



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

AIR QUALITY, ENERGY AND SUSTAINABILITY

DIVISION OF AIR QUALITY

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Acting Commissioner

May 31, 2018

Ms. Sarah Carter
California Air Resources Board
9480 Telstar Avenue, Suite 4
El Monte, CA 91731

Dear Ms. Carter:

This is in response to the California Air Resources Board's (CARB) Notice dated May 7, 2018 requesting public input on potential alternatives to a potential clarification of the "deemed to comply" provision for the LEV III Greenhouse Gas Emission (GHG) regulations. The New Jersey Department of Environmental Protection (NJDEP) supports CARB's potential amendment of the regulations to clarify that the deemed to comply provision applies to the current federal GHG standards, should the United States Environmental Protection Agency (USEPA) weaken the standards for any model years. Further, NJDEP is not aware of any viable, effective, and environmentally protective alternatives to CARB's proposed amendment.

New Jersey has a special interest in the outcome of this rulemaking because CARB's LEV III GHG regulations are enforceable in New Jersey, and any change to the program will affect compliance obligations for vehicles sold here. NJDEP has adopted CARB's LEV program in its entirety under Clean Air Act § 177. Section 177 allows states like New Jersey to "adopt and enforce" California's vehicle emission standards for any model year, but only if the follow-on states' standards "are identical to the California standards." NJDEP's LEV rules were carefully drafted to wholly incorporate CARB's program by reference, as amended and supplemented, to satisfy the identity requirement of § 177, including CARB's LEV III GHG rules.

The LEV program is an important part of New Jersey's strategy to reduce its climate footprint and improve air quality in the region. Transportation accounts for nearly half of the GHG emissions in New Jersey. Thus, preserving stringent GHG emission limits for light duty vehicles is critical to New Jersey achieving its 2050 goal of reducing 2006 emissions by 80%. This goal is part of New Jersey's efforts to protect against the damage to our coastal communities and economy that would be caused by sea level rise from GHG-driven climate change. In addition, the GHG standards provide criteria pollutant reductions which are also needed in New Jersey; New Jersey is in non-attainment with the federal

health based ozone standard, and while we have been designated attainment for the PM2.5 standard, continuing to mitigate the local effects of air toxics emitted by cars is essential. Weakening the GHG standards could significantly impact New Jersey's air quality and the health of its citizens.

It has been widely reported that USEPA and the National Highway Traffic Safety Administration (NHTSA) are preparing to revise the standards for light duty vehicles in upcoming model years based on the flawed premise that the current standards are too difficult for car manufacturers to achieve. The agencies' conclusory Revised Midterm Evaluation, published on April 13, 2018, ignored the agencies' own earlier studies and the great weight of evidence provided by CARB and other commenters that the existing standards are overwhelmingly beneficial for public health and the environment, are economical for consumers, and are achievable for manufacturers. New Jersey joined California and 15 other states to petition the Court of Appeals for the District of Columbia to review of the agencies' arbitrary decision, which set aside their very recent, thorough 2017 Midterm Evaluation reaching the opposite conclusion.

NJDEP agrees that CARB needs to amend its GHG rules to clarify the "deemed to comply" provision applies to the current federal GHG standards should USEPA relax the federal regulations. There are no additional costs associated with CARB's Notice; the Notice simply proposes to preserve the existing standards which car manufacturers have had notice of for years and have had ample time to plan and prepare to meet.

New Jersey is committed to reducing greenhouse gas emissions from motor vehicles and maintaining its adoption of California's LEV III GHG regulation, and supports CARB amending its regulations to clarify that the deemed to comply provision applies only to the existing federal GHG standards. If you have any questions, please do not hesitate to contact me at Francis.steitz@dep.nj.gov or 609 984-1484.

Sincerely,

A handwritten signature in black ink, appearing to read 'Francis C. Steitz', written in a cursive style.

Francis C. Steitz, Director
Division of Air Quality