

Congress of the United States

Washington, DC 20515

February 28, 2023

The Honorable Michael Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Regan,

We write to urge the Environmental Protection Agency (EPA) to swiftly issue by no later than the end of March two proposed rules governing clean car and truck vehicle emission standards, and to finalize them before the end of this year. These two car and truck rules — the Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles (LDV rule) and the Greenhouse Gas Emissions Standards for Heavy-Duty Engines and Vehicles Phase 3 (HDV rule) — will play a key role in protecting people’s health and fighting climate change. EPA must issue the most stringent rules possible—rules that account for technological advances and cost-savings in zero-emission technologies (including those made possible by recent legislation); achieve critically necessary reductions in greenhouse gases (GHGs) and other pollutants; and are developed with thorough stakeholder involvement that ensures all affected communities can engage in the rulemaking process.

According to the recently released Unified Agenda of Regulatory and Deregulatory Actions, the EPA expects to release the final HDV rule by December 2023, but will not complete the final LDV rule until March 2024.¹ That’s too late. The sooner that long-term LDV and HDV rules are in place, the sooner the zero-emission vehicle (ZEV) and related infrastructure industries will have regulatory certainty on which they can rely and that will enhance their decision-making, product development, and rollout.² Moreover, the expeditious promulgation of strong LDV and HDV rules is critical for the United States to meet its GHG emission reduction targets over the coming decade and provide long-overdue protections for environmental justice communities. We urge the EPA to take the readily achievable step of accelerating its LDV rulemaking to match the timeline for the HDV rule.

Additionally, EPA must ensure the LDV and HDV rules are as robust and stringent as possible, to reduce dangerous climate pollution and prioritize public health. Given this, EPA should ensure that, throughout the rulemaking process, it recognizes and considers investments from the recently enacted *Infrastructure Investment and Jobs Act (IIJA)* and *Inflation Reduction Act (IRA)*. Together, these two laws are expected to reduce adoption costs for ZEVs by providing at least \$245 billion in federal funds—through tax credits, loans, and grants—to support ZEV charging infrastructure, manufacturing, and purchasing.³ Long-term regulatory

¹ 2022 *Unified Regulatory Agenda and Regulatory Plan*, Office of Management and Budget (Jan. 4, 2023), <https://www.whitehouse.gov/omb/briefing-room/2023/01/04/2022-unified-regulatory-agenda-and-regulatory-plan/>.

² *Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles*, Office of Information and Regulatory Affairs (2022), <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202210&RIN=2060-AV49>; *Greenhouse Gas Emissions Standards for Heavy-Duty Engines and Vehicles-Phase 3*, OIRA (2022), <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202210&RIN=2060-AV50>.

³ Noah Gabriel, *\$210 Billion of Announced Investments in Electric Vehicle Manufacturing Headed for the U.S.*, EV Hub (Jan. 12, 2023), https://www.atlasevhub.com/data_story/210-billion-of-announced-investments-in-electric-vehicle-manufacturing-headed-for-the-u-s/.

certainly, through strong federal clean car and truck standards, will push domestic manufacturers to take full advantage of these investments.

In 2020, the transportation sector contributed 27 percent of total GHG emissions in the United States—more than any other single sector.⁴ It also contributes over 55 percent of our nation’s total nitrogen oxide (NOx) emissions.⁵ In order to protect the health of our communities and reduce the GHG pollution causing dangerous and costly climate change, the EPA must ensure the LDV and HDV rules are as strong as possible and reflect major advancements in zero-emission technologies. We believe that such standards would also be consistent with the U.S. nationally determined contribution to the Paris Agreement, under which the United States committed to cut economy-wide GHG emissions by 50 to 52 percent in 2030, compared to 2005 levels.

To meet those goals, the proposed and final rules should:

- reduce GHG emissions from new LDVs sold in 2030 by 75 percent compared to today’s new vehicles;
- ensure the LDV and HDV standards support greater zero-emission vehicle adoption by considering market growth expected from *IRA* and *IIJA* investments (which will surpass existing commitments outlined in Executive Order 14037);
- put the nation on a trajectory to ensure 100 percent of all HDVs sold in 2035 are zero-emission vehicles including pathway milestones assuring continuous progress; and
- reflect recently adopted state LDV and HDV emissions standards, consistent with state authority under the Clean Air Act.

This is an urgent task, but the EPA must still incorporate a robust and responsive stakeholder engagement process—particularly for frontline communities. Transportation is a leading source of air pollution and disproportionately harms low-income people and people of color.⁶ NOx and particulate matter pollution pose serious health risks, leading to devastating human health impacts including asthma, other respiratory issues, and even premature death. The EPA must work with environmental justice communities to ensure they are included in decision-making processes.

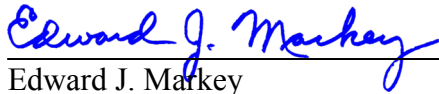
By implementing the recommendations above, we believe that the resultant standards will not only meet the Clean Air Act’s statutory command to protect public health and welfare, but will position the United States as a leader in zero-emission vehicle technology development and manufacturing, provide high quality job creation, reduce burdens on frontline communities, and lower fuel costs for consumers. We thank you for your consideration as you work to finalize these rules this year.

Sincerely,


⁴ *Fast Facts on Transportation Greenhouse Gas Emissions*, U.S. Environmental Protection Agency (last updated July 14, 2022), <https://www.epa.gov/greenvehicles/fast-facts-transportation-greenhouse-gas-emissions>.

⁵ *Smog, Soot, and Other Air Pollution from Transportation*, U.S. Environmental Protection Agency (last updated Jan. 4, 2023), <https://www.epa.gov/transportation-air-pollution-and-climate-change/smog-soot-and-other-air-pollution-transportation>.

⁶ *Road to Clean Air: Benefits of a Nationwide Transition to Electric Vehicles*, American Lung Association (2020), <https://www.lung.org/getmedia/99cc945c-47f2-4ba9-ba59-14c311ca332a/electric-vehicle-report>.



Edward J. Markey
United States Senator



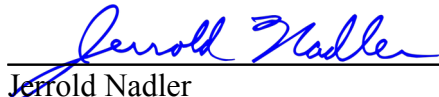
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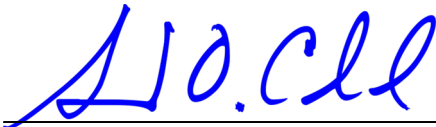
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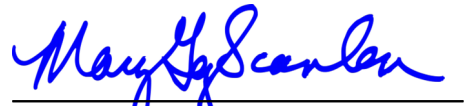
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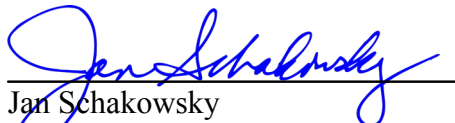
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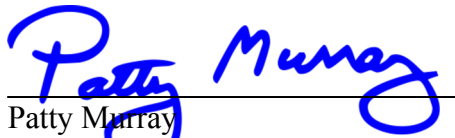
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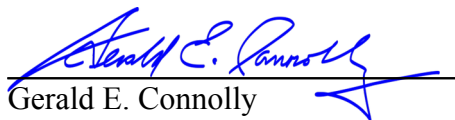
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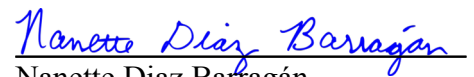
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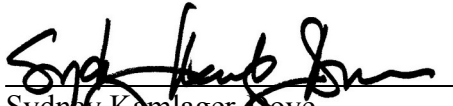
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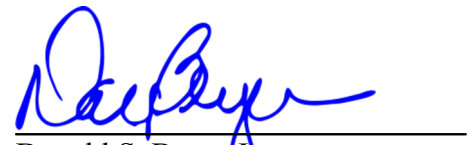
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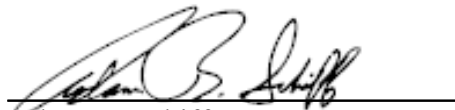
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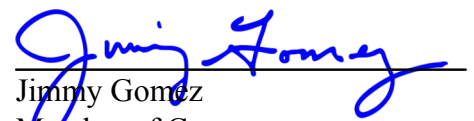
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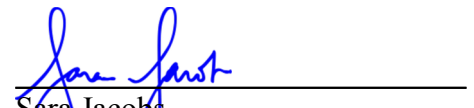
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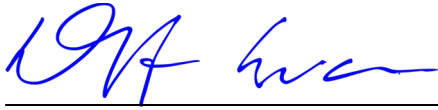
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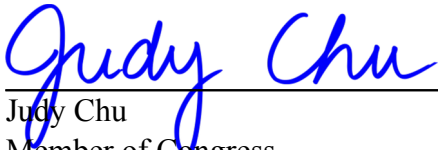
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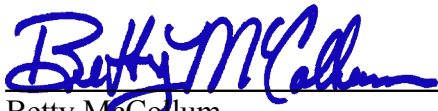
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