

Testimony of the Northeast States for Coordinated Air Use Management

EPA Public Hearing for the Waiver Requests for California's Advanced Clean Trucks (ACT), Zero Emission Airport Shuttle, and Zero-Emission Power Train Certification Regulations; Omnibus Low NOx Regulation; and HD Emission Warranty Regulation

June 29, 2022

Good morning. My name is Tracy Babbidge and I am the Air Bureau Chief for the Connecticut Department of Energy and Environmental Protection. I am testifying today on behalf of the Northeast States for Coordinated Air Use Management (NESCAUM) in support of EPA granting all three California waiver requests. The Connecticut Department of Energy and Environmental Protection is a member of NESCAUM, along with the state agencies in Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. NESCAUM's member agencies have the primary responsibility in their states for implementing clean air programs that achieve the public health and environmental protection goals of the federal Clean Air Act, including attaining and maintaining compliance with national ambient air quality standards.

For decades, California's authority under the Clean Air Act has been recognized by Congress and EPA on a bipartisan basis as a vital part of our nation's response to air pollution.

By including Sections 209 and 177 in the Clean Air Act, Congress understood the important role that states have in protecting public health and welfare by clearly authorizing California to adopt its own motor vehicle emissions standards and allowing other states to adopt identical standards.

Seventeen states and the District of Columbia have previously exercised their authority under section 177 to adopt California motor vehicle emission standards in lieu of the federal standards. Together with California, they represent over 140 million people and 40% of new light-duty vehicle sales.

The California standards have delivered dramatic air quality and public health benefits and have made the United States a leader on clean vehicles worldwide.

EPA is required to grant California's waiver requests under section 209 where the agency has found that the State has a compelling and extraordinary need for such standards and that its

approach is at least as stringent as the federal one, so long as California has not been arbitrary and capricious. California has fully satisfied those conditions in all three waiver requests.

The California rules at issue here go beyond the pollution reductions achievable through federal requirements because California's NO_x engine standards take effect earlier in time than the proposed federal requirements and California's zero-emission vehicle requirements are not found in federal rules.

There are multiple clean air and climate drivers for state adoption of California's clean truck requirements encompassed by the waiver requests. Cleaner trucks are needed to address long-standing air quality problems in overburdened communities. Low-income communities and communities of color are often located near trucking corridors and hubs, ports, and warehouses. These communities are often disproportionately affected by diesel exhaust emissions and increased health burdens due to poor air quality in US cities. Health and economic impacts include increases in asthma and other respiratory illnesses, especially in children and older adults, leading to additional trips to emergency rooms, missed days of school and work, and thousands of premature deaths each year.

The NESCAUM states need emission reductions of nitrogen oxides (NO_x) from the California mobile source programs because the New York City region and all of Connecticut fail to meet the ozone NAAQS. NO_x is the critical precursor of ozone formation on a regional scale. On-road diesel vehicles are the third largest NO_x emissions source in the Northeast.

On April 13, 2022, EPA proposed reclassifying the Connecticut, New York-Northern New Jersey-Long Island 2008 ozone NAAQS nonattainment area from serious to severe nonattainment status. Also on April 13th, EPA proposed reclassifying the Greater Connecticut nonattainment area, along with a number of other population centers in the Northeast Corridor, from marginal nonattainment for the 2015 ozone NAAQS to moderate nonattainment.

Because of the large share of NO_x emissions from on-road trucks in the Northeast, the states will be hard pressed to attain healthy air quality levels without deep NO_x reductions from these emission sources, in combination with other state and federal measures.

Implementation of California's mobile source programs is also a core part of the NESCAUM states' plans to cut transportation emissions to achieve their science-based targets to reduce greenhouse gas emissions by 80% by 2050, and to meet aggressive near-term targets.

Recognizing the critical need for additional medium- and heavy-duty vehicle emission reductions, 17 states and DC have committed, through the Multi-State Medium and Heavy-Duty Zero Emission Vehicle (ZEV) Memorandum of Understanding (MOU), to achieve 30 percent of sales of new medium- and heavy-duty vehicles ZEVs by 2030, and 100 percent of sales of ZEVs by no later than 2050. State adoption of California's programs provides the market certainty needed to drive investments in zero-emission technologies and is a key strategy for states to achieve these goals.

In conclusion, NESCAUM requests that EPA approve all three California waiver requests as a matter of law, science, and public health need. Thank you.