Airlines for America®

We Connect the World

October 18, 2021

SUBMITTED VIA: http://www.arb.ca.gov/lispub/comm/bclist.php

Re: Airlines for America Comments on *Draft 2020 Mobile Source Strategy (dated September 28, 2021)*

To Whom It May Concern:

Airlines for America (A4A),[1] the principal trade and service organization for the U.S. airline industry, appreciates this opportunity to comment on the California Air Resources Board's (CARB) *Draft 2020 Mobile Source Strategy (dated September 28, 2021)* (*Draft 2020 Strategy*).

We provided detailed comments on a previous version of the *Draft 2020 Strategy (dated November 24, 2020)*.[2] As pointed out in those comments, the U.S. airlines are a critical engine of prosperity and progress in our local, state, national and international communities. The airlines recognize that continued progress depends on protecting our environment and strengthening the sustainability of our economies. Accordingly, we acknowledge and embrace our responsibility to address potential impacts of our industry on the environment, including climate change and local air quality. This is not new. We have taken many strong proactive steps to address the environment and sustainability, including our long history of working cooperatively with CARB, local air districts and California airports to support their climate and air quality goals.

We will not reiterate those steps here and instead refer to the extensive discussion in the A4A December 2020 Comments. However, it is important to highlight that A4A and its members continue to work hard to make good on our commitment to the environment and sustainability and have not stood still since filing those comments. On March 30, 2021, A4A announced the commitment of its member carriers to work across the aviation industry and with government leaders in a positive partnership to achieve net-zero carbon emissions by 2050. With consistent analyses showing that tremendous quantities of SAF must be deployed for industry to meet its climate goals, A4A carriers also pledged to work with the government and other stakeholders toward a rapid expansion of the production and deployment of commercially viable SAF to make 2 billion gallons of SAF available to U.S. aircraft operators in 2030. On September 9, 2021, as a complement to the U.S. government's announcement of a SAF "Grand Challenge,"

---

[1] A4A members are Alaska Airlines, Inc.; American Airlines Group; Atlas Air, Inc.; Delta Air Lines; Federal Express Corp.; Hawaiian Airlines; JetBlue Airways Corp.; Southwest Airlines Co.; United Airlines Holdings, Inc.; and United Parcel Service Co. Air Canada is an associate member.

[2] *See Airlines for America Comments on CARB Draft Mobile Source Strategy (dated November 24, 2020)* (December 7, 2020) (*A4A December 2020 Comments*); available here: https://www.arb.ca.gov/lispub/comm/bccomdisp.php?listname=mobilesourcestrat20&comment_num=1&virt_num=1.

A4A and its members increased the A4A SAF "challenge goal" by an additional 50 percent, calling for 3 billion gallons of cost-competitive SAF to be available to U.S. aircraft operators in 2030.[3]

This reinforces our recognition that our industry's vitality depends on protecting our environment and strengthening the sustainability of our economies and, accordingly, our strong commitment to working cooperatively with CARB and local air districts to improve California's air quality and reduce climate pollutants. It is in this spirit that we offer these comments.[4] Because our December 2020 Comments identified the many aspects of the *Draft 2020 Strategy (dated November 24, 2020)* of concern to our industry and provided detailed input on those aspects, we will not repeat our comments in detail here. Rather, we incorporate our December 2020 Comments here by reference, summarize major points below and respectfully ask CARB to consider them carefully as it finalizes the *2020 Strategy*.

A4A SUPPORTS CALIFORNIA'S EMISSIONS GOALS, SUBJECT TO TECHNOLOGICAL FEASIBILITY AND COST EFFECTIVENESS

- We strongly support CARB's efforts to achieve reductions in emissions of climate pollutants and criteria pollutants from mobile sources necessary to attain California's climate goals and compliance with National Ambient Air Quality Standards.
- Any CARB regulation, strategy or other regulatory action needs to be consistent with technological feasibility and cost effectiveness, and we urge CARB to incorporate these factors into any decision regarding any emissions source.
- We urge the CARB staff and Board to consider carefully the impacts of the COVID-19 pandemic. The impact of the pandemic on air transportation has been particularly severe. Passenger levels and recovery will likely take years, with significant economic effects that could persist beyond that recovery in the form of debt that could constrain airlines' ability to invest in new technologies.[5]

---

[3] See https://www.airlines.org/news/u-s-airlines-announce-3-billion-gallon-sustainable-aviation-fuel-production-goal/.

[4] We emphasize our understanding that any regulatory action or other measure intended to implement a "concept" identified in this *Draft 2020 Strategy* or identified in any other subsequent planning document ultimately may or may not be formally proposed for adoption by the Board and, in any event, could not be finalized without further formal notice and opportunity to comment consistent with the State's Administrative Procedure Act (APA). We are very concerned that the *2020 Strategy* continues to identify a number of "concepts" for addressing emissions from commercial aircraft about which we raised concerns in our December 2020 Comments but which are already being carried forward in CARB's recently released *2022 State Strategy for the State Implementation Plan: Draft Measures"* (dated October 6, 2021) (*Draft Measures*). As such, we underscore that these comments on the *Draft 2020 Strategy* are not intended to constitute a comprehensive or final response to any specific policy, project, action or measure that may be put forward to implement the *2020 Strategy* and A4A and our members expressly reserve any and all rights to comment on any regulatory measure or other action if and when it is formally proposed.

[5] *See Emerging From the Pandemic* (Updated October 12, 2021) (available here: https://www.airlines.org/dataset/impact-of-covid19-data-updates/). We appreciate the acknowledgement of the COVID-19 pandemic on our sector (*Draft 2020 Strategy* at 161). We do note, however, that the

- We very strongly support positive measures to help support airlines' efforts to improve fuel-efficiency and reduce emissions.

    - We strongly support the "technology advancement" strategy identified in the *Draft 2020 Strategy* (at p. 160) insofar as it is aimed at leveraging and supporting programs like the FAA's Continuous Lower Energy, Emissions and Noise (CLEEN) program, and again call CARB's attention to research and development programs implemented by the National Aeronautics and Space Administration (NASA) that are important to the advancement of aviation technologies, including the Advanced Air Vehicles Program (AAVP) and Transformative Aeronautics Concepts Program (TACP), which include the Advanced Air Transport Technology (AATT), and Transformational Tools and Technology (TTT) programs. We encourage CARB to join us in supporting these programs.

    - We again emphasize that the availability of Sustainable Aviation Fuel (SAF, commonly referred to as Alternative Jet Fuel (AJF) in California) will be critical to reducing GHG emissions associated with aviation, and we observe that the failure to include any mention of AJF is a glaring shortcoming of the *Draft 2020 Strategy*. We urge CARB to update the section on aircraft (pp. 155-162 of the *Draft 2020 Strategy*) by including a discussion of AJF and the key role it is expected to play in reducing aviation's GHG emissions, as well as the local air quality benefits it can offer. We further urge CARB to assess and consider making appropriate regulatory changes to the Low Carbon Fuel Standard (LCFS) to incentivize substantial increases in the quantity of AJF produced and deployed in California. Additionally, we request that CARB express its support for a long-term, SAF-specific blender's tax credit at the federal level, with the credit being performance-based and ranging from $1.50 - $2.00 per gallon as proposed in H.R. 3440 and S. 2263. We likewise request that CARB voice its support for the Alternative Fuel and Low-Emission Aviation Technology Program that has been proposed in section 110011 of H.R. 5376 (the Build Back Better Act).

    - We reiterate our full support for the use of positive "incentive programs" as a tool to achieve the State's goals as long as they are structured to ensure that they do not circumvent the strict limits on the authority of the State and its political subdivisions. We welcome CARB support for FAA's Voluntary Airport Low Emissions (VALE)

---

observation that "[t]o save the cost of fuel, most airlines started operating newer aircraft that were most fuel-efficient" could be misconstrued. As pointed out at length in our December 2020 Comments, our focus on fuel-efficiency did not begin during the pandemic; rather, ***we have been relentlessly focused on fuel-efficiency for decades***. From 1978 to 2019, U.S. airlines improved fuel efficiency (on a revenue ton mile basis) by over 135 percent, saving over 5 billion metric tons of carbon dioxide – equivalent to taking more than 27 million cars off the road on average *in each of those years*. Investment in newer, more fuel-efficient aircraft has been an ever present, very important part of our efforts. *See Industry Review: Allocating Capital to Benefit Customers, Employees and Investors* (Updated Oct. 6, 2021), Slides 33-36 (available here: https://www.airlines.org/wp-content/uploads/2021/09/A4A-Industry-Review-3.pdf).

program and continued use of State (e.g., Carl Moyer) or other federal funding mechanisms to support deployment of cleaner Airport Ground Support Equipment (GSE) and infrastructure necessary to support it.

- In this light, to the degree efforts to achieve "accelerated turnover [of aircraft]" or reductions in emissions from auxiliary power units (APUs) (at p. 160) could be facilitated with such programs, we could support them – however, such programs would need to be very carefully structured as the State has no authority to mandate or otherwise require the use or operation of particular aircraft, aircraft engines or aircraft components.[6]

- We also support the development of emissions standards for aircraft and aircraft engines (at p. 63) through the international process led by the International Civil Aviation Organization's Committee on Aviation Environmental Protection (ICAO-CAEP), consistent with the CAEP's Terms of Reference, including technological feasibility and cost-effectiveness.

- Similarly, we have long cooperated with CARB, the South Coast Air Quality Management District and California airports in supporting the development of reasonable, practically achievable means of reducing emissions from GSE. This has included the development of a suite of CARB emissions regulations applicable to GSE and voluntary programs to reduce GSE emissions even more aggressively at five major South Coast airports.[7] We can support the "strategy scenario" in the *Draft 2020 Strategy* which envisions the "full electrification" of GSE from 2025-2034, but emphasize that this will require that GSE exists that is both commercially available and operationally feasible and will also require significant investments to ensure infrastructure (both on-airport and off-airport) exists to provide sufficient, reliable electrical power and enable efficient, reliable charging of the equipment. The *2020 Strategy* should include discussion of and propose specific means to address these aspects of the challenge faced when aspiring to full GSE electrification by 2035. Moreover, we encourage CARB to take the steps necessary for LCFS credits to be earned for the electricity used in electric GSE.

MANY OF THE "STRATEGIC CONCEPTS" IDENTIFIED IN THE *DRAFT 2020 STRATEGY* CANNOT BE PURSUED CONSISTENT WITH FEDERAL LAW

- We reiterate that it is essential that CARB recognize its authority to regulate the aviation sector is strictly limited under federal law. It is essential that CARB respect that it lacks authority to regulate aircraft, aircraft engines and

[6] We do note that "switching to on-board rechargeable batteries as a power supply" would require FAA approval of such systems; in addition, huge investments have already been made to provide gate power, which can be used to power aircraft in lieu of APUs.

[7] We have consistently maintained that the CARB regulations exceed the State's authority as they are preempted by federal aviation statutes but have nonetheless worked to create reasonable regulations that avoid direct confrontation.

aviation fuels and faces strict limitations on its authority to regulate the aviation sector generally.[8]

- We highlighted in our December 2020 Comments and reiterate here that the State does not have authority to implement a number of "strategy concepts" set out in the *Draft 2020 Strategy,* most specifically the strategies to "improve the current air traffic operation (ATO) during the LTO cycle" (control measures to de-rate take-offs, reduce power during taxiing, and improve taxi times). Rather than repeat our comments here, we strongly urge CARB to consider our December 2020 Comments on this subject and amend the *Draft 2020 Strategy* accordingly.

CONCLUSION

Again, A4A appreciates the opportunity to comment in this proceeding and respectfully requests the CARB staff and Board to consider our comments carefully as it finalizes the *2020 Strategy*.

Sincerely,

Tim A. Pohle
Senior Managing Director,
Environmental Affairs
Airlines for America

Ira Dassa
Director, Environmental Affairs
Airlines for America

[8] We again respectfully refer CARB to our December 2020 Comments for a more detailed discussion of federal preemption of state and local authority to regulate aviation, in particular aircraft operations.