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(Submitted by email to Ariel.Fideldy@arb.ca.gov)

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Re: Comments on California Air Resources Board's Proposed 2020 Mobile Source Strategy

The Western States Petroleum Association (WSPA) appreciates the opportunity to comment on the Proposed 2020 Mobile Source Strategy (Proposed 2020 MSS),¹ which was released on September 28, 2021. WSPA is a non-profit trade association that represents companies that export for, produce, refine, transport and market petroleum, petroleum products, natural gas and other energy supplies in California and four other western states, and has been an active participant in air quality planning issues for over 30 years.

Western States Petroleum Association (WSPA) recognizes the challenges that California and California Air Resources Board (CARB) face in meeting its air quality improvement and greenhouse gas reduction goals. However, WSPA notes with great concern that the Proposed 2020 MSS continues to dismiss SB 44 obligations (in spite of CARB's claims that the Proposed 2020 MSS exceeds SB 44 requirements), ignores key operative language of the Governor's Executive Order (EO) N-79-20, continues to fall short on legislatively mandated responsibilities under the Clean Air Act, and fails to address any of the concerns that were raised in WSPA's earlier comment letters dated October 21, 2020,² December 7, 2020,³ and May 14, 2021.⁴

¹ CARB Proposed 2020 Mobile Source Strategy. September 28, 2021. Available at: https://ww2.arb.ca.gov/sites/default/files/2021-09/Proposed_2020_Mobile_Source_Strategy.pdf. Accessed: October 2021.

² WSPA Comments on the 2020 Mobile Source Strategy Document. October 21, 2020. Available at: https://ww2.arb.ca.gov/sites/default/files/2020-11/WSPA_Comment-WorkshopDiscussionDraft2020MSS.pdf. Accessed: October 2021.

³ WSPA Comments on the Draft 2020 Mobile Source Strategy. December 7, 2020. Available at: <https://www.arb.ca.gov/lists/com-attach/5-mobilesourcestrat20-VGZRZ11uAGMDWgdk.pdf>. Accessed: October 2021.

⁴ WSPA Comment on the Revised Draft 2020 Mobile Source Strategy. May 14, 2021. Available at: https://ww2.arb.ca.gov/sites/default/files/2021-05/9-WSPA_Comment_RevisedDraft2020MobileSourceStrategy.pdf. Accessed: October 2021.

In the Proposed 2020 MSS, CARB claims to have met the requirements of SB 44 by including “scenarios and programmatic concepts that comprehensively address the mechanisms needed to provide for the deployment of clean medium- and heavy-duty vehicles.” CARB further claims that the Proposed 2020 MSS is more comprehensive than required under SB 44 as it “allows for consideration of fuel and energy use by the light-duty and off-road sectors in addition to the on-road medium- and heavy-duty sectors.” However, **CARB has failed to provide any assessment of the feasibility and viability of their chosen zero-emission vehicle (ZEV) centric pathway.** CARB does not evaluate alternative vehicle/fuel technologies in order to objectively develop a strategy that is able to meet both short- and long-term clean air standards and achieve the greatest amount of environmental benefits in a more cost-effective manner. While the Proposed 2020 MSS claims the inclusion of the light-duty and off-road sectors goes beyond the scope of SB 44, they fail to acknowledge that **the Proposed 2020 MSS does not fundamentally meet the all the requirements of SB 44**, i.e., to develop strategies “for the attainment of federal ambient air quality standards”, develop strategies that “seek to maximize the reduction of criteria air pollutants”, and develop strategies that “identify medium duty and heavy-duty vehicle segments that can more quickly reduce motor vehicle emissions”.⁵ CARB staff continue to reference EO N-79-20 as justification for their single-technology focus, but **are also in contradiction with the EO** which requires CARB to “act consistently with technological feasibility and cost-effectiveness.”⁶ CARB is obligated to follow requirements of SB 44 and EO N-79-20, but has failed to do so in the Proposed 2020 MSS.

CARB openly acknowledges in the Proposed 2020 MSS that the measures outlined therein “**do not fully address the emissions reductions needed to meet federal air quality standards** in 2023, 2024, and 2031” in the South Coast and San Joaquin Valley Air Basins. These attainment milestones are legislatively mandated under the Federal Clean Air Act. Yet the Proposed 2020 MSS presents a strategy that knowingly fails to bring the State any closer to meeting Federal air quality standards by those required dates. For example, CARB acknowledges in the Proposed 2020 MSS that “emission standards for new vehicles and engines adopted today will not realize substantial emission reductions until years in the future”, effectively **reneging responsibility towards near-term attainment targets and pointing to federal government actions to achieve >90% of the required reductions** in NO_x emissions in the South Coast.

CARB has still not addressed the following comments and concerns on the Proposed 2020 MSS listed below, despite repeated efforts by WSPA to bring them to CARB’s attention in previous comment letters over the past 12 months. Below are the list of written comments that were submitted in our May 14th comment letter that have not been addressed in the Proposed 2020 MSS:

1. The Proposed 2020 MSS fails to address near-term federal Clean Air Act (CAA) emission commitments

⁵ Senate Bill No. 44. Available at: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB44. Accessed: October 2021.

⁶ Executive Order N-79-20. Available at: <https://www.gov.ca.gov/wp-content/uploads/2020/09/9.23.20-EO-N-79-20-Climate.pdf>. Accessed: October 2021.

2. The Proposed 2020 MSS fails to meet SB 44 obligations
3. The Proposed 2020 MSS fails to properly analyze and consider viable alternatives including multi-technology/fuel pathways as required by SB 44
4. Increased use of renewable fuels could provide GHG reductions with greater certainty than the proposed VMT reduction policies
5. The Proposed 2020 MSS lacks a robust cost and funding analysis
6. The Proposed 2020 MSS completely ignores future electric grid reliability and readiness of infrastructure needed for a ZEV transition
7. The Proposed 2020 MSS does not reflect the potential role of cap-and-trade in reducing future GHG emissions
8. The Proposed 2020 MSS does not conduct a feasibility assessment of the ZEV-centric pathway or proposed accelerated ZEV turnover
9. The Proposed 2020 MSS does not incorporate the impact of lost revenues from fuel taxes

WSPA strongly urges CARB to consider these and previous comments and address them in a revised version of the Proposed 2020 MSS before recommending it for approval by the Board.

WSPA would welcome the opportunity to discuss these ideas in more detail. Thank you for consideration of our comments in this letter. If you have any immediate questions, please feel free to email me at mnechodom@wspa.org. We look forward to working with you on these important issues.

Sincerely,

