



October 14, 2020

VIA EMAIL

New Jersey Department of Environmental Protection
Division of Air Quality
Bureau of Mobile Sources
NJAirrulesmobile@dep.nj.gov

Re: Airlines for America® Input on Airport Ground Support Equipment

Dear Sir/Madam:

Airlines for America® (A4A), the principal trade and service organization of the U.S. airline industry,¹ appreciates this opportunity to provide feedback on the airport ground support equipment (GSE) portion of the presentation made by the New Jersey Department of Environmental Protection (DEP) during the September 16, 2020, stakeholder meeting on cargo handling equipment regulatory concepts under the Protecting Against Climate Threats (PACT) initiative. A4A, which apparently was not on the initial DEP stakeholder distribution list and so did not learn of the meeting until a few days beforehand, appreciates the DEP's extension of the comment "deadline" from September 30, 2020, to October 14, 2020.

As the record of the A4A member carriers demonstrates, we take our role in environmental stewardship and reducing greenhouse gas emissions seriously.² Our members generally support the state's PACT effort and the goals underlying it. We stand ready and willing to work with the DEP on crafting reasonable PACT regulations pursuant to Executive Order No. 100 and DEP Administrative Order No. 2020-01 to reduce carbon dioxide and other emissions from GSE. A4A has a long history of working cooperatively with regulatory authorities, particularly in California, to develop rational policies that achieve real reductions of GSE emissions, and we look forward to working with the DEP.

During the stakeholder meeting presentation, DEP staff expressed the Department's interest in "learning more" about GSE and how best to bring about GSE emissions reductions. As we indicated during the Q&A session that followed the presentation, the term GSE encompasses a wide variety of vehicles and equipment serving many different needs and performing many different tasks and functions at airports. This is so even within particular categories of GSE

¹ A4A's members are: Alaska Airlines, Inc.; American Airlines Group, Inc.; Atlas Air, Inc.; Delta Air Lines, Inc.; Federal Express Corporation; Hawaiian Airlines, Inc.; JetBlue Airways Corp.; Southwest Airlines Co.; United Airlines Holdings, Inc.; and United Parcel Service Co. Air Canada, Inc. is an associate member.

² See A4A, "A4A's Climate Change Commitment," available at <https://www.airlines.org/a4as-climate-change-commitment/>; A4A, "Airlines Fly Green," available at <https://www.airlines.org/airlines-fly-green/>.

(e.g., the aircraft tractor category includes regional aircraft tractors, single aisle tractors, twin aisle tractors, pushback tractors, super tugs, and still other types of tractors). There are many other considerations and factors that come to bear when considering regulation of GSE, including, inter alia:

- Consistent with Federal aviation laws, GSE must be capable of maintaining the safety and efficiency of aircraft operations at all times;³
- Technical, operational, and financial/economic factors, including the commercial availability and operational feasibility of electric and other alternative fuel GSE and the associated infrastructure considerations; and
- The limits that Congress imposed on states under section 209(e) of the Clean Air Act.

On the last point, we welcome that DEP staff stated during the meeting that the Department “will follow” what California is looking to do prospectively regarding the regulation of GSE. We would add only that while the California Air Resources Board’s zero-emission airport GSE webpage indicates that a zero-emission GSE measure “is scheduled for Board consideration in late 2020,”⁴ this schedule may no longer be accurate due to the ongoing COVID-19 pandemic and the impact of wildfires in the State. It is also important to acknowledge that the Port Authority of New York and New Jersey (PANYNJ) had initiated a process to develop its own program to transition equipment, including GSE and other vehicles that operate at New Jersey’s major airport, Newark Liberty International, to zero-emissions equipment. The PANYNJ process, which it initiated in the summer of 2019, has stalled in the wake of COVID-19. When and if the PANYNJ revives its process, at a minimum, it will be necessary to ensure coordination between the DEP and PANYNJ efforts, both with respect to legal authority and the pursued policy objectives.

Noting the DEP’s broad request for stakeholder feedback, we believe we will be better able to provide helpful, meaningful input once we have a better sense of what regulatory action(s) the DEP is considering under PACT. We reiterate, though, that we are committed to and indeed look forward to working with the DEP to ensure that its staff have a detailed grasp of the considerations noted above. In that spirit, we would welcome the opportunity to meet with DEP staff to facilitate meaningful input at staff’s convenience.

In closing, we respectfully request that the DEP take due account of the impact the COVID-19 pandemic has had on the aviation sector. We note that the impact on aviation has been particularly severe in New Jersey. According to A4A’s latest nationwide analysis, New Jersey has experienced the fourth-highest drop in scheduled flight departures from October 2019 to October 2020.⁵ This affects not only the financial resources available to airlines, but to airports, which typically take the lead in planning any infrastructure development necessary to support the introduction of electric or other alternative fuel GSE. We ask that the DEP keep this

³ See, e.g., 49 U.S.C. § 40101(a) (“[T]he Secretary of Transportation shall . . . assign[] and maintain[] safety as the highest priority in air commerce.”); *id.* § 47101(a)(1), (7) (“It is the policy of the United States . . . that the safe operation of the airport and airway system is the highest aviation priority . . . [and] that airport construction and improvement projects that increase the capacity of facilities to accommodate passenger and cargo traffic be undertaken to the maximum feasible extent so that safety and efficiency increase and delays decrease.”).

⁴ <https://ww2.arb.ca.gov/our-work/programs/zero-emission-airport-ground-support-equipment/about>.

⁵ <https://www.airlines.org/dataset/impact-of-covid19-data-updates/#> (slide 8).

economic reality in mind as it considers whether, how, and on what timeframe to address GSE emissions under PACT.

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Thank you for consideration of our feedback. Please do not hesitate to contact us if you have any questions. Again, together with our member carriers, we look forward to working with the DEP and providing more detailed information about GSE in the future.

Sincerely yours,



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