



## LEGISLATIVE PRIORITIES – August 10, 2023

### EPA'S AGGRESSIVE "PHASE 3" GREENHOUSE GAS PROPOSAL FOR HEAVY-DUTY VEHICLES MUST CONSIDER AFFORDABILITY, VEHICLE RELIABILITY, AND EV INFRASTRUCTURE

In April, the Environmental Protection Agency (EPA) proposed the "Greenhouse Gas Emissions Standards for Heavy-Duty Vehicles – Phase 3," which would reopen the Phase 2 greenhouse gas (GHG) rules for model year (MY) 2027 and requires broad and faster adoption of zero-emission (ZEV) heavy-duty trucks. Truck dealerships are already investing millions to sell and service commercial ZEVs, and experience has demonstrated that sufficient lead-time is needed for commercial customer adoption to: 1) lower the cost of ZEV technologies, 2) address commercial truck ZEV reliability issues such as range and weight, and 3) allow customers and governments to make critical fueling infrastructure investments. Overly stringent policies that do not consider these factors will result in commercial truck buyers holding onto their older trucks longer or purchasing used trucks delaying the environmental benefits. In June, Reps. Doug LaMalfa (R-Calif.) and Chris Pappas (D-N.H.) sent a [letter](#) to EPA expressing concerns with the agency's proposed rule. ***Congress should use its oversight authority to ensure EPA's Phase 3 rule promotes commercial adoption of advanced technology trucks and EVs in a manner that is affordable and reliable for commercial customers – including small business truck buyers – and generates the intended fleet turnover and environmental benefits.***

### PROMOTE THE TRANSITION TO A CLEANER, GREENER AND SAFER TRUCK FLEET – REPEAL THE FEDERAL EXCISE TAX ON HEAVY-DUTY TRUCKS (H.R. 1440/S. 694)

Congress should repeal the outdated 12% federal excise tax (FET) imposed on new heavy-duty trucks to accelerate turnover of America's aging truck fleet, which will lead to cleaner, safer trucks on the road. First enacted in 1917 to help pay for World War I, this tax routinely adds \$22,000 or more to the price of a new heavy-duty truck. The FET is levied in addition to the nearly \$40,000 per truck cost due to recent federal emissions and fuel-economy mandates. The FET can also add more than \$50,000 to the price of an electric or hydrogen fuel-cell truck, which cost more than twice the price of internal combustion engine trucks. While new trucks have made significant environmental gains, such as reducing nitrogen oxide and particulate matter emissions by at least 98%, the FET remains a costly barrier to the purchase of new trucks equipped with the latest environmental technologies. With 47% of the Class 8 trucks on the road today over 10 years old, FET repeal would immediately benefit the environment by incentivizing the replacement of older trucks with cleaner, safer and more fuel-efficient trucks. In February, ATD, the American Trucking Associations and the Zero Emission Transportation Association sent a [letter](#) to Congressional leaders urging repeal of the FET. ATD and eight trucking organizations sent a [letter](#) to Senate Finance Committee and House Ways and Means Committee leadership in July urging passage of bipartisan FET repeal legislation, the "Modern, Clean, and Safe Trucks Act of 2023" ([H.R. 1440/S. 694](#)). ***Members of Congress are urged to cosponsor H.R. 1440/S. 694 to incentivize the replacement of older trucks with new, greener, and safer trucks.***

### VEHICLE "REPAIR ACT" BILL RAISES PRIVACY AND SAFETY CONCERNS – OPPOSE H.R. 906

Advocates for "right to repair" legislation claim that independent vehicle repair shops do not have access to the parts or data necessary to repair vehicles. However, this concern was rectified years ago, and the information independent shops need to repair vehicles is [available](#) from every truck manufacturer. Unlike previous "right to repair" bills, [H.R. 906](#) has little to do with repairing a vehicle. Instead, the bill would compel truck manufacturers to provide any "aftermarket parts manufacturer" the information necessary "to produce or offer compatible aftermarket parts," i.e., parts not made by the truck manufacturer. This legislation would also give any third party unfettered access to data from vehicles, which raises privacy, vehicle security, and safety concerns. The bill is also overbroad as it regulates heavy-duty vehicles the same as light-duty vehicles. In June, the ATD Board of Line Representatives sent a [letter](#) to House Energy and Commerce Committee leaders opposing this legislation. ***Members of Congress should oppose H.R. 906.***

### SUPPORT CATALYTIC CONVERTER ANTI-THEFT LEGISLATION (H.R. 621/S. 154)

Catalytic converters are being stolen at increasingly higher rates due to their valuable metals, such as rhodium, platinum and palladium. Gas-powered medium-duty trucks are often targeted by thieves, as many of these vehicles have catalytic converters that can be easily accessed. Since catalytic converters are not readily traceable, there is a lucrative market for these stolen parts. These thefts are costing businesses and vehicle owners millions of dollars. The bipartisan "Preventing Auto Recycling Theft Act" (PART Act) ([H.R. 621/S. 154](#)) would help law enforcement combat this crime by providing a national framework that would mark catalytic converters, establish federal criminal penalties, and create a more transparent market that deters its theft. ATD and 20 other organizations sent a [letter](#) to House and Senate Commerce Committee leaders in support of the PART Act in May. ***Congress should pass the PART Act to help law enforcement combat the theft of emission devices and add emission control systems for heavy-duty trucks to the bill, which would create a more transparent market to deter its theft.***