



Executive Committee

Region 1

Bill Thompson
Penobscot Nation

Marvin Cling
Passamaquoddy Tribe

Region 2

Angela Benedict
Saint Regis Mohawk Tribe

Steven Smith
Shinnecock Nation

Region 4

Scott Hansen
Treasurer
Catawba Indian Nation

Tiffany Lozada
Poarch Band of Creek Indians

Region 5

Brandy Toft
Vice-Chairperson
Leech Lake Band of Ojibwe

Joy Wiecks
Fond du Lac Band of Lake
Superior Chippewa

Region 6

Craig Kreman
Quapaw Nation

Region 7

Billie Toledo
Prairie Band Potawatomi Nation

Allison Gienapp
Ponca Tribe of Nebraska

Region 8

Randy Ashley
Confederated Salish &
Kootenai Tribes

Linda Weeks-Reddoor
Fort Peck Assiniboine-Sioux
Tribes

Region 9

Wilfred J. Nabahe
Chairman
Colorado River Indian Tribes

Region 10

Carol Kriebs
Secretary
Kootenai Tribe of Idaho

Lucas Bair
Spokane Tribe

Alaska

Ann Wyatt
Klawock Cooperative
Association

Maranda Hamme
Craig Tribal Association

October 19, 2020

Administrator Andrew Wheeler
US EPA, Office of Air and Radiation
Mail Code 6103A
1200 Pennsylvania Ave., NW
Washington, DC 20460

Re: Docket No. EPA-HQ-OAR-2018-0276

Dear Honorable Administrator Wheeler:

The National Tribal Air Association (NTAA) is pleased to submit these comments regarding the EPA's proposed rule, **Control of Air Pollution from Airplanes and Airplane Engines: Greenhouse Gas Emission Standards and Test Procedures, 85 Fed. Reg. 51556 (Aug. 20, 2020)** (hereafter, Proposed Rule). The NTAA is a member-based organization with 151 principle member Tribes. The organization's mission is to advance air quality management policies and programs, consistent with the needs, interests, and unique legal status of Indian Tribes. As such, the NTAA uses its resources to support the efforts of all federally recognized Tribes in protecting and improving the air quality within their respective jurisdictions. Although the organization always seeks to represent consensus perspectives on any given issue, it is important to note that the views expressed by the NTAA may not be agreed upon by all Tribes. Further, it is also important to understand interactions with the organization do not substitute for government-to-government consultation, which can only be achieved through direct communications between the federal government and Indian Tribes.

Although the NTAA supports the regulation of greenhouse gas (GHG) emissions in airplanes, as per the 2016 endangerment finding for aircraft that requires the EPA to set standards for the two GHGs of CO₂ and N₂O, the proposed standards demonstrate that the EPA is lagging behind the achievable technology for GHG reductions and is not taking meaningful action to protect human health and the environment. While the EPA is required to at least meet the standards set by the International Civil Aviation Organization (ICAO), there is nothing prohibiting the EPA from setting standards that are more stringent to push the industry to achieve lower GHG emissions in order to have a more significant impact on addressing global warming.

It is well known that the transportation sector as a whole contributes a disproportionate amount of planet warming GHGs (28.2% as of 2018, the "largest share of greenhouse

gas emissions” in the U.S.¹). Of that 28.2%, nearly half (~13%) comes from the aircraft sector. This represents substantial opportunity for reductions in GHGs, and therefore this Proposed Rule represents a significant missed opportunity for the EPA to take mitigative action on global warming.

Aircraft manufacturers have long been designing aircraft to be increasingly fuel-efficient because an airplane that burns less fuel costs them less money to operate. In fact, in 2016, the average new aircraft already met the 2028 ICAO requirements, and as of 2019 the average new aircraft surpassed the standard by 6%.² Unfortunately, these reductions in emissions are substantially offset by increased air travel, so the overall impact on emissions from aviation has continued to increase at the alarming rate of 44% over the past 10 years, and is expected to triple again by 2050.³

The Proposed Rule itself acknowledges that “the manufacturers of affected airplanes and engines have already developed or are developing technologies that meet the 2017 ICAO Airplane CO₂ Emission Standards,” 85 Fed. Reg. at 51578, and states that “the proposed GHG standards are not expected to result in reductions in fuel burn and GHG emissions beyond the baseline,” 85 Fed. Reg. at 51583. In other words, this Proposed Rule is meant solely to comply with the minimum standards set by the ICAO, which are approximately 10 years behind the aviation industry’s own technological ability, with no foreseeable reduction in emissions that can be attributed to the Proposed Rule.

While climate change affects all life on this planet, Tribal people and their cultures are particularly vulnerable and are affected disproportionately due to social determinants of health.⁴ Tribal communities have a unique relationship with the natural environment, including subsistence practices and place-based cultural and economic reliance. Tribal communities are particularly at risk from more frequent or intense heavy downpours, floods, heat waves, wildfires, and droughts, as well as higher sea levels and storm surges. Climate change is already disrupting ecosystems upon which Tribal communities are dependent.⁵ It is of the utmost importance for survival of

¹ U.S. Env’tl. Prot. Agency, Sources of Greenhouse Gas Emissions, [https://www.epa.gov/ghgemissions/sources-greenhouse-gas-emissions#:~:text=Transportation%20\(28.2%20percent%20of%202018,ships%2C%20trains%2C%20and%20planes](https://www.epa.gov/ghgemissions/sources-greenhouse-gas-emissions#:~:text=Transportation%20(28.2%20percent%20of%202018,ships%2C%20trains%2C%20and%20planes)

² Zheng, X. S., & Rutherford, D. (2020, September). *Fuel burn of new commercial jet aircraft: 1960 to 2019*. <https://theicct.org/sites/default/files/publications/Aircraft-fuel-burn-trends-sept2020.pdf>.

³ *Id.*

⁴ Jantarasami, L.C., R. Novak, R. Delgado, E. Marino, S. McNeeley, C. Narducci, J. Raymond-Yakoubian, L. Singletary, and K. Powys Whyte, 2018: Tribes and Indigenous Peoples. In *Impacts, Risks, and Adaptation in the United States: Fourth National Climate Assessment, Volume II* [Reidmiller, D.R., C.W. Avery, D.R. Easterling, K.E. Kunkel, K.L.M. Lewis, T.K. Maycock, and B.C. Stewart (eds.)]. U.S. Global Change Research Program, Washington, DC, USA, pp. 572–603. doi: 10.7930/NCA4.2018.CH15.

⁵ Senate Democrats’ Special Committee on the Climate Crisis, *The Case for Climate Action Building A Clean Economy For The American People*, at 135 (Aug. 25, 2020), https://www.schatz.senate.gov/imo/media/doc/SCCC_Climate_Crisis_Report.pdf; NTAA, Executive Summary of NTAA’s Response to U.S. Senate Letter and White Paper on the Effects of Climate Change in Tribal Communities and Climate Action for Tribes, (Sept. 13, 2019), <https://7vv.611.myftpupload.com/wp->



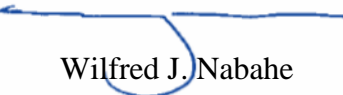
Tribes and the entire planet that the EPA act strongly to reduce GHG emissions and fight climate change.

There are several possibilities for effectively lowering emissions from the aviation industry that are within the EPA's control:

1. Set more stringent standards.
2. Apply the standards to in-service aircraft, rather than only to new aircraft.
3. Set incremental reductions that are increasingly stringent in the future.
4. Apply flexibility mechanisms, such as averaging and banking (this concept is discussed more in-depth in Zheng and Rutherford, 2020).

The NTAA appreciates this opportunity to comment on the Proposed Rule. In conclusion, while the NTAA supports setting emissions standards for the aircraft industry, the proposed standards will not achieve emissions reductions, and therefore are unacceptably lax and are lagging behind the industry's own technological ability. Pursuant to the Clean Air Act, EPA is charged with protecting human health and the environment, and this Proposed Rule will not further that mission.

On Behalf of the NTAA Executive Committee,



Wilfred J. Nabahe
Chairman
National Tribal Air Association

Cc: Bryan Manning, OTAQ
Pat Childers, OAR