

April 25, 2023

The Honorable Chuck Schumer  
Senate Majority Leader  
United States Senate  
Washington, DC 20510

The Honorable Mitch McConnell  
Senate Minority Leader  
United States Senate  
Washington, DC 20510

The Honorable Tom Carper  
Chair  
Committee on Environment & Public Works  
United States Senate  
Washington, DC 20510

The Honorable Shelley Moore Capito  
Ranking Member  
Committee on Environment & Public Works  
United States Senate  
Washington, DC 20510

Dear Senators Schumer, McConnell, Carper, and Capito,

We write to you today on behalf of the National Association of Clean Air Agencies (NACAA) regarding S.J. Res. 11,<sup>1</sup> introduced in the U.S. Senate on February 9, 2023, under which the U.S. Congress would disapprove the U.S. Environmental Protection Agency's (EPA) final rule, "Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards," published in the *Federal Register* on January 24, 2023 (88 Fed. Reg. 4296).<sup>2</sup> NACAA is the national, nonpartisan, non-profit association of 157 state and local air pollution control agencies in 40 states, the District of Columbia and five territories. The views expressed in these comments do not represent the positions of every state and local air pollution control agency in the country.

On May 16, 2022, NACAA submitted written comments to EPA on the agency's proposed rule to set cleaner standards for nitrogen oxide (NO<sub>x</sub>) emissions from heavy-duty (HD) trucks.<sup>3</sup> These comments emphasize the importance of EPA's final HD truck NO<sub>x</sub> rule to state and local efforts across the nation to protect people's health, achieve and maintain clean air, and advance environmental justice goals.

Americans in every part of the country urgently need improvements in NO<sub>x</sub> emissions from onroad HD vehicles. Among our comments to EPA, NACAA included specific examples from state and local air agencies of the array of circumstances necessitating NO<sub>x</sub> reductions. Below, we highlight some of the other key points made in our comments.

During the nearly eight years before EPA promulgated this final rule NACAA urged the agency on multiple occasions to set more protective HD truck NO<sub>x</sub> standards. Prior to the 2023 rule, EPA last set federal HD truck NO<sub>x</sub> emission standards in 2001. Given the interstate nature of trucking – both cross-border

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<sup>1</sup> <https://www.congress.gov/118/bills/sjres/11/BILLS-118sjres11is.pdf>

<sup>2</sup> <https://www.govinfo.gov/content/pkg/FR-2023-01-24/pdf/2022-27957.pdf>

<sup>3</sup> [https://www.4cleanair.org/wp-content/uploads/NACAA\\_Comments-EPA\\_HD\\_Truck\\_NPRM-051622lh.pdf](https://www.4cleanair.org/wp-content/uploads/NACAA_Comments-EPA_HD_Truck_NPRM-051622lh.pdf)

operations and downwind atmospheric transport – federal standards are necessary to achieve the broad NO<sub>x</sub> reductions needed across the nation. Over the past two decades, technological advances to reduce HD truck NO<sub>x</sub> emissions have grown significantly as has the potential for even further advances. At the same time, emission limits for most other major NO<sub>x</sub> sources, such as power plants, generators, and industrial facilities, have repeatedly become more restrictive. Unless EPA took this federal action, HD trucks were on course to remain one of the largest contributors to the national mobile source NO<sub>x</sub> inventory in 2028.

There is a looming crisis facing many state and local clean air agencies across the nation. Currently, more than one-third of the U.S. population lives in an area that does not meet the health- and welfare-based National Ambient Air Quality Standards (NAAQS) for ozone, particulate matter (PM) or both. Many of these areas are over-burdened communities whose citizens are exposed to a disproportionate share of harmful environmental conditions. The excessive emissions from HD trucks are a primary cause, contributing substantial emissions of NO<sub>x</sub> — which are linked with a large number of adverse impacts on the respiratory system. In addition, NO<sub>x</sub> is the key pollutant contributing to the formation of ozone and PM<sub>2.5</sub> and exposure to elevated levels of ozone and PM<sub>2.5</sub> are associated with significant respiratory and cardiovascular impacts, including premature death.

While state and local air agencies have made great strides in reducing emissions from stationary sources., However, many state and local air agencies lack the authority to regulate mobile sources and never have the authority to regulate mobile sources upwind of or outside their borders. The regulation of mobile sources is an authority that lies almost entirely within the purview of the federal government. While some states and localities may be able to pursue “California” standards under Clean Air Act sections 209 and 177, most are precluded by state policies or legislation from adopting standards more stringent than those of the federal government.

Unfortunately, emission standards for this highway heavy-duty “federal source” did not keep pace with standards for the light-duty motor vehicle sector or stationary sources, and fell far short of what is needed to meet clean air, public health protection and environmental justice goals. As large swaths of the country slip deeper into nonattainment, or teeter on the cusp of it, many state and local air agencies are left with few remaining mechanisms to achieve the emission reductions the Clean Air Act demands. Areas that miss their attainment deadlines face the threat of “bump-up” to a more demanding classification of nonattainment – if they are not already classified as Extreme – and statutorily required economic sanctions if they fail to meet their attainment deadlines. On October 7, 2022, EPA bumped up over 25 areas in nonattainment of the 2008<sup>4</sup> and 2015<sup>5</sup> ozone NAAQS, meaning the citizens of these areas continue to suffer the detrimental impacts of unhealthy air.

Our nation is in need of a strong, sustainable transportation strategy with top priority placed on new federal programs to continue to protect people’s health and reduce emissions from the mobile source sector. As this strategy is developed, the need for meaningful reductions in criteria pollutant emissions, especially NO<sub>x</sub> and PM, cannot be overlooked. Regarding attainment and maintenance of the ozone NAAQS, most areas of the country are “NO<sub>x</sub>-limited,” meaning that reducing NO<sub>x</sub> emissions is the key to success. In addition, research shows that in some areas of the country, such as much of the East Coast, NO<sub>x</sub> reductions are now “supercharged,” meaning that a one-pound reduction in NO<sub>x</sub> emissions equals more than one pound of ozone reduction. Failure to adequately address transportation-related NO<sub>x</sub> sources will have a direct and

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<sup>4</sup> <https://www.govinfo.gov/content/pkg/FR-2022-10-07/pdf/2022-20458.pdf>


<sup>5</sup> <https://www.govinfo.gov/content/pkg/FR-2022-10-07/pdf/2022-20460.pdf>

consequential impact on state and local air agencies' abilities to protect the health of the public they serve and their ability to fulfill their statutory obligations to attain and maintain federal health-based air quality standards by mandated deadlines and achieve their environmental justice goals.

EPA has now taken essential federal action that will result in significant NO<sub>x</sub> reductions from HD trucks. Cleaning up this sector is imperative to putting our nation on a path to attaining and maintaining the health-based NAAQS and protecting our nation's most vulnerable communities. Without this rule, many areas will be forced to adopt severe limits on stationary sources, for which they have authority to control, at ever-increasing costs to businesses. Even with these severe limits, there may not be enough NO<sub>x</sub> reductions available to protect people's health and meet federal air quality standards,

We thank you for considering the information provided in this letter and NACAA's May 16, 2022, comments to EPA on the HD truck NO<sub>x</sub> rule. If you have any questions or would like further information please do not hesitate to contact us or Miles Keogh, Executive Director of NACAA.

Sincerely,



Tracy R. Babbidge  
Connecticut  
State Co-Chair  
NACAA Mobile Sources and Fuels Committee



Erik C. White  
Placer County, California  
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