Lisa,

Please consider the following comments as you finalize your Volkswagen Beneficiary Mitigation Plan and consider project applications.

Although there are currently many concept vehicle announcements about future Class 8 electric truck offerings, Orange EV has been successfully deployed since 2015. With a proven product, we can ensure that VW funds will be used effectively and meet deployment deadlines. Further, Class 8 yard truck replacements/repowers meet all of the over-arching goals for VW mitigation: They are cost effective projects that permanently remove significant NOx emissions, typically in disproportionately impacted communities.

By attaching the word “port” in Categories 1 and 8, however, the Consent Decree has the potential to (unintentionally) preclude ~80% of yard truck operations. Since the Consent Decree leaves “port” undefined, states have leeway to include yard truck projects in seaport and non-seaport operations (i.e. wherever the trucks are used).

When considering the definition of port for your VW mitigation plan, please note:

• The EPA acknowledges the role of land ports in its Ports Primer: 2.1 The Role of Ports and notes that "many considerations related to marine ports may also apply at inland water or land ports”.

• The concept of “inland ports” is widely recognized. The article Perspectives on the global supply chain: The emergence of the inland port notes: "Increasingly, this inbound cargo will be transferred directly from an ocean vessel to railcars and then transported to an inland location, away from the more congested port itself, for further processing and distribution. These inland locations, or intermodal centers, serve as “inland ports,” with some handling as much cargo volumes as their coastal counterparts. Though the concept of inland ports is not new, these locations are becoming increasingly critical to the global supply chain…”.

o This article attempts to strictly define inland ports but the Inland Ports discussion on Envision Freight notes that there are "subtle distinctions separating inland ports from related concepts such as freight villages, or integrated logistics centers” and "Terminology aside, inland ports are simply an agglomeration of freight activity involving multiple modes.”

• State and federal regulations routinely preface definitions with “For purposes of this regulation…” to ensure maximum effectiveness within a specified context.

To ensure that all Class 8 yard truck projects are eligible for consideration for VW Mitigation funds, please adopt a broad definition of port. One example: “For purposes of this Volkswagen Beneficiary Mitigation Plan, the term "port" connotes a hub or node in the goods movement supply chain with freight activity that facilitates the distribution of goods by any mode of transportation across marine, air, rail and truck."

Thank you for your consideration and continued partnership.

Respectfully,

Julie Brooks