

VIA EMAIL: NJairrulesmobile@dep.nj.gov
New Jersey Department of Environmental Protection
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RE: California's Omnibus Low-NOx Regulations

EMA's members fully support expanding the market for HDOH Zero Emissions Vehicle (ZEV) technologies. It is important to recognize, however, that such a wholesale transition will take time to allow for the development and funding of the necessary ZEV incentive programs and the prerequisite ZEV-recharging and/or refueling infrastructure, which will involve important public policy choices regarding the use of hydrogen-based or battery-based technologies. In the meantime, a 49-State regulatory bridge program for diesel-fueled engines and vehicles will be necessary to facilitate the future transition to heavy-duty and medium-duty ZEVs.

Because it will take some time before the diesel engine is replaced as the workhorse of the HDOH vehicle industry, diesel engine manufacturers must continue to evolve and improve emissions control systems while, at the same time, meeting the existing and future goals for GHG reductions. To be effective in realizing the environmental benefits of all these objective, these vehicles must also meet the needs of the transportation and vocational industries they serve. Next-tier national emissions control regulations for conventionally-fueled HDOH engines and vehicles are a key component of an effective bridge to a predominantly ZEV market.

EMA and its members have worked collaboratively with the U.S. EPA since the 1970's to improve diesel emissions control technology with remarkable success. Today's modern HDOH diesel engines emit less than 2% of the NOx and less than 1% of the particulate matter typical of engines prior to the regulated era. EMA's members also supported the promulgation of comprehensive greenhouse gas reducing regulations, and are soon launching new products compliant with EPA's second phase of CO2 limiting standards, with two more improvement stages phasing-in by 2027.

The California Air Resources Board ("CARB") recently adopted its Omnibus Low-NOx Regulations, introducing a suite of new certification and in-use requirements starting in 2024. EMA has developed extensive data and analyses regarding the various elements of CARB's Omnibus Regulations. EMA estimates that the costs of the new CARB regulations will outweigh their potential benefits by a factor of 8, and will result in very significant "pre-buy/no-buy" market responses. A copy of EMA's extensive comments and technical analyses relating to CARB's Omnibus Regulations is attached.

For the reasons spelled out in EMA's comments, CARB's Omnibus Regulations are not a sound or sustainable approach for interim next-tier regulations in advance of the broad-based adoption of ZEVs. Rather, the most effective means for building the necessary diesel bridge to HDOH ZEVs is through EPA's Cleaner Trucks Initiative (CTI). Future lower-emitting federally-certified HDOH engines and vehicles will ensure that businesses and municipalities in each State

have access to the full range of diverse powertrain and vehicle solutions they need prior to the advent of ZEVs. They will not be forced to pay premium prices for less reliable products, to purchase products not suited to their specific commercial operations or outside of their brand preference, or to purchase higher-emitting products in neighboring States. Fleet operators will be able to maintain profitability without resorting to purchasing used vehicles or keeping their existing product mix longer. To the extent that potential NO_x “hotspots” within a State (e.g. ports) warrant more accelerated interim emissions reductions, those needs can best be addressed through a more targeted approach, such as fleet turnover requirements, alternative fuels, electric vehicles, and other programs. Overall, however, EPA’s CTI is the best option for achieving State air quality needs during the bridge years leading to ZEV market dominance.

EMA will continue our collaborative discussions with EPA staff to share our data-driven evaluations of the elements of CARB’s low-NO_x regulations, and to recommend more cost-effective low-NO_x certifications standards, in-use testing and compliance protocols, and warranty and durability demonstration requirements for implementation through the CTI.

In that regard, a successful CTI should address the following key elements:

- Reductions in the tailpipe NO_x standard
- New test procedures focused on reducing emissions under lightly loaded operating conditions typical of urban centers
- NO_x control under extended idle conditions
- Next generation “in-use” protocols to control emissions over a much broader range of operating conditions
- Program elements to improve the longevity of compliance to emissions standards

Beyond those important measures, EPA and industry have been discussing the possibility of using modern emission-sensor technologies to equip each vehicle with on-board emissions monitoring capability. Those sensor-based systems could continuously track tailpipe emissions from the vehicles in the field. Those data could be reported periodically to EPA and would serve as a useful tool for improving On-Board Diagnostics and flagging “high emitters” for prompt, targeted remedial actions.

EMA encourages States, including New Jersey, to support EPA’s efforts to implement the next tier of heavy-duty engine emissions standards through the Cleaner Trucks Initiative. EPA’s CTI can result in significant NO_x reductions, preserve manufacturers’ ability to continuously reduce GHG emissions, introduce new tools to ensure long term compliance, and preserve all the market vitality benefits that come from national standards. Just as important, EPA’s CTI is the key to a 49-State regulatory interim bridge program for diesel-fueled engines and vehicles that will facilitate the future transition to heavy-duty and medium-duty ZEVs. CARB’s Omnibus Regulations cannot and will not serve as that bridge, and should not be adopted, as detailed in EMA’s attached comments.

We stand ready to assist New Jersey in exploring the opportunities before us regarding EPA's Cleaner Trucks Initiative. If you have any questions, or if there is any additional information we could provide, please do not hesitate to contact Timothy French at (312) 929-1954, tfrench@clpchicago.com, or Steve Berry at (703) 307-9101, sberry@emamail.org.

Respectfully submitted,

TRUCK & ENGINE MANUFACTURERS
ASSOCIATION