

August 10, 2020

BOARD OF DIRECTORS

Co-Presidents

Rick Brunetti
Kansas

Charlene Albee
Reno, NV

Co-Vice Presidents

Michelle Walker Owenby
Tennessee

Erik C. White
Auburn, CA

Co-Treasurers

Garrison Kaufman
Colorado

Rollin Sachs
Kansas City, KS

Past Co-Presidents

Ali Mirzakhali
Oregon

Richard A. Stedman
Monterey, CA

Directors

Elizabeth Bisbey-Kuehn
New Mexico

Mark Buford
Mount Vernon, WA

Robert H. Colby
Chattanooga, TN

Richard Corey
California

Michael G. Dowd
Virginia

Steven E. Flint
New York

Jayne Graham
Pittsburgh, PA

Christine Kirby
Massachusetts

Frank L. Kohlasch
Minnesota

Executive Director

Miles Keogh

U.S. Environmental Protection Agency
EPA Docket Center
Air and Radiation Docket
Docket ID No. EPA-HQ-OAR-2016-0604
Mail Code 28221T
1200 Pennsylvania Avenue NW
Washington, DC 20460

To Whom It May Concern:

The National Association of Clean Air Agencies (NACAA) offers the following comments on the U.S. Environmental Protection Agency's (EPA's) Notice of Proposed Rulemaking (NPRM), "Vehicle Test Procedure Adjustments for Tier 3 Certification Test Fuel," which was published in the *Federal Register* on May 13, 2020 (85 Fed. Reg. 28,564). NACAA is the national, nonpartisan, non-profit association of air pollution control agencies in 41 states, including 115 local air agencies, the District of Columbia and four territories. The air quality professionals in our member agencies have vast experience dedicated to improving air quality in the U.S. These comments are based upon that experience. The views expressed in these comments do not represent the positions of every state and local air pollution control agency in the country.

NACAA supports EPA's proposed adjustments to emission test procedures and compliance calculations for cars, light trucks and heavy-duty pickup trucks and vans to ensure that the transition to the Tier 3 certification gasoline that was finalized in EPA's 2014 Tier 3 vehicle emissions rule does not affect a reduction in the stringency of the light-duty vehicle greenhouse gas (GHG) and fuel economy standards. However, as discussed in greater detail below, NACAA firmly opposes the alternative approach on which the agency seeks comment: to adjust only the test procedure for fuel economy and not for carbon dioxide (CO₂), which would effectively result in a decrease in the stringency of the light-duty vehicle GHG emission standards.

The fuel used to test and certify mobile sources should match the fuel used by vehicle owners and operators in the real-world. In its 2014 Tier 3 vehicles rule EPA introduced new Tier 3 certification test fuel specifications that more closely match those of today's commercially available gasoline, which contains, on average, 10 percent ethanol (E10) and lower levels of aromatics than Tier 2 certification test fuel, which contains 0 percent ethanol (E0). Use of Tier 3 test fuel was to begin with model year (MY) 2020. In the 2014 rule, EPA committed to a future rulemaking to "re-align" certification test results from GHG and fuel economy testing conducted with Tier 3 test fuel so they are consistent with results from using Tier 2 test fuel "in order to avoid an effective change in the stringency of GHG and CAFE [Corporate Average Fuel Economy] standards."

EPA explains that these proposed adjustments are necessary because the composition of Tier 3 test fuel – the addition of 10 percent ethanol and the reduction in aromatics – would otherwise have an impact on the amount of carbon and energy per unit of volume of the fuel and that these differences would result in “small, but not insignificant changes” in tailpipe CO₂ emissions, and in the fuel economy values that are calculated based on those CO₂ emissions. EPA writes in the proposal that the agency “estimates that the impact on CO₂ emissions is a 1.6% difference, and thus without the test procedure adjustment proposed in this notice, a change from the Tier 2 gasoline certification fuel to the Tier 3 gasoline certification fuel would reduce the stringency of the EPA CO₂ standards by 1.6%. Thus, this action is predicated on a view of GHG and CAFE stringency as relating to vehicle efficiency rather than tailpipe emissions in a market representative fuel mix.”

NACAA agrees with EPA that the proposed adjustments to both vehicle GHG (CO₂) and fuel economy test results are necessary to ensure that the results from testing conducted with Tier 3 test fuel are consistent with results from using Tier 2 test fuel and to prevent any relaxation in the stringency of the light-duty vehicle GHG and fuel economy standards, and we support the agency’s proposed approach for accomplishing this.

EPA seeks comment on whether the agency should consider an alternate regulatory approach: “where we require the use of Tier 3 gasoline certification fuel *without any test procedure adjustment for CO₂*. If the Agency were to consider such an approach, EPA also requests comment as to whether EPA would need to complete additional analysis, likely in the form of a Supplemental Notice of Proposed Rulemaking (SNPRM), or whether EPA could finalize a change in the gasoline certification fuel without any CO₂ adjustment factor and without issuing a SNPRM.” (emphasis added)

This alternate regulatory approach would reduce the stringency of the light-duty vehicle CO₂ emission standards by 1.6-percent, an amount that, by EPA’s own admission, is not insignificant. NACAA objects to this alternate approach and to any further consideration of it by EPA. However, if EPA were to consider this approach, the agency would most certainly need to develop and release for public review and comment, and a public hearing, an SNPRM with additional analysis that is thorough and credible and a full justification for the action.

Thank you for the opportunity to provide comments on this proposal. If you have questions or would like further information, please do not hesitate to contact either of us or Nancy Kruger, NACAA’s Deputy Director.

Sincerely,



Steven E. Flint
(New York)
Co-Chair
NACAA Mobile Sources and Fuels Committee



Eric C. White
(Placer County, CA)
Co-Chair
NACAA Mobile Sources and Fuels Committee