

**As Prepared for Delivery**  
Comments of Paul G Billings  
National, Senior Vice President, Public Policy  
American Lung Association  
On  
The U.S. Environmental Protection Agency  
California Waiver Hearing: Advanced Clean Trucks, Omnibus Low NOx,  
and HD Emission Warranty Regulations

June 29, 2022

Good morning – I am Paul Billings P A U L B I L L I N G S, National Senior Vice President of Public Policy with the American Lung Association. I am here today to voice our strong support of the US Environmental Protection Agency granting California these cleaner truck waivers without delay to protect the health of the people of California and reduce dangerous air pollution.

Fifty-five years ago, Congress passed and President Johnson signed the Air Quality Act of 1967. This law gave primary authority to regulate emissions from motor vehicles to the federal government. However, this clean air law included a provision added by California Senator George Murphy – then known as Section 208 (b), it reads:

The Secretary shall, after notice and opportunity for public hearing, waive application of this section to any State which has adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, unless he finds that such State does not require standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions or that such State standards and accompanying enforcement procedures are not consistent with section 202(a) of this title.

UC Davis School of Law Professor of Environmental Practice Richard M Frank stated:

Congress concluded that California—with its preexisting history and experience in regulating vehicular air emissions—deserved to retain under federal law California’s special role in regulating those emissions.

Today, we are having the public hearing that the statute requires. We are also having this hearing because despite more than five decades of leadership and groundbreaking rules to cut emissions, compelling and extraordinary conditions remain in California.

Each year for the past 23 years, the American Lung Association has documented these compelling and extraordinary conditions in California. In our most recent “State of the Air” report released in April, we find that there are 38 million people in California— 98 percent of the state – living in communities impacted by unhealthy air. Let me repeat that – 98 out of 100 Californians still - 55 years after the passage of the Air Quality Act and 52 years after what we know as the Clean Air Act Amendments of 1970 - are still facing unhealthy air that threatens to make people sick and shorten their lives.

Trucks remain a major source of the pollution that threatens the health of Californians, especially NOx pollution. Too many people, particularly people of color and those with low incomes, live adjacent to

the major roads, ports and freight hubs and therefore bear a disproportionate burden from truck pollution – more asthma attacks, heart attacks, strokes, hospitalization and premature death.

Granting waivers for the California Low NOx Omnibus and Warranty rules and zero-emission vehicle rules like the Advanced Clean Truck standards is an important step to improve air quality in the state.

NOx is a major component of ozone, and the Low NOx Omnibus rule will cut truck NOx pollution by 90%. This 90% is not only technically and economically feasible but necessary to help California meet the compelling and extraordinary pollution conditions in the state. In addition, the Lung Association strongly supports the Advanced Clean Truck Standards as a critical approach to drive the transition to zero emission truck and the resulting health benefits from eliminating tailpipe emissions.

I would like to spend my remaining time to highlight the importance of the warranty provision and the need for EPA to approve this waiver. Diesel engines are incredibly durable and can operate for 1 million miles or more, but the emission control systems far too often do not provide the promised pollution reductions for much of diesel vehicles' lives. For far too long, the public has not enjoyed the promised real-world pollution reductions of new emissions standards because the pollution control systems fail, and emissions increase and the public suffers from the additional air pollution. Extending useful life to 800,000 miles and emissions warranties through 600,000 miles will provide much more of the promised pollution reductions from these vehicles. We will include in our written comments additional information from independent experts that show these standards are appropriate to meet the compelling and extraordinary circumstances faced by breathers in the state of California.

In conclusion, air pollution remains a threat to the health of the people of California. Air pollution poses a disproportionate burden on environmental justice communities. The Clean Air Act compels EPA to grant these waivers – Omnibus Low NOx, Warranty and the Advanced Clean Truck waivers - because of the compelling and extraordinary circumstances. We urge EPA to act without delay to improve the air we breathe.