sizes.
- Report number of truck and truck routes.
- Impose meaningful penalties for responsible parties that do not meet requirements across the board, such as reductions, reporting, productions, engagement, perpetuation of environmental racism, workforce development outcomes and equity results.

Additional Policies, Initiative and Programs Needed to Address Equity and Environmental Justice

In the development and deployment of electrified heavy duty vehicles and other related equipment rules, states will need to incorporate a holistic approach if the state truly wants to address equity and environmental justice. The state will need to develop and adopt additional policies, initiatives and programs that go beyond the ACT across multiple agencies, departments

and authorities. At minimum, environmental, transportation, energy, education, workforce and economic development agencies need to be actively engaged in the ACT action planning.

Equitable Distribution of Funding and Resources

To address equity, policies need to include equitable distribution of funding and resources. Change and transformation cannot truly occur unless frontline workers and communities have access to the resources necessary to advance equity and environmental justice. To this end all policy making must:

- Prioritize and focus incentive spending on frontline workers conducting business in environmental justice communities (i.e. drayage drivers).
- Require that companies participating in state ACT and related programs prove good standing with the National Labor Relations Board.
- Disqualify companies that have state and federal labor and employment tax law violations from funding.
- Require that fleet purchasers maintain full control (full responsibility, maintenance etc.) of vehicles purchased with state incentive money meant to meet state zero emission goals.
- Ensure that trucks purchased with state dollars are not used as part of predatory leasing schemes or used by misclassified drivers.

Funding Incentive Programs without Harming Frontline Workers or Communities

Incentive funds are important and can help increase the rate at which zero-emission vehicles and technologies are purchased and adopted by truck drivers, operators and family owned companies in impacted communities without adding additional burden. Providing incentives funds to frontline communities should be intended to position frontline operators with the benefits that come with EV vehicles (ie. lower fuels cost, lower maintenance costs, reduced exposure to tailpipe emissions etc). Incentive programs should not come at the expense of environmental justice communities and frontline workers, rather should provide the resources that would not be attainable otherwise. Incentive programs that depend on market based mechanisms are not acceptable. Incentive programs that generate monies from cap-and-trade, carbon tax, offsets and the like shift additional burdens to communities already faced with increased exposure and impacts of toxic pollution and climate disasters. For these reasons:

- Incentive spending needs to be prioritized and focused on frontline workers conducting business in environmental justice communities (i.e. drayage drivers).
- Recipients of incentive monies must be those in most need. Companies and individuals that are well resourced and have the means to purchase zero

emissions trucks and equipment should be ineligible for incentive funding (ie. Amazon, Target etc.)

- Make funds contingent upon companies agreement to improve workplace standards, union neutrality and non-interference policies.
- Generating revenues to incentivize the deployment of zero emission vehicles and equipment must not come from market based (ie. cap-and-trade, carbon tax, offsets etc.) programs.
- Incentive programs meant to support private business and the success of the ACT and related programs should be short term. Private industries and the success of the ACT should not depend on public dollars. The transportation industry should include the price of compliance with zero emission rules into the cost of doing business.

Workforce Development Opportunities and Just Transition

EJ affirms the right of all workers to safe, healthy, and dignified work environments, without being forced to choose between their health and unsafe livelihood/employment. To this end all policy making must:

- Establish economic and workforce development programs in environmental justice communities that support and are linked to quality careers for commercial vehicle drivers and others currently working in the freight transport and logistics sectors.
- Establish economic and workforce development programs in environmental justice communities that support and are linked to quality careers in transportation electrification Infrastructure construction and operations .
- Establish programs that require participating companies to raise industry standards across the supply chain that improve the workplace environment for truck drivers, warehouse workers, railroad workers and dock workers.
- Ensure that the transition to zero emissions transportation does not displace workers. The transition of fossil fuel vehicles to zero emission vehicles must not displace operators with automated vehicles or systems.
- Position and align action plans with federal infrastructure resources, projects and programs that support the success of the ACT, low nox rules, workforce development and just transition efforts.
- Establish workforce programs that resource local community groups to monitor, track and engage in related programs. These programs can be focused on local community ACT related program engagement that tracks, monitors reporting, air quality and enforcement to ensure success of efforts.

Clean Energy, Zero Emissions, Sustainable Solution and Infrastructure

Prioritizing zero emission transportation in environmental justice communities that are disproportionately vulnerable to climate change and poor air quality is essential. Environmental justice demands the cessation of the production of all toxins, hazardous wastes, and radioactive materials and emissions. Any zero emissions transportation deployment effort must have safeguard programs that prevent harm to any community across the globe. To this end all policy making must:

- Ensure that the transition to zero emission is achieved through renewable/green energy sources and do not include power plant emissions, near zero emissions approaches, fossil fuel use/combustion, and incineration as energy sources.
- Must not include cap and trade and carbon pricing market approaches as part of climate mitigation efforts.
- Consider the impact of electrification and battery production on mining communities and the planet.
- Zero emissions initiatives must prioritize EJ communities and guarantee emissions reductions in areas disproportionately burdened by poor air quality so that those communities benefit first from electrification and other climate mitigation efforts.
- Position and align action plans with federal infrastructure resources, projects and programs that support the co-benefits for environmental justice communities (ie. resiliency hubs, public transit centers and public charging etc.)