



ENVIRONMENTAL LAW & POLICY CENTER

EPA Public Hearing on Environmental Protection Agency's Revised 2023 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions Standards: EPA-HQ-OAR-2021-0208

My name is Ann Mesnikoff. I am the Federal Legislative Director for the Environmental Law & Policy Center (ELPC). ELPC is the Midwest's leading public interest environmental and legal advocacy organization.

ELPC appreciates the opportunity to testify at today's virtual hearing on EPA's proposal to reset climate pollution standards for MY 2023-26 cars and light trucks. ELPC strongly supported the greenhouse gas and fuel economy standards issued in 2012, that set standards that steadily decreased emissions from new cars and trucks through 2025, and opposed the prior administration's deeply flawed rollback of those standards.

It is critical to remember that the necessity for this NPRM and this hearing is because the auto industry, which had agreed to the 2012 program, including signing letters of commitment, lost no time in pushing the Trump administration to undermine those standards. As a result we have lost years of emissions reductions as the urgency for acting mounts daily.

The transportation sector is the leading source of US climate pollution. Reducing pollution from America's cars and light trucks is critical to protecting the climate and attaining President Biden's goals and our commitments in rejoining the Paris Climate agreement.

Today I would like to make three points:

First, the climate crisis is playing out across the country and world

The 6th IPCC report makes clear both the human causes of climate change and its devastating impacts. EPA's reminder in the NPRM that greenhouse gases endanger public health and welfare is important but EPA FAILS to capture the scope of tragic impacts of climate change we are seeing almost every day across the US and the around the world. (NPRM, p. 43779).

ELPC is specifically concerned about the threat climate change poses to the Midwest and the Great Lakes. The region is home to 61 million people and to the auto industry; it is also a significant engine for agriculture. Temperatures in the Midwest are rising. Warmer temperatures impact public health with increased frequency of deadly heat waves and worsening air quality. In 2019, ELPC sponsored a report by leading Midwest climate scientists that detailed the impacts of climate change on the Great Lakes and the region. Climate change threatens the Great Lakes

35 East Wacker Drive, Suite 1600 • Chicago, Illinois 60601

(312) 673-6500 • www.ELPC.org

Harry Drucker, Chairperson • Howard A. Learner, Executive Director
Chicago, IL • Columbus, OH • Des Moines, IA • Grand Rapids, MI • Indianapolis, IN
Minneapolis, MN • Madison, WI • North Dakota • South Dakota • Washington, D.C.

ecosystem, fresh water supplies and the economy that depends on them. The Great Lakes are an international gem with enormous ecological, cultural and economic value.

The Great Lakes are the largest freshwater ecosystem on earth, containing 21% of the world's freshwater supply and providing drinking water for over 42 million people. The available water supply helps to drive the regional economy. Commercial and recreational fishing, alone, in the Great Lakes inject over \$5 billion into the economies of the surrounding states.

The changing climate brings increased storm intensity, changes to water temperatures, flooding, runoff and algal growth – all presenting a significant and increasing threat to the Great Lakes. And, the region, including the Boundary Waters which has been evacuated due the threat of wildfires.

Costly weather-related disasters, like the devastating flooding in Detroit that has been linked to climate change or the recent evacuation of the Boundary Waters due the threat of wildfires, are already significantly impact the Midwest.

Second, EPA must issue strong, technology forcing standards for cars and light trucks to reduce US climate pollution.

The NPRM confirms that transportation is leading source of GHG emissions in the United States and within the sector, cars and light trucks contribute the bulk of that pollution.

EPA itself notes that “Addressing the climate crisis will require substantial reductions in GHG emissions from the transportation sector” and that we are in a “pivotal moment.” We appreciate that EPA is using its authority under the Clean Air Act to begin with MY2023 and to act separately from NHTSA.

The climate crisis should leave no doubt that EPA must adopt Alternative 2 with *at least* the 10 g/mi greater stringency for MY 2026. EPA acknowledges that the automakers were already planning for strong standards. They should not be rewarded with anything weaker than Alternative 2.

EPA's NPRM, unfortunately, is riddled with credits, multipliers and loopholes that should not remain in the final rule. It is hard to decipher how these so-called flexibilities undermine the topline targets EPA sets out in the NPRM. These excessive technology credits and loopholes allow automakers to stall gasoline vehicle improvements and will fail to significantly boost the electric vehicle market beyond existing automaker plans.

Critically, light trucks dominate the new vehicle market– some boasting fuel economy of 15 mpg in the city and 24 mpg on the highway. These vehicles will be on the road, guzzling gasoline and spewing climate pollution well beyond 2030. Each year that automakers can exploit flexibilities to continue to churn gas guzzling trucks with little to no change undermines our ability to mitigate the climate crisis.

Alternative 2 will result in 130 million metric tons fewer greenhouse gas emissions than the proposed standards with increased consumer savings and other benefits. EPA must close loopholes to strengthen Alternative 2 to meet the climate moment.

Third, EPA must issue stronger standards to strengthen clean car innovation and manufacturing.

A strong auto manufacturing base is critical to the economies and well-being of states where ELPC works to protect public health and the environment--from Michigan, Ohio, Indiana, Minnesota, and Wisconsin, to the Dakotas. In fact, American manufacturers are plugged into a world economy.

Past analysis by BGA and NRDC concluded that there were nearly 290,000 jobs in the advanced technology vehicle sector. These are workers making more efficient cars and trucks possible. Across the Midwest, according to that report, there was a total of 151,714 jobs in 480 facilities associated with making cleaner vehicles. Three states--Michigan, Indiana, and Ohio--topped the list.

EPA makes clear in the NPRM that its proposed standards will be met with existing technology. Even Alternative 2, while stronger, will not spur innovation in fuel saving technologies because loopholes will allow automakers to do more of the same with the climate paying the price.

A final rule that curtails credits, multipliers and other loopholes will drive innovation, deployment of fuel saving technologies, and help sustain clean car related manufacturing and jobs across the Midwest and beyond.

Conclusion

ELPC welcomes EPA action to reset standards starting in MY 2023. The climate cannot afford delay. EPA must strengthen and adopt Alternative 2 with at least the additional reduction of 10 g/mi in MY 26 while closing loopholes and limiting the ability of automakers to game the enormous menu of credits and multipliers in the proposal.

EPA must act swiftly on setting standards for MY2027 and beyond that will slash climate pollution and ensure the U.S. can achieve 100 percent zero-emission vehicle sales no later than 2035, consistent with the Biden administration's science-based goal of net-zero GHG emissions economy-wide by 2050.

Thank you for the opportunity to offer these comments today. ELPC will be joining with partners to submit written comments to the docket.