



Driving Trucking's Success

## American Trucking Associations

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U.S. Environmental Protection Agency  
EPA Docket Center (EPA/DC)  
Mail Code 6102T  
ATTN: Docket ID No. EPA-HQ-OAR-2008-0508  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

**VIA E-Mail:** a-and-r-Docket@epa.gov

Re: Comments on the U.S. Environmental Protection Agency's *Mandatory Reporting of Greenhouse Gases Proposed Rule*, Docket No. EPA-HQ-OAR-2008-0508

The American Trucking Associations, Inc. (ATA) is writing to comment on the U.S. Environmental Protection Agency's *Mandatory Reporting of Greenhouse Gases Proposed Rule* (Proposed Rule or Rule), Docket No. EPA-HQ-OAR-2008-0508.

ATA is the national trade association of the trucking industry. Through its affiliated state trucking associations, affiliated conferences, and other organizations, ATA represents more than 37,000 trucking companies throughout the U.S. ATA and its members are interested in matters affecting the nation's motor carriers, especially the development of environmental regulations related to trucking fleets.

### **Overview of the Trucking Industry**

With more than 600,000 interstate motor carriers in the U.S., the trucking industry is the driving force behind the nation's economy. Trucks haul nearly every consumer good at some point in the supply chain. Few Americans realize that trucks deliver nearly 70 percent of all freight tonnage or that 80 percent of the nation's communities receive their goods exclusively by truck. Even fewer are aware of the significant employment, personal income, and tax revenue generated by the motor carrier industry.

Nearly 9 million people employed in the trucking industry move approximately 11 billion tons of freight annually across the nation. Trucking annually generates \$660 billion in revenues and represents roughly 5 percent of our nation's Gross Domestic Product. One out of every 13 people working in the private sector in the U.S. is employed in a trucking-related job ranging across the manufacturing, retail, public utility, construction, service, transportation, mining, and agricultural sectors. Of those employed in private-sector trucking-related jobs, 3.5 million are truck drivers.

The trucking industry is composed of both large national enterprises as well as a host of small businesses, all of whom operate in extremely competitive business environments with narrow profit margins. Roughly 96 percent of motor carriers have 20 or fewer trucks and are considered small businesses.

### Comments

EPA is not proposing mandatory reporting requirements for mobile source fleet operators but is requesting comments on the need for, and substance of, potential reporting requirements at this time. The Proposed Rule does recommend requiring manufacturers of highway heavy-duty vehicles (chassis-certified) and highway heavy-duty engines to undertake mandatory reporting. ATA concurs with EPA that mandatory reporting requirements for mobile source fleet operators would not be appropriate at this time and that any relevant information is already available to the agency under the existing greenhouse gas (GHG) reporting mechanisms discussed below. ATA submits the following comments on the specific questions posed to fleets on Page 16593 of the April 10 *Federal Register* Notice.

**(1) Should fleet operators be required to report to EPA outside of voluntary participation in the SmartWay or Climate Leaders programs? How would this data be used to inform future climate policy?**

With more than 600,000 interstate motor carriers in the U.S., the trucking industry is the driving force behind the nation's economy. Trucks haul nearly every consumer good at some point in the supply chain. Few Americans realize that trucks deliver nearly 70 percent of all freight tonnage or that 80 percent of the nation's communities receive their goods exclusively by truck. Even fewer are aware of the significant employment, personal income, and tax revenue generated by the motor carrier industry.

The trucking industry is composed of both large national enterprises as well as a host of small businesses, all of whom operate in extremely competitive business environments with narrow profit margins. Roughly 96 percent of motor carriers have 20 or fewer trucks and are considered small businesses.

There is no need to impose any additional and onerous reporting requirements on medium- and heavy-duty fleets given that trucking is by-and-large an industry comprised of small businesses and that there are already three reporting mechanisms already in existence for trucking under EPA's SmartWay (SmartWay) program, the EPA Climate Leaders program, and the Federal Highway Administration's (FHWA) annual statistics reporting requirements.

ATA and trucking fleets helped EPA develop and officially unveil the SmartWay program in February 2004. As a founding charter partner and affiliate member, ATA and its members began voluntarily self-reporting GHG emissions over half a decade ago – far

in advance of any mandatory GHG reporting rule discussions. The trucking industry and EPA both agree that SmartWay is one voluntary GHG program that does indeed work in curbing and reporting carbon emissions.

SmartWay currently receives data from 1,086 truck carriers, 25 shipper-carriers, 15 non-asset based carriers, and 218 logistics companies. These companies operate 585,000 trucks and travel 51+ billion miles in the U.S. Put another way, these numbers represent nearly 25 percent of all trucks operating in the U.S. and 24 percent of the industry's vehicle miles traveled. Data collected from SmartWay fleet partners includes equipment specifications, fuel consumption, miles traveled, and fuel-efficient technology choices to name a few – important information necessary to evaluate and assess the nature of the trucking industry, carbon footprints, and carbon-reducing technology solutions.

EPA's Climate Leaders program also requires participating companies that operate mobile sources to report CO<sub>2</sub> equivalents as a part of their voluntary commitment to develop a comprehensive, corporate-wide GHG inventory. Finally, the FHWA annually publishes its Highway Statistics which tallies U.S. on-highway diesel fuel use, truck vehicle miles traveled, and tractor and trailer registrations. The trucking industry believes that this information, compounded with the SmartWay and Climate Leaders data, more than negate the need for any additional trucking-related reporting requirements contemplated under the Proposed Rule.

**(2) Are there certain categories of mobile sources that should be included or excluded in potential reporting requirements (e.g., lawn mowers, commercial light-duty vehicles, heavy-duty trucks, rail equipment, aircraft, waterborne vehicles)?**

As noted in Response (1) above, ATA recommends that medium- and heavy-duty trucking fleets be excluded from further GHG reporting requirements under the Proposed Rule.

**(3) Should one or more minimum emissions thresholds apply based on the mobile source category, and what would be appropriate annual thresholds?**

We have a saying in the trucking industry -- Without Trucks America Stops. Trucking is, and will remain, the predominant means of moving the nation's freight. In fact, by the year 2020, 71 percent of freight transportation tonnage will be moved by trucks.

Keep in mind that as our population continues to grow, so does the corresponding demand for more consumer goods. The demand for more products in turn requires more trucks which results in more vehicle miles traveled and diesel fuel consumed. Put in other terms, between 2000 and 2018, the number of heavy-duty trucks on the nation's roads is projected to

increase by 40%, the number of vehicle miles traveled is projected to increase by 49%, and the U.S. population will increase by roughly 17%.

Establishing any emission thresholds for the trucking industry will inhibit the ability of the nation's trucking fleets to keep up with business and consumer demands for products, will impede the movement of freight, and will stifle the very core of the nation's economy. The trucking industry supports improved fuel economy and efficiency for trucks and will continue to work with legislators and regulators to push manufacturers to advance new technologies and engine/tractor/trailer designs that are both economically and technologically feasible.

**(4) Are there certain categories of fleets that should be included or excluded from potential reporting requirements (e.g., public fleets versus private fleets)?**

As noted in Response (1) above, ATA recommends that medium- and heavy-duty trucking fleets be excluded from further GHG reporting requirements under the Proposed Rule.

**(5) If reporting requirements were to be introduced, what types of data should operators report (e.g., fuel consumption for estimate CO<sub>2</sub>, and non-road N<sub>2</sub>O and CH<sub>4</sub> emissions; mileage and vehicle technology for estimating on-road N<sub>2</sub>O and CH<sub>4</sub> emissions; efficiency metrics such as emissions per tons carried)?**

Responding to this question is contrary to the position taken to Response (1) above given the trucking industry recommends being excluded from such mandatory reporting requirements. Our answer given to Question (1) notes that diesel fuel consumption levels from on-highway use are readily attainable from the FHWA Highway Statistics absent any additional reporting mechanism. It should be noted that more than 90 percent of all on-highway diesel fuel is consumed by trucking. Other data from the trucking sector is also readily available under the SmartWay program and Climate Leaders Program.

In terms of metrics, any metrics for mobile sources under consideration by either the U.S. Department of Transportation or EPA need to be harmonized and account for the diverse nature of the trucking industry, the wide variations in work applications and load types, classes of vehicle, etc. A one-size-fits-all metric is not only ill-advised, but non-attainable. There are at least two substantive metrics for quantifying the miles per gallon what trucks haul, those being volume and weight with the far more important of the two being volume.

It would seem that metrics for both cubic foot and (lesser so) ton-mile would be needed. It should be noted that the average single combination vehicle (of the hundreds

of millions weighed in 2008) traversing weigh-in-motion scales totaled a mere 54,000 pounds, far shy of the maximum 80,000 gross vehicle weight limit. The overwhelming conclusion that can be drawn is that trucks haul far more cubic feet than tons. Hence, using a single ton-mile metric for all truck operations would be misleading and simply bad public policy.

**(6) What type of data verification or quality control should EPA require in any potential reporting requirements?**

EPA has requested public comment on possible options for verification of GHG emissions reports. EPA identified three alternative approaches to verification: (1) self-certification without independent verification; (2) self-certification with third-party verification; and (3) self-certification with EPA verification. The trucking industry does not support a requirement for third-party verification of mandatory GHG emissions reporting for several reasons.

There is no precedent for third-party verification in any federal environmental statute. The trucking sector is subject to numerous reporting requirements under federal statutory programs including The Resource Conservation and Recovery Act, Clean Air Act, Emergency Planning and Community Right-to-Know Act, Spill Containment and Countermeasures Program, the Clean Water Act and Superfund to name a few. None of these programs require third-party verification of reporting, and many don't even require self-certification. All, however, include enforcement provisions, which create significant disincentives for faulty or false reporting.

Any GHG reduction regime promulgated at the federal or state level will incorporate similar enforcement mechanisms designed to promote good behavior and penalize violators. Any requirement for third-party verification in a federal mandatory reporting program will add significant and unnecessary costs to the regulation, especially if such verification were to be required in the trucking sector where 96 percent of the companies are small businesses and profit margins are already a slim 2-4 percent. The trucking industry respectfully urges the EPA not to include a requirement for third-party verification in the GHG reporting rule, but instead rely upon the ample enforcement authorities available to the Agency and/or consider the use of self-certification with random EPA audits for data verification.

**(7) For potential reporting requirements, are there preferred emissions quantification methods other than those presented in the SmartWay Freight Logistics Environmental and Energy Tracking (FLEET) model or the Climate Leaders reporting protocol?**

Since the trucking industry has supported the development and expansion of the SmartWay program, and the agency's efforts to design and implement a new fuel economy test protocol by the end of 2009, the trucking industry supports the use of the

FLEET model to quantify GHG emissions insofar as further modifications are made to the model to better reflect the rapidly changing environment in supply chain and goods movement.

Given the wide-array of GHG reporting requirements already in place, the trucking industry seeks harmonization, simplicity, and burden reduction in whatever paths are considered for quantification of emissions. ATA is concerned over individual states creating a widely-divergent patchwork of GHG reporting requirements for trucking fleets. For example, the State of Washington is pursuing a rule requiring any owner or operator of a fleet of on-road motor vehicles that emit at least 2,500 metric tons of GHG's annually in the state to report the GHG emissions they emit. While the state may defer such reporting requirements associated with interstate trucks until there is a federal requirement to report such emissions or the state finds that there is a generally accepted reporting protocol for determining interstate emissions from these sources, no such federal requirements or reporting protocols currently exist for mobile sources such as trucks. ATA is hopeful that states will refrain from establishing separate GHG reporting requirements and defer to the federal government to further reduce GHG emissions from trucks whether through the establishment of national fuel economy/efficiency standards, lowering vehicle speed limits, allowing the use of more productive vehicles, or other means.

#### Conclusion

Trucking fleets stepped to the forefront and began to voluntarily report GHG's under SmartWay in 2004 or earlier under other reporting programs. The success of the SmartWay program is phenomenal as witnessed by the doubling of partners every year with support and encouragement from ATA. EPA already has an extensive database of information on carbon emissions from fleets and measures and technologies used to reduce such emissions. Requiring another GHG reporting scheme is both redundant and burdensome. Therefore, ATA concurs with EPA that mandatory reporting requirements for mobile source fleet operators would not be appropriate at this time. Thank you for your consideration.

Respectfully submitted,

/s/

Glen P. Kedzie  
Vice President & Environmental Counsel