



May 31, 2018

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

Re: California Air Resources Board'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

Dear Ms. Carter:

The Pennsylvania Department of Environmental Protection (DEP) is replying to the California Air Resources Board (CARB) public request for input relating to the "deemed to comply" provision of California's greenhouse gas (GHG) emissions standards in California's low emission vehicle program (LEV III) for new passenger motor vehicles. The "deemed to comply" provision allows manufacturers of passenger cars, light-duty trucks, and medium-duty vehicles the option of certifying to the GHG emission standards of the U.S. Environmental Protection Agency (EPA) and having that certification qualify as compliance with the California GHG emission standards through MY 2025. CARB agreed to adopt the "deemed to comply" provisions on the condition that the federal standards would deliver equivalent GHG emission reductions as California's standards. The CARB request for input is found at https://www.arb.ca.gov/msprog/levprog/leviii/leviii_dtc_notice05072018.pdf and is attached for your reference. The CARB "deemed to comply" provision, entitled "Optional Compliance with the 2017 through 2025 [model year] MY National Greenhouse Gas Program" is found in the California Code of Regulations, 13 CCR § 1961.3(c).

Pennsylvania supports California's LEV III program and CARB's efforts to clarify the "deemed to comply" provision of 13 CCR § 1961.3(c) in light of recent federal actions that may result in changes to the federal GHG emission standards for MY 2022-2025 passenger cars, light-duty trucks, and medium-duty vehicles. Motor vehicle emissions remain a significant source of air pollution in Pennsylvania, posing challenges in meeting and maintaining federal clean air standards. Pennsylvania adopted and incorporated by reference California's LEV program by regulation to ensure that Pennsylvania residents have access to the cleanest vehicles available. Through the Pennsylvania Clean Vehicles Program, 25 Pa. Code Chapter 126, Subch. D, Pennsylvania enjoys the benefit from the California GHG vehicle emission standards.

The current CARB and federal GHG emission standards are reasonable and supported by extensive technical records. There is no reason to deviate from the standards now. In January 2017¹, the EPA made a "Final Determination," in a mid-term review, to maintain the current federal GHG emission standards set for MY 2022-2025. The EPA found the standards were reasonable, based on the record. The CARB also determined that its GHG emission standards set for MY 2022-2025 were reasonable,

¹ "Final Determination on the Appropriateness of the Model Year 2022-2025 Light-Duty Vehicle Greenhouse Gas Emission Standards Under the Midterm Evaluation," EPA, January 2017.
<https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P100QQ91.pdf>.

based on a California-specific evaluation². Pennsylvania DEP supports these findings. The later withdrawal by EPA of its January 2017 “Final Determination,” and the issuance by EPA of a new “Final Determination,” appear to be based on a less substantial record. See, 83 Fed. Reg. 16,077 (April 13, 2018).


The existing federal standards will result in the most environmental benefit for the Commonwealth, the other states that have adopted California vehicle emission standards, and also the states that follow the federal standards. While Pennsylvania has not adopted state-specific GHG requirements, Pennsylvania does benefit from the California GHG vehicle emission standards through higher efficiency vehicles and lower emissions from the petroleum fuel transport and distribution system due to lower demand for gasoline and diesel fuel. Transportation is a significant source of emissions of both criteria pollutants and GHGs, and all actions taken to reduce these emissions benefit the citizens of this country.

Of the options CARB is considering, the DEP supports the option to propose regulatory amendments to clarify California’s “deemed to comply” provision as the best option to maintain and build upon the benefits of the current compliance structure, which is the National Program of harmonized federal and California standards. The potential California regulatory action would not add costs to consumers, government or industry, as it is a continuation of the current compliance requirements. This potential approach may be the only low or no-cost option.

As demonstrated by CARB’s final rulemaking establishing the MY 2017-2025 GHG emission standards³, effective August 2012, the standards are set at a level considered necessary to protect human health, based on the scientific record. Backsliding on the established standards would be detrimental to residents throughout the country, including in Pennsylvania. While a National Program with harmonized standards was and is beneficial to manufacturers, the DEP does not support weakening California GHG emission standards to maintain a single compliance option for manufacturers in the event the federal standards are weakened.

Thank you for your consideration of our comments. Should you have questions or need additional information, please contact George Hartenstein, Deputy Secretary for Waste, Air, Radiation and Remediation, by e-mail at ghartenste@pa.gov or by telephone at 717.772.2725, or Krishnan Ramamurthy, Director of the Bureau of Air Quality, by e-mail at kramamurth@pa.gov or by telephone at 717.787.9702.

Sincerely,



Patrick McDonnell
Secretary

² “Advanced Clean Cars Midterm Review Resolution 17-3,” California Air Resources Board, March 24, 2017. <https://www.arb.ca.gov/msprog/acc/mtr/res17-3.pdf>.

³ Final Regulation Order: “‘LEV III’ Amendments to the California Greenhouse Gas and Criteria Pollutant Exhaust and Evaporative Emission Standards and Test Procedures and to the On-Board Diagnostic System Requirements for Passenger Cars, Light-Duty Trucks, And Medium-Duty Vehicles, and to the Evaporative Emission Requirements for Heavy-Duty Vehicles,” California Air Resources Board, Approved and Effective August 7, 2012.