



SAN PEDRO PENINSULA HOMEOWNERS' COALITION



August 25, 2020

Mary Nichols, Chair
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Submitted electronically via rulemaking docket

Re: Comments on the Proposed Heavy-Duty Engine and Vehicle Omnibus Regulation and Associated Amendments

Dear Chair Nichols and Members of the Board:

On behalf of the undersigned health and environmental organizations, we respectfully submit this comment in response to the California Air Resources Board’s (ARB) proposed Heavy-Duty Engine and Vehicle Omnibus Regulation and Associated Amendments (Low-NOx rule). Heavy-duty trucks are the largest NOx emission source in California, contributing nearly one-third of all NOx emissions. Emissions from heavy-duty trucks have profound impacts on the state’s ability to meet its obligations under the State Implementation Plan (SIP). What’s worse, many of the emissions from these polluting vehicles are concentrated in disadvantaged communities that are already overburdened by compounding environmental injustices. First and foremost, our organizations support the shift of as many trucks as possible to zero-emissions, but any new combustion trucks must meet the lowest feasible NOx levels.

We are pleased that the proposed Low-NOx rule reduces NOx emissions from on-road heavy-duty trucks by about 90 percent. This is a significant measure in ARB’s 2016 State Strategy for the SIP, as evidenced by the \$37 billion in statewide health benefits expected to flow from this rulemaking alone. Therefore, we encourage the Board to adopt this rule expeditiously. The following offers some suggestions on moving forward with this rule.

I. The Rule’s Extended Warranty and Useful Life Periods, and In-Use Test Procedures are Critical to Ensuring Heavy-Duty Trucks Meet Emissions Standards For Longer.

Our organizations are pleased to see inclusion in this rule of provisions that ensure that heavy-duty trucks continue to meet this rule’s emission standards for longer. The extended warranty and useful life periods, as well as the in-use test procedures requirements will help make sure that heavy-duty engines operate at lower NO_x standards for more of the duration of the vehicle’s life. Specifically, the rule’s extended emissions warranty provides a level of assurance to the public that an engine and its associated emission control system will continue to meet this rule’s reduced emissions standards for longer. In other words, the extended warranty period offers assurance to the public that a truck will not exceed emissions requirements later in the life of the vehicle, because manufacturers are accountable for defects for longer. Additionally, the lengthened useful life period provision means that manufacturers are responsible for ensuring their engines meet emission standards for longer. The current mileages for the useful life of a heavy-duty vehicle are significantly lower than the mileages at which modern heavy-duty engines get rebuilt or replaced. The proposed lengthened useful life periods bridge this gap, and therefore encourage manufacturers to make parts more durable in order to avoid non-compliance with in-use testing requirements. Finally, the proposed in-use test procedures ensure that emissions from diesel engines in vehicles greater than 8,500 pounds are controlled under real-world conditions throughout their useful life. Each of these provisions is critical to ensuring that heavy-duty trucks actually produce and maintain the real-world emission reduction benefits from this rule. As such, we urge the Board to keep these amendments in the final rule.

II. This Rule Should Not Offer ZEV Credits to Manufacturers.

Our organizations ask that CARB remove the zero-emission vehicle (ZEV) credits from this Rule because these credits will not incentivize sales of ZEVs and will translate into a diluted rule and higher emissions. We appreciate that the Board—like our organizations—is eager to ensure robust and early commitment to the nation’s first ever zero-emissions Advanced Clean Truck (ACT) rule, however we do not agree that giving manufacturers additional credits for selling zero-emissions vehicles will support the overall goal of cleaning the air.

First, including ZEV credits in this rule will not incentivize manufacturers to produce and sell more ZEVs, and will certainly not decrease emissions, even when accounting for more ZEVs on the road. The ACT rule already gives manufacturers credits for selling zero-emission trucks that exceed that rule’s requirements. Because the proposed Low-NO_x rule offers manufacturers an additional set of ZEV credits for doing the same thing, these ZEV credits amount to double counting. This means that manufacturers would get an additional benefit for doing no additional work. Meanwhile, including ZEV credits here will dilute the benefits of the Low-NO_x rule and increase emissions. There is no reason to believe that these additional credits will further incentivize ZEV sales. Any incentive that credits could offer toward producing ZEVs above and beyond the ACT’s requirements has already been achieved through the specifics of the ACT rule. Moreover, the technology for 0.05 g NO_x emission trucks is already available, so these credits are also not needed to push manufacturers to develop the required technology for compliance. Including ZEV credits in this rule is simply not necessary.

Second, these credits would allow manufacturers to delay compliance with the Low-NOx rule, and therefore keep the air dirty for longer. California cannot meet its obligations under the SIP to reduce 80 percent of NOx emissions by 2031 unless the Board adopts the most rigorous emissions standards possible. Allowing manufacturers to bank credits and use them when the emissions standards become more stringent will translate to California delaying or failing to meet its clean air requirements under the SIP. Disadvantaged communities already disproportionately burdened by poor air quality will be the ones to pay for this delay with their health. We should not let this happen. Our organizations urge the ARB to remove the crediting system from the proposed rule because it will delay compliance with this rule, and negatively impact communities already overburdened by compounded environmental injustices.

Finally, granting credits to manufacturers dilutes the zero-emission benefits of the historic ACT rule and the benefits of this nation-leading low-NOx emissions standard. These two rules are leading the way for California, the nation, and the world to move toward clean air and a clean climate. Therefore, it is critical that the strength of these rules be preserved, not only so that Californians can breathe safely sooner, but also so that other states and the nation have a strong model to look to when considering adopting comparable emissions standards.

III. This Rule Should Not Give Manufacturers the Option to Certify to a National 0.1 g NOx Standard.

We ask that ARB remove the option for manufacturers to certify their 50-state heavy-duty trucks to a 0.1 g NOx standard. While our organizations recognize ARB's commitment to capturing the most NOx emissions possible, and pushing national manufacturers to adopt cleaner technology, the national 0.1 g certification option creates a concession to the fossil fuel industry where one is not needed. Moreover, if many manufacturers choose this option, this rule will not lead to the much needed emissions reductions required for California's compliance with the SIP.

Instead, California has a special opportunity to once again stand out in front by setting a standard for low-NOx technology that other states and the nation can look to as a guiding light when adopting or renewing their own emissions standards. When combustion vehicles are upgraded in California or anywhere else in the nation, they should be fitted with the latest technology. We urge the Board to enact a bold standard, and a 0.1 g standard does not rise to this important moment.

IV. We Ask that ARB Accelerate the Compliance Deadline for the 0.02 g NOx Standard.

California will not be able to meet its SIP obligations unless the Board adopts a lower NOx emissions standard. Indeed, NOx emissions from heavy-duty trucks need to decline by about 80 percent to meet the South Coast 2008 ozone standard in 2031. This calls for a shift to zero-emissions trucks, and where combustion vehicles are purchased the lowest NOx limit feasible. Accordingly, our organizations ask that ARB accelerate the compliance deadline for the 0.02 g NOx standard up to the earliest date possible instead of waiting until 2027 for this shift.

V. This Rule Should Not Give Manufacturers Early Compliance Credit Multipliers.

While there is no dispute that we must quickly move away from diesel combustion to address the cancer hotspots created by diesel exhaust, promoting alternative combustion fuels that generate NOx and ultrafine particulate pollution is not the answer. Our organizations ask that this rule not provide credit multipliers to manufacturers that certify to emission reduction standards earlier than required. We project that these early compliance credit multipliers will be used to support natural gas technology that already exists and will not help advance cleaner technologies as is the intent of this rule.

VI. Conclusion

This regulation is vital to protecting Californians and ensuring California meets its State Implementation Plan obligations under the Clean Air Act. Our organizations appreciate the agency staff's continued efforts to move forward with the final adoption of this regulation. Please let us know how we can assist with transitioning the industry to zero-emissions trucks and the strictest emissions standards possible.

Sincerely,

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