

# Congress of the United States

Washington, DC 20515

March 10, 2023

The Honorable Michael S. Regan  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

The Honorable Pete Buttigieg  
Secretary  
U.S. Department of Transportation  
1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590

The Honorable Thomas J. Vilsack  
Secretary  
U.S. Department of Agriculture  
1400 Pennsylvania Avenue, S.W.  
Washington, D.C. 20250

The Honorable Jennifer M. Granholm  
Secretary  
U.S. Department of Energy  
1000 Independence Avenue, S.W.  
Washington, D.C. 20585

The Honorable Shalanda D. Young  
Director  
Office of Management and Budget  
725 17th Street, N.W.  
Washington, D.C. 20503

The Honorable Brenda Mallory  
Chair  
Council on Environmental Quality  
730 Jackson Place, N.W.  
Washington, D.C. 20506

Dear Administrator Regan, Secretary Buttigieg, Secretary Vilsack, Secretary Ganholm, Director Young, and Chair Mallory:

We applaud the Administration's historic leadership in advancing a "whole-of-government" approach to addressing some of California's and the nation's most pressing challenges related to supply chains, toxic air pollution, the climate crisis, and environmental justice. In carrying out this effort, we write to ask that you take additional steps in coordination with each other and in collaboration with the State of California to address our state's unique air quality challenges.

We are deeply grateful for our state-federal partnership and the work your agencies are doing to create a cleaner, healthier environment for all Californians and Americans while growing our economy, and we are immensely proud of the historic legislation we advanced during the 117th Congress to tackle these challenges. We ask that your agencies work together to maximize the benefits of the *Infrastructure Investments and Jobs Act* (IIJA) and the *Inflation Reduction Act* (IRA) by making coordinated funding commitments and undertaking ambitious regulatory action in concert with one another. By working together across your agencies to fund critical goods movement and infrastructure projects – and supporting the transition to zero-emissions technology through regulatory and administrative actions – we can make transformative change.

For example, the Environmental Protection Agency (EPA) has clarified its intent to pursue regulatory action in response to California's petitions to address harmful emissions from locomotives. Modernizing our nation's railroads and freight equipment will reduce air pollution and greenhouse gas emissions, improve safety, increase supply chain efficiency and reliability, and improve the health and quality of life for the millions of Americans who live near rail lines. However, regulatory action alone is not enough; EPA and its fellow federal agencies must also take advantage of the IIJA and IRA funding, such as the Department of Energy's Advanced Technology Vehicles Manufacturing Program, to make a generational investment in transitioning to cleaner locomotives.

We have enclosed specific recommendations to assist the Administration in advancing a whole-of-government IJA and IRA funding strategy to provide clean air for all. Doing so will empower the federal government to fulfill its obligations to reduce emissions from primarily federally regulated mobile sources of air pollution, including interstate heavy-duty trucks, oceangoing vessels, locomotives, aircraft, and off-road equipment that transport freight for the nation to and from California oceangoing ports across the nation. California is home to the Ports of Los Angeles and Long Beach, which are the busiest in the Western Hemisphere, as well as the Ports of Hueneme, San Diego, Stockton, and Oakland. This economic activity is vitally important for the state and the nation, but it has significant impacts on the public health of the millions of Californians who breathe air pollution stemming from freight movement and related industrial activity.

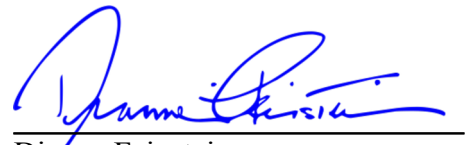
Many of California's disadvantaged communities are disproportionately impacted by localized air pollution such as diesel, a toxic air contaminant. For example, in the San Francisco Bay Area, residents located along freight corridors and near the region's ports and freight hubs face a significant air pollution burden from interstate heavy-duty trucks, locomotives, off-highway vehicles, and other mobile sources of pollution. Further, the South Coast and San Joaquin Valley have the worst air quality in the nation, but without federal funding and regulatory support to dramatically reduce mobile source emissions, the South Coast Air Quality Management District and the San Joaquin Valley Air Pollution Control District do not have the ability to meet *Clean Air Act* requirements to provide an approvable plan to meet the National Ambient Air Quality Standards. Under the *Clean Air Act*, the federal government is responsible for the reduction of emissions from interstate heavy-duty trucks, oceangoing vessels, locomotives, aircraft, and off-road equipment. Fortunately, the IJA, the IRA, and regulatory dockets provide this Administration with an opportunity to make serious headway on those emissions reductions and reach the Administration's Justice40 goals to protect human health in all communities.

Together, IJA and IRA programs can provide much-needed resources and relief to address California's air quality challenges, but the resources are not unlimited. It is therefore critical that we work together on a coordinated investment strategy to resolve long-standing environmental injustices and maximize air quality and public health gains while spurring the economy and jobs for all.

Sincerely,



Alex Padilla  
United States Senator



Dianne Feinstein  
United States Senator



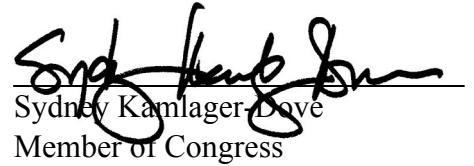
Tony Cardenas  
Member of Congress



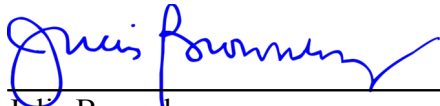
Jim Costa  
Member of Congress



Josh Harder  
Member of Congress



Sydney Kamlager-Dove  
Member of Congress



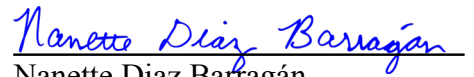
Julia Brownley  
Member of Congress



Katie Porter  
Member of Congress



Salud Carbajal  
Member of Congress



Nanette Diaz Barragan  
Member of Congress



John Garamendi  
Member of Congress



Zoe Lofgren  
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Mike Levin  
Member of Congress



Robert Garcia  
Member of Congress



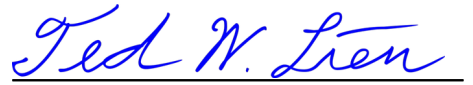
Mark DeSaulnier  
Member of Congress




Raul Ruiz, M.D.  
Member of Congress



Eric Swalwell  
Member of Congress



Ted W. Lieu  
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MARK TAKANO  
Member of Congress



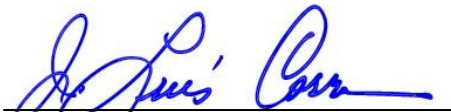
Adam B. Schiff  
Member of Congress



Scott H. Peters  
Member of Congress



Anna G. Eshoo  
Member of Congress



J. Luis Correa  
Member of Congress



Kevin Mullin  
Member of Congress

cc: The Honorable John Podesta, Senior Advisor to the President  
The Honorable Mitch Landrieu, Senior Advisor to the President

Enclosure: Clean Air For All Whole-of-Government Funding Strategy

## **Clean Air For All Whole-of-Government Funding Strategy**

### **Transportation and Climate Grants:**

For the following grants programs, we recommend agencies prioritize projects that reduce localized hazardous and criteria emissions as well as greenhouse gas emissions. Programs include grants to reduce air pollution at ports (IRA Sec. 60102), environmental and climate justice block grants (IRA Sec. 60201), Climate Pollution Reduction Grants (IRA Sec. 60114), funding for clean heavy-duty vehicles (IRA Sec. 60101), the Greenhouse Gas Reduction Fund (IRA Sec. 60103), Neighborhood Access and Equity Grants (IRA Sec. 60501), Port Infrastructure Development Program grants, funding to reduce truck emissions at port facilities (IIJA Sec. 11402), Mega grants (IIJA Sec. 21201), RAISE grants (IIJA Sec. 21202), INFRA grants (IIJA Sec. 11110), Railroad Crossing Elimination grants (IIJA Sec. 22104/22305), Advanced Technology Vehicles Manufacturing Direct Loan program (IRA Sec. 50142), Loan Programs Office (IRA Sec. 50141), and Agricultural Conservation Investments (IRA Sec. 21001).

### **General Guidance**

Where funds are distributed through existing programs, agency guidance must be updated to ensure strong consideration is given to climate, air pollution to attain National Ambient Air Quality Standards (NAAQS), and environmental justice.

For formula-allocated programs, we ask that you direct States to update their program guidance to reflect the federal focus on climate, air pollution, and environmental justice.

- Prioritize projects in nonattainment areas where federally regulated mobile sources are the largest contributors of ozone, PM<sub>2.5</sub> and their precursors.
- Address environmental justice issues by prioritizing funding for transportation infrastructure programs based on population and exposure to air pollution.
- Require projects to reduce criteria pollutants necessary to reach and/or maintain attainment of NAAQS.
- Focus federal resources on funding for vehicles and equipment where local or state government has limited authority or cannot fund the project.
- Fund projects in locations that serve goods movement corridors while reducing emissions affecting frontline communities.

### **For programs specifically designed for nonattainment areas such as the Clean Heavy-Duty Truck or Grants to Reduce Air Pollution to Ports programs:**

- Prioritize funding for areas classified as “moderate” and above .
- Require that not less than 50% of the funds should be awarded to projects in the top five worst nonattainment areas for ozone and PM<sub>2.5</sub> with ports, airports, and freight hubs.
- Prioritize projects in nonattainment areas with the greatest intensity and/or where increasing levels of goods movement-related activity are contributing to climate and air pollution.
- Fund projects where the contribution of emissions from goods movement are affecting the area’s nonattainment status.
- Focus funding on areas with ports that do not meet multiple criteria pollutant standards or require that the port or airport location has at least a nonattainment designation for the 2015 ozone standard or the 2012 PM standards (or a future version of the standard).

### **Additional Consideration for Port-related programs:**

- Prioritize locations serving first- and last-mile freight near ports, airports, and freight hubs.