

## In this week's Washington Update:

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We also provide links to information on events taking place during the week ahead.

## ***This Week in Review***

**(1) NACAA Comments on EPA's ANPRM on Highway Heavy-Duty Engine Standards (February 20, 2020)** – NACAA submitted comments to EPA on the agency's January 21, 2020 Advance Notice of Proposed Rulemaking (ANPRM), titled *Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine Standards*. In the comments, NACAA offers strong support for, and related recommendations on, the prompt establishment of a single national highway heavy-duty truck and engine program that includes robust emission standards, in-use performance requirements that ensure achievement of the emission standards across all-duty cycles, test procedures correlated to real-world operation, longer useful life and warranty periods and other important provisions that will take full effect as soon as possible but not later than model year (MY) 2027 and achieve a reduction in NO<sub>x</sub> emissions of at least 90 percent from current in-use levels. NACAA also recommends that the program incentivize early introduction of the cleanest engines and technologies for MYs 2024 through 2026. In addition, NACAA places an emphasis on the need for substantial NO<sub>x</sub> reductions throughout the U.S. and offers 15 specific examples from air agencies in nearly every region of the country. EPA is pursuing a highway heavy-duty truck rulemaking under its Cleaner Trucks Initiative announced in November 2018. EPA last set NO<sub>x</sub> emission standards and related requirements for heavy-duty trucks in January 2001. For further information: [http://4cleanair.org/sites/default/files/Documents/Highway\\_HD-EPA\\_ANPRM-NACAA\\_Comments-022020.pdf](http://4cleanair.org/sites/default/files/Documents/Highway_HD-EPA_ANPRM-NACAA_Comments-022020.pdf)

**(2) Researchers Find Methane Emissions from Fossil Fuel Extraction Greatly Exceed Previous Estimates (February 19, 2020)**

– New research published in the journal *Nature* indicates that a far greater share of methane in the atmosphere comes from human causes rather than natural events like volcanic eruptions. A team of researchers from the University of Rochester analyzed ice core samples from Greenland and Antarctica to determine the amount of naturally occurring methane releases prior to the industrial revolution. The researchers found that current levels of naturally released fossil methane are about 10 times lower than previous research reported and that anthropogenic fossil methane emissions are 25 to 40 percent higher. The findings are presented in *Preindustrial CH<sub>4</sub> indicates greater anthropogenic fossil CH<sub>4</sub> emissions*, in which the authors offer that the larger-than-expected human contribution to atmospheric methane levels may mean there are greater opportunities than previously thought to reduce methane emissions by addressing man-made sources like fossil fuel production. For further information: <https://www.nature.com/articles/s41586-020-1991-8> and <https://www.rochester.edu/newscenter/methane-emitted-via-human-fossil-fuel-use-vastly-underestimated-416492/>

**(3) Researchers Assess Impact of Cross-State Air Pollution on Premature Deaths (February 12, 2020)**

– Researchers at the Massachusetts Institute of Technology, Delft University of Technology in the Netherlands and University of California, Davis published an article in *Nature* in which they “quantify the exchange of air pollution among the contiguous United States, and assess its impact on premature mortality that is linked to increased human exposure to PM<sub>2.5</sub> and ozone from seven emission sectors for 2005 to 2018.” The authors of the study report that, on average, 41 to 53 percent of air pollution-related premature mortality caused by a state’s emissions occurs outside that state. They further report that there are variations in cross-state contributions of different emission sectors and chemical species to premature death and that these variations change overtime. For example, in 2005, NO<sub>x</sub> and sulfur dioxide (SO<sub>2</sub>) emissions were responsible for the most cross-state premature deaths, but by 2018, primary PM<sub>2.5</sub> emissions caused three times the number of cross-state premature deaths as SO<sub>2</sub> emissions. The article is titled *Premature mortality related to United States cross-state air pollution*. For further information:

[https://www.nature.com/articles/s41586-020-1983-8.epdf?shared\\_access\\_token=xNq2aKunqIYhtwD0T8CSvNRqN0jAjWel9jnR3ZoTv0NwAoNLhdJRg0Q2DoYtMtY8MtpKjM2R2GNasxQRoVvA32MK3baF0ZzDdeXVCnmrst0ZPR\\_Pam3CeLe7K0K\\_w8h5CdG0JqmaDSPQ4W5s3J-ulQ%3D%3D](https://www.nature.com/articles/s41586-020-1983-8.epdf?shared_access_token=xNq2aKunqIYhtwD0T8CSvNRqN0jAjWel9jnR3ZoTv0NwAoNLhdJRg0Q2DoYtMtY8MtpKjM2R2GNasxQRoVvA32MK3baF0ZzDdeXVCnmrst0ZPR_Pam3CeLe7K0K_w8h5CdG0JqmaDSPQ4W5s3J-ulQ%3D%3D)

**(4) EPA Releases Preliminary 2019 Power Plant Emissions Data (February 19, 2020)**

– EPA announced that preliminary data for 2019 show a “marked decline” in power plant emissions of NO<sub>x</sub>, CO<sub>2</sub>, sulfur dioxide (SO<sub>2</sub>) and mercury compared to 2018 emissions. In releasing the 2019 data for emissions in the lower 48 states, EPA Administrator Andrew Wheeler stated, “Under President Trump our economy continues to grow, and we are enjoying ever-improving air quality. Through state and federal fulfillment of the Clean Air Act, as well as advances by the power sector, we have seen significant reductions in key pollutants. Notably, annual

emissions of SO<sub>2</sub> from the power sector fell 23 percent and are below 1 million tons for the first time in modern history.” For further information: <https://www.epa.gov/airmarkets/power-plant-emission-trends>

**(5) State and Local Plaintiffs Ask Court to Compel EPA to Adopt Good Neighbor FIPs for Seven Upwind States (February 19, 2020)** – The States of New Jersey, Connecticut, Delaware, New York and Massachusetts and the City of New York filed a complaint in the U.S. District Court for the Southern District of New York urging the court to order EPA to carry out its “mandatory duty to protect the Plaintiff States from harmful air pollution blowing into [their] states” by issuing complete Federal Implementation Plans (FIPs) for seven upwind states. The plaintiffs say in their complaint that air pollution from Illinois, Indiana, Michigan, Ohio, Pennsylvania, Virginia and West Virginia – namely NO<sub>x</sub> and volatile organic compound emissions from power plants and other industrial sources – significantly contributes to nonattainment, or interferes with maintenance, of the 2008 National Ambient Air Quality Standards for ozone in their states. The plaintiffs further say that EPA took final action in 2015 and 2016 finding that these seven states did not meet their Good Neighbor obligations under Clean Air Act Section 110(a)(2)(D)(i)(I) and that EPA’s FIPs for the seven upwind states were vacated by the U.S. Court of Appeals for the District of Columbia Circuit on November 5, 2019 because the plans did not require emission reductions that were adequate in light of the July 2021 attainment deadline. Therefore, the plaintiffs ask the court to declare EPA in violation of its mandatory, nondiscretionary duty to issue FIPs and to establish a date certain for EPA promulgation of a fully compliant FIP for each of the seven upwind states. For further information: [http://www.4cleanair.org/sites/default/files/Documents/Litigation-GN\\_FIPs-States\\_Complaint-021920.pdf](http://www.4cleanair.org/sites/default/files/Documents/Litigation-GN_FIPs-States_Complaint-021920.pdf)

**(6) Groups Sue Department of Defense over PFAS Incineration (February 20, 2020)** – Four nonprofit organizations filed a lawsuit (Case No. 3:20-cv-01267) against the U.S. Department of Defense (DoD) in the U.S. District Court for the Northern District of California over contracts to incinerate firefighting foam in facilities in East Liverpool, Ohio; Arkadelphia and El Dorado, Arkansas; and Cohoes, New York. The plaintiffs – Save Our County, Community In-Power and Development Association Inc., United Congregations of Metro East and Sierra Club, whose members who live, work and recreate in and around the affected communities – allege that the incinerated material includes per- and polyfluoroalkyl substances (PFAS), which have been linked to cancer and other health harms and are difficult and unsafe to incinerate because they do not readily burn and are not destroyed under typical incineration conditions. Instead, say the plaintiffs, “uncombusted PFAS are emitted into the air along with other hazardous chemicals, contaminating the communities surrounding the incinerators.” The contracts came to the attention of the plaintiffs through documents made available under the Freedom of Information Act, which also identify facilities in Port Arthur, Texas, and Sauget, Illinois. In their suit, the plaintiffs allege DoD’s contracts violate the National Environmental Policy Act and the National Defense Authorization Act for Fiscal Year 2020. For further information:

[https://earthjustice.org/sites/default/files/files/filed\\_complaint\\_-\\_pfas\\_incineration\\_suit.pdf](https://earthjustice.org/sites/default/files/files/filed_complaint_-_pfas_incineration_suit.pdf)

**(7) States File Amicus Brief in Suit over California’s Carbon Trading with Quebec (February 18, 2020)** – The Attorneys General of 14 states filed an amicus (friend-of-the-court) brief in the U.S. District Court for the Eastern District of California, arguing that the cap-and-trade program in which California and Quebec participate is mirrored by many other trade arrangements entered into by states and has no adverse effect on the sovereign powers exercised by the federal government. In 2017, California and Quebec entered into an agreement through the Western Climate Initiative (which, along with California and the California Air Resources Board, is named as defendant in this case) to align their programs so that trade of carbon allowances could occur between the state and the province. The U.S. Department of Justice brought the case, *United States v. State of California, et al.* (No. 2:19-cv-02142-WBS-EFB), in 2019, arguing that the cap-and-trade program is unlawful as only the federal government has the exclusive right to enter into international treaties. In the amicus brief, Oregon, Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, Rhode Island, Vermont and Washington argue that the agreement “simply provides a framework for communicating about the coordination of those governments’ respective market-based greenhouse gas pollution-reduction programs, and does not require congressional consent under the Compact Clause of the United States Constitution.” For further information: [http://4cleanair.org/sites/default/files/resources/14%20state%20amicus%20cal\\_qc.pdf](http://4cleanair.org/sites/default/files/resources/14%20state%20amicus%20cal_qc.pdf)

**(8) Bezos Pledges \$10 Billion for Climate Action (February 18, 2020)** – In an Instagram post to his 1.5 million followers, Amazon founder Jeff Bezos announced that he will spend at least \$10 billion of his own fortune on climate change research and advocacy through the new Bezos Earth Fund. Bezos’ says he will begin in summer 2020 to issue grant funding to scientists, activists and nonprofits working to limit and respond to global climate damage. In his post, he wrote “Climate change is the biggest threat to our planet. I want to work alongside others both to amplify known ways and to explore new ways of fighting the devastating impact of climate change on this planet we all share.... We can save Earth. It’s going to take collective action from big companies, small companies, nation states, global organizations, and individuals.” His announcement comes as Amazon, which remains the central enterprise of the businesses that Bezos owns and runs, comes under increasing scrutiny for its own carbon footprint and faces mounting internal criticism from employees organized to raise concerns about the emissions resulting from the business. Last year, in response to those concerns, Amazon announced that it would procure 100 percent renewable energy by 2030 and would make its operations carbon neutral by 2040. In 2019, Forbes estimated Bezos’ net worth at \$129.9 billion. For further information: <https://www.instagram.com/p/B8rWKFnnQ5c/>

## ***The Week Ahead***

- [NACAA 2020 Joint Permitting and Enforcement Workshop](#), in St. Louis, Missouri – February 25-26, 2020
  - [Senate Committee on Energy and Natural Resources Hearing to Examine the President's FY 2021 Budget Request for the USDA Forest Service](#), in Washington, DC – February 25, 2020
  - [House Agriculture Committee Hearing on Innovative Wood Products: Promoting Rural Economies and Health Forests](#), in Washington, DC – February 26, 2020
  - [House Energy and Commerce Subcommittee on Environment and Climate Change Hearing on the Fiscal Year 2021 EPA Budget](#), in Washington, DC – February 27, 2020
  - [House Appropriations Subcommittee on Transportation, and Housing and Urban Development, and Related Agencies Hearing on Department of Transportation Budget Request](#), in Washington, DC – February 27, 2020
  - [House Appropriations Subcommittee on Energy and Water Development, and Related Agencies Hearing on Department of Energy Budget Request for FY 2021](#), in Washington, DC – February 27, 2020
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