

United States Senate

WASHINGTON, DC 20510

November 15, 2023

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

Dear Administrator Regan:

We write to you today to express concerns regarding the proposed rule “Greenhouse Gas Emissions Standards for Heavy-Duty Vehicles - Phase 3” (Docket ID No. EPA-HQ-OAR-2022-0985-1423). Transitioning the U.S. trucking industry to zero-emission vehicles (ZEVs) is paramount to achieving clean air goals, improving public health, and addressing the climate crisis. However, as you finalize this regulation, ensuring the necessary infrastructures are developed and available will be vital to the ultimate success of the rule and the overarching transition to a ZEV future.

Developing the battery-electric charging and hydrogen-fueling infrastructures required to power medium- and heavy-duty vehicles is complicated, requires significant investment and coordination across industries and government, and involves long lead times. In recognition of those challenges, both the Bipartisan Infrastructure Law and the Inflation Reduction Act establish generational support for ZEVs and the infrastructure needed to power them. However, much of that support is being focused on light-duty ZEVs, and so far, we have not seen a proportional focus on developing the unique infrastructures needed to support medium- and heavy-duty commercial ZEVs.

According to Ricardo Research, 1.5 million battery-electric charging stations will be required by 2032 to meet the ZEV deployment expectations for medium- and heavy-duty vehicles in the proposed GHG Phase 3 rule. Even if development begins in January 2024, 700 chargers must come online each day to meet demand. Significant work lies ahead to ensure the U.S. trucking fleet can transition to ZEVs, and your leadership on this matter will be critical.

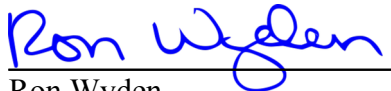
We have heard from a number of stakeholders, including manufacturers, trucking fleets and labor unions, who are concerned about the potential for unintended consequences if the GHG Phase 3 rule is finalized as proposed, without assurance that the needed and corresponding infrastructures will be deployed. Truck manufacturers are investing billions to develop ZEVs, but without adequate infrastructures in place, fleet owners will remain reluctant to purchase these vehicles. If manufacturers are unable to sell ZEVs, they will be forced to sell fewer traditional vehicles to remain in compliance, leading to broader economic consequences and job losses while also undermining environmental goals because older, higher-emitting vehicles will remain on the road longer.

We support more stringent standards to reduce GHG emissions from medium- and heavy-duty vehicles and hasten the transition of the commercial trucking industry to zero-emissions. To ensure the GHG Phase 3 Rule is successful, we urge the EPA to finalize a rule that includes a regulatory mechanism to ensure the assumed medium- and heavy-duty ZEV sales percentages that drive the stringency of the final GHG standards stay in alignment with development of the critically important battery-electric charging and hydrogen-fueling infrastructures. We encourage you to consider the approach taken in Maryland, through the State's Clean Trucks Act of 2023, which adopts ambitious standards but with the requirements for a rigorous assessment of infrastructure needs that could inform adjustments to the timing of when regulations take effect.

A whole-of-government approach is needed to assess ZEV infrastructure needs, track infrastructure development, and ensure it will be sufficient. We encourage collaboration among regulators and policymakers across the EPA, the Department of Energy, and the Department of Transportation, as well as industry stakeholders in the labor, manufacturing, utilities, and charging infrastructure communities, to develop and deploy the infrastructures necessary to ensure a workable, effective, and ultimately successful final rule.

Thank you for considering our request and concerns as you move forward with this important rulemaking.

Sincerely,



Ron Wyden
United States Senator



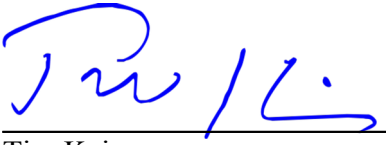
Benjamin L. Cardin
United States Senator



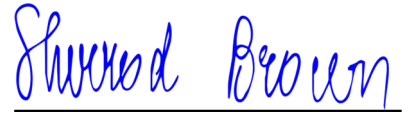
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