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1 UNITED STATES OF AMERICA

2 ENVIRONMENTAL PROTECTION AGENCY

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4

5 IN RE: VEHICLE TEST PROCEDURE ADJUSTMENTS FOR TIER 3

6 CERTIFICATION TEST FUEL

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11 The Virtual Public Hearing,

12 Via Conference Call,

13 Taken the above-entitled matter,

14 Commencing at 1:05 p.m.,

15 Monday, July 13, 2020,

16 Before Rhonda M. Foster, CRR, RMR, RPR, CSR-3612.

17

18 APPEARANCES:

19

20 Michael Olechiw, Presiding Officer

21 Seth Buchsbaum, Attorney, EPA Office of General Counsel

22 Tad Wysor, Engineer

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1 Virtual Public Hearing  
2 Via Conference Call  
3 Monday, July 13, 2020  
4 About 1:05 p.m.

5 \* \* \*

6

7 MR. OLECHIW: For everyone on the call, we  
8 were just pausing for a moment to allow everyone a  
9 chance to get dialed in.

10 So I will start with some opening remarks  
11 here before the start.

12 So hello and welcome. My name is Michael  
13 Olechiw, Director of the Light Duty Vehicle and Small  
14 Engine Center in EPA's Office of Transportation and Air  
15 Quality in Ann Arbor, Michigan.

16 This is the public hearing for EPA's proposed  
17 rule, formally titled Vehicle Test Procedure  
18 Adjustments for Tier 3 Certification Test Fuel.

19 Because of current CDC recommendations, as  
20 well as State and Local orders for social distancing to  
21 limit the spread of COVID-19, we are holding this  
22 hearing virtually.

23 For many of us, myself included, this is a  
24 first. I would like to thank everyone participating  
25 today in advance for helping this new approach work for

1 everyone. Please let us know how we can improve on how  
2 to do this in the future.

3           Joining me, again virtually, to hear your  
4 comments are Tad Wyszor, from my group, and Seth  
5 Buchsbaum, from our Office of General Counsel in  
6 Washington, D.C.

7           We are recording this hearing, and a court  
8 reporter will be transcribing your comments for the  
9 official record.

10           The proposed rule was published in the  
11 Federal Register on May 13, 2020. By the way of  
12 background, we anticipated this rule when we finalized  
13 the Tier 3 Motor Vehicle Emissions and Fuel Standards  
14 Rule, Criteria Pollutants, in 2014.

15           That rule, which began to phase in in 2017  
16 requires manufacturers to use a new gasoline  
17 certification test fuel in emissions testing for cars  
18 and light trucks for compliance. The new test fuel,  
19 called E10 or Tier 3 fuel, has 10 percent ethanol  
20 content. It was chosen because it is more similar to  
21 gasoline currently available on the market than the  
22 test fuel used in previous emission testing.

23           However, prior to the Tier 3 rule in 2012,  
24 EPA finalized the joint EPA and the DOT GHG emissions  
25 and corporate average fuel economy standards for cars

1 and light trucks, which requires compliance testing to  
2 be performed using the earlier test fuel that had been  
3 used for many years. This earlier test fuel, called E0  
4 or Tier 2 fuel, has zero ethanol content, and is  
5 significantly different from the newer Tier 3 fuel in  
6 other properties as well.

7 In order to demonstrate whether and how much  
8 the transition to Tier 3 test fuel will affect GHG  
9 emissions and CAFE fuel economy calculations, EPA  
10 completed in 2016 an emissions testing program in our  
11 Ann Arbor lab that compared the results of GHG  
12 emissions and fuel economy testing on the two different  
13 fuels. We released the peer-reviewed report on that  
14 study in 2017.

15 The next steps are what led to the proposed  
16 rule we are considering today. We used the data from  
17 the EPA test program to derive small but important  
18 adjustment factors designed to correct GHG emissions,  
19 CAFE fuel economy results from testing using Tier 3 E10  
20 test fuel to align with results that would be expected  
21 using Tier 2 E0 test fuel. In so doing, we are  
22 proposing to avoid the change in stringency of the  
23 standards that would otherwise have resulted from the  
24 change in the test fuel. Thus, the proposed adjustment  
25 factors are meant to ensure that the auto manufacturers

1 face essentially the same technical compliance  
2 challenges as they transition to the new test fuel.

3 The rule also responds to manufacturer  
4 concerns about needing to test vehicles on both fuels  
5 by transitioning to universal use of Tier 3 fuel.

6 The rule also proposes revisions to the  
7 existing provisions for establishing values for fuel  
8 economy window stickers and delayed transition before  
9 manufacturers are required to use the new fuel and  
10 adjustment factors on their entire fleet.

11 Because the proposed rule is designed to  
12 ensure no change in stringency of the GHG and CAFE  
13 programs, we do not expect any significant  
14 environmental or economic impacts to result from  
15 implementing this rule and finalize as proposed.

16 Feedback provided during this hearing as well  
17 as written comments provided in response to the  
18 proposal will inform the final rulemaking. All  
19 comments on the proposed rule, whether provided at  
20 today's hearing or in writing, will receive equal  
21 consideration by EPA.

22 The proposed rule, as published on May 13th  
23 in the Federal Register, provides details of where to  
24 submit written comments. The comment period closes on  
25 August 14th, 2020.

1           Now let me go over how we will conduct this  
2 meeting. We are conducting this hearing in accordance  
3 with Section 307(d)(5) of the Clean Air Act, which  
4 requires EPA to provide interested persons an  
5 opportunity for oral presentation in addition to  
6 written submissions.

7           The official record of this hearing will be  
8 kept open through the end of the comment period to  
9 provide for submission of rebuttal or supplemental  
10 testimony.

11           I will be serving as the presiding officer of  
12 today's hearing. I will be conducting the hearing  
13 informally, and formal rules of evidence will not  
14 apply.

15           If appropriate, I may strike comments from  
16 the record that are irrelevant or needlessly  
17 repetitious. And I will apply reasonable limits on the  
18 duration of the statement of any witness.

19           Each speaker will have up to five minutes to  
20 provide their verbal testimony. We will be monitoring  
21 each speaker's time. And out of respect for subsequent  
22 testifiers, we ask speakers to end promptly at five  
23 minutes or before.

24           We will be calling witnesses one by one for  
25 today's testimony. We e-mailed the order of the



1 speakers to those registered for the hearing, speakers  
2 and non-speakers, this morning. We ask that you  
3 monitor the list of speakers and be prepared to present  
4 your testimony when it is your turn to speak.

5           You will need to unmute yourself when we call  
6 your name, and you can proceed with your statement. If  
7 you would like to testify but did not request to speak  
8 in your registration, please send an e-mail to the same  
9 address used to register. We will try to accommodate  
10 everyone who wants to testify.

11           We need witnesses to state their name and  
12 affiliation prior to making a statement. When each  
13 witness has finished their presentation, the EPA staff  
14 will have an opportunity to ask questions related to  
15 the testimony. However, we will not respond to  
16 questions.

17           Thank you.

18           And I will now turn it over to Tad Wysor to  
19 call on the first speaker.

20           TAD WYSOR: Thank you, Mike.

21           Our first speaker is Dan Bowerson from the  
22 Alliance for Automotive Innovation, if I have the new  
23 name correct.

24           You can hit star six to unmute yourself, and  
25 you have five minutes.

1 DAN BOWERSON: Very good on the new name,  
2 Tad. Can you hear me okay?

3 TAD WYSOR: Yes.

4 DAN BOWERSON: Great. Thank you.

5 DAN BOWERSON, ALLIANCE FOR AUTOMOTIVE INNOVATION:

6 DAN BOWERSON: Good afternoon. I am Dan  
7 Bowerson. And on behalf of the Alliance for Automotive  
8 Innovation and our members, thank you for the  
9 opportunity to testify today on EPA's NPRM on vehicle  
10 test procedure adjustments for Tier 3 certification  
11 test fuel.

12 The Alliance for Automotive Innovation, or  
13 "Auto Innovators," was formed in January and represents  
14 the manufacturers producing nearly 100 percent of cars  
15 and light trucks sold in the U.S., along with  
16 suppliers, technology companies, and other  
17 automotive-related value chain partners.

18 The auto industry is committed to ongoing  
19 progress for fuel economy and greenhouse gas emissions,  
20 and invests in implementing policies and programs that  
21 can help support transportation electrification,  
22 including battery electric, plug-in hybrid, and  
23 hydrogen fuel cell technologies, all complementing  
24 lower carbon energy sources for transportation.

25 Manufacturers offer more electric models

1 today than at any point in history. And nearly every  
2 major automaker has announced plans to increase the  
3 number of electrified platforms offered.

4 EPA's Tier 3 certification test fuel NPRM  
5 proposes to change the test fuel currently used in  
6 measuring NHTSA, CAFE, and EPA greenhouse gas emissions  
7 on Tier 3 motor vehicles, along with making  
8 corresponding test procedure adjustments to be used  
9 with the new test fuel.

10 EPA seeks to change the calculations used to  
11 derive fuel economy from vehicle emissions in order to  
12 preserve comparability to pass emissions tests and  
13 trends that is required by statute. In addition, EPA  
14 proposes to change the measure of vehicle emissions  
15 resulting in a shifting of greenhouse gas emissions.  
16 This is not required by statute.

17 This approach will work directly against  
18 fuels-related carbon reductions that are needed to  
19 reduce the greenhouse gas emissions on the car part,  
20 which will remain dominated by vehicles with internal  
21 combustion engines for decades to come.

22 We recommend that EPA capitalize on this  
23 significant opportunity while we all work to resolve  
24 electrification work and challenges.

25 We will be submitting detailed comments next

1 month, but in the meantime, we would like to provide a  
2 preview of our comments.

3 First, regardless of the final adjustment  
4 that they've adopted, the proposed lead time and  
5 phase-in schedule must be revised.

6 EPA's proposal is outdated, as it was  
7 developed several years ago when EPA was assuming that  
8 the final rule would be published before the end of  
9 2019. We requested this delay in publication be  
10 representative of updated timing. And as a result, we  
11 request that EPA delay the mandatory phase-in of E10  
12 test fuel requirements by a minimum of two Model Years  
13 to meet EPA's original lead time intentions.

14 In addition to lead time, we request the  
15 ability to carry over E0 data over the life of any  
16 given vehicle program. This will prevent the need to  
17 retest vehicles if there are no other changes that  
18 would require retesting.

19 While the E10 test fuel proposed rule was  
20 being developed, manufacturers have followed current  
21 regulations and continue performing greenhouse gas and  
22 fuel economy testing required on E0 test fuel.

23 Greenhouse gas and fuel economy testing is  
24 under way or completed for Model Year 2021 on E0 test  
25 fuel. And carry over of this data should be allowed

1 through the life of the programs.

2 We have expressed concern all along about the  
3 proposal to apply an adjustment factor that could  
4 result in reporting higher CO2 than what is measured at  
5 the tailpipe. Adding emissions that are not emitted by  
6 the vehicle, but rather to assess compliance to  
7 otherwise clean, efficient vehicles, is shortsighted  
8 and counter to the goals of carbon reductions from the  
9 transportation sector. This fictitious CO2 is not  
10 emitted from the vehicle tailpipe and serves to  
11 penalize the use of E10 gasoline in certification. As  
12 our SAFE rule comments stated in 2018, if any change is  
13 needed, it should be factored into the actual standards  
14 and not applied to each test vehicle.

15 We also have concerns about how EPA developed  
16 this proposed R factor, and are working on some  
17 analysis to allow us to comment on EPA's approach more  
18 productively. We are reviewing EPA's data, as well as  
19 pairs of E0 and E10 data, which have resulted from the  
20 double testing of emission compliance vehicles with  
21 criteria emissions and CAFE greenhouse gas standards.  
22 We are preparing our comments on that work.

23 Thank you again for the opportunity to  
24 provide testimony on this rulemaking today. And we  
25 look forward to providing detailed comments next month.

1 Thank you.

2 TAD WYSOR: Thank you, Dan.

3 Our next speaker is Chris Harto from Consumer  
4 Reports. Please hit star six and proceed.

5 CHRIS HARTO, CONSUMER REPORTS:

6 CHRIS HARTO: Hello, can you hear me?

7 TAD WYSOR: Yes.

8 CHRIS HARTO: This is Christopher Harto,  
9 Senior Policy Analyst at Consumer Reports.

10 Consumer Reports is an independent,  
11 non-profit member organization that works side by side  
12 with consumers for truth, transparency, and fairness in  
13 the marketplace.

14 Consumer Reports strongly supports EPA's  
15 proposal to adjust the emissions test procedures to  
16 account for the use of regular gasoline.

17 Consumer Reports strongly objects to  
18 automakers' request that EPA not adjust their formulas  
19 to account for the change in fuel used in testing. Not  
20 accounting for the fuel change will make tests  
21 inaccurate. This hurts consumers, because if  
22 automakers get their way on this, they will not have to  
23 make their vehicles as efficient, costing consumers at  
24 the gas pump.

25 Instead, this would essentially create a

1 costly loophole in which cars, trucks, SUVs can pollute  
2 more, exposing us to more harmful air and climate  
3 pollution.

4           If EPA allows this loophole, it will  
5 effectively eliminate one year's worth of greenhouse  
6 gas emissions improvements required under the finalized  
7 SAFE Rule. The SAFE rule has already reduced the  
8 stringency of greenhouse gas standards by 70 percent  
9 relative to the previous standards, costing consumers  
10 up to \$300 billion on vehicles purchased over the next  
11 15 years. Failing to account for the adjustment in  
12 fuel use in the emission standard would further weaken  
13 already weak standards by up to another 20 percent.  
14 This could cost consumers up to another \$30 billion on  
15 top of what they already stand to lose from the SAFE  
16 Rule.

17           CR stands with consumers and requests that  
18 EPA finalizes the proposed changes to test procedures  
19 so that they are more accurate in protecting consumers  
20 and our environment.

21           Thank you for your time. That concludes my  
22 comments.

23           TAD WYSOR: Thank you, Mr. Harto.

24           Paul Billings, from the American Lung  
25 Association is next. Please hit star six.

1 PAUL BILLINGS, AMERICAN HEART ASSOCIATION:

2 PAUL BILLINGS: Good afternoon. I am Paul  
3 Billings, P-a-u-l B-i-l-l-i-n-g-s, National Senior Vice  
4 President of Public Policy for the American Lung  
5 Association. I appreciate the opportunity to speak to  
6 you today.

7 The American Lung Association is the oldest  
8 voluntary health organization in the United States.  
9 Lung disease is the fourth leading cause of death, and  
10 lung cancer is the leading cancer killer among women.  
11 Nearly 25 million people, including 6 million children,  
12 suffer from asthma. We advocate on behalf of everyone  
13 who breathes.

14 In April we released our 21st Annual State of  
15 the Air Report. The report found that nearly five in  
16 ten people, 150 million Americans, live in counties  
17 with unhealthy ozone or particle pollution. That  
18 represents an increase from last year's report that  
19 showed 141 million people living in counties with  
20 unhealthy air.

21 Climate change is a big driver of these  
22 increases of exposure to unhealthy air from particulate  
23 matter from wildfires or ozone episodes caused by  
24 excessive heat. Transportation is the single largest  
25 source of the pollution that is driving climate change.



1           In 2013 the American Lung Association  
2 supported the update of certification fuel to the end  
3 use fuel. We reiterate our support today. The  
4 overwhelming majority of gasoline sold today contains  
5 up to 10 percent ethanol by volume, or E10. We believe  
6 that testing and certification fuel should match the  
7 fuel being sold in the market.

8           We support this proposed rule to ensure that  
9 the transition to E10 as a test fuel has no impact on  
10 the stringency of light duty GHG emissions and fuel  
11 economy standards.

12           The proposed transition to E10 as a test fuel  
13 will allow manufacturers to perform all their vehicle  
14 testing on a single E10 fuel for compliance with both  
15 Tier 3 and the GHG fuel economy standards. We support  
16 this proposed change.

17           We understand that E10 will result in  
18 slightly different CO2 emissions measurements and fuel  
19 economy results than does testing on the current fuel.  
20 So we agree with EPA that this rulemaking action is  
21 necessary to realign the test results from the GHG,  
22 CAFE fuel economy testing on the new Tier 3 test fuel  
23 so they are consistent with the results from the  
24 testing on the original Tier 2 test fuel.

25           American Lung Association opposes efforts by

1 the automakers to weaken the proposed testing  
2 adjustment.

3           However, we are concerned about the timeline  
4 for the implementation of this rulemaking. Tier 3  
5 vehicle and fuel standards were promulgated in 2014.  
6 Yet EPA is proposing to delay the requirements to test  
7 with Tier 3 fuel for an additional Model Year, from  
8 Model Year 2020 to Model Year 2021. EPA is proposing  
9 optional certification on either fuel for Model Years  
10 2021 and 2022. And then allowing manufacturers that  
11 previously tested for certification for compliance with  
12 the GHG standards, to carry over their existing data  
13 and allow that carryover for Model Years 2023 and 2024,  
14 but requiring certification for new models not eligible  
15 for carryover data to be done on Tier 3 fuel.

16           All told, testing for all vehicles on Tier 3  
17 certification fuel would not be required until Model  
18 Year 2025. Remember, the original rule was promulgated  
19 in 2014.

20           In contrast, the certification testing for  
21 non-GHG pollutants will continue to be done as required  
22 by Tier 3. We appreciate and support EPA continuing to  
23 test for criteria pollutants for Model Years 2020 for  
24 LDVs, LDTs, and MDPVs, and for heavy duty pickup trucks  
25 and vans in Model Year 2022.

1           So, therefore, we urge EPA to implement the  
2           testing program with the proposed adjustments so their  
3           results are consistent with the results from the  
4           testing on the original Tier 2 test fuel. And we urge  
5           EPA to fully implement the testing program in Model  
6           Year 2021, and not delay the full implementation of the  
7           Tier 3 fuel until 2025.

8           I thank you for the opportunity to provide  
9           these comments. The American Lung Association will  
10          file additional written comments before the comment  
11          deadline.

12          TAD WYSOR: Thank you, Mr. Billings. We look  
13          forward to those comments.

14          Next is Terry Brownfield.

15   TERRY BROWNFIELD, PRIVATE CITIZEN, COLORADO, USA:

16          TERRY BROWNFIELD: Hello. My name is Terry  
17          Brownfield, from Larkspur, Colorado, near the Denver  
18          Metro Area. I am a private citizen. Thank you for  
19          taking my comments. Can you hear me clearly?

20          MR. WYSOR: Very clearly.

21          TERRY BROWNFIELD: I am angered that  
22          carmakers are asking you, the EPA, to change the auto  
23          emission test rules and create false lower emission  
24          cars, thereby duping consumers and costing all of us in  
25          the long run.

1           The EPA made a positive change in updating  
2 the fuel used to test vehicle emissions. Tier 3 fuel  
3 reflects the real world, what American drivers purchase.  
4 The EPA's preferred technical proposal to make the  
5 necessary adjustments to testing to accurately reflect  
6 this fuel change is appropriate and desirable.

7           I am here today to ask you respectfully to  
8 please follow your plan, correct for, and then finalize  
9 the switch to Tier 3 emission test standards for cars.

10           Your own technical documents validate that  
11 carmakers have no rational reason to ask for a change.  
12 Fuel efficiency standards were already rolled back this  
13 year, which means my family is already going to pay a  
14 penalty when we purchase our next vehicle. We will pay  
15 by having a less efficient vehicle that is worthless.  
16 We will be paying more at the gas pump. And we will be  
17 paying more in long-term negative health effects due to  
18 higher vehicle emissions.

19           How do I explain to the students I work with  
20 that in one decision, the EPA changed car emission  
21 standards which will threaten their health for a  
22 lifetime. There are already so many children dealing  
23 with asthma and other compromised lung function issues.

24           In the 14 years I have worked with special  
25 needs students at elementary, middle, and high school

1 levels, I have seen health issues firsthand. May I  
2 speak for these children who don't have the ability to  
3 speak for themselves? All children have young fragile  
4 lungs and need you to act for them. Please protect  
5 these students. Protect their future. And keep your  
6 original correction to the vehicle global warming  
7 emissions test to account for the change to the fuel  
8 consumers use.

9 In the 9th grade science class I worked in  
10 this past school year, students learned about climate  
11 change. They discovered how air pollution, especially,  
12 and most certainly, auto emissions, exacerbate the  
13 negative impacts of climate change, impacts that will  
14 negatively impact their entire lives.

15 My students need to hear that the EPA  
16 followed their own technical analysis, which showed  
17 that by 2030 Tier 3 fuel standards would prevent a  
18 significant number of premature deaths, reduce hospital  
19 visits due to asthma-related emergencies, reduce upper  
20 and lower respiratory systems in these students'  
21 friends, and contribute to a better future for them.

22 I work hard to keep my family as healthy as  
23 possible, but we don't have a choice in our risk for  
24 disease and death due to air-pollution-related causes.  
25 We live in an urban freeway corridor. Poor air quality

1 is a near daily occurrence due to emissions from  
2 vehicles.

3 According to the American Lung Association,  
4 increasing carbon emissions will accelerate climate  
5 change, worsen already poor air quality, and increase  
6 health risk.

7 If you again weaken the emission standards  
8 for carmakers, you are penalizing every breath we take.  
9 You would be burdening my family and every other  
10 American citizen with medical issues we can't control,  
11 just because we breathe.

12 EPA's mission is to protect human health and  
13 the environment. Auto emission testing and regulation  
14 using Tier 3 fuel meets this mission. It is what you  
15 had planned. And making the test correction is the  
16 right way to move forward.

17 I am appalled that the auto industry is  
18 asking for it, for no credible reason, after auto  
19 emission standards were already recently relaxed for  
20 them.

21 Please protect my family. Please protect the  
22 students I work with. Please protect all Americans.  
23 The current risks to our lung health are now greatly  
24 worsened by the COVID pandemic. We need you to keep  
25 our air as clean as possible.

1 I strongly support the proposed adjustment to  
2 the vehicle emission test procedure to use regular  
3 gasoline. Please make the adjustment needed, and give  
4 Americans accurate pollution test standards that  
5 reflect the true pollution produced by cars.

6 Thank you very much.

7 MR. WYSOR: Thank you.

8 Next is Luke Tonachel, from the Natural  
9 Resources Defense Council.

10 LUKE TONACHEL, NATURAL RESOURCES DEFENSE COUNCIL:

11 LUKE TONACHEL: Good afternoon. And thank  
12 you for holding this hearing. My name is Luke  
13 Tonachel. I am Director of the Clean Vehicles and  
14 Fuels Group at the Natural Resources Defense Council,  
15 or NRDC. I am here today on behalf NRDC's more than  
16 3 million members and online activists who support our  
17 efforts to safeguard all Americans' rights to clean  
18 air, clean water, and a healthy planet.

19 Seven years ago, almost to the day, I filed  
20 comments on behalf of NRDC to EPA's Tier 3 notice of  
21 proposed rulemaking. NRDC urged that the Agency  
22 finalize clean air gasoline and vehicle emissions  
23 requirements to ensure that necessary air pollution  
24 reductions were achieved. NRDC also supported EPA's  
25 plan to switch to a Tier 3 certification fuel that was

1 more representative of the fuel used in the consumer  
2 fuel market because it had 10 percent ethanol.

3 EPA has indicated that having a certification  
4 fuel closer to the actual end use fuel would help  
5 ensure that the expected pollution reductions under the  
6 Tier 3 standards would actually be achieved in  
7 vehicles.

8 Today, I am here to urge EPA to finalize  
9 rules that would complete the transition to a Tier 3  
10 E10 certification test fuel with adjustment factors  
11 that apply to both vehicle greenhouse gas and fuel  
12 economy test results for the greenhouse gas and CAFE  
13 programs and the fuel economy and environment label.

14 NRDC opposes the adoption of a Tier 3 E10  
15 certification fuel without the CO2 adjustment factor.  
16 The adjustment factor must be included to avoid  
17 additional backsliding in the stringency of greenhouse  
18 gas and CAFE standards.

19 According to EPA's analysis, a switch to  
20 testing on Tier 3 fuel without the adjustment factor  
21 will result in a 1.6 percent decrease in the stringency  
22 of the greenhouse gas emissions standards. The 1.6  
23 percent stringency reduction would be more than the  
24 expected gain of an entire Model Year under the  
25 recently finalized SAFE Part 2 rollback of the



1 greenhouse gas and CAFE standards.

2 Any reduction in stringency of the greenhouse  
3 gas and CAFE standards is a step in the wrong  
4 direction. The need to protect public health, the  
5 climate, and consumers' wallets compel standards that  
6 are at least as strong as the greenhouse gas and CAFE  
7 standards finalized in 2012 through Model Year 2025.

8 NRDC strongly opposes the SAFE Part 2  
9 rollback. We believe that it is technically  
10 unjustified and illegal.

11 NRDC, our members, and our supporters, and  
12 most Americans support keeping the 2012 standards in  
13 place, not the rollback.

14 Eliminating the CO2 adjustment factor during  
15 a switch to Tier 3 fuel would compound an already  
16 disastrous rollback.

17 And one additional comment on the timing of  
18 the Tier 3 fuel and adjustment factor implementation:  
19 We understand from the proposal that EPA has already  
20 adjusted this schedule to reflect the fact that this  
21 proposal has come later than originally expected. Any  
22 further delay would be a problem. And, in fact, EPA  
23 should look to accelerate, as other commenters have  
24 mentioned, the implementation of the Tier 3 fuel with  
25 adjustment factors.

1           As I said before, the EPA put in place the  
2           new Tier 3 fuel to ensure that the reductions under the  
3           Tier 3 program would actually be achieved.

4           In conclusion, NRDC urges EPA to adopt the  
5           Tier 3 certification test fuel with the adjustment  
6           factors.

7           Thank you for your time today.

8           MR. WYSOR: Thank you.

9           Next is Barry Wendell from the City of  
10          Morgantown, West Virginia.

11         BARRY WENDELL, CITY OF MORGANTOWN:

12                 BARRY WENDELL: Hello. I am Barry Wendell, a  
13                 city councilor in Morgantown, West Virginia, the  
14                 largest city in the north central part of the state,  
15                 with a population of over 30,000.

16                 Our city has signed on to the Paris Climate  
17                 Accord. We have a green team that is proposing the  
18                 things we can do to protect the environment, and not  
19                 coincidentally, lower our city costs and save money for  
20                 taxpayers.

21                 The proposal before you will provide  
22                 consumers a more accurate rating of the gas mileage on  
23                 cars available on the market, which will help them make  
24                 changes that will both improve the environment and save  
25                 money. When the EPA regulates emissions, then their

1 test fuel needs to be taken into account.

2 Some automakers want to create a loophole  
3 that will allow more pollution and lower mileage on  
4 their cars. This is not a time to accept worse gas  
5 mileage and dirtier air.

6 The original proposal to base gas mileage  
7 claims on the fuel consumers actually use is in line  
8 with our goals as the city in Morgantown, and will help  
9 me personally select a car the next time I am in the  
10 market.

11 I support the proposal to change to the new  
12 standard. Thank you very much.

13 MR. WYSOR: Thank you.

14 Next is Evvan Morton from Rutgers University.

15 EVVAN MORTON, RUTGERS UNIVERSITY:

16 EVVAN MORTON: Good afternoon. My name is  
17 Evvan Morton. I am a post-doctoral science policy  
18 fellow with Rutgers University. I greatly appreciate  
19 the opportunity to provide testimony on the important  
20 subject of vehicle emissions testing procedures in the  
21 critical role of effective regulation to ensure living  
22 global warming emissions from passenger vehicle.

23 I strongly support the EPA's proposal to  
24 adjust emissions testing protocols and compliance  
25 calculations for the light duty greenhouse gas emission

1 standards and fuel economy standards to ensure that the  
2 transition to E10 as a test fuel has no impact on the  
3 stringency of the standards.

4 As a recent Ph.D. graduate in sustainable  
5 engineering, my research focuses on the importance of  
6 managing climate change by both preventing new carbon  
7 dioxide emissions from entering the atmosphere, as well  
8 as removing past carbon dioxide emissions from the  
9 atmosphere using negative-emissions technology.

10 Many climate change and environmental  
11 policies do not recognize that carbon dioxide sits in  
12 the atmosphere for hundreds to thousands of years,  
13 which increases global warming and prolongs the harmful  
14 effects of climate change.

15 It is vital that we keep carbon dioxide out  
16 of the atmosphere if we want to effectively manage  
17 climate change.

18 If the EPA's new testing procedure is not  
19 implemented, more carbon dioxide will be unnecessarily  
20 emitted into the atmosphere, negatively affecting our  
21 health and welfare.

22 When I first learned about this proposed  
23 testing protocol, it immediately made me think of the  
24 testing protocols used when testing for lead in Flint,  
25 Michigan's drinking water. Michigan's testing protocol

1 included pre-flushing, requiring residents to run their  
2 faucets for several minutes before testing for lead.  
3 This protocol purposefully reduced the amount of lead  
4 detected in the water, and unfairly prevented Flint  
5 residents from receiving clean water.

6 Thankfully, this protocol has been changed to  
7 reflect the EPA's federal testing protocol, which  
8 discourages pre-flushing.

9 Purposefully underestimating the amount of  
10 lead in drinking water jeopardizes the health of  
11 communities, and especially of children.

12 Likewise, underestimating carbon dioxide  
13 emissions from cars will negatively affect our health  
14 and well-being, with a disproportionate impact on  
15 children.

16 Ensure pollution tests reflect reality is  
17 key, whether we are talking about lead polluting our  
18 children's water, or the emissions we experience from  
19 cars and trucks on our roads.

20 I support the EPA's proposal to adjust  
21 emissions testing protocol and compliance calculations.  
22 And I thank the EPA for maintaining standards that  
23 protect our health and welfare. Thank you.

24 MR. WYSOR: Thank you.

25 Next is Carol Lee Rawn, from Ceres.

1 CAROL LEE RAWN, CERES:

2 CAROL LEE RAWN: Thank you for the  
3 opportunity to testify today. My name is Carol Lee  
4 Rawn, and I am the Senior Director of Transportation  
5 for Ceres. Ceres is a sustainability nonprofit  
6 organization working with investors and companies. The  
7 Ceres Investor Network on Climate Risk comprises more  
8 than 175 institutional investors collectively managing  
9 more than \$79 trillion in assets. The Ceres policy  
10 BICEP network and company network comprise many Fortune  
11 500 firms and other major companies.

12 I note that both investors and companies in  
13 our networks have expressed strong opposition to the  
14 Trump Administration's significant weakening of the  
15 light duty greenhouse gas emission and fuel economy  
16 standards.

17 I am here to express our strong support for  
18 EPA's proposed rule seeking to ensure that the change  
19 in test fuel has no impact on the stringency of the  
20 greenhouse gas emissions and fuel economy standards.  
21 This is especially important given the weakness of the  
22 current SAFE Rule.

23 Our analyses have demonstrated that strong  
24 standards are critical to ensuring the global  
25 competitiveness of the U.S. auto industry and the

1 success of our broader economy. In addition, strong  
2 standards are necessary to mitigate the significant  
3 economic cost associated with climate change.  
4 Evidently a rule change that would effectively cancel  
5 out even the current weak standards would only  
6 exacerbate their negative impacts. Accordingly, we  
7 strongly support EPA's proposed rule including a CO2  
8 adjustment factor, which would serve to effectively  
9 prevent further weakening of the standards.

10 I will submit written comments as well.

11 Thank you.

12 MR. WYSOR: Thank you.

13 Next is Will Anderson from the Sierra Club.

14 WILL ANDERSON, SIERRA CLUB:

15 WILL ANDERSON: Good afternoon. My name is  
16 Will Anderson. I am speaking for the Sierra Club, the  
17 Sierra Club and our 3.8 million members and supporters.  
18 I appreciate the opportunity to testify today on the  
19 negative real-world impact in the proposal to change  
20 EPA's vehicle emission testing procedures under the  
21 Tier 3 pollution rule.

22 However, I would also like to take this  
23 opportunity to urge the EPA to better utilize available  
24 videoconference technology for future virtual public  
25 hearings during this public health crisis or any other

1 future crises. And that having a video option would  
2 give the public the opportunity to be seen more as they  
3 would be in a public hearing, at the very least, give  
4 the opportunity for the public to testify face to  
5 virtual face with that.

6 Today we are here to testify that while we  
7 recognize and appreciate the EPA and the commitment  
8 they have made to updating the fuel that they use  
9 under -- the test vehicles under the Tier 3 regulation,  
10 the devil is always in details, and the details show  
11 that while EPA is correctly proposing those adjustments  
12 to Tier 3 test procedures to better account for E10  
13 fuel than on the retail market, the timeline of the  
14 implementation and lack of adjustment factor to change  
15 vehicle emissions testing procedures would wind up  
16 undercounting emissions from new cars by about 1.6  
17 percent, cancelling a year's worth of progress toward a  
18 cleaner car standard.

19 Additionally, according to recent public  
20 health analysis, being exposed to air pollution is  
21 linked notably to a higher rate of death with people  
22 with COVID-19.

23 The transportation sector is a significant  
24 and dangerous source of the particulate matter and  
25 pollution. And additionally studies show that low



1 income neighborhoods and communities of color breathe  
2 in the dirtiest source of the pollution causing higher  
3 rates of asthma, cancer, and respiratory issues.

4 We must not exacerbate a public health crisis  
5 with adjustment in the Tier 3 emissions program that  
6 would effectively make vehicles appear cleaner and more  
7 efficient than they are, but without any sort of real  
8 change to the vehicle whatsoever.

9 And we would like accurate pollution test  
10 standards that tell the dirty truth about pollution  
11 produced by cars, and not a rigged system that would  
12 profit automakers at the expense of public health and  
13 our climate.

14 Please adopt the real-world test fuel with  
15 the adjustable factor. Thank you.

16 MR. WYSOR: Thank you.

17 Next is Elizabeth Bunn from the Labor Network  
18 for Sustainability.

19 ELIZABETH BUNN: Okay. Can you hear me.

20 TAD WYSOR: Yes, we can. Thank you.

21 ELIZABETH BUNN: Thank you. Thank you.

22 Sorry.

23 ELIZABETH BUNN, LABOR NETWORK FOR SUSTAINABILITY:

24 ELIZABETH BUNN: My name is Elizabeth Bunn,  
25 and I am speaking today on behalf of the Labor Network

1 for Sustainability. We are an advocacy organization  
2 promoting sustainable environmental and sustainable  
3 economic policies. We believe we should be able to  
4 make a living on a living planet. Thank you for the  
5 opportunity to speak here today.

6 I am not a scientist, but I believe science  
7 should drive EPA policy and practice. Like me, most  
8 American consumers are not scientists, and rely on  
9 agencies like the EPA, especially the EPA, to provide  
10 the facts we need to make informed decisions about our  
11 health and the health of our planet.

12 As part of this agency's responsibility to  
13 protect the environment, is the obligation to provide  
14 accurate, reliable, trustworthy information. And to  
15 ensure that its own standards, like CAFE, are met.

16 We, therefore, applaud the Agency's  
17 commitment to update the fuel that it uses to test  
18 vehicles under its Tier 3 regulation, because it would  
19 allow EPA to generate data on tailpipe emissions that  
20 reflect real-world experience.

21 For this same reason, as others have already  
22 stated, EPA must adjust how the fuel numbers are  
23 incorporated in the Clean Car Standards. Failing to  
24 make the adjustment would cause an underestimate of the  
25 global warming emissions from new cars. We need

1 accurate pollution standards that tell the truth about  
2 vehicle emissions. Furthermore, we would lose a full  
3 year's worth of improvements that are mandated by the  
4 newly issued clean car standards. This is a step in  
5 the opposite direction from what we need. EPA should  
6 not acquiesce to automaker demands not to use the  
7 common sense adjustment factor.

8 We now know that there are real-world effects  
9 of tailpipe emissions from gasoline-powered vehicles.  
10 Others have already, and I am sure others will, detail  
11 the greenhouse gas emissions that harm our planet and  
12 the effects of other pollutants on our health and the  
13 health of our children by child asthma rates.

14 Suffice it to say we all benefit from knowing  
15 these effects, so we can make informed decisions both  
16 as consumers and as policymakers.

17 We urge you to apply the appropriate  
18 adjustment factor and use accurate pollution standards,  
19 so that we all know the truth about harmful emissions  
20 cars produce. And that we meet the already-reduced  
21 CAFE standards, and not lower them further through the  
22 back door.

23 Thank you very much.

24 MR. WYSOR: Thank you.

25 Next is Neelu Tummala from Virginia

1 Clinicians for Climate Action.

2 NEELU TUMMALA, VIRGINIA CLINICIANS FOR CLIMATE ACTION:

3 NEELU TUMMALA: Great. Thank you. And I  
4 accidentally signed up twice, so you can delete my name  
5 from the list. I am the very last person.

6 MR. WYSOR: We caught that.

7 NEELU TUMMALA: Yes. Sorry. I was excited  
8 about this testimony.

9 Good afternoon. My name is Neelu Tummala. I  
10 am a physician at George Washington University, and a  
11 member of Virginia Clinicians for Climate Action.

12 I greatly appreciate the opportunity to  
13 provide testimony on the subject of vehicle emissions  
14 testing procedure, and to speak up on behalf of the  
15 health of my patients.

16 Effective regulation is critical to ensure  
17 the limitation of harmful emissions from passenger  
18 vehicles. I support the proposed adjustment to the  
19 testing procedure to account for the new fuel.

20 The current times we are living in are some  
21 of the most challenging we have faced as a nation. But  
22 they also remind us what we value most, the health and  
23 well-being of our families and friends.

24 I had a patient in clinic recently whom I had  
25 not seen in a few months. I joked with him about how

1 he was handling staying cooped inside, in order to  
2 minimize his exposure to COVID-19. And he responded  
3 with, "Stop. What do you mean a few weeks? I have  
4 been doing this for years." I learned that he lived  
5 near a highway, and he said that the air pollution of  
6 the last several years was aggravating his asthma, so  
7 he found it easier to stay indoors protected from the  
8 outside air.

9           When you hear from a patient like this who is  
10 directly suffering from ambient air pollution, it is  
11 easy to understand why air pollution is such a  
12 concerning issue of public health. He reminded me that  
13 while we must all work together to mitigate the  
14 COVID-19 pandemic, we must also not ignore other public  
15 health concerns, including poor air quality and climate  
16 change.

17           Carbon dioxide is the primary greenhouse gas  
18 driving climate change. And an increase in carbon  
19 emissions will only exacerbate various health issues  
20 associated with climate change, including increased  
21 rates of mental health disease, such as anxiety and  
22 stress, worsening respiratory diseases such as asthma  
23 in children, prolonged allergy season, and increased  
24 heart disease in the elderly.

25           If the EPA fails to adjust the vehicle

1 emissions test procedure, permanently reducing the  
2 stringency of global warming emissions standards, what  
3 does that say about how much value we place on public  
4 health? The EPA must move forward with this rule and  
5 conduct accurate vehicle emissions tests. The last  
6 thing we need during the COVID-19 public health crisis  
7 is to exacerbate climate change by allowing more  
8 emissions from cars.

9 Thank you.

10 MR. WYSOR: Thank you.

11 Next is Brian Ditzler from the Maryland  
12 Sierra Club.

13 BRIAN E. DITZLER, SIERRA CLUB:

14 BRIAN E. DITZLER: Good afternoon. My name  
15 is Brian Ditzler, and I am speaking here today as a  
16 veteran, retired corporate manager, grandfather of  
17 three with one more on the way, and volunteer with  
18 Maryland Sierra Club. I live in Silver Spring,  
19 Maryland, and have been concerned for a long time about  
20 how many of our laws, regulations, and personal actions  
21 are callously ruining our environment.

22 The Environmental Protection Agency has  
23 played a critically important role since its creation  
24 in helping limit the pollution of our air and water,  
25 until the current Administration. The EPA was often

1 not as aggressive in its decisions as I would have  
2 liked, but at least you were headed in a generally  
3 positive direction.

4 I strongly support the EPA following through  
5 on the commitment it previously made to adjust the  
6 vehicle emission test procedure to use regular  
7 gasoline, the same fuel consumers can find at any gas  
8 station.

9 Failing to make the planned adjustment would  
10 result in the environmental and health damaging  
11 tailpipe emissions from new cars to be underestimated,  
12 which would mislead the public about how clean and  
13 efficient new cars really are.

14 The automakers and their Washington lobbyists  
15 have asked for the test standard to remain unchanged  
16 because they clearly are not concerned about accurate  
17 information being shared with the public, or the impact  
18 that tailpipe pollution from their vehicles is having  
19 on our health or the environment.

20 Tailpipe emissions from vehicles with  
21 internal combustion engines already are the leading  
22 contributor in this country to climate change, and also  
23 are hazardous to human health. Tailpipe emissions are  
24 linked to various cancers, heart disease, asthma,  
25 emphysema, and other respiratory diseases, plus women

1 more likely to have premature, underweight, or  
2 stillborn babies.

3 Many black and brown Americans living near  
4 highways are not only more likely to suffer from the  
5 health conditions I just mentioned, but also are more  
6 susceptible to COVID-19. This should be a concern to  
7 all of us now, as our country awakens to the many  
8 institutional racism -- to the many ways that  
9 institutional racism is natively affecting our country.

10 Before I close, let me note that if EPA  
11 should decide not to make the planned adjustment, then  
12 you need to undertake a new rulemaking with its formal  
13 notice and comment process that would need to be  
14 followed.

15 And if the pandemic causes future meetings to  
16 be held remotely, I encourage EPA to catch up with the  
17 times and do videoconferencing, as virtually all other  
18 organizations now are doing.

19 In summary, EPA needs to follow through on  
20 its earlier commitment to update the type of fuel that  
21 it uses to test vehicles under Tier 3 regulation.  
22 Doing so will ensure we have accurate pollution test  
23 standards that tell the truth about the pollution  
24 produced by cars, not a rigged system that benefits  
25 automakers at the expense of our environment and human



1 health.

2 The right course of action for you to take on  
3 this matter is clear. I strongly encourage you to take  
4 it.

5 Thank you.

6 MR. WYSOR: Thank you.

7 Next is Steven Sondheim from Sierra.

8 You can hit star six to unmute yourself.

9 STEVEN SONDHEIM, SIERRA:

10 STEVEN SONDHEIM: This is Steven Sondheim. I  
11 am from Chicago. I am in the National Sierra Club, the  
12 Chicago club. For years I was a leader in the  
13 transportation, green transportation leadership team.  
14 And I will start my comments now.

15 I have been to three of the COPs, the UN  
16 Climate Change Conferences, Paris, Durbin, and Cancun.  
17 One of the most amazing things in Durbin, America was  
18 panned at that time. But one of the most amazing  
19 things was they were really praised for the proposed  
20 CAFE standards. It was the one highlight. And to go  
21 back on that makes us look pretty bad. That's one  
22 thing.

23 The other thing is, I agree that we should  
24 keep those standards with regular gasoline to make an  
25 accurate -- in a way, this is like fudging. This is in

1 a small way like what Volkswagen did, somehow cheating  
2 and making things look better than they really are.

3 I agree with some of the previous comments  
4 about the air quality and the carbon. Got a lot of  
5 those problems, especially now.

6 And the world is moving to EVs. And by  
7 having inaccurate gas mileage standards, that's  
8 probably going to push it even further. That's another  
9 thing.

10 And I also agree that we should have  
11 interactive hearings, instead of, you know, a quick  
12 phone call where only the people on there hear it.  
13 This is a very, very serious matter.

14 Okay. I think that's what I had to say.  
15 Thank you.

16 TAD WYSOR: And thank you.

17 Next we have Jonna Hamilton, from the Union  
18 of Concerned Scientists.

19 JONNA HAMILTON, UNION OF CONCERNED SCIENTISTS:

20 JONNA HAMILTON: Hi. Thank you. Can you  
21 hear me?

22 MR. WYSOR: Yes.

23 JONNA HAMILTON: Great. Good afternoon. And  
24 thank you for the opportunity to testify today. My  
25 name is Jonna Hamilton, and I am the Senior Manager of

1 Government Affairs in the Clean Transportation Program  
2 at the Union of Concerned Scientists, or UCS.

3 UCS has over half a million supporters. And  
4 our organization works to make sure that policy is  
5 based on the best available data. Unfortunately, we  
6 have strong concerns the Agency is using this  
7 rulemaking to exclusively avoid doing that.

8 The Agency recently completed its so-called  
9 SAFE Rulemaking, severely weakening greenhouse gas  
10 emission standards for light duty vehicles, despite its  
11 own analysis showing that consumers will be billions of  
12 dollars worse off with reduced consumer choice in  
13 vehicles, and that the harmful emissions from the  
14 additional oil use will kill at least one thousand  
15 people, and result in nearly a billion tons of global  
16 warming emissions that affects the climate.

17 This rulemaking was kick started by the  
18 automakers seeking to overturn the protective and  
19 technically sound regulations set in 2012, and affirmed  
20 in 2016.

21 And in this proposal, EPA suggests that it is  
22 ready again to ignore technically sound policies for  
23 their weakened regulations at the industry's request.

24 EPA Tier 3 regulations protect public health  
25 and welfare by significantly reducing the tailpipe

1 criteria emissions from light duty vehicles. This NPRM  
2 lays out a switch in the fuel used in the test  
3 procedures, away from Indolene, basically a perfect  
4 gasoline that doesn't exist in the market, to gasoline  
5 that's used by consumers. Because the test fuel is  
6 used for all emissions testing, it has a direct impact  
7 on the efficacy of the greenhouse gas regulations,  
8 regulations which the Administration just spent three  
9 years gutting.

10 Out of the Tier 3 regulations, EPA undertook  
11 a multi-year project to assess the impacts of this new  
12 fuel, what this new fuel switch would have on both the  
13 greenhouse gas emission standards and the CAFE program.

14 The resulting data were abundantly clear.  
15 Switching from Indolene to E10 reduces greenhouse gas  
16 emissions for today's vehicles, on paper anyway. This  
17 fact was ignored in the SAFE Rulemaking, but it cannot  
18 be ignored today.

19 In the final Tier 3 Rule, as it had in the  
20 proposal, EPA affirmed, quote, "its commitment to the  
21 principle that the change in test fuel would not affect  
22 the stringency of the CAFE or greenhouse gas standards.  
23 And that the labeling calculations will be updated in a  
24 future action to reflect the change in test fuel  
25 properties," end quote.

1           It is critical that EPA update the  
2     calculations for both the CAFE and greenhouse gas  
3     programs to ensure that manufacturers do not receive  
4     undue credit for emission reductions resulting from  
5     this procedural shift.

6           That brings us to present day. In this NPRM,  
7     EPA has proposed adjusting the CAFE and greenhouse gas  
8     regulations to account for the emissions and fuel usage  
9     impacts related from switching from Tier 2 to Tier 3  
10    test fuels. We strongly support this action.

11           However, we are deeply concerned by the  
12    Agency's request for comment on and consideration of  
13    not making this adjustment to the greenhouse gas test  
14    procedure, an action that was directly requested by  
15    manufacturers in the meeting with OMB about this rule.

16           If EPA does not finalize an adjustment  
17    factor, this will result in 1.6 percent reduction in  
18    tested emissions, on average, no real-world benefit.  
19    Stated another way, if EPA chooses not to make the  
20    adjustment, it will be as if the automakers would not  
21    have to improve the emissions performance in their  
22    vehicles at all for one of the years in the recently  
23    finalized SAFE 2 Rule.

24           The Agency has clear technical data from  
25    years of research. There is no analytic rationale for

1 the suggested action. We believe that such a drastic  
2 step would require an additional supplemental notice of  
3 proposed rulemaking before such an action can be  
4 finalized, given that there is no data in this NPRM  
5 that supports it.

6 EPA must uphold its charge under the Clean  
7 Air Act and finalize adjustment factors for both the  
8 CAFE and Greenhouse Gas Emission programs, in order to  
9 preserve what little remaining stringency exists in  
10 these rules today. And to avoid setting a precedent  
11 which would undermine its test program as a critical  
12 real-world benefits resulting from its regulations. We  
13 support the fuel switch, but strenuously oppose the  
14 lack of adjustment factors.

15 Thank you.

16 MR. WYSOR: Thank you.

17 Next is Ethan Edward Goffman.

18 ETHAN EDWARD GOFFMAN, INDIVIDUAL:

19 ETHAN EDWARD GOFFMAN: Can you hear me?

20 MR. WYSOR: Loud and clear. Go ahead.

21 ETHAN EDWARD GOFFMAN: Thank you. This is  
22 Ethan Goffman. I am an environmental and  
23 transportation rider in Rockville, Maryland. I am  
24 someone who chooses not to own a car and to live as  
25 environmentally friendly a life as possible. I am

1 doing my personal part to reduce climate change and  
2 have cleaner local air.

3 And I think that those who drive should do  
4 their part also through government efficiency mandates,  
5 since they are polluting the air and the environment  
6 that we all breathe and depend upon.

7 Therefore, I commend the EPA's adjustment of  
8 test procedures for tailpipe emissions to reflect  
9 real-world emissions. It is crucial to be as accurate  
10 as possible.

11 However, I hope that you adjust your test  
12 procedure to account for the changes caused by this  
13 switch as you originally proposed.

14 It is my understanding that adjusting the  
15 test as requested by the automakers would undercount  
16 climate change emissions by 1.6 percent. And that's on  
17 top of recent changes to CAFE standards that already  
18 allow increased emissions.

19 So overall, the U.S. is doing too little to  
20 stop the climate disaster, and reducing testing  
21 stringency will continue to nibble away at our efforts.  
22 This is one of thousands of decisions leading to a  
23 future planet uninhabitable by humans, along with  
24 massive species extinction.

25 I live in a part of the country that already

1 has regular air quality alerts due to traffic, and I  
2 have some respiratory issues myself. But the problem  
3 is much worse for children and for low income and  
4 vulnerable groups who have high rates of asthma and  
5 other medical conditions. We have seen the results of  
6 these in the high fatality rates of vulnerable groups  
7 to COVID-19. So anything done to help air quality is a  
8 step toward a more fair society.

9 By making tests for vehicle emissions as  
10 rigorous as possible, you will help make life easier  
11 for children today.

12 And by reducing greenhouse gas emissions, you  
13 will help life more liveable for future generations.

14 So please make tailpipe emission standards as  
15 rigorous as your own planning has shown was necessary.

16 Thank you.

17 MR. WYSOR: Thank you.

18 Next is Steven VanderGriend from the Urban  
19 Air Initiative.

20 STEVEN VANDERGRIEND, URBAN AIR INITIATIVE, INC.:

21 STEVEN VANDERGRIEND: Hello. Do you hear me  
22 okay?

23 MR. WYSOR: You are loud and clear. Go  
24 ahead.

25 STEVEN VANDERGRIEND: Thank you.



1           Good afternoon. My name is Steve  
2 VanderGriend. And I am the technical director for the  
3 Urban Air Initiative.

4           In addition to representing Urban Air, I am  
5 here to speak for Iowa, Illinois, and Missouri corn  
6 growers. While we share EPA's desire to ensure that  
7 any change in test fuels does not slow the pace and  
8 progress in reducing greenhouse gas emissions, we  
9 cannot agree with the methods or rules that EPA is  
10 proposing to accomplish that goal.

11           We believe that the proposed rule test  
12 procedure adjustments, both for carbon dioxide  
13 emissions and for fuel economy calculations, are  
14 erroneously high, and will make the standards more  
15 stringent, unlawfully circumventing the legal  
16 procedures that Congress put into place to increase the  
17 standards.

18           Even worse, the test procedure adjustments  
19 will discourage the adoption of vehicle technology and  
20 low carbon fuels that are critical to achieving  
21 continued reduction in vehicle environmental impact  
22 that we all desire.

23           Let me explain. The proposed rule adjustment  
24 factors for carbon dioxide emissions artificially  
25 inflates the carbon-related exhaust emissions for

1 vehicles certified on Tier 3 E10 fuel. As a result,  
2 the rule penalizes low carbon fuels like E10 by  
3 eliminating the natural advantage of a lower carbon  
4 solution.

5 If extended to other test fuels, this test  
6 procedure adjustment would deprive the automakers of  
7 any incentive to use lower carbon test fuels.

8 We believe the adoption of low carbon fuels  
9 is an important piece of a comprehensive approach to  
10 lessening green vehicles' greenhouse gas emissions.

11 EPA and the auto manufacturers have long  
12 agreed that vehicles and fuels operate as a system, and  
13 that keeping the door open to a synergistic evolution  
14 of vehicle and fuels is important.

15 Gasoline vehicles will be in the market for  
16 decades to come. So it is important to focus on fuels  
17 that can lower carbon emissions of these vehicles now  
18 and throughout any future transition.

19 Lower emissions at lower cost for all  
20 consumers must not be ignored. By eliminating the  
21 natural advantage of low carbon fuels in the  
22 certification process, EPA's proposed rule discourages  
23 the auto manufacturers from adopting even lower carbon  
24 liquid fuels, and from developing vehicle technology  
25 that, coupled with those fuels, will lead to further

1 emission improvements.

2           Simply stated, implementing the test  
3 procedures that artificially inflate the carbon dioxide  
4 emissions of low carbon fuels is the wrong way to  
5 maintain future reduction in greenhouse gas emissions.

6           EPA's test procedures should instead leave  
7 fuel neutral, allowing auto manufacturers to meet those  
8 standards through the best combination of vehicle  
9 technology and fuel selection. Giving manufacturers  
10 the freedom to innovate will lead to the best outcomes  
11 for both the environment and for the consumer.

12           If needed, EPA has ample authority to adjust  
13 the greenhouse gas standards under Section 202 of the  
14 Clean Air Act. It does not have the authority to  
15 adjust standards by manipulating vehicle test  
16 procedures.

17           In closing, the proposed rule's test  
18 procedure adjustment would be a step backwards. By  
19 eliminating the natural advantage of low carbon fuels,  
20 the rule evades legal requirements and discourages the  
21 kind of innovation that is essential to developing next  
22 generation low carbon vehicle technology.

23           We will submit more of our detailed comments  
24 in the weeks to come. Thank you for your time.

25           TAD WYSOR: Thank you.

1 Mr. Charles Yoder is next. Hit star six and  
2 proceed.

3 Charles Yoder, are you able to unmute?

4 CHARLES C. YODER, INDIVIDUAL:

5 CHARLES C. YODER: This is Charles Yoder. I  
6 am sorry. I hit the wrong button to unmute. I live in  
7 Baltimore, Maryland.

8 And I support EPA's action to measure  
9 pollution test results based on the fuels people  
10 actually buy at their service stations. That's because  
11 standards and reports should reflect real-world  
12 reality.

13 There are many strands in the fabric of the  
14 tapestry that encompasses America's 244-year experiment  
15 in representative government. And one of the most  
16 important of those strands is the people's confidence  
17 that our government is truthful and is, in fact, a  
18 government of and for the people.

19 As an example, when NOAA supported false  
20 assertions that Alabama was threatened by a hurricane,  
21 that action was corrosive to the fabric that binds our  
22 society together.

23 Similarly, if EPA were to respond to  
24 polluters by adopting a process changing the reported  
25 outcome of the mileage tests in industry's favor, then

1 the fabric binding our nation together will be  
2 weakened.

3 I ask you not to be complicit in the rending  
4 of that fragile fabric. Ask you to reject the industry  
5 petition, a petition that if adopted would weaken the  
6 effect of otherwise admirable steps EPA is taking to  
7 bring the process into agreement with reality.

8 Thanks for the opportunity to comment.

9 MR. WYSOR: And thank you.

10 Next is Chris Bliley from Growth Energy.

11 CHRIS BLILEY, GROWTH ENERGY:

12 CHRIS BLILEY: Hi. This is Chris Bliley. I  
13 am the head of Regulatory Affairs for Growth Energy.

14 Growth Energy is the largest renewal fuel  
15 organization in the world, representing 103 ethanol  
16 producers, 89 businesses in the ethanol value chain,  
17 and tens of thousands of biofuel supporters across the  
18 country.

19 Thanks for the opportunity to appear  
20 virtually before you today.

21 Over the past few decades, we have seen  
22 tremendous growth in the use of homegrown biofuels like  
23 ethanol. Ethanol is a low carbon biofuel which reduces  
24 greenhouse gas emissions on average of 39 percent  
25 compared to gasoline.

1 Today 98 percent of our nation's gasoline is  
2 blended with 10 percent ethanol, becoming the de facto  
3 fuel for American consumers. And with year-round  
4 approval of E15 and the potential of high octane  
5 midlevel ethanol blends, we are poised to do much, much  
6 more.

7 So it is very appropriate that the Tier 3  
8 regulation change the certification fuel from E0 to  
9 E10.

10 While Growth Energy and the number of  
11 stakeholders will be providing more technical comments,  
12 there are several items that ought to be given  
13 important consideration to ensure that automakers are  
14 not discouraged from using ethanol blends now or into  
15 the future.

16 While we are pleased to see that EPA is  
17 taking action to adjust the R factor from its value set  
18 decades ago, it still falls short, the value of .81  
19 rather than 1.0. There has been a wealth of research  
20 in this area about National Labs, among others, and  
21 doing so fails to recognize the myriad of advancements  
22 in technology, giving automakers 80 percent of  
23 appropriate value.

24 Additionally, we are concerned about the  
25 adjustment factor that will result in higher reporting

1 of carbon dioxide than what is measured at the  
2 tailpipe.

3 Doing so would penalize automakers for the  
4 use of low carbon fuels, something that should be  
5 strongly encouraged given the benefits of low carbon  
6 biofuels, such as ethanol, towards reducing greenhouse  
7 gas emissions and improving air quality.

8 Additionally, with any regulatory program, it  
9 is necessary to provide as much certainty as possible,  
10 particularly for the development of engine and fuel  
11 technologies that require significant lead time. Our  
12 foremost goal is that any changes to procedures must  
13 not stifle the development and innovation of engine and  
14 fuel technologies.

15 We look forward to working with the Agency to  
16 address these technical issues so that we can continue  
17 to give automakers and policymakers the tools necessary  
18 to foster the use of ethanol blends, particularly as we  
19 look to the use of high octane, midlevel ethanol blends  
20 to meet current and future greenhouse gas standards.

21 Thank you in advance for your consideration.  
22 And we will be providing additional written comments.

23 TAD WYSOR: And thank you.

24 Next we have Ann Mesnikoff from Environmental  
25 Law & Policy Center.

1 Can you hit star six to unmute?

2 ANN MESNIKOFF, ENVIRONMENTAL LAW & POLICY CENTER:

3 ANN MESNIKOFF: Hello.

4 TAD WYSOR: You can proceed.

5 ANN MESNIKOFF: Sorry about that. Hi. My  
6 name is Ann Mesnikoff. I am the Federal Legislative  
7 Director for the Environmental Law & Policy Center,  
8 which is based in Chicago, and works across the Great  
9 Lakes and Midwest Regions.

10 I appreciate the opportunity to be heard  
11 today on EPA's proposal to make adjustments with the  
12 transition to E10 for test fuel.

13 At first glance, the proposal should be a  
14 straight forward transition that preserves the benefits  
15 of vehicle greenhouse gas and fuel economy standards.

16 In the proposal, EPA notes that the change in  
17 fuels results in a small but not insignificant change  
18 in the tailpipe emissions of CO2 and in the fuel  
19 economy values that are calculated based on those  
20 emissions.

21 EPA goes on to provide that this rule  
22 proposes to maintain the existing stringency, such that  
23 the test fuel changes do not on average increase or  
24 reduce the stringency of existing CO2 or fuel economy  
25 standards.



1           The proposal includes a detailed explanation  
2 of testing that back up the need for an adjustment  
3 factor.

4           Yet in the proposal, at the request of the  
5 auto industry, documented in the record of OMB meetings  
6 related to this proposal, EPA requests comments on  
7 whether the Agency should consider a regulatory  
8 approach where it would require the use of Tier 3  
9 gasoline certification fuel without any test procedure  
10 adjustments.

11           Well, hold on one second.

12           TAD WYSOR: Take your time.

13           ANN MESNIKOFF: Sorry. My computer is not  
14 letting me suddenly scroll through my testimony, which  
15 is not helping. Now, bear with me for one minute.  
16 Sorry.

17           So yeah, I wanted to just go on to say that  
18 at the request of the auto industry, the proposal  
19 includes not including the adjustment factor. And we  
20 believe that that's really an effort by the auto  
21 industry to get an additional giveaway, even beyond the  
22 weakening of the fuel economy of the SAFE Rule, which  
23 ELPC strongly opposed, and will litigate along with our  
24 partners in the environmental community.

25           We believe that the proposal, you know, as it

1 appeared to have been written, was a straightforward  
2 effort and should be pursued by the Agency. I have  
3 heard testimony from several folks about, you know,  
4 encouraging the auto industry to use the cleaner fuels,  
5 or how that fuels and vehicles are a unit. But at the  
6 same time, there's nothing in the proposal that would  
7 evidence that or document that in a way that would make  
8 this proposal viable to go forward, and dropping the  
9 adjustment factor. You know, if EPA were to consider  
10 doing so, then it would need to really redo all the  
11 analyses and document that for the public in an  
12 opportunity for public comment.

13 And before I close, I just want to, you know,  
14 weigh in, and appreciate the opportunity mentioned at  
15 the beginning of this hearing for folks to weigh in on  
16 approving how EPA is doing these virtual hearings. I  
17 have participated in multiple of these virtual, and  
18 really believe that EPA will obviously, in this period  
19 of public health crisis, cannot hold in-person public  
20 hearings, it has an obligation to afford the public a  
21 better opportunity for engaging with EPA staff.

22 There's now been ample time since we started  
23 this crisis for EPA to adopt technologies, whether it  
24 is Zoom or otherwise, to allow the public to testify  
25 face-to-face with EPA staff, as they would at a real

1 hearing. And also to have the option of seeing each  
2 other, other folks testify, that they would in a real  
3 hearing.

4 Doing it this way with a phone-in only option  
5 is really a disservice to the public, and I also think  
6 the EPA staff not to be able to see people as they  
7 testify. I think that is really an undercutting of the  
8 purpose of the public hearing.

9 And EPA has had the opportunity to make those  
10 changes, and it should really look at technology and  
11 opportunities to improve this process as it goes  
12 forward.

13 So with that, I will conclude my remarks by  
14 just, again, urging EPA to go forward with the  
15 proposal, as it seems to have been drafted, with a  
16 adjustment factor, and not considering dropping that  
17 adjustment factor at the request of the auto industry.

18 Thank you very much.

19 TAD WYSOR: Thank you very much.

20 Next, and the final person on our list at  
21 this point is Douglas Durante, from Clean Fuels  
22 Development Coalition.

23 DOUGLAS DURANTE, CLEAN FUELS DEVELOPMENT COALITION:

24 DOUGLAS DURANTE: Good day. Am I coming  
25 through?

1 TAD WYSOR: You are.

2 DOUGLAS DURANTE: Okay. Good. Just doing a  
3 sound check.

4 Well, good afternoon. My name is Doug  
5 Durante, and I am the Executive Director of the Clean  
6 Fuels Development Coalition. Our members and  
7 supporters have significant interest and investment in  
8 the entire renewable fuels chain. And we worked on  
9 these issues with EPA and OTAQ going back to the "Reg  
10 Neg" of the 1990 Clean Air Act Amendments, and in the  
11 establishment of the RFS.

12 I want to make just a few observations and  
13 comments on this proposal, which seems to be yet one  
14 more obstacle thrown in front of ethanol, rooted in  
15 outdated information and questionable science.

16 First of all, we would challenge the basic  
17 premise of this rulemaking to penalize ethanol on the  
18 basis of energy content and a presumed mileage loss.  
19 There are many studies, even some of yours, showing no  
20 mileage loss, and even a gain with E10.

21 But mileage aside, a continual growing body  
22 of evidence that the carbon footprint of ethanol is  
23 significantly better than your models show, and even we  
24 knew until recently, suggest the CO2 reductions are  
25 extremely positive. The DOE GREET model, the USDA

1 model, and several other assessments of ethanol, full  
2 life cycle analysis, make this entire thesis  
3 questionable.

4 Secondly, the net result of adjusting fuel  
5 economy to debit ethanol would be to discourage ethanol  
6 use, and in so doing, the range of benefits it  
7 provides.

8 Any loss of ethanol volume is a gain in  
9 petroleum volume. That increase in petroleum brings  
10 with it increased aromatics, particulate emissions,  
11 secondary aerosols that can increase ozone PM, and even  
12 exacerbate airborne viruses.

13 Your own Fuel Trends Report documents the  
14 displacement of aromatics via ethanol over the last  
15 decade. And as automakers look to utilize high octane  
16 and increase efficiency, the only choice would be to  
17 increase those toxic aromatics. These are the most  
18 toxic and energy-intensive components in the oil  
19 barrel. And ethanol is not getting any credit for this  
20 carbon displacement.

21 Respectfully, we encourage the EPA to look at  
22 these issues as they interconnect and not in a vacuum.  
23 We all want to reduce carbon as it addresses climate  
24 change, but this has got to be done in a balance with  
25 carbon for other health issues. Disincentivizing of

1 clean octane, low cost, low carbon fuel like ethanol in  
2 favor of a toxic hydrocarbon ignores a very real threat  
3 of ultrafine particulates from aromatics. Over the  
4 next decade, even if we see a dramatic increase in  
5 electric vehicles, we will remain reliant annually on  
6 hundreds of billions of gallons of gasoline.

7 It is incumbent on all of us to improve fuel  
8 quality, which we can do immediately by encouraging a  
9 higher ethanol plan, not eliminating that.

10 The SAFE Rule, while we were disappointed it  
11 did not include an octane increase, coupled with  
12 tighter toxic controls, nonetheless is the mechanism to  
13 set standards, rather than arbitrarily penalizing a  
14 particular fuel.

15 So we would ask that you please allow  
16 automakers to maximize fuel properties in their designs  
17 without predetermining a fuel's efficiency. In so  
18 doing, you will be addressing both climate and health,  
19 which is the Agency's duty.

20 So thanks for your consideration of these  
21 views. We will be submitting more detailed written  
22 comments. And thank you again.

23 TAD WYSOR: Thank you.

24 Mike, back to you.

25 MR. OLECHIW: Okay. Thank you for that, Tad.

1 And thank you for leading us through all of the  
2 testimony.

3 So the first thing I wanted to do is to make  
4 sure that everyone that is on the call had the  
5 opportunity to speak that wanted to speak.

6 Okay. It seems so. So that's a good thing.  
7 That means we were successful in managing all the  
8 testimonies.

9 So if that is the case, then I wanted to  
10 thank all of the speakers and the participants in  
11 today's meeting. I very much appreciate all of the  
12 verbal testimonies. And we will look forward to  
13 receiving your written submissions also, your written  
14 comments.

15 Also want to thank the participants that  
16 offered recommendations and improvements for how we  
17 could improve our public process, public hearing  
18 process. So thank you very much for those.

19 I want to remind everyone that the public  
20 comment period closes on August 14th, of this year,  
21 August 14, 2020. We look forward to receiving your  
22 comments.

23 And at this point in time, I am going to  
24 adjourn this public hearing. Thank you very much.

25 (Public hearing concluded at 2:21 p.m.)

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