

***Submitted Electronically***

April 5, 2024

The Honorable Michael S. Regan  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW; 1101-A  
Washington, DC 20460

Re: CARB's Clean Air Act Authorization Request (EPA-HQ-OAR-2023-0574)

Dear Mr. Administrator:

The undersigned groups representing agricultural producers and agribusinesses urge you to deny a request from the California Air Resources Board (CARB) for authorization of regulations that would target key aspects of the operation of freight locomotives in California. The proposed regulations would (1) levy annual fees on rail carriers for deposit in accounts that can only be used to comply with the regulations; (2) require the decommissioning of locomotives 23 years or older beginning in 2030 and require that new switch, industrial (used by rail customers) and passenger locomotives operate in zero-emission configuration (2035 for new line haul locomotives); (3) attempt to regulate locomotive emissions by requiring railroads to shut them down while in transit in certain circumstances; and (4) impose certain reporting and "administrative payments."

If the CARB regulations were authorized by EPA, we believe freight rail carriers and their rail customers would be significantly hindered financially and operationally. The inevitable increases in transportation costs and introduction of operational inefficiencies for agricultural shippers and receivers would result in food price inflation. For these and other reasons, we believe there is substantial merit to the claims by the Association of American Railroads and the American Short Line and Regional Rail Association in their pending legal challenge of the rules in the U.S. District Court for the Eastern District of California that all or a significant part of CARB's regulations are preempted by 49 U.S.C. §10501(b), which gives the Surface Transportation Board ("STB") exclusive jurisdiction over the operations and other activities of freight railroads in interstate commerce, and as written preempts all state and federal laws that are in conflict. The District Court affirmed the legitimacy of the railroads' preemption arguments in an order issued February 16, 2024.

Moreover, the proposed rules would require railroads and rail customers to meet regulatory goals that cannot be reached. Specifically, zero emissions locomotives would have to be purchased to replace the decommissioned locomotives, but such locomotives are not yet commercially viable and won't be in the foreseeable future.

Presumably, battery technology would need to be utilized to meet the zero-emission requirement. While battery powered locomotives have been tested, they are not presently commercially viable primarily due to a limited operating range.

In summary, we believe the proposed CARB regulations pose a significant danger to U.S. agriculture and the broader U.S. supply chain and that as written they are legally questionable. We therefore urge you to reject the request for authorization.

Thank you for your consideration of our concerns with CARB's request for authorization of its in-use locomotive regulation.

Sincerely,

**National Associations**

Advanced Biofuels Association  
Agricultural Retailers Association  
Agriculture Transportation Coalition – AgTC  
American Farm Bureau Federation  
American Feed Industry Association  
AmericanHort  
American Soybean Association  
Consumer Brands Association  
Corn Refiners Association  
National Aquaculture Association  
National Association of Wheat Growers  
National Cattlemen’s Beef Association  
National Chicken Council  
National Corn Growers Association  
National Cotton Council  
National Council of Farmer Cooperatives  
National Grain and Feed Association  
National Oilseed Processors Association  
National Sorghum Producers  
North American Millers’ Association  
North American Renderers Association  
Pet Food Institute  
Soy Transportation Coalition  
Specialty Soya Grains Alliance  
The Fertilizer Institute  
USA Rice

**State/Regional Associations**

Agribusiness Council of Indiana  
Alaska Farm Bureau  
Arizona Farm Bureau Federation  
Arkansas Soybean Association  
Association of California Egg Farmers  
California Farm Bureau  
California Grain and Feed Association  
California Poultry Federation  
California Seed Association  
California Warehouse Association  
Colorado Farm Bureau  
Grain and Feed Association of Illinois  
Idaho Farm Bureau Federation  
Illinois Farm Bureau  
Illinois Soybean Association  
Indiana Farm Bureau  
Iowa Soybean Association  
Kansas Agribusiness Retailers Association  
Kansas Farm Bureau  
Kansas Grain and Feed Association  
Kentucky Soybean Association  
Louisiana Farm Bureau Federation  
Michigan Agri-Business Association  
Michigan Farm Bureau

Michigan Soybean Association  
Mid-Atlantic Soybean Association  
Minnesota Grain and Feed Association  
Minnesota Soybean Growers Association  
Mississippi Farm Bureau Federation  
Mississippi Soybean Association  
Missouri Farm Bureau  
Missouri Soybean Association  
Montana Farm Bureau Federation  
Montana Grain Growers Association  
MT Agricultural Business Association  
Nebraska Farm Bureau  
Nebraska Soybean Association  
Nevada Farm Bureau Federation  
New Mexico Farm and Livestock Bureau  
New York Farm Bureau  
North Carolina Farm Bureau  
North Dakota Agricultural Association  
North Dakota Grain Dealers Association  
North Dakota Soybean Growers Association  
Ohio AgriBusiness Association  
Ohio Farm Bureau Federation  
Ohio Soybean Association  
Oregon Farm Bureau  
Pacific Coast Renderers Association  
Pacific Egg & Poultry Association  
Pennsylvania Farm Bureau  
South Carolina Corn & Soybean Association  
South Dakota Farm Bureau  
South Dakota Soybean Association  
Tennessee Farm Bureau Federation  
Texas Grain and Feed Association  
Virginia Farm Bureau  
Virginia Soybean Association  
Washington Farm Bureau  
Wisconsin Agri-Business Association  
Wisconsin Farm Bureau Federation

Cc: Senate Committee on Agriculture, Nutrition and Forestry  
House Committee on Agriculture  
Senate Committee on Commerce, Science, and Transportation  
Senate Committee on Environment and Public Works  
House Committee on Transportation and Infrastructure  
Senate Committee on Health, Education, Labor and Pensions  
House Committee on Energy and Commerce  
The Honorable Tom Vilsack  
The Honorable Pete Buttigieg  
The Honorable Martin Oberman  
The Honorable Karen Hedlund  
The Honorable Robert Primus  
The Honorable Patrick Fuchs  
The Honorable Michelle Schultz