

Congress of the United States
Washington, DC 20515

June 22, 2023

Urge EPA to Proceed with Caution with its “Phase 3” Heavy-Duty Truck Rule
Allow for a Smooth Transition to a Cleaner, Greener Electric Truck Fleet

Dear Colleague:

On April 12, the U.S. Environmental Protection Agency (EPA) proposed a rule entitled, “Greenhouse Gas Emissions (GHG) Standards for Heavy-Duty Vehicles – Phase 3,” (Docket ID: EPA-HQ-OAR-2022-0985) which would reopen standards from the Phase 2 GHG rule for Model Year (MY) 2027 that were already set in 2016 and aggressively reduce GHG emissions in MY 2028-32 new heavy-duty vehicles.

The proposed rule would completely upend the heavy-duty truck market without adequately considering the affordability of future heavy-duty trucks and whether our nation’s commercial charging infrastructure will be prepared to support the significant increase in demand generated by this rule. EPA projects that by MY 2032, sales of new commercial zero-emission vehicles (ZEVs) could total 50% vocational vehicles, 34% of day-cabs, and 25% of sleepers (versus less than 1% today). We are concerned that absent a congressional mandate, EPA is advancing this rule too quickly without adequately taking into consideration these and other issues.

We request you join us in a letter to the EPA whereby the agency can explain their self-imposed expedited time frame to finalize this rule by the end of this year.

To join the letter or for more information, please have your staff contact John Veale (John.Veale@mail.house.gov) in Rep. Doug LaMalfa’s office or Nandini Narayan (Nandini.Narayan@mail.house.gov) in Rep. Chris Pappas’ office. Thank you for your consideration.

Sincerely,

Doug LaMalfa

MEMBER OF CONGRESS

Chris Pappas

MEMBER OF CONGRESS

July 12, 2023

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
Mail Code 1101A
1200 Pennsylvania Avenue N.W.
Washington, DC 20460

Dear Administrator Regan,

We write to share concerns with the U.S. Environmental Protection Agency's (EPA's) proposed rule entitled, "Greenhouse Gas Emissions (GHG) Standards for Heavy-Duty Vehicles – Phase 3," which would reopen the Phase 2 GHG rule for MY 2027 and further reduce GHG emissions from new heavy-duty vehicles built and delivered for sale in MYs 2028 through 2032. We have heard from constituents concerned that this rule will fundamentally transform the truck industry and should more fully take into consideration the affordability of future heavy-duty trucks and the ability of our nation's commercial charging infrastructure to support the upcoming demand in its effort to drive modernization of America's aging truck fleet.

For a rule of this magnitude, an Advanced Notice of Proposed Rulemaking is typically issued first to collect more data and prepare a viable rule. This rule will require new technologies to power trucks and new, complex infrastructure to be built nationally. EPA issued a Notice of Proposed Rulemaking with a comment period of only 50 days and has denied requests for extension. By comparison, EPA took five years to finalize the Phase 2 GHG rule. There is much at stake for the truck industry, its employees, and the economy, and the EPA should take the time needed to carefully consider the concerns raised during the rulemaking.

To meet the proposed rule's targets and achieve its intended benefits, businesses must first purchase the vehicles and put them in service. But the upfront costs for an electric truck can be up to three times more than a comparable diesel vehicle. An electric truck costs roughly \$400,000 and the average cost for a comparable diesel-powered vehicle is \$180,000. New trucks must have commercially viable prices to stimulate turnover of our nation's truck fleet.

To accurately tally the cost for truck buyers, EPA must ensure its analysis and key assumptions reflect realistic payback periods to achieve adoption. EPA uses the HD TRUCS tool to estimate cost parity as the primary driver for fleet adoption. However, it has been reported to us that the EPA's cost estimates do not account for significant costs such as (1) the 12% Federal Excise Tax (FET), which can add \$50,000 to the price of a new ZEV, (2) state sales tax, or (3) insurance premiums that are applied when purchasing a new truck. The EPA should consider whether these important factors must be included in its analysis.

We have also heard concerns about the need for sufficient charging infrastructure to meet the transition to ZEVs. Complex distribution system upgrades will be required to support EPA's proposed rule, which will require a whole-of-government approach. EPA should consider real-world availability and the speed that we can build the required ZEV infrastructure.

Business customers will not purchase heavy-duty trucks they cannot afford, charge, or that otherwise do not meet their needs. We ask that you carefully consider these concerns and take the time needed to ensure any rule appropriately reflects the possible ramifications for such an important sector of the economy.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Doug LaMalfa". The signature is stylized and written over a horizontal line.

DOUG LAMALFA
Member of Congress

A handwritten signature in blue ink that reads "Chris Pappas". The signature is written in a cursive style over a horizontal line.

CHRIS PAPPAS
Member of Congress