

Tim French

My name is Tim French. I'm speaking on behalf of the Truck and Engine Manufacturers Association or EMA. EMA has commented on the DOE's earlier rulemakings to opt into CARB emission standards, and we will be submitting written comments before the August 13th deadline. In the interim, though, there are just two important points that we want to make quite fundamental to this rulemaking.

First the DOE is proposing to opt into amended, what some have called antecedent, what you've referred to as pre-omnibus standards, an amended package of earlier standards for heavy duty vehicles and engines. But those standards, they do not have a valid EPA preemption waiver in place. There is no waiver in place for that amended set of antecedent standards, and that's the fact that EPA has confirmed in writing to California.

Under Section 177 of the Federal Clean Air Act, Washington, as you know, cannot opt into California standards. For which a valid preemption waiver is not in place. So we would submit that what the DOE is proposing to do here is actually unlawful. The second point is that the antecedent pre-omnibus standards that the DOE is proposing to adopt are, in fact, less stringent. Then the corollary federal standards that will apply to 2027 model year and later heavy-duty trucks and engines.

That federal NOx standard in 2027 is 0.035 grams per brake horsepower hour, and that is not subject to change. The antecedent CARB standard is 0.2 grams per brake horsepower hour, nearly six times higher than the federal standard that would be in place if Washington did nothing. So what the DOE is proposing to do is actually adverse to public health in the state of Washington.

In summary, what the DOE is proposing to do is both inherently unlawful and unreasonable, and so this rulemaking should not be adopted, and in fact should not proceed further. We appreciate the comments, or excuse me, we appreciate the opportunity to Comment this morning. Thank you very much.