

April 22, 2024

U.S. Environmental Protection Agency
EPA Docket Center
Office of Air and Radiation
Docket EPA-HQ-OAR-2023-0574
Mail Code 28221T
1200 Pennsylvania Avenue NW
Washington, DC 20460

a-and-r-docket@epa.gov

Subject: Opposition to the California Air Resources Board In-Use Locomotive Regulation

Administrator Reagan,

We, the undersigned individuals, and representatives of state public policy organizations, write to you today to express our strong opposition to the California Air Resources Board (CARB) rule targeting the freight rail industry. We believe this CARB rule, now under review by your agency as it pursues a waiver, poses significant threats to the engines of our economy and the broader supply chain. State economies could be particularly affected, as well as infrastructure and supply chains that vary by location.

The CARB rule suffers from several critical and fatal flaws.

Namely, it unfairly burdens the freight rail industry and their customers without acknowledging the limitations of current technologies. The rule fails to consider the ongoing challenges and complexities faced by the industry to convert or eliminate locomotives when the feasibility, practicality, and technology do not exist. CARB's lack of meaningful consultation and dialogue with key stakeholders, including railroads, shippers, and stakeholders, is evident with the drafting and implementation of this arbitrary and misguided rule.

Furthermore, the CARB rule significantly underestimates its potential negative impact on commerce and consumers. By unfairly and unjustly targeting the freight rail industry, this regulation is likely to inflate costs for businesses and shippers that rely on rail transportation. These increased costs will inevitably translate to higher prices for American consumers who are already burdened with record inflation.

Diesel locomotives are critical components of the nation's transportation network and should be celebrated as an environmental success story. They facilitate the safe and efficient movement of essential commodities, goods, and products, from agriculture to automobiles. In fact, the freight rail industry has invested billions of dollars to modernize and upgrade their fleet to reduce emissions through voluntary initiatives, resulting in substantial reductions in emissions. The proposed CARB rule, with its additional regulatory burdens, could be counterproductive to this effort.

In addition to the economic and environmental concerns outlined above, the CARB rule threatens to disrupt the efficiency and flow of the entire nation's supply chain. This could lead to increased delivery delays and disruptions, inefficiencies, and inequities across state lines, and impede industry-leading technological innovations and investment.

Critically for this group of signers, if the EPA rubber stamps this rule, it could effectively set a precedent that allows one state to unilaterally dictate environmental and transportation policy for the other 49 states. One state should not be empowered – explicitly or implicitly – to dictate policy for the rest of the country. This is the opposite of federalism.

We believe that environmental protection should be balanced with the need for a robust and resilient transportation system that supports economic growth and future prosperity. This CARB rule, as it stands, tilts the scales dangerously out of balance as it cripples one of our nation's economic engines.

We urge the EPA to unequivocally reject the proposed CARB rule and safeguard the interests of our citizens, our commerce, and our communities.

Thank you for your time and consideration of our comments.

Sincerely,

Stephanie Smith, President & CEO
Alabama Policy Institute

Lance Christensen, Vice President, Education Policy & Government Affairs
California Policy Center

Garrett Ballengee, President & CEO
Cardinal Institute for West Virginia Policy

André J. Béliveau, Senior Manager of Energy Policy
Commonwealth Foundation

Tim Hofer, CEO
Empire Center for Public Policy

Kyle Wingfield, President & CEO
Georgia Public Policy Foundation

Heather Curry, Director of Strategic Engagement
Goldwater Institute for Public Policy

Ronald M. Nate, Ph.D., President
Idaho Freedom Foundation

C.J. Szafir, CEO
Institute for Reforming Government

Lindsay Killen, Vice President of National Strategy
James Madison Institute

Matthew Gagnon, CEO
Maine Policy Institute

Douglas Carswell, CEO
Mississippi Center for Public Policy

Chris Cargill, President & CEO
Mountain States Policy Center

John Tsarpalas, President
Nevada Policy Research Institute

Daniel J. Erspamer, CEO
Pelican Institute for Public Policy

Jim Vokal, CEO
Platte Institute

Mike Stenhouse, Founder & CEO
Rhode Island Center for Freedom & Prosperity

Paul Gessing, President
Rio Grande Foundation

Bette Grande, Co-Founder & CEO
Rough Rider Policy Center

Derrick Max, President
Thomas Jefferson Institute for Public Policy

Mandy Ludtke, Executive Director
Wyoming Liberty Group

Carol Platt Liebau, CEO
Yankee Institute for Public Policy