April 11, 2024

U.S. Environmental Protection Agency
Office of Air and Radiation
1200 Pennsylvania Avenue NW
Washington, DC 20460

Re: Opposition to the California Air Resources Board In-Use Locomotive Regulation
Docket EPA-HQ-OAR-2023-0574

We, the undersigned individuals and representatives of national organizations and think tanks representing millions of taxpayers and consumers, write to express our strong opposition to the California Air Resources Board (CARB) rule regarding diesel locomotives. As advocates for accountable and responsible governance, economic opportunity and prosperity, consumer welfare, and taxpayer protection, we believe that this regulation sets a dangerous precedent for American commerce and consumers. This will have negative consequences that are not restricted to California. Therefore, we urge the Environmental Protection Agency (EPA) to reject the Clean Air Act (CAA) waiver request.

CARB's recent mandate for diesel locomotives, as reported in various media outlets including *National Review*, *The Wall Street Journal*, and *Washington Examiner*, is deeply concerning. The new rules would put in place emissions standards that are both unreasonable and unworkable. CARB's unilateral imposition of unachievable and unrealistic technological requirements on locomotive manufacturers threatens to disrupt vital supply chains and transportation links on which American consumers and industry rely. Their rule will exacerbate delays and disruptions and increase inflationary pressures.

CARB's failure to engage productively with the industry or their millions of customers during the drafting of this onerous mandate demonstrates that the rule prioritizes politics over practical public policy. A lack of industry dialogue has highlighted the infeasibility of CARB's proposed rule due to significant resource and technological challenges.

Freight rail locomotives play a crucial role in hauling commercial cargo and industrial products across vast distances efficiently and safely. American freight railroads are recognized as the cleanest and safest means of long-haul transportation in the nation. Yet, CARB continues to target the rail industry with unparalleled regulations.

The primary concern with CARB's rule is its imposition of deadlines and standards that exceed current technological capabilities. Reputable institutions, such as the Competitive Enterprise Institute, The Heritage Foundation, Washington Legal Foundation, and the Alliance for Innovation and Infrastructure have emphasized the technological infeasibility of CARB's emission mandate. Such unrealistic requirements place an excessive burden on manufacturers, railroads, and suppliers. This will hinder economic growth, stifle supply chains, and threaten innovation and investment.

Additionally, the CARB regulation mandates railroads deposit significant funds into a California-created and California-managed account. This diverts crucial resources away from capacity enhancements, infrastructure upgrades, safety and service projects, and technology improvements. Redirecting as much as 20 percent of annual investments into one account threatens the ability of railroads to invest in their future, especially when it comes to equipment, service, and the workforce.

Furthermore, approving this California rule would set a troubling precedent of federal acquiescence to state overreach. Allowing individual states to dictate nationwide standards undermines regulatory consistency and creates a patchwork of conflicting regulations that will only serve to hinder interstate commerce in freight rail, an already over-regulated industry. Unelected bureaucrats and regulators in California should not be able to dictate national supply chain standards or transportation policy for the rest of the nation.

Ultimately, the negative impact of this CARB rule on commerce and consumers cannot be overstated. It will drive up labor, production, shipping, and supply chain costs. This will create higher prices for goods and services for consumers of goods reliant on rail transportation. At a time when the federal government is focused on driving down inflation, this is the last thing the administration should consider or approve.

We urge the agency to reject CARB's request for a CAA waiver, and instead advocate for a more balanced, collaborative, and scientific approach. Protecting communities and the environment need not require burdensome regulation. Rather, a sensible approach would engage industry stakeholders, foster economic growth, promote innovation, and protect taxpayers and consumers.

Thank you for your consideration of this critical issue.

Sincerely,

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