Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063
February 23, 2010

Office of Waste, Air and Radiation Management 717-772-2724

Clerk of the Board
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Re: California Air Resources Board's Proposed Amendments to New Passenger Motor Vehicle Greenhouse Gas Emissions Standards Relating to Compliance with Proposed National Program

Dear Sir or Madam:

The Pennsylvania Department of Environmental Protection (DEP) is writing to express its support for the proposed amendments to California's greenhouse gas emissions (GHG) standards for new passenger motor vehicles and test procedures for light- and medium-duty vehicles that are scheduled for a public hearing before the California Air Resources Board (CARB) on February 25, 2010. We are submitting these comments pursuant to 25 *Pa. Code* § 126.451(2)(iii), which requires DEP to submit comments on behalf of the residents of the Commonwealth of Pennsylvania (Pennsylvania) on proposed or final-form rulemakings amending the California Code of Regulations (CCR) requirements that are incorporated by reference into the Pennsylvania Clean Vehicle Program regulations.

Pennsylvania adopted and incorporated by reference California's Low Emission Vehicle (LEV) regulations in 1998, except for the California Zero Emission Vehicle and emissions control warranty systems statement provisions. 28 *Pennsylvania Bulletin* 5873 (Dec. 5, 1998). The California proposal would amend Title 13 CCR, Division 3, Chapter 1, §§ 1961 and 1961.1, and the "California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles," referenced therein, all of which are included in Pennsylvania's incorporation by reference in 25 *Pa. Code* § 126.411(b). Pennsylvania's regulations are found in 25 *Pa. Code* Chapter 126, Subchapter D, entitled, "The Pennsylvania Clean Vehicles Program."

On September 28, 2009, the U.S. Environmental Protection (EPA) and the U.S. Department of Transportation (US DOT) issued a joint Notice of Proposed Rulemaking to establish a coordinated federal GHG and fuel economy program for light-duty vehicles, herein referred to as the National Program. See 74 F.R. 49454. DEP supports CARB's proposed amendments to California's GHG emissions standards for new passenger motor vehicles, which would allow vehicle manufacturers to demonstrate compliance with CARB's GHG standards by demonstrating compliance with the National Program.

CARB has conditioned finalization of its proposed rulemaking on several factors. DEP agrees that CARB's proposal should be contingent upon EPA and US DOT maintaining the stringency of the GHG standards in the final rulemaking for the National Program, which is expected to be finalized in late March 2010. DEP supports CARB's position that early emission credits should be limited to electric and fuel cell vehicles, and that these credits should only be generated when manufacturers meet or exceed California's standards. DEP also supports CARB's position that EPA should reevaluate the approach currently proposed by EPA for generating additional emission credits for advanced technology vehicles. EPA's current proposal could allow manufacturers to earn unreasonably high numbers of credits and could result in lower actual emission reductions than anticipated at the onset of the National Program. DEP also supports CARB's position that EPA should include a backstop measure to ensure emission reductions are achieved, regardless of unanticipated changes to the vehicle fleet.

DEP supports the proposed amendments for several reasons. The proposed amendments will fulfill one of the commitments made by California in the May 19, 2009, agreement among California, auto manufacturers, and the federal government. Allowing compliance with the National Program to count as compliance with CARB's GHG standards may reduce the cost of compliance for manufacturers. Additionally, if the GHG emissions standards in the proposed National Program remain unchanged in the final rule, in model year 2016 all new light- and medium-duty vehicles in the U.S. will be meeting GHG emissions standards equivalent to CARB's GHG standards.

As a Section 177 state, Pennsylvania has consistently supported California's efforts to regulate GHGs from motor vehicles and we fully support California's efforts to regulate GHGs to abate the impacts of climate change. Efforts to combat climate change must come from across the spectrum of local, state, and federal governments. Pennsylvania appreciates California's proactive efforts to regulate and raise awareness of the impact of GHGs and climate change. Pennsylvania has included GHG reductions from the vehicle program in its climate change action plan required under the Pennsylvania Climate Change Act.

Thank you for your consideration of our comments on California's proposed amendments to the GHG emissions standards for new passenger motor vehicles. Please do not hesitate to contact me by e-mail at kereisinge@state.pa.us or by telephone at (717) 772-2724, if you have any questions or need additional information. You may also contact Joyce E. Epps, Director of the Bureau of Air Quality, by e-mail at jeepps@state.pa.us or by telephone at (717) 787-9702.

Sincerely,

Kenneth R. Reisinger
Acting Deputy Secretary