



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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May 31, 2018

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

Re: Potential Alternatives to Clarification of “Deem to Comply” Provision

Dear Ms. Carter:

The Massachusetts Department of Environmental Protection (MassDEP) strongly supports the California Air Resources Board’s (ARB) consideration of alternatives to a potential clarification of the “Deemed to Comply” provision for the LEV III greenhouse gas (GHG) emission regulations for any model years affected by the announced pending federal rulemaking. This letter is in response to ARB’s *Request for Public Input on Potential Alternatives to a Potential Clarification of the “Deemed to Comply” Provision for the LEV III Greenhouse Gas Emission Regulations for Model Years Affected by Pending Federal Rulemakings* released May 7, 2018.

Under M.G.L. c.111, §142K, Massachusetts is mandated to adopt and implement ARB standards for new motor vehicles if such standards are more stringent than the federal standards. MassDEP promulgated the initial Low Emission Vehicle (LEV) Program regulations at 310 CMR 7.40 in 1991 and adopted ARB’s GHG standards in 2005. Massachusetts’ most recent LEV amendments were for the Advanced Clean Cars Program, which included the adoption of the LEV III GHG standards.

Massachusetts is committed to protecting public health and the environment through programs and policies that address air pollution and climate change. Although progress has been made in reducing GHG emissions from the transportation sector, climate change continues to threaten Massachusetts economic well-being, public health, natural resources, and the environment. The transportation sector is the single largest contributor of GHGs in Massachusetts, producing 39%

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of all such emissions in 2014.¹ Since the transportation sector is the leading contributor to GHG emissions, Massachusetts is committed to reducing GHG emissions from the transportation sector. One such commitment is to maintain the current California LEV III GHG regulations consistent with the original agreement by the federal government, automobile manufacturers, and California to gradually reduce GHG emissions and increase fuel economy through 2025.

Reducing GHG emissions from vehicles is the key objective of the Massachusetts LEV III GHG Program. For model year (MY) 2017 to 2025 vehicles, the GHG standards will reduce CO₂ emissions by approximately 4.5% per year for the combined light duty fleet (passenger cars, light-duty trucks, and medium-duty passenger vehicles). These GHG reductions will help the Commonwealth achieve its goals of decreasing GHG emissions by 25% from 1990 levels by 2020 and at least 80% from 1990 levels by 2050 as required by Massachusetts' Global Warming Solutions Act, M.G.L. Chapter 21N and detailed in the Massachusetts Clean Energy and Climate Plan.²

Based on ARB technical assessment and analysis, automobile manufacturers are able to meet the standards at lower costs than previously estimated.³ In addition, the US Environmental Protection Agency analysis showed that over the vehicle lifetimes, the 2022-2025 vehicle emission standards would save consumers more than \$1,650 per vehicle, reduce oil consumption by 1.2 billion barrels, and decrease GHG emissions by 540 MMT.⁴ In order to maintain the same benefits, it is crucial that the current GHG standards remain strong. Therefore, Massachusetts supports ARB's position not to weaken any of the regulatory requirements in the LEV III GHG regulation and also supports regulatory action if needed to clarify compliance with any weakened federal standards for the affected model years.

Sincerely,



Christine Kirby
Assistant Commissioner
Bureau of Air and Waste

¹ <https://www.mass.gov/files/documents/2016/11/sv/gwsa-appc.xls>

² <http://www.mass.gov/eea/air-water-climate-change/climate-change/mass-clean-energy-and-climate-plan.html>

³ https://www.arb.ca.gov/msprog/acc/mtr/acc_mtr_finalreport_full.pdf

⁴ <https://nepis.epa.gov/Exe/ZyPDF.cgi/P100QQ91.PDF?Dockey=P100QQ91.PDF>