

Congress of the United States

Washington, DC 20515

July 21, 2022

Michael S. Regan
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Regan:

As Californians continue to face the devastating impacts of the climate crisis, toxic air pollution, severe wildfire events, and an exacerbating drought, we write to ensure that the Environmental Protection Agency (EPA) follows section 209(b) of the Clean Air Act and expeditiously grants California full and unconditional waivers for California's Heavy-Duty Omnibus Low NOx Regulation, Heavy-Duty Vehicle and Engine Emission Warranty and Maintenance Provisions, and Heavy-Duty Vehicle Zero-Emission rules.

Heavy-duty trucks are a significant source of California's air pollution challenges, contributing approximately one third of total statewide nitrogen oxide (NOx) emissions and approximately one quarter of diesel particulate matter emissions. These impacts fall disproportionately on low-income communities and people of color due to their proximity to heavy vehicle traffic and trucking corridors. In fact, recent studies show that diesel traffic is the largest source of NOx disparity by race in the United States.

California's truck regulations under consideration by EPA for waivers are designed to significantly reduce emissions from heavy-duty vehicles both in the near- and the long-term. EPA's unconditional approval of the waivers represent one of the Biden-Harris Administration's greatest opportunities to address both the climate crisis and environmental injustice. Delaying the implementation of these regulations – even by 2 years as some industry representatives have advocated for – would result in NOx emission increases of 39,000 tons relative to full implementation, resulting in an estimated 480 more premature deaths and 390 more hospitalizations in California.

Manufacturers have already committed to bringing California-compliant engines and vehicles to market in 2024. Both traditional truck manufacturers and dedicated zero-emission-only truck manufacturers are offering over 100 models of zero-emission vehicles – from heavy pickups and vans to Class 8 tractors – with more models and types of powertrains announced for introduction between now and 2024. The technical feasibility of the regulations is not in question, and California's proposed truck rules would provide manufacturers with sufficient lead time to develop and apply the technology needed to meet the new standards. A denial of the full waiver or revocation of standards would disrupt these manufacturers' plans and would also have negative impacts on manufacturers that have invested significant resources to comply with California's standards.

Congress established the Clean Air Act waiver provision to provide the State of California with the authority to develop and implement its own motor vehicle emissions control program to respond to the compelling and extraordinary air quality conditions affecting California's residents. This is particularly true for those residents living and working in disadvantaged communities that are disproportionately impacted by truck emissions. The waiver provision also allows California to innovate advanced solutions to addressing vehicular sources of air pollution. EPA has previously issued California waivers impacting the heavy-duty sector without delaying implementation on numerous occasions: California's 1995 Amendments to its Urban Bus and the 1998 NOx

standard for heavy-duty engines (waiver issued October 6, 2004), the Heavy-Duty Clean Idle regulation (waiver issued on February 16, 2012), and the Heavy-Duty On-Board Diagnostics regulations (waivers issued on December 10, 2012, and November 7, 2016).

Therefore, we expect that EPA will continue to follow federal law and support California's efforts to protect the public health of our communities and the five other states that have adopted California heavy-duty standards, as well as other states that are considering such adoption.

Sincerely,


Alex Padilla
United States Senator


Dianne Feinstein
United States Senator


Mark DeSaulnier
Member of Congress


Nanette Diaz Barragan
Member of Congress


Karen Bass
Member of Congress


MARK TAKANO
Member of Congress


John Garamendi
Member of Congress


Tony Cardenas
Member of Congress



Salud Carbajal
Member of Congress



Doris Matsui
Member of Congress



Alan Lowenthal
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Jimmy Panetta
Member of Congress



Mike Thompson
Member of Congress



Zoe Lofgren
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Mike Levin
Member of Congress



Julia Brownley
Member of Congress



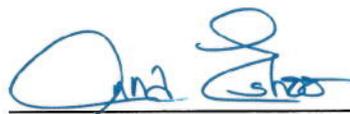
Judy Chu
Member of Congress



Ted W. Lieu
Member of Congress



Jerry McNerney
Member of Congress



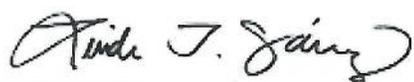
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