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May 16, 2022

Honorable Administrator Michael S. Regan
U.S. Environmental Protection Agency
Docket Center, OAR
Mail Code 28221T
1200 Pennsylvania Avenue NW
Washington, DC 20460

**National Tribal Air Association's Comments on the U.S. EPA's Proposed Rule
Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle
Standards, Docket ID: EPA-HQ-OAR-2019-0055**

Dear Honorable Administrator Regan:

The National Tribal Air Association (NTAA) is pleased to submit these comments regarding your proposal for the *Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards*, Federal Register/Vol. 87, No.59, March 28, 2022.

NTAA is a member-based organization with 155 principal 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 topic, it is important to note that the views expressed by 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 only can be achieved through direct communications between the federal government and Indian Tribes and Alaska Natives.

NTAA presented testimony at your public hearing on April 14, 2022, regarding this proposed rule. These comments are intended to augment that testimony. In that regard the Administration's Clean Trucks Plan, and this proposed component of that plan are exceedingly important to sovereign Tribes and the millions of Indigenous people who suffer from breathing unhealthy air. Additionally, we are all threatened by climate change. Emissions from trucks, buses, large engines, and internal combustion engines of all types are major contributors to these unacceptable conditions and well-documented threats.

Our organization has consistently urged the U.S. EPA, Congress and States to do more to protect the health and quality of life of our members. Concurrently, Tribes are doing their part to reduce emissions including the many harmful pollutants from heavy-duty vehicles. For example, 119 Tribes and Alaska Native



Villages have reduced diesel emissions through use of the VW settlement fund. Even more have participated, and continue to participate, in EPA's Diesel Emissions Reduction Act (DERA) program.

NTAA was encouraged by EPA's commitment expressed on March 7, 2022, that "This proposed rule would ensure the heavy-duty vehicles and engines that drive American commerce and connect people across the country are as clean as possible...". While this regulation proposed just three weeks later is an important step in reducing emissions of the many harmful pollutants from these vehicles, it would not achieve all that is possible. For example,

- Given that proposed requirements begin with vehicle model year 2027, emissions reduction technologies and strategies should mandate those that are most current and rapidly developing.
- Option 1 in Section IX clearly is preferable to Option 2 and would more closely reflect that which is as clean as possible with respect to nitrogen oxide emissions reductions.
- While acknowledging emerging engine technologies including electric and fuel cell, (see FR pages 17417 through 17418), the proposed rule is focused on promoting emissions reduction technologies, operation, and maintenance of diesel-fueled and, to a lesser extent gasoline-fueled, vehicles.

Tribes continue to suffer from unhealthy exposures to ozone, fine particulate matter (PM_{2.5}) and hazardous air pollutants emitted from heavy-duty vehicles. Climate change stimulated by emissions of greenhouse gases from many sources including heavy-duty vehicles and engines impacts and threatens Tribal communities throughout the United States. NTAA supports Executive Order 14037, the Clean Trucks Plan and EPA's commitment to requirements that vehicles be "as clean as possible". This rule should be promulgated consistent with these commitments.

NTAA appreciates this opportunity to comment on this important proposal. We look forward to the necessary additional actions that implement the Clean Trucks Plan and Executive Order "Strengthening American Leadership in Clean Cars and Trucks". If you have any questions or require additional information from our organization, please call on me or NTAA's Project Director Andy Bessler at 928-523-0526 or andy.bessler@nau.edu.

On Behalf of the NTAA Executive Committee,
Syndi Smallwood
NTAA Chairwoman
National Tribal Air Association's
Executive Committee

Cc: Brian Nelson, USEPA/OAR/OTAQ
Pat Childers, EPA OAR