



(Submitted online)

Environmental Improvement Board Administrator
New Mexico Environment Department
Harold Runnels Building
P.O. Box 5469
Santa Fe, NM 87502

November 13, 2023

Re: Comments in Response to Proposed Amendments to 20.2.91 NMAC – New Motor Vehicle Emissions Standards (Docket number EIB 23-56 (R))

Dear Sir or Madam:

Cummins Inc. appreciates the opportunity to provide comments regarding the proposed rulemaking by New Mexico Environment Department (NMED) to adopt Advanced Clean Cars II (ACC II).

Cummins is a proponent of tough, clear, and enforceable regulations around the world in order to improve the environment while delivering what our customers need and shares New Mexico's goal to improve real-world emissions from the medium-duty vehicles (MDV) which are part of the ACC II regulation.

Cummins actively engaged in the California Air Resources Board's (CARB's) rulemaking process for ACC II. Proposed provisions in 20.2.91 NMAC would adopt by reference CARB's Low-Emission Vehicle IV (LEV IV) requirements in 13 CCR 1961.4 for chassis-certified MDV and associated in-use testing requirements. Those Class 2b and 3 MDV (i.e., vehicles with 8,500-14,000 lbs Gross Vehicle Weight Rating (GVWR)), are manufactured as complete vans and pickup trucks. MDV pickup trucks can have significant towing capability and are often used in applications going beyond personal use such as construction and agriculture, and as such, do vital work for owners across the nation, including in New Mexico. In our May 2022 written comments to CARB's ACC II rulemaking¹, Cummins expressed technical concerns with adopting in-use testing

¹ See <https://www.arb.ca.gov/lists/com-attach/396-accii2022-UDMBcl0xVWsAbwNt.pdf>.



requirements and standards which CARB had developed for their Heavy-Duty (HD) Omnibus Low Oxides of Nitrogen (NOx) rule for HD engine certification and compliance and applying them directly to chassis-certified MDV in LEV IV. Those concerns remain and apply similarly for NMED's adoption of CARB's LEV IV rule.

More recently, the U.S. Environmental Protection Agency (EPA) proposed Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles which include new NOx certification and in-use standards for MDV.² CARB and HD manufacturers including Cummins also recently entered into an agreement which includes a commitment by CARB to align their 2027 HD Omnibus Low NOx regulation with EPA's 2027 HD NOx regulation recently finalized as part of the Clean Trucks Plan.³ While the agreement for alignment on 2027 HD standards does not directly address Cummins' MDV ACC II concerns noted above, it does offer insight into possible additional alignment paths which could address those concerns. Cummins looks forward to working with New Mexico, other states, CARB, and EPA to explore those paths in the future.

For any questions, please contact me via email at: jackie.m.yeager@cummins.com.

Sincerely,

Jackie M. Yeager

Jackie M. Yeager

Director – Emissions and Fuel Efficiency Policy

Product Compliance & Regulatory Affairs

Cummins Inc.

² See <https://www.govinfo.gov/content/pkg/FR-2023-05-05/pdf/2023-07974.pdf>.

³ See <https://ww2.arb.ca.gov/news/carb-and-truck-and-engine-manufacturers-announce-unprecedented-partnership-meet-clean-air>.