



May 16, 2025

Illinois Pollution Control Board
Attn: DEQ Director's Office
c/o Don Brown, Clerk of the Board (don.brown@illinois.gov)
60 E Van Buren St., Suite 630
Chicago IL 60605

RE: Proposed Clean Car and Truck Standards: Proposed Section 35 Ill. Admin. Code 242

Dear Hearing Officers Horton and Leoni:

In response to comments submitted by the Illinois Trucking Association (ITA), the American Trucking Associations (ATA) joins ITA in urging you to deny the proposed rulemaking to adopt the Advanced Clean Trucks (ACT) and Heavy-Duty Omnibus (HDO) rules.^{1,2} For the reasons stated below, pursuit of these rulemakings will force IPCB to consider unachievable standards that lack the necessary infrastructure and funding to achieve them. IPCB will also be unable to satisfy the requirements of Section 177 of the Clean Air Act. For these reasons, the petition should be denied.

Other states are recognizing the infeasibility of the ACT and HDO regulations. Over the past month, Maryland, Massachusetts, Oregon, Pennsylvania, and Vermont have delayed ACT and/or HDO implementation over concerns about new truck sales.^{3, 4, 5, 6, 7}

Elected bodies are weighing in too. The Illinois General Assembly did not pass proposed legislation requiring IPCB to adopt the ACT and HDO regulations.⁸ And the U.S. House of Representatives recently passed resolutions to revoke the EPA-granted Clean Air Act waivers for ACT and HDO.⁹ IPCB should heed these warnings from other levels of government.

¹ Post-Hearing Comments submitted by Matthew Hart, Executive Director, Illinois Trucking Association; P.C.#419 (4/25/2025).

² ATA is a 90-year-old federation and the largest national trade organization representing the 8.5 million men and women working in the trucking industry.

³ The State of Maryland, *Ensuring Success with Advanced Clean Cars II and Advanced Clean Trucks in Maryland*, Executive Order 01.01.2025.10 (April 4, 2025)

⁴ Massachusetts Department of Environmental Protection, *Massachusetts Announces Flexibilities for Clean Trucks Requirements* (April 14, 2025).

⁵ Oregon Department of Environmental Quality, *Limited Enforcement Discretion and No Penalty Justification for Advanced Clean Trucks Rule*, OAR Chapter 340 Division 257 Memo (May 15, 2025).

⁶ Pennsylvania Department of Environmental Protection, *Suspension of Enforcement of the Pennsylvania Heavy-Duty Diesel Emissions Control Program* (May 10, 2025).

⁷ State of Vermont, *Advanced Clean Trucks, Advanced Clean Cars II, and Heavy-Duty Engine and Vehicle Omnibus*, Executive Order No. 04-25 (May 13, 2025).

⁸ Illinois General Assembly, House Bill 1634 (2023-2024).

⁹ U.S. House of Representatives, House Joint Resolutions 87 and 89 (2025).

ACT requirements are unachievable in Illinois.

If the IPCB were to grant the petition, Illinois ACT could begin no sooner than Model Year 2029 at sales requirements of 25% for Class 2b-3 vehicles, 40% for Class 4-8 vehicles and 25% of Class 7-8 tractors; and potentially higher depending upon the timing of adoption. As required by the Clean Air Act, states must ensure “such standards are identical to the California standards for which a waiver has been granted for such model year” and “adopt such standards at least two years before commencement of such model year.”¹⁰ Combined, these requirements would require the IPCB to begin its ZEV sales mandate at 1 of every 4 Class 2b-3 vehicles and Class 7-8 tractors sold and 2 of every 5 Class 4-8 vehicles sold.¹¹

The California Air Resources Board's (CARB) Executive Officer has noted that sales ratios are being used to comply with ACT “which essentially pushes the ACT regulation's requirement onto the dealership or fleet.”¹² As a result, local truck dealerships and trucking fleets, businesses that are not regulated parties, are the ones most adversely impacted by these sales requirements. In California, where both ACT and HDO are in effect, Class 8 new truck registrations were down 54 percent in February 2025 when compared to February 2024 – significantly higher than the nationwide decrease of 18 percent.¹³

Under ACT “Class 7-8 tractor group credits must be accounted for separately from other credits.”¹⁴ In practice, this means that the larger trucks, those that are more challenging to electrify and require the most power, are not eligible to use credits generated from the other categories of vehicles. As indicated by CARB's 2023 data, individual manufacturers of Class 7-8 diesel tractors sold from 0% to 3% of their respective state's sales as ZEVs.¹⁵ Most of the ACT credits generated in 2023, 81%, were by Ford and Rivian. These sales were largely pick-up trucks and SUVs, not freight-related vehicles.¹⁶ This data reflects the difficulties IPCB will have achieving the 25% or 40% ZEV targets for MY 2029, especially for tractors. As shown below, EV truck registrations in Illinois are below 3% for all categories other than Class 2.¹⁷ Illinois trucking companies are not prepared or financially able to achieve ACT levels of adoption. And the supporting infrastructure is not in place and will take years to develop.

¹⁰ Clean Air Act, Section 177.

¹¹ These requirements increase by 5% or 10% each year depending upon the model year and category of vehicles.

¹² ACT Memo to the CARB regarding California Truck Availability Analysis from Steven S. Cliff, Ph.D., Executive Officer (September 25, 2024).

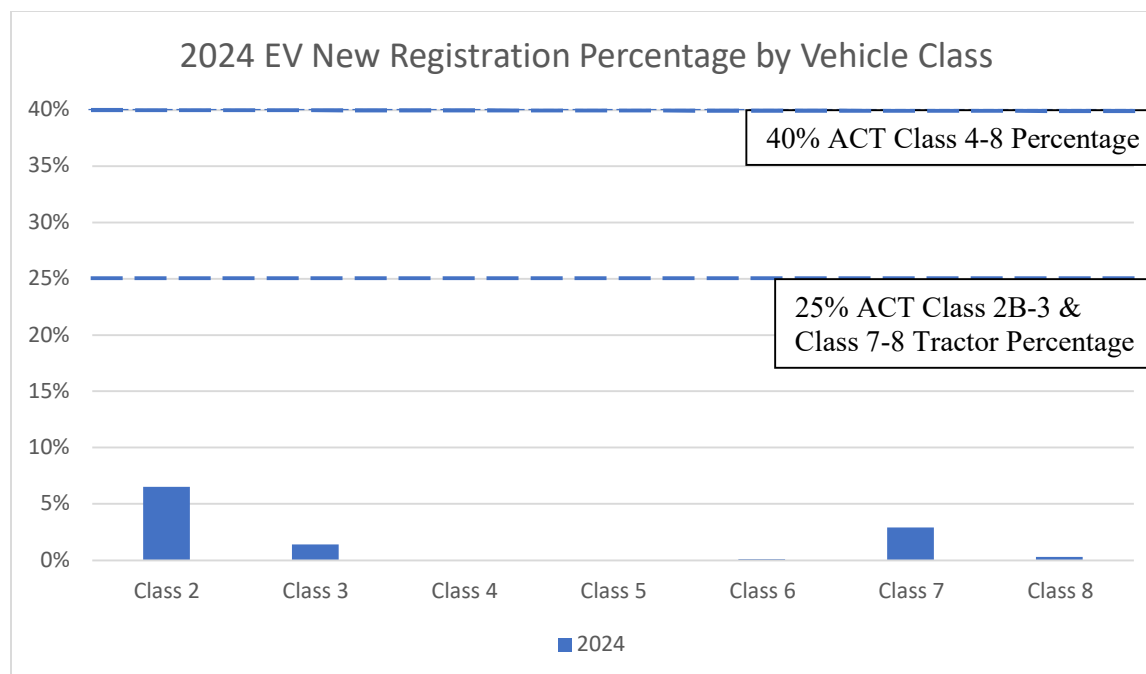
¹³ American Truck Dealers, Class 8 All Powertrain New Registrations for February 2025.

¹⁴ CARB, *Advanced Clean Trucks Regulation*, Sec. 163.2(f).

¹⁵ CARB, *Advanced Clean Trucks Credit Summary Through the 2023 Model Year*, (May 22, 2024).

¹⁶ California Energy Commission, *Light-Duty and Medium- and Heavy-Duty Vehicle Population in California*, (May 1, 2024).

¹⁷ American Truck Dealers, Illinois New Truck Registrations for 2024.



Source: American Truck Dealers, Illinois New Truck Registrations for 2024

IPCB will be unable to satisfy the requirements of Section 177 of the Clean Air Act.

CARB just finalized amendments to the adopted ACT regulation which previously received a waiver of preemption from EPA. The proposed changes included substantive changes including increasing the deficit makeup period, allowing additional ICE vehicle sales, clarifying the compliance determination and sales reporting requirements, and other provisions.¹⁸ CARB has indicated they will not submit these changes to EPA for a waiver determination.

As noted in comments submitted by the Truck and Engine Manufacturers Association, the CARB amendments place IPCB in the unenviable position of either adopting standards reflected in the amended regulation that have not received an EPA waiver or adopting standards reflected in the waiver approved regulation and being inconsistent with California.¹⁹ Either path appears legally untenable against the plain language of Section 177 which states, “such standards are *identical* to the California standards *for which a waiver has been granted* for such model year.” [emphasis added.] While the truck and engine manufacturers have given CARB assurances for meeting the amended California standards, IPCB does not have these same assurances.

IPCB must Identify Infrastructure Needs and Timing

The IPCB must consider the availability and cost of charging infrastructure. The California Public Utilities Commission (CPUC) has indicated that “energization delays have emerged as a significant barrier to California’s transportation electrification goals.”²⁰ As shown below, current

¹⁸ CARB, *Amendments to the Advanced Clean Trucks Regulation and the Zero-Emission Powertrain Certification Test Procedure* (October 24, 2024).

¹⁹ Truck and Engine Manufacturers Association Comments; P.C.#516 (4/27/2025).

²⁰ CPUC, Order Instituting Rulemaking Regarding Transportation Electrification Policy and Infrastructure,

energization timelines for the state's investor-owned utilities (IOUs) range from 2.5+ years for circuits, 4+ years for substation upgrades, and nearly 9 years for new substations.²¹ Since utilities across the country have similar business models and largely depend upon the same equipment suppliers, Illinois utilities will likely face similar challenges.

Table 1: California Large Electric IOUs Reported Energization Timeline

Upstream Capacity Upgrade Type	Average (calendar days)	Median (calendar days)
New/Upgraded Circuit	907 – 1,002	607 - 913
Substation Upgrade	1,490 – 1,492	1,233 – 1,607
New Substation	3,242	3,242

The CPUC is also reassessing ratepayer support for the Transportation Electrification Rebate Program.²² The IOUs have invested more than \$400 million from previously approved *ratepayer funded* behind-the-meter programs and may continue to add up to \$1.1 billion in charges to the electricity bills of their customers for the IOUs' existing transportation electrification programs.

To accommodate transportation electrification, the state will need additional sources of power. It is estimated converting the state's passenger car and commercial truck populations will require nearly 38% of the state's current electricity generation – nearly 17% of generation directed towards truck electrification.²³

An analysis of the infrastructure buildout needed to support the full deployment of medium- & heavy-duty BEVs in the U.S. estimates the cost for electric grid and charging infrastructure at nearly \$1 trillion.²⁴ Illinois share of this investment is projected to be more than \$36 billion. While these figures represent the cost of full buildout for ZEV trucks, even the initial deployment is dependent on having a significant level of grid and charging infrastructure in place and available.

Associated with determining the cost of the infrastructure needed to support ZEV adoption is how to pay for it. As noted in a recent report by California's Legislative Analyst's Office,²⁵

[T]he state will continue to face choices about how the costs to build infrastructure needed to support additional ZEV adoption—both at individual homes and businesses, as well affecting the broader grid—should be split across individual ZEV purchasers

Rulemaking 23-12-008 (4/12/2024).

²¹ CPUC, Order Instituting Rulemaking to Establish Energization Timelines, Rulemaking 24-01-018, Proposed Decision (9/12/2024).

²² CPUC, Order Instituting Rulemaking Regarding Transportation Electrification Policy and Infrastructure, Rulemaking 23-12-008 (4/12/2024).

²³ Short, Jeffrey, Alexandra Shirk and Alexa Pupillo, *Charging Infrastructure Challenges for the U.S. Electric Vehicle Fleet*, American Transportation Research Institute (December 2022).

²⁴ Roland Berger, *Forecasting a Realistic Electricity Infrastructure Buildout for Medium- & Heavy-Duty Battery Electric Vehicles*, Clean Freight Coalition (March 19, 2024).

²⁵ Petek, Gabriel, *Assessing California's Climate Policies— Residential Electricity Rates in California*, California Legislative Analyst Office (January 2025).

versus general ratepayers or state and federal taxpayers. Notably, while requiring ZEV purchasers to pay for these costs could impede ZEV adoption, having general ratepayers cover them would contribute to already high electricity rates, which likely would make future ZEV adoption less attractive for many consumers.

Illinois ability to meet the ACT standards is highly dependent upon the state's ability to address charging infrastructure challenges. As discussed above, the IPCB must consider not only the availability of grid and charging infrastructure but also how to pay for the infrastructure needed to meet the ACT sales percentages.

Adoption of the HDO regulation will not benefit Illinois.

As with ACT, if the IPCB were to grant the petition, Illinois HDO regulation would begin no sooner than model year 2029. CARB has signed an agreement with U.S. truck and engine manufacturers that requires CARB to "...harmonize with the U.S. EPA 2027 CTP NOx rule..."²⁶ This agreement eliminates any potential benefits associated with a proposed Illinois rulemaking and, consequently, the petition should be denied for this reason.

Some might argue a rulemaking is needed as a backstop against potential changes to the 2027 CTP NOx rule. The adverse impact of implementing more stringent state-specific NOx standards have been documented in California this year as some manufacturers "have expressed plans to begin implementing a rigid policy to require each dealer or upfitter to purchase a certain number of ZEVs from the manufacturer before they can get *any* ICEs whether or not the manufacturer offers ZEVs in the market segment the dealer specializes (emphasis added)."²⁷ CARB's Executive Officer has noted that "manufacturers are requiring ZEV sales in order to generate NOx credits as they did not plan to have an HD Omnibus-compliant engine and are instead setting ratios of 1 ZEV to 1 to 3 ICE vehicles in order to achieve compliance..." Limiting the availability of new ICE trucks creates adverse environmental impacts resulting from fleets holding onto their older trucks longer and delaying the purchase and deployment of new, lower emitting replacement trucks. Illinois must avoid this scenario.

Significant emission reductions have and will continue to occur.

As documented in a recent emissions inventory for the Port of Los Angeles, heavy-duty vehicle emissions of diesel PM have been reduced by 99%, NOx by 94% and CO2 by 25% from 2005 to 2023.²⁸ These emissions reductions are attributed to increasingly stringent federal on-road emissions standards, phasing out older trucks, and incentivizing lower emission technologies. These reductions have occurred even though 93% of the trucks servicing the Port's terminals are diesel-fueled vehicles with roughly 6% of the trucks being alternatively fueled trucks, including compressed and liquefied natural gas (CNG and LNG). Only 0.83% of the trucks were battery electric zero emissions trucks in 2023.

²⁶ CARB & U.S. Truck and Engine Manufacturers, *Clean Truck Partnership Agreement* (July 5, 2023).

²⁷ ACT Memo to the CARB regarding California Truck Availability Analysis from Steven S. Cliff, Ph.D., Executive Officer (September 25, 2024).

²⁸ Port of Los Angeles, *Inventory of Air Emissions 2023: Technical Report*, Table ES-5, (August 2024).

Significant emissions reductions continue to occur through the federal new truck emission standards that have established lower PM and NOx emissions levels. CO2 emissions from new trucks also are being reduced through federal greenhouse gas standards. These trucks are available today at a significantly lower cost than ZEVs. Taking actions that encourage the deployment of the newest trucks meeting federal emissions standards and incentivizing alternative-fuel and electric vehicles will result in further significant emissions reductions.

For the reasons stated above, ATA urges the IPCB to deny this petition for rulemaking. ZEV technology needs to mature, the infrastructure needs to develop, and the costs need to be better understood. Imposing sales requirements, such as ACT and Heavy-Duty Omnibus, will leave the IPCB saddled with unachievable regulations they have little control over. Other, more practical options to reduce emissions are available. Your careful consideration of these comments is appreciated.

Sincerely,



Michael Tunnell
Senior Director, Energy & Environmental Affairs
American Trucking Associations

cc: Matt Hart, Executive Director, Illinois Trucking Association