

United States Senate

April 22, 2024

The Honorable Michael Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20460

Dear Administrator Regan:

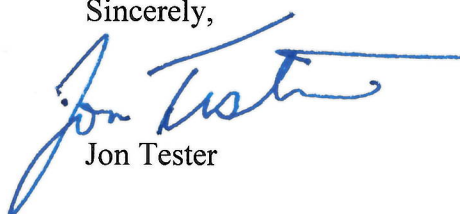
I write to express my concerns about the In-Use Locomotive Regulation recently issued by the California Air Resources Board (CARB). Given that a substantial amount of the nation's interstate rail traffic moves through California, this regulation risks creating a costly patchwork regulatory system that would increase costs for Montana's consumers and reduce shipping options for Montana's farmers and ranchers. At its core, the In-Use Locomotive Regulation requires railroads to quickly implement a technology that is not yet commercially available and divert funds that would otherwise be used to improve its networks across the county. The unintended consequences from this misguided regulation could actually increase emissions while also harming consumers.

In order for the California In-Use Locomotive Regulation to go into effect, the EPA must issue a waiver under section 209 of the Clean Air Act. I understand this waiver request is currently pending before the EPA. As such, I urge the EPA to reject this waiver request and prevent the In-Use Locomotive Regulation from going into effect.

The main issue with the California In-Use Locomotive Regulation is that beginning in 2030, the regulation would prohibit railroads from using locomotives that are more than 23 years old, unless those locomotives operate with zero emissions. While we all share a common-goal of reducing emissions, the technology for locomotives to move to zero emissions configurations on a large scale is not commercially available today and highly unlikely to develop quickly enough to be deployed by 2030. Requiring an industry to comply with a technology standard that is not yet available is unreasonable, lacks any common sense and needs to be replaced with a more achievable standard.

Montana farmers and ranchers feed the world with high-quality affordable food. Affordable options to get food commodities to market are critically important to a thriving rural America and to consumers around the world. There is no doubt California's In-Use Locomotive Regulation would disrupt this efficient transportation network and raise costs for all. That's why I respectfully ask the EPA to deny the Clean Air Act waiver for the In-Use Locomotive Regulation. Thank you for your consideration.

Sincerely,



Jon Tester