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Oregon State Legislature
House Committee on Climate, Energy, and Environment
900 Court St. NE
Salem, Oregon 97301

RE: Comments in Opposition to House Bill 3119 (2025).

Dear Chair Lively and Committee Members,

The Green Energy Institute at Lewis & Clark Law School writes to you with serious concerns about House Bill 3119, which would delay implementation of the Advanced Clean Truck (ACT) rules, rules that will improve health outcomes for Oregon while providing an essential pathway towards meeting the state's climate goals. GEI is a climate and energy policy institute within Lewis & Clark Law School's Environmental, Natural Resources and Energy Law Program. Our mission is to develop equitable, comprehensive, effective strategies to prevent catastrophic climate change by furthering the just transition to a sustainable, carbon-free energy grid. For the below reasons, we urge you to reject HB 3119; even a two year delay in rule implementation (which is likely to become longer under the current federal administration) threatens to set Oregon far behind. Instead, we urge you to allow these rules to go into effect, trusting the experts at the Department of Environmental Quality (DEQ) to finesse final rules to address concerns.

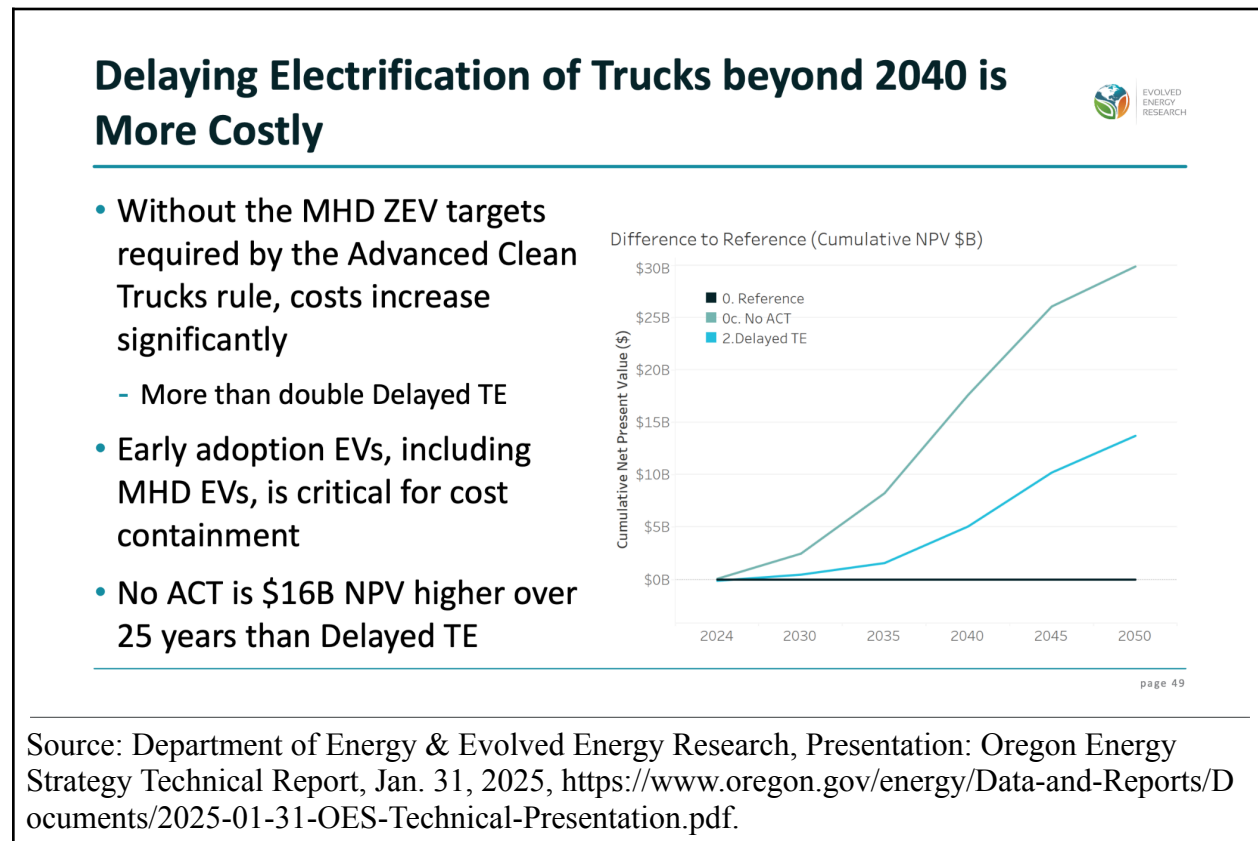
The Oregon DEQ, in 2021, unanimously adopted the ACT rules, pursuant to the Clean Air Act (CAA) Section 177,¹ which allows Oregon to join the nine other states paving the way in electric truck manufacturing. The Oregon legislature has authorized the DEQ to adopt rules related to emission standards like these, provided (as they did here) that the rules undergo public hearing and are passed otherwise in accordance with Oregon's Administrative Procedures Act.² **The Oregon Department of Energy's (ODOE) modeling reflects the cost savings from the ACT, the rules rely on a historically successful method of inspiring innovation, and DEQ is well positioned to address any potential bumps to implementation along the way.**

¹ 42 U.S.C. § 7507; *Minutes: 417th Oregon Environmental Quality Commission Meeting*, Or. Dep't of Env't Quality, Nov. 17-18, 2021, https://www.oregon.gov/deq/EQCdocs/020322_A_Minutes.pdf.

² See O.R.S. § 468A.360; O.R.S. ch. 183.

New Modeling Presented by ODOE on its Energy Strategy Demonstrates the Dramatic Cost Savings from ACT Implementation as it is Now

The Oregon Department of Energy’s careful modeling of the variety of pathways to achieve Oregon’s climate goals supports allowing the DEQ to resolve ACT implementation bumps. We recognize that ODOE’s modeling is instructive as to the costs for delaying ACT implementation ten years, but we suggest that these costs offer a useful warning about how a two-year delay, which may well become a longer delay under the federal administration, will impact Oregonians.



The Clean Air Act’s Role in Fostering Innovation and Encouraging Leadership

The ACT is not a “diesel ban”—the rules instead are aimed at fostering electric truck innovation that can ramp up steadily to meet the modest electric vehicle sales goals for new trucks. If anything, Oregon is uniquely positioned to thrive under these rules and the markets they support, as home to one of North America’s premier electric truck manufacturers.³

³ See, e.g., *TITAN Freight Systems Receives First Battery Electric Freightliner eCascadia in Oregon*, Daimler Trucks N. Am. (Jul. 31, 2023), <https://web.archive.org/web/20240803122915/https://northamerica.daimlertruck.com/PressDetail/titan-freight-systems-receives-first-battery-2023-07-31/> (“DTNA has been at the forefront of electric truck development since 2018, with its battery-electric vehicles being manufactured in Portland.”).

Today, cars we drive on Oregon roads are about 99% less polluting than those produced 70 years ago.⁴ This is no accident: the Clean Air Act, including the innovative market pressures spurred by state leadership, is responsible for propelling development of the technologies that made this progress possible.⁵ Despite manufacturers claiming the catalytic converter was not ready for widespread adoption in the early 1970s, states led the charge towards healthier air by staying the course.⁶ US manufacturers stepped up and met the challenge presented by state leadership, giving us the exhaust emission control device we know today.⁷ And now it's time to believe our truck manufacturers can rise to the challenge and innovate again.

If Oregon falls behind, even by the two years noted in this proposed bill, we risk being left in the dust—or more specifically the exhaust—of neighboring states. As GEI's 2019 publication on diesel noted, when Oregon's trucking rules have lagged behind neighboring states, as HB 3119 would do, Oregon becomes a repository of the older—and more polluting—trucks that cannot be sold in neighboring California and Washington: states staying the course on the ACT rules.⁸

Opportunities for Greater Flexibility in the Final ACT Rules

If members of this committee are concerned with enforcement of certain specific provisions of these rules, we ask that the legislature trust DEQ to explore avenues to provide greater flexibility to meet the more challenging provisions, rather than scrapping the entire ACT for two years (and perhaps longer under the current federal administration⁹). The Green Energy Institute understands and appreciates concerns that manufacturers have voiced and the DEQ has examined, around meeting the ACT's targets for Class 7 and 8 trucks specifically. The DEQ may

⁴ *Accomplishments and Successes of Reducing Air Pollution from Transportation in the United States*, Env't Prot. Agency (last visited Jan. 30, 2025), <https://www.epa.gov/transportation-air-pollution-and-climate-change/accomplishments-and-successes-reducing-air> [<https://web.archive.org/web/20250126233318/https://www.epa.gov/transportation-air-pollution-and-climate-change/accomplishments-and-successes-reducing-air>].

⁵ See Kristie Ross, James F Chimiel, Thomas Ferkol, *The Impact of the Clean Air Act*, 161 J. Pediatrics 781 (2012), [https://www.jpeds.com/article/S0022-3476\(12\)00752-4/fulltext](https://www.jpeds.com/article/S0022-3476(12)00752-4/fulltext).

⁶ David Gerrard & Lester B. Lave, *Implementing technology-forcing policies: The 1970 Clean Air Act Amendments and the introduction of advanced automotive emissions controls in the United States*, 72 Tech. Forecasting & Soc. Change 761–770, (2005), <https://faculty.lawrence.edu/gerard/wp-content/uploads/sites/9/2014/02/18-TFSC-Gerrard-Lave.pdf>.

⁷ *Id.*

⁸ Amelia Schlusser, Lev Blumenstein, & Natascha Smith, *Deconstructing Diesel: A Law & Policy Roadmap for Reducing Diesel Emissions in the Portland Metropolitan Area* (July 2019), <https://law.lclark.edu/live/files/28596-deconstructing-diesel-roadmap>; Gosia Wozniacka, *How Oregon Fell Behind in Regulating Diesel*, Oregonian (Nov. 19, 2022) (“Oregon became a dumping ground for dirty California trucks and other diesel-powered equipment ... [in 2020] 25% of Oregon engines were still the dirtiest of all.”).

⁹ See *Unleashing American Energy*, Exec. Order 14154, 90 Fed. Reg. 8353 § 2(e) (Jan. 20, 2025 (eliminating EV mandates)); Don Anair, *Rolling Back Vehicle Standards Is Bad for Drivers, the Auto Industry, and Anything that Breathes*, Union of Concerned Scientists (Jan. 21, 2025), <https://blog.ucsusa.org/don-anair/rolling-back-vehicle-standards-is-bad-for-drivers-the-auto-industry-and-anything-that-breathes/>.

explore how to utilize its existing authority to lessen burdens on these classes, to the extent that legislators are concerned with meeting the rules' goals as to these heaviest classes.

The DEQ explained in testimony on January 30 that it is exploring modifying enforcement to lessen the burden to the most impacted subset of the rules. Rather than halt enforcement of this rule in its entirety for two years, harming Oregonians and disrupting the market for all other classes of vehicles, we urge the legislature to allow the DEQ to explore pathways to modify the existing rules to provide some flexibility to the industries most impacted by the ACT, to the extent necessary.

Respectfully submitted,

/s/ Carra Sahler

Carra Sahler, Director & Staff Attorney

/s/ Jamie Johnson

Jamie Johnson, Staff Attorney

Green Energy Institute