

May 31, 2018

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

**Subject: Request for Comment in re: “Deemed to Comply” Provision for the LEV III Greenhouse Gas Emission Regulations**

Dear Ms. Carter:

On behalf of the American Lung Association in California, I am writing in response to the California Air Resources Board’s (CARB) May 7, 2018 request for comment on potential clarifications to the “Deemed to Comply” provisions of California Greenhouse Gas Emission Standards. Our comments are based on the Lung Association’s strong, ongoing belief that the existing state and federal standards are critical to protecting against unhealthy air and climate change impacts to public health.

California is home to severe air pollution challenges that put the health of tens of millions of our residents at increased risk – a risk compounded by changing climate conditions. The American Lung Association’s 2018 “State of the Air” report lists California’s major metropolitan areas among the most ozone-polluted in the United States, including eight of the top ten.<sup>1</sup> The health risks faced due to unhealthy air are widely known and understood, and increasingly exacerbated by our changing climate.<sup>2,3,4</sup> Rising temperatures, historic drought conditions and ferocious wildfires are among the recent climate impacts that have degraded air quality in California. It is important to note also that the burdens of unhealthy air do not fall equally, with children, seniors, people with lung disease, low income communities and others more vulnerable to poor air quality. Because of the extreme air pollution burdens faced in California, the Clean Air Act appropriately authorizes the State to act to protect our citizens through stronger-than-federal vehicle emission control programs.<sup>5</sup>

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<sup>1</sup> American Lung Association. *State of the Air* 2018. (Page 20). April 20, 2018.

<http://www.lung.org/assets/documents/healthy-air/state-of-the-air/sota-2018-full.pdf>.

<sup>2</sup> *Ibid*, (Pages 35-50).

<sup>3</sup> USGCRP, 2016: The Impacts of Climate Change on Human Health in the United States: A Scientific Assessment. Crimmins, A., J. Balbus, J.L. Gamble, C.B. Beard, J.E. Bell, D. Dodgen, R.J. Eisen, N. Fann, M.D. Hawkins, S.C. Herring, L. Jantarasami, D.M. Mills, S. Saha, M.C. Sarofim, J. Trtanj, and L. Ziska, Eds. U.S. Global Change Research Program, Washington, DC, 312 pp. <http://dx.doi.org/10.7930/J0R49NQX>.

<sup>4</sup> Intergovernmental Panel on Climate Change. *Climate Change 2014 Synthesis Report*. November 1, 2014. Accessed at [https://www.ipcc.ch/pdf/assessment-report/ar5/syr/AR5\\_SYR\\_FINAL\\_All\\_Topics.pdf](https://www.ipcc.ch/pdf/assessment-report/ar5/syr/AR5_SYR_FINAL_All_Topics.pdf).

<sup>5</sup> 42. U.S.C. § 7543(b); *Motor and Equip. Mfgs. Ass’n, Inc. v. EPA*, 627 F.2d 1095, 1109 (D.C. Cir. 1979).

The transportation sector in California is the leading source of air and climate pollutants that threaten public health. As such, the American Lung Association in California has advocated for the strongest possible California vehicle pollution controls, including supporting the adoption of the Low Emission Vehicle III Greenhouse Gas Standards in 2012 that applied to model years 2017 to 2025. As part of that rulemaking, within the broader context of the clean cars negotiations between California, United States Environmental Protection Agency and the National Highway Traffic Safety Administration, California agreed to accept automaker compliance with the federal rules as long as the federal rules adopted under that negotiation for model years 2017-2025 remained adequately protective to meet California's requirements.

The meaning of the "Deemed to Comply" provision is already clear, and can only be interpreted in a manner that preserves the benefits of California's program. If CARB determines that such amendment is necessary, it should simply clarify the text to reflect CARB's longstanding practice. The American Lung Association supports CARB in its goal to ensure that California emission controls are working as intended to protect public health against harmful vehicle pollution.

We commend the California Air Resources Board for prioritizing public health and air quality to ensure that Californians are afforded the greatest possible protections against the impacts of climate change.

Sincerely,



Bonnie Holmes-Gen  
Senior Director, Air Quality and Climate Change

