

UNITED STATES
**CLIMATE
ALLIANCE**

The Honorable Michael S. Regan, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20004

April 22, 2024

Docket ID No. EPA-HQ-OAR-2023-0574

Dear Administrator Regan,

I write to you on behalf of the U.S. Climate Alliance (Alliance), a bipartisan coalition of 24 governors committed to climate action that together represent approximately 60 percent of the U.S. economy and 55 percent of the U.S. population. The Alliance appreciates the opportunity to comment on California's request for an authorization under the Clean Air Act (CAA) for the In-Use Locomotive Regulation (IULR), which supports our shared goals to confront the climate crisis, reduce harmful air pollution, advance environmental justice, and protect public health. The Alliance has long supported state flexibility in the CAA that permits California to adopt, and allows other states and territories to follow, regulations that can be more protective of public health and welfare than applicable federal standards. We strongly support authorization of California's IULR rule, which was promulgated consistent with CAA requirements,¹ and encourage EPA to grant it without delay.

Transportation remains the largest source of greenhouse gas emissions across the Alliance. We agree with the Biden administration that a rapid deployment of zero-emission (ZE) technologies across all transportation modes² must be a central component of the U.S. Long-Term Strategy to confront the climate crisis. Importantly, IULR sets ZE operating requirements for locomotives that can help achieve these goals. Granting this authorization will ensure California and other Alliance members can continue to lead on transportation decarbonization – driving reductions in transportation emissions at the state level while ensuring the U.S. does not fall behind in our national efforts to limit global warming.

California's IULR is also expected to significantly reduce harmful NOx and PM2.5,³ improving public health for tens of millions of residents in the state. For other Alliance states and territories,⁴ granting the authorization would provide a critical new mechanism to support compliance with National Ambient Air Quality Standards and protect public health in their jurisdictions. Emissions reductions achieved from the rule would avoid premature deaths, hospitalizations for cardiovascular illness, hospitalizations for respiratory illness, and emergency room visits, yielding billions in health benefits.³ IULR also advances environmental justice by reducing disproportionate exposure to vehicle pollution concentrated in frontline communities, particularly those surrounding locomotive operations at railyards, industrial facilities, and rail corridors.³

ZE rail technology, such as overhead catenary, is a proven and established technology in passenger and freight applications both in the United States and around the world.⁵ Additionally, private operators along with state and local transportation agencies are already investing in, testing, and deploying new emerging ZE and ZE-capable rail technologies like battery-electric, hydrogen fuel cell, and hybrid.⁶ Recognizing the potential of these technologies, the U.S. Department of Transportation is also supporting their deployment with recent federal investments.⁷ IULR will advance these efforts by driving further innovation and investment, and by increasing the market availability of ZE locomotives in California and across the country.

The Alliance stands firmly in support of California's authority as permitted under the CAA to adopt its own requirements for locomotive operations and emissions standards for non-new locomotives and engines, as

well as the authority of other states and territories to voluntarily adopt those regulations.¹ Such regulations can play a vital role in states' ability to improve air quality, protect public health, advance environmental justice, and tackle climate change. California's authorization request meets the conditions required by the law, and the state's promulgation of IULR is consistent with the requirements of the CAA. We support full approval of the authorization request without delay.

Thank you again for the opportunity to comment and for the Administration's collaboration with states and territories to confront the climate crisis.

Sincerely,



Casey Katims
Executive Director
U.S. Climate Alliance

¹ 42 U.S.C. § 7543 (2010), <https://www.govinfo.gov/content/pkg/USCODE-2010-title42/pdf/USCODE-2010-title42-chap85-subchapII-partA-sec7543.pdf>; U.S. Environmental Protection Agency, *Locomotives and Locomotive Engines; Preemption of State and Local Regulations* (Washington, DC), <https://www.federalregister.gov/documents/2023/11/08/2023-24513/locomotives-and-locomotive-engines-preemption-of-state-and-local-regulations>.

² U.S. Department of State and the Executive Office of the President, *The Long-Term Strategy of the United States: Pathways to Net-Zero Greenhouse Gas Emissions by 2050* (Washington, DC), <https://www.whitehouse.gov/wp-content/uploads/2021/10/US-Long-Term-Strategy.pdf>.

³ California Air Resources Board, *Updated Informative Digest: Proposed In-Use Locomotive Regulation* (CARB, Sacramento, CA), <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2022/locomotive22/uid.pdf>.

⁴ Including Vermont, which is in the Ozone Transport Region, but excluding Hawaii.

⁵ For recent examples of rail electrification conversion using overhead catenary technology, see: Nick Ferris, *How India electrified 45% of its railway network in just five years* (Energy Monitor), <https://www.energymonitor.ai/tech/electrification/how-india-made-45-of-its-railway-network-electric-in-just-five-years/>; Railway Gazette International, *Indian Railways starts double-stack electric operation* (Railway Gazette), <https://www.railwaygazette.com/freight/indian-railways-starts-double-stack-electric-operation/56733.article>.

⁶ California Air Resources Board, *Appendix F: Technology Feasibility Assessment for the Proposed In-Use Locomotive Regulation* (CARB, Sacramento, CA) <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2022/locomotive22/appf.pdf>; Richard Clinnick, *Siemens to build 73 trains for Amtrak including first battery-hybrid* (International Railway Journal), <https://www.railjournal.com/fleet/siemens-to-build-73-trains-for-amtrak-including-first-battery-hybrid>; BNSF, *BNSF Sustainability Overview*, <https://www.bnsf.com/in-the-community/environment/sustainability-overview-2023/index.html>; Union Pacific, *Union Pacific Railroad to Assemble World's Largest Carrier-Owned Battery-Electric Locomotive Fleet*, <https://www.up.com/media/releases/battery-electric-locomotive-nr-220128.htm>; California Department of Transportation, *Arriving Soon in California: First Intercity Zero-Emission, Hydrogen Passenger Trains in North America* (Caltrans, Sacramento, CA), <https://dot.ca.gov/news-releases/news-release-2023-034>; Marybeth Luczak, *Pennsylvania Awards \$8.7MM for 'Green' Power* (Railway Age), <https://www.railwayage.com/freight/switching-terminal/pennsylvania-awards-8-7mm-for-green-power/>.

⁷ U.S. Department of Transportation – Federal Railroad Administration, *FY 2022 Consolidated Rail Infrastructure and Safety Improvement Program Selections: Project Summaries* (FRA, Washington, DC), https://railroads.dot.gov/sites/fra.dot.gov/files/2023-09/FY%202022%20CRISI%20Program%20Selections%20-%20Project%20Summaries_PDFa.pdf.