ORAL ARGUMENT NOT YET SCHEDULED

No. 24-1129 (and consolidated cases)

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

STATE OF NEBRASKA, ET AL.,

Petitioners,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, ET AL.,

Respondents.

CENTER FOR COMMUNITY ACTION AND ENVIRONMENTAL JUSTICE AND THE RIO GRANDE INTERNATIONAL STUDY CENTER'S UNOPPOSED MOTION TO INTERVENE IN SUPPORT OF RESPONDENTS

Pursuant to Federal Rule of Appellate Procedure 15(d) and D.C. Circuit Rule 15(b), Center for Community Action and Environmental Justice ("CCAEJ") and Rio Grande International Study Center ("RGISC") (collectively, "Movants") hereby respectfully move to intervene in support of Respondents U.S. Environmental Protection Agency ("EPA") in the above-captioned challenges to EPA's regulation titled *Greenhouse Gas Emissions Standards for Heavy-Duty Vehicles-Phase 3*, 89 Fed. Reg. 29,440 (Apr. 22, 2024) ("Phase 3 Standards"). Pursuant to D.C. Circuit Rule 15(b), this motion also constitutes a motion to

intervene in all petitions for review of the challenged Final Rule, except for any petitions that may be filed challenging the Final Rule as insufficiently stringent.

Petitioners in Nos. 24-1129 and 24-1133 take no position on this motion, and Petitioners in 24-1157 do not object. EPA and State and Local Government Respondent Intervenors do not oppose this motion and the movant-intervenor-respondents who filed their motion on May 20 consent to this motion.

BACKGROUND

Under the Clean Air Act ("Act"), EPA must "prescribe (and from time to time revise) … standards applicable to the emission of any air pollutant from any class or classes of new motor vehicles" that in the agency's "judgment cause, or contribute to, air pollution which may reasonably be anticipated to endanger public health or welfare." 42 U.S.C. § 7521(a)(1). EPA found that emissions of greenhouse gases from new motor vehicles and engines—including heavy duty vehicles and engines—endanger public health and welfare. 74 Fed. Reg. 66,496 (Dec. 15, 2009). As a result, EPA is required to prescribe, and periodically revise, standards to reduce greenhouse gas emissions from heavy-duty vehicles.

In 2011, EPA issued its first phase of greenhouse gas emission standards for new heavy-duty vehicles starting in model year 2014. In 2016, EPA finalized a second phase of greenhouse gas emissions standards, which began for vehicles in model year 2021, and increased in stringency for model years 2024 and 2027. 81

Fed. Reg. 73,478 (Oct. 25, 2016).

In April 2024, EPA finalized its "phase 3" greenhouse gas emission standards for heavy-duty vehicles. 89 Fed. Reg. 29,440 (Apr. 22, 2024). These standards phase in over time and across various categories of heavy-duty vehicles beginning in model year 2027.

Petitioners here seek to invalidate, weaken, delay, or vacate the Final Rule. In comments on the proposed version of the Phase 3 Standards, many of the Petitioners argued against strengthening EPA's greenhouse gas emission standards for heavy duty-vehicles, raising various legal and technical objections. *See, e.g.*, EPA-HQ-OAR-2022-0985-1488 (comments of Petitioners Western States Trucking Association, Inc., *et al.*); EPA-HQ-OAR-2022-0985-1621 (comments of Petitioner Warren Petersen, *et al.*).

Movants are environmental justice organizations that seek to protect their communities' health and wellbeing against the harm posed by air pollution, including the pollution harms posed by heavy-duty vehicles in the freight and transportation sector. Movants' members live in communities that have no choice but to breathe contaminated air caused by heavy-duty vehicles, and EPA's Phase 3 Standards will have a meaningful effect on the health of Movants and their members.

Furthermore, Movants have consistently supported EPA's authority and

responsibility to pass the most stringent and protective standards that eliminate the threat posed by heavy-duty vehicle emissions. For example, Movant CCAEJ, in coalition with other environmental justice organizations, submitted comments advocating for standards stronger than those that EPA ultimately adopted. *See* EPA-HQ-OAR-2022-0985-1631 (comments of Moving Forward Network, et al.). As described below, the Phase 3 Standards provide critical safeguards for Movants' members' health and welfare. Movants and their members have strong interests in maintaining the level of health and climate protections provided by EPA's Phase 3 Standards for heavy-duty vehicles and in ensuring that these standards are timely, fully, and effectively implemented. Accordingly, Movants meet the criteria for intervention in this case pursuant to Fed. R. App. P. 15(d), as further detailed below.

ARGUMENT

Under the Federal Rules of Appellate Procedure, a potential intervenor must file a motion to intervene "within 30 days after the petition for review" and provide "a concise statement of the interest of the moving party and the grounds for intervention." Fed. R. App. P. 15(d); *see Synovus Fin. Corp. v. Bd. of Governors of Fed. Reserve Sys.*, 952 F.2d 426, 433 (D.C. Cir. 1991). Movants satisfy this standard.

In determining what constitutes appropriate grounds for intervention in cases in other postures, this Court has sometimes looked to the standard for intervention in the district courts. *See Building & Construction Trades Dep't v. Reich*, 40 F.3d 1275, 1282 (D.C. Cir. 1994) (noting that "the policies underlying intervention [in district court] may be applicable in appellate courts") (alteration in original) (quoting *Int'l Union v. Scofield*, 382 U.S. 205, 217 n.10 (1965)). Under Federal Rule of Civil Procedure 24(a)(2), a movant is entitled to intervention as-of-right whenever (1) its motion is "timely;" (2) the movant claims an "interest relating to the … subject of the action;" (3) disposition of the action "may as a practical matter impair or impede the movant's ability to protect its interest;" and (4) the existing parties may not "adequately represent" the movant's interest. Fed. R. Civ. P. 24(a)(2); *see also Fund for Animals v. Norton*, 322 F.3d 728, 731 (D.C. Cir. 2003). Intervention is also allowed where movants have "a claim or defense that shares with the main action a common question of law or fact." Fed. R. Civ. P. 24(b)(1)(B). Movants satisfy these standards here, if they were to apply.

I. This motion is timely filed.

Petitioners filed their petition for review on May 13, 2024. Accordingly, this motion is timely filed on June 10, 2024. Fed. R. App. P. 15(d).

II. Movants and their members have significant interests in defending the Final Rule and disposition of this action could impair their ability to protect those interests.

Movants seek to intervene to oppose Petitioners' attempts to weaken public health and environmental safeguards that benefit their members. This Court has previously allowed Movant CCAEJ to intervene in petitions for review challenging EPA actions under the Clean Air Act.[1] Comparable circumstances warrant a grant of intervention to Movants here.

Movants have an interest in this action because their organizational purposes include the prevention of harmful air pollution and advocacy on behalf of those most affected by health and welfare effects of heavy-duty vehicles, especially the members of their organizations. *See* attached Declarations. Further, Movants have members who live in communities with significant freight, truck, and bus traffic. *Id.* Daily, Movants members breathe the pollution that these standards are designed to address. *Id*. Invalidating, weakening, or delaying implementation of the Phase 3 standards would prolong exposure of these members to harmful levels of air pollution, thereby affecting their health and welfare interests. *Id.*

Moreover, Movants' have a strong interest in the climate benefits of EPA's Phase 3 standards. As EPA notes in the final rule, these standards are estimated to reduce 1.4 billion metric tons of CO2 emissions by 2055. 89 Fed. Reg. 29,454.

[1] *See, e.g.*, Order of April 20, 2009, *American Trucking Associations, et al. v. EPA*, D.C. Cir. No. 09-1090 (granting CCAEJ's motion to intervene in defense of EPA's decision to authorize California's rule to regulate the emissions from transportation refrigeration units in trucks).

Movants are already experiencing the effects of climate change on their lives and property, including increased heatwaves, droughts, wildfires, and stormwater discharge and flooding. *Id.* These climate events have affected Movants' members, and any action to vacate the rule would increase their economic, health, recreational, and aesthetic injuries caused by climate change.

Because the Clean Air Act grants this Court exclusive jurisdiction to review the challenged rules, this Court is the only venue where Movants may defend the validity of these emission standards. 42 U.S.C. § 7607(b)(1), (e). Movants' interest in preventing weakening of health and climate protections for their members under the Clean Air Act will be prejudiced if they are not allowed to intervene. *See Crossroads Grassroots Policy Strategies v. FEC*, 788 F.3d 312, 317 (D.C. Cir. 2015) (intervention warranted where petitioners' challenge would "remove" the "benefit[s]" of the rule).

For the foregoing reasons, Movants have a clear "interest" in this matter within the meaning of Federal Rule of Appellate Procedure 15(d). Further, to the extent that this Court has required and continues to require respondent-intervenors to do so, the injuries Movants' members would suffer from a weakening or reversal of the Phase 3 Standards are more than sufficient to satisfy the

requirements of Article III standing.[2] *See, e.g.*, *Friends of the Earth v. Laidlaw Env't. Servs.*, 528 U.S. 167, 183 (2000) (environmental group has standing to enforce pollution limits where members have reasonable concern about adverse effects of pollution in area they use); *NRDC v. Wheeler*, 955 F.3d 68 (D.C. Cir. 2020) (environmental group has standing based on member's concern about the climate effects of a rule on their property). And Movants would meet the requirements of associational standing. *See Hearth, Patio & Barbecue Ass'n v. EPA*, 11 F.4th 791, 802 (D.C. Cir. 2021) (cleaned up) ("An organization has associational standing…when: "(1) at least one of its members would have standing to [defend] in his or her own right; (2) the interests it seeks to protect are germane to the organization's purpose; and (3) neither the [defense] asserted nor the relief requested requires the participation of individual members in the lawsuit.")

Movants, however, note that because they seek to intervene in support of the respondent, they are not affirmatively invoking the Court's jurisdiction. *See Va. House of Delegates v. Bethune-Hill*, 139 S. Ct. 1945, 1951 (2019) (stating that "it

[2] Any weakening, delay, or vacatur of the rule would injure Movants' members and organizational interests. Thus, Movants would satisfy all standing requirements. *See Crossroads*, 788 F.3d at 317 (holding that a movant-intervenor has standing to defend a challenged regulation when it "benefits from [the] agency action, the action is then challenged in court, and an unfavorable decision would remove the [movant's] benefit").

was not … incumbent on [a party] to demonstrate its standing" when it participated "as an intervenor in support of the … Defendants" or "as an appellee" on appeal "[b]ecause neither role entailed invoking a court's jurisdiction"). In an appropriate case, Movants request that this Court clarify intervenor-respondents' obligations regarding standing in light of recent Supreme Court case law.

III. Movants' interests may not be adequately represented by other parties.

Movants satisfy their "minimal" burden to show that existing parties' representation "'may be' inadequate." *Trbovich v. United Mine Workers of America*, 404 U.S. 528, 538 n.10 (1972). Movants need not "predict now the specific instances" in which conflicts may arise, *NRDC v. Costle*, 561 F.2d 904, 912 (D.C. Cir. 1977), or demonstrate a "potential conflict." *Dimond v. Dist. of Columbia*, 792 F.2d 179, 193 (D.C. Cir. 1986). The "possibility of disparate interests" is sufficient. *Costle*, 561 F.2d at 912.

This court "ha[s] often concluded … governmental entities do not adequately represent the interests of aspiring intervenors." *Fund for Animals*, 322 F.3d at 736; *see also Costle*, 561 F.2d at 913 (holding that industry intervenors' interests may not be adequately represented by EPA and that intervention as a matter of right is thus justified). That is especially true here, where Movants submitted comments arguing for emission standards even more protective than those ultimately adopted by EPA. Indeed, Movants have frequently disagreed

with—and challenged in rulemaking comments and court proceedings—EPA's actions and inaction under the Clean Air Act.[3]

Here, the government could change position or make litigation concessions with which Movants would disagree. For example, in *Environmental Defense v. Duke Energy Corp.*, 549 U.S. 561 (2007), the United States declined to seek certiorari from an adverse court of appeals decision. Environmental intervenors petitioned for certiorari and eventually prevailed on the merits, despite the United States switching sides to align itself with Duke Energy. *Id.* at 573. It is possible that EPA may take positions here regarding stays, abeyances, remedies, or rehearing that would harm Movants' members.

Similarly, Movants' interests are also not adequately represented by the other groups that have moved to intervene. Unlike any of those groups, Movants are local organizations, focused on ensuring environmental justice within their communities, and as a result, Movants have unique, specific perspectives and interests that may not perfectly align with those of the other organizations that have also moved to intervene. *Fund for Animals*, 322 F.3d at 737 ("partial congruence of interests…does not guarantee the adequacy of representation"). As a result,

[3] *See, e.g.*, *California Communities Against Toxics et al. v. EPA*, No. 1:22-CV-03724, 2022 WL 17717384 (D.D.C. Dec. 14, 2022); EPA-HQ-OAR-2022-0985-1631 (comments of Moving Forward Network, et al.).

Movants respectfully submit that the Court's adjudication will be assisted by hearing from these non-governmental experts and advocates of the Clean Air Act's public health protections in communities affected by environmental injustices. Even though Movants plan to join a single brief with other non-governmental intervenor-respondents, Movants' interests are distinct. Consistent with the Circuit's rules, Movants will "focus on points not made or adequately elaborated upon in ... [EPA's] brief, although relevant to the issues before this court." D.C. Cir. R. 28(d)(2), (4).

CONCLUSION

For the foregoing reasons, Movants respectfully request the Court grant them leave to intervene as respondents in support of EPA in all challenges to the Final Rule, except for any petitions that may be filed challenging the Final Rule as insufficiently stringent.

Dated: June 10, 2024

Respectfully submitted,

/s/ Marvin C. Brown IV
Marvin C. Brown IV
Earthjustice
1001 G Street NW, Suite 1000
Washington, DC 20001
(202) 794-5355
mcbrown@earthjustice.org

Paul R. Cort
Earthjustice
50 California Street
San Francisco, CA 94111
pcort@earthjustice.org

Counsel for Center for Community Action and Environmental Justice, and the Rio Grande International Study Center

CIRCUIT RULE 26.1 DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure and D.C. Circuit Rule 26.1, Movants Center for Community Action and Environmental Justice, and the Rio Grande International Study Center state that they are non-profit environmental justice organizations without any parent corporation or stock.

Dated: June 10, 2024

/s/ Marvin C. Brown IV
Marvin C. Brown IV

CERTIFICATE OF PARTIES

Pursuant to D.C. Circuit Rule 27(a)(4) and 28(a)(1)(A), I certify that the parties to this case are set forth below.

Petitioners: State of Nebraska, State of Alabama, State of Alaska, State of Arkansas, State of Florida, State of Georgia, State of Idaho, State of Indiana, State of Iowa, State of Kansas, Commonwealth of Kentucky, State of Louisiana, State of Mississippi, State of Missouri, State of Montana, State of Oklahoma, State of South Carolina, State of South Dakota, State of Tennessee, State of Texas, State of Utah, Commonwealth of Virginia, State of West Virginia, State of Wyoming, in No. 24-1129; Warren Petersen, President of the Arizona State Senate, Ben Toma, Speaker of the Arizona House of Representatives, Arizona Trucking Association, in No. 24-1133; Western States Trucking Association, Inc., Construction Industry Air Quality Coalition, Inc., in No. 24-1157.

Respondents: United States Environmental Protection Agency ("EPA") and Michael S. Regan, in his official capacity as Administrator of the EPA.

Movant-Intervenors for Respondents: Alliance of Nurses for Healthy Environments, American Lung Association, American Public Health Association, Appalachian Mountain Club, Clean Air Council, Environmental Defense Fund, Environmental Law & Policy Center, Natural Resources Defense Council, Inc., Public Citizen, Sierra Club, State of California, State of Arizona, State of

Colorado, State of Connecticut, State of Delaware, State of Hawaii, State of Illinois, State of Maine, State of Maryland, State of Michigan, State of Minnesota, State of New Mexico, State of New Jersey, State of New York, State of North Carolina, State of Oregon, State of Rhode Island, State of Vermont, State of Washington, State of Wisconsin, Commonwealth of Massachusetts, Commonwealth of Pennsylvania, District of Columbia, City and County of Denver, City of Chicago, City of Los Angeles, City of New York, in No. 24-1129.

Amici Curiae: No parties have sought amici curiae status at the time of this filing.

Dated: June 10, 2024

/s/ Marvin C. Brown IV
Marvin C. Brown IV

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT

Counsel hereby certifies, in accordance with Federal Rule of Appellate Procedure 32(g)(1), that the foregoing motion contains 2,236 words, as counted by counsel's word processing system, and thus complies with the 5,200-word limit. *See* Fed. R. App. P. 27(d)(2)(A).

Further, this document complies with the typeface and type-style requirements of Federal Rule of Appellate Procedure 32(a)(5) and (a)(6) because this document has been prepared in a proportionally spaced typeface using **Microsoft Word for Microsoft 365** using **size 14 Times New Roman** font.

Dated: June 10, 2024

/s/ Marvin C. Brown IV
Marvin C. Brown IV

DECLARATION OF TRICIA CORTEZ

1. I serve as the Executive Director of the Rio Grande International Study Center ("RGISC," pronounced "risk"), a frontline environmental justice nonprofit in Laredo, TX. RGISC's mission is to preserve and protect the Rio Grande-Rio Bravo watershed and environment, through awareness, advocacy, research, education, stewardship and bi-national collaboration for the benefit of present and future generations. RGISC was chartered in the State of Texas in January 1994 and since then has worked in partnership with a diverse set of groups and individuals to improve the environmental health of our community.
2. I have been a dues-paying member of RGISC ever since I began working for the organization in 2010. RGISC currently has more than 120 dues-paying members.
3. EPA's recently finalized Phase 3 standards for greenhouse gas (GHG) emissions from heavy-duty vehicles will benefit myself, my family, and members of RGISC by requiring reductions in air pollution and GHGs in our community. The strengthened Phase 3 standards provide additional protection against health impacts associated with climate change including heat waves, extreme weather events, and droughts.
4. One of RGISC's core goals is to ensure that Laredo, and the Rio Grande-Rio Bravo watershed that surrounds it, remains habitable for ourselves and future generations. As such, reducing air pollution and greenhouse gas emissions from heavy-duty trucks is one of the organization's major projects. Laredo is home to one of the busiest land ports in the United States. On a daily basis, 20,000 diesel trucks and 180 diesel buses make the northbound-southbound crossing at Laredo's four international ports of entry. Traffic from 18-wheeler trucks often clogs our roads, like Interstate 35, Bob Bullock Loop (Loop 20), Highway 83 (north and south), and FM 1472 (also known locally as Mines Road).

5. I am concerned about the impact of air pollution and greenhouse gases from heavy-duty vehicles on the health of my community and family.
    a. I have two young children: a daughter, aged 9, and a son, aged 7.
    b. We spend a lot of time outdoors on walks at parks like Father McNaboe, Lake Casa Blanca International State Park, Slaughter Park, Zacate Creek, North Central Park, and smaller neighborhood pocket parks. We often go birdwatching on local trails, and fishing at the lake.
    c. My daughter plays volleyball, and my son plays flag football and soccer. These activities involve practices or games outside at some of Laredo's city parks.
    d. Because trucking is our city's major industry, we are never far from major trucking corridors when we participate in activities outside.
    e. These outdoor recreational activities are vital to my family's well-being, and I am concerned about how the impact of air pollution will affect my children's health. I am concerned about how the increase heat from climate change affects my children's ability to play outside.
    f. Because of my work, I am aware that air pollution can cause respiratory and cardiovascular disease. As a result, I try to avoid activities in areas of Laredo where there may be high air pollution caused by the freight industry. But at least several times a week, I have meetings or community events that require me to travel on major truck corridors in Laredo, like Mines Road and Loop 20. Traveling to these events can be frustrating, as it will take an hour to go a few miles, while I am sandwiched between 18-wheeler trucks. When this happens, I

make sure to circulate the interior air of my car's AC, rather than use the fresh air setting, in order to reduce exposure to air pollution from trucks.

6. I am concerned about the effect of climate change on myself, my family, and my community and have already seen its effects on Laredo and worry about it getting worse.
    a. As a result of climate change, Laredo is experiencing a severe drought and increasing extreme heat conditions. Due to dwindling water supply in the Rio Grande, Laredo is under Stage 3 drought restrictions and is close to moving to Stage 4 restrictions. Because of this, I try to conserve water in my personal use and at RGISC we are pushing for the City of Laredo to make vital investments to preserve water. But our efforts will not mean much if greenhouse gas emissions continue to rise.
    b. I am worried about the ability of my family and friends to survive in Laredo if we continue to lose water from the effects of climate change.
7. RGISC is working on several critical programs in collaboration with the City of Laredo and other partners focused on water security, urban heat island mapping, climate resilience, and air quality monitoring. Electrification of heavy-duty commercial trucks is a vital component related to Laredo's emerging climate resilience goals.
8. RGISC is intervening in lawsuits that seek to undo, weaken, or delay implementation of EPA's Phase 3 heavy-duty vehicle GHG emissions standards because these standards are important for protecting my community's health and well-being. Any weakening of the standards, or delay, or weakening in their implementation would harm my health and welfare, as well as the health and welfare of RGISC's members.

I declare under the penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

Dated: June 10th, 2024.

Tricia Cortez

DECLARATION OF ANA GONZALEZ

1. I am the Executive Director of the Center for Community Action and Environmental Justice ("CCAEJ"). The mission of CCAEJ is to unite communities in intersectional action to promote social and environmental health. We were established in 1978 and are headquartered in Jurupa Valley, Riverside County, California.
2. Currently, CCAEJ has nine staff members and 42 active community members. All of our members have joined either through paid membership or by volunteering, and all of our members live in either Riverside or San Bernardino counties in California.
3. CCAEJ was founded to empower working class communities of color facing pollution crises and to protect the environmental health of communities in the Inland Empire and across California.
4. I first joined CCAEJ as a volunteer member in 2018, after my son became sick from asthma caused by freight traffic in my neighborhood of Rialto, California. At the time, CCAEJ was fighting the development of additional warehouses in my community, which have exacerbated our urban heat islands and increased the number of trucks that pass through my community.
5. In 2022, I became the Executive Director of CCAEJ. I also sit on South Coast Air Quality Management District's Environmental Justice Advisory Group, and the California Department of Transportation's Interagency Transportation Equity Advisory Committee.
6. EPA's recently finalized Phase 3 standards for greenhouse gas (GHG) emissions from heavy-duty vehicles will benefit myself, my family, and members of CCAEJ by requiring reductions in air pollution and GHGs in our community. The strengthened Phase 3 standards provide additional protection against health impacts associated with climate change including heat waves, extreme weather events, wildfires, and flooding.

7. I am concerned about the impact of air pollution and climate change on my health and the health of my family.

    a. My job requires me to be outside often, such as when I am tabling or attending community events. When driving to and from work events, I often get stuck in traffic with trucks and buses. Even with the windows closed, I can smell the emissions from these vehicles inside my car.

    b. I live in Rialto, California with my two children. Our home is between Interstate 10 and Interstate 210. There is also a major bus fueling station near my home. As a result, school buses drive past our home often. The trucks and school buses that drive near our home emit harmful pollution, including GHGs.

    c. Because of the air pollution in our community, I go out of my way to protect myself and my family from environmental harms. We do not spend time outside together because the air quality is harmful for my son. I regularly check for air quality alerts, including ozone alerts, to determine whether the air in my community is harmful. While we have multiple HEPA filters inside our home, when the air quality level deteriorates outside, my son is unable to sleep through the night because his coughing wakes him up. When the air quality is especially bad, we leave town and head to mountains, like Lytle Creek and Lake Arrowhead, where my son can breathe fresh air. Looking down from the mountains, we can see the layer of smog covering our community.

8. The effects of climate change are already impacting me and my family

    a. I am aware from my work that greenhouse gas emissions from heavy-duty vehicles are a major contributor to climate change, leading to increased

temperatures, more frequent wildfires and extreme weather events, including heat waves and flooding.

b. Our community is experiencing more frequent and intense flooding, and the existing infrastructure in our community is poorly equipped to handle these changes. The increased flooding has caused the old infrastructure in our community to fail because our stormwater system cannot handle the increased water levels.

c. Over the past decade, wildfires have increased in our region. While my community has thankfully been spared from wildfires, neighboring communities have not been so lucky. And when neighboring communities have experienced wildfires, they are sometimes forced to flee to our community. As a result, both of my children's schools, Eisenhower and Carter High Schools, have had to close so that they can be used to shelter our neighbors. When this happens, my children have to miss school.

9. The stronger protections that will be required by EPA's new Phase 3 heavy-duty vehicle GHG emissions standards would change my day-to-day life. With fewer emissions, I could spend more time with my family outside enjoying our community's parks and attending community events.

10. CCAEJ is intervening in lawsuits that seek to undo, weaken, or delay implementation of EPA's Phase 3 heavy-duty vehicle GHG emissions standards because these standards are important for protecting my community's health and well-being. Any weakening of the standards, or delay, or weakening in their implementation would harm my health and welfare, as well as the health and welfare of CCAEJ's members.

I declare under the penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

Dated: June 5, 2024.

Ana Gonzalez

DECLARATION OF MARVEN NORMAN

1. I am the Policy Coordinator for the Center for Community Action and Environmental Justice ("CCAEJ"). The mission of CCAEJ is to unite communities in intersectional action to promote social and environmental health. We were established in 1978 and are headquartered in Jurupa Valley, Riverside County, California.
2. CCAEJ was founded to empower working class communities of color facing pollution crises and to protect the environmental health of communities in the Inland Empire and across California.
3. At CCAEJ, I do a lot of work on reducing air pollution from the trucking and freight industry. I grew up in Southern California in the 1990s and remember seeing trucks drive by and emit large clouds of black smoke. While that is rare now, I know that there is still a lot more air pollution to reduce.
4. For the last six years, I have lived in San Bernardino, California. I live in an apartment with my wife and four children. Our apartment is about 1200 feet from State Route 210, which is a major freight corridor. And while my street is not a truck route, I often see trucks drive down our street. Additionally, some of my neighbors are truck drivers and they occasionally park their trucks in our neighborhood overnight.
5. Because of my work, I am aware that the EPA recently finalized Phase 3 standards for greenhouse gas (GHG) emissions from heavy-duty vehicles. This rule will benefit myself, my family, and members of CCAEJ by requiring reductions in air pollution and GHGs in our community. The strengthened Phase 3 standards provide additional protection against health impacts associated with climate change including heat waves, extreme weather events, wildfires, and flooding.

6. I am concerned about the impact of air pollution on my health and the health of my family.
    a. My children attend an elementary school that is three doors down from my apartment. Their school is very close to State Route 210, and I am concerned about how air pollution affects my family.
    b. I am aware of the ozone problem in San Bernardino. When the air pollution is high in San Bernardino, my family and I travel up to the mountains to escape and breathe fresh air.
7. I am concerned about how the impacts of climate change impact me and my family.
    a. I am worried about the GHG emissions from trucks contributing to heat waves in my community.
    b. When my community experiences heat waves, my children's school must keep the students inside and they are unable to play outdoors. Sometimes these heat waves last for days and the children are uncomfortable being unable to play outside.
    c. I am worried about climate change creating the potential for increased rainfall and disruptions in water availability in my community.
8. CCAEJ is intervening in lawsuits that seek to undo, weaken, or delay implementation of EPA's Phase 3 heavy-duty vehicle GHG emissions standards because these standards are important for protecting my community's health and well-being. Any weakening of the standards, or delay, or weakening in their implementation would harm my health and welfare, as well as the health and welfare of CCAEJ's members.

I declare under the penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

Dated: June 10, 2024.

Marven Norman