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ILLINOIS POLLUTION CONTROL BOARD
December 2, 2024

IN THE MATTER OF:)
)
PROPOSE CLEAN CAR AND TRUCK) R24-17
STANDARDS: PROPOSED 35 ILL. ADM) Rulemaking - Air)
CODE 242)

Record of proceedings before the Hearing
Officers CARLIE LEONI and VANESSA HORTON commencing at
10:00 a.m. on the 2nd day of December, A.D. 2024.

ATTENDING BOARD MEMBERS:

Barbara Flynn Currie
Jennifer Van Wie
Michelle Gibson
Anand Rao
Essence Brown

HEARING OFFICERS:

Vanessa Horton
Carlie Leoni

PROPONENT ATTORNEYS:

Robert Weinstock
Albert Ettinger
Nathaniel Shoaff

RULEMAKING COORDINATOR:

Shannon Bilbruck

REPORTED BY:

CAROL CONNOLLY, CSR, CRR
CSR License No. 84-3113

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I N D E X

POLLUTION CONTROL BOARD

December 2, 2024

OPENING COMMENTS BY HEARING OFFICER HORTON

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OPENING STATEMENT

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JULIANA PINO

Examination by Mr. Weinstock

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JUSTIN FLORES

Examination by Mr. Shoaff

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MUHAMMED PATEL

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PETER ORRIS, M.D.

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1 HEARING OFFICER HORTON: Again, I'm Vanessa Horton.
2 It's 10:00 o'clock. Are we ready to go?

3 MR. WEINSTOCK: Yes.

4 HEARING OFFICER HORTON: Good morning. Welcome to
5 this -- Good morning and welcome to this Illinois
6 Pollution Control Board Hearing. My name is Vanessa
7 Horton, and I'm one of the hearing officers for this
8 rulemaking proceeding entitled In The Matter Of Proposed
9 Clean Car and Truck Standards: Proposed 35 Illinois
10 Administrative Code 242. The Board docket number for
11 this rule making is R24-17.

12 Also present today from the board are Chair of
13 the Board, Barbara Flynn Currie; Board member Jennifer
14 Van Wie, Board Member Michelle Gibson, the Board's
15 Technical Unit Chief Environmental Scientist Anand Rao;
16 Environmental Scientist, Essence Brown.

17 Also here from the Board's staff is senior
18 attorney Tim Fox; my co-hearing officer, Carlie Leoni;
19 attorney advisor, Chloe Salt (phonetic), and Board staff
20 in Springfield via video are Board member Michael
21 Mankowski, and the Board's rulemaking coordinator Shannon
22 Bilbruck.

23 For the Proponents of the rule today we have
24 Robert Weinstock and Nathaniel Shoaff.

1 And then our witnesses for today will be --
2 we'll start with via video Juliana Pino, in person
3 Muhammed Patel, Justin Flores, and Dr. Peter Orris.

4 This hearing is governed by the Board's
5 procedural rules. All information that is relevant and
6 that is not repetitious or privileged will be admitted
7 into the record.

8 Please bear in mind that any questions posted
9 today by the Board and its staff are intended solely to
10 help develop a clear and complete record for the Board's
11 decision and do not reflect any decision on proposal,
12 testimony, or other questions.

13 For the sake of our court reporter, please
14 speak clearly and avoid speaking at the same time as
15 another person so that we can help produce a clear
16 transcript.

17 On June 27th, 2024, the Sierra Club, the
18 National Resources Defense Council, the Environmental
19 Defense Fund, the Respiratory Health Association, the
20 Chicago Environmental Justice Network, and the Center for
21 Neighborhood Technology filed a rulemaking proposal that
22 -- a rulemaking that proposed the Board adopt a new part
23 242 of its air pollution rules.

24 The Proponents requested the Board adopt three

1 California motor vehicle emissions regulations addressing
2 light, medium, and heavy-duty vehicles. These are the
3 Advanced Clean Cars II, Advanced Clean Trucks, and Heavy
4 Duty Nox Omnibus rules.

5 On July 11, the Board accepted the proposal and
6 directed the hearing officers to proceed to hearing.
7 That's why we're here today, for the first day of two
8 days of hearing. The first set of hearings will be
9 focused on the Proponents' proposal and their witnesses.
10 Tomorrow, towards the end of the day, I'll go off the
11 record to discuss with everyone our plans and schedules
12 for the second set of hearings. The second set of
13 hearings will be focused on other participants'
14 witnesses.

15 Included with its initial filing was the
16 Proponents' statement of reasons as well as the pre-filed
17 testimony of two of its witnesses, Muhammed Patel and
18 Kathy Harris.

19 Notice for this hearing was posted in nine
20 newspapers in different geographical locations throughout
21 the state. Those newspapers are: The Chicago Sun-Times,
22 the Springfield Journal Register, the Belleville News
23 Democrat, the Champaign News-Gazette, the Moline Dispatch
24 Argus, the Centralia and Mount Vernon Morning Sentinels,

1 the LaSalle News Tribune, the Peoria Journal Star, and
2 the Rockford Register. All of those publications
3 occurred before October 23rd.

4 On July 11th, 2024, the Board requested
5 pursuant to Section 27(b) of the Environmental Protection
6 Act, that the Department of Commerce and Economic
7 Opportunity conduct a study on economic impact of the
8 proposed rules. The letter requested that DCEO provide
9 their responses by August 26th, 2024. On August 28th,
10 2024, DCEO responded via letter declining to perform an
11 economic impact study saying that it does not have the
12 industrial engineering expertise to meaningfully
13 participate in this rulemaking.

14 Proponents filed the written testimony of their
15 nine witnesses on September 16th. The Board and
16 participants filed written questions on October 28th, and
17 Proponents filed written answers on November 18th.

18 As to the order of today's proceedings: Today
19 Proponents will put forth four of their eight witnesses
20 to answer any follow-up questions participants and the
21 Board might have regarding their testimony and written
22 answers. We will begin today with remote testimony from
23 Juliana Pino, then move to testimony from Justin Flores,
24 Muhammed Patel, and Dr. Peter Orris. The court reporter

1 will swear in any witnesses when they begin, and if they
2 so choose, the witnesses may give a brief summary of the
3 testimony before we start the questions.

4 Typically we enter pre-trial testimony as an
5 exhibit if read, and Proponents' counsel are allowed to
6 give a short opening statement, and if they so choose,
7 witnesses are also allowed a short opening summary of
8 their testimony, if they so choose.

9 As we go along, I'll be entering testimony and
10 answers as exhibits. Following this hearing, I'll issue
11 a hearing exhibit list. I will first start with entering
12 Proponents' initial filing on June 27th, 2024 as
13 Exhibit 1.

14 Ms. Court Reporter, please feel free to stop me
15 or anyone at any point if we're going too fast, talking
16 too softly, or if you need something repeated. For any
17 participants asking questions today, please start your
18 question by stating your name and organization you
19 represent.

20 Since we're beginning today at 10:00 a.m., I
21 anticipate going until noon and breaking for an hour for
22 lunch from noon to 1:00 p.m. From 1:00 p.m. to 2:00 p.m.
23 we will have an oral public comment, and then we will
24 resume witness testimony around 2:00 p.m. We'll take a

1 10 to 15-minute break at a good stopping point, and we
2 will end today around 5:00 p.m. At that point, we can
3 discuss where we are in questions and come up with a plan
4 for tomorrow.

5 With us today is a Spanish language
6 interpreter, Chris. He's waving his hand in the back.
7 If you need any interpreter services, please sit next to
8 him. During the public comment portion, I'll ask that
9 Chris come up forward to see if any members of the public
10 need Spanish interpretation.

11 There's a sign-up sheet in the back of the room
12 here in Chicago to sign up for public comment. So if
13 there's any members of the public in person here today,
14 please go ahead and write your name on the list. We have
15 set aside an hour for public comments from 1:00 to 2:00
16 today. Also, anyone can submit written public comments
17 on the Board's -- Board Clerk's Office On-line System.
18 The Board weighs oral and written public comments
19 equally.

20 So are there any questions from anyone here as
21 to the order of today's proceedings? Anyone in
22 Springfield have procedural questions? If not, we'll
23 move on to swearing in Proponents' first witness
24 Ms. Pino.

1 Can you hear us okay, Ms. Pino?

2 MR. WEINSTOCK: Hearing Officer Horton, did you want
3 our opening statement first?

4 BOARD MEMBER MANKOWSKI: I think there's a slight
5 delay, but I can hear you.

6 HEARING OFFICER HORTON: Great. We'll swear in you
7 in. The court reporter will swear you in and then I'll
8 turn to Mr. Weinstock and we can discuss if he'd like to
9 give an opening statement. I'm sorry about that. Yeah.
10 Apologies.

11 We'll pause you, Ms. Pino. I forgot.
12 Mr. Weinstock. He'll give an opening statement, then
13 we'll move on to you.

14 THE WITNESS: Sounds great. Thank you.

15 MR. WEINSTOCK: Good morning. My name is Robert
16 Weinstock, together with my student Chase Deatrick, we
17 represent the Chicago Environmental Justice Network and
18 Respiratory Health Association. With me today I have
19 Albert Ettinger, who is counsel for Sierra Club and
20 Nathaniel Shoaff, who is counsel for Sierra Club, Chicago
21 Environmental Justice Network, Center For Neighborhood
22 Technology, Environmental Defense Fund, and Natural
23 Resources Defense Council. We'll refer to this whole
24 group as the Rule Proponents today.

1 I want to start by thanking the Board members
2 here today, Board Staff, and IEPA and everyone today for
3 arranging this hearing and being here, particularly here
4 for Spanish language translation. Thank you for that.
5 It's meaningful.

6 I also want to provide a little bit of context,
7 as well as some opening remarks to hopefully set us up
8 for a smooth hearing today to create a clear and clean
9 record for the Board.

10 To start, I just will remind us all why we're
11 here. The legislature has entrusted the Pollution
12 Control Board with the duty to use its expertise to issue
13 rules to protect the people of Illinois from air
14 pollution hazards. Statewide there is no more pernicious
15 or persuasive air pollution hazard than air pollution
16 from motor vehicles.

17 As established in our statement of reasons and
18 pre-filed testimony, onroad vehicle emissions are the
19 greatest source of climate changing greenhouse gas
20 emissions in our state. When it comes to local air
21 pollution from larger vehicles, Chicago, the largest
22 intermodal shipping hub in the United States, has some
23 highways where daily truck counts exceed 30,000.
24 Illinois ranks fifth nationally in per capita deaths from

1 particulate matter from those which comes in part from
2 those diesel emissions from those vehicles on our roads.
3 Those diesel emissions cause the state an estimated
4 \$4.6 billion in costs every single year.

5 Part of what makes the problem of
6 transportation air emissions such a challenge to address
7 is that we are all almost, every single one of us,
8 drivers or passengers in polluting vehicles. We all rely
9 on goods carried by those same diesel engines. Motor
10 vehicle emissions are for many very good reasons
11 pervasive.

12 As described by several of the witnesses you'll
13 hear from, what makes transportation air pollution
14 particularly pernicious though is that while we all
15 benefit from our transportation system, it is people that
16 live here near highways or warehouses that bear the brunt
17 of the poison churning out of those diesel engines.
18 Often those communities are also the most overburdened by
19 other environmental and social factors that make the
20 effect of local air pollution more harmful in those
21 communities than it would be in less burdened, better
22 resourced ones.

23 It is also people who live in similar
24 disinvested communities that lack air conditioning or

1 have inferior storm water infrastructure or who work
2 outdoors jobs, those are the people who will suffer the
3 worst effect of climate change, the same climate change
4 being accelerated and amplified by transportation
5 emissions.

6 Addressing air pollution from the
7 transportation sector requires nuance and expertise. As
8 described by the witnesses you will hear from today and
9 tomorrow, the proposed rules prevent -- the proposed
10 rules present a nuanced, phased approach to gradually
11 change the transportation sector over a decade. The
12 proposal recognizes that manufacturers and consumers need
13 time and flexibility in making this transition.

14 The proposed rules harness the expertise of the
15 California Air Resources Board and its unique role under
16 The Federal Clean Air Act, and the proposed rules fit
17 neatly with the various ongoing state policies and
18 investment strategies here in Illinois, principally as
19 set forth in The Climate and Equitable Jobs Act.

20 For those reasons, Rule Proponents respectfully
21 request the Board use its long-held authority under
22 Sections 8 and 10 of the Illinois Environmental
23 Protection Act to adopt the substantive emission
24 standards contained in the Advanced Clean Cars II,

1 Advanced Clean Truck, and Low Nitrogen Oxide Omnibus
2 regulations promulgated by the California Air Resources
3 Board.

4 Before turning to the witnesses, I'd like to
5 address a few overarching issues raised in the pre-filed
6 questions to hopefully make for a clean record and make
7 things as efficient as possible for the rest of the day.

8 First, many of the pre-filed questions
9 submitted by other intervening parties were very broadly
10 worded. That's fine, but it's important to remember that
11 there are three separate though related sets of
12 California emission standards packaged together, and we
13 have to keep them straight if we're going to have a clean
14 record for the Board's review.

15 The Advanced Clean Cars II rule, or ACC II,
16 establishes greenhouse gas emission standards for new
17 passenger vehicles. Those standards apply to auto
18 manufacturers across the entirety of the fleets that they
19 offer for sale in Illinois or would offer for sale in
20 Illinois, and they increase -- they step up over time.

21 The Advanced Clear Trucks rule and the Low Nox
22 rule -- I'll use that shorthand -- work together and
23 apply to medium and heavy-duty vehicles. Like the ACC II
24 rule, the ACC requires vehicle manufacturers to gradually

1 increase the shares of zero emission or near zero
2 emission vehicles that they offer for sale in Illinois.
3 The Low Nox rules sets out emission limits for the diesel
4 engines in those medium and heavy-duty vehicles. Because
5 these rules focus on different classes of vehicles and
6 contain different standards, technical standards, they
7 offer different benefits to society and will raise
8 different compliance and implementation questions.

9 Rule Proponents believe all three rules should
10 be adopted and have submitted testimony and evidence that
11 addresses each, but it will be very important for
12 questioners to indicate which of the rules to which they
13 refer today so witnesses can provide the most accurate
14 and relevant answers, and so the Board can have a clear
15 record as to each rule.

16 Second, and relatedly, some of the pre-filed
17 questions focused on assessing the degree to which the
18 proposed rules would mechanically copy California
19 regulatory language. This relates to a broader point
20 about the way Section 177 of the Clean Air Act functions,
21 how it works here. A central purpose of Section 177 is
22 to ensure that vehicle manufacturers need only comply
23 with two, and no more than two, sets of technical
24 emission standards when they are designing and building

1 vehicles. Indeed, the statute even uses the term third
2 vehicle to describe what it's trying to avoid. To do
3 that, Section 177 allows states to impose mobile source
4 emission standards more stringent than the federal
5 baseline, but only if those technical emission standards
6 are, quote, identical to California's substantive
7 standards for each model year to which the state would
8 apply them.

9 A couple things about that piece of the law.
10 There is no requirement that Illinois adopt every
11 California rule. The identity requirement in
12 Section 177 applies to individual technical standards,
13 not to the entirety of California's regulatory language
14 or its broader regulatory structure. There is also no
15 requirement that Illinois adopt the California standard
16 for every model year covered by a particular California
17 rule that Illinois chooses to adopt.

18 For example, Rule Proponents have proposed
19 adopting the ACT standards through model year 2035. As
20 IEPA noted in its pre-filed questions, some other states
21 have only adopted some California standards through 2032.
22 Questions and comments about the ACT standards in 2036,
23 standards that were subsequently added by California
24 after the initial promulgation of ACT, those questions

1 are simply beyond the scope of this proposal. The
2 proposal looks to 2035.

3 Third, there is no requirement that every word
4 of a state's regulatory text be identical to California
5 under Section 177. The emission standards that the
6 engines are designed to meet must be identical, but
7 provisions around enforcement, vehicle registration, and
8 any number of other issues must, by necessity, be
9 tailored to fit within each state's existing regulatory
10 structures.

11 So as we explained in the Rule Proponent's
12 pre-filed answers, there are many such instances where
13 such state specific tailoring is permissible under
14 Section 177. As we emphasized repeatedly, we would
15 welcome the feedback and ideas of the Board Staff, the
16 Board obviously itself, IEPA, and other intervenors in
17 these sorts of tailoring questions. Indeed, we see that
18 as one of the benefits of pursuing adoption of the
19 proposed rules through this sort of Board proceeding. We
20 have an open process in which the language can be vetted,
21 discussed, and improved upon.

22 With that said, I will now provide a brief
23 topical introduction to the witnesses you'll hear from
24 today and tomorrow.

1 As Hearing Officer Horton previewed, we will
2 start today by hearing from Juliana Pino the Deputy
3 Director of the Little Village Environmental Justice
4 Organization LVEJO, who is standing by to appear remotely
5 and will speak on the disproportionate impacts of
6 transportation air pollution on communities of color in
7 Illinois.

8 Ms. Pina directs LVEJO's policy work at the
9 local, state, and federal levels, including being
10 centrally involved in the development and passage of the
11 Climate and Equitable Jobs Act, and serving on government
12 advisory bodies like the Illinois Electric Vehicle
13 Permitting Task Force and the City of Chicago's
14 Environmental and Equity Working Group.

15 Next you will hear from Justin Flores.
16 Mr. Flores has submitted pre-filed testimony in this
17 matter about the impact of air pollution on his community
18 in Pilsen.

19 Next, after Mr. Flores, you'll hear from
20 Muhammed Patel, the Midwest Transportation Advocate at
21 the Natural Resources Defense Council where he has gained
22 expertise on vehicle electrification efforts in Illinois
23 and nationwide.

24 Mr. Patel will be available to answer questions

1 regarding the pre-filed testimony that he filed jointly
2 with Kathy Harris, his colleague and director of the
3 Clean Vehicles Program at NRDC.

4 After the public comment period this afternoon,
5 you will hear from Dr. Peter Orris, who is former chief
6 of Occupational and Environmental Medicine at the
7 University of Illinois Health System, who will testify
8 from his perspective as both a medical academic who has
9 researched extensively the health impact of air
10 pollution, and as a treating physician who has seen first
11 hand the impacts of air pollution on people's health in
12 Chicago over his more than three decades in practice.

13 Tomorrow the first witness for Rule Proponents
14 will be Tom Cackette. Mr. Cackette is the Former Deputy
15 Executive Officer of the California Air Resources Board
16 and the policy expert regarding zero emission vehicles.
17 Based on his decades of designing and implementing
18 predecessor versions of the proposed rules in California.

19 After Mr. Cackette, Ms. Myrna Salgado-Romo, the
20 network manager for the Chicago Environmental Justice
21 Network will testify as to both her personal experience
22 living in an area disproportionately burdened with
23 transportation air emissions and as to the CEJN's work to
24 organize and advocate on behalf of frontline communities

1 who bear the most harmful health impacts from air
2 pollution sources like diesel engines.

3 After Ms. Salgado-Romo, Professor Daniel
4 Horton, an assistant professor at Northwestern University
5 specializing in climate change and air quality research
6 will testify. Professor Horton leads the climate change
7 research group at Northwestern, which has produced
8 ground-breaking work modeling the public health and air
9 quality benefits of vehicle electrification.

10 Finally, Brian Urbaszewski, the director of
11 Environmental Health Programs at the Respiratory Health
12 Association will be the last witness tomorrow. He has
13 held that role for over 25 years, and during that time he
14 has been centrally involved in developing Illinois's
15 legislative and regulatory policy on clean air issues
16 after his experience at IEPA and within the Office of
17 Illinois Governor Jim Edgar.

18 One note as to questions not directed toward
19 particular witnesses. Rule Proponents received dozens of
20 such questions that were not addressed to any individual
21 witnesses. To facilitate efficient follow-up on those
22 questions, and as directed by the Hearing Officer's order
23 dated Wednesday, November 27th, I'd like to describe
24 topically and to designate the witnesses who will address

1 the issues raised in those questions as follows.

2 For questions related to the ERM study included
3 within the statement of reasons, including its cost
4 benefit projections, the way the proposed rules would
5 function at Illinois specifically as to credit generation
6 or compliance flexibilities, and for EV market trends
7 specific to Illinois, please direct those questions to
8 Mr. Patel.

9 Mr. Cackette is the witness best positioned to
10 answer questions about the mechanics of the proposed
11 rules themselves, how they have been implemented by
12 California and other states, along with broader questions
13 about technological feasibility, and the national market
14 response to the proposed rules as they are in effect in
15 California and elsewhere.

16 Mr. Urbaszewski is the witness best positioned
17 to address how the proposed rules fit with broader
18 Illinois policies, including the Climate and Equitable
19 Jobs Act and the financial supports and ongoing state
20 efforts aimed at supporting electrification and charging
21 expansion.

22 I do have a list -- question-by-question list
23 of the pre-filed questions that I could read into the
24 record that indicate which witness is best positioned to

1 address each one, if that would be useful, but I didn't
2 want to burden with us that.

3 HEARING OFFICER HORTON: I don't think it's
4 necessary. I think if we come to a question where we're
5 wondering, then you can refer back to it.

6 MR. WEINSTOCK: Thank you. That sounds great. I'll
7 just note finally on that issue, as indicated in Rule
8 Proponents' responses to pre-filed questions not
9 addressed to specific witnesses, many of those questions
10 raise legal issues or touch on regulatory drafting
11 questions that are not directly within the scope of
12 expertise of any individual subject matter witness. They
13 are legal or drafting questions. The witnesses are
14 prepared to speak to the full range of substantive topics
15 in the questions as I just indicated, but it is certainly
16 possible that legal drafting will need to be discussed
17 through legal briefing or legal written submissions later
18 down the line.

19 Before introducing our first witness, I will
20 just close with a brief reminder of the stakes here
21 drawing on facts set out in our statement of reasons and
22 substantiated in the pre-filed testimony. First,
23 adopting the proposed rules make simple economic sense
24 when considered from the perspective of Illinois as a

1 state, rather than the specific viewpoint of particular
2 corporate or commercial interests. Even as compared to
3 the recently strengthened federal standards, the proposed
4 rules are conservatively estimated to deliver \$86 billion
5 in net economic benefits for Illinois as a whole.

6 Second, motor vehicles are again the state's
7 largest source of greenhouse gas pollution. The proposed
8 rules will create the sort of new vehicle market that
9 will allow the state to meet its commitment to reduce
10 greenhouse emissions to do our part in slowing climate
11 change by providing a necessary complement to what was
12 done in the Climate and Equitable Jobs Act.

13 Third, the stakes cannot be overstated when it
14 comes to the costs that local air pollution from medium
15 and heavy-duty diesel engines impose on communities in
16 Illinois. Every year diesel pollution causes 416
17 premature deaths in our state. 416 people. Every year
18 diesel pollution causes roughly 24,600 days of missed
19 work. Every year diesel pollution costs the state an
20 estimated \$4.6 billion. And you will hear today from
21 people who can explain how these quantifiable costs of
22 diesel pollution only begin to represent the true human
23 toll imposed by air pollution on their patients,
24 families, and communities. Please listen to those people

1 because those costs are not borne by all of us in
2 Illinois alike. Rather, the human and economic cost of
3 diesel pollution are borne disproportionately by the
4 people who live and work closest to where those diesel
5 engines operate.

6 Communities near major roadways or industrial
7 or commercial facilities that draw heavy truck traffic
8 are all too often low income and people of color
9 communities already dealing with other sources of air
10 pollution and already suffering from other social
11 inequities like a lack of access to healthcare. This
12 means that the people forced to breathe the air most
13 polluted by diesel fumes are also those whose health will
14 suffer most from breathing them.

15 Finally, I have to note that the proposed rules
16 provide the Board an opportunity to stand up for the
17 health and well-being of our state at the precise moment
18 that the federal government appears poised to abandon
19 basic goals like pollution prevention and addressing
20 climate change.

21 Crucially if the recently promulgated federal
22 standards from last year are rolled back, as the incoming
23 administration promises to do, well, then the proposed
24 rules project to be even more crucial in protecting

1 Illinois's health and well-being. In fact, in that
2 instance, the modeling provided in the statement of
3 reasons conservatively predicts that the proposed rules
4 would provide over \$200 billion in net economic benefits
5 to the State of Illinois as compared to staying with the
6 federal baseline.

7 On behalf of Rule Proponents I want to again
8 thank the board and its staff and everyone here today for
9 engaging in this crucial discussion about how Illinois
10 could better protect its residents from both local air
11 pollution and the worst effects of climate change.

12 With that, I'm ready to turn things over to our
13 first witness.

14 HEARING OFFICER HORTON: Sounds great. Ms. Pino,
15 are you all set?

16 JULIANA PINO,
17 called as a witness herein, having been first duly sworn,
18 was examined upon oral interrogatories and testified as
19 follows:

20 EXAMINATION

21 By Mr. Weinstock:

22 Q Good morning, Ms. Pino. Can you hear everyone
23 okay?

24 A I can hear you. There is a little lag, but I

1 can hear you clearly.

2 Q It will force us to take our time.

3 Could you please state and spell your name for
4 the record?

5 A Yes. My name is Juliana Pino. It's spelled
6 J-U-L-I-A-N-A. My last name is spelled P-I-N-O.

7 Q Did you submit pre-filed testimony in this
8 matter?

9 A I did.

10 Q Is that -- Do you have that document before you
11 now titled Pre-Filed Testimony of Juliana Pino?

12 A I do.

13 Q Do you adopt that pre-filed testimony as your
14 sworn testimony in this matter?

15 A I adopt my pre-filed testimony as my sworn
16 testimony in this matter.

17 MR. WEINSTOCK: Hearing Officer Horton, we'd move
18 that into evidence?

19 HEARING OFFICER HORTON: So your pre-filed written
20 testimony will be Exhibit 2.

21 MR. WEINSTOCK: Q Ms. Pino, did you also direct the
22 preparation of pre-filed answers to pre-filed questions
23 submitted to your attention by other parties?

24 A Yes, I did.

1 Q Is that the document -- Do you have that
2 document before you now titled Rule Proponents' Answers
3 to Pre-Filed Testimony of Juliana Pino?

4 A I do have it before me.

5 Q And do you adopt those pre-filed answers as
6 part of your sworn testimony in this matter?

7 A Yes, I do.

8 MR. WEINSTOCK: Hearing Officer, I would move that
9 document into evidence as well.

10 HEARING OFFICER HORTON: Ms. Pino's answers will be
11 Exhibit 3.

12 MR. WEINSTOCK: Q Ms. Pino, before I ask you to
13 provide a brief overview of your testimony, could you
14 please just explain the relationship between your
15 organization LVEJO and Rule Proponent Chicago
16 Environmental Justice Network?

17 A My organization is a member of Chicago
18 Environmental Justice Network and --

19 HEARING OFFICER HORTON: You cut out a little bit.
20 Could you start your statement again?

21 THE WITNESS: Yes. LVEJO, my organization, is a
22 member of the Chicago Environmental Justice Network. The
23 network consists of multiple community-based
24 organizations located in and serving Environmental

1 Justice communities in Chicago.

2 MR. WEINSTOCK: Q Thank you. Ms. Pino, this is my
3 last question. I'll ask you if can you please provide a
4 brief overview of your testimony and perspective on the
5 proposed rules.

6 A Certainly. And at any time, please let me know
7 if I break up and I can restate.

8 Thank you, Mr. Weinstock; thank you, Chair
9 Flynn Currie; members of the Board; and Board staff for
10 the opportunity to give a summary overview of my
11 statement supporting the Rule Proponents' request that
12 the Board adopt the Clean Car and Truck Standards. Air
13 pollution from vehicles significantly and
14 disproportionately harms the health of the Environmental
15 Justice community throughout Illinois, this includes in
16 Chicago where an immense share of vehicle emissions are
17 concentrated in and significantly contribute to elevated
18 pollution levels in zip codes including in areas where
19 historically racist policies and practices have
20 systematically funneled industrial activity, highways,
21 and accompanying diesel truck traffic.

22 One 2023 study our organization helped conduct
23 used video traffic accounts to document over 400 truck
24 through -- (technical difficulties).

1 One 2023 study our organization helped conduct
2 used video traffic counts to document over 400 trucks per
3 hour through intersections in EJ communities like
4 McKinley Park and Archer Heights and over 160 per hour at
5 one in Little Village. This study was inspired by high
6 school statistics students living with the daily impacts
7 of trucks who did their own traffic count that documented
8 one truck per minute passing outside their school. These
9 impacts are significant and unescapable, especially for
10 the most vulnerable youth and the elderly.

11 In one example, within one-third of a mile of
12 Brighton Park community campus there is one elementary,
13 one middle and one high school, as well as a retirement
14 center. At their busiest hours between 8:00 a.m. and
15 5:00 p.m., over 850 trucks pass through the adjoining
16 intersection. Vehicle emissions harm the health and
17 quality of life of EJ community residents. Other
18 witnesses will elaborate on this further, but these
19 consequences are worth stating again now, including
20 premature death, heart attacks, asthma attacks, and other
21 severe health effects.

22 EJ communities are also more vulnerable to
23 pollution due to other structural inequities such as a
24 lack of healthcare access, higher rates of asthma and

1 other pre-existing health conditions aggravated by air
2 pollution and heat island effects, with extreme heat
3 exacerbating air pollution.

4 We need these rules in place in Illinois as
5 soon as possible so they can reduce harms from vehicle
6 emissions, provide some relief from chemolytic burdens
7 and deliver access to crucial program benefits.

8 In the federal jurisdiction, all of us,
9 communities, organizations, this very Board, are
10 operating in a context of future uncertainty. That
11 uncertainty, however, is not reason enough to fail to act
12 in our own arena in light of the conclusive and extreme
13 harms from pollution borne by communities, harm that
14 these rules would mitigate.

15 Members of this Board are in a position to use
16 your unique authority to responsibly advance equity and
17 public health by adopting forward-looking rules and,
18 thus, directing remedy where the past has not provided
19 it. Communities cannot wait and neither should you.

20 Thank you for your time, and I'm prepared for
21 questions.

22 HEARING OFFICER HORTON: Okay. I think how we'll do
23 this is, first, I'll start with Chicago to see if there's
24 anybody here who has follow-up questions for Ms. Pino.

1 Anyone here in Chicago? I don't see anyone so
2 now I'll it turn to Springfield.

3 Does anyone in Springfield have follow-up
4 questions for this witness?

5 MR. MANKOWSKI: We don't appear to have any
6 follow-up questions here in Springfield.

7 HEARING OFFICER HORTON: I think that concludes
8 Ms. Pino's testimony.

9 So, Ms. Pino, you're dismissed. Thank you so
10 much.

11 MR. MANKOWSKI: We did have a request down here in
12 Springfield that maybe Mr. Weinstock could give that list
13 of which topics to direct towards, you know, the rest of
14 the witnesses for today. I don't know if that will take
15 up too much time, but we had a request down here.

16 HEARING OFFICER HORTON: Ms. Pino, you're dismissed.
17 Mr. Weinstock, if you wanted to go through that
18 list.

19 MR. WEINSTOCK: Sure. Thank you, Ms. Pino.

20 I apologize for the length, and everybody
21 buckle up. I'll do this by party.

22 For first questions -- pre-filed questions from
23 the Board, Question 1, best directed toward Mr. Cackette.

24 Questions 2 and 3, Mr. Patel.

1 4, Mr. Cackette.

2 5, Mr. Patel.

3 6 and 7, Mr. Cackette.

4 8, Mr. Patel.

5 9, Mr. Cackette.

6 10 could be directed to either or both

7 Mr. Cackette, Mr. Patel.

8 11, Mr. Cackette.

9 For the questions received from the Illinois
10 Environmental Protection Agency, questions 1, 2, 3, 4, 5,
11 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19 --
12 I believe that is 1 through 19 -- Mr. Patel.

13 Question 20 has a number of subparts that we
14 have to take that part by part. 20A and B, Mr. Cackette;
15 C and D, Mr. Patel; 20E, F, G, as well as 21A and B,
16 Mr. Cackette.

17 2 through 25, Mr. Patel.

18 26, 27, Mr. Cackette.

19 28, Mr. Patel.

20 29 through 38, Mr. Cackette.

21 39 through 45, Mr. Patel.

22 46A, Mr. Cackette.

23 46B and 47, Mr. Patel.

24 48 through 50, Mr. Cackette.

1 The Alliance For Automotive Innovation,
2 question 25 can be -- follow-up on question 25 can be
3 directed to Mr. Patel.

4 For the Illinois Automobile Dealer's
5 Association, Questions 1 through 6 to Mr. Patel.

6 Question 7 could be to Mr. Patel or
7 Mr. Cackette.

8 8 through 11, Mr. Patel.

9 12 through 14, Mr. Cackette.

10 15, Mr. Patel.

11 16 through 18, either Mr. Cackette or
12 Mr. Patel.

13 19 and 20, Mr. Patel.

14 21, either Mr. Cackette or Mr. Patel.

15 22 through 24, Mr. Patel.

16 25, either of those gentlemen.

17 26 through 36, Mr. Patel.

18 37 and 38, Mr. Cackette.

19 39, either Mr. Cackette or Mr. Patel.

20 40 through 45, Mr. Patel.

21 46, either of those two witnesses.

22 47 and 48, Mr. Patel.

23 49, Mr. Cackette.

24 50, Mr. Patel.

1 Then we have a few in the questions that were
2 part of the public comment submitted by the Truck and
3 Engine Manufacturer's Association, we have included
4 those, even though they were not pre-filed questions but
5 were public comment.

6 Question 1 to either of those witnesses.

7 Questions 2 through 5, Mr. Patel.

8 6, Mr. Cackette.

9 7, Mr. Patel.

10 8, either witness.

11 9 and 10, Mr. Patel.

12 And I would just again emphasize that these are
13 subject matter experts. These are not lawyers, and so
14 for particular legal drafting issues, that's where we
15 are.

16 BOARD MEMBER MANKOWSKI: We had the feed locked up a
17 little bit when you were going through the Illinois EPA
18 questions. Could you repeat 1 through 10?

19 MR. WEINSTOCK: Those are all Mr. Patel except for
20 question 20, which is Mr. Cackette. 1 through 19 for
21 Patel, 20 for Cackette.

22 BOARD MEMBER MANKOWSKI: Thank you very much.

23 HEARING OFFICER HORTON: So we'll move on to
24 Mr. Flores.

1 JUSTIN FLORES,
2 called as a witness herein, having been first duly sworn,
3 was examined upon oral interrogatories and testified as
4 follows:

5 EXAMINATION

6 By Mr. Shoaff:

7 Q My name is Nathaniel Shoaff. I'm an attorney
8 with Sierra Club. I'm here today on behalf of Sierra
9 Club, the National Resources Defense Council,
10 Environmental Defense Fund, and Center for Technology.

11 Welcome, Mr. Flores.

12 A Thank you.

13 Q Would you state and spell your name for the
14 record?

15 A Justin Flores. J-U-S-T-I-N, F-L-O-R-E-S.

16 Q Mr. Flores, have you ever testified before
17 either in a court or forum like this one?

18 A I have not.

19 Q It is okay to be a little bit nervous.
20 Mr. Flores, did you submit pre-filed testimony in this
21 matter?

22 A Yes, I did.

23 Q And do you have it in front of you?

24 A I do.

1 Q Thank you.

2 MR. SHOAFF: Hearing Officer, I'd move Mr. Flores'
3 pre-filed testimony be moved into evidence.

4 HEARING OFFICER HORTON: That will be Exhibit 4.

5 MR. SHOAFF: Q Mr. Flores, did you also direct
6 answers to two pre-filed questions today?

7 A Yes, I did.

8 Q Do you have those in front of you?

9 A I do.

10 MR. SHOAFF: Hearing Officer, I'd move that the
11 pre-filed answers of Mr. Flores be moved into evidence.

12 HEARING OFFICER HORTON: That will be Exhibit 5.

13 MR. SHOAFF: Q All right. Mr. Flores, will you
14 tell us a little bit about your neighborhood and why
15 you're here.

16 A Sure. So I live in Pilsen which is situated in
17 the lower west side of Chicago, and it is an
18 Environmental Justice community, and I'm here to speak
19 out on and be a proponent of the changes to the rules. I
20 think that on a daily basis we're affected by air
21 pollution that's caused by -- by cars and trucks and
22 stuff like that. So I'm here as somebody who has asthma
23 who grew up in an EJ community myself, who has been
24 living there for 6 years to speak out on this and be in

1 support of a clean transition to electric vehicles and --
2 yeah, I think that's it.

3 Q Thank you, Mr. Flores. You reference in your
4 pre-filed testimony a study. I think it's the same study
5 that we just heard about from Ms. Pino.

6 A Yes.

7 Q Can you tell us a little bit about how that
8 study applies to your own life?

9 A Yeah. So the study that's addressed the
10 intersections of Damen and Blue Island that I believe is
11 the study that Juliana spoke about is a few minutes from
12 my house, and it affects me on a daily basis, and not
13 just myself, but my partner, my family, and all of my
14 fellow residents of the community.

15 You know, I think there's -- I forget the
16 number of -- the amount of trucks, I think it was 312 per
17 hour in that intersection. As somebody who is very
18 active and wants to keep an active lifestyle, I'm a
19 runner, I play sports outside, I do as much as I can to
20 be active, to stay healthy, I constantly have to -- pay
21 attention to the air quality outside in order to make
22 sure that it's safe for myself, my dogs, my family,
23 everybody, you know, that I care about deeply to make
24 sure it's okay for me to be outside. And it's

1 inescapable. Right?

2 It's so close to where we live that even if you
3 aren't going outside -- like sometimes I can't even open
4 my windows, right, as somebody that has constantly had a
5 lot of difficulty breathing and have had trouble with my
6 asthma for my whole life. So, you know, you can see --
7 when outside, you can see -- during those peak hours, you
8 can see black clouds of smoke and constant noise
9 pollution, things like that that are constantly affecting
10 myself and other people in the area, and that disrupts --
11 that disrupts a healthy quality of life for, you know,
12 not only myself but everybody in the community and
13 surrounding communities that are in that intersection,
14 which are some of the ones that have been addressed,
15 McKinley Park, Brighton Park, Little Village, Pilsen
16 area.

17 Q Thank you, Mr. Flores. Is there anything
18 you've seen in your neighborhood that suggests to you
19 that your neighbors, your community members, businesses
20 in your neighborhood are prepared for an electric vehicle
21 transition?

22 A Yes. I believe so. One of the things that
23 stood out to me is I typically -- I live about two blocks
24 from a Walgreens. That's where I get all of my medicine

1 and stuff like that. I frequently use my inhaler, so
2 when I go over there for stuff like that, I noticed that
3 one of the small freight vehicles, the Frito-Lay truck
4 is -- it's an electric vehicle, and it's been consistent,
5 so I see it, you know -- anything I need, I see it there.

6 On my block alone I think there's at this point
7 now maybe like four EVs that I see, and the Target that
8 is a little bit south of that Blue Island and Damen
9 intersection is -- there's some EV chargers for cars. So
10 I think that is just a sign that people are ready to
11 adopt a new and more sustainable way of life in my
12 opinion.

13 Q Mr. Flores, thank you. I know you're taking
14 time off work to be here today. I appreciate you coming
15 to share your story. Is there anything else you'd like
16 to tell us?

17 A No, I think that's it.

18 MR. SHOAFF: Thank you, Mr. Flores. That's all I
19 have for you. There may be questions from the members of
20 the Board or other members here today.

21 HEARING OFFICER HORTON: I'll start with here in
22 Chicago. Anyone here have follow-up questions for
23 Mr. Flores based on his written testimony?

24 Okay. I'll move to Springfield. Anyone in

1 Springfield have follow-up questions for Mr. Flores?

2 BOARD MEMBER MANKOWSKI: No, we do not have any
3 questions at this time.

4 HEARING OFFICER HORTON: Thanks so much.
5 Mr. Flores, thank you. You're dismissed.

6 We'll now move to the next witness, Mr. Patel.

7 MUHAMMED PATEL,
8 called as a witness herein, having been first duly sworn,
9 was examined upon oral interrogatories and testified as
10 follows:

11 EXAMINATION

12 By Mr. Shoaff:

13 HEARING OFFICER HORTON: Do you have an opening
14 statement that you'd like to give?

15 MR. SHOAFF: Q Mr. Patel, can you spell your name
16 for the record?

17 A Muhammed Patel, M-U-H-A-M-M-E-D, P-A-T-E-L.

18 Q And, Mr. Patel, I understand you have asthma.
19 Is that correct?

20 A Yes.

21 Q Given the number of questions directed to you,
22 I think we may be here for a while. If you need a break,
23 please let the Hearing Officer know at any point.

24 A I will. And I apologize. I've had a flare-up

1 this week so speaking for long periods can be difficult.
2 So might need a little break.

3 HEARING OFFICER HORTON: Please let us know at any
4 time.

5 THE WITNESS: Will do.

6 MR. SHOAFF: Q All right, Mr. Patel. Can you
7 describe your work at NRDC?

8 A Yeah. So I am a senior transportation advocate
9 with the national transportation team at the Natural
10 Resources Defense Council. I specifically focus on our
11 Midwest Work, which works on integrating programs and
12 policies across various transportation pollution issues
13 in midwest states to find a way forward to reducing air
14 pollution, accelerating adoption of various clean
15 technologies, and ensuring that we remain on track to
16 meet our climate goals in Illinois across the region and
17 in the U.S.

18 Q Mr. Patel, you submitted joint pre-filed
19 testimony with a colleague of yours Kathy Harris. You
20 also submitted supplemental testimony and responses to
21 pre-filed questions. Do you have your joint pre-filed
22 testimony in front of you today? I see you have a binder
23 of documents.

24 A I do. I have our joint pre-filed testimony as

1 well as some of the exhibits from the statement of
2 reason -- the statement of reasons and the pre-filed
3 questions and answers.

4 Q Do you adopt that joint pre-filed testimony
5 today as your testimony?

6 A Yes, I do.

7 MR. SHOAFF: Hearing Officer, I move to enter the
8 pre-filed testimony of Mr. Patel and Ms. Harris into the
9 record.

10 HEARING OFFICER HORTON: Okay. That will be
11 Exhibit 6.

12 MR. SHOAFF: Q Mr. Patel, you also filed
13 supplemental testimony with Ms. Harris, is that correct?

14 A Correct.

15 Q Do you adopt that supplemental testimony as
16 your testimony today?

17 A Yes.

18 MR. SHOAFF: Hearing Officer, I move to enter the
19 supplemental testimony of Mr. Patel and Ms. Harris into
20 the record.

21 HEARING OFFICER HORTON: That will be Exhibit 7.

22 MR. SHOAFF: Q One more. You filed pre-filed
23 answers to pre-filed questions jointly with Ms. Harris,
24 is that correct?

1 A Yes.

2 Q You adopt that as your testimony today?

3 A Yes.

4 MR. SHOAFF: Hearing Officer, I'd move to enter the
5 pre-filed answers of Mr. Patel and Ms. Harris into the
6 record.

7 HEARING OFFICER HORTON: That will be Exhibit 8.

8 MR. SHOAFF: Q Mr. Patel, given the number of
9 general questions that Mr. Weinstock just ran through
10 that are directed to you, I would like to note that
11 you're prepared to answer these questions to the best of
12 your ability today, correct?

13 A Yes.

14 Q I would ask if there are questions that you
15 feel are outside your areas of expertise that you let the
16 Board, the Hearing Officer know now?

17 A Yes.

18 Q All right. Mr. Patel, would you give us a
19 little summary of how it is your work overlaps with the
20 work of Ms. Harris at NRDC?

21 A Yes. Ms. Kathy Harris is the director of Clean
22 Vehicles Work at the Natural Resources Defense Council.
23 She oversees our national policy advocacy around clean
24 vehicle policies and programs at the national level and

1 at state levels. I have previously worked directly under
2 Ms. Harris, and now we sit on the same team where I focus
3 on certain policies that may impact the midwest and
4 midwest states. So we work closely together on various
5 policies that integrate here in the midwest which is why
6 we jointly filed testimony in this hearing.

7 Q Thank you. And you referenced exhibits that
8 were submitted along with the documents in this case.
9 Can you speak a little bit about the ERM studies that
10 were submitted along with the statement of reasons?

11 A Yes. So as part of the statement of reasons,
12 we included two studies conducted by Environmental
13 Resource Management, or ERM, which is an independent
14 consultancy. They provided two pieces of analysis on the
15 various regulations that we're discussing today. One on
16 the Advanced Clean Cars II standard, and one that jointly
17 analyzed impacts in Illinois of the Advanced Clean Trucks
18 and Low Nox Omnibus standards. Those are listed I
19 believe as Exhibit 1 and 2 in our statement of reasons.

20 Exhibits 3 and 4 were a data update to that
21 analysis that included the new federal standards passed
22 by the US EPA earlier this year that increased the
23 overall baseline of the analysis, and now Exhibits 3 and
24 4 contain that data update which show the incremental

1 benefits of adopting Advanced Clean Trucks, Advanced
2 Clear Cars II, and the Low Nox Omnibus here in Illinois
3 relative to the potential impact in Illinois that we
4 might see from those federal baseline standards.

5 Q Thank you, Mr. Patel. Just one other question,
6 which is how long have you worked on transportation
7 policies, specifically in Illinois.

8 A I have been working on transportation policy in
9 Illinois since the beginning of my career. I originally
10 began after graduating from Northwestern with a degree in
11 environmental engineering working as a consultant for
12 federal, state, and local governments on transportation
13 policy issues mainly related to how we build roads and
14 bridges and the infrastructure itself that goes on
15 transportation systems. Some of my clients were Illinois
16 agencies.

17 Since I began my work with the Natural Resource
18 Defenses Council, I have been focused on our work in the
19 midwest and have been fully in that role for
20 approximately 2 years.

21 MR. SHOAFF: Thank you, Mr. Patel. I expect there
22 to be questions for you from other parties or members of
23 the Board, but I have nothing further. Thanks for your
24 time.

1 HEARING OFFICER HORTON: Okay. I will start with
2 Chicago. Okay.

3 Can you please come forward to the podium and
4 then state your name and what organization you're with.

5 EXAMINATION

6 By Ms. Principe :

7 Q I'm Kara Principe, P-R-I-N-C-I-P-E, on behalf
8 of the Illinois Indiana -- Illinois, Indiana, Iowa
9 Foundation For Fair Contracting. I had a couple
10 questions for you this morning.

11 Based on your -- it's Exhibit 8, the pre-filed
12 answers for our -- I think that's page 23 of 27. I want
13 to direct you to question number 4. I think it's page 93
14 of the whole thing, but page 24 --

15 A Yes, Question No. 24.

16 Q Yes. You state that state transportation
17 funding and the Motor Fuel Tax are not in question, but
18 do you agree that this proposal would necessarily impact
19 transportation revenue for Illinois?

20 A The -- there is a difference between the three
21 rules that I think is important to note. Specifically
22 the Low Nox Omnibus affects new diesel engines and,
23 therefore, you know, would not necessarily change the
24 overall fleet make-up. But if the implication is that,

1 yes, with the Advanced Clean Cars II rule, the Advanced
2 Clear Trucks rules both working together to increase the
3 overall sales of zero emission vehicles within the state
4 and those zero emission vehicles are not directly paying
5 into the Motor Fuel Tax through purchases of diesel and
6 gas, then it could potentially lead to a difference in
7 revenues.

8 But as I sort of qualify in my answer, I think
9 there are a few important aspects to note there. One,
10 NRDC, as well as I believe the rule proposed in general,
11 don't argue that zero emission vehicles should not pay
12 their fair share for roads and bridges. In fact, in
13 Illinois right now, owners of electric vehicles are
14 required to pay a \$100 registration fee specifically in
15 lieu of their payment into the Motor Fuel Tax to make up
16 for that potential shortfall.

17 So I think that in general we would be
18 supportive of a variety of methods that could support
19 that, but to answer your specific question, potentially
20 more zero emission vehicles coming on the road, that is
21 happening whether or not these standards could
22 potentially impact Illinois revenues.

23 Q So are you saying that the \$100 registration
24 fee that EVs have to pay for makes up for the loss in

1 Motor Fuel Tax revenue to the state, that this -- the
2 rule would implicate?

3 A Well, the EV registration fee is not related to
4 the rule. I should clarify. That was calculated based
5 on -- I believe the Secretary of State would have a
6 better understanding of this, but my understanding is
7 that it's based on average mileage of a similar gas car,
8 and it's meant to specifically make up the deficit that
9 is generated from one EV compared to, you know, an
10 average mileage of a gas vehicle.

11 Q Okay. So you are aware that the four main user
12 fees then are registration fees, Motor Fuel Tax, drivers'
13 licenses, and titles to the transportation revenue stream
14 into Illinois, four main buckets of user fees, correct?

15 A I was not familiar with those specific four
16 main buckets, but broadly I understand them, yes.

17 Q So are you aware that in fiscal year 2023,
18 according to the Illinois Comptroller's website, that the
19 Motor Fuel Tax is the most significant source of total
20 revenue generated at 2.9 billion or 52 percent of
21 Illinois state's transportation funding?

22 MR. WEINSTOCK: I just object. Is that an exhibit?

23 MS. PRINCIPE: It is not. Let me rephrase.

24 Q Are you aware of the amount of revenue

1 generated from the Motor Fuel Tax?

2 A Not specifically the amount generated per year,
3 no.

4 Q Are you aware of how the Motor Fuel Tax gets
5 divvied up into state funds, local public bodies and
6 transit agencies?

7 A No, I'm not aware of the specific formula.

8 Q Okay. And then, finally, the proposal, the
9 proposed regulations do not contain a replacement for the
10 Motor Fuel Tax revenue stream, correct?

11 A The proposed standards are specifically vehicle
12 tailpipe emission standards. So the intention is to
13 reduce the emissions coming from tailpipes. The effects
14 that that might have on the Motor Fuel Tax or state
15 revenues are no, not included as part of that standard.

16 MS. PRINCIPE: That's all I have. Thank you.

17 HEARING OFFICER HORTON: Thanks so much. Anyone
18 else here in Chicago have follow-up questions for
19 Mr. Patel? I don't see any so I'll turn to Springfield.

20 Anyone in Springfield have any follow-up
21 questions for Mr. Patel?

22 BOARD MEMBER MANKOWSKI: Yes, we do have follow-up
23 questions.

24 Would you mind coming up to the podium to ask

1 those.

2 HEARING OFFICER HORTON: If you can start with your
3 name and what organization you represent.

4 MS. ROCCA FORTE: Gina Roccaforte. G-I-N-A,
5 R-O-C-C-A-F-O-R-T-E. I'm with the Illinois Environmental
6 Protection Agency. And with me, in the event assistance
7 is needed, is Mr. Rory Davis, R-O-R-Y, D-A-V-I-S. And he
8 is the manager of the air regulatory unit in the Bureau
9 of Air with the agency.

10 EXAMINATION

11 By Ms. Roccaforte:

12 Q Good morning, Mr. Patel. Regarding Question 3
13 of the Illinois EPA's questions, in the initial response,
14 the Rule Proponents state the incremental fleet costs of
15 adding the Low Nox rule to the ACT rule based on ERM's,
16 that's ERM's, 2021 analysis is \$2,889 per metric ton of
17 avoided nox emissions in 2025 in 2020 dollars, which
18 would be \$3,405 in 2024 dollars.

19 On the assumption that the Low Nox rules costs
20 per ton of avoided emissions is about the same compared
21 to the earlier federal standards or the new federal
22 standards, and that only the total amount of the emission
23 reduction achieved is lower relative to the new federal
24 baseline, this would be the cost per ton of avoided

1 emissions under the proposed Low Nox rules.

2 Does that mean there is no estimate for the
3 cost of reductions under the proposal for emission
4 reductions beyond what will already be required by the
5 current federal standards?

6 A If I understand your question correctly, what
7 you're referring to is what the difference would be of
8 the Low Nox rule compared to the existing federal
9 standard that would be implemented on model year 2027.
10 Is that right?

11 Q Correct.

12 A Yes. As I note in that response, those
13 reductions that we note, so that 2899 per metric ton of
14 avoided nox emission in 2020 dollars, or \$3,405 in 2024
15 dollars, is assumed to be the same as the federal
16 baseline in this analysis. So, yes, I believe that the
17 answer would be that it would be no -- not necessarily
18 different from the federal baseline, but it's important
19 to note, as Mr. Weinstock noted in his opening remarks,
20 that the Low Nox Rule, while it may in the future be
21 intended to align with the federal standards, currently
22 does not, and if those federal standards are rolled back,
23 the Low Nox rule will provide those benefits as listed in
24 the response.

1 Q Okay. What is the basis of the assumption that
2 the low nox rule's cost per ton of avoided emissions is
3 about the same compared to the earlier federal standards
4 or the new federal standards and that only the total
5 amount of the emission reductions achieved is lower
6 relative to the new federal baseline?

7 A If I understand your question correctly, the
8 reason for this assumption is because of my understanding
9 is the clean trucks partnership and agreement signed
10 between the California Air Resources Board and major
11 original equipment manufacturers of trucking companies
12 that committed in the future for the air resources board
13 to align the Low Nox rule with the federal standards.

14 Now, that alignment has yet to occur, although
15 it has been committed to, which is the basis for that
16 assumption.

17 Q Okay. Thank you. Regarding Question 5 in this
18 response, Rule Proponents discussed how the analyses in
19 Exhibit 3 and 4, quote, take into account more up-to-date
20 market information as well as account for the new federal
21 standards on both LVDs and MHDVs in the baseline
22 scenarios. The initial analysis predicted under the
23 proposed rules in 2029 that 339,775 home Level II
24 chargers for LDV would be needed, and the updated

1 analysis predicts only 18,668 of those chargers. The
2 original estimate is 18 times the updated estimate, and
3 this same factors applies for Public Level II and DSCC FC
4 chargers.

5 Can you please explain how these scenarios have
6 differed so greatly?

7 A Yes. There are several reasons for that. I
8 think one is purely the time in between those two
9 analyses. So the initial analysis was conducted a year
10 or two -- I don't know the exact dates before the updated
11 analysis in Exhibit 3 and 4 were conducted. In that
12 period of time, investments from the Inflation Reduction
13 Act, as well as numerous state investments hit the
14 ground, increased the overall availability of charging
15 and the overall just number of chargers that exist in the
16 ground. So that's one factor, is that market conditions
17 evolved significantly in that time that resulted in a
18 reduction of the expected amount because the market grew
19 significantly.

20 The second piece that's important to note is,
21 as you mentioned in the question, the addition of the
22 federal baseline. So as we noted, the federal government
23 earlier this year passed through light-duty vehicle
24 emission standards that took a fleet average and

1 estimated a certain number of zero emission vehicles
2 would be added into the U.S. fleet in order for
3 manufacturers to be able to comply with that standard.

4 So what the ERM analysis did was it took that
5 new federal baseline, made some assumptions as to how
6 that would apply to Illinois, and then used that as the
7 baseline. So what you see in the table that's provided
8 in that answer is the incremental investment need, or
9 incremental charging need I should say, of home Level II
10 chargers that would be estimated to be needed under the
11 Advanced Clean Cars II rule in Illinois.

12 So those two factors together, updated market
13 conditions, as well as new federal baseline result in a
14 significantly lower charging need in the first year of
15 implementation which is model year 2029.

16 Q Thank you. The agency also requested an
17 estimate of the location distribution of charging
18 stations needed throughout Illinois to reliably support
19 the number of the EVs noted in the responses to agency's
20 Question 4. Can the Rule Proponents' rule respond to
21 this inquiry?

22 A Yes. I believe I provided a response to that
23 effect in the pre-filed answers, but I can speak on that.
24 Specifically the way we've denoted or the way ERM denoted

1 location of chargers is through various classifications
2 that note location broadly speaking of home, public
3 charger, or depot charging. I'm going to assume you're
4 referring to all the rules together, so I can just speak
5 to all the charging needs at once.

6 And then at the same time refers to the
7 capacity of those chargers, so whether they be Level I
8 which is charger you can plug into your wall outlet, a
9 Level II charger which can be used at existing dryer
10 outlet that's converted to a EV charger, or a public fast
11 charger, which is the ones you see at malls and different
12 shopping centers potentially.

13 So when we speak on location of charging, I
14 think it's important to note the high variability of the
15 way investment occurs in EV charging. Investment in EV
16 charging, and the way you see certain chargers pop up on
17 the map, are highly dependent on a variety of market
18 factors, and really consistently based on how the either
19 agency or company that's choosing to build those chargers
20 wants to make their investment.

21 So, for example, they might look at the
22 existing capacity of the grid in a certain location.
23 That can vary within, you know, a certain square mile
24 radius, so it becomes very difficult to estimate precise

1 locational distributions of chargers needed to support,
2 you know, EV adoption large scale. And I think that this
3 is a consistent methodological issue that you see across
4 many different studies. There are studies that do assume
5 locational distribution. I know that IDOT as part of its
6 NEVI program provided some sort of spatial analysis as to
7 where they anticipate those chargers will be built, but
8 ERM did not include that analysis because of the high
9 variability when you get closer to the ground of where
10 those chargers are actually being built.

11 So, instead, what we did was made a broader
12 assumption of whether they would be home, public, or
13 depot charging. And that sort of allows you to better
14 understand from a macro level where the investments from
15 a public perspective or from a private perspective would
16 need to be in order to support adoption overall.

17 So to answer your question succinctly, it is
18 very difficult to provide an exact spatial analysis of
19 where chargers will be needed. We can broadly assume
20 they'll be along major travel corridors which is
21 supported by evidence that Illinois agencies have
22 provided, but, more specifically, we decided to look --
23 notate locational distribution based on those three
24 overarching areas.

1 Q You mentioned the NEVI program. Is that --
2 was -- with IDOT. Would that be public highways only, or
3 does that also include local roads?

4 A I'm not exactly an expert on the National
5 Electric Vehicle Infrastructure program, but my
6 understanding is that agencies are required to build
7 along major alternative fuel corridors, but that's
8 further defined by IDOT in their various documents.

9 Q Thank you. Regarding Questions 7 and 8, if the
10 Board chooses to move forward with this rulemaking, it
11 will likely be required to submit to the joint committee
12 on administrative rules an agency analysis of economic
13 and budgetary effects where the Board will need to
14 describe effects on state revenues and expenditures,
15 including an estimated dollar amount and to describe the
16 economic impact on persons affected by the rulemaking
17 including a listing of persons affected, the dollar
18 amount per person affected, and total statewide costs.

19 Also, Section 27 of the Illinois Environmental
20 Protection Act provides, in part, that the Board may
21 adopt substantive regulations, and in promulgating
22 regulations under the Act, the Board shall take into
23 account the economic reasonableness of measuring or
24 reducing the particular type of pollution and make a

1 determination based upon the evidence in the public
2 hearing record whether the proposed rule has any adverse
3 economic impact on the people of the State of Illinois.

4 Why, in your view, should the Board not
5 consider the foreseeable reduction of state Motor Fuel
6 Tax revenues that would result from this adoption the
7 proposed rule?

8 A I think there are a few reasons, but the
9 simplest one is that the transition to zero emission
10 vehicles is happening right now, and really what comes
11 into question with these standards is what is the
12 approach to that transition. There are already potential
13 shortfalls in the Motor Fuel Tax that I reference in this
14 answer that have occurred between 2011 and 2019 in
15 Illinois because of increased fuel efficiency, increased
16 use of hybrid vehicles that are not solely attributable
17 to zero emission vehicles.

18 Additionally, it seems that Illinois has
19 already begun to think about this issue by instituting
20 that \$100 registration fee. And what these standards are
21 doing is really just setting very specific sales targets
22 for manufacturers in order to reduce the overall
23 pollution burdens that we see in Illinois for motor
24 vehicles.

1 So I think that reductions that could come
2 about from the Motor Fuel Tax are not necessarily solely
3 attributable to this standard. They are likely to happen
4 whether or not Illinois adopts this standard, and, if
5 anything, what this standard allows is for a much more
6 planned and phased approach to that transition that would
7 give us a better understanding of vehicle turnovers long
8 term as we can directly attribute manufacturer sales
9 targets to potential vehicle turnovers and better analyze
10 what those shortfalls might be.

11 But, again, I don't think that potential
12 shortfalls in the Motor Fuel Tax are solely attributable
13 to the standards and, again, there are various factors
14 that might go into that.

15 Q Would the Rule Proponents be willing to conduct
16 an analysis of these topics if requested by the Board and
17 provide it for all participants' review?

18 MR. ETTINGER: May I object? I'm Albert Ettinger
19 for the Sierra Club. The Rule Proponents will answer
20 questions. I believe we can make comments in response to
21 those, however, don't wish individual witnesses to be put
22 on the spot and have to talk for all of the Rule
23 Proponents at this point.

24 So we will get back to you on that, but we -- I

1 don't want each individual witness to try and wing it on
2 its own as to what the Proponents as a whole are going to
3 take as a position.

4 HEARING OFFICER HORTON: Your objection is noted.
5 So I believe what you're saying is that you're taking
6 this question from IEPA and you're saying now that you
7 will respond in writing to them in the future?

8 MR. ETTINGER: Yes, as I understand Counsel, she is
9 asking for what the Proponents as a whole are going to
10 advocate or be willing to do in the future, and I don't
11 want individual witnesses being put on the spot and being
12 asked at this point what the Proponents as a whole are
13 going to take as a position, and so that is our concern.
14 I wish to note that comment.

15 If Mr. Patel has an answer as to what he would
16 be willing to do or what NRDC would be willing to do, he
17 can give that answer. I just don't want everybody up
18 here as an individual witness winging it as to what
19 position the Proponents will take.

20 HEARING OFFICER HORTON: Understood. That was not
21 my question. It was whether the Proponents, the
22 attorneys, counsel, would be willing to answer in writing
23 this question.

24 MR. ETTINGER: We will answer her question, yes.

1 HEARING OFFICER HORTON: Great.

2 So, Mr. Patel, you can answer if you are able
3 to, but if not --

4 THE WITNESS: I don't think I'm able to.

5 HEARING OFFICER HORTON: Mr. Weinstock?

6 MR. WEINSTOCK: Sorry. Is there a clarification
7 from IEPA? Is the analysis you're looking for what was
8 requested of DCEO, or are you looking for something
9 different? I guess that's one thing I want to make sure
10 that we're addressing.

11 MS. ROCCAFORTE: Could you please repeat your
12 question?

13 MR. WEINSTOCK: I was just wondering if the analysis
14 you're requesting is what the Board asked of DCEO or if
15 you're asking for something different? Just so we can
16 consider -- try to address the request.

17 MS. ROCCAFORTE: Probably what DCEO would be looking
18 at, which is an analysis of reductions in -- in the state
19 Motor Fuel and -- the impacts of that so that the Board
20 could properly address economic reasonableness and any
21 adverse effect impacts on the people of the State of
22 Illinois.

23 MR. WEINSTOCK: Thank you. Then just another
24 question along the same lines. Is that study -- Would

1 that be the same as the study required under 627, 607,
2 and CEJA that required the Illinois Department of
3 Transportation to, quote, conduct a study no longer than
4 September 30th, 2022 to consider how electric vehicles
5 will adversely affect resources' need for transportation
6 infrastructure?

7 MS. ROCCAFORTE: No.

8 MR. WEINSTOCK: I guess -- Sorry to belabor this.
9 But has the agency talked to IDOT about that study?

10 MS. ROCCAFORTE: IDOT didn't propose the rules so
11 we're asking the Rule Proponent.

12 MR. WEINSTOCK: I understand. I want to know if the
13 study already exists. That's all. So thank you.

14 HEARING OFFICER HORTON: Okay.

15 DR. RAO: I think what Miss Roccaforte was asking
16 for was just ask for a list of answers the Board that is
17 to provide with its proposal. So it will help the Board
18 if you provide, you know, information that we can use to
19 answer those questions. So -- the studies on the
20 questions she asked.

21 MR. ETTINGER: To be clear, we're not ducking the
22 answer.

23 HEARING OFFICER HORTON: One at a time.

24 DR. RAO: I just wanted to clarify that, because you

1 mentioned Department of Transportation study, and it
2 would be helpful to have specific answers for the record.

3 MR. WEINSTOCK: We appreciate that, and we
4 appreciate the request, Counsel, and just wanted to make
5 sure with the state agencies that are required to conduct
6 similar studies that we're not either re-inventing the
7 wheel or we want to make sure the state has a consistent
8 approach to these things across its agencies. But thank
9 you for that.

10 MR. ETTINGER: I just wanted to clarify. We're not
11 ducking any of these questions, but we may put them in
12 our post-hearing briefs or something like that where we
13 can think them through and answer the question rather
14 than having individual witnesses attempt to answer them
15 on the spot.

16 DR. RAO: Makes sense.

17 HEARING OFFICER HORTON: Ms. Roccaforte?

18 MS. ROCCAFORTE: Q Regarding Question 10A, with
19 respect to the cost of home chargers, to confirm, this is
20 addressed in the ERM analysis attached to petition at
21 page 122 as Exhibit 2, correct?

22 A I believe that the -- yes, that would actually
23 be -- Exhibits 3 and 4 would provide an updated analysis
24 on the costs to a typical zero emission vehicle owner

1 which includes the costs of installing, operating, and
2 maintaining an EV charger.

3 So while Exhibit 2 would provide the narrative
4 and methodological background for those assumptions,
5 Exhibit 4 would have the specific number that you're
6 looking for on the cost of charging, including
7 installing, operating, and maintaining a charger.

8 Q Okay. And that analysis concluded that in the
9 scenario where the ACC II rules are adopted, Illinois
10 residents would have to spend an average of \$443 million
11 per year in 2022 dollars between 2027 and 2050 to
12 purchase and install home based charging infrastructure,
13 correct?

14 A If it's possible, I'd just like to better refer
15 to the numbers.

16 On page 149 of the statement of reasons, we
17 talk about the cost per vehicle for the average zero
18 omission vehicle owner, a ZEV owner. And if you're
19 referring to the incremental or the charger costs per
20 zero emission vehicle, is that what you're referring to,
21 or are you referring to a different number?

22 Q The charger cost, to install home based
23 charging infrastructure.

24 A Yes. So the average cost of a charger per zero

1 emission vehicle would be -- is calculated fairly
2 consistently at \$1,817 across that time. The -- which
3 would be the second row of the beginning with model year
4 2029 bucket on that page. I think it should be important
5 to note that that number is put in direct contrast in the
6 overall analysis with the incremental fuel costs that an
7 average vehicle owner would pay by owning a gas car which
8 is why we propose -- the information is displayed as the
9 net life cycle costs of owning one of these vehicles,
10 because while there may be costs associated with building
11 a charger, installing and operating it at home, it is
12 significantly less expensive than consistently paying for
13 gas for that same owner were they to use a gas car.

14 So as shown in the analysis, the net life cycle
15 costs of opening that zero emission vehicle are actually
16 fairly significant, and come out by 2040 to be about
17 \$18,000 saved by the average zero emission vehicle owner
18 for owning one of those vehicles over the life cycle.
19 That includes the charger, the maintenance costs, and the
20 cost of the vehicle itself.

21 Q So you're using your updated exhibit. What
22 would the cost be on average per year between 2027 and
23 2050 to purchase and install home-based chargers?

24 A \$1,818 per zero emission vehicle. I believe

1 that that would need to be added to the fourth row which
2 is charger maintenance cost, which begins at \$203, but by
3 2040 would be reduced to \$181, accounting for
4 improvements in technology. That would be relative to
5 the net fuel cost that someone driving a gas car would
6 drive, which is \$9,721, and the incremental vehicle
7 maintenance cost that you would get from a gas car
8 compared to a zero emission vehicle which is \$5,631.

9 DR. RAO: May I ask a follow-up? The cost of
10 installing a charger at a residence, you mentioned
11 something around \$1700 or so. Does that include any tax
12 credit, federal tax credit?

13 THE WITNESS: That does not include federal tax
14 credit, state tax credits that are included as part of
15 the beneficial electrification which tomorrow I believe
16 Mr. Urbaszewski can speak more on. But if you are a user
17 of Com Ed in Com Ed's territory, for example, you can
18 get -- I believe it's up to a thousand dollars in a
19 rebate for installing a home charger. So that cost is
20 then significantly reduced.

21 I think it brings up an important note for the
22 analysis is that ERM's analysis did not include any
23 incentives in the overall calculations of net life cycle
24 vehicle costs, which means that the average ZEV owner net

1 life cycle cost you see in this exhibit on page 149 are
2 purely based on the technological differences between a
3 zero emission vehicle and a gas car, and those are
4 further reduced when you account for state, local, and
5 federal incentives.

6 DR. RAO: Thank you.

7 MS. ROCCAFORTE: Q Regarding Question 13, with
8 respect to the necessary grid investments that would need
9 to be made as a result of adopting the proposed rule,
10 what is the total amount of additional peak load demand
11 projected for 2040 if the Board adopts the ACC II, ACT,
12 and Heavy Duty Omnibus rules?

13 A So those numbers can be found in the same
14 exhibit we were just referencing. I will provide the
15 numbers based on first the ACC II rule and then the ACT
16 rule and No Nox rule. Should be noted that No Nox rule
17 because it does not involve a zero emission vehicle will
18 not impact incremental peak load, and these two numbers
19 generally can be seen as relatively additive, but because
20 of the crossover in the way the vehicles are regulated
21 under these standards, it wouldn't be wise to directly
22 add them up and note incremental peak load that way.
23 That's mainly due to the fact that manufacturers who
24 produce Class 2B to 3 trucks can choose to comply with

1 either the ACC II standard or with the ACT standard.

2 And I believe ERM notes how they vary that
3 methodology in their analysis, but starting with ACC II
4 -- Give me one moment to find the right page.

5 Yes. So for the ACC II flex scenario, so
6 that's a scenario that ERM modeled that anticipates
7 manufacturers take full advantage of their compliance
8 flexibilities under the rules -- and I'm sorry. What
9 year were you referring to that you wanted the
10 incremental peak load?

11 Q 2040.

12 A 2040 with model year 2029 adoption for ACC II
13 would be 1,333 megawatts. Are you looking for the costs
14 or just the megawatt number?

15 Q Just the additional peak load demand.

16 A That would be 1,333 under the flex scenario,
17 and that's for ACC II.

18 For ACT, by 2040, beginning with model year
19 2029, 375 megawatts of additional load. It's important
20 to note, as noted in the analysis, that any discussion of
21 incremental peak load resulting from the standards or
22 from zero emission vehicles in general are generally
23 directly offset by the revenues provided by those
24 vehicles. So we reference this in our profiled answers.

1 But there was a backwards-looking study conducted from
2 2011 to 2021 that calculated all the grid costs and
3 incremental peak load costs of providing support for the
4 electric vehicles currently on the road in Illinois.

5 What that study found was that the revenues
6 that were generated by these same electric vehicles, so
7 what those vehicles paid into the system, were almost
8 double the costs of what those distribution grid or peak
9 grid upgrades that would be needed. And because in
10 Illinois during our rate cases we tend to account for
11 that difference, that fact -- that phenomenon results in
12 an overall downward pressure on rates.

13 So what you're doing is you are spreading more
14 fixed costs of the grid over more users of that grid,
15 which puts downward pressure on rates for everyone. So
16 while we may see -- we will see an incremental peak load
17 from zero emission vehicles in general, any costs
18 associated with grid upgrades are anticipated to be
19 completely offset by the revenues generated by those
20 vehicles.

21 MS. ROCCAFORTE: Thank you. That's all I have.

22 HEARING OFFICER HORTON: Great. Anybody else in
23 Springfield have follow-up questions for Mr. Patel?

24 BOARD MEMBER MANKOWSKI: Yes, we do have more

1 questions. They're coming up right now.

2 HEARING OFFICER HORTON: Say your name and the
3 organization you're representing.

4 MS. BROWN: Melissa Brown, M-E-L-I-S-S-A,
5 B-R-O-W-N. I'm outside counsel for the Alliance for
6 Automotive Innovation, and today I have with me Tom
7 Miller who is -- T-O-M, last name, M-I-L-L-E-R, who is he
8 Senior Director of Energy and Environmental Policies for
9 the Alliance For Automotive Innovation.

10 Before we jump into our questions, for clarity
11 for the court reporter, we've heard the term zero
12 emission vehicle a few times already and abbreviated as
13 ZEV. I may also use that abbreviation throughout my
14 questioning, as well as may pronounce that as ZEV. Just
15 clarifying that at the start.

16 EXAMINATION

17 By Ms. Brown:

18 Q So thank you, Mr. Patel, for being here and
19 being available to answer follow-up questions I'll go
20 ahead and start with it would be a follow up to
21 Question 1 of the Alliance's questions, and your response
22 to that question states that it is projected that with
23 taking flexibility into account, the de facto requirement
24 for model year 2029 will be around 50 percent new ZEV

1 sales rather than 59 percent.

2 Have you seen the calculations that are the
3 basis for this projection, i.e., how you get from 59
4 percent sales requirement to 50 percent requirement?

5 A Yes. So these projections are provided in the
6 ERM analysis under the ACC II flex scenario, that
7 scenario is described in Exhibit 2, and the updated
8 numbers that refer to that are in Exhibit 4.

9 Q Thank you. Your response to Question 1 as well
10 refers to flexibilities in the regulations to help lower
11 the requirements. To clarify, the flexibilities that
12 you're referring to, are you referring to the early
13 compliance vehicle values in carry back credits?

14 A I'm referring to all flexibilities that are
15 allowed so that would include the early compliance
16 vehicle values, the pooled ZEV credits which are the
17 ability for manufacturers to pool the credits they've
18 gained in all of these Section 177 states and used then
19 for compliance in other states, as well as the
20 Environmental Justice flexibilities that are included.

21 However, the 50 percent number I believe
22 specifically uses the early compliance flexibilities and
23 does not include the pooled ZEV credits or the EJ
24 credits. So, in fact, if manufacturers were to take

1 advantage of those additional credits, that nominal --
2 sorry -- de facto requirement might even be less.

3 Q All right. A few string of questions on early
4 compliance vehicle values.

5 So early compliance vehicle values, these
6 values may be earned in model year 2027 and model year
7 2028 for these regulations, correct?

8 A Correct.

9 Q And in the auto industry the model year begins
10 as early as January of the previous year, correct?

11 A As early as, yes, but more likely model years
12 tend to begin rolling out in the fall and summer of the
13 year before. So not -- While it can start as early as
14 January 2nd, likely it starts a little bit later.

15 Q Okay. But it can be as early as January?

16 A It can be.

17 Q So most auto makers are currently right now in
18 the 2025 model year, is that correct?

19 A I would assume so based on my understanding of
20 past model year, but I can't speak directly to the
21 current, you know, each individual manufacturer and what
22 they're rolling out.

23 Q When we say that auto makers can begin earning
24 early compliance vehicle values in model year 2027, that

1 would begin in calendar year 2026, correct?

2 A Yes. January 2nd, 2026 would be the first, you
3 know -- would be the beginning of those early compliance
4 flexibilities, but it would only apply to vehicles within
5 the model year 2027. So sales of model year 2026
6 vehicles would not necessarily be eligible.

7 Q Are you aware of any assessment of how feasible
8 it is for an auto maker to earn early vehicle compliance
9 values?

10 A Could you clarify what you mean by feasible?

11 Q Does any assessment of how feasible or easy it
12 is or how attainable it is for an auto maker to earn
13 these early vehicle compliance values generally?

14 A Well, the ERM -- what I can speak to is that
15 the ERM analysis does calculate what their potential
16 compliance is through these early compliance
17 flexibilities, and I'm fairly certain the methodology is
18 simple. It takes expected sales numbers within those
19 model years and then applies them to those early
20 compliance flexibilities. A specific analysis on how
21 much or how feasible it is, I can't necessarily speak to.
22 Not necessarily with ACC II, but something that is I
23 think relevant to these early compliance questions is
24 data coming out for the Advanced Clean Trucks rule from

1 the California Air Resources Board which shows that early
2 sales of medium and heavy-duty zero emission vehicles are
3 almost 60 percent more than what the expected targets are
4 for the first year of compliance of Advanced Clean
5 Trucks.

6 So while I don't necessarily know about
7 specific ACC II compliance flexibility data, Mr. Cackette
8 tomorrow might be able to speak more specifically to
9 that. We are seeing those results being borne out within
10 the Advanced Clean Air Trucks standard.

11 Q Okay. An automaker only generates early
12 vehicle compliance values for ZEV sales more than
13 7 percent of an automaker's total sales for a model year,
14 is that correct?

15 A Is that -- is that something that you are
16 referring to within the Advanced Clean Car II standard
17 language specifically?

18 Q Yes.

19 A Then I believe so.

20 Q So, consequently, if an auto maker sold 7
21 percent ZEVs in model year 2027, they would receive no
22 early vehicle compliance values, would that be correct?

23 A I believe Mr. Cackette can speak more
24 specifically to this, but based on your previous

1 question, I assume that's correct.

2 Q Okay. Do you have any projections concerning
3 whether any full line auto makers which would be auto
4 makers other than EV only auto makers will exceed 7
5 percent ZEV sales in model years 2027 and 2028?

6 A I believe Mr. Cackette can speak better to the
7 national ZEV market and what those look like for those
8 full line manufacturers. Again, it should be noted that
9 if manufacturers are not able to take advantage of those
10 early compliance flexibilities there are other
11 flexibilities that they can take advantage of such as
12 those EJ flexibilities that I mentioned in the testimony
13 as well as written responses, they can pool credits from
14 other states and utilize those in Illinois.

15 So, yes, I mean, I believe Mr. Cackette can
16 give you a better answer though to the 7 percent
17 question.

18 Q For full line auto makers have you made an
19 assessment how much ZEV sales will need to increase
20 between now and model year 2027 and 2028 to max out on
21 early vehicle compliance values?

22 A I have not specifically conducted that analysis
23 for full line manufacturers in those years. However, the
24 ERM analysis does analyze the expected growth in sales,

1 or we assume the expected growth in sales based on the
2 ERM analysis for the market in general.

3 Q Do you have any projection concerning whether
4 any full line auto makers are on track to sell enough
5 ZEVs in model year 2027 and 2028 to max out on early
6 vehicle compliance values?

7 A I do not specifically, but I -- Mr. Cackette
8 might have more information regarding that given the
9 national ZEV market outlook.

10 Q I'm going to turn to follow-up questions on
11 carry back credits. Is that something you can speak to,
12 or is that something more appropriate for Mr. Cackette?

13 A I'm sorry. Carry back credits? Can you define
14 that term for me?

15 Q Sure. So that is a term generally used
16 regarding the ability of an auto maker to overcomply in
17 later years and carry those credits to an earlier model
18 year.

19 A Mr. Cackette can likely speak more to those.

20 Q Okay. Thank you. All right. So now turning
21 to Question 1A, as in apple. In your response you stated
22 that annual ZEV sales growth of about 10 percent will be
23 sufficient to reach compliance in model year 2029. Did
24 you intend to mean that an increase by 10 percentage

1 points each year will be sufficient to reach compliance
2 in model year 2029, so, for example, 8.2 percent to 18.2
3 percent, 18.2 percent to 28.2 percent and so on?

4 A Yes.

5 Q All right. So at this time I'd like to turn to
6 Exhibit D of the Alliance's pre-filed exhibits, which
7 were pre-filed on this past Wednesday, Exhibit D which
8 was Alliance For Automotive Innovation second quarter
9 2024 report titled Get Connected Electric Vehicle
10 Quarterly Reports, and I'd like to move that into the
11 record please.

12 MR. WEINSTOCK: I would object. This was submitted
13 -- I would object. This was submitted as a demonstrative
14 exhibit. We don't have copies of it here, so -- I don't
15 know how you -- how Mr. Patel can be asked questions
16 about what I think it was a pretty large document if I
17 opened it over my Thanksgiving turkey properly when he
18 can't even see it, and we don't know who -- it hasn't
19 been authenticated. I don't know how you can move it
20 into evidence. I guess I'm just wondering how you'd like
21 to move, Officer Horton. I would object accordingly.

22 HEARING OFFICER HORTON: Any response, Ms. Brown?

23 MS. BROWN: I think that was why we pre-filed, that
24 was clarification. Any exhibits wanted to be used for

1 follow-up questions at the first hearing, the Hearing
2 Officer indicated they should be filed by no longer than
3 4:30 on this past Wednesday, which we did, which was also
4 served on Proponents' counsel, but -- I'll leave it
5 there.

6 HEARING OFFICER HORTON: At a rulemaking hearing we
7 have relaxed standards for admission of evidence and
8 documents. So I will allow Ms. Brown to put this
9 document into the record as Exhibit 9. Mr. Patel is
10 certainly free to say that he has not reviewed this
11 document and does not have responsive answers to
12 Ms. Brown's questions. We can proceed in that way.

13 Your objection is noted.

14 MR. WEINSTOCK: Thank you.

15 HEARING OFFICER HORTON: Can you describe the
16 document once more?

17 MS. BROWN: So the document here it's the -- the
18 Alliance's Second Quarter 2024 report. You need more
19 description or -- beyond the title?

20 HEARING OFFICER HORTON: No, that's fine.

21 MS. BROWN: Again, the Alliance's Pre-Filed
22 Exhibit D. I don't think this will be much of an issue
23 for purposes of the question. We just wanted to get it
24 in the record.

1 Q But in your response to Question 1A, Mr. Patel,
2 you already referenced really a statistic or data from
3 this report. So in your pre-filed answer, you stated
4 that the most recent Alliance For Automotive Innovation
5 Get Connected Corrected quarterly report states that
6 ZEV 6 in Illinois in the second quarter of 2024 were
7 8.2 percent. Is that correct?

8 A Yes.

9 Q And so taking the 8.2 percent -- or let's just
10 approximate 8 percent -- and if that percentage
11 increased, if ZEV sales increased by approximately 500
12 percent, that would mean roughly 48 percent of ZEV sales,
13 would that be correct, roughly?

14 A I'm not sure as I've not done that math myself.

15 Q Okay. We'll move on to Question 1C, as in cat.
16 You state in your response that in the event of a
17 shortfall, manufacturers are able to purchase vehicle
18 values from manufacturers that have a surplus.

19 Do you know how much a single credit costs?

20 A No, I do not, but I believe Mr. Cackette could
21 probably speak better to that.

22 Q Proponents' response to the Illinois
23 Environmental Protection Agency's Question 48 concerning
24 civil penalties for noncompliance, Proponent states that

1 an auto maker is subject to a penalty of up to \$50,000
2 per vehicle, is that correct?

3 A Could you reference which page of the pre-filed
4 answers you're referring to, just -- just for my own
5 sake.

6 Q One moment. It will be page 45.

7 A Question 49?

8 Q 48.

9 A Can you repeat your question for me, please?

10 Q Absolutely. So in the response to Question 48,
11 Proponent states an auto maker is subject to a penalty of
12 up \$50,000 per vehicle. Is that correct?

13 A That is what is stated in the pre-filed answer.
14 I will just note that this does seem like a legal
15 question that is better answered by the attorneys or a
16 legal brief as I'm not an attorney.

17 Q Okay. Let me know if you're able to provide a
18 response to the next follow-up question. But in
19 practice, that penalty amount would effectively provide a
20 cap on the cost of a credit, is that your understanding?

21 A I don't feel qualified to provide a response
22 there. Mr. Cackette or attorneys might be able to
23 provide a better response.

24 Q Would you agree that as ZEV sales requirement

1 increases, the number of available credits to sell
2 decreases?

3 A I'm not sure. Maybe -- There are many
4 different factors that go into the availability of
5 credits. For example, ZEV only manufacturers could
6 significantly produce overcompliance and therefore have a
7 large bank of credits. Full line manufacturers as you
8 mentioned earlier could overcomply, so generally
9 speaking, I'm not exactly sure as to how that assumption
10 would hold up in practicality.

11 Q How many excess credits will be generated in
12 model year 2035?

13 A I'm not sure.

14 Q Would you agree that as credits become more
15 scarce their costs go up?

16 A I'm not sure. Mr. Cackette could probably
17 provide a better response.

18 Q Okay. Turning to the Alliance's Question 3 in
19 your pre-filed response. Your answer here refers to a
20 mix of public utility and private investments. Are there
21 any laws in Illinois requiring utility and private
22 investment public charging infrastructure?

23 A Yes. The Climate and Equitable Jobs Act as
24 referenced before required investor and utilities -- the

1 major investor in utilities in the state, Com Ed and
2 Ameren to submit benefit electrification plan which at
3 this point time provide over \$100 million of rebates and
4 other forms of investment to support beneficial
5 electrification programs such as public vehicle charging.

6 Witness Urbaszewski can speak to more detail to
7 what exactly the numbers the state has invested. I'm
8 also aware that the Illinois EPA has specific grants
9 available for medium and heavy-duty vehicle charging in
10 public areas, and the federal government has significant
11 incentives to that effect as well.

12 Q In your response you state that according to
13 the ERM analysis, \$238 million in public, private, and
14 utility investment will be needed to achieve the public
15 charging demand by 2034 for light-duty vehicles. How
16 much of that investment would need to come from the
17 state, in your opinion?

18 A We did not specifically calculate the
19 difference in state, public -- public, private, and
20 utility spending under that 238 million. However, I
21 believe we do state later on that we support the wide
22 variety of incentive programs that are available by the
23 state. I believe they will continue to be supportive in
24 achieving the goals of CEJA, as well as the potential

1 targets that are set out in these standards.

2 But, again, as I mentioned earlier, the planned
3 and phased approach that is provided by what I'm assuming
4 you're referring to the Advanced Clean Cars II standards,
5 since that's the number we're referring to here, allows
6 for private entities to take better accounting of where
7 they need to invest.

8 So in the current state, private -- in the
9 current state of the market, private entities are --
10 anticipating certain projections of electric vehicles or
11 zero emission vehicles that are on the road and,
12 therefore, investing accordingly.

13 With the planned and phased approach that's
14 provided by the Advanced Clean Cars II rule, they will
15 have much more specific and detailed information of when
16 these vehicles are going to be on the road and,
17 therefore, can invest accordingly.

18 So to answer your question no, we don't have a
19 specific breakdown, but I anticipate that in large part
20 that investment will come from a variety of private
21 sources to help supplement the already existing funding
22 from state and utilities.

23 Q Thank you. Follow up to Question 3B. Would
24 you agree that if EV sales were to increase at the rate

1 required under the proposed ACC II, the installation of
2 public chargers would have to match that pace?

3 A Can you clarify your question? Are you saying
4 that for increases in ZEV sales that proportionally
5 public charging would need to increase as well directly
6 proportional to the amount of sales?

7 Q Well, I guess directly proportional would be a
8 part of your opinion, but that is a correct restatement
9 of the question.

10 A So, I don't believe that there is a direct
11 proportional alignment between public charging needs and
12 ZEV sales, and I think there's a variety of reasons for
13 that. Mr. Cackette I am sure can speak to this more, but
14 I can outline a couple of them here.

15 One, is that ERM assumes in its analysis that a
16 majority of charging will occur under home charging
17 scenarios. The second piece is they assume about
18 26 percent of charging will occur in a public -- that
19 will be needed for public fast charging. So if ZEV sales
20 are increasing, the mix of charging that's available is
21 very dependent on the various market conditions or
22 consumer desires for how they want to charge.

23 So, for example, there was a poll that cited in
24 I believe Mr. Cackette's pre-filed answers that electric

1 vehicle buyers before they buy an electric vehicle
2 believe they want more public charging, but after owning
3 an electric vehicle, note that home charging feels what's
4 best for them. So it goes to show that behavior of
5 consumers is changing around these issues, and while we
6 might see public charging currently as a need to replace
7 how we fill up at the gas tank, that might be very
8 different in a couple years. Just as the current
9 attitude towards charging is different than it was a few
10 years ago.

11 So, no, I don't agree that fast charger growth
12 would need be directly proportional to a rise in ZEV
13 sales because there are many different ways people can
14 charge their electric vehicles, not just fast charging.

15 HEARING OFFICER HORTON: I'm going to pause for a
16 second. We're at 11:54 right now.

17 So, Ms. Brown, we'll go to noon, then we'll a
18 break take for lunch, then we can continue with your
19 questions if you still have some.

20 MS. BROWN: Sounds good. Thank you.

21 Q Moving to Alliance's Question 4A, as in apple,
22 and your pre-filed response.

23 In your response you point out that Illinois
24 provides \$4,000 rebates to purchase new or used EVs.

1 However, response only has been abbreviated through 2025.
2 Is that your understanding?

3 A The current -- yes, the 14 million that we cite
4 in that answer are appropriated in 2025, but I believe
5 the program is authorized beyond 2025. I think Witness
6 Urbaszewski will provide similar insight into that.

7 Just to note, that there have has been previous
8 year appropriations for the same program.

9 Q We assume based on the Shulock report estimates
10 that total light-duty sales in model year 2029 will be
11 616,101 units. A 50 percent sales requirement would
12 amount to approximately 308,050 units. Is that roughly
13 correct?

14 A I'm sorry. What question are you referring to?

15 Q This is just a follow-up question on
16 Question 4A.

17 A 4A. So I don't believe -- Sorry. Can you
18 clarify where those numbers you're citing from Shulock
19 are being pulled from? In the answer I'm seeing those
20 are not referenced.

21 Q Are you generally aware I guess at this point
22 that the Shulock report estimates -- estimates that total
23 light-duty sales in model year 2029 will be 616,101
24 units?

1 A I would need to see the exact question that
2 you're referring to. We do reference the Shulock numbers
3 as they were an author of the ERM report, but I don't
4 have the specific numbers in front of me so I'm not
5 exactly sure.

6 Q Okay. We'll move on. Moving on to
7 Question 6B and your pre-filed response. To clarify your
8 pre-filed response, are you disputing that ACC II
9 regulations would culminate in a complete ban on the sale
10 of new vehicles that do not qualify as zero emission
11 vehicles starting in model year 2035?

12 A Not necessarily. It's just a manner of
13 phrasing that we respond to the question. If you would
14 like to phrase it as a complete ban, I would not use that
15 phrasing, but the standard does note that 100 percent of
16 new vehicle sales would need to be zero emission by 2035.
17 If you would like to classify that as a ban, I guess I
18 can't necessarily argue with that.

19 MS. BROWN: At this time, Hearing Officer, my next
20 set of questions is quite a long string so it may be a
21 good time to stop.

22 HEARING OFFICER HORTON: Sounds great.

23 Ms. Court Reporter, we'll go off the record now
24 for lunch.

1 (Off the record)

2 HEARING OFFICER HORTON: We're back on the record.
3 It is 1:00 o'clock and we're going to start the public
4 comment portion of today's hearing, and we'll begin with
5 a list of names that were on the sign-up sheet back
6 there. So I will start calling out the first name and
7 second name. So if the first person could come up and
8 sit at the table right here in front of the court
9 reporter, there's a little microphone.

10 So I'll begin with calling out the first
11 person. If you could keep your comment to 2 to 3
12 minutes. I'll be doing a timer on my phone here since we
13 have so many people here today we'd like to get to
14 everybody's comments.

15 And I'd like to remind everyone the Board
16 weighs oral and written comment equally. If we don't get
17 to your comment today, I deeply apologize. We will of
18 course accept your written public comment, and we will
19 have a second set of hearings where we'll have additional
20 time for public comment at that second set of hearings,
21 which we'll decide on the dates of those at the end of
22 tomorrow's hearing. So we'll get started.

23 I'll start with Carolyn Bido. Then after that
24 is Sheetal Rao.

1 Carolyn is here.

2 MS. BIDO: Good afternoon. My name is Carolyn Bido.
3 I work in electric vehicle policy, and I thank the Board
4 for providing the opportunity to talk about these
5 important issues. I'm here today as a resident of Pilsen
6 to fight for clean air rights and to address the
7 disproportionate impact of the dirty diesel emissions in
8 my and our communities.

9 My partner Justin Flores, which I'm sure you
10 all remember, was here today earlier to testify. He has
11 asthma, a result of growing up in a city with some of the
12 worst quality air quality in the nation. He mentioned
13 getting his medicine in a nearby Walgreens, but what he
14 didn't mention was how frequent these trips have become,
15 and how he sometimes finds himself using two inhalers in
16 one month.

17 I live in constant fear of him having an asthma
18 attack, especially with the heavy trucking activity in
19 our neighborhood. In just 24 hours the Chicago Truck
20 Data Portal created by the Center For Neighbor Technology
21 counted 3,872 trucks to be exact passing through the
22 intersection of Blue Island and Damen. That's a
23 10-minute walk from our home, and only 4 minutes from a
24 elementary school and high school. This matters because

1 children's lungs are still developing making them even
2 more vulnerable to the harmful effects of diesel
3 pollution. But it's not all bad news. There's a
4 solution right in front of you.

5 Clean Car and Truck Standards like the Advanced
6 Clean Trucks rule, the Heavy Duty Omnibus Rule, and the
7 ACC II, Advanced Clear Cars II rule, are policies that
8 will bring zero emission trucks and vehicles to Illinois
9 communities. These policies are already bringing
10 positive results in other states and research supports
11 the environmental, public health, and economic benefits
12 it will bring to Illinois.

13 Zero emission cars and trucks are already being
14 manufactured in Illinois and shipped to other states.
15 Why are we not leveraging the unique opportunities and
16 reaping their benefits? While the trucking and oil
17 industry think this is just an Environmental Justice
18 issue affecting marginalized communities, it's not. We
19 all need clean air to survive, and the resulting climate
20 change and global warming holds no preference for who it
21 affects as we have seen time and time again.

22 Remember when the sky turned orange in the
23 summer of 2023, and have you noticed how warm the winters
24 are becoming? This is your opportunity to act before

1 it's too late.

2 The incoming presidential administration plans
3 to backtrack all the climate policy progress we've made.
4 Illinois needs to continue to show up as a leading clean
5 technology and environmental sustainability driven state.

6 I urge you to sign into law the Clean Cars and
7 Trucks Standards for the health and safety of all
8 Illinois residents, including yourselves.

9 Thank you.

10 HEARING OFFICER HORTON: Thanks so much.

11 Miss Sheetal Rao.

12 DR. RAO: My name is Dr. Sheetal Rao. I'm a
13 primary care physician and assistant professor of
14 internal medicine at UIC. I'm here to speak on behalf of
15 my patients. Thank you so much for having this and for
16 listening.

17 I have been practicing now for 15 years caring
18 for adults in Cook and DuPage Counties. On every one of
19 my clinic days, I treat chronic health conditions like
20 lung disease, heart disease, and diabetes. Many of my
21 patients have or have had cancer, and many of them have
22 had strokes. I have two patients in their 40s I can
23 think of off the top of my head who recently had massive
24 strokes with zero traditional risk factors. Generally my

1 colleagues and I are seeing more cancer and more strokes
2 in younger people than we ever did before.

3 You may wonder what this has to do with
4 pollution or why I'm here today and not in my clinic.
5 I'm here because medical care, or what I do, only
6 accounts for about 10 to 20 percent of the modifiable
7 contributors to health. The other 80 to 90 percent are
8 social and environmental factors. So while I'm grateful
9 to help people get healthier on an individual basis, when
10 it comes to the health of communities, what I do is less
11 important than where my patients live, what they eat, and
12 whether or not they have clean air to breathe.

13 We know Illinois is the seventh most polluting
14 state in the nation, and transportation is the main
15 source of that carbon pollution. Cook and DuPage
16 Counties where most of my patients live are in the top
17 1 percent of all counties in the country for diesel
18 pollution. Diesel pollution contributes to and worsens
19 most of the diseases I treat. It's why I'm here today to
20 ask that you support all three of the Clean Car and Truck
21 Standards.

22 Diesel fumes cause cancer. They contain
23 particulate matter and contribute to ground level ozone,
24 both of which lead to inflammation that worsens heart

1 disease, lung disease, and raises blood sugar leading to
2 diabetes and obesity. It also causes strokes, even
3 strokes in 40-year-olds like my patients.

4 Cook and DuPage County make up half the
5 population of our state. That's a lot of lives, it's a
6 lot of sickness and misery, and a lot of lost years and
7 missed births and birthdays. It's also a lot of hours
8 spent waiting at the doctor's office or pharmacy, and a
9 lot of money spent on medications and hospitalizations.

10 Air pollution isn't something doctors like me
11 can prescribe their way out of. Air pollution also makes
12 my job harder. I took the Hippocratic oath to do no
13 harm, but when I tell me patients with diabetes and
14 obesity to get outside and walk more, they are being
15 harmed because in Cook and DuPage they're breathing some
16 of the worst air in the country.

17 There are valid concerns that regulating
18 pollution will threaten jobs and commerce. Being able to
19 put food on the table and a roof over your kid's head is
20 obviously necessary for good health. But as many of my
21 patients can tell you, it's hard to work when you're
22 sick, it's hard to have money when you're spending it on
23 your kid's asthma inhalers and ER visits.

24 Thank you for listening. I hope that you'll

1 support all three of the Clean Car and Truck Standards.
2 I don't want to see more 40 years olds with cancer or
3 strokes. I want to confidently be able to tell my
4 patients no matter where they live that they can go for a
5 walk outside and that they'll be healthier for it.

6 HEARING OFFICER HORTON: Thanks so much.

7 Next will be Jennifer Ryan, and after that Alex
8 Peimer.

9 DR. RYAN: Hello. My name is Jennifer Ryan. I'm a
10 physical therapist at Northwestern University and
11 Assistant Professor.

12 Members of the Board, thank you for this
13 opportunity to share how I view the need to support the
14 Rule Proponents' regulatory proposal for the Clean Car
15 and Truck Standards in relation to my expertise as a
16 physical therapist, a profession who works with people
17 who have impaired movement as a result of lung injury and
18 illness.

19 I speak to you today breathing effortlessly.
20 My patients who cannot breathe easily do not have that
21 luxury. Reducing the amount of air pollution through
22 your adoption of the Clean Car and Truck Standards can
23 have an impact on the incidence of disease but also
24 enhance the level of participation in daily life events

1 for people who already have the diseases due to or
2 impacted by air pollution.

3 I'm asking you to consider how you can have a
4 positive impact on supporting movement that allows one to
5 enjoy simple tasks without having to think about their
6 breathing.

7 Per the Respiratory Health Association report
8 on the impact of diesel pollution, the levels of diesel
9 engine pollution in Illinois are 21 percent greater than
10 national levels, and reflect 1,019 tons per year of
11 onroad engine air pollution, which we have opportunity to
12 reduce and subsequently support the health and well-being
13 of all people in Illinois if we take action and support
14 the Rule Proponents' regulatory proposal which requests
15 that the Board adopt Clean Car and Truck Standards.

16 The Clean Air Task Force projected a total of
17 24,601 missed workdays in Illinois in 2023 and 144,930
18 days of minor restricted activity where people need to
19 change their normal activities because of poor health.
20 That changes people's capacity to participate in society,
21 to be leaders in their communities, to be leaders in
22 their job, to support their children's education.
23 Whether this is a result of people missing work because
24 they had to stay home with their children who had

1 debilitating asthma or a person who cannot perform the
2 physical tasks of their work, we have the opportunity to
3 reduce the amount of air pollution and keep people from
4 being impacted in this way where they cannot follow
5 through on their work and their family responsibilities.
6 The level of air pollution is leading to reduced
7 participation in health related quality of life.

8 As a physical therapist who works with patients
9 who struggle to complete tasks of every day life, I urge
10 you to see the opportunity to enhance the health related
11 quality of life of all of Illinois.

12 HEARING OFFICER HORTON: Thank you so much.

13 Next will be Alex Peimer, and Jenny Cassel.

14 MR. PEIMER: Good morning, everybody. My name is
15 Dr. Alex Peimer, Professor of Geography and Environmental
16 Studies at NEIU here in Chicago and Chicago resident, but
17 that doesn't matter. The credentials are meaningless to
18 why I'm here. It is my personal experience.

19 Until last year I suffered from debilitating at
20 times but life-long chronic lung conditions. Then things
21 got worse. In 2016, when I moved to Chicago the
22 frequency, duration, and severity of my lung disease
23 exacerbations increased. I was now getting ill, becoming
24 ill in the summertime when I never was before. It was no

1 longer a seasonal problem, it was a year-round, two to
2 six, times, eight weeks, then I'd have a couple months of
3 better before the next bout. It got so bad that the
4 pulmonologist said, well, the best we can estimate is you
5 have a 15 percent chance of survival of 4 years. So in
6 April of 2023 I had a double lung transplant. And lung
7 transplants are not cures. I am immunocompromised, hence
8 the mask. I cannot go outside freely on many, many days
9 of the year, regardless of the air quality index because,
10 for example, it doesn't account for dust blowing in the
11 wind in the summertime and near construction or
12 demolition sites, for example.

13 This has limited my ability to live a quality
14 of life that I thought I would be able to. And I want to
15 really emphasize also I'm masked right now, but as we saw
16 during the wild fire smoke, it doesn't matter if you're
17 inside or outside. The air was affected indoors. It
18 smelled like cigarettes. It exacerbated my recovery.

19 So I think that this is really a question of
20 justice, but really also just basic principles of the
21 values of the State of Illinois. I'm one of the lucky
22 ones. 100,000 people -- more than a 100,000 people die
23 every year of COPD, which is exacerbated by everything
24 that I went through, for example.

1 Our lungs are always exposed to the
2 environment. You cannot stop them from inhaling that
3 which is around you. COVID-19, remember that, is still a
4 thing. And respiratory illnesses are two of the top
5 causes of death -- not the two top, but two of the top
6 causes of death here in Illinois. I think one of the top
7 might be heart disease, all of which are exacerbated by
8 poor air quality.

9 And I lived in a quote, unquote, clean air part
10 of the city on the north side that doesn't have the
11 extensive amount of ongoing particulate matter and ozone
12 pollution of the south and west sides that are now having
13 fast track businesses coming in that are only increasing
14 the amount of diesel pollution in these neighborhoods.

15 We have the tools. Clean Diesel Standards
16 work. They don't cut jobs, they grow jobs. We're seeing
17 job growth in the renewable sector outpacing many of the
18 traditional energy fields.

19 We need government at all levels to act, and
20 right now we're here speaking to you asking you for the
21 will to act. The knowledge, the information is there.
22 We need the will.

23 My median life expectancy right now is about 10
24 years. The quality of life during that time depends on

1 many things. We've heard -- it's only a little bit up to
2 me. What's around me can affect me so much. So I can
3 sit inside 10 years and say the transplant was good, or I
4 can be in a state that values the lives of its citizens
5 even though to move here then become so ill they need a
6 transplant.

7 So please adopt these Clean Vehicle Standards,
8 not just for me, but for anyone else who is suffering and
9 will continue to suffer as the rates of asthma
10 exacerbation and asthma onset are increasing at younger
11 and younger ages as well.

12 Thank you for listening and letting me speak
13 today. I appreciate it.

14 HEARING OFFICER HORTON: Thank you so much.

15 Next will be Jenny Cassel. After that, Alex
16 Veloz.

17 MS. CASSEL: Good morning. Members of the Board,
18 staff. My name is Jenny Cassel. May of you all may know
19 me as an attorney with Earthjustice who appears before
20 you today. I'm testifying as a Chicago resident.

21 I'm here to ask you to adopt the Advanced Clean
22 Trucks rule, the Heavy Duty Low Nox Omnibus rule, and
23 Advanced Clean Cars II rule.

24 I grew up with and still suffer from asthma. I

1 know far too well what it's like not to be able to
2 breathe, not to run freely with others, to keep my
3 parents up in the middle of the night, and on the worst
4 nights, to head to the emergency room. I know what it's
5 like to panic from that inhaler you're not quite sure
6 where you put, to wonder if I've taken the right
7 medications, to hope for better medications. This is in
8 large part why I became an environmental attorney.

9 Dirty trucks, buses, vans and cars, as we all
10 know, are major contributors to very harmful air
11 pollution. Those that burn diesel chug vast quantities
12 of nox particulate matter and greenhouse gases into our
13 air. That smelly, thick, black smoke pumping from their
14 exhaust pipes is hurting everyone in its wake, and low
15 income, warehouse-choked communities bear the brunt of
16 that pollution on top of all the other industrial gunk,
17 colash, and so much more that they often are subject to.

18 There are far better options. For a long time
19 cleaner vehicles were not available. Now, they are.
20 Electric trucks, buses, cars and far stronger pollution
21 controls have been developed and are commercially
22 available. These good, readily purchasable options will
23 massively reduce hospital visits as you've heard from so
24 many of my fellow commenters, will reduce missed days of

1 school, and will reduce those moments when terrified
2 parents scramble to help their wheezing children.

3 Illinois can and must do better. Many other
4 states -- many other states -- in fact, nearly all others
5 that would be colored blue on our current political
6 coloring book have adopted these rules to protect their
7 communities. We know that the next federal
8 administration is going to do everything it can to rip
9 apart protections against air pollution, water pollution,
10 and any other kind of pollution among many other things.
11 Illinois cannot be a climate and justice leader without
12 adopting these rules. They are an imperative and viable
13 first step toward a better future for me and everyone
14 else. Please adopt the rules.

15 Thank you very much.

16 HEARING OFFICER HORTON: Thanks so much. Next will
17 be Alex Veloz, and then after that will be Mimi
18 Guiracocha.

19 MR. VELOZ: Good afternoon, members of the Board.
20 My name is Alex Veloz. I reside in Elmhurst in DuPage
21 County. I'm a health economist focused on understanding
22 how to make the most out of our healthcare dollars.

23 I'm here today to strongly urge the adoption of
24 the three sets of rules and regulations proposed to curb

1 vehicle emissions and protect public health. The
2 scientific consensus is clear, and you're almost
3 certainly more familiar with the environmental components
4 than I am. Air pollution, particularly from diesel and
5 other vehicle emissions, is a major contributor to
6 respiratory and cardiovascular disease. Diesel exhaust
7 is identified as a Group 1 carcinogen contains
8 particulate matter and nitrogen that exacerbate
9 conditions such as asthma, chronic obstructive pulmonary
10 disease, and heart disease.

11 What is not always discussed in this context is
12 that the economic burden associated with management --
13 managing these illnesses is substantial. Studies find
14 that healthcare costs and lost productivity due to air
15 pollution-related illnesses cost our economy over
16 820 billion annually. In Illinois alone, the costs of
17 treating and managing asthma, just asthma, exceeds
18 \$1.3 billion every year. This figure is driven by
19 emergency room visits, hospitalizations, medications, and
20 missed work and school days. So reducing emissions at
21 their source through measures like those proposed today
22 can directly mitigate these costs.

23 The proposed rules will not only improve public
24 health, but also provide a net economic benefit.

1 Economic analysis of similar policies in other states
2 find that every dollar invested in reducing vehicle
3 emissions yield between 3- and \$6 in healthcare savings
4 and productivity gains on the conservative side. These
5 findings underscore that adopting cleaner vehicle
6 standards is not just a regulatory and public health
7 necessity, but a physically -- fiscally responsible
8 action.

9 I'm also encouraged by the opportunity
10 presented for our state to lead in addressing
11 environmental justice. Low-income communities and
12 communities of color disproportionately bear the burden
13 of vehicle emissions due to their proximity to highways
14 and industrial zones. And studies show that reducing
15 diesel pollution leads to immediate and significant
16 health improvement in these vulnerable populations,
17 further supporting the equitable policy outcomes that I
18 know our state is invested in.

19 So by implementing these regulations, Illinois
20 can position itself as a leader in health-focused
21 environmental policy while reducing long-term healthcare
22 expenses and improving productivity. These are policies
23 that protect health, promote equity, and make economic
24 sense.

1 And so as an invested resident, I urge you to
2 adopt these critical rules to protect our air, our
3 health, and our economic future.

4 Thank you for your time and consideration.

5 HEARING OFFICER HORTON: Thank you so much.

6 Next will be Mimi Guiracocha, and after that
7 Andres Rizo.

8 DR. GUIRACOCHA. This is Alvi. That is what your
9 lungs look like if you didn't know. Okay.

10 Well, good afternoon, everyone. My name is
11 Dr. Mimi Guiracocha. I'm a doctorally prepared public
12 health care nurse, a resident of Chicago, southwest side
13 of Pilsen, I'm a member of the 25th ward IPO, as well as
14 the nationwide director of Health Systems Improvement for
15 the American Lung Association where I work with
16 healthcare professionals and healthcare systems across
17 the whole country.

18 Thank you for the opportunity today to speak
19 with you in support of the Pollution Control Board's
20 adoption of the proposed Clean Car and Truck Standards
21 for Illinois. This issue is one that is deeply personal
22 to both me and my community.

23 In my Pilsen neighborhood, we endure some of
24 the heaviest truck traffic in Chicago, which is a burning

1 cause by proximity to industrial corridors, as well as
2 polluters. As one of my fellow commenters said, in just
3 24 hours there is 3,872 trucks that pass by an
4 intersection that's just 3 blocks from my home. That's
5 161 per hour or almost 3 per minute.

6 Now in the middle of the night in my home, the
7 ground trembles and shakes as the diesel trucks roll by,
8 which is a daily reminder of the pollution that we're
9 forced to live with, but it's not just an inconvenience,
10 it's actually a health crisis.

11 Studies show that children that grow up and
12 live near high traffic areas are twice as likely to
13 develop asthma. And I felt that impact myself since
14 moving to Pilsen. What started as a mild cold for me has
15 now turned into some lingering lung issues that have
16 taken me to urgent care and to my primary care provider
17 who has now prescribed me inhalers just to be able to
18 breathe.

19 Through my work at the American Lung
20 Association, I teach healthcare professionals how to
21 follow guideline-based care for managing diseases like
22 asthma. These are evidence-based strategies that help
23 improve the outcome of patients, which is great, and I
24 have providers and healthcare systems that are

1 passionate, they're eager, they are ready to make those
2 changes. Unfortunately, though, no matter how closely
3 they follow guidelines, and how effective the medications
4 are, there's no inhaler and there's no treatment that
5 could protect the child with asthma who is forced to live
6 in polluted air that's caused by heavy trucking while
7 they walk to school or just play outside like kids tend
8 to do.

9 The problem goes deeper than individual health,
10 however. It's also systemic. Polluters are
11 disproportionately located in predominantly black and
12 brown and poor communities, neighborhoods like mine.
13 This is a result of decades of systemic racism and health
14 inequities that have left families like mine to bear the
15 brunt of harmful air pollution, and, unfortunately,
16 transportation remains a leading contributor to this
17 crisis.

18 Heavy-duty trucking, while a small percentage
19 of the vehicles on the road, produce a disproportionate
20 share of ozone and particulate pollution. These
21 emissions worsen asthma, COPD and other respiratory
22 conditions, especially for those of who live near
23 industrial corridors.

24 I'll let other shares the detail of statistics

1 like how more than 70 percent of people of color in
2 Illinois live in counties with failing air quality
3 grades, despite only making up 40 percent of the
4 population, but what I want to emphasize is this. These
5 data points are actual people and they're actual lives,
6 children that miss school because of asthma flare-ups,
7 parents that rush to the ER during those air quality
8 alerts, and neighbors like mine -- neighborhoods like
9 mine that struggle with respiratory issues that really
10 shouldn't exist.

11 But, thankfully, the solution is within reach,
12 and you have the power to help to get there. So by
13 adopting these standards, Illinois can reduce harmful
14 emissions and improve the quality of life for all its
15 residents. These standards will also create a critical
16 market signal to support the transition to cleaner
17 transportation. This movement -- this moment demands
18 urgent action. Pollution doesn't wait. It infiltrates
19 homes as well as lungs, disproportionately harming low
20 income communities and families of color. So for every
21 year that we delay, remember that thousands more lives
22 are put at risk to illnesses like asthma, heart disease,
23 and even to premature death.

24 I strongly support the request and petition to

1 adopt Clean Vehicle Standards. This decision is about
2 public health, and I say that as a public health expert.
3 Equity and the environment.

4 So thank you for your time and the important
5 work that you all do to protect communities like mine.

6 HEARING OFFICER HORTON: Thanks so much. Next is
7 Andres Rizo. Then after that, Diego Morales.

8 If possible, please try to keep your comments
9 between 2 and 3 minutes so everybody can finish.

10 MR. RIZO: Good afternoon, members of the Board. My
11 name is Andres Rizo with Pilsen Neighbors Community
12 Council.

13 Pilsen is a resilient and diverse community on
14 Chicago's lower westside, home to families, workers and
15 students of all ages, many of whom are immigrants or from
16 historically marginalized backgrounds.

17 While our neighborhood is rich in culture and
18 history, we have been burdened with environmental
19 injustices for decades. Outdated zoning laws have turned
20 Pilsen into a hub for industrial activity, and heavy
21 diesel traffic cuts through our streets daily. In a
22 study conducted in partnership between the Little Village
23 Environmental Justice Organization and the Center For
24 Neighborhood Technology, among others, and as other

1 previous speakers have pointed out, 3,872 trucks and
2 buses were counted at the intersection of south Damen
3 Avenue and south Blue Island Avenue during a single
4 24-hour period.

5 To provide further context, this community's
6 predominantly Latino. 78 percent of residents are people
7 of color, 69 percent are Latino, 18 percent are under the
8 age of 18, and 10 percent are over the age of 65. This
9 constant pollution impacts the health and safety of our
10 residents. Personally I face these challenges walking to
11 work, dodging trucks, breathing in toxic diesel fumes and
12 feeling unsafe as large vehicles dominate our
13 neighborhood streets.

14 Many in our community, especially children and
15 seniors, suffer from asthma and other respiratory issues
16 that are directly tied to this pollution. This is why I
17 strongly support the Pollution Control Board adopting
18 Clean Cars and Trucks Standards. These standards are a
19 crucial step toward reducing harmful emissions, improving
20 air quality, and ensuring environmental justice for
21 communities like Pilsen that have borne the brunt of
22 these issues for far too long. We need policies that
23 prioritize health, equity, and safety for all residents.

24 I urge the Board to take this opportunity to

1 make a real difference for Pilsen communities across
2 Illinois.

3 Thank you for your time and for considering the
4 need of communities like ours.

5 HEARING OFFICER HORTON: Thanks so much. So next
6 will be Diego Morales. After that, Rose Gomez.

7 I'll go back to them at the end if there's
8 time.

9 Next, Keya Patel.

10 Then after you will be Zitlalo Paez.

11 MS. PATEL: Good afternoon. My name is Keya, and
12 I'm a volunteer with the Sierra Club, as well as an
13 undergraduate student studying bioengineering at the
14 University of Illinois.

15 I'm here because I care about the health and
16 the well-being of Illinois residents and believe everyone
17 has a right to clean air. In addition to my
18 environmental advocacy, I work as a patient care
19 technician at a local hospital in the emergency
20 department near my home.

21 The summer of 2023 I saw firsthand how the
22 smoke from Canadian wild fires affected residents across
23 the Chicagoland area. Patients, especially those with
24 asthma or other respiratory conditions, came in

1 struggling to breathe, their conditions aggravated by the
2 polluted air.

3 Witnessing the direct impact of poor air
4 quality on my community's health has strengthened my
5 resolve to advocate for policies that limit pollution,
6 protect vulnerable populations, and ensure cleaner air
7 across Illinois. Illinois is the seventh most CO2
8 polluting state in the US with transportation being the
9 leading source of emissions.

10 Pollution from transportation, especially
11 diesel, has devastating health effects, including
12 increased risks of lung and bladder cancer, heart
13 disease, and respiratory conditions. These impacts are
14 disproportionately felt by minority communities in
15 Illinois where air pollution exacerbates existing health
16 inequities. It is clear that transportation pollution
17 must be addressed to protect public health and promote
18 environmental justice.

19 The solution lies in adopting Clean Vehicle
20 Standards which have already been successfully
21 implemented in other states. These include the advanced
22 Clean Air Trucks Act, which is projected to prevent 502
23 deaths in the case of childhood asthma while improving
24 air quality for residents of color. The heavy-duty

1 omnibus Low Nox rule will set stricter pollution limits
2 for new diesel engines and improve air quality for
3 communities located near warehouses and ports.

4 Advanced Clean Cars II requires that 100
5 percent of new vehicle sales be zero emission by 2035.
6 By implementing these measures, Illinois can reduce
7 pollution and improve public health and address
8 environmental disparities.

9 The need to act is urgent. Climate change is
10 intensifying with more extreme weather events and
11 worsening air quality becoming the norm. With the
12 potential return of a federal administration hostile to
13 environmental protections, state level action is critical
14 to ensure Illinois continues to progressing towards
15 cleaner air and healthier communities.

16 We need to adopt these Clean Vehicle Standards
17 now. By doing so Illinois will play a vital role in
18 protecting public health, advancing environmental
19 justice, and combating the largest source of CO2
20 pollution in our state ultimately making a lasting
21 difference for Illinois residents.

22 Thank you.

23 HEARING OFFICER HORTON: Thanks so much. Next will
24 be Zitlaloi Paez. Then after that Emmanuel Garcia.

1 MS. PAEZ: Good afternoon. My name is Zitlalo, and
2 I support the Illinois Pollution Control Board in
3 adopting the Clean Car and Vehicle Standards because my
4 neighbors and I deserve clean air. A recent study, as
5 stated before, has found that in a 24-hour timeframe
6 around 3,800 trucks moved through the intersection of
7 Damen and Blue Island in the Pilsen neighborhood,
8 approximately eight blocks away from my house.

9 As a life-long resident of Pilsen, I was not
10 surprised as I'm usually biking, walking, waiting for the
11 bus or driving through the Pilsen industrial corridor.
12 Most of my life I was able to overcome the challenges
13 that came with living in the high truck traffic area,
14 such as traffic, loud noises, visibility issues when
15 driving. But following a COVID infection in late 2020
16 and developing long COVID, the impacts of diesel
17 pollution have taken a greater toll on my health.

18 At the beginning of the year, I was working at
19 a high school located on Western and Blue Island. Every
20 day I went to work I was with hit with the strong diesel
21 smell from the trucks passing through Western, a street
22 that sees many diesel trucks causing me to experience
23 extreme headaches dizziness, strong allergies,
24 difficulties breathing, and chest pain. Ultimately this

1 forced me to quit that job because I could not go through
2 my day-to-day activities. Since then I have been more
3 aware of truck patterns in specific intersections and
4 neighborhood.

5 This summer I was a Safe Ambassador for the
6 Department of Transportation. This required me to bike
7 in different neighborhoods in the City. The comparison
8 of biking in a northern neighborhood of Chicago like
9 Lincoln Park versus biking in a southwest neighborhood
10 like Archer Heights is undeniably different because of
11 diesel truck pollution. Archer Heights saw 5,000 trucks
12 in 24 hours.

13 The difference is a -- is a consequence of
14 racist planning practices that have designated industrial
15 zones and communities where there are more people of
16 color. For example, when I coordinated a bike ride for
17 high school students with a school primarily of Hispanic
18 population, our options were limited to only 63rd Street
19 because everywhere else had too much truck congestion. I
20 did not want teams to inhale the immense amount of diesel
21 exhaust or get hit by a truck.

22 Biking in the southwest side of Chicago has
23 made me and people in my community feel very unsafe,
24 physically and mentally. There are limited bike lanes

1 which force me to bike on the sidewalk or next to the
2 diesel trucks. When you bike behind them, the diesel
3 exhaust hits your nose directly. You can see the cloud
4 of gray smoke hit your face. The smell is nauseating and
5 makes you want to cough. If one diesel truck can cause
6 immediate health issues, a thousand plus diesel trucks
7 are definitely killing our people, people in our
8 neighborhood slowly.

9 By adopting the Clean Vehicle and Truck rules,
10 the quality of life of children and adults living in
11 Pilsen and other communities of color can significantly
12 improve. I urge the Board to not waste more time and
13 adopt these rules today.

14 HEARING OFFICER HORTON: Thank you so much. Next
15 will be Emmanuel Garcia. Then after that Edith Tovar.

16 MR. GARCIA: Hi. My name is Emmanuel Garcia. I
17 live in Belmont Cragin on the northwest side. I was born
18 and raised in Chicago my whole life. I don't come from a
19 wealthy family. We have one car for six people. My
20 mother, me, and my sister are forced to go walking and
21 sometimes take public transportation to get places since
22 my dad takes the car to work since he works outside the
23 Chicagoland area.

24 When I go to school, I take a car, bus, and

1 train. Every day I smell diesel and gas. It's a known
2 smell for me now. Throughout the years I have never had
3 lung-related complications until about a month or two ago
4 when shortness of breath and dry coughs were constant.
5 Me and my mom got worried, and I went to get checked out.
6 According to the doctor, I now have asthma.

7 Now every time I leave my house I have to carry
8 three essential things, my phone, my wallet, and my now
9 an inhaler. Now every day when I go outside I have to
10 have that bad thought in the back of my head if I would
11 ever get an asthma attack and if I would ever have to use
12 my inhaler multiple times.

13 I am a junior in high school, and more than
14 half of my junior class has asthma, and that's almost
15 over a hundred students. I think to myself now is my
16 family safe on taking public transport with gas cars and
17 diesel trains and to walk around Chicago with factories,
18 with chemical fumes up in the air and trucks emitting
19 diesel fuels up in the air.

20 Use your power to pass the Clean Car and Trucks
21 rules. Our lives depend on it.

22 HEARING OFFICER HORTON: Thank you so much.

23 Next we have Edith Tovar, and after that Ana
24 Solano.

1 MS. TOVAR: Good afternoon. Thank you for
2 receiving my public comment. My name is Edith Tovar.
3 I'm a senior just transitioned community organizer with
4 the Little Village Environmental Justice Organization
5 based in Chicago.

6 I'm here to support the Illinois Pollution
7 Control Board adopting the Clean Car and Truck Standards
8 which have already been adopted in other states.

9 I grew up in the Little Village community
10 located on the southwest side of Chicago. Navito
11 (phonetic) was a former home of one of the dirtiest coal
12 plants across the City, the Crawford Coal plant, which
13 operated before 90 years after getting before in 2012.

14 Later that year a Harvard School public health
15 study linked public health impacts by emission from the
16 Crawford coal plants, also owned and operated by Midwest
17 Generation, it stated that many -- it stated what many
18 residents already knew about the public health crisis in
19 our neighborhood, up to 41 premature deaths, 550
20 emergency room visits, and 2800 asthma attacks annually.

21 I can state that my family was one of those
22 thousands of families that repeatedly had to take a long
23 run to the ER because of severe asthma attack. It's such
24 a scary, dramatic experience. What's worse in the last

1 decade our community has seen a rapid increase in the low
2 warehouse developments. This is not the transition our
3 community demanded when we shut down the dirty coal
4 plants.

5 Instead corporate developers like the HRP Group
6 ignored community demands and built the Exchange
7 Warehouse, the largest logistics facility in the city.
8 The Exchange has the warehouse tenant Target Corporation,
9 which has also ignored the demand to transition their
10 Target fleet to a less polluting fleet.

11 The tides are turning though in a major
12 societal benefit to adopting the new Clean Car and Truck
13 Standards that it reduces the diesel pollution from the
14 transportation sector. The corporate sector needs to
15 invest in transitioning their fleet from diesel to
16 electric trucks to help reduce these emissions. Not only
17 is it a benefit to our environment, but it is also a
18 benefit to the well-being and health of our neighbor
19 force, as well as the 25,000 residents that live less
20 than one mile away from this specific site.

21 In conclusion, I urge the Illinois Pollution
22 Control Board to adopt Clean Car and Truck Standards.
23 These rules will help reduce pollutants in the air,
24 hopefully reduce the public health burden our communities

1 are living with, and -- hopefully reduce the public
2 health burdens on our communities living in areas
3 concentrated within the industrial corridors like the
4 Little Village community. We hope that we bring these
5 standards to the State of Illinois.

6 Thank you.

7 HEARING OFFICER HORTON: Thanks so much. Next is
8 Ana Solano. Then after that will be Nadia Unzueta
9 Carrasco.

10 MS. SOLANO: Hello. My name is Ana Solano. I live
11 in Little Village, and I was not aware that it was not
12 normal to live in such close proximity to industry, and
13 upon accepting my role at LVEJO, the Little Village
14 Justice Organization, I did not know that Little
15 Village's air quality is one of the worst in the state.

16 I co-founded a walk club with my colleague, and
17 we were inspired to do so after conducting mobile air
18 monitoring. When we conducted mobile air monitoring, it
19 was astounding to visibly see the high numbers of
20 particulate matter shoot up in a significant way as we
21 passed by large trucks. It saddens me to hear about the
22 rise of respiratory illnesses in my community, but it's
23 even sadder because this could be preventable.

24 Adopting the Clean Vehicle standards is the

1 right thing to do. Thank you.

2 HEARING OFFICER HORTON: Thanks so much.

3 Next will be Nadia Unzueta Carrasco, and then
4 after that Carolina Macias.

5 MS. CARRASCO: Good afternoon. My name is Nadia
6 Carrasco. And I currently work for LVEJO. I've lived in
7 Little Village since 1994. I'm here because Little
8 Village is one of the multiple communities across the
9 state that is highly impacted by diesel and motor engine
10 pollution. I spent a lot of time outside in and out
11 around Little Village from working at the garden to
12 supporting the team at the farm at Lavita Park to biking
13 and walking around the neighborhood.

14 Sometimes at work because we are in a
15 neighborhood that is part of one of the industrial
16 corridors of the city, there are trucks that keep their
17 engines on as they wait to load. Even though I put on a
18 mask and move away from the area, I can feel the
19 pollution on my skin, and on hot summer days as I bike
20 from place to place, I avoid some of the larger streets
21 when possible because when I do not, I get a lung full of
22 car or truck smoke with every breath I take.

23 I know that I am lucky to have a job where I
24 can prioritize my well-being and that of my coworkers,

1 but I'm also aware that is not the case for many of my
2 fellow residents, and that there are sources of pollution
3 that are either not regulated or accumulating in our
4 neighborhood. I'm also very aware that we have many
5 community residents whose immune systems are already
6 working overtime from different kind of pollutants and
7 stressors.

8 One of my coworkers made a comment to me early
9 in the year that almost everyone on our team has a
10 relative who has been diagnosed with cancer. Over the
11 last 2 years, one of my parents, my coworker's daughter,
12 another coworker's father-in-law, another coworker's
13 cousin.

14 These are loved ones. While there are many
15 factors that are out of our control, out of your control,
16 these ones, these factors that will reduce harmful
17 emissions, and some of our most overburdened communities,
18 these are in your control.

19 You can adopt these key rules, the Advanced
20 Clean Truck, Advanced Clean Cars II, and Heavy Duty No
21 Nox Omnibus to carve out a present and future that will
22 support the well-being of our already heavily his --
23 historically burdened with pollution neighborhood and
24 communities.

1 This is within your control, and I urge you to
2 adopt these rules.

3 Thank you for your time.

4 HEARING OFFICER HORTON: Thank you so much. Next
5 will be Carolina Macias. And then after that, Brenda
6 Santoya.

7 MS. MACIAS: Hi. Good afternoon. My name is
8 Carolina Macias. I am the senior majority Justice
9 Mobility Research Organizer at the Little Village --
10 Little Village Justice Organization, and resident of the
11 Town of Cicero.

12 I am submitting this comment in support of the
13 adopting the Clean Vehicle and Truck rules in Illinois.
14 These rules are pivotal -- a pivotal step toward
15 protecting public health, improving air quality, and
16 addressing the disproportionate impact of diesel
17 pollution on overburdened communities across the state.

18 I grew up in Little Village, a vibrant and
19 resilient community that also bears the burden of being
20 home to one of Chicago's largest industrial corridors.
21 Medium and heavy-duty trucks constantly flow through our
22 streets making truck pollution or diesel pollution an
23 unavoidable part of our daily life. A recent truck count
24 study by the Center for Neighborhood Technology and the

1 Little Village Environmental Justice Organization
2 recorded over 3,100 trucks passing through 31st and
3 Pulaski Road in just 4 hours. The -- this intersection
4 is just two blocks away from my childhood home where my
5 family lived for over 20 years. Now imagine the
6 staggering amount of diesel emissions released over
7 weeks, months, and years saturating the air we breathe
8 affecting the health of thousands.

9 This pollution isn't just a statistic for me,
10 it's personal. My mother and younger brother both
11 developed asthma when I was a child. One winter night
12 when I was 9 years old, my mother woke me up because my
13 seven-year-old brother was having a severe asthma attack.
14 We rushed him to the hospital, and I will never forget
15 the terror of watching him struggle to breathe. That
16 moment shaped my childhood. I became hypervigilant
17 always ensuring that he had his inhaler or nebulizer
18 nearby just in case. Our story is not unique. It is
19 lived -- it is the lived experience of countless families
20 in heavily industrialized communities on Chicago's south
21 and west sides.

22 A 2021 report by the Respiratory Health
23 Association on racial disparities in childhood asthma
24 revealed that black children ages 5 to 19 were four times

1 more likely to be hospitalized for asthma compared to
2 their white peers.

3 This disparity has grown by 9 percent since
4 2016. These numbers represent more than data points.
5 They reflect years of neglect and systemic inequities
6 that continue to harm the health of low income and
7 working class residents. The vehicle rules -- the Clean
8 Vehicle rules offer a pathway to change.

9 Diesel pollution doesn't just affect the
10 communities where trucks operate. It also harms the
11 drivers who are exposed to harmful emissions inside their
12 truck cabins for hours on end. By adopting these rules,
13 Illinois can protect the health of residents and workers
14 while reducing the long term environmental and economic
15 cost of diesel emissions. This is an opportunity to
16 prioritize the health and well-being of communities that
17 have experienced the brunt of diesel pollution for far
18 too long.

19 I urge you to vote in favor of the Clean
20 Vehicle and Truck Rules and take this critical step
21 toward a cleaner and healthier more equitable Illinois.

22 Thank you.

23 HEARING OFFICER HORTON: Thanks so much. Next will
24 be Brenda Santoya, then Christina Hamilton.

1 MS. SANTOYA: Hello. My name is Brenda Santoya, and
2 I'm the Water Policy Manager at the Little Village
3 Environmental Justice Organization.

4 As someone who grew up near an industrial
5 corridor in Cicero and now works with the community of
6 Little Village, I have seen firsthand how environmental
7 pollution, especially toxic air, takes a heavy toll on
8 families. I urge the Board to adopt the proposed Clean
9 Car and Truck Standards, not just for environmental
10 reasons, but for the survival and the well-being of our
11 families who are already struggling with the burden of
12 pollution and unsafe drinking water.

13 At LVEJO, I lead workshops on lead water
14 contamination, teaching residents about the dangers of
15 lead in their drinking water. In these sessions I hear
16 from parents who are desperately trying to protect their
17 children from environmental hazards that they have no
18 control over while also struggling to make ends meet.

19 Many families are already overwhelmed by the
20 challenges of dealing with lead exposure and other
21 environmental health risks. Pollution from diesel trucks
22 and heavy industry only compounds to their daily
23 struggles. Families in Little Village are barely holding
24 on, living with constant anxiety about their children's

1 health, knowing that the air that they breathe and water
2 that they drink are harming them.

3 In our community, nearly every resident that I
4 meet knows someone with asthma or another respiratory
5 illness. The presence of diesel trucks, factories, and
6 the constant exposure to polluted air leaves us
7 vulnerable to serious health issues, many of which are
8 preventable. I have seen families torn apart by the
9 impact of pollution, children who miss school due to
10 chronic asthma, adults who struggle to breathe and work
11 in jobs that expose them to even more toxins, and this
12 reality is unacceptable.

13 The Clean Car and Truck Standards represents a
14 critical step towards changing this. By reducing harmful
15 diesel pollution and promoting zero emission vehicles,
16 these standards will not only protect the health of
17 families in Little Village but also contribute to a
18 cleaner, safer environmental for all.

19 Beyond the health benefits, the economic
20 potential is clear. Electric vehicles are less expensive
21 to operate and maintain and the shift to clean
22 transportation will create new jobs and opportunities and
23 create industries across Illinois.

24 The decision is more than just about a policy.

1 It's about the right of every person in Illinois,
2 especially those in vulnerable communities, to breathe
3 clean air and to live in a healthy environment regardless
4 of their socioeconomic status.

5 I strongly urge the Board to adopt the Clean
6 Car and Truck Standards and take meaningful action to
7 protect our children, families, and our future
8 generations.

9 Thank you for your time and your consideration.

10 HEARING OFFICER HORTON: Thanks so much. Next will
11 be Christina Hamilton, then Jim Fairman.

12 We called Rose Gomez earlier, but I believe she
13 is here, then we'll go to Christina.

14 MS. GOMEZ: R-O-S-E, Gomez, G-O-M-E-Z. So I'm here
15 because I believe it's very important for us to pass of
16 course these standards which are important to each and
17 every one of us, which are affected each and every day as
18 Chicagoans as residents of this city.

19 I really believe that this is the right thing
20 to do not only for ourselves, but for our children. We
21 have -- we have people that we care about and we just
22 can't think about ourselves. We have to think about our
23 future generations that are having -- that are going to
24 be impacted by our decisions today. We know that this is

1 the right thing to do. We can't be -- why are we so --
2 we have to do the right thing, we have to think about the
3 future. I already know what the right thing to do is,
4 that's why I'm here.

5 I hope that you also do the right thing, and
6 that's why I'm here. This is important to each and every
7 one of us that is here. I really believe that what
8 decisions that we make today is going to have a grave
9 impact on what we -- on what we will be facing in the
10 future. I mean, I could keep going on and on and on and
11 on. It's very serious, and I really believe that you
12 guys will do the right thing, not only for the people
13 that are sitting here, but for your own self because
14 everyone has a stake in this.

15 Thank you.

16 HEARING OFFICER HORTON: Thank you so much.

17 MS. HAMILTON: Good afternoon. My name is Christina
18 Hamilton. I'm the Illinois Advocacy Director for the
19 American Lung Association. Thanks for the opportunity to
20 provide comments today. The Lung Association is the
21 oldest voluntary public health organization in the
22 country, currently representing 36 million people living
23 with lung diseases, including 1.4 million here in
24 Illinois. The Lung Association works to save lives by

1 improving lung health and preventing lung disease through
2 research, education, and advocacy.

3 We support the adoption of Clean Vehicle
4 Standards, the Advanced Clean Trucks, Heavy Duty No Nox
5 Omnibus, and Advanced Clean Cars II because of the air
6 quality and lung health benefits these standards will
7 provide.

8 Air pollution affects the health of everyone,
9 but it is particularly harmful for children, older
10 adults, and people living with pre-existing conditions.
11 Ozone and particle pollutions can cause various
12 respiratory and cardiovascular illnesses such as asthma
13 attacks, worsening chronic obstructive pulmonary disease,
14 heart attacks, and strokes.

15 The transition to zero emission transportation
16 will provide critical health benefits to all residents
17 and directly address disparities in our most overburdened
18 and vulnerable communities that we've heard so much about
19 today. Our Zeroing In On Healthy Air report found that
20 policies supporting a transition to zero emission
21 transportation powered by a clean electric grid in
22 Illinois could generate \$59.5 billion in public health
23 benefits, 5,410 avoided deaths, 138,000 avoided asthma
24 attacks, and 670,000 avoided lost workdays.

1 Reducing emissions from the transportation
2 sector has large public support. The Lung Association
3 released a national poll earlier this year that show
4 voters overwhelmingly support the US EPA's efforts to
5 implement stronger limits on carbon pollution from trucks
6 and buses with 76 percent of voters indicating that new
7 limit would have a positive impact on the quality of the
8 air we breathe.

9 I urge you to support the request in the
10 petition and adopt the Clean Vehicle Standards, Advanced
11 Clean Cars II, Advanced Clean Trucks, and Heavy Omnibus.

12 Thank you.

13 HEARING OFFICER HORTON: Thank you so much. I'll
14 just go off the record for one moment.

15 (Off the record)

16 MR. FAIRMAN: Hello, and good afternoon. My name
17 is Jim Fairman. I have been a 20-year resident of
18 Lincolnshire in Chicago's northwest suburbs. I'd like to
19 share my perspective on the use of electric vehicle
20 technology and the importance of an aggressive Illinois
21 transition from fossil fuel to electric-powered vehicles.

22 I have been a plug-in hybrid vehicle owner for
23 4 years and a battery electric vehicle owner for 18
24 months. My EV has been used effectively both as a daily

1 driver and for long-distance travel, demonstrating to me
2 the EVs are currently mature enough to replace most
3 gasoline vehicle use.

4 My own experience has confirmed that EV cost of
5 ownership to be lower than gasoline-powered vehicle
6 equivalent. The fact that the savings I have achieved by
7 eliminating gasoline costs exceeds the steeped
8 depreciation costs during the vehicle's first years of
9 ownership. My depreciation offset by avoided gasoline
10 costs it's like I'm driving a car that never depreciates.

11 I started my EV journey looking for a vehicle 4
12 years ago, and I found myself frustrated by the limited
13 selection in Illinois. The best rated EV on the market
14 at that time was available in states with less
15 commitments to EV transitions, but it was not available
16 in Illinois. Two years passed before that vehicle was
17 finally available in Illinois.

18 If aggressive mandates for EV sales growth lag
19 other states, Illinois consumers will continue to be
20 limited in their EV choices compared to residents of
21 other states.

22 I live less than a mile west of US 294. Living
23 so close to that expressway I'm concerned about the
24 increase in diesel particulate matter associated with

1 truck traffic. As Illinoisans, we proudly recognize the
2 strength of Chicago's global transportation and logistics
3 businesses, but every year the growth of this industry
4 punishes its residents with more pollution in our
5 communities. Every year the growth of the e-commerce and
6 home delivery of goods increases the volume of truck
7 traffic and pollution. Growth in Chicago's logistic
8 industry has consumed 44 million square feet of new
9 warehouse space in the past 2 years, including a brand
10 new 232-acre facility opened in Glenview along the west
11 side of 294. Just 4 miles north of that location and
12 also adjacent to the community where I live, an
13 additional warehouse and logistics facility was planned
14 bordering 294 in Deerfield.

15 Residents of Deerfield were sufficiently
16 concerned about exhaust emission increases that they
17 blocked this plan and have now prohibited any future
18 logistics facility construction within that city's
19 boundaries. If EV truck regulations had been in place,
20 the growth of one of Illinois's core businesses might not
21 have been stymied by citizens who are deeply concerned
22 with the health impact of diesel particulate matter.

23 It's worth noting that transition EV truck use
24 which has begun in Illinois, led by one of the country's

1 e-commerce and logistics giants, this business is
2 well-known for its extreme profitability and cost-cutting
3 focus, so we should take heed of its roll out of 100,000
4 -- that's 100,000 all electric vehicles trucks for their
5 delivery services. This is a bellwether example as
6 showing Illinois that EV technology is the low cost
7 option and the future for local and mid-distance
8 trucking. Let's make the future now in Illinois.

9 Thank you very much.

10 HEARING OFFICER HORTON: Thanks so much. Next will
11 be Lili Scales, and then after that is Jizelle Torres.

12 MS. SCALES: Good afternoon to the Pollution Control
13 Board Chairman, members and staff. Thank you for the
14 opportunity to speak on such an important issue that
15 personally affects me, my family, and my community
16 neighbors.

17 My name is Lili, and I'm a resident of Pilsen,
18 a community blighted by diesel emissions from heavy-duty
19 trucks. I live near the Stevenson, I-55 expressway, that
20 thousands of heavy trucks use daily, which means that my
21 family and my neighbors are disproportionately being
22 affected by pollution from diesel engines just by the
23 proximity of living to the highway.

24 When I take a walk to my neighborhood coffee

1 shop, I smell the diesel exhaust. When I take my son to
2 the park, we breathe in diesel exhaust. When hundreds of
3 kids get let out of school from my neighborhood, they are
4 overburdened by diesel exhaust, either from the school
5 buses they are jumping on or from the CTA buses that they
6 are riding to get home, or from the onslaught of traffic
7 pollution from heavy-duty trucks. We're exposed to
8 chemicals that contribute to cancer and other major
9 health issues disproportionately. The diesel pollution
10 is omnipresent. There is no relief for us.

11 As a resident living near the highway, I'm at
12 higher risk of cancer. It's unfathomable to think that
13 just by living in my neighborhood my quality of air is
14 quite literally contributing severe and short-term health
15 effects, and not just for me, but for the nearly 50,000
16 neighbors living in the 25th Ward, and the thousands more
17 living near freeways filled with diesel trucks and near
18 warehouses.

19 You know who else is at risk? The warehouse
20 workers and the truckdrivers, who are even more closely
21 exposed to diesel pollution. That's why I'm asking for
22 better protections for those very truckdrivers' health
23 and the health of the thousands of community members that
24 breathe the air that has become so toxic that it affects

1 our daily lives.

2 The ask is clear. I implore the Pollution
3 Control Board to adopt the Clean Vehicle standards and
4 address tailpipe emissions so that there could be
5 reduction of pollutants in the air and finally bring
6 relief to communities who live in concentrated diesel
7 pollution like mine.

8 Illinois can enact the Clean Vehicle standards
9 and continue being unwaivered in fighting for the
10 protections of all its residents. Let's adopt these
11 standards so that communities like mine can be
12 beneficiaries of greater health benefit. We deserve to
13 breathe in cleaner air no matter how far or how close we
14 live off of the highways. We need clear air now. There
15 are lives -- our lives depending on your action. Please
16 adopt the Clean Vehicle Standards.

17 HEARING OFFICER HORTON: Thank you so much.

18 Next is Jizelle Torres, then after that is -- I
19 can't read the first name, I'm sorry, but last name is
20 Butuyan.

21 MS. TORRES: Hello, everyone. My name is Jizelle
22 Torres. I'm the climate energy program assistant at
23 Prairie River Network. Growing up in Cook County, I was
24 always aware it was a car centric place. As a kid I felt

1 the inconvenience of it, the inability to walk places or
2 easily take public transit making getting a car feel like
3 a necessity.

4 Once I grew older, the frustration of busy
5 roads and long traffic delays seemed like just another
6 thing I had to endure, however, that I've had the
7 privilege to educate myself and work in the field of
8 environmental sustainability, I have gained more
9 perspective. Taking a step back, I realize how
10 frequently cars are used on a daily basis, and when
11 multiplied by Cook County residents, the impact is
12 staggering.

13 When I learned that Cook County ranks in the
14 top 1 percent of air pollution nationwide, I was deeply
15 shaken. I have lived in the northwest suburbs for most
16 of my life, and I have come to realize how insulated I
17 have been from the worst of its effects. But now through
18 my own experiences, I have seen first hand what it's like
19 to live in a heavily polluted environment.

20 My boyfriend lives in Gage Park, just two
21 blocks from a truck port, and when we step outside for a
22 simple walk to the grocery store we have to pass the
23 intersection of Western and 59th. The air reeks of
24 fumes, the noise from the trucks is deafening, and

1 standing at the intersection we have counted more than 10
2 trucks passing by in just a few seconds. This experience
3 is overwhelming for me, but for the people who live there
4 it is their every day experience. The reality is
5 heartbreaking and infuriating.

6 The impact of this grievance isn't just
7 physical. It's financial, emotional, and systemic.
8 Families in communities like Gage Park are forced to
9 endure the physical and financial toll of toxic air
10 caused by industries they don't benefit from. Highways
11 and ports carve through their communities creating
12 unhealthy living conditions while leaving them out of the
13 economic advantages. What makes it worse is how this
14 adversity amplifies everything else.

15 I know what it feels likes to face one
16 challenge after another when the problems feel like they
17 just pile on each one make the other harder to bear.
18 That is why I feel so-called to speak up. People in
19 these communities are working endless hours to provide
20 for their families only to come home to environments that
21 harm their health and well-being trapping them in cycles
22 of hardship. They face health issues caused by polluted
23 air while struggling to cover medical bills and other
24 expenses leaving little room for them to break free from

1 their circumstance. This is nothing short of a grave
2 injustice.

3 These communities bear the brunt of the
4 pollution, yet they see little to no benefit from these
5 industries creating it. These people usually are
6 disproportionately affected, forced into unhealthy
7 environments while simply trying to make ends meet.
8 Regulations like the Advanced Clean Trucks and Advanced
9 Clean Cars offer a tangible solution.

10 By transitioning to electric vehicles and
11 creating stricter regulations on diesel vehicles we can
12 drastically reduce emissions, improve the air quality,
13 and ease the health and financial burdens of these
14 communities.

15 This isn't a problem that can wait. Every day
16 we delay action is another day of pollution entering the
17 air and affecting the lungs of children and families.
18 This isn't just an environmental issue. It's a matter of
19 public health and equity. I urge you all to make the
20 necessary and humane choice.

21 Thank you so much.

22 HEARING OFFICER HORTON: Next, Mr. Butuyan.

23 MR. BUTUYAN: Good afternoon, Illinois Pollution
24 Control Board, and friends. I'm here to try to convince

1 you on why you should adopt the Advanced Clean Trucks Act
2 or the Heavy Duty Omnibus Low Nox rules.

3 I don't know why our leaders are not
4 prioritizing this since we are -- we are saving a lot of
5 money by incorporating those two rules. For one,
6 according to the American Lung Association, switching to
7 100 percent EV could save Illinois 49.2 billion in public
8 health costs from 2020 to 2050. And then according to an
9 analysis by the Environmental Resources Management, the
10 Advanced Clean Trucks and Heavy Duty Omnibus rules in
11 Illinois will generate net societal benefits of
12 approximately 22 billion through 2050.

13 The rules will slash greenhouse gas emissions,
14 nitrous oxide and particulate matter in Illinois
15 resulting in fewer hospital deaths, fewer hospital visits
16 from breathing polluted air and fewer cases of acute
17 bronchitis, excessive asthma causing restricted activity
18 and lost workdays.

19 Job growth, these rules will increase 8,400 new
20 jobs by 2025. The largest number of added jobs are in
21 electrical component and manufacturing and infrastructure
22 construction requiring electrical engineers.

23 Fuel and maintenance cost savings to fleets for
24 zero emission trucks amount to roughly 1.2 billion in

1 annual net savings by 2050. Also, increasing electricity
2 sales for vehicle charging also results in keeping
3 electricity rates in the pockets of all electric utility
4 customers, commercial and residential. Statewide savings
5 could reach 62 million by 2050.

6 So with these facts, I leave it all to you that
7 in order for us to have a better society and better clean
8 air like the ones in Auckland, New Zealand and Melbourne,
9 Australia whose air quality is considered by IQ Air, I
10 recommend that let's go from here and make our
11 environment cleaner.

12 HEARING OFFICER HORTON: Thanks so much. Next is
13 Linda Sullivan, and then Connie Smith.

14 MS. SULLIVAN: Hi. So my daughter-in-law is a
15 teacher. She teaches fourth grade at Plainfield
16 elementary school, and she told me that she counted it so
17 lucky that her pregnancy fell in the middle of the
18 COVID-19 pandemic because that way she didn't have to go
19 outside and stand with the buses as her students went
20 onboard. She counted the COVID-19 pandemic a health
21 positive because the air pollution from the diesel buses
22 gave her headaches and nausea, even when she wasn't
23 pregnant.

24 I taught high school at Lyons Township High

1 School in LaGrange and Western Springs for 23 years, and
2 I can tell you that the pollution from diesel buses on
3 certain days made me not want to pick up my mail from the
4 office because the fumes were coming inside and my
5 students had to ride home on those buses. It's horrific
6 what people go through. This is an upper middle class
7 community. This affects everybody in the State of
8 Illinois.

9 I was raised on the south side and I have been
10 told I have lung disease just from living where I lived
11 but it affects everyone.

12 I'm here as a grandma. I have five grandkids
13 between the ages of 12 and 16 months. I worry for them
14 about cancer, I worry for them about asthma, stroke. I'm
15 worried that babies will be born with life-long problems
16 that they don't need to have. And most of all, I worry
17 about what their lives are going to be when they're
18 adults because we know that these standards will not only
19 improve the health of people right now, but they will
20 save the planet.

21 What we do here in Illinois is going to have a
22 super big effect throughout the whole world because, as
23 you know, these standards have been adopted on the west
24 coast, Colorado, New Mexico, they've been adopted on the

1 east coast. If you can summon the will to plant a stake
2 in Illinois in the midwest, it won't matter what
3 administration is in Washington, DC. Car manufacturers
4 are going to make clean cars, they will have to. It will
5 just make economic sense to them, and so if you're asking
6 yourself are we the right body to do this, you are the
7 people with the power to do this, and I hope you will
8 summon that will to pass all three of these clean vehicle
9 standards.

10 Thank you.

11 HEARING OFFICER HORTON: Thank you so much. Next is
12 Connie Schmidt, then after that Barbara Hill.

13 MS. SCHMIDT: Thanks. Linda is my friend, and when
14 you hear my comments you're going to know we're sisters.
15 There's a sisterhood. I have been proud of Illinois as
16 we've worked over the last 15 years to pass CEJA, the
17 Future Energy Jobs Act. We passed CEJA, the Climate
18 Equitable Jobs Act, and we are asking your support for
19 Clean Vehicles Standards and clean air for all.

20 As a special education teacher at all levels,
21 middle school, high school, and the last 20 years as an
22 elementary school teacher, I've witnessed and been
23 impacted by the dirty air pollution our kids and staff
24 have been exposed to from idling buses and cars in school

1 pickup and dropoff lines. The children most impacted are
2 those lowest to the ground, or our youngest populations
3 and those of special needs. These kids are breathing in
4 the particulate matter from diesel buses and dirty cars
5 every day before school, after school, and in their
6 neighborhood. Particulate matter in air pollution is one
7 of the most harmful effects on both of our short-term and
8 our long-term health conditions. The list of diseases
9 and conditions is exhaustive. But one not mentioned as
10 frequently is the impact on attention for students.

11 Beginning the day with pollution increases the
12 incidence of attention deficit disorder which puts our
13 children at risk for their intellectual and skill
14 development. Add to that the physical impacts as well
15 and the cost for human health becomes enormous.

16 Workers at Point Source Solution Research such
17 as railroad, docks, and highways are disproportionately
18 impacted as well as the residents we've heard today at
19 the transportation corridors. These incidents of harmful
20 impacts include asthma, respiratory, and heart disease,
21 very well documented.

22 I am proud and somewhat relieved to live in
23 Illinois, a state where clean energy and cleaner -- a
24 cleaner energy future have been embraced in previous

1 legislation. The trifecta of clean transportation
2 policies facing the Illinois Pollution Control Board now
3 can make a drastic difference in lives of our Illinois
4 residents. Other states are doing these things. They
5 have set ambitious standards for air regulations and
6 manufacturing, and they are beginning to meet their
7 targets.

8 Illinois has proven we can be a leader in this
9 field. Will the Pollution Control Board help Illinois to
10 protect our citizens, the air we breathe and our economy
11 by setting the standards asked for clean air for all?

12 Thank you so much for were you time. Thank
13 you.

14 HEARING OFFICER HORTON: Next is Barbara Hill, and
15 then Dom Amato.

16 MS. HILL: I'm Barbara Hill, and I live in Palatine
17 near Route 53, a six lane limited access highway. I also
18 drive a Chevy Volt, a plug-in hybrid, and of all the cars
19 I've owned, it's my favorite. I'm on the executive
20 committee of the Sierra Club Northwest Cook County Group,
21 and I'm also the group's political chair.

22 I grew up in the woods of Northeast Ohio where
23 I spent countless hours climbing trees, wading in the
24 nearby brook, watching crayfish and birds and turtles and

1 building snow forts.

2 When I moved here in 1987 I needed to find a
3 connection to this new and different landscape, and I
4 found it learning to restore ecological health to the
5 forest preserves of Cook County.

6 That led to learning how to advocate for
7 nature. While the time I spend identifying flowers and
8 removing invasive brush soothes my soul, I've come to see
9 the decision makers cannot be expected to craft good
10 policies unless we talk with them, so thank you for this
11 opportunity.

12 Today climate change is the greatest threat to
13 the natural world and to our way of life. We are
14 beginning to see the disruptions it will bring. This
15 year's drought and last year's wild fire smoke are among
16 the early local signs. We need to stop burning fossil
17 fuels as quickly as possible to avoid dire consequences,
18 including famines, cities inundated by rising seas,
19 ecosystem collapse and other unprecedented human
20 migration. Illinois has taken important steps to reduce
21 carbon dioxide emissions from the energy sector. We must
22 now turn our attention to transportation, which is
23 currently the largest single contributor accounting for
24 33 percent of Illinois's carbon dioxide emissions.

1 Please adopt the following three rules which
2 will reduce not only carbon dioxide but also nitric oxide
3 and nitrogen dioxide which directly threaten respiratory
4 health, the Advanced Clean Trucks, Heavy Duty Omnibus Low
5 Nox, Advanced Clean Cars 2.

6 Thank you for your attention.

7 HEARING OFFICER HORTON: Next Dom Amato, and then
8 Barbara Foster.

9 MR. AMATO: Hi. My name is Dominick Amato. I am
10 the co-chair of the transportation team for the Sierra
11 Club Illinois Chicago group. I'm here to support --
12 voice our support for the Proposed Clean Vehicle
13 Standards being discussed today this is a long overdue
14 advancement in our vehicle standards that has already
15 been adopted by many other states, even ones who are less
16 well positioned to manage phasing out diesel as we are.
17 We have no excuses why it could work there but not here.

18 When cholera and other diseases were affecting
19 our drinking water, we didn't sit around and wait for
20 others to figure it out. We reversed the river. When
21 Upton Sinclair published his work that became the Jungle
22 and made the public aware of the lack of sanitation and
23 the production of the food they ate and the illnesses
24 that spread from that, we acted by creating new

1 legislation that would require the industry to clean
2 itself up.

3 When our storm water solution was not adequate,
4 we spent billions of dollars and 50 years building the
5 Deep Tunnel Project to prevent sewage overflow into our
6 reversed flow river. So I ask you, if we can do all
7 this, why is that we have to beg for any kind of reprieve
8 when it comes to air pollution caused by diesel? Why can
9 we make these grand gestures to solve these other
10 problems but stop at incremental change for this
11 particular issue?

12 Surely the stockyards were a large employer and
13 had strong political sway at the time and yet we did not
14 handle these problems away or throw up our arms and say
15 it wasn't politically viable. Reversing the river sounds
16 just as farcical now as I'm sure it did then, yet the
17 people of Illinois were able to act in a way that
18 addressed the issues of their time. No. This is a
19 problem of political cowardice and a lack of
20 accountability. What is the point of a Pollution Control
21 Board if it does not act to save the people from an
22 obvious and known threat posed to their health?

23 We are presently in the top 1 percent of
24 municipalities when it comes diesel pollution. The time

1 to act was yesterday. Do we need to prop up this
2 industry when it has already been shown that electric
3 cargo vehicles can work at scale for companies like
4 Frito-Lay and Amazon?

5 Illinois is home to a Rivian manufacturing
6 facility that makes Amazon's electric fleet. Should we
7 not support these well-paying jobs and invest in our
8 future by aligning our standards with their capabilities?
9 We are not asking for some imaginary world. We are
10 telling you to take actions to protect our health and
11 support these workers and communities that can lead to
12 stop these generational injustices.

13 It's time for us to be the leader we are
14 capable of being given our freight and manufacturing
15 capabilities here in Illinois. The first step we can
16 take is to match our peers and enact these policies to
17 ensure that we are protecting our people from harmful air
18 pollution and invest in the 21st Century technology that
19 is already here in our state.

20 Chicago loves to say make no little plans. Now
21 is the time to live to those words by showing the oil and
22 gas industry we won't accept the status quo that is
23 poisoning our city. Be bold and take action now.

24 Thank you.

1 HEARING OFFICER HORTON: Thanks so much. Our last
2 public commenter will be Barbara Foster.

3 MS. FOSTER: So I'm Barbara Foster. I'm a mother of
4 four grown children, grandmother of one, and I have a
5 story to tell, but I want you to remember two numbers,
6 500 and 600.

7 So my story occurs 31 years ago with our first
8 born son. He was 18 months old. We were living on the
9 south side of Chicago, and he stopped breathing in the
10 middle of the night. Fortunately somehow we realized
11 that, like mother instinct got me up, and I realized my
12 child wasn't breathing. We rushed him down the elevator
13 putting our clothes as we went on, rushed him seven
14 blocks to the University of Chicago emergency room, and
15 awaited there as you can imagine with terror and love
16 that was outsized beyond anything our hearts could hold.

17 He had a childhood of struggle with that asthma
18 that was diagnosed that night. He had the best medical
19 treatment, the best interventions. We moved out of
20 Chicago to a greener area. He had everything. And he
21 came through it. He is a happy, healthy 32 year old. He
22 lives in greener areas, and once he left this area when
23 he was 18, it cleared up. It cleared up. The asthma
24 cleared up.

1 So flash over to my husband's and my
2 professional lives. He's a physician, I'm a
3 psychotherapist. We've worked a lot in underresourced
4 areas of color. There we see outcomes that are so, so
5 different from that of our son. And we see kids who are
6 not only fighting all -- all the battles of racism and
7 poverty, but we are seeing kids who don't even have
8 healthy enough air to breathe to fight those battles, and
9 it's just not fair.

10 So 500 and 600. 500 is how many fewer deaths,
11 how many fewer kids are going to die every year if you
12 guys can enact these regulations. 600 is how many fewer
13 kids every single year will be diagnosed with asthma.
14 That's a lot of kids when you think about each single
15 being.

16 So I just want to be clear and connect the last
17 of the dots here. This is certainly a racial equity
18 issue. It is a health equity issue. It is also -- it is
19 also the biggest planetary issue we have ever faced in
20 our lives. This is the moment, this is our moment, and I
21 believe in you, human beings, and I believe in our state
22 that we can be part of what tips us towards this like,
23 you know, moral arc, the long moral arc that we have to
24 be on to save our children and to save our planet.

1 Thank you so much for extending your time.

2 HEARING OFFICER HORTON: Thank you. I appreciate
3 it. We'll go off the record now.

4 (Off the record)

5 HEARING OFFICER HORTON: We'll go back on the
6 record. During that break, we discussed whether there
7 would be any follow-up questions for Dr. Orris, and
8 hearing none, we're going to proceed with his statement
9 and enter his testimony and answers into the record, and
10 then we'll continue with Mr. Patel's testimony.

11 Mr. Weinstock?

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1 PETER ORRIS, M.D.,
2 called as a witness herein, having been first duly sworn,
3 was examined upon oral interrogatories and testified as
4 follows:

5 EXAMINATION

6 By Mr. Weinstock:

7 Q Thank you, Hearing Officer. Good afternoon,
8 Dr. Orris. Could you state and spell your name for the
9 record?

10 A Peter Orris, O-R-R-I-S. P-E-T-E-R.

11 HEARING OFFICER HORTON: I'll have to interrupt. I
12 forgot to have Ms. Court Reporter swear in the witness.

13 (Witness duly sworn)

14 MR. WEINSTOCK: Q I think we can trust him on the
15 spelling of his name outside of the oath.

16 Dr. Orris, did you submit pre-filed testimony
17 in this matter?

18 A I did.

19 Q Is that the document before you now titled
20 Pre-Filed Testimony of Dr. Peter Orris?

21 A I do.

22 Q Do you adopt that pre-filed testimony as your
23 sworn testimony in this matter?

24 A I do.

1 Q And did you also direct the preparation of
2 pre-filed answers to certain pre-filed questions
3 submitted to your attention by other parties?

4 A I did.

5 Q Is that document titled Rule Proponent Answers
6 to Pre-Filed Answers of Dr. Peter Orris?

7 A It is.

8 Q Do you adopt those pre-filed answers as part of
9 your sworn testimony in this matter?

10 A I do.

11 MR. WEINSTOCK: Hearing Officer, I would move both
12 the witness's pre-filed testimony and his pre-filed
13 answers into the record as evidence.

14 HEARING OFFICER HORTON: Okay. Dr. Orris' testimony
15 will be Exhibit 10, and his answers will be Exhibit 11.

16 MR. WEINSTOCK: Q Dr. Orris, I just have one
17 question for you today. Would you like to take this
18 opportunity to provide a brief overview of your testimony
19 and your perspective on the proposed rules?

20 A Yes. Very brief. I will try to fit into the
21 two or three minutes.

22 Q Please do.

23 A Well, good afternoon, and thank you for
24 allowing me to testify today. I'm quite flattered to be

1 here with all of the prior testimony that I heard earlier
2 this morning. My name is Peter Orris, and as I've stated
3 in my pretrial -- pre-filed testimony, I'm a senior
4 physician in occupational and environmental medicine at
5 the UI -- at UI Health and a professor at the University
6 of Illinois School of Public Health with adjunct
7 appointments as professor of environmental medicine at
8 Northwestern University Fineberg School of Medicine and
9 internal medicine at Rush University's Medical School
10 College. I'm an elected fellow of the American College
11 of Physicians, and the American College of Occupational
12 and Environmental Medicine, and the Institute of Medicine
13 of Chicago.

14 As detailed in my submitted curriculum vitae,
15 among other topics, I teach classes at these schools on
16 air pollution, climate change, and health as well as
17 other universities, scientific meetings, and medical
18 schools internationally. In addition, I have served as
19 an expert consultant to the World Health Organization on
20 air pollution and other agencies concerning air pollution
21 and climate change.

22 I have published research papers on trends on
23 asthma rates across racial groups in Chicago and health
24 effects of exposure to diesel exhaust. I've spent over

1 35 years as a general internal medicine attending
2 physician at Cook County Hospital. I'm testifying to you
3 today as an individual though I want to be clear.

4 Specifically, I have submitted testimony in
5 support of the Clean Car and Truck Standards, R2024-017,
6 the proposals before you today on the public health
7 impacts of the air pollution associated with vehicle
8 emissions which emphasized how long-term exposure to air
9 pollutants associated with vehicle emissions can cause or
10 exacerbate a variety of adverse health effects such as
11 respiratory diseases, cardiovascular diseases, and
12 premature death just as examples.

13 I also identify the adverse health effects of
14 extreme heat on public health as a consequence of these
15 emissions, as they lead to climate change as well.

16 Finally, I note that air pollution has a
17 disproportionate impact on low income and communities of
18 color in Chicago.

19 As my testimony and response to questions I
20 previously submitted, I will not take more time today in
21 repeating these, but I am ready to answer any questions
22 -- that's irrelevant now -- explain or expand on my
23 testimony as the Board would like.

24 Thank you very much for having me. Thank you.

1 HEARING OFFICER HORTON: Thank you so much,
2 Mr. Orris.

3 Any questions here in Chicago? Hearing none.
4 Any questions in Springfield? Hearing none,
5 Mr. Orris, you're dismissed.

6 We're continuing with Mr. Patel's testimony.
7 And, Miss Brown, I think you were in the middle of
8 questioning when we broke for lunch. So you can
9 continue.

10 MUHAMMED PATEL,
11 recalled as a witness herein, having been previously duly
12 sworn, was examined upon oral interrogatories and
13 testified as follows:

14 CONTINUED EXAMINATION

15 By Ms. Brown:

16 Q Thank you very much. So we'll pick up with the
17 Alliance's pre-filed Question Number 7A, as in apple, in
18 your pre-filed response to the same.

19 So going back to the Proponent's statement of
20 reason on page 13 of the statement of reasons, I think in
21 a footnote Proponents reference to ERM projects that the
22 federal standard will increase the share of new
23 light-duty ZEV sales in Illinois to 66 percent by model
24 year 2032. Do you agree with that projection?

1 A Yes. So just to contextualize that number.
2 That is the baseline assessment from the ERM report that
3 includes what the expected amount of zero emission
4 vehicle sales are in the State of Illinois. The
5 qualifier that should come along with that number is that
6 the federal standards do not require zero emission
7 vehicle sales as part of their fleet wide average
8 emission standard, and while that estimate is an estimate
9 for what it could look like in Illinois, unlike the
10 Advanced Clean Cars II standard, federal standard does
11 not guarantee ZEV sales in Illinois.

12 Q Would you agree that under or as a result of
13 the current federal standards auto makers will offer all
14 of their ZEV models for sale in Illinois?

15 A Can you clarify the question? Are you asking
16 what the availability will be of vehicles under the
17 federal standards specifically in Illinois?

18 Q Yes.

19 A So we can assume that, you know, national auto
20 makers as a method of compliance for the federal
21 standards will offer a variety of vehicle technologies in
22 order to comply with the federal standard, but the only
23 thing or standard that guarantees model availability and
24 ZEV sales within Illinois is the Advanced Clean Cars II

1 Standard.

2 So I can't speak to the exact availability
3 within Illinois under the federal standard as I've
4 mentioned because it is not a requirement on ZEV sales,
5 however, the ACC II standard would guarantee a wide
6 variety of models be available for sale in Illinois.

7 Q In your pre-filed response you state that
8 ACC II ensures that more ZEVs are available for purchase
9 in the state. And so here you're talking about the
10 number of vehicles for sale, is that correct?

11 A I believe I'm referring to yes, the number of
12 vehicles in the state implicitly, but more broadly
13 referring to the availability of makes and models. And
14 the reasoning for that is primarily because of the
15 difference between the federal and state standards. So
16 while auto makers would use the federal standard -- would
17 use ZEV sales across the country to comply for their
18 fleet-wide average as part of federal standard, what
19 Illinois's adoption of ACC II would ensure is that
20 vehicles are sold directly in Illinois to comply.

21 So, for example, manufacturers could
22 theoretically meet the federal targets by focusing ZEV
23 sales in certain states. Maybe those states have already
24 adopted these standards. So what ACC II would do is

1 ensure that ZEV sales are being met specifically in
2 Illinois.

3 Q The ZEV requirements under ACC II is expressed
4 as a percentage or ratio, is that correct?

5 A Correct.

6 Q And would you agree that there are two ways to
7 comply, one, an auto maker can increase the sale of ZEV;
8 and then, two, an auto maker can also decrease gasoline
9 vehicles sold, would that be correct?

10 A I would add another factor, which is auto
11 makers can use the extensive compliance flexibilities
12 within the standard to also comply. So, yes, they can
13 increase their ZEV sales as a proportion of their total
14 sales, use the compliance flexibilities, or potentially,
15 as you're implying, yes, manufacturers could comply by
16 reducing their associated ICE -- by ICE, I mean internal
17 combustion engine vehicle sales.

18 Q So getting to decreasing the number of non-ZEV,
19 so that would be decreasing the number of non-ZEVs that
20 are available for sale, that's your agreement that's the
21 compliance option?

22 A Yes, but I've not necessarily seen evidence to
23 suggest that that's what manufacturers would be using to
24 comply in this case.

1 Q Would you agree generally that when you limit
2 the sale of an item the price typically increases for
3 that item?

4 A The basic supply and demand curve in economics,
5 yes, I'm aware of it.

6 Q Would you agree that the proposal here would
7 likely increase the prices of non-ZEV?

8 A No. I would not agree with that. I believe
9 Mr. Cackette in his testimony refers to the potential
10 impact on a cost per vehicle of the increased standard of
11 tailpipe emissions for existing gas cars, but to
12 exclusively attribute cost increases to a single standard
13 I think discounts many factors that go into cost for
14 various vehicles. So, no, I don't think I would agree
15 with that statement.

16 Q Moving to question -- the Alliance's Question 8
17 and really both 8B and C together. So in your response
18 you referred to a market failure. Is that market failure
19 that you're referencing -- is that left to their own
20 devices Illinois consumers would not purchase as many
21 ZEVs as will be required to be sold under the proposed
22 rules?

23 A No. The way the question was framed in that is
24 there a market failure preventing the widespread adoption

1 of electric vehicles. I don't think I would agree with
2 that statement. The way I have phrased it in the
3 response is noting that motor vehicle emission standards
4 like the one we're considering today in the Advanced
5 Clean Car II rule are premised on the idea that the costs
6 of the current system are not being accounted for within
7 the costs of building and then purchasing and then
8 selling the vehicles.

9 So motor vehicle emission standards are
10 generally premised on the market failure that public
11 health, climate, and environmental impacts of vehicle
12 emissions are not captured in that price of the vehicle
13 or fuel which makes it necessary to have emission
14 standards that captured the public health costs that you
15 heard a lot of earlier as well as the other climate and
16 environmental social and public health impact that come
17 along with the current status quo.

18 Q Moving to the Alliance's Question 9 in your
19 pre-filed response. So just to clarify, starting in
20 model year 2035, there's 100 percent ZEV sales
21 requirement, is that correct?

22 A In the Advanced Clean Cars II rule, yes, not in
23 the Advanced Clean Trucks rule.

24 Q Correct. Okay. So under ACC II, there would

1 be no excess credits generated in model year 2035, would
2 that be correct?

3 A That's correct.

4 Q And in --

5 A Sorry. Can I clarify?

6 Q Absolutely.

7 A That would be correct in terms of like excess
8 credits generated potentially by full line manufacturers.
9 It would also -- Sorry. I guess I misunderstood the
10 question. Yes, that's correct.

11 Q Okay. In your pre-filed response, you stated
12 that beginning with model year 2035 Illinois consumers
13 can still buy used gasoline vehicles. To clarify, you
14 agree that they would not be able to buy any new
15 gasoline-powered vehicles, is that correct?

16 A That's correct. Yes. They could also still
17 buy used gasoline vehicles before 2035.

18 Q All right. And then just have two more short
19 sets of follow-up questions and these are on -- in
20 follow-up to the Automobile Dealers Association
21 questions, and I'll point you to the page. And so it
22 would be page 62. Let me know when you're there.

23 A I'm there.

24 Q And it's Question 29.

1 A Okay.

2 Q So are you aware that Minnesota adopted
3 Advanced Clean Cars I but has declined to adopt Advanced
4 Clean Cars II?

5 A Yes.

6 Q Are you aware that a similar attempt to get
7 Maine to adopt Advanced Cars II failed to gain Board
8 approval?

9 A Similar attempt to what exactly?

10 Q Similar attempt to Minnesota that Advanced
11 Clean Cars I was adopted but Advanced Clean Cars II was
12 not adopted, it failed to gain Board approval in Maine?

13 A Yes. I'm aware that in Maine Advanced Clean
14 Cars II has not been adopted.

15 Q Are you aware that Connecticut also considered
16 adopting Advanced Clean Cars I but declined to move
17 forward with that proposal?

18 A Yes.

19 Q And then last set of questions. Again with the
20 Dealers Association on page 67.

21 A Okay.

22 Q And Question 46.

23 A Okay.

24 Q So in this pre-filed response Proponent states

1 that the California Air Resources Board monitors the
2 development of electric vehicle markets, and then, you
3 know, makes necessary adjustments. However, the
4 California Air Resources Board only monitors the
5 development of electric vehicle market in California, is
6 that correct to your knowledge?

7 A I don't believe so. It's my understanding that
8 the California Air Resources Board in varying materials
9 in front of the board have considered global and national
10 electric vehicle markets in determining the structure of
11 the standards. That's my understanding.

12 Q So it's your understanding that the California
13 Air Resources Board has amended or adjusted its
14 regulations based on markets in other states?

15 A I don't believe current -- it's my
16 understanding that the California Air Resources Board has
17 not yet amended this standard, although I would need to
18 double check. I believe they've announced potential
19 amendments, but I don't believe they've amended it.

20 In terms of market developments in other
21 states, with my experience, and I'm sure Mr. Cackette in
22 his experience as one of the leaders within the Air
23 Resources Board could speak more toward what global
24 market factors they consider, it's my understanding that

1 they do take a look at national market factors, although
2 I don't know how much specific state markets play into
3 the California Air Resources Board consideration of
4 amendment.

5 I do think it's important to note that with the
6 two year lead time requirement that Illinois would have
7 in adopting these standards, any adjustments that would
8 be made by the California Air Resources Board, Illinois
9 would be notified by the Board and have an opportunity to
10 provide comments to the Board, and -- about, you know,
11 the potential adjustments that the Board is considering.

12 MS. BROWN: Thank you. That's all the questions we
13 had. Thank you for your time, Mr. Patel.

14 THE WITNESS: Thank you.

15 HEARING OFFICER HORTON: Okay. Anyone else in
16 Springfield have follow-up questions for Mr. Patel?

17 BOARD MEMBER MANKOWSKI: Yes, looks like we have
18 some questions from Illinois EPA.

19 HEARING OFFICER HORTON: Sounds good.

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1 FURTHER EXAMINATION

2 By Ms. Roccaforte:

3 MS. ROCCAFORTE: This is Gina Roccaforte with the
4 Illinois EPA.

5 Q Just wanted to confirm, Mr. Patel, would you be
6 responding to follow-up in response to the Illinois
7 Automobile Dealer's Association questions?

8 A I'm sorry. Which questions are you referring
9 to?

10 Q Question 15 on page 57.

11 MR. WEINSTOCK: Is this question about whether this
12 question should be directed to Mr. Patel or Mr. Cackette?

13 MS. ROCCAFORTE: Correct.

14 MR. WEINSTOCK: Let me find my list.

15 MS. ROCCAFORTE: Is Mr. Patel the correct person to
16 ask a follow-up for that?

17 HEARING OFFICER HORTON: Mr. Weinstock is checking
18 his list.

19 MS. ROCCAFORTE: Question 15.

20 MR. WEINSTOCK: From the Illinois Automobile
21 Dealers? Yes.

22 THE WITNESS: Yes. I can answer follow-ups.

23 MS. ROCCAFORTE: Q Yes. Okay. So the Rule
24 Proponents claim that annual ZEV sales growth of about

1 10 percent will be sufficient to reach compliance in
2 model year 2029. Based on the information provided, it
3 appears that six times the number of ZEVs sold in 2023
4 would need to be sold in 2029 under the proposal which is
5 far greater than the number of ZEVs that would be sold in
6 2029 assuming 10 percent growth of sales per year. Do
7 the Rule Proponents mean that the ZEV market share not
8 sales of ZEVs would need to increase 10 percent each
9 year?

10 A So I believe I clarified this in the previous
11 questions by the Alliance, but, yes, what we are
12 responding to there would be annual growth of 10 points
13 every year compared to the current number of sales based
14 on the sales target in the standard. So current --
15 current model year sales of 8.2 percent in model year
16 2024 would need to grow about 10 percentage points every
17 year to reach a de facto compliance of approximately 50
18 percent in model year 2029.

19 Q So 10 percent of all cars sold, correct?

20 A This is based on new vehicle sales, not all
21 vehicle sales.

22 Q I understand that. So what you're saying then
23 is that would require ZEV sales to more than double the
24 first year?

1 A That's correct. If you are annualizing it over
2 each year between now and the beginning of the program,
3 but as I've mentioned before, these -- there are numerous
4 compliance flexibilities that manufacturers can take
5 advantage of that would continue to reduce this
6 requirement. So to comply maybe directly with the sales
7 target with no compliance flexibilities being used, you
8 could say that that doubling will need to occur, but
9 likely there will be some wiggle room within that number
10 given the opportunities for manufacturers to comply in
11 different ways.

12 Q Okay. And then I have two more questions.
13 Would you be the person to ask follow-up to Question 21
14 and Question 50 from the Illinois Automobile Dealers
15 Association?

16 MR. WEINSTOCK: Mr. Patel would be available for
17 both those questions, although I'll note that for 21
18 Mr. Cackette is also designated, but both of them are.

19 THE WITNESS: So, yes.

20 MS. ROCCAFORTE: Q Thank you.

21 A I am able to respond to those follow-ups.

22 Q Okay. Sorry.

23 A Go ahead.

24 Q Regarding Question 21, per the answer, the

1 ACC II rules will limit the sales of plug-in hybrid
2 vehicles to 20 percent of vehicles by 2035. Is it your
3 position that plug-in hybrid vehicles constitute an air
4 pollution hazard, the sale and use of which should be
5 limited by the board?

6 A So I think it's important to clarify that it
7 will not limit the sale of plug-in hybrid electric
8 vehicles. It will just limit the amount that they can be
9 counted towards compliance. So if manufacturers are
10 seeing profit in that market, they can sell as many as
11 they like. But only 20 percent of the total sales can be
12 attributed to credits coming from plug-in hybrid EVs.
13 So, no, there is necessarily no limitation on how many
14 they can sell or the Board would not be limiting how many
15 plug-in hybrid EVs they can sell.

16 Purely from a compliance standpoint only 20
17 percent of the total compliance values in any particular
18 year can be filled by plug-in hybrid EVs. I'd also just
19 note that the question refers to consumer preference for
20 various vehicles, and the answer goes on further to state
21 that while zero emission vehicles will be filled in some
22 senses by battery electric vehicles in terms of
23 compliance, fuel cell electric vehicles which are powered
24 by hydrogen also plug-in hybrid vehicles like I mentioned

1 are both able to be considered for compliance on the ZEV
2 standard. Other hybrids that don't plug in such as gas
3 hybrids were treated as internal combustion engines but
4 are incentivized under the low emission vehicle
5 requirement.

6 HEARING OFFICER HORTON: They're having trouble
7 hearing you so if you can speak up.

8 MR. WEINSTOCK: I just want to note, this is an
9 example of one of those questions that mixes a legal
10 question. Counsel referenced the actual term of art from
11 the statute as well as Mr. Patel's subject matter
12 expertise, and I would just note on that point, the
13 emissions from these vehicles are the air pollution
14 hazard, not the vehicle themselves.

15 So I guess I'm objecting to the form of the
16 question that asked about whether the vehicles were a
17 hazard, and so I would just note that for the record.

18 HEARING OFFICER HORTON: It's noted.

19 MS. ROCCAFORTE: Q Lastly, Question 50, the agency
20 is unclear about what Rule Proponents mean by, quote, the
21 Board or the Illinois Environmental Protection Agency
22 could withdraw from the California regulation at any time
23 it sees fit, unquote.

24 Under what scenario could the Illinois EPA or a

1 Board withdraw the State of Illinois from California's
2 regulations?

3 A So I believe that there's a legal aspect that I
4 can't necessarily speak to, but I'll do my best in my
5 understanding of how this relates to the federal
6 standards. The federal -- the US EPA federal standards
7 provide a baseline that all states must comply with if
8 they don't choose to follow California standards.

9 The answer to this question is essentially
10 referring to the idea that Illinois were it to not adopt
11 ACC II or were to adopt it and then decide it did not
12 want to continue in the effective dates could withdraw
13 from the program and would then be subject to federal
14 tailpipe regulations.

15 How exactly that mechanism would work in
16 Illinois law I think is a question better answered by
17 attorneys. But essentially what we're just trying to
18 highlight there is that the opt-in to California
19 standards can also be opted out and then would lead to
20 Illinois being responsible for complying with the federal
21 emission standards.

22 Q So perhaps that would require another board
23 rulemaking?

24 A I don't feel qualified to answer that question.

1 HEARING OFFICER HORTON: Okay. Anybody else in
2 Springfield have follow-up questions for Mr. Patel?

3 BOARD MEMBER MANKOWSKI: It does not look like we
4 have anymore questions.

5 HEARING OFFICER HORTON: Okay. Go off the record
6 for one minute.

7 (Off the record)

8 HEARING OFFICER HORTON: All right. We're back on
9 the record. Looks like there's no further follow-up
10 questions for Mr. Patel.

11 So, Mr. Patel, you're dismissed thanks so much.

12 We do have two members of the public here who
13 would like to give public comment. So I'll say if you
14 could come up first and then spell your name for the
15 court reporter.

16 MS. CHACLAS: Good afternoon. My name is Emilee
17 Chaclas. I live in Cook County, which as you've heard
18 from other folks here today is the -- within the top 1
19 percent of counties nationwide with the worst pollution
20 from diesel engines. We are so far from providing what
21 should be a human right that everyone have access to
22 clean air.

23 Walking on streets in my neighborhood, it's a
24 common occurrence to get caught in a cloud of emissions

1 from vehicles on the road, and in those moments when I'm
2 struggling to breathe myself, I unfortunately can't
3 imagine what it would feel like for my mother and brother
4 who both have asthma and carry inhalers to experience
5 that, only because I don't have asthma myself, but I do
6 have like anaphylaxis and I've had to fight to breathe at
7 times in my life, and it's something I wouldn't wish on
8 anyone.

9 Seeing especially with my mother or brother a
10 loved one in the fetal position experiencing an asthma
11 attack struggling to breathe is terrifying, and this is
12 the case for way too many and is a direct result of our
13 poor air quality.

14 Fresh air should not be an oxymoron, but
15 without a committed transition to zero emission vehicles,
16 we know that maintaining the status quo is harming air
17 quality now and solidifying our climate future. The wild
18 fire smoke we experienced in the summer of 2023 was a
19 terrifying show of what we can expect more of if we do
20 not shift our path. When we know better and have
21 solutions readily available, we must do better.

22 The Advanced Clean Trucks, Heavy Duty Omnibus,
23 and Advanced Clean Car II rules would bring vitally
24 needed relief to our communities and ensure Illinois is a

1 leader in addressing the largest source of pollution both
2 in our state and in the country, which is from the
3 transportation sector.

4 I urge you to do everything within your power
5 to bring Clean Vehicle Standards to Illinois for our
6 health and climate.

7 Thank you.

8 HEARING OFFICER HORTON: Thanks so much.

9 MR. DARIN: My name is Jack Darin. I'm the director
10 of the Sierra Club Illinois chapter. I wanted to thank
11 the members of the Board and the staff for holding this
12 hearing today, and also just accepting this petition. I
13 know there's a lot of time and effort that goes into
14 this, but the ability of the public to propose new
15 safeguards for the environment is a really critical part
16 of our state's Environmental Protection Act, and I think
17 this may be more important now than ever when there is so
18 much uncertainty around many of the federal safety guards
19 that protect our air and water and also at a time when
20 Illinois in recent years has been moving so boldly on
21 matters of climate action and carbon pollution reduction.

22 We have set a bold goal in terms of
23 electrification of having one million vehicles on the
24 road -- electric vehicles on the road by 2030, and unlike

1 the efforts that we've taken to decarbonize our electric
2 sector, we do not have a strong state based regulatory
3 framework to ensure that we hit those goals. We are at
4 the moment entirely reliant on the federal government to
5 reach our climate goals as they relate to transportation,
6 and at best, the prospects for federal regulation that
7 can help us meet our state goals are uncertain, and so,
8 fortunately, as we've heard today, other states have
9 chosen a much more certain path to not only addressing a
10 lot of the health concerns we heard about today but
11 really to be the climate leader that we want Illinois to
12 be and that we've made a matter of state policy in recent
13 years.

14 So the one way we can do that that is the most
15 certain that is available to us that is proven is to
16 follow the path that other states have chosen by adopting
17 these standards.

18 And, again, I want to thank the Board for
19 sending the petition and considering it, and hopefully
20 the outcome will be one that we can all be proud of and
21 leave us really controlling our own destiny and our own
22 future rather than relying on a very uncertain future
23 from Washington.

24 HEARING OFFICER HORTON: Thanks so much. We will

1 conclude -- We'll end today's hearing at 3:19 p.m. We'll
2 continue on until tomorrow at 10:00 a.m. where we'll
3 start with testimony from Mr. Tom Cackette.

4 Thanks, everyone.

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1 STATE OF ILLINOIS)
) SS:
2 COUNTY OF C O O K)
3

4 CAROL CONNOLLY, being first duly sworn, deposes
5 and says that she is a Certified Shorthand Reporter in
6 Cook County, Illinois, and reporting proceedings in the
7 Courts in said County;

8 That she reported in shorthand and thereafter
9 transcribed the foregoing proceedings;

10 That the within and foregoing transcript is
11 true, accurate and complete and contains all the evidence
12 which was received and the proceedings had upon the
13 within cause.

14 
15

16 _____
CAROL CONNOLLY, CSR, CRR
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18 Chicago, Illinois 60606
Phone: (312) 386-2000

19
20 Subscribed and sworn to before me this
21
22 17th day of December, A.D., 2024.
23
24

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