

AK-16-001-0405

**Congress of the United States**  
Washington, DC 20515

July 20, 2016

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

Dear Administrator McCarthy,

We are writing to ask that the U.S. Environmental Protection Agency move forward quickly to develop a national ultra-low nitrogen oxides (NO<sub>x</sub>) emission standard for heavy duty trucks to help our communities and regions meet federal clean air goals in a timely and cost-effective manner.

We support the goals of the petition filed by a national coalition on June 3, 2016, that urges the adoption of an ultra-low NO<sub>x</sub> standard for heavy-duty truck engines that is dramatically cleaner than the current standard. This petition was filed by the following twelve local and state environmental agencies:

South Coast (CA) Air Quality Management District;  
Akron (OH) Regional Air Quality Management District;  
Bay Area (CA) Air Quality Management District;  
Connecticut Department of Energy and Environmental Protection;  
Delaware Department of Natural Resources and Environmental Control, Division of Air Quality;  
New Hampshire Department of Environmental Services;  
New York City Department of Environmental Protection;  
Pima County (AZ) Department of Environmental Quality;  
Puget Sound (WA) Clean Air Agency;  
Washington State Department of Ecology;  
Washoe County (NV) Health District, Air Quality Management; and  
Rhode Island (RI) Department of Environmental Management.

A range of clean technologies should be considered to achieve lower NO<sub>x</sub> emissions, taking into account the environmental impact of those technologies. Adopting a much more stringent standard will result in cleaner air for our communities and help our regions and states attain federal clean air requirements by existing deadlines.

As you are well aware, NO<sub>x</sub> is a key component in ground level ozone (smog) which has significant health impacts particularly for children and senior citizens. According to the American Lung Association's 2016 State of the Air Report, "more than half of all Americans—166 million people—live in counties where they are exposed to unhealthful levels of either ozone or particle pollution." Ozone has been linked to a number of health impacts, including increased asthma attacks, lung damage, and even premature death. NO<sub>x</sub> results from the burning of fossil fuels such as gasoline, diesel fuel, and natural gas.

Despite significant reductions in NOx emissions from most sources due to various EPA rules, NOx from heavy duty vehicles and engines will make up a growing percentage of our air quality inventory and our nonattainment problem. Tightening the current NOx standard for heavy duty vehicles will encourage the investment of hundreds of millions of dollars in the development and deployment of clean air technology in our states and across the country. It means that the emissions control industry, which employs over 65,000 people in 34 states, will work with the engine manufacturers on innovative designs to deliver reductions of NOx and other pollution at the lowest possible cost. The development of this technology in the U.S. will help our manufacturers continue to lead the world in producing the cleanest vehicles and drive other countries to adopt our standards and buy our equipment.

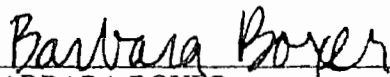
As such, we urge EPA to initiate rulemaking on the development of an ultra-low NOx exhaust emissions standard for on-road heavy-duty engines. Specifically we would like to request that the Agency:

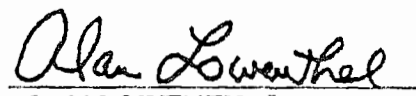
- 1) Set a stringent standard so we can count on major reductions from the heavy duty sector to help our areas achieve attainment with the health-based ozone standard as quickly as possible;
- 2) Coordinate/harmonize the implementation of a new ultra-low NOx standard with the final heavy duty phase 2 standard, so engine and emissions control manufacturers will optimize those systems to achieve greater and more cost-effective reductions in pollutants than will otherwise occur; and,
- 3) Complete the rulemaking on a new national ultra-low NOx standard as soon as possible.

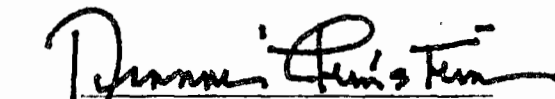
While we appreciate that our request is challenging given that the Administration will be changing soon, we strongly urge you to move forward with setting this standard because it is very important to the public health of the people in our communities, regions and states.

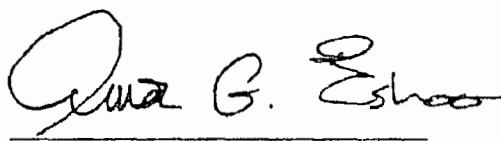
In addition, we think setting a new ultra-low NOx standard will allow us to continue depending on the strong growth in the transportation sector that has driven and will drive our economy and enhance mobility. Please let us know as soon as possible your Agency's plan for addressing this important matter.

Sincerely,

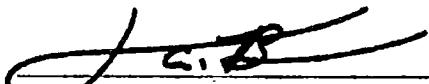
  
BARBARA BOXER  
Senator

  
ALAN LOWENTHAL  
Member of Congress

  
DIANNE FEINSTEIN  
Senator


  
ANNA G. ESHOO  
Member of Congress

July 20, 2016



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CORY BOOKER  
Senator




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DONALD M. PAYNE JR.  
Member of Congress



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SHELDON WHITEHOUSE  
Senator




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ALAN GRAYSON  
Member of Congress




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MARK POCAN  
Member of Congress



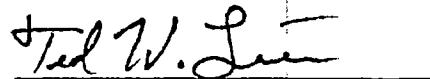
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MARK DESAULNIER  
Member of Congress



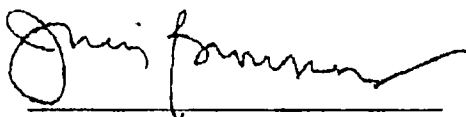
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JANICE HAHN  
Member of Congress




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TED LIEU  
Member of Congress



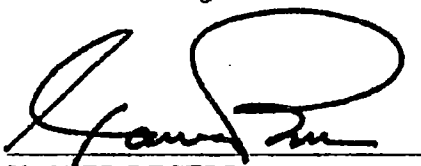
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JULIA BROWNLEY  
Member of Congress



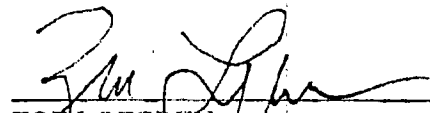
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PETE AGUILAR  
Member of Congress



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XAVIER BECERRA  
Member of Congress

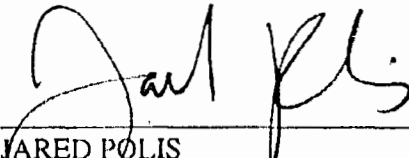


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ZOE LOFGREN  
Member of Congress

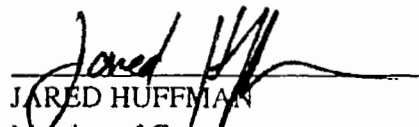
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MATT CARTWRIGHT  
Member of Congress


  
JARED POLIS  
Member of Congress

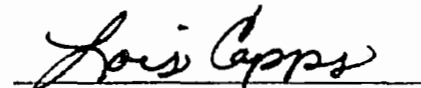
  
TONY CARDENAS  
Member of Congress


  
GRACE NAPOLITANO  
Member of Congress

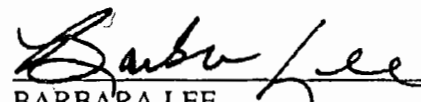
  
JARED HUFFMAN  
Member of Congress


  
MICHAEL M. HONDA  
Member of Congress

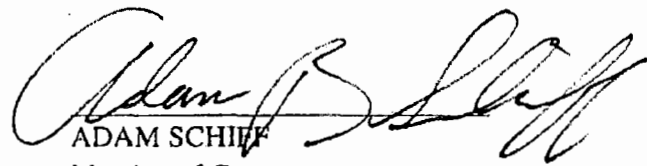
  
ELEANOR HOLMES NORTON  
Member of Congress

  
LOIS CAPPS  
Member of Congress

  
KEITH ELLISON  
Member of Congress

  
BARBARA LEE  
Member of Congress

  
CAROLYN B. MALONEY  
Member of Congress

  
ADAM SCHIFF  
Member of Congress

*Eliot L. Engel*  
ELIOT L. ENGEL  
Member of Congress

*Paul D. Tonko*  
PAUL TONKO  
Member of Congress

July 20, 2016



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

SEP 29 2016

OFFICE OF  
AIR AND RADIATION

The Honorable Barbara Boxer  
United States Senate  
Washington, D.C. 20510

Dear Senator Boxer:

Thank you for your letter of July 20, 2016, to U.S. Environmental Protection Agency Administrator Gina McCarthy, requesting the agency move forward quickly to develop a national ultra-low nitrogen oxides (NO<sub>x</sub>) emission standard for heavy duty trucks to help our communities and regions meet federal clean air goals in a timely and cost-effective manner. The Administrator has asked that I reply on her behalf.

The emission standards that the EPA has developed for heavy-duty on-highway engines have become progressively more stringent over the past 40 years, with the most recent NO<sub>x</sub> standards for new heavy-duty on-highway engines fully phased in with the 2010 model year. NO<sub>x</sub> emissions standards for heavy-duty on-highway engines have contributed significantly to the overall reduction in the national NO<sub>x</sub> emissions inventory. Nevertheless, a need for additional NO<sub>x</sub> reductions remains, particularly in areas of the country with elevated levels of air pollution. The U.S. Energy Information Administration's Annual Energy Outlook (AEO) 2015 predicts that vehicle miles travelled for heavy-duty trucks will increase in the coming years,<sup>1</sup> and even with the implementation of all current state and federal regulations, some of the most populous counties in the United States are expected to have ozone air quality that exceeds the National Ambient Air Quality Standards (NAAQS) into the future. Further NO<sub>x</sub> reductions would provide reductions in ambient ozone levels, helping to prevent adverse health impacts associated with ozone exposure and assisting states and local areas in attaining and maintaining the applicable ozone NAAQS. Reductions in NO<sub>x</sub> emissions would also improve air quality and provide public health and welfare benefits throughout the country by: 1) reducing PM formed by reactions of NO<sub>x</sub> in the atmosphere; 2) reducing concentrations of the criteria pollutant NO<sub>2</sub>; 3) reducing nitrogen deposition to sensitive environments; and 4) improving visibility.

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<sup>1</sup> US Energy Information Administration. Annual Energy Outlook 2015. April 2015. Page E-8.  
[http://www.eia.gov/forecasts/aeo/pdf/0383\(2015\).pdf](http://www.eia.gov/forecasts/aeo/pdf/0383(2015).pdf).

As you noted, on June 3, 2016, the EPA received a Petition for Rulemaking from the South Coast Air Quality Management District (California) and a number of co-petitioners<sup>2</sup>. In a June 15, 2016 letter to the EPA, the Commonwealth of Massachusetts also joined this petition. On June 22, 2016, the San Joaquin Valley Air Pollution Control District (California) also submitted a petition for rulemaking to the EPA.

On August 16, 2016, the EPA and the U.S. Department of Transportation's National Highway Traffic Safety Administration announced new greenhouse gas emission standards that will require truck manufacturers to reduce fuel consumption by up to 25 percent by 2027. In that Final Rule, the EPA acknowledged our responsibilities under the Clean Air Act for national heavy-duty engine standards. We also discussed the significant comments we received on heavy-duty NO<sub>x</sub> emissions during the public comment period, the recent publication by the California Air Resources Board (CARB) of its May 2016 Mobile Source Strategy report and Proposed 2016 Strategy for the State Implementation Plan<sup>3</sup>, and these Petitions for Rulemaking.

The EPA plans to further engage with stakeholders on implementation of this final rule to discuss the opportunities for developing more stringent federal standards to further reduce the level of NO<sub>x</sub> emissions from heavy-duty on-highway engines through a coordinated effort with CARB.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Pat Haman in the EPA's Office of Congressional and Intergovernmental Relations at [haman.patricia@epa.gov](mailto:haman.patricia@epa.gov) or (202) 564-2806.

Sincerely,



Janet G. McCabe  
Acting Assistant Administrator

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<sup>2</sup> Pima County Department of Environmental Quality (Arizona), Bay Area Air Quality Management District (California), the Connecticut Department of Energy and Environmental Protection Agency, Delaware Department of Energy and Environmental Protection, Washoe County Health District (Nevada), New Hampshire Department of Environmental Services, New York City Department of Environmental Protection, the Akron Regional Air Quality Management District (Ohio), and the Washington State Department of Ecology, and the Puget Sound Clean Air Agency (Washington).

<sup>3</sup> See "Mobile Source Strategy," May 16, 2016 from CARB. Available at: <http://www.arb.ca.gov/planning/sip/2016sip/2016mobsr.htm> and "Proposed 2016 State Strategy for the State Implementation Plan," May 17, 2016 from CARB. Available at <http://www.arb.ca.gov/planning/sip/2016sip/2016sip.htm>.