

October 24, 2022

Michael S. Regan, Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Re: *California's Waiver Requests for the Advanced Clean Trucks, Zero-Emission Airport Shuttle, and Zero-Emission Power Train Certification regulations, Docket No. EPA-HQ-OAR-2022-0331, Omnibus Low-NOx regulation, Docket No. EPA-HQ-OAR-2022-0332, and Heavy-Duty Vehicle and Engine Emissions Warranty and Maintenance regulations, Docket No. EPA-HQ-OAR-2022-0330*

Dear Administrator Regan:

The Northeast States for Coordinated Air Use Management (NESCAUM)<sup>1</sup> urges the U.S. Environmental Protection Agency (EPA) to promptly grant waivers in full for California's heavy-duty (HD) truck regulations in the above-referenced dockets. Further delay could undermine state efforts to accelerate the transition from diesel trucks and buses to zero-emission vehicles (ZEVs) in order to attain air quality standards, protect communities from localized air pollution from harmful diesel emissions, and meet climate goals.

The federal Clean Air Act authorizes California to set its own more stringent emission standards for new motor vehicles and provides other states with the right to adopt standards identical to California's, rather than those set by the federal government. The effect of these provisions is that the nation has two separate standards for motor vehicle emissions – federal standards and California standards. However, California's standards are not enforceable unless EPA grants a waiver of preemption.

The waiver submittals by the California Air Resources Board (CARB) clearly and unequivocally demonstrate that its HD truck regulations meet the criteria to obtain a waiver under Section 209(b) of the Clean Air Act. Rather than reiterate the points already made by CARB, the purpose of this letter is to underscore the benefits of expeditiously granting the waivers.

California's HD truck regulations are designed to significantly reduce emissions of criteria pollutants and greenhouse gas (GHG) emissions. For example, in California, the Omnibus and

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<sup>1</sup> NESCAUM is the regional association of state air quality agencies in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. NESCAUM serves as a technical and policy advisor to its member agencies on a wide range of air pollution and climate issues. For more than three decades, NESCAUM and its members have closely collaborated with California and other states, EPA, and the automobile industry to promote low emission and zero-emission vehicles.

Advanced Clean Trucks regulations are expected to reduce oxides of nitrogen (NO<sub>x</sub>) emissions by about 400,000 tons from 2024 through 2050, which translates to approximately 5,500 avoided premature deaths and 4,500 avoided hospitalizations. These regulations are critical to protecting public health and welfare and meeting legal obligations, such as attaining that National Ambient Air Quality Standards for ozone. Delaying implementation by even a year would hinder California's ability to stay on track to meet air quality and climate commitments, cause regulatory uncertainty, and impede other states in addressing their own air pollution challenges.

Diesel trucks are a significant contributor to NO<sub>x</sub> emissions, an ozone precursor, in the Northeast, where tens of millions of people live in ozone non-attainment areas. Cleaner trucks are needed to address longstanding air quality problems in communities located near trucking corridors and hubs, ports, and warehouses that are often disproportionately affected by diesel exhaust emissions and increased health burdens due to poor air quality.

In addition, transportation is the largest source of GHG emissions in the Northeast, making transportation electrification a key strategy in climate action plans in the NESCAUM states. Moreover, the Multi-State Medium- and Heavy-Duty ZEV Action Plan,<sup>2</sup> developed by NESCAUM along with 17 states,<sup>3</sup> the District of Columbia, and Quebec, highlights adoption of California's HD truck regulations as a key state action to accelerate the rapid and equitable electrification of trucks. In fact, several states have already adopted or are in the process of adopting California's HD truck regulations, including Massachusetts, New Jersey, New York, Oregon, Vermont, and Washington. Many others are expected to follow given the superior NO<sub>x</sub> reductions and pathway to electrification provided by the California standards compared to the federal program. Promptly granting waivers for California's HD truck regulations will remove any regulatory uncertainties and pave the way for adoption by additional states, which will help to drive the market and create economies of scale that lower the overall cost of truck electrification.

Granting the waivers in full without delay will empower state action that will build a solid foundation for strong federal leadership. For over five decades, California has regularly used its authority under the Clean Air Act to become a "proving ground" for emissions standards, many of which have led to EPA adopting similar standards. For instance, EPA agreed in 1997 to a National Low Emission Vehicle program that was prompted by efforts to extend the California Low Emission Vehicle program to the northeastern states and also by a desire to harmonize the national program with the California rule. Indeed, NESCAUM hopes that California's HD truck

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<sup>2</sup> See Multi-State ZEV Task Force, Multi-State Medium- and Heavy-Duty Zero-Emission Vehicle Action Plan: A Policy Framework to Eliminate Harmful Truck and Bus Emissions (July 27, 2022), <https://www.nescaum.org/documents/multi-state-medium-and-heavy-duty-zev-action-plan.pdf>.

<sup>3</sup> The states include California, Colorado, Connecticut, Hawaii, Maine, Maryland, Massachusetts, Nevada, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, and Washington.

regulations will provide the underpinning for EPA to adopt more stringent federal emission standards for trucks that can be harmonized with the California standards.

In conclusion, NESCAUM urges EPA to expeditiously approve CARB's waiver requests in full to advance state action to address air quality challenges from truck pollution in their states, as contemplated by the Clean Air Act.

Sincerely,



Paul J. Miller  
Executive Director

cc: NESCAUM Directors  
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