

# Congress of the United States

Washington, DC 20510

May 12, 2022

The Honorable Michael Regan  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Mail code 1101A  
Washington, DC 20460

Dear Administrator Regan:

In our shared effort to protect environmental justice communities and curb air pollution and climate crises, we are writing to urge that the Environmental Protection Agency (EPA) finalize the strongest possible heavy-duty vehicle requirements via the Clean Trucks Plan, now released as a Notice of Proposed Rulemaking (NPRM) Docket ID [No. EPA-HQ-OAR-2019-0055](#). The importance of the heavy-duty rule in accelerating deployment of zero-emission vehicles cannot be overstated: it is critical for addressing the climate crisis, safeguarding clean air, and improving public health in our communities. Due to strong state action, the medium- and heavy-duty zero-emission truck market is growing, and EPA has a critical role to play to ensure that zero-emission technologies for all types of trucks and buses are deployed so we can be on the path for all new vehicles to be zero-emissions beginning in 2035. The rule should strengthen EPA's proposed Option 1 by building on the successes of the Advanced Clean Trucks (ACT) rule adopted by seven states: California, New Jersey, Washington, Oregon, New York, Massachusetts, and Connecticut, and set the expectation that at least 50 percent of sales should be zero-emission by 2030, putting the United States on track for all truck sales to be zero-emission by 2035. And as we advance our goals to transition to zero-emission trucks as quickly as possible, it is also important that EPA ensure the remaining new diesel truck purchases operate as cleanly as possible to protect public health, especially in our most overburdened communities.

Diesel trucks play an outsized role in creating and perpetuating environmental injustice and impose a disproportionate burden on Black, Latino, Asian, and Indigenous communities. All diesel- and gasoline- powered trucks produce nitrogen oxides (NOx) and the secondary formation of toxic particulate matter pollution, which causes an increase in cancer rates and mortality. NOx also causes lung irritation and weakens the body's immunity on its own and has worse health consequences when combined with ground level ozone exposure. Updating the outdated NOx standards is a top priority and it is critical that this rule provide pollution reductions that are at least as protective as the reductions that are codified in California's recent Heavy-Duty Omnibus and Advanced Clean Trucks rules. This means, at a minimum, EPA should meet or exceed California's Heavy-Duty Omnibus program by setting a standard that achieves, by 2027, a greater than 90% reduction in NOx emissions from trucks that are sold today relative to 2010 standards. Having a unified national program will provide needed equity of reduced emissions across the country, reduced regulatory complexity, and reduce unnecessary costs of complying with two separate regulatory requirements.

At the same time, this rule must accelerate the adoption of zero-emission trucks by providing a clear signal for manufacturers to chart a path to eliminating tailpipe pollution. At a minimum, the federal government should require that all new trucks must have zero emissions beginning in 2035, with intermediate targets before then. In addition, after

completing this Heavy-Duty rule in 2022, EPA should move quickly to advance additional policies to eliminate emissions from the freight sector to accelerate the retirement of all combustion trucks by 2045.

At every regulatory opportunity, EPA must include policies that rapidly advance zero-emissions technologies for the entire truck sector. Road freight is the fastest growing source of carbon emissions.<sup>1</sup> Heavy-duty vehicles make up only 10 percent of all vehicles on roads in the U.S., but contribute 45 percent of the transportation sector's nitrogen oxide pollution, 57 percent of its fine particulate matter pollution, and 28 percent of global warming emissions.<sup>2</sup> These impacts fall disproportionately on low-income communities and people of color due to proximity to heavy vehicle traffic and trucking corridors.<sup>3</sup> Recent studies show that diesel traffic is the largest source of nitrogen oxide disparity by race in the United States.<sup>4</sup> Transitioning from combustion to zero-emission trucks is therefore one of our greatest opportunities to tackle both the climate crisis and environmental injustice.

During this transition, remaining sales of combustion trucks should be required to make full use of the identified vehicle technologies that improve overall truck efficiency and reduce fuel consumption and tailpipe emissions. Thus, EPA should strengthen the NOx and Phase 2 greenhouse gas requirements for trucks to account for the aggressive adoption of zero-emission heavy-duty trucks. The proposed Clean Trucks Plan underestimates a low penetration of zero-emission trucks in assisting truck engine manufacturer compliance with diesel engine NOx and PM. While we support policies that accelerate the transition to zero-emission trucks, we cannot afford dirtier diesel trucks that offset the benefits of successful heavy duty ZEV deployment.

Due to demand from fleets and state action, today there are already over 100 commercially available models of zero-emissions medium- and heavy-duty trucks and buses, with additional models expected to enter production this year.<sup>5</sup> Federal policy is vital to increase zero-emission model availability and speed the transition towards clean transportation. More expansive progress is achievable, given that two-thirds of the current truck fleet is already ripe for electrification, based on their duty cycles and charging needs.<sup>6</sup> Additionally, states are leading the way - six states have already adopted the Advanced Clean Trucks (ACT) rule and more states are expected to follow their lead this year. While the ACT states make up 17 percent of the national truck market, together they will cause only 8 percent of trucks sold to be electric in 2027 and 13 percent in 2030. These percentages fall far short of the President's goals and the urgency that the climate crisis and air pollution demand. However, if EPA were to adopt requirements similar to the ACT, national market share for zero-emission trucks and buses would exceed 30 percent in 2030.

Multiple studies support the consensus that zero-emission trucks produce substantial savings, even more than electric cars; zero-emission trucks have short (and shrinking) payback periods

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1 <https://www.itf-oecd.org/sites/default/files/docs/cop24-road-freight.pdf>

2 <https://www.ucsusa.org/sites/default/files/2019-12/ReadyforWorkFullReport.pdf>

3 [https://www.movingforwardnetwork.com/wp-content/uploads/2021/08/MFN\\_Making-the-Case\\_Report\\_May2021.pdf](https://www.movingforwardnetwork.com/wp-content/uploads/2021/08/MFN_Making-the-Case_Report_May2021.pdf)

4 <https://news.agu.org/press-release/pollution-from-freight-traffic-disproportionately-impacts-communities-of-color-across-52-u-s-cities>

5 <https://californiahvip.org/vehicles/>

6 <https://www.mjbradley.com/reports/medium-heavy-duty-vehicles-market-structure-environmental-impact-and-ev-readiness>

due to reduced fuel and maintenance costs and more predictable maintenance schedules.<sup>7</sup> A recent, in-depth total cost of ownership analysis by California Air Resources Board (CARB) found that starting today, zero-emission trucks save money for their owners in many cases.<sup>8</sup> By 2030, zero-emission trucks have superior cost savings compared to diesel in every category analyzed, including Class 8 long-haul.<sup>9</sup> In addition, a team of GridLab, Energy Innovation, and UC Berkeley's Center for Environmental Public Policy found that electrifying the nation's car and truck sales by 2035 would create a net of 2 million jobs.<sup>10</sup> These benefits do not even account for the far greater health and climate savings, which with targeted implementation would flow to disadvantaged communities who have borne the brunt of truck pollution. New reports by MJ Bradley show the thousands of lives that would be saved in each state if those states were to adopt California's Advanced Clean Truck Rule.<sup>11</sup>

Thank you for your consideration. There is no time to wait; there is a critical need for the EPA to take swift action moving towards a zero-emissions future to protect the health and safety of environmental justice communities. We are confident that you agree on the urgency of this issue.

Sincerely,



Nanette Diaz Barragán  
Member of Congress



Alex Padilla  
United States Senator



A. Donald McEachin  
Member of Congress



Cory A. Booker  
United States Senator



Pramila Jayapal  
Member of Congress



Charles E. Schumer  
United States Senator

<sup>7</sup> [https://eta-publications.lbl.gov/sites/default/files/updated\\_5\\_final\\_ehdv\\_report\\_033121.pdf](https://eta-publications.lbl.gov/sites/default/files/updated_5_final_ehdv_report_033121.pdf)

<sup>8</sup> [https://ww2.arb.ca.gov/sites/default/files/2021-08/210909costdoc\\_ADA.pdf](https://ww2.arb.ca.gov/sites/default/files/2021-08/210909costdoc_ADA.pdf)

<sup>9</sup> [https://www.movingforwardnetwork.com/wp-content/uploads/2021/08/MFN\\_Making-the-Case\\_Report\\_May2021.pdf](https://www.movingforwardnetwork.com/wp-content/uploads/2021/08/MFN_Making-the-Case_Report_May2021.pdf)

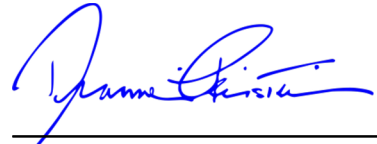
<sup>10</sup> <https://www.2035report.com/transportation/downloads/>

<sup>11</sup> <https://www.mjbradley.com/reports/medium-heavy-duty-vehicles-market-structure-environmental-impact-and-ev-readiness>



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Adam Smith  
Member of Congress



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Dianne Feinstein  
United States Senator



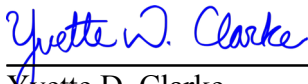
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Jesús G. "Chuy" García  
Member of Congress



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Christopher S. Murphy  
United States Senator



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Yvette D. Clarke  
Member of Congress



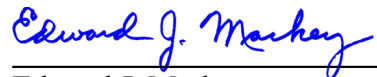
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United States Senator



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Member of Congress



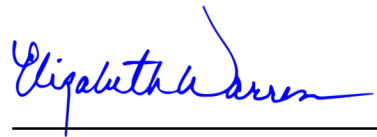
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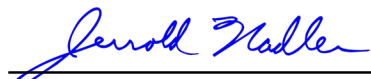
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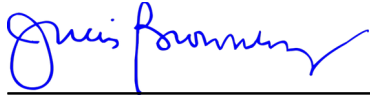
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Lloyd Doggett  
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Melanie Stansbury  
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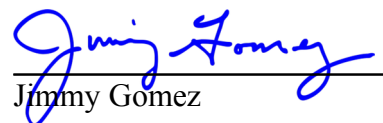
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Cori Bush  
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Ro Khanna  
Member of Congress



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Jimmy Gomez  
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Rashida Tlaib  
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Steve Cohen  
Member of Congress



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Marie Newman  
Member of Congress



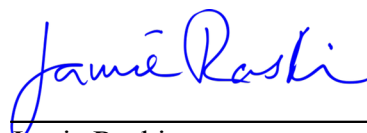
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Henry C. "Hank" Johnson,  
Jr.  
Member of Congress



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Jamie Raskin  
Member of Congress



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Jan Schakowsky  
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Adriano Espaillat  
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Maxine Waters  
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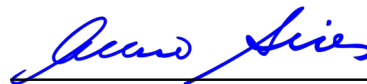
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Ritchie Torres  
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Albio Sires  
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Brenda L. Lawrence  
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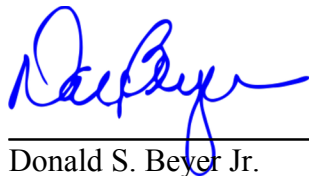
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Donald S. Beyer Jr.  
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James P. McGovern  
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Jim Costa  
Member of Congress



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Member of Congress



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Katie Porter  
Member of Congress



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Bradley Scott Schneider  
Member of Congress



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Diana DeGette  
Member of Congress



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Peter Welch  
Member of Congress