



July 6, 2021

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Maranda Hamme
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Alejandra Núñez, Deputy Assistant Administrator
US Environmental Protection Agency
Office of Transportation and Air Quality
Transportation and Climate Division
Attn: Docket ID No. EPA-HQ-OAR-2021-0257

Re: Docket ID No. EPA-HQ-OAR-2021-0257, Reconsideration of the Safer Affordable Fuel-Efficient Vehicles Rule Part One: One National Program (SAFE-1)

Dear Honorable Deputy Assistant Administrator Núñez:

The National Tribal Air Association (NTAA) is pleased to submit these comments regarding the Reconsideration of the Safer Affordable Fuel-Efficient Vehicles Rule Part One: One National Program (SAFE-1).

The NTAA is a member-based organization with 153 member Tribes. The organization's mission is to advance air quality management policies and programs, consistent with the needs, interests, and unique legal status of Indian Tribes. As such, the NTAA uses its resources to support the efforts of all federally recognized Tribes in protecting and improving the air quality within their respective jurisdictions. Although the organization always seeks to represent consensus perspectives on any given issue, it is important to note that the views expressed by the NTAA may not be agreed upon by all Tribes. Further, it is important to understand interactions with the organization do not substitute for government-to-government consultation, which can only be achieved through direct communication between the federal government and Indian Tribes.

On October 26, 2018, the NTAA commented¹ on the previous administration's proposal, the *Safe Affordable Fuel-Efficient Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks*, one part of which is now under reconsideration. In that comment letter, the NTAA's opinion included the following with respect to the withdrawal of the waiver for the state of California:

- NTAA supports California's ability to maintain this waiver. California's longstanding "compelling and extraordinary" challenges in transportation and air pollution are the basis for the California waiver. The state continues to face these challenges with the addition of new threats from climate change. The revocation of the waiver undermines the state's rights without precedence.

¹ <https://secureservercdn.net/198.71.233.47/7v.611.myftpupload.com/wp-content/uploads/2019/12/NTAA-SAFE-Vehicle-Rule-Comment-Letter-1.pdf>



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- California's waiver is aligned with EPA's second goal on restoring power to states through cooperative federalism in the FY2018-2022 Strategic Plan. The withdrawal goes against the basic principles of cooperative federalism and rolls back states' authority to protect their constituents from harmful air pollution and the consequences of weakened greenhouse gas standards.
 - Clean Air Act Section 209(b) enables Tribal and state agencies to continuously and cooperatively work together as co-regulators to set vehicle emission standards. California's ability to establish more stringent vehicle emission standards than the federal level ensures that Tribes under Treatment as a State status have the option to set more stringent standards if they so choose.

The NTAA supports the EPA's original January 2013 decision that granted California's waiver of CAA preemption to enforce its greenhouse gas standards and zero-emissions vehicle mandate contained in its Advanced Clean Cars program for light-duty vehicles. The state and 107 federally recognized Tribes within state boundaries continue to face significant air quality challenges with the addition of new threats from climate change. The revocation of the waiver undermined the state's rights without precedence. Emissions from California influence air quality throughout Region 9, where there are over 100 Tribal Non-Attainment Areas, more than all other EPA Regions combined with respect to Indian Country. These compelling conditions mean that more stringent standards are essential to protect human health.

NTAA reiterates its comments from 2018 and recommends that EPA reinstate California's waiver, so that the state can continue to set its own greenhouse gas emissions standards and a zero-emissions vehicle sales mandate, and thereby allow other states and Tribes to adopt these California standards if they so choose. Tribal and state agencies need to be able to work together cooperatively to assure a healthful environment. EPA must uphold the foundational role to support states and Tribes' efforts to achieve this critical and challenging goal.

If you have any questions or seek clarification from the NTAA, please do not hesitate to contact NTAA's Project Director, Andy Bessler, at 928-523-0526, or andy.bessler@nau.edu.

On Behalf of the National Tribal Air Association's Executive Committee,

A handwritten signature in blue ink that reads "Carol a Kriebs".

Carol Kriebs

Chairwoman

National Tribal Air Association's Executive Committee

www.NTAATribalAir.org

928.523.0526 office

928.523.1266 fax



National Tribal Air Association

P.O. Box 15004

Flagstaff, AZ 86011-5004

Cc: Sara Dunham, OTAQ
David Dickson, OTAQ
Jessie Mroz, OTAQ
Pat Childers, OAR