



## Testimony of the Ozone Transport Commission Mobile Source Committee

*EPA Public Hearing for the Waiver Requests for California's Advanced Clean Trucks (ACT), Zero Emission Airport Shuttle, and Zero-Emission Power Train Certification Regulations; Omnibus Low NOx Regulation; and HD Emission Warranty Regulation*

**June 30, 2022**

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Connecticut  
Delaware  
District of Columbia  
Maine  
Maryland  
Massachusetts  
New Hampshire  
New Jersey  
New York  
Pennsylvania  
Rhode Island  
Vermont  
Virginia

Good afternoon. My name is Kelly Crawford and I am the Director of the Air Quality Division of the District of Columbia Department of Energy and Environment. I am testifying today as Chair of the Ozone Transport Commission Mobile Sources Committee in support of EPA granting the three California Air Resources Board (CARB) waivers.

The OTC members are Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia. The OTC members are responsible for developing and implementing initiatives to reduce nitrogen oxides (NOx) and volatile organic compounds (VOCs), the emitted precursor air pollutants that contribute to the formation of ground-level ozone pollution. Epidemiological studies provide strong evidence that ozone is associated with respiratory effects, including increased asthma attacks, as well as increased hospital admissions and emergency room visits for people suffering from respiratory diseases. Ozone can cause chronic obstructive pulmonary disease (COPD), and long-term exposure may result in permanent lung damage, such as abnormal lung development in children. People of color and those with lower household incomes are often impacted by disproportionate amounts of diesel exhaust emissions and worsened health burdens due to poor air quality in US cities.

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Millions of residents live in areas within the Ozone Transport Region (OTR) that violate the National Ambient Air Quality Standards (NAAQS) for ozone. Many areas of the OTR are designated as in nonattainment with the 2015 8-

hour average ozone NAAQS of 70 parts per billion (ppb). As a result, they will need additional pollution reductions, particularly for NO<sub>x</sub>, in order to meet the 2015 ozone NAAQS.

The OTR includes the New York City (NYC) Combined Statistical Area (CSA). With over 20 million people, it is the largest CSA by population in the United States. It not only violates the 2015 ozone NAAQS, but also the less stringent 2008 8-hour ozone NAAQS of 75 ppb. On April 13, 2022, EPA proposed to reclassify the New York City/Long Island-Northern New Jersey-Southwest Connecticut area from “serious” to “severe” nonattainment because it failed to meet its “serious” attainment deadline of July 20, 2021.

A recent OTC analysis found that onroad diesel vehicles, including heavy-duty vehicles (HDVs), are projected to be the third largest NO<sub>x</sub> emissions source in the region in 2023. Emissions from highway trucks are estimated to comprise 20 percent of the region’s total NO<sub>x</sub> emissions.

To address the region’s persistent air quality problems, reducing NO<sub>x</sub> from heavy-duty trucks is of the utmost importance due to its role in local and regional ground-level ozone formation, as well as its contributions to PM<sub>2.5</sub>, and winter-time visibility impairment at Class 1 areas.

Requiring cleaner trucks been a long-standing request from the OTC to EPA. In 2019, the OTC requested that EPA make reductions of HDV NO<sub>x</sub> one of the agency’s most urgent priorities. In February of 2020, the OTC provided comments on EPA’s Advanced Notice of Proposed Rulemaking calling on EPA to set emission standards for heavy-duty vehicles at 90 percent below the current standard and to harmonize with the California Omnibus program. In June of 2020, the OTC sent a letter to EPA calling on the Agency to expeditiously propose a heavy-duty engine NO<sub>x</sub> standard 90 percent below current levels. In October of 2021, the OTC wrote to the EPA Administrator and to the Council on Environmental Quality asking EPA to act expeditiously to set stronger standards for heavy-duty engines and vehicles. And in May 2022, the OTC filed comments on the Agency’s proposed Heavy-Duty Engine and Vehicle Standards requesting EPA finalize NO<sub>x</sub> emission limits equivalent to those in the CARB Heavy-Duty Omnibus Regulation.

In 2021, the OTC analyzed the emission benefits of OTC states adopting the California ACT and Omnibus regulations. The analysis found that between 2025 and 2050 more than 700,000 tons of NOx would be reduced in the OTC states with adoption of the two regulations. Three states in the region – Massachusetts, New Jersey, and New York – have adopted the Advanced Clean Trucks regulation and one state, Massachusetts, has adopted the Omnibus regulation. Additional states are expected to follow. Adoption of the California standards will assist states in meeting the requirements of the NAAQS and improving the health of millions of citizens currently living in areas with poor air quality.

EPA is required to grant California’s waiver requests under section 209 where the agency has found that the State has a compelling and extraordinary need for such standards and that its approach is at least as stringent as the federal one, so long as California has not been arbitrary and capricious. Those conditions as presented by California are amply met in these three waiver requests.

For the above reasons, we request that EPA approve the three waiver requests submitted to EPA.