

September 24, 2019

Jack Kitowski
Division Chief
Mobile Source Control Division
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Dear Mr. Kitowski:

The National Association of Clean Air Agencies (NACAA) is pleased to share the attached letter, to be presented at the California Air Resources Board's (CARB) September 26, 2019 public workshop to discuss regulatory concepts for reducing emissions of nitrogen oxide (NO_x) from new on-road heavy-duty vehicles as they relate to CARB's ongoing initiative to develop a "heavy-duty omnibus low NO_x rulemaking."

In the attached June 21, 2018 letter to EPA, NACAA urges the agency to revise the federal NO_x exhaust emission standards for on-road heavy-duty trucks and engines "to achieve a reduction in emissions on the order of 90 percent."

In November 2018, EPA announced its Cleaner Trucks Initiative to reduce on-road heavy-duty NO_x emissions; the agency plans to propose a federal rulemaking in 2020 and issue final regulations in 2021. We support that regulatory effort.

CARB began its initiative two years earlier than EPA, in November 2016, and plans to propose and finalize its state regulations before EPA proposes and finalizes federal regulations. NACAA applauds CARB's leadership on this critically important issue and supports the rulemaking CARB is pursuing as well as CARB's statutory authority under Clean Air Act (CAA) Section 209 and the authority of other states across the nation, under Section 177 of the CAA, to adopt and enforce CARB's standards.

On behalf of NACAA, we look forward to working with the California Air Resources Board as you proceed.

Sincerely,



Steven E. Flint
Co-Chair
NACAA Mobile Sources and Fuels Committee



Eric C. White
Co-Chair
NACAA Mobile Sources and Fuels Committee

cc: Richard Corey, CARB Executive Officer
Steve Cliff, CARB, Deputy Executive Officer

June 21, 2018

Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Code 1101A
Washington, DC 20460

Dear Administrator Pruitt:

We write today on behalf of the National Association of Clean Air Agencies (NACAA) to urge you to take prompt action to revise the nitrogen oxide (NO_x) exhaust emission standards for on-highway heavy-duty trucks and engines to achieve a reduction in emissions on the order of 90 percent. NACAA is the national, non-partisan, non-profit association of 156 local and state air pollution control agencies in 41 states, the District of Columbia and four territories. The members of NACAA have primary responsibility under the Clean Air Act for implementing our nation's clean air program. The air quality professionals in our member agencies have vast experience dedicated to improving air quality in the U.S. The concerns and recommendations included in this letter are based upon that experience and do not represent the positions of every state and local air pollution control agency in the country.

On December 20, 2016, EPA committed to revising the NO_x emission standards for heavy-duty trucks and engines in response to a petition for such a rulemaking filed by the South Coast Air Quality Management District (SCAQMD) and co-signed or subsequently supported by 19 state and local air pollution control agencies.¹ As detailed below, this action would provide a cost-effective and least-burdensome path to assisting states and localities, including those with the most intractable ozone problems, in attaining the health-based National Ambient Air Quality Standards (NAAQS) for ozone. Moreover, a national emission standard will spur domestic clean technology industries and production of American-made trucks and engines to help ensure economic and national security.

Tighter NO_x standards for heavy-duty trucks will help areas meet their legal obligation to attain the health-based NAAQS. EPA acknowledges that numerous states will need to obtain substantial NO_x emission reductions in order to meet both the 2008 and 2015 ozone standards.² As of June 2017, 177 counties across the nation – home to approximately one-third of the U.S. population – are nonattainment for the 2008 ozone standard.³ On April 30, 2018, EPA designated 51 areas as nonattainment for the more stringent 2015 ozone standard (these designations were published in the *Federal Register* on June 4, 2018⁴ and will take effect on August 3, 2018). (Designations for eight counties in the San Antonio area are due in July.) Emissions from heavy-duty trucking contribute significantly to NO_x in these areas. For example, according to the 2014 National Emissions Inventory, in counties in the greater Louisville area heavy-duty trucking contributes up to 45 percent of overall emissions; similarly, heavy-duty trucking

¹ *Petition to EPA for Rulemaking to Adopt Ultra-Low NO_x Exhaust Emission Standards for On-Road Heavy-Duty Trucks and Engines* (June 2016) – https://www.epa.gov/sites/production/files/2016-09/documents/petition_to_epa_ultra_low_nox_hd_trucks_and_engines.pdf.

² *Memorandum in Response to Petition for Rulemaking to Adopt Ultra-Low NO_x Standards for On-Highway Heavy-Duty Trucks and Engines*, U.S. Environmental Protection Agency (December 20, 2016) – <https://www.epa.gov/sites/production/files/2016-12/documents/nox-memorandum-nox-petition-response-2016-12-20.pdf>.

³ *Nonattainment and Unclassifiable Area Designations for the 2015 Ozone Standards*, U.S. Environmental Protection Agency (April 30, 2018) – https://www.epa.gov/sites/production/files/2018-04/documents/placeholder_1.pdf.

⁴ 83 Fed. Reg. 25776 (June 4, 2018) – <https://www.gpo.gov/fdsys/pkg/FR-2018-06-04/pdf/2018-11838.pdf>.

contributes up to 25 percent of the overall NO_x emissions in counties in the Ohio steel belt and greater Cleveland areas. These areas have been designated as nonattainment for the 2015 ozone NAAQS but were attainment for the 2008 ozone NAAQS. EPA further acknowledges that NO_x emission reductions will also help states and local areas reduce PM_{2.5} and regional haze. In the absence of a more stringent national on-highway heavy-duty NO_x standard, many nonattainment areas, and areas on the cusp of nonattainment, across the country will find themselves unable to address emissions from one of their largest sources, likely delaying their attainment or driving them into nonattainment of the NAAQS.

A harmonized stringent “50-state” standard is more cost-effective and achieves greater emission reductions than more stringent regional standards. Reductions in NO_x emissions from on-highway heavy-duty trucks are especially essential for California to meet its legal obligation to ensure that ozone nonattainment areas in the state attain the NAAQS. Industry, trucking, environmental and consumer stakeholders support national emission standards instead of the two-standard scenario that would emerge if California must develop its own standard absent federal action. First, because most of the trucks operated in California are purchased outside the state, a California-specific standard would not achieve the same emission reductions as a national standard. Second, having to comply with both federal and California standards imposes significant burdens on engine manufacturers, who, during the Phase 2 rulemaking for heavy-duty trucks, encouraged EPA to work with the California Air Resources Board (CARB) to develop appropriate, cost-effective NO_x emission standards with the goal of a 50-state NO_x program.⁵ Our discussions with industry representatives suggest that significant emission reductions are feasible but would be most cost effective when applied on a national scale.

If EPA does not require sufficient reductions from heavy-duty trucks and other mobile sources, areas will have to adopt severe limits on local businesses. Because the Clean Air Act largely preempts state and local regulation of mobile sources, states and local authorities facing ozone nonattainment may be forced to impose extremely stringent limits on stationary sources such as factories, power plants and refineries as they pursue necessary emission reductions. In turn, such limits will harm local, state and national economies, and will likely not be sufficient to attain the ozone NAAQS.

The technology for lower-emitting engines is feasible, available and cost-effective. It has been over 17 years since EPA last reviewed the heavy-duty on-highway NO_x standards. Since that time, numerous engine technologies and controls have been successfully demonstrated and proven to be cost-effective. These include the new Cummins 8.9- and 12-liter natural gas engines, idle reduction technology, engine downspeeding and advances in exhaust after-treatment technologies. Many of these emission control technologies and cleaner engines are manufactured domestically. EPA recognized the emergence and availability of these technologies in its response to the SCAQMD *et al.* petition.⁶ CARB provided further support that heavy-duty diesel engines can meet ultra-low NO_x standards in its 2015 Draft Technology Assessment.⁷

EPA committed to a rulemaking to revise the on-highway heavy-duty truck and engine NO_x standards. On December 20, 2016, EPA issued a memorandum in response to the SCAQMD *et al.* petition regarding NO_x standards for heavy-duty trucks and engines. While EPA did not commit to a specific emission standard the agency acknowledged the need to obtain additional NO_x emission

⁵ *Memorandum in Response to Petition for Rulemaking to Adopt Ultra-Low NO_x Standards for On-Highway Heavy-Duty Trucks and Engines*, U.S. Environmental Protection Agency (December 20, 2016), pp. 8-9 – <https://www.epa.gov/sites/production/files/2016-12/documents/nox-memorandum-nox-petition-response-2016-12-20.pdf>.

⁶ *Id.* at p.17-18.

⁷ *Draft Technology Assessment: Lower NO_x Heavy-Duty Diesel Engines*, California Air Resources Board (September 29, 2015) – https://www.arb.ca.gov/msprog/tech/techreport/diesel_tech_report.pdf.

reductions from heavy-duty trucks and stated an intent to initiate a rulemaking to revise the 17-year-old NO_x standard for on-highway heavy-duty trucks. Since that time, it appears that EPA has taken little, if any, action on this matter considering that this rulemaking is not included as an active or long-term action in the agency's current Unified Regulatory and Deregulatory Agenda.

Principles of cooperative federalism require prompt and more stringent EPA regulation of mobile sources. Under the Clean Air Act, state and local agencies generally have regulatory authority only over stationary sources. In many of the areas facing ozone nonattainment mobile sources are the dominant source of NO_x. For example, in the South Coast Air Basin, stationary sources contribute just 20 percent of total NO_x emissions. In such areas, shutting down all stationary sources would still not reduce emissions enough to attain the ozone standard. The Clean Air Act, as a model of cooperative federalism, clearly contemplates that EPA will act where state and local agencies cannot. Since mobile source reductions are frequently necessary to attain the ozone NAAQS, if EPA does not put in place appropriately stringent national standards to reduce on-highway heavy-duty NO_x emissions many states will suffer the consequences in the form of sanctions even though they have no control over the mobile source emissions that degrade their air quality.

As the Administrator of EPA, you have often articulated significantly reducing the number of nonattainment areas as one of your highest priorities. Establishing more stringent national NO_x emission standards for heavy-duty trucks would contribute directly and substantially to achieving this goal by 1) cleaning up the air in an expeditious and cost-effective manner, 2) addressing the core problem instead of focusing on achieving additional reductions from stationary sources and 3) assisting states and localities by taking action that is far better suited to occur at the federal level instead of a state or regional level.

NACAA urges you to add establishment of meaningful on-highway heavy-duty NO_x emission standards – to achieve a reduction on the order of 90 percent – to your list of top priorities and to direct your staff to immediately begin work on a rulemaking. Our association welcomes the opportunity to work with EPA in developing these critically important standards. We look forward to your response and to collaborating on this initiative.

Sincerely,



Steven E. Flint
New York
Co-Chair
NACAA Mobile Sources and Fuels Committee



Erik C. White
Placer County, CA
Co-Chair
NACAA Mobile Sources and Fuels Committee

cc: William Wehrum, EPA OAR
Christopher Grundler, EPA OAR OTAQ