January 9, 2023

DOEE, Air Quality Division
Attn. Joseph Jakuta
1200 First Street, N.E., 5th Floor
Washington, D.C. 20002

Via Electronic Mail to airqualityregulations@dc.gov

Re: Sierra Club Public Comments on Vehicle Emission Standards Adoption by the D.C. Department of Energy and Environment

To Whom It May Concern:

The Sierra Club, on behalf of its 2,439 members in the District of Columbia, submits these comments in support of the D.C. Department of Energy and Environment ("DOEE")'s proposal to adopt California's Advanced Clean Cars 2 ("ACC 2") standards pursuant to Section 177 of the Clean Air Act, and urges DOEE to adopt and implement this regulation without delay. Adopting ACC 2 will reduce air pollution and carbon emissions in the District, decrease D.C. residents' transportation costs, and serve as a meaningful step toward complying with the District's binding climate laws.

On August 25, 2022, the California Air Resources Board approved the ACC 2 rule,[1] which requires manufacturers to sell an increasing percentage of new zero-emission cars and light-duty trucks starting in model year 2026, with 100% of these sales comprising zero-emission vehicles ("ZEVs") in 2035. The District clearly has authority to adopt these regulations under the Clean Cars Act of 2008, which explicitly requires the District to "establish and maintain a low-emissions vehicle program by adopting California emissions standards and compliance requirements applicable to vehicles of model year 2012, and each model year thereafter."[2]

The ACC 2 regulation advances equity in the transition to ZEVs and provides consumers with certainty about the quality and durability of clean vehicles and their batteries. Major car

[1] California Air Resources Board, *Proposed Advanced Clean Cars II (ACC II) Regulations*, https://ww2.arb.ca.gov/rulemaking/2022/advanced-clean-cars-ii.
[2] D.C. Act 17-323 (2008).

companies, including Ford,[3] Toyota,[4] General Motors,[5] and Honda,[6] have made supportive statements in favor of the ACC 2 rule. On a global scale, car companies are expected to spend $1.2 trillion through 2030 on investments in electric vehicles and batteries.[7] Washington, Oregon, Massachusetts, Vermont, and New York have already taken steps to follow California's regulation, and about 10 other states are considering following their lead.[8] A 2020 Consumer Report on electric vehicles concluded that, despite the typically higher up-front costs of purchasing electric vehicles, when vehicles' operating costs are factored into the equation, "the latest generation of mainstream EVs typically cost less to own than similar gas-powered vehicles, a new development in the automotive marketplace with serious potential consumer benefits."[9]

California's ACC 2 rule will play a critical role in reducing the carbon dioxide, volatile organic carbons, nitrogen oxides, and toxic air pollutants that are emitted from vehicles with combustion engines in D.C. These pollutants directly endanger public health by causing both acute and chronic illnesses, including asthma and cancer. D.C.'s proposal to adopt the ACC 2 rule will improve the unhealthy air quality in the District, especially in overburdened communities that already face unfairly high levels of environmental pollution. The District has been in nonattainment of various federal ozone standards for the past three decades,[10] and exposure to ground-level ozone pollution can cause lung inflammation and exacerbate diseases such as asthma, bronchitis, and emphysema.[11] Switching D.C.'s vehicle fleet to ZEVs will improve public health and increase D.C.'s likelihood of complying with federal law because ZEVs do not emit nitrogen oxides, a major precursor to ground-level ozone.

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[3] Ford Media Center, *Ford Statement on Proposed Advanced Clean Cars II Regulations In California* (Aug. 24, 2022), https://media.ford.com/content/fordmedia/fna/us/en/news/2022/08/24/ford-statement-on-proposed-advanced-clean-cars-ii-regulations-in.html.

[4] David Shepardson, *Toyota recognizes California authority to set vehicle emissions standards*, REUTERS (Aug. 23, 2022), https://www.reuters.com/business/sustainable-business/toyota-recognizes-california-authority-set-vehicle-emissions-standards-2022-08-23/.

[5] Jim Motavalli, *Do California's Zero Emission by 2035 Rules Go Far Enough?*, AUTOWEEK (Aug. 25, 2022), https://www.autoweek.com/news/industry-news/a40993559/california-zero-emission-by-2035-rules-passed/.

[6] Honda, *Statement on California Mandate for 100% EVs by 2035* (Aug. 25, 2022), https://hondanews.com/en-US/honda-corporate/releases/release-1503019bd8a757ea08267d7944099b3a-statement-on-california-mandate-for-100-evs-by-2035

[7] Paul Lienert, E*xclusive: Automakers to double spending on EVs, batteries to $1.2 trillion by 2030*, REUTERS (Oct. 25, 2022), https://www.reuters.com/technology/exclusive-automakers-double-spending-evs-batteries-12-trillion-by-2030-2022-10-21/.

[8] Gianna Melillo, *Several states will follow California's lead in banning gas-powered car sales by 2035*, CHANGING AMERICA (Aug. 30, 2022), https://thehill.com/changing-america/sustainability/infrastructure/3620985-several-states-will-follow-californias-lead-in-banning-gas-powered-car-sales-by-2035/.

[9] Chris Harto, *Electric Vehicle Ownership Costs: Today's Electric Vehicles Offer Big Savings for Consumers*, CONSUMER REPORTS (Oct. 2020), https://advocacy.consumerreports.org/wp-content/uploads/2020/10/EV-Ownership-Cost-Final-Report-1.pdf.

[10] U.S. Environmental Protection Agency, *District Of Columbia Nonattainment/Maintenance Status for Each County by Year for All Criteria Pollutants*, https://www3.epa.gov/airquality/greenbook/anayo_dc.html.

[11] Iowa Department of Natural Resources, *Effects of Ground Level Ozone*, https://www.iowadnr.gov/Environmental-Protection/Air-Quality/Air-Pollutants/Effects-Ozone#:~:text=Breathing%20ground%2Dlevel%20ozone%20can,may%20permanently%20scar%20lung%20tissue.

As the District cogently explains in the preamble to the draft regulation, increasing the share of zero-emission vehicles in D.C. will go a long way toward meeting D.C.'s binding greenhouse gas emission reduction requirements. Just as California is leading other states in developing innovative policies to reduce vehicle emissions, D.C. is a leader in setting stringent emission reduction targets and ambitious climate policies that should serve as a model to other states. The D.C. Clean Energy Act requires the District Department of Transportation ("DDOT") to develop "a comprehensive clean vehicle transition plan" with recommendations to achieve "[a]t least 25% zero-emission vehicle registrations by calendar year 2030."[12] Adopting a regulation that requires all purchases, sales, and registrations of passenger vehicles in the District to be ZEVs by 2035 is an excellent strategy for meeting D.C.'s ambitious goal of having at least 25% of vehicle registrations be ZEVs by 2030. The D.C. government announced even bolder, wider-ranging emission reduction targets last year in its Climate Commitment Amendment Act, which calls for a 60% reduction in greenhouse gas emissions District-wide by 2030, preceded by a 45% reduction in 2025—which is only two years away.[13] Adopting the ACC 2 rule will pave the way for substantial progress in meeting these goals, given that most of the District's emissions come from only the building and transportation sectors—in contrast with most other states, whose emitting sectors also include electricity generation, agriculture, and industry.[14]

In sum, the District's adoption of California's ACC 2 rule is one of many necessary steps that will set D.C. on the path toward meeting its rapidly approaching deadlines to achieve substantial emission reductions. In order to ensure compliance with its requirement to slash greenhouse gas emissions from the transportation sector, as a next step, the District should review and adopt California's additional vehicle regulations. These include California's Advanced Clean Trucks Regulation, which requires an increasing percentage of truck sales to be zero-emission between now and 2035,[15] and its Heavy-Duty Omnibus Regulation, which will result in greenhouse gas emission reductions by requiring reductions in other harmful air pollutants, including nitrogen oxides and particular matter, from heavy-duty vehicles' exhaust.[16]

Sincerely,

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[12] D.C. Act 22-583 (2019).
[13] D.C. Law 24-176 (2022).
[14] *See* Climate Commitment Amendment Act of 2022, Committee on Transportation and Environment Report at 4 (June 23, 2022), https://lims.dccouncil.gov/downloads/LIMS/47264/Committee_Report/B24-0267-Committee_Report1.pdf.
[15] California Air Resources Board, *Advanced Clean Trucks Fact Sheet*, https://ww2.arb.ca.gov/resources/fact-sheets/advanced-clean-trucks-fact-sheet.
[16] California Air Resources Board, *Heavy-Duty Omnibus Regulation*, https://ww2.arb.ca.gov/rulemaking/2020/hdomnibuslownox.