

**EPN Comments on EPA Proposed Control of Air Pollution From Airplanes
and Airplane Engines: GHG Emission
Standards and Test Procedures Rule**

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The [Environmental Protection Network \(EPN\)](#) is an organization comprised of more than 500 U.S. Environmental Protection Agency (EPA) alumni volunteering their time to protect the integrity of EPA, human health, and the environment. We harness the expertise of former EPA career staff and confirmation-level appointees to provide an informed and rigorous defense against current administration efforts to undermine public health and environmental protections.

The mission of EPA is to protect public health and the environment by establishing regulations under law to reduce emissions of harmful pollutants. Aircraft, which burn fossil fuels, are significant emitters of greenhouse gases. These gases have been building up in the earth's atmosphere for centuries, to such an extent that the earth's climate is changing. Increasingly intense storms are creating major, devastating events with threats to life, health, and safety, as well as major economic disruption and cleanup costs. Raging wildfires are causing death and destruction on an extraordinary scale in western states, causing thousands to leave their homes and leaving the ashes of whole communities in their wake.

Increasing temperatures and changing precipitation patterns are adversely affecting American agriculture, as farmers seek to plant in flooded fields and deal with drought. The changes associated with increased heat, more intense storms, and flooding affect us all, but are particularly dangerous for more vulnerable communities. Low-income residents and communities of color are more likely to suffer the effects of these changes and can recover from them less readily. For example, according to the U.S. Global Change Research Program, people living in urban areas (e.g., environmental justice communities) experience higher ambient temperatures because of the additional heat associated with urban heat islands. Increases in heat-related deaths are projected to outweigh reductions in cold-related deaths in most regions.¹

In 2016, EPA found that aircraft contribute 12% of US transportation emissions of greenhouse gases (GHGs) and 3% of total US GHG emissions.² Airplane travel is rapidly growing. The International Civil Aviation Organization (ICAO) has forecast that airplane emissions will triple between 2015 and 2050,³ and that may be an underestimate. EPA found that these emissions endanger public health and welfare through their contribution to climate change. These findings were based on an unquestionably robust body of scientific research into the impacts of anthropogenic GHG emissions on public health, economic stability, and the environment.

This rulemaking presents a significant opportunity to reduce GHG emissions and for EPA to set standards that reflect reasonable expectations about future increases in efficiency from the industry, commensurate with the seriousness of the agency's findings in 2016. EPA's proposed rule does not

¹ <https://nca2018.globalchange.gov/chapter/14/p4>

² <https://www.govinfo.gov/content/pkg/FR-2016-08-15/pdf/2016-18399.pdf> at 54424.

³ https://www.icao.int/environmental-protection/Documents/EnvironmentalReports/2019/ENVReport2019_pg17-23.pdf

meet its statutory responsibility, however. It sets a lowest common denominator standard that matches the international standard set by the ICAO in 2016. EPA itself acknowledges that the airline industry is already meeting this standard. Indeed, the proposal explicitly states “the EPA is not projecting emissions reductions associated with the proposed GHG regulations.”⁴

The proposal is unequivocal that all it is doing is enshrining the ICAO standards in its regulations. Members of the Environmental Protection Network who worked on aviation issues at EPA know that the ICAO’s historic approach to setting environmental standards is generally to grandfather in what industry is already doing, and to look to the lowest performing aircraft in setting standards. These are international standards, so every country that produces aircraft that fly internationally is bound by them and participates in the negotiations that lead to the final standards. This essentially writes out of the equation EPA’s statutory responsibility under the Clean Air Act to promulgate rules that respond to its endangerment finding with reasonable standards that reflect the efficiency opportunities that are expected in the future, let alone setting standards that encourage ambition commensurate with the health, economic, and environmental threats that climate change poses to the US public.

EPN urges EPA to repropose this rule, with standards that reflect meaningful reductions from aircraft in line with its statutory responsibility to protect public health and its own factual findings about the severity of the impacts and the opportunities for greater efficiency. EPA’s requirements should apply to all aircraft taking off or landing at US airports, so they would serve to raise the bar for aircraft worldwide. American manufacturers would not be at a competitive disadvantage. Indeed, the American aircraft industry is well-positioned to benefit from more ambitious standards: its manufacturers continue to innovate on fuel efficiency and could expand deliveries of new aircraft under policies that promote fleet turnover. The US leads in research and deployment of alternative low-carbon fuels, so it would do well competitively with more ambitious standards. And as planes meeting these standards would also fly throughout the world, the impact would extend beyond our borders, multiplying the positive effect on residents and businesses in the US.

Thank you for consideration of these comments.

⁴ https://www.icao.int/environmental-protection/Documents/EnvironmentalReports/2019/ENVReport2019_pg17-23.pdf, at 51558.