

Congress of the United States

Washington, DC 20515

September 5, 2023

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

Dear Administrator Regan,

To protect public health, address the climate crisis, and reflect the heavy-duty vehicle industry's commitment to transition to zero-emission vehicles, we write to urge the Environmental Protection Agency (EPA) to finalize the strongest feasible Greenhouse Gas (GHG) Emissions Standards for Heavy-Duty Vehicles - Phase 3 rule (HDV rule) embodying GHG emissions reductions beyond those that would occur under EPA's proposed preferred alternative, before the end of this year. We also support EPA finalization of the proposed regulatory changes related to locomotives.

In the United States, transportation is the leading source of greenhouse gas emissions and air pollution, exacerbating the climate crisis and severely harming public health. The transportation sector accounts for 27 percent of greenhouse gas emissions—more than any other sector in the US—and is the fastest-growing sector emitting GHG emissions.¹ While heavy-duty vehicles make up only 10 percent of vehicles on the road, heavy-duty vehicles are responsible for 28 percent of the sector's GHG emissions, 45 percent of its nitrogen oxide (NOx) emissions, and 57 percent of its particulate matter emissions.² The American Lung Association estimates that if the United States moves towards zero-emission trucks by 2050, counties with major trucking routes could achieve cumulative public health benefits of \$735 billion due to cleaner air, 66,800 fewer premature deaths, 1.75 million fewer asthma attacks, and 8.5 million fewer lost workdays.³

The HDV rule is a critical opportunity to significantly reduce these air pollution, climate and health impacts, and recent developments support strengthening EPA's proposed rule. On July 6, 2023, the California Air Resources Board (CARB), the Truck and Engine Manufacturers Association (EMA), EMA's member companies and Ford Motor Company reached a historic agreement, termed the Clean Truck Partnership.⁴ Under this agreement, the nation's top truck

¹ Carbon Pollution from Transportation, <https://www.epa.gov/transportation-air-pollution-and-climate-change/carbon-pollution-transportation> (last visited June 8, 2023).

² Steven Nadel, *EV Sales Soar, but Electrifying Big Rigs Remains a Challenge*, ACEEE (Feb. 22, 2023), <https://www.aceee.org/blog-post/2023/02/ev-sales-soar-electrifying-big-rigs-remains-challenge>.

³ *Delivering Clean Air: Health Benefits of Zero-Emission Trucks and Electricity*, American Lung Association, <https://www.lung.org/getmedia/e1ff935b-a935-4f49-91e5-151f1e643124/zero-emission-truck-report.pdf>.

⁴ CARB and the Truck and Engine Manufacturers Association Agreement (July 2023), https://ww2.arb.ca.gov/sites/default/files/2023-07/Final%20Agreement%20between%20CARB%20and%20EMA%202023_06_27.pdf; CARB and truck and engine manufacturers announce unprecedented partnership, CARB (listing as members: Cummins, Inc., Daimler Truck North America, Ford Motor Company, General Motors Company, Hino Motors Limited, Inc., Isuzu Technical Center of America, Inc., Navistar, Inc., PACCAR Inc., Stellantis N.V., Truck and Engine Manufacturers Association, and Volvo Group North America), (July 6, 2023) <https://ww2.arb.ca.gov/news/carb-and-truck-and-engine-manufacturers-announce-unprecedented-partnership-meet-clean-air>.

and engine manufacturers have committed to meet CARB air pollution regulations for heavy-duty vehicles and engines. These standards are some of the world's most protective heavy-duty engine air pollution regulations, apply to the nation's largest vehicles market, and are being adopted by other states with areas that do not meet health-based air quality standards. Significantly, the CARB standards include a requirement for 100% sales of zero-emissions trucks by 2036 in California (or the adopting state). Under the agreement, the engine and truck manufacturers committed not to challenge the requirements in court, and, regardless of the legal status of the standards, to meet the standards in California, as well as to redouble their efforts to sell clean trucks and support electric truck infrastructure in other states that adopt California's rules. In return, CARB committed to propose to modify the California regulations to align with the EPA heavy-duty NOx standards starting in model year 2027, with certain specified exceptions where the CARB rules would remain more stringent.

In addition to the manufacturers' unprecedented commitment to swiftly transition to supplying zero-emission trucks, developments on the demand side also support stronger rules. For example, Amazon, DHL Group, FedEx, Ingka Group, and Walmart have all committed to additional emission reductions from their fleets, with fleet zero-emission targets for 2030 ranging from 50 percent to 100 percent.⁵ Moreover, the Inflation Reduction Act (IRA) and Infrastructure Investment and Jobs Act (IIJA) investments will continue to support further progress in zero-emission heavy duty vehicle manufacturing, purchasing, and expansion of charging and fueling infrastructure, and continue catalyzing significant parallel private investments in energy, infrastructure, and vehicle production and purchases. EPA can and should seize the opportunity to align its own deployments of IRA funds to support electric truck manufacturing and infrastructure expansion, and to aid operators, and especially small business operators, in acquiring clean trucks.

In light of these developments and given the Clean Air Act's clear mandate to reduce air pollution from heavy-duty vehicles, we believe the EPA can and should finalize standards that better align with the standards agreed to by the Clean Truck Partnership and are more robust than the options presented in the agency's proposal. EPA's proposed standards assume only 25% clean truck sales in the mid-2030s, which is now less than what the manufacturers have committed to supply, even when averaged across the nation. Thus, in the final HDV rule, we urge EPA to build on these recent developments to set standards that reflect the momentum from industry and states, and that incentivize continued technological improvements to reduce air pollution, better protect public health and slow climate change as quickly as possible, consistent with statutorily mandated considerations.

Finally, similar to heavy-duty vehicles, locomotives produce significant amounts of greenhouse gases and toxic diesel pollution, and they contribute to poor air quality nationwide. In addition to building on the air pollution progress being made through zero-emission trucks, it is important to reduce emissions from other transportation modes as well given EPA's responsibility for controlling pollution across the freight system. We strongly support the language included in the EPA's proposed rule to clarify its locomotive regulation. This proposed update would align the scope of preemption under EPA's regulations with the requirements of the Clean Air Act, clarifying California's ability to explore in-use regulatory options to achieve additional needed

⁵ Pierre-Louis Ragon et al., *Potential Benefits of the U.S. Phase 3 Greenhouse Gas Emissions Regulation for Heavy-Duty Vehicles* (Apr. 2023), <https://theicct.org/wp-content/uploads/2023/04/hdv-phase3-ghg-standards-benefits-apr23.pdf>.

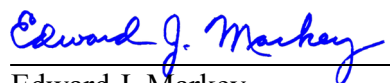
emissions reductions. EPA would continue to apply the statutory criteria to determine whether to authorize any such California regulations, and other states could continue to adopt any authorized California regulations.

By setting the strongest feasible standards for GHG emissions from heavy duty engines, and by finalizing its locomotive proposal, EPA can meet the Clean Air Act's mandate to protect public health and welfare. We encourage EPA to finalize standards that go beyond the current proposal and fully incorporate the potential for national emissions reductions highlighted by the technologies and strategies agreed to in the Clean Truck Partnership between CARB and the engine and truck manufacturers. Such standards would also boost well-paying jobs and economic competitiveness by positioning the United States as a leader in zero-emission vehicles, and they would reduce burdens on frontline communities. We thank you for your consideration of our request, as you work to finalize the rule this year.

Sincerely,



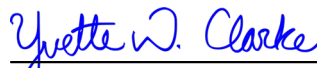
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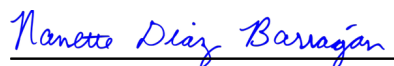
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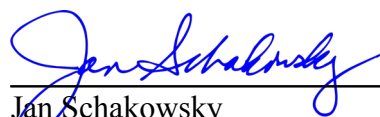
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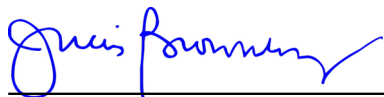
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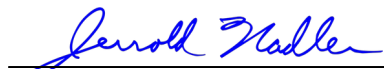
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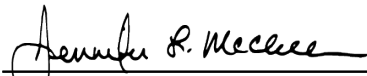
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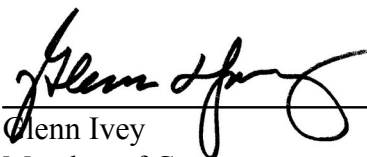
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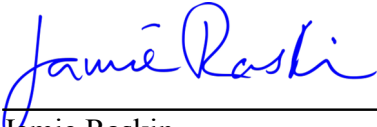
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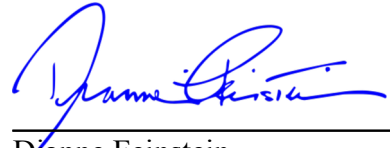
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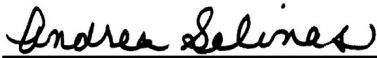
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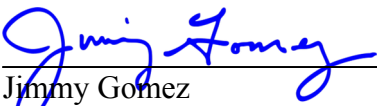
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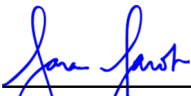
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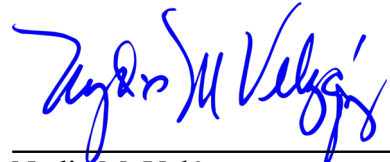
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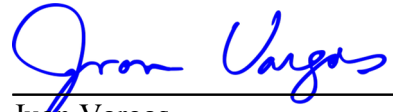
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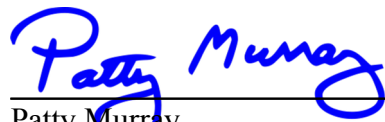
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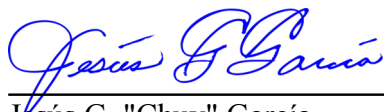
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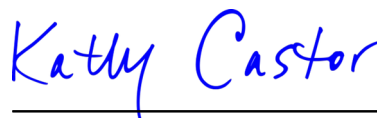
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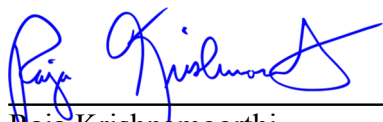
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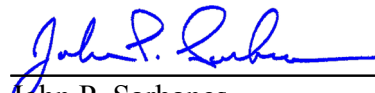
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