

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

Re: Docket ID No. EPA-HQ- OAR-2023-0574

The undersigned organizations write to respectfully request that you reject the California Air Resource Board's (CARB) waiver request pertaining to locomotive emissions. As agricultural stakeholders especially reliant on efficient and affordable rail transportation, we believe the regulation is unworkable and will negatively affect our ability to bring vital California goods to market. Slowing or, worse, eliminating our ability to reliably use rail would hurt not just us but our local economy and workers. It could also yield increased emissions as we look to rail as a key part of our strategy to reduce emissions.

By way of background, California farmers originate some 53,000 carloads of food products originating in California annually. Additionally, our sector is reliant on the free flow of goods into the state, particularly the more than 200,000 carloads of farm products and chemicals imported into California each year. To put into perspective the vast impact of railroads in California, particularly Class I carriers BNSF and Union Pacific, it would take roughly 3.5 million trucks to handle the roughly 64 million tons of freight that originate on California railroads each year.

Of course, that capacity does not exist in trucking, and even if it did, such diversion would be detrimental to the state's road system and corresponding budget, as well as the environment. Just the California agricultural industry is constantly working to bolster sustainability, railroads are a net positive, accounting for just 0.6% of total U.S. emissions and 2.1% of transportation emissions. In California, transportation is the largest source of emissions at nearly 40%, but rail is a miniscule part of these overall impacts. CARB is focusing disproportionate resources to an area we should be growing, not targeting with measures that fail to pass basic cost-benefit analysis.

To that point, the EPA has a unique opportunity to affirm its authority in this area and reject the waiver request. While we write from California and the regulation originates here in the Golden State, the reality is that granting the waiver makes the regulation instantaneously national in scope. About 65% of the locomotive fleet goes in and out of California and other states could replicate the California regulation without any formal process. This means we could have a patchwork system that fosters immense unpredictability and ultimately hinders the ability for us to do business across the nation.

The rule itself does not hold up to scrutiny, mandating technology that simply doesn't exist. The spending requirement of about \$1.6 billion annually between the two Class I railroads alone means that money is *not* going toward meaningful decarbonization R&D or targeted investments to improve safety and service.

Furthermore, the proposed regulation violates federal statutes such as the Clean Air Act (CAA) and the ICC Termination Act (ICCTA) of 1995. By encroaching on federal jurisdiction and targeting the

railroad industry, the regulation undermines interstate commerce and jeopardizes the free flow of goods essential for the agricultural sector's viability.

In sum, we ask for the EPA to take a better, more surgical approach, including in bringing stakeholders to the table in a meaningful and collaborative way – not the mandate being considered today. Policymakers can strike a balance between environmental objectives and the economic viability of industries reliant on rail transportation. By working collaboratively with stakeholders, we can ensure that regulatory measures support environmental progress while safeguarding the vitality of essential sectors like agriculture.

Sincerely,



Aubrey Bettencourt, President & CEO, Almond Alliance



Tricia Geringer, Vice President of Government Affairs, Agricultural Council of California



Katie Little, Director of Government Affairs, California League of Food Producers



Debbie Murdock, Executive Director, Association of California Egg Farmers



Chris Zanobini, Chief Executive Officer, CA Grain and Feed Association



Chris Zanobini, Executive Officer, Pacific Coast Renderers Association



Debbie Murdock, Executive Director, Pacific Egg & Poultry Association



Chris Reardon, Director, Governmental Affairs, California Farm Bureau Federation

A handwritten signature in black ink, appearing to be 'B. Gatlin', with a long horizontal flourish extending to the right.

Billy Gatlin, Executive Vice President, California Cattlemen's Association

CC:

The Honorable Alex Padilla, United States Senate

The Honorable Laphonza Butler, United States Senate

The Honorable Adam Schiff, U.S. House of Representatives

The Honorable Katie Porter, U.S. House of Representatives

The Honorable Barbara Lee, U.S. House of Representatives

U.S. House of Representatives

The Honorable Pete Buttigieg, Secretary, U.S. Department of Transportation

The Honorable Michael Regan, Administrator, U.S. Environmental Protection Agency

The Honorable Gavin Newsom, Governor, State of California

The Honorable Fiona Ma, Treasurer, State of California

The Honorable Dawn Rowe, Supervisor, San Bernardino County

Trelynd Bradley, Governor's Office of Business and Economic Development

Members, California Air Resources Board of Directors

Members, South Coast Air Quality Management District Board of Directors

Mario Cordero, Executive Director, Port of Long Beach

Gene Seroka, Executive Director, Port of Los Angeles