



April 22, 2024

Karl Simon  
Director, Transportation and Climate Division  
Office of Transportation and Air Quality  
Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Re: California State Nonroad Engine Pollution Control Standards; In-Use Locomotive Regulation; Requests for Authorization; Docket ID No. EPA-HQ- OAR-2023-0574

Dear Director Simon,

On behalf of the Rail Customer Coalition, the undersigned organizations are pleased to submit these comments on the California Air Resources Board's (CARB) request for EPA authorization of its In-Use Locomotive Regulation. As major transportation stakeholders and some of the largest users of freight rail, we are concerned that the rule is both technically and economically infeasible, and therefore inconsistent with Clean Air Act (CAA) requirements. We urge EPA to deny CARB's request.

The Rail Customer Coalition is a collection of trade associations representing a broad cross-section of manufacturing, retail, agricultural, and energy industries that depend on the railroads to deliver reliable and affordable service. These industries are essential to a healthy U.S. economy, with operations and employees throughout the country – collectively providing more than 7 million jobs and producing more than \$4.8 trillion in economic output.

RCC associations and their member companies are committed to environmental stewardship and to policies that encourage emissions reductions to address climate change, including emissions from freight transportation. However, we are concerned that by imposing unworkable requirements for zero emissions locomotives, the CARB rule could harm freight rail operations and disrupt critical supply chains for our industries and for limited environmental benefit, if any, particularly on a true lifecycle emissions basis.

The CARB rule would ban most locomotives more than 23 years old starting in 2030. It would require new passenger, switch, and industrial locomotives to be zero emissions beginning in 2030 and require new line-haul locomotives to be zero emissions beginning in 2035. However, no commercially viable technology exists today for zero emission locomotives for line haul service making the petition unreasonable, arbitrary and capricious.

The CARB rule would require dramatic advances in locomotive technology. It would also require sweeping upgrades to the nation's electrical transmission system and interconnection permitting process that we believe are infeasible by the implementation deadlines. California lacks statutory authority for each of these endeavors.

These issues raise serious concerns that the CARB regulation violates the CAA. As discussed in EPA's February 27, 2024, Federal Register Notice (89 FR 14484), EPA has previously held that state standards and enforcement procedures are inconsistent with section 202(a) of the CAA if "there is inadequate lead time to permit the development of the necessary technology, giving appropriate consideration to the cost of compliance within that time." Following the precedent of these previous decisions, EPA should deny authorization of the CARB requirements.

We are further concerned that the "Spending Account" provisions of the rule would impose significant financial burdens on railroads, which may be untenable for some short line railroads. If these carriers are unable to continue operations, it could create additional supply chain disruptions and negatively impact large segments of the economy, including manufacturers, farmers, and energy producers.

The RCC strongly supports a uniform federal regulatory framework for the nation's freight rail network. Allowing California and other states to adopt unique rules governing locomotives would be contrary to the ICC Termination Act of 1995, which largely preempts local or state laws that have a regulatory impact on railroads. Furthermore, it would undermine the national framework that supports the interoperability of rail equipment across the network, potentially harming the reliability and efficiency of rail service for our industries.

Thank you for your consideration of these comments. The RCC urges EPA to carefully consider the feasibility of the CARB rule as well as its potential impacts on freight shippers that rely on rail service to deliver essential products throughout the nation.

Sincerely,  
The Rail Customer Coalition

Agricultural Retailers Association  
Alliance for Automobile Innovation  
Alliance for Chemical Distribution  
Alliance for Rail Competition  
American Chemistry Council  
American Fuel & Petrochemical Manufacturers  
American Forest & Paper Association  
AmericanHort  
American Malting Barley Association, Inc.  
American Petroleum Institute  
Association of Global Automakers  
Associated Industries of Massachusetts  
Chemistry Council of Missouri  
Chemistry Council of New Jersey  
Chemical Industry Council of California  
Chemical Industry Council of Delaware  
Chemical Industry Council of Illinois  
The Chlorine Institute  
Consumer Brands Association  
Corn Refiners Association  
Defoamer Industry Trade Association  
Essential Minerals Association  
The Fertilizer Institute  
Freight Rail Customer Alliance  
Foundry Association of Michigan  
Georgia Chemistry Council  
Glass Packaging Institute  
Growth Energy  
Idaho Grain Producers Association  
Independent Lubricant Manufacturers Association  
Institute of Scrap Recycling Industries, Inc.  
International Dairy Foods Association  
International Warehouse Logistics Association  
Louisiana Chemical Association  
Manufacture Alabama Chemistry Advisory Council  
Massachusetts Chemistry Technology Alliance  
Michigan Chemistry Council  
Motorcycle Industry Council  
National Barley Growers Association  
National Cotton Council  
National Farmers Union  
National Grain and Feed Association  
National Industrial Transportation League

National Mining Association  
National Pork Producers Council  
National Retail Federation  
National Rural Electric Cooperative Association  
National Sorghum Producers  
National Stone, Sand & Gravel Association  
Nebraska Wheat Board  
New York State Chemistry Council  
North Carolina Manufacturers Alliance  
Ohio Chemistry Technology Council  
Ohio Manufactures' Association  
Pennsylvania Chemical Industry Council  
Plastics Industry Association  
Plastic Pipe and Fittings Association  
Portland Cement Association  
Private Railcar Food and Beverage Association  
PVC Pipe Association  
Renewable Fuels Association  
Resilient Floor Covering Institute  
Society of Chemical Manufacturers and Affiliates  
Southeastern Lumber Manufacturers Association  
South Carolina Manufacturers Association  
Steel Manufacturers Association  
The Sulphur Institute  
Tennessee Chamber of Commerce & Industry  
Texas Chemical Council  
United States Fashion Industry Association  
Vinyl Building Council  
The Vinyl Institute  
Vinyl Siding Institute  
West Virginia Manufacturers Association  
Wyoming Wheat Marketing Commission