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March 17, 2015

The Honorable Gina McCarthy
Administrator
U.S. Environment Protection Agency
Attn: Docket ID No. EPA-HQ- OAR-2008-0699

Re: National Ambient Air Quality Standards for Ozone; Proposed Rule

Dear Administrator McCarthy:

The American Trucking Associations (ATA) urges you to retain the current ozone standard of 75 ppb when finalizing EPA's recently proposed rulemaking.¹ Doing so will avoid potentially needless regulatory burdens on the nation's businesses, including trucking companies. Significant progress continues to be made in improving the nation's air quality. Since 1980, ozone-forming emissions have been cut in half leading to a 33% decrease in ozone concentrations. Adopted national programs affecting heavy-duty and light-duty vehicles, as well as other industrial sources, will lead to further reductions in ozone-forming emissions. These programs need time to accrue their full benefits before embarking on additional regulatory efforts to further lower the ozone standards.

The current ozone standards were just updated in 2008. However, due to EPA's reconsideration of these standards, the development of state implementation plans (SIPs) which demonstrate how the standards will be met has been significantly delayed. EPA issued its final rule explaining the SIP requirements for areas designated as being in nonattainment with the 2008 ozone standards on February 13, 2015. States are only now beginning to determine what types of additional actions will be required to meet what is essentially a 10% reduction from the prior ozone standards.

It remains unclear how states will even be able to meet the 2008 ozone standards. For example, EPA's Regulatory Impact Analysis notes that California will need to adopt additional, unknown controls for ozone-forming nitrogen oxide (NOx) emissions to achieve 84% of the total reductions needed to meet the 75 ppb standard.² For the Eastern United States, additional, unknown NOx controls would range from 23-43% of the total reductions needed should EPA lower the standard below the current level.

¹ ATA is the national trade association representing the American trucking industry and is a united federation of motor carriers, state trucking associations, and national trucking conferences created to promote and protect the interests of the trucking industry. Directly and through its affiliated organizations, ATA encompasses over 34,000 motor carriers and suppliers of every type and class of operation in the United States, Canada, and Mexico.

² U.S. EPA, *Regulatory Impact Analysis of the Proposed Revisions to the National Ambient Air Quality Standards for Ground-Level Ozone*, EPA-452/P-14-006, Tables 4-3 & 4-10 (November 2014).

The prospect of pursuing additional NOx controls as a result of lowering the ozone standard is a concern to the trucking industry. Having gone through three rounds of reducing tailpipe NOx emissions in 2004, 2007, and again in 2010, EPA should not forget the lessons learned from those regulatory actions. Fuel economy penalties, increases in greenhouse gas emissions, reliability issues, and vehicle pre-buys/low-buys were among the significant unintended consequences. Another major factor was the cost of compliance. While EPA projected a per truck cumulative cost of compliance from 2004 to 2010 of more than \$5,000, the actual surcharge was more than \$21,000.³

Fortunately, the purchase and use of new trucks, as well as ultra-low sulfur diesel fuel beginning in 2006, have led to significant reductions in both particulate matter (PM) and NOx emissions. From 2002 to 2011, NOx emissions from on-road heavy-duty vehicles decreased by more than 30%; accounting for approximately 17% of the nation's total NOx emissions in 2011.⁴ This progress in reducing NOx emissions will increase over time as more vehicles meeting the 2010 emissions standard (*i.e.*, those with near-zero levels of both PM and NOx emissions) are purchased and placed in service. Given the typical useful life of a truck is 15 years, the vast majority of the nation's trucking industry will be converted to near-zero emission trucks by 2025.

EPA also needs to be aware that efforts to further reduce NOx emissions from trucks could adversely affect the gains being made to reduce GHG emissions. Much of the industry's research and development resources have been shifted to the Phase I EPA/NHTSA truck GHG emissions/fuel efficiency standards which began to be implemented with the model year 2014. These standards, as well as a subsequent Phase II rulemaking which is currently underway, seek to reduce GHG emissions over the next decade or more by improving fuel economy. As our past experience has shown, engine modifications which reduce NOx emissions can adversely impact fuel efficiency and lead to an increase in GHG emissions.

Lastly, the agency should consider the proposal's impact on the nation's decaying highway infrastructure. Delays on the Interstate Highway System increased operational costs for the trucking industry by \$9.2 billion in 2013.⁵ State highway projects that are located in nonattainment areas are subject to additional analyses and review requirements to demonstrate conformity with air quality plans in order to be eligible for federal funding. An increase in the number of nonattainment areas will subject more areas to conformity analyses requirements, likely increasing the costs of highway projects and potentially leading to delays in the construction of important congestion mitigation projects.

For these reasons, ATA urges EPA to retain the current ozone standard of 75 ppb. More time is needed to evaluate the benefits of the emission reduction measures which are currently underway. By retaining the current standards, EPA will have an opportunity to evaluate this

³ Calpin, Patrick & Esteban Plaza-Jennings, *A Look Back at EPA's Cost and Other Impact Projections for MY 2004-2010 Heavy-Duty Truck Emissions Standards*, American Truck Dealers (February 2012).

⁴ U.S. EPA, Emissions Inventories, www.epa.gov/ttn/chief/einformation.html (accessed March 2015).

⁵ American Transportation Research Institute, *Cost of Congestion to the Trucking Industry* (April 2014).

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progress and avoid subjecting numerous communities and businesses across the country to new requirements. EPA should allow existing control measures enough time to work before deciding to move beyond the current standards.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Tunnell". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael Tunnell
Director, Energy and Environmental Affairs
American Trucking Associations