

Michael Regan, Administrator
U.S. Environmental Protection Agency
EPA Docket Center, OAR, Docket EPA-HQ-OAR-2022-0829,
Mail Code 28221T,
1200 Pennsylvania Avenue NW,
Washington, DC 20460.

ATTN: Docket ID No. EPA-HQ-OAR-2022-0829

July 4, 2023

RE: **Comments on the Proposed Rule, “Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles,”** RIN 2060-AV49

Dear Administrator Regan:

The undersigned parties offer the following comments on EPA’s proposed rule, “Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles.” We write these comments because we believe that the proposed rules would establish an overly aggressive, high-risk program that would be counterproductive in achieving the agency’s environmental and health objectives.

In establishing or revising Clean Air Act Section 202(a) standards, EPA must consider issues of technological feasibility, cost of compliance, and lead time. Among other things, that means the agency must look closely at the impact of its proposed standards on net emissions of air pollutants and their associated public health effects, impacts on the automotive industry, impacts on the vehicle purchasers/consumers, energy security, and safety, and how the proposed approach would compare to other possible rulemakings.

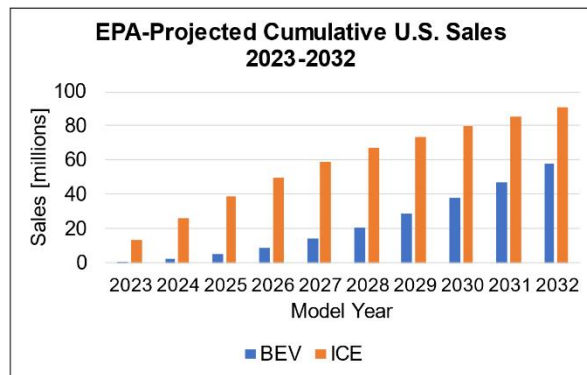
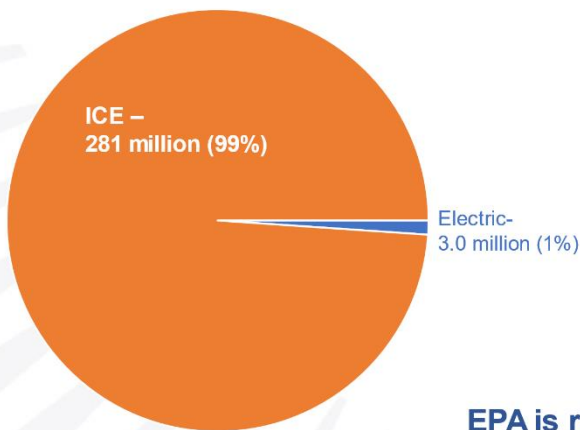
EPA’s review of relevant factors in the current proposal is seriously deficient. The chief failure comes because the agency elides two distinct types of feasibility: the technological feasibility of electric vehicles as a *part* of the fleet and the technological feasibility of electric vehicles as the *whole* of the fleet. We do not dispute the former, but overwhelming evidence disproves the latter. First, there are no established supply chains capable of supplying the raw materials to manufacture the millions of vehicles needed—just over the next decade—to supply the projected market. Second, the infrastructure necessary to support these vehicles, particularly recharging infrastructure, is not and will not be available in the necessary timescales. The high density of chargers needed in major metropolitan areas and vast web of chargers needed to span the rural areas of the Country will require tremendous planning and investment. The long lead times associated with new

renewable generation means that this added marginal electric load will be powered by natural gas and coal for the foreseeable future. And current prices, lack of infrastructure, and public opinion militate strongly against the conclusion that a ten-fold increase in the annual sales of electric vehicles will occur in the next eight years.

The failings of the proposed rule follow almost entirely from EPA’s decision to “bet the farm” on electric vehicles. The agency would be far better served by taking a more holistic approach. There are 281 million internal combustion engine vehicles on the road today and 100 million more will be built in the next two decades. All of these vehicles could be improved—and for far less than what EPA’s proposal would cost—with an improvement in fuel quality.

Role for Liquid Fuels

U.S. Vehicles in Operation
January 2023



- Lower carbon liquid fuels – GHG
- Lower PMI liquid fuels – Particulate matter

EPA is requesting comment on fuels for potential action in a future rulemaking



EPA is statutorily obligated to explore this approach. Section 202(a)(3)(A)(ii) requires that, “in establishing classes or categories of vehicles or engines for purposes of regulations under this paragraph, the Administrator may base such classes or categories on gross vehicle weight, horsepower, *type of fuel used*, or other appropriate factors.” 42 U.S.C. § 7521(a)(3)(A)(ii) (emphasis added). There are many ways EPA could consider the type of fuel as a means of settings its regulations: through the consideration of life-cycle emissions under the agency’s Section 202 powers, through increased volumes of low-carbon renewable fuels under the Renewable Fuel Standard, through alternative, low-carbon certification fuels, or through Section 211(c) rulemaking—as the proposal itself suggests. These options are not beyond the

scope of this rulemaking but are obvious alternatives to EPA’s current all-electric approach. And “the failure of an agency to consider obvious alternatives has led uniformly to reversal.” *Spirit Airlines, Inc. v. DOT*, 997 F.3d 1247, 1255 (D.C. Cir. 2021).

EPA must consider these alternatives, and would be well served to issue a new proposed multipollutant rule that:

- 1) **incorporates requirements to improve fuel quality by**
 - establishing a higher federal octane standard while allowing higher blends of ethanol; and
 - "incenting the reduction of carbon and aromatic compounds via reformulation or alternatively increasing ethanol blending.

- 2) **provides incentives for automakers to produce flex-fuel vehicles by**
 - creating alternative certification pathways for higher ethanol blends; and
 - correcting the problems with R-Value and CO2 penalty that other commentors have identified and re-establishing the Volumetric Conversion Factor in the fuel economy calculation algorithm.

- 3) **adopts a life-cycle analysis approach to calculating and comparing emissions from different technologies.**

Embracing and enabling a pathway to improve fuel quality will increase and accelerate emission reductions, improve public health, help achieve environmental justice goals, provide greater versatility, and improve reliability all at less cost. This pathway is available to EPA and the consideration of it is demanded by the Clean Air Act. The best and most recent data suggests that the adoption of even mid-level ethanol blends would **reduce pollution emissions at least as much as EPA’s electrification approach, and at far less cost.**ⁱ Even if EPA’s electrification program could be successful—and as explained above, it cannot—a complimentary fuel improvement would double EPA’s projected emissions reduction. The current rule takes this option off the table and leaves those pollutants in the air. EPA could do far better.

Thank you for considering our comments.

Sincerely,

25x’25 Alliance

Clean Fuels Development Coalition

CountryMark

ICM

Illinois, Indiana, Kansas, Kentucky and Missouri state corn boards

National Corn Growers Association

Nebraska Ethanol Board

POET

Solutions from the Land

ⁱ See “Higher Ethanol Blends Support the Transition to a Low-Carbon Future,” Brian West, *SAE Update*, February 2023, pp2-6) National adoption of mid-level ethanol blends is available, feasible, and lower cost than current gasoline.

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