

EPA Hearing on California's ACC II Waiver Petition

AFPM Testimony

Good morning and thank you for the opportunity to testify. I am Patrick Kelly, Senior Director Fuel & Vehicle Policy at the American Fuel & Petrochemical Manufacturers. AFPM represents the U.S. refining and petrochemical industries, and we are committed to developing sound policies to address climate change that take a balanced approach to our energy and economic security, and environmental needs.

California's radical ban on gasoline- and diesel-fueled cars and trucks will have devastating implications for consumers, our nation's energy security, and the U.S. manufacturing economy. It's also possibly the most expensive and inefficient way to address emissions and climate change.

Competition among various technologies, including liquid fuels, will deliver the best mix of vehicle performance and efficiency, and offer a faster and more affordable pathway to reducing transportation emissions. The Advanced Clean Car II standards are an arbitrary ban on the internal combustion engine that create a distorted vehicle market with expensive, limited choices for drivers, and disproportionately burden those who can least afford it.

EPA has limited authority under the Clean Air Act to allow unique vehicle emissions standards in California to address compelling and extraordinary local pollution problems. However, climate change is a global phenomenon and does not affect California differently than other states and therefore ACC II fails to meet these waiver criteria.

States *are* preempted by the Energy Policy Conservation Act from adopting or enforcing regulations relating to fuel economy. ACC II has the direct effect of regulating fuel consumption and EPCA has no preemption waiver provision, and therefore EPA must reject California's preemption waiver petition.

ACC II fails to assess vehicle emissions on a lifecycle basis. While EVs do not emit CO₂ at the tailpipe, a significant amount of carbon is emitted in processing the raw materials needed for batteries and in the generation of electric power to supply the grid. Because a ton of carbon emissions has the same impact regardless of where it is emitted in a vehicle's lifecycle, it is only through policies that use a full lifecycle assessment that states and the federal government can properly achieve cost-effective carbon emissions reductions. ACC II ignores the real climate impact of electric vehicles and inappropriately targets gasoline and diesel technologies that continue to deliver carbon and criteria pollutant emissions reductions.

Critical mineral production and battery processing required to produce electric vehicles and buildout the electric grid will force increased reliance on China and could have serious negative consequences for our energy and national security.

AFPM urges EPA to reject California's petition and will provide additional written comments. Thank you, and I am happy to answer any questions.