**Background and Talking Points**

**EPA Heavy Duty NOx and Greenhouse Gas Emissions Rule Hearing**

**April 12-13, 2022**

**About the hearing**

The [EPA has proposed a rule](https://www.epa.gov/regulations-emissions-vehicles-and-engines/proposed-rule-and-related-materials-control-air-1) to strengthen emission standards for new “Heavy duty” vehicles (trucks and buses) sold beginning in 2027 to limit two pollutants: Nitrogen Oxides (called “NOx”), and carbon dioxide (CO2) (called “GHG” for “greenhouse gas”).

**Truck Exhaust is Major Contributor to Urban Air Pollution.**

NOx emitted from vehicle engines and power plants is the primary cause of ozone pollution, also called “smog.” Smog along with diesel particles is a major trigger causing children to develop asthma. High ozone pollution days also trigger asthma attacks that require medication or urgent care, and often prevent children from attending school and adults from being able to work. These pollutants also contribute to other respiratory conditions such as emphysema and cardiovascular disease, including heart attacks.

Air quality violates the national ambient air quality standard for ozone in 201 urban counties, home to 135 million Americans and over 30 million children. The CDC reports that “about 1 in 10 of all children have asthma, and about 1 in 6 (17%) of non-Hispanic black children had asthma in 2009.” At least 3 million children with asthma live where their condition is exacerbated by frequent exposure to harmful ozone levels. A disproportionate number of these children are in predominantly black neighborhoods because a larger share of black families reside in urban ozone nonattainment counties.

Vehicle emissions are the largest source of NOx in most metropolitan areas, usually three to five times greater than other source categories. Most large metropolitan areas will not be able to meet the ozone air quality standard without zeroing out NOx emissions from both cars and trucks.

**Truck CO2 is Major Contributor to Climate Warming.**

The IPCC’s 2022 report on “Impacts, Adaptation and Vulnerability” warns that we have crossed the line: climate impacts have become severe and some are “irreversible” such as loss of water supplies from melting glaciers and depleted groundwater aquifers, thawing of permafrost, rising seas from ice melt, extreme weather including deadly heat waves, and the desiccation of forests that create conditions for catastrophic fires. The current report acknowledges that these irreversible impacts were not expected until after the global temperature rose 1.5o C or more above the pre-industrial baseline, but are happening now at 1.2o C above baseline. Impacts are now expected to worsen rapidly as we approach 1.5o C during the next decade.

The IPCC’s modeling of future warming released in 2021 warns that –

even if humanity implements the most rigorous scenario for reducing GHG emissions, it is too late to avoid a 1.5o C rise in global temperature.

 [I]n the near term (2021-2040), the 1.5°C global warming level is … more likely than not to be reached under the very low GHG emissions scenario (SSP1-1.9)27. Furthermore, for the very low GHG emissions scenario (SSP1-1.9), it is more likely than not that global surface temperature would decline back to below 1.5°C toward the end of the 21st century, with a temporary overshoot of no more than 0.1°C above 1.5°C global warming.

The emission scenario that creates the opportunity to avoid a 2o C rise and potentially return to a temperature regime below 1.5o C requires that GHG emissions be cut in half by 2030, and reduced to net zero by 2050.

President Biden promised in his Climate Executive Order that the government would achieve a zero emission economy by 2050. The proposed rule does NOT chart a path to a zero emission future for the transportation sector by 2050. We must demand that EPA honor the climate science by requiring that truck and bus manufacturers end the production of internal combustion engines by setting firm deadlines for transitioning to 100% zero emission technologies.

**EPA’s Proposal.**

EPA’s proposal presents two possible options for limiting pollution from trucks. However, the two proposed options for the rule represent, respectively, a bare-minimum floor for regulations and a weak, industry-friendly option that is full of giveaways and accommodations to the worst-polluting truck companies.

EPA needs to hear from grandparents, moms and dads and children demanding standards that will protect our children’s health and their future on a livable planet. We must be clear that—

1) both options laid out in the truck proposal are not adequate to achieve either of these objectives.

 2) EPA must adopt final deadlines for 100% production of zero emission vehicles.

3) Establish a phased schedule for ramping up production of zero emission vehicles in advance of the deadline for 100% sales.

4) Identify heavy duty vehicle operations that can be served now by commercially available zero emission technologies (such as urban transit buses, school buses for most routes, delivery and service vans, garbage trucks), and require that new vehicles for those applications be zero emission beginning in 2027.

Industry opposes the weak standards EPA has proposed, and will vigorously oppose the transition to zero emission technologies. We must ensure that the voices in support of strong heavy duty vehicle emissions standards are the loudest in the virtual room. We appreciate you taking the time to engage the regulators in this process and are looking forward to working with you to make sure your testimony is powerful and compelling.

Find additional information on this proposed rule from the EPA [here](https://www.epa.gov/regulations-emissions-vehicles-and-engines/proposed-rule-and-related-materials-control-air-1) and [here](https://www.epa.gov/system/files/documents/2022-03/420f22007.pdf).

The [docket for the proposed rule is now open for viewing supporting materials](http://www.regulations.gov/docket/EPA-HQ-OAR-2019-0055). Public comments are now being accepted in response to the Federal Register notice, which was published on March 28.

**About the Public Hearing**

* The virtual public hearing is on April 12 and April 13, from 9am-8pm ET.
* [Registration](https://usepa.zoomgov.com/webinar/register/WN_R8S6K_SCRLmFjtDJVgrdHQ) is now open and will be open through the day of the hearing, however, EPA asks that you register by midnight (ET) on April 5th if you intend to testify. To the extent possible, EPA will work to accommodate late registrations to speak.
* You may deliver testimony in English, in Spanish, or in another language. If you testify in a language other than English, request translation services at the time of registration.
* Any resident of the US, of any age, can deliver testimony.
* EPA will confirm your registration by email.
* Before the hearing you will receive another email with information on what time you are scheduled to testify and how to connect to the hearing, including a web link and a call in number for those participating by phone. We expect that email to come a few days before the hearing.
* Plan to log onto/call into the hearing at least 15 minutes in advance of your scheduled time to speak so you can make sure you can connect and to get a sense of what the hearing is like before you are called. Often they run ahead of schedule because some registered speakers do not speak.
* You will speak to a panel of EPA officials who are there to listen and to take notes. The panel members may ask you clarifying questions about your comments but will not respond to your statement during the hearing.
* After you have finished presenting your testimony, you may stay to hear others comment, or you may log off.

**How to Prepare for your Public Comment**

Plan on speaking for up to, but no more than, 3 minutes. You do not need to speak for a full 3 minutes.

* Remember: 1 minute = about 150 words. EPA staff may cut you off if you exceed the allotted time.
* Write your comments down and practice delivering them so you are familiar with what you want to say.
* Be sure your testimony includes your personal contact information (email, phone, or both), or you can save time by submitting that information in a written statement after the hearing. Note that your comments will become part of the public docket for this rulemaking, and this information will be publicly available.

**Outline for your public comment:**

**Introduction:** Introduce yourself. Explain why you are testifying.

* “Thank you for the opportunity to testify. My name is [NAME] I am a member/volunteer/organizer/staff member of Elders Climate Action from [TOWN and STATE].”
* Explain where you live and who you are. Consider describing your family, your profession, other expertise or affiliations you have, and/or your hometown.
* Make these points in your own words –
	+ “EPA’s proposal is a disappointing step forward. It doesn’t go far enough to end the scourge of ozone pollution in our cities, or achieve zero CO2 emissions from the heavy duty vehicle sector of the economy.”
	+ “The proposal must be strengthened to require that engine manufacturers switch from internal combustion engines to zero emission technologies.”
	+ Replacing polluting vehicles with zero emission vehicles is the only standard that will ensure an end to smog pollution in our cities, and will stop the warming to stabilize the climate.
	+ Zero emission vehicles must be required to protect children, people with asthma, older adults, and other vulnerable groups from the health harms of air pollution.
	+ Grandparents, moms and dads and our kids across the country want to see a rapid transition to zero-emitting trucks, and we need cleaner air for our children and our communities.”

**Your personal reason for testifying:** This is the most important part of your testimony! This is what the agency staff will remember at the end of the day. Use examples from your own life to show why you think reducing pollution from trucks is important. The agencies would rather hear about your specific concerns than just hear the same talking points repeated. Some ideas for adding your personal angle to your testimony:

* + Do you live near a heavily trafficked road? What is that experience like for you, your family, and your community?
	+ Do you live near a warehouse, shipping facility, port, bus depot, or other area with a lot of heavy-duty-vehicle traffic? What is that like for you and your family?
	+ Do you live in a place **where the air is unhealthy to breathe**? If you aren’t sure, you can [look up your county’s air quality grade](https://www.lung.org/research/sota/city-rankings/states) through the American Lung Association. Heavy duty vehicles are major contributors to air pollution. Diesel engines emit deadly particle pollution. And NOx combines with heat and sunlight in the atmosphere to form ground level ozone, or smog, a lung irritant and asthma trigger.
	+ Are you or a loved one **especially vulnerable to the health harms of air pollution**? What is it like for you or your loved ones to breathe pollution from trucks, or to worry about exposure to this type of pollution? Air pollution can be especially harmful for:
		- Babies and children, whose bodies are rapidly developing;
		- Pregnant women, whose risk of premature birth and low weight birth increases when exposed to air pollution;
		- Children and adults with asthma – as air pollution can both trigger asthma attacks and cause the development of the disease;
		- People with COPD;
		- People with lung cancer;
		- People with cardiovascular disease;
		- People with COVID-related lung problems or long-COVID, or people with active cases of COVID or other respiratory infections;
		- People with any chronic disease such as cancer; and
		- Older adults (over age 65), whose risk of premature death increases with exposure to air pollution.
	+ Are you a member of a group that is [disproportionately exposed to pollution](https://www.lung.org/research/sota/key-findings/people-at-risk) from trucks? Black and brown communities and low-income communities are disproportionately exposed to traffic pollution – and stand to benefit most from efforts to clean up pollution from heavy duty vehicles.
	+ Have you experienced the **impacts of climate change** in your community? Heavy duty vehicles are a major contributor to the carbon pollution that is causing climate change. Some possible examples of climate impacts in your community may include:
		- Destruction of property from wildfires
		- Air pollution from wildfire smoke
		- Flooding
		- Extreme heat days and heat waves
		- Superstorms or other extreme weather events
		- Sea level rise
		- An increase in tick-borne disease
		- Longer allergy season
	+ Are you concerned about how climate change will affect the health and future of your children and grandchildren?

**Describe the benefits of stronger truck pollution standards:**

Below are some short talking points on the proposal—feel free to incorporate a few of these points that you feel are most relevant to support your personal reason for testifying.

Don’t worry about including highly technical information. There will be experts on this topic who can discuss the technical aspects of the standards. Your role is to share your personal story and the reasons you care about this issue.

The most important thing to include in your remarks is your story: who you are, where you live, and why you care. Below are some talking points you may decide to use to add to your comments. Please pick one or two to include; you do not need to use all of these points.

* Air pollution from trucks is a major public health problem. According to EPA, more than [45 million people in the U.S. live within 300 feet of a major roadway or transportation facility](https://www.epa.gov/air-research/research-near-roadway-and-other-near-source-air-pollution), and [72 million people live within 200 meters of a truck freight route](https://www.epa.gov/system/files/documents/2022-03/420f22007.pdf). People of color and those with lower incomes are more likely to live near truck routes.
* Although air quality in the US has improved in the past several decades, [more than 40% of Americans—over 135 million people—live in places with unhealthy levels of air pollution](https://www.lung.org/research/sota/key-findings).
* The largest source of climate pollution in the US is the transportation sector, responsible for 29% of all climate pollution. Within the transportation sector, heavy-duty vehicles are the second-largest contributor, at 23% (the largest contributor is passenger vehicles).
* The trucks covered by this rule will be on the road for decades, so these vehicles must be cleaned up as soon as possible. Families in diesel death zones and environmental justice communities have suffered long enough and cannot wait extra model years for clean air, and drivers cannot wait extra model years for more efficient, pollution-free trucks.
* There is no time to waste. The proposed Heavy Duty NOx and greenhouse gas standards must be finalized this year.
* EPA must enact standards that put the American truck and bus fleet on a clear roadway to 100% zero-emission sales by 2035.
* Freight corridors such as ports and railyards, warehouses, distribution centers, and truck stops are predominantly located in low-income communities and communities of color that are affected by the cumulative impact of air pollution from multiple mobile, commercial, and industrial sources. Eliminating emissions from heavy-duty vehicles, especially through a rapid transition to zero-emission vehicles, is essential for making strides toward desperately needed cleaner air in these communities and a safer climate.
* Zero-emission electric trucks are the best available technology to both reduce harmful NOx and climate pollution. EPA can and should use these truck standards to accelerate the transition to electric trucks–to put the country’s medium- and heavy-duty fleets on a pathway to 100% zero-emission electric vehicles as quickly as possible.
* This two-part rule covers NOx and climate pollution. EPA has summarized its proposal [here](https://www.epa.gov/system/files/documents/2022-03/420f22007.pdf). If you would like to comment on the proposed targets and timeline, here is an overview of Moms Clean Air Force’s position. (You do not need to include this information in your testimony.)
	+ On NOx part of rule:
		- The rule should declare the goal of achieving zero emissions from trucks and buses to end the ozone pollution crisis that has plagued American cities for 70 years.
		- For those vehicles that must be powered by internal combustion engines because their operating conditions cannot be satisfied by existing commercially available zero emission technologies, Proposed Option 1 is insufficient and should be significantly strengthened. It would result in higher emissions of smog and soot-causing NOx pollution than California’s Heavy Duty Omnibus rule, which should be the bare minimum baseline for smog and particulate matter reduction goals.
		- EPA must eliminate credit giveaways that significantly erode the standard.
		- Option 2 is a gift to the highest-polluters in the engine manufacturing industry and shouldn’t be seriously considered.
	+ On GHG part of rule:
		- EPA’s proposal is unacceptable because it fails to require zero emission vehicle (ZEV) technologies that are currently feasible and commercially available.
		- Failure to mandate ZEVs reflects neither the urgency of the climate crisis nor the rapid advancement in zero-emission truck technology.
		- These proposed standards will not accelerate the deployment of zero-emission electric trucks. In fact, the market is moving faster than what these rules would require.
		- As written, this rule would yield roughly 1.5% zero-emission new truck sales by 2027.
		- Existing state policies would *already* deliver three times the zero-emission vehicles that the proposed rule currently calls for *nationally* in 2027.
		- Trucks and buses regulated by these standards make up roughly one-quarter of all GHG emissions from the transportation sector, so rapidly phasing in zero-emission fleets is critical.

**Conclusion:** Reiterate your position and thank the panel.

* These standards must go farther in reducing deadly NOx pollution, and they must put our national bus and truck fleet on a clear path to 100% zero-emission all-electric vehicles as quickly as possible.
* Please strengthen the final standards, to better protect children, people with asthma, older adults, and other vulnerable groups from the health harms of air pollution. Everyone has the right to breathe clean air.
* Thank the EPA staff for the opportunity to testify.

Quick tips when drafting your comments:

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| **SAY THIS** | **NOT THIS** |
| “Pollution” | “Emissions” |
| “Safeguards,”“Protections,”or “Standards” | “Regulations” |
| “Strengthen this proposal”“Require zero emission vehicles”“set zero emission standards” | “Vote yes”“this is a positive step”  |

For more information on pollution from trucks, or why we need to achieve zero GHG emissions asap, see the following resources:

* <https://www.momscleanairforce.org/resources/how-air-pollution-harms-pregnant-women/>
* [ECA comments on why the Postal Service must purchase zero emission delivery trucks.]