

[www.regulations.gov](http://www.regulations.gov)

U.S. Environmental Protection Agency  
Docket ID No. EPA-HQ-OAR-2022-0829

To Whom It May Concern:

The National Association of Clean Air Agencies (NACAA) offers the following comments on the U.S. Environmental Protection Agency's (EPA) Notice of Proposed Rulemaking (NPRM), "Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles," which was published in the *Federal Register* on May 5, 2023 (88 Fed. Reg. 29,184).<sup>1</sup> NACAA is the national, nonpartisan, non-profit association of 157 air pollution control agencies in 40 states, including 117 local air agencies, the District of Columbia and five territories. The air quality professionals in our member agencies have vast experience dedicated to improving air quality in the U.S. These comments are based upon that experience. The views expressed in these comments do not represent the positions of every state and local air pollution control agency in the country.

## Introduction

NACAA has long been a proponent of progressively more protective multipollutant emission standards for passenger cars and light trucks. We have supported EPA's 2012 rulemaking for greenhouse gas (GHG) emission standards for model years (MYs) 2017 and later<sup>2</sup> and the agency's 2021 repeal and replacement of a 2020 regulation that rolled back those standards.<sup>3</sup> Likewise, we have supported EPA's 2014 Tier 3 rule, which included vehicle and fuel standards that, when combined, reduced nitrogen oxides (NO<sub>x</sub>), volatile organic compounds (VOCs), direct particulate matter (PM), carbon monoxide and air toxics.<sup>4</sup> We now welcome the agency's multipollutant light- and medium-duty vehicle (LMDV) rule and the opportunity to further advance this important program in a way that optimally reflects the potential of technological innovation and the unprecedented financial incentives provided under the Bipartisan Infrastructure Law and Inflation Reduction Act, to best protect human health and our planet.

In NACAA's January 15, 2021, transition paper to the Biden-Harris Administration, the association wrote, "Despite the technological and regulatory progress made over the past nearly 60 years, mobile sources continue to dominate emission inventories across the U.S. and are the largest contributing sector to GHG emissions. Our nation needs a strong sustainable transportation strategy. Top priority must be placed on new federal programs to continue to reduce emissions from the mobile source sector . . . As efforts to reduce GHGs and tackle climate change move forward, the need for further reductions in criteria pollutant emissions, especially nitrogen oxides and PM from the mobile source sector, should not be

---

<sup>1</sup> <https://www.govinfo.gov/content/pkg/FR-2023-05-05/pdf/2023-07974.pdf>

<sup>2</sup> <https://www.4cleanair.org/wp-content/uploads/2021/01/FINALNACAACOMMENTSon2017GHGCAFESTds012412.pdf>

<sup>3</sup> [https://www.4cleanair.org/wp-content/uploads/NACAA-Comments\\_on\\_EPA\\_LDV\\_GHG\\_Stds\\_NPRM-092721lh.pdf](https://www.4cleanair.org/wp-content/uploads/NACAA-Comments_on_EPA_LDV_GHG_Stds_NPRM-092721lh.pdf)

<sup>4</sup> [https://www.4cleanair.org/wp-content/uploads/2021/01/NACAA-Tier\\_3\\_Comments\\_to\\_EPA-062028.pdf](https://www.4cleanair.org/wp-content/uploads/2021/01/NACAA-Tier_3_Comments_to_EPA-062028.pdf)

overlooked.”<sup>5</sup> The proposed multipollutant rule for LMDVs offers an opportunity for the federal government to take a robust step toward this goal and NACAA is optimistic that working with states, cities, counties and other stakeholders, EPA can finalize another step of standards and related provisions that will protect and save lives, foster innovation, create prosperity and reduce the risks facing our climate.

### **Importance of More Protective Federal Standards for Light-Duty Vehicle and Medium-Duty Vehicle Emissions of Multiple Pollutants**

The U.S. transportation sector has surpassed the manufacturing and power generation sectors as the largest source of GHG emissions in the country, representing over 27 percent of total GHG emissions nationwide. However, in numerous areas of the country the contribution of the transportation sector is far greater – 40 percent or more. Light-duty vehicles (LDVs) alone, not even considering the medium-duty vehicles (MDVs) also addressed by this rule, are the largest contributor nationwide to transportation-sector GHG emissions at 57 percent and are responsible for 15.5 percent of total U.S. GHG emissions. LDVs are also responsible for an overwhelming portion of pollutants that cause or contribute to ozone and soot and cancer-causing pollutants, particularly in disadvantaged communities, reinforcing the need for continuously strengthened standards to cut, and eventually eliminate, emissions from these vehicles.<sup>6</sup>

In its March 20, 2023, “AR6 Synthesis Report: Climate Change 2023,” the United Nations Intergovernmental Panel on Climate Change concludes, among many other things, that 1) “Human activities, principally through emissions of greenhouse gases, have unequivocally caused global warming, with global surface temperature reaching 1.1°C above 1850–1900 in 2011–2020. Global greenhouse gas emissions have continued to increase, with unequal historical and ongoing contributions arising from unsustainable energy use, land use and land-use change, lifestyles and patterns of consumption and production across regions, between and within countries, and among individuals”; 2) “Policies and laws addressing mitigation have consistently expanded since AR5. Global GHG emissions in 2030 implied by nationally determined contributions (NDCs) announced by October 2021 make it *likely* that warming will exceed 1.5°C during the 21st century and make it harder to limit warming below 2°C. There are gaps between projected emissions from implemented policies and those from NDCs and finance flows fall short of the levels needed to meet climate goals across all sectors and regions”; and 3) “For any given future warming level, many climate-related risks are higher than assessed in AR5, and projected long-term impacts are up to multiple times higher than currently observed . . . Risks and projected adverse impacts and related losses and damages from climate change escalate with every increment of global warming . . . Climatic and non-climatic risks will increasingly interact, creating compound and cascading risks that are more complex and difficult to manage.”<sup>7</sup>

More than one-third of the U.S. population currently lives in an area that does not meet the health- and welfare-based National Ambient Air Quality Standards (NAAQS) for ozone, PM or both. Many of these areas are over-burdened communities whose citizens are exposed to a disproportionate share of harmful environmental conditions. Transportation-related emissions are a primary cause. EPA data show that in 2023, mobile sources will be responsible for about 54 percent of anthropogenic emissions of NO<sub>x</sub>, 5 percent of anthropogenic direct emissions of PM<sub>2.5</sub> and 19 percent of anthropogenic emissions of VOCs – the key pollutants contributing to the formation of ozone and soot, which are linked with premature death as

---

<sup>5</sup> <https://www.4cleanair.org/wp-content/uploads/NACAA2021PresidentialTransitionDocument-01152021.pdf>

<sup>6</sup> *Supra* note 1, at 29,186

<sup>7</sup> <https://www.ipcc.ch/report/ar6/syr/>

well as serious respiratory and cardiovascular impacts, cancer and other serious health effects. Of these amounts, about 20 percent of the NO<sub>x</sub>, 19 percent of the PM<sub>2.5</sub> and 41 percent of the VOCs will come from LMDVs.<sup>8</sup>

While state and local air agencies have made great strides in reducing emissions from stationary sources, for the most part they lack the authority to regulate mobile sources and never have had the authority to regulate mobile sources across their borders. The regulation of mobile sources is an authority that lies almost entirely within the purview of the federal government. While air agencies in regions across the country may pursue standards under Clean Air Act (CAA) section 177 that are first adopted by California (under CAA section 209), most are precluded, by state policies or legislation, from adopting standards more stringent than those of the federal government.

As many parts of the country slip deeper into nonattainment, or are on the cusp of it, many state and local air agencies are left with few remaining mechanisms to achieve the emission reductions the CAA requires. Areas that miss their attainment deadlines face the threat of “bump-up” to a more demanding classification of nonattainment – if they are not already classified as Extreme – and statutorily required economic sanctions if they fail to meet their attainment deadlines. On October 7, 2022, EPA bumped up over 25 areas in nonattainment of the 2008<sup>9</sup> and 2015<sup>10</sup> ozone NAAQS, meaning the citizens of these areas continue to suffer the detrimental impacts of unhealthy air.

Further, EPA is now in the process of reconsidering the existing PM and ozone NAAQS, which were revised with greater stringency in 2012 and 2015, respectively, and retained without revision in December 2020. Regardless of whether either or both standards are strengthened, the fact is that many areas across the country need reductions in pollutants that contribute to PM<sub>2.5</sub> and ozone just to meet or sustain the current NAAQS and provide clean air to their citizens.

Regarding attainment and maintenance of the ozone NAAQS, most areas of the country are “NO<sub>x</sub>-limited,” meaning that reducing NO<sub>x</sub> emissions is the key to success. In addition, research shows that in some areas of the country, such as much of the East Coast, NO<sub>x</sub> reductions are now “supercharged,” meaning that a one-pound reduction in NO<sub>x</sub> emissions equals more than one pound of ozone reduction. Failure to adequately address transportation-related NO<sub>x</sub> sources, including LDVs and MDVs, will have a direct and consequential impact on state and local air agencies’ abilities to fulfill their statutory obligations to attain and maintain federal air quality standards by mandated deadlines and achieve their environmental justice goals.

Carbon, criteria pollutant and toxic emissions from LMDVs harm public health and threaten our climate. Every area of the nation is adversely affected by these emissions and their growing impacts. Those living in communities that bear a disproportionately and unjustly greater burden of the consequences of these emissions must be the central focus, rather than on the margins, of EPA’s attention when the agency finalizes this rule. Toward all these ends, NACAA offers the following for EPA’s consideration.

---

<sup>8</sup> *Supra* note 1, at 29,186

<sup>9</sup> <https://www.govinfo.gov/content/pkg/FR-2022-10-07/pdf/2022-20458.pdf>

<sup>10</sup> <https://www.govinfo.gov/content/pkg/FR-2022-10-07/pdf/2022-20460.pdf>

## Feasibility of More Protective Federal Standards for LDV and MDV Emissions of Multiple Pollutants

The evolution of light- and medium-duty zero-emission vehicles (ZEVs) and charging infrastructure is the result of leadership, commitment and innovation on numerous fronts and, by all accounts, this evolution will continue on an upward trajectory further increasing the feasibility, availability and cost competitiveness of ZEV technologies.

Electric vehicle (EV) sales and model availability continue to grow.<sup>11</sup> In 2022, one in seven (10 million) light-duty vehicles sold worldwide was an EV.<sup>12</sup> More than 800,000 of those sales were in the U.S., representing a 65-percent increase over 2021,<sup>13</sup> and the first quarter of 2023 saw nearly 260,000 EV sales in the U.S.<sup>14</sup> Cox Automotive has forecast that U.S. EV sales will reach 1 million in 2023.<sup>15</sup> Further, a study prepared by ERM reports that, “Based on announcements by major automakers, the number of electrified models available in the U.S. is projected to reach 187 by the end of 2025, with over 58 new models slated to launch in model years 2022-2025.”<sup>16</sup>

Most light- and some medium-duty vehicle manufacturers have publicly announced commitments or goals to increase ZEV sales between now and 2040<sup>17</sup> and demand by commercial fleet owners is on the rise as are their commitments to fleet electrification.<sup>18</sup> Meanwhile, vehicle manufacturers are investing heavily in EVs. According to an October 2022 Reuters analysis of public data and projections released by 37 global automobile manufacturers, “The world’s top automakers are planning an extraordinary level of spending to develop and produce millions of electric vehicles, along with the batteries and raw materials to support that production, over the next eight years. . . . Reuters calculates that global automakers expect to spend nearly \$1.2 trillion through 2030 on EVs, batteries and materials. The number, which has not previously been published, dwarfs previous investment estimates by the industry and is more than twice the previous calculation published just a year ago.”<sup>19</sup>

The federal government is demonstrating its deep commitment to accelerating ZEV deployment. The Bipartisan Infrastructure Law (BIL) and the Inflation Reduction Act (IRA) enacted by Congress and signed by President Biden in 2021 and 2022, respectively, infuse unprecedented funding into EV charging infrastructure and tax credits for commercial and personal ZEVs and battery manufacturing. As EPA acknowledges in its proposal, “These measures represent significant Congressional support for investment in expanding the manufacture, sale, and use of zero-emission vehicles by addressing elements critical to the advancement of clean transportation and clean electricity generation in ways that will facilitate and accelerate the development, production and adoption of zero-emission technology during the time frame of the rule.”<sup>20</sup> Moreover, EPA states, “Congressional passage of the BIL and IRA represent pivotal milestones in the creation of a broad-based infrastructure instrumental to the expansion of clean transportation,

---

<sup>11</sup> [https://blogs.edf.org/climate411/wp-content/blogs.dir/7/files/2022/09/ERM-EDF-Electric-Vehicle-Market-Report\\_September2022.pdf](https://blogs.edf.org/climate411/wp-content/blogs.dir/7/files/2022/09/ERM-EDF-Electric-Vehicle-Market-Report_September2022.pdf)

<sup>12</sup> *Id.* at 7

<sup>13</sup> <https://www.coxautoinc.com/market-insights/in-a-down-market-ev-sales-soar-to-new-record>

<sup>14</sup> <https://www.coxautoinc.com/market-insights/q1-2023-ev-sales>

<sup>15</sup> *Supra* note 13

<sup>16</sup> *Supra* note 11, at 36

<sup>17</sup> *Id.* at 38

<sup>18</sup> *Id.* at 41

<sup>19</sup> <https://www.reuters.com/graphics/AUTOS-INVESTMENT/ELECTRIC/akpeagzqypr/>

<sup>20</sup> *Supra* note 1, at 29,195

including light- and medium-duty zero-emission vehicles, and we have taken these developments into account in our assessment of the feasibility of the proposed standards.”<sup>21</sup> NACAA notes that given the importance of this federal funding EPA should ensure that it is allocated equitably across the country.

State leadership is also playing a pivotal role in rapidly ramping up light- and medium-duty ZEV adoption. A number of states have established ambitious GHG emission reduction targets – some economy-wide and others transportation-specific – requiring aggressive reductions by as soon as 2030. States have also chosen to exercise their authority under CAA section 177 and adopt portions of the California Advanced Clean Cars (ACC) Regulation, which requires light-duty car and truck manufacturers to sell increasing percentages of ZEVs. The regulation also includes low-emission vehicle (LEV) standards to reduce criteria pollutant and GHG emissions from new cars and trucks with internal combustion engines. Seventeen states have adopted the LEV standards and 15 states have adopted the LEV standards and ZEV sales requirements. Additional states have efforts underway regarding LEV and/or ZEV adoption and with each additional adopting state comes a greater share of the national light-duty vehicle market. Last year, California finalized its Advanced Clean Cars II (ACC II) Regulation, requiring manufacturers of passenger cars and light trucks to produce and deliver for sale increasing percentages of ZEVs overtime culminating with 100 percent ZEVs by 2035. Six states have adopted ACC II, six more have announced that they are pursuing adoption and still others are contemplating such action. With each additional adopting state comes a greater share of the national LDV market.

Regarding MDVs, in the summer of 2020, 17 states and the District of Columbia entered into the Multi-State Medium- and Heavy-Duty Zero Emission Vehicle Memorandum of Understanding (MOU), including specific goals and targets, agreeing to collaborate “to foster a self-sustaining market for zero emission medium- and heavy-duty vehicles.”<sup>22</sup> In July 2022, this group reaffirmed and strengthened its commitment to the MOU by releasing an Action Plan for accelerating a transition to zero-emission trucks and buses.<sup>23</sup> Eight of these states have chosen to exercise their authority under CAA section 177 to adopt the California Advanced Clean Trucks (ACT) Regulation requiring manufacturers that certify Class 2b through Class 8 chassis or complete vehicles with internal combustion engines (ICE)<sup>24</sup> to sell increasing (through MY 2032) percentages of ZEVs as part of their annual sales through 2035, with 60 percent ZEVs for vocational vehicles and 40 percent ZEVs for tractors (short-haul and long-haul combined). Additional states have efforts underway regarding ACT and, as with LDVs, with each additional adopting state comes a greater share of the national MDV (and heavy-duty vehicle) market.

In September 2021, five states signed the Regional Electric Vehicle Midwest Coalition Memorandum of Understanding “to accelerate vehicle electrification in the Midwest” and provide “the foundation for cooperation on fleet electrification along key commercial corridors to safeguard economic security, reduce harmful emissions, improve public health, and advance innovation” while positioning the region “to realize additional economic opportunity in clean energy manufacturing and deployment.”<sup>25</sup>

---

<sup>21</sup> *Id* at 29,196

<sup>22</sup> <https://www.nescaum.org/documents/mhdv-zev-mou-20220329.pdf>

<sup>23</sup> <https://www.nescaum.org/documents/multi-state-medium-and-heavy-duty-zev-action-plan.pdf>

<sup>24</sup> For the first time, EPA’s proposes to group Class 2b and Class 3 MDVs with LDVs in the LMDV rule (historically these vehicles have been grouped with heavy-duty vehicles).

<sup>25</sup> [https://www.michigan.gov/-/media/Project/Websites/leo/REV\\_Midwest\\_MOU\\_master.pdf?rev=6dd781b5a4eb4551b3b3a5b875d67fb9](https://www.michigan.gov/-/media/Project/Websites/leo/REV_Midwest_MOU_master.pdf?rev=6dd781b5a4eb4551b3b3a5b875d67fb9)

## **NACAA's Comments and Recommendations**

### Proposal in General

NACAA strongly supports EPA's proposal of these multipollutant emission standards – for LDVs and Class 2b and Class 3 MDVs (and we specifically support moving MDVs from the heavy-duty vehicle program to a LDV-program-like structure and the expansion of the definition of medium-duty “passenger” vehicles) – and the agency's use of its authority under CAA section 202(a) to prescribe “standards applicable to the emission of any air pollutant from any class or classes of new motor vehicles or new motor vehicles engines, which . . . cause, or contribute to, air pollution which may reasonably be anticipated to endanger public health or welfare.” NACAA concurs with EPA that, consistent with the requirements of CAA section 202(b), the proposed standards “permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance.”

The proposal is based on the same regulatory framework that EPA has used for past vehicle rulemakings, and NACAA agrees with EPA that, “[t]he levels of stringency proposed in this rule for both light- and medium-duty vehicles continue the trend over the past fifty years for criteria pollutants, and over the past decade for GHGs, of EPA establishing numerically lower emissions standards based on continued advancements in emissions control technology that make it possible to achieve important emissions reductions at a reasonable cost.”<sup>26</sup>

### Criteria Pollutant Emission Standards and Related Issues

For reasons cited above, NACAA strongly supports EPA's proposal of more protective emission standards for non-methane organic gas (NMOG)+NO<sub>x</sub> and for PM.

The proposed 12-milligrams-per-mile (mg/mi) NMOG+NO<sub>x</sub> fleet average standard for LDVs, to be phased in by MY 2032, will reduce emissions by 60 percent relative to the existing 30-mg/mi (Tier 3) MY 2025 standard set in 2014. The proposed 60-mg/mi NMOG+NO<sub>x</sub> fleet average standard for MDVs, also to be phased in by MY 2032, will reduce emissions by 66 to 76 percent from the Tier 3 standards of 178 mg/mi for Class 2b vehicles and 247 mg/mi for Class 3 vehicles. EPA's proposed cold temperature (-7°C) NMOG+NO<sub>x</sub> standards will ensure that emissions are controlled over a wide range of operating conditions.

With respect to PM, EPA proposes a standard of 0.5 mg/mi for LDVs and MDVs, with a requirement that this standard be met across three duty cycles, including a cold-temperature (-7°C) cycle. Such a standard will appropriately drive the use of gasoline particulate filters, which are readily available. EPA projects that making these revisions to the standards set by the agency in the 2014 Tier 3 rule would reduce PM emissions from ICE vehicles by more than 95 percent and also yield reductions in toxic air pollutants.

NACAA also supports EPA's proposal to eliminate commanded enrichment as an auxiliary emission control device on ICE engines used in LDVs and MDVs. Commanded enrichment is an engine operation that overrides the engine management feedback control system by applying extra fuel in order to provide additional power or protect engine or exhaust system components, thereby producing very high levels of excess emissions. This strategy is deployed during normal operation and use (e.g., vehicle

---

<sup>26</sup> *Supra* note 1, at 29,196

speeds, grades of public roads and vehicle loading and towing within manufacturer recommendations, even if the operation occurs infrequently). However, as EPA explains in the proposal, "Technologies exist that can prevent thermal damage of engine and/or exhaust system components without the use of enrichment during normal operation and use. . . .Modern vehicles have sufficient power without the use of enrichment. The use of enrichment only has the potential to incrementally increase power but significantly reduces the effectiveness of the catalytic aftertreatment system, resulting in a ten-fold or greater increase of CO and HC emissions."<sup>27</sup> NACAA recommends that in addition to eliminating commanded enrichment EPA require that vehicle data related to enrichment be collected and analyzed.

EPA also proposes some changes related to evaporative emissions, including eliminating the exemption of MDV incomplete vehicles from onboard refueling vapor recovery requirements. NACAA supports the proposed changes and recommends that EPA also eliminate this exemption for incomplete LDVs and, further, lower the running loss standard from the current 0.05 gm/mi to the ACC standard of 0.01 gm/mi. In response to EPA's request for comment on canisters, NACAA recommends that EPA add a minimum canister size requirement to control "puff" emissions from sealed fuel systems (which exist mostly on plug-in hybrid electric vehicles) during refueling.

### GHG Emission Standards and Related Issues

NACAA supports the strongest LMDV CO<sub>2</sub> emission standards that are technologically feasible.

EPA proposes progressively more effective performance-based CO<sub>2</sub> emission standards for MY 2027 through 2032 LDVs and MDVs. The proposed standards do not mandate the use of any specific technology, nor do they mandate that any percentage of vehicle production be ZEVs. Instead, each manufacturer may choose what mix of emission control technologies is best suited for its fleet to meet the standards.

The proposed LDV standards are projected to result in an industry-wide average target for the light-duty fleet of 82 gm/mi of CO<sub>2</sub> in MY 2032, which represents a 56-percent reduction in projected fleet average GHG emissions target levels from the existing MY 2026 standards. EPA also puts forth three LDV alternatives for comment. Alternative 1 has more rigorous LDV CO<sub>2</sub> standards than the proposal; Alternative 2 has weaker LDVs CO<sub>2</sub> standards than the proposal; and Alternative 3 culminates with the same MY 2032 LDV CO<sub>2</sub> standard as the proposal but reaches that standard at a more gradual rate.

For LDVs, NACAA supports, at a minimum, EPA's proposed CO<sub>2</sub> standards with the addition of anti-backsliding requirements to ensure that non-ZEV vehicle emissions do not increase over time. NACAA firmly opposes Alternative 2 or any final program that is weaker than the proposal. Also, EPA should not pursue a more gradual rate of phase in for any standards it finalizes, such as under Alternative 3, unless the agency tightens the standards in MYs 2031 and 2032 to make up in full for the loss of the emission reductions that would occur from the less protective standards in the earlier years of the program.

For MDVs, NACAA supports EPA's proposed CO<sub>2</sub> standards including the proposal to revise the existing MY 2027 CO<sub>2</sub> standard because of the increased feasibility of GHG emission-reducing technologies for this sector in this time frame. EPA's proposed MDV CO<sub>2</sub> standards would increase in

---

<sup>27</sup> *Id* at 29,277

stringency from MY 2027 through MY 2032, when the standards are projected to result in an average target of 275 gm/mi of CO<sub>2</sub>, representing a reduction of 44 percent from the current MY 2026 standard.

With respect to other issues, NACAA believes plug-in hybrid electric vehicles (PHEVs) have an important role to play in the LMDV GHG program provided their contribution toward the fleet average GHG requirements is limited strictly to the distance over which they operate fully on electricity. We concur with EPA's conclusion that the current LDV PHEV compliance methodology overstates the operation of PHEVs on electricity thereby significantly underestimating PHEV CO<sub>2</sub> gm/mi compliance results. Therefore, NACAA commends EPA for proposing to reduce the PHEV Fleet Utility Factor (FUF) curve used in the CO<sub>2</sub> compliance calculation for PHEVs beginning in MY 2027 but recommends that the FUF curve be even lower than proposed. We also recommend that EPA require data collection and reporting or accessibility to better inform the methodology in the future.

NACAA agrees with EPA's assessment that the off-cycle credit program – originally created over a decade ago to provide flexibility to automakers and incentives for the development of new and innovative technologies – has successfully served its purpose. We therefore support the agency's proposal to phase out, between 2027 and 2030, the off-cycle credit program for LDVs and MDVs.

We also support the proposed elimination of air conditioning (AC) leakage credits and recommend that EPA include in the final rule a leakage design standard to serve as a backstop against the impact of any leakage. In the December 2020 American Innovation and Manufacturing (AIM) Act Congress authorized EPA to phase down production and consumption of hydrofluorocarbons (HFCs) in various sectors and subsectors, including vehicle AC systems. As EPA explains in the proposal, "The AIM Act has sent a strong signal to all vehicle manufacturers that there is no future for using high GWP [Global Warming Potential] refrigerants in new vehicles. In December 2022, in response to the AIM Act, EPA proposed to restrict the use of high GWP refrigerants such as HFCs in vehicle applications. The new restriction on refrigerant use, if finalized as proposed, would be effective in MY 2025 for light-duty vehicles and MY 2026 for MDVs, well ahead of the start of the new CO<sub>2</sub> vehicle standards EPA is proposing."<sup>28</sup>

Finally, NACAA recommends that EPA include provisions in the final rule that align with ACC II regarding data standardization, durability, warranty, minimum mileage range labeling, charging and serviceability requirements.

### Potential Future Gasoline Fuel Property Standards

EPA seeks comment on potential future gasoline fuel property standards aimed at further reducing PM emissions. The agency writes in the proposal that comments on this topic would inform a possible subsequent EPA rulemaking that could provide an important complement to the vehicle standards being proposed in this current action. "The emissions standards for new vehicles (MY 2027 and later) proposed in this rule would achieve significant air quality benefits. However, there is an opportunity to further reduce PM emissions from the existing vehicle fleet, the millions of vehicles that will be produced during the phase-in period [of the proposed vehicle standards], as well as millions of nonroad gasoline engines, through changes in market fuel composition. Given the current population of vehicles and nonroad equipment, we expect that tens of millions of gasoline-powered sources will remain in use well into the 2030s. Although EPA has not undertaken sufficient analysis to propose changes to fuel requirements under CAA section

---

<sup>28</sup> *Supra* note 1, at 29,247.



211(c) in this rulemaking, and considers such changes beyond the scope of this rulemaking, EPA has begun to consider the possibility of such changes.”<sup>29</sup> NACAA agrees with EPA that fuel property standards to further reduce PM emissions would yield significant and necessary reductions from the existing fleet and also provide an important complement to the currently proposed emission standards. We support EPA pursuing such a program.

## Conclusion

NACAA appreciates the opportunity to comment on this very important and welcome action and thanks EPA in advance for considering the association’s comments and recommendations. If you have questions, please contact either of us or Nancy Kruger, Deputy Director of NACAA.

Sincerely,



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



Tracy R. Babbidge  
(Connecticut)  
Co-Chair  
NACAA Mobile Sources and Fuels Committee

cc: Alejandra Nunez (EPA Office of Air and Radiation)  
Sarah Dunham (EPA OAR, Office of Transportation and Air Quality)  
William Charmley (EPA OAR OTAQ, Assessment and Standards Division)

---

<sup>29</sup> *Id* at 29,397