Environmental Advocates' Comments on RAQC Control Strategy Blueprint: Mobile Source Emissions

To: Regional Air Quality Council

From: Earthjustice, Womxn From The Mountain, GreenLatinos, Mountain Mamas, Western Resource Advocates, GRID Alternatives, Conservation Colorado, Colorado Sierra Club

Date: August 21, 2026

Dear RAQC,

The Environmental Advocates, represented by the signatories to this letter, are writing to urge the RAQC to pursue a Clean Deliveries Rule, which is a type of Indirect Source Rule (ISR) targeting warehouse emissions.

The Environmental Advocates view the Control Strategy Blueprint as a tremendous opportunity to consider bold policies to tackle ozone pollution, particularly given the likely downgrade for the 2008 federal ozone standard and Colorado's continued ozone nonattainment. Given ongoing federal efforts to undermine efforts to reduce air pollution—especially efforts to block transportation emission reduction measures—Colorado must seize this opportunity to lead on air quality and protect our progress at the state level.

While we are supportive of most of the Blueprint overall and many of the various control strategies contained therein, our comments will focus on aspects of the Blueprint that relate to a Clean Deliveries Rule. Specifically, we urge the RAQC to pursue a regulatory, not voluntary, Clean Deliveries Rule and, regardless of which type of program it pursues, to initiate data collection promptly. Such a rule would reduce ozone precursors, aid Colorado in its greenhouse gas reduction work, and—most critically—improve air quality in disproportionately impacted (DI) communities, which bear the brunt of pollution from the warehousing sector.

In addition, the RAQC must not ignore federal attacks on Colorado's ability to enforce the Advanced Clean Trucks and Advanced Clean Cars II rules, which put recent and future transportation emission reductions at serious risk. To protect and continue this progress, we need strong, impactful policies like a Clean Deliveries Rule, which would also deliver significant funding that would support another of the RAQC's proposed strategies—clean vehicle incentives. Finally, the RAQC should not expend precious staff time and resources on a program that will not reduce overall emissions and, in fact, would increase pollution in disproportionately impacted (DI) communities.

I. Clean Deliveries Rule

State-level data demonstrates that tackling warehouse emissions is increasingly important. According to the Colorado Indirect Source Market Study, the "Industrial-Warehouse" sector is the largest indirect source type by square footage in the DMNFR, with 185 million square feet as of 2021 and an additional 40 million square feet expected by 2040. A rule targeting warehouses would advance environmental justice, as these facilities are clustered in communities already facing significant environmental burdens. To better protect communities and address warehouse pollution, a Clean Deliveries Rule is ripe for consideration in Colorado.

The RAQC proposes three potential strategies: data gathering, voluntary, and regulatory actions. The RAQC should pursue regulatory, not voluntary, requirements. The RAQC's strategy briefs do not explain how a voluntary program would secure benefits. The RAQC simply assumes that a voluntary program would achieve one-third to one-fifth the reductions that a regulatory program would achieve, with no support. Although it suggests that a program would be more effective with monetary incentives, it does not explain what value a voluntary program would add beyond those incentives. Nor does it identify a source of funding for those incentives. In contrast, a regulatory requirement provides much-needed emissions and market certainty and creates a source of revenue to be deployed for incentives.

For warehouses in particular, existing regulatory regimes have a demonstrated track record of success, and a voluntary program would be inappropriate. The South Coast Rule has spurred warehouse operators to purchase over 830 zero-emission trucks and hostlers to comply with the rule.[1] For a sense of scale, if the program were a state, it would rank 21st out of fifty states for zero-emission truck deployments.[2] The rule is

[1] South Coast AQMD, *WAIRE 3rd Annual Report*, at 37, available at https://www.aqmd.gov/docs/default-source/planning/fbmsm-docs/3rd-annual-report-for-the-waire-program.pdf?sfvrsn=1526a7e_2 .

[2] Earthjustice, "Four Years in, Southern California's First-in-the-Nation Approach to Clean up Warehouse Pollution is a Beacon" (Jan. 22, 2026), https://earthjustice.org/experts/adrian-martinez/four-years-in-southern-californias-first-in-the-nation-approach-to-clean-up-warehouse-pollution-is-a-beacon.

reducing emissions in overburdened communities, logging a 1.47 tons per day reduction of NOx pollution before the rule has even been fully implemented.[3]

Regardless of which options the RAQC pursues, the RAQC should do so without further delay. Whether data reporting is required as an initial stand-alone step or as the initial step of a broader regulatory program, the RAQC should move forward. The RAQC has been considering various ISR programs since the late 2010s, and has held numerous stakeholder meetings over the last two years. A lengthy lead-in will only delay much-needed emission reductions without meaningfully adding to the robust stakeholder engagement that the RAQC staff have conducted. Colorado is already falling behind: Colorado's zero-emission share of truck stock is behind states like Texas, Nevada, Utah, Florida, and Georgia.[4] In addition, initial data reporting need not drag on for years. For context, the South Coast's warehouse emissions program provided warehouse owners less than six months from rule passage to file their initial report, while operators had varying time depending on their first compliance deadline; the largest warehouse operators had just over one year to submit their first reports.

We recommend that any data gathering efforts focus on specifics such as truck trips, types, and how those data points relate to warehouse size; all of this information would be useful in developing approaches to reducing emissions from those sources. It's important to consider what information to request from *owners* versus *operators*, since many warehouses are leased. For owners, additional information is critical to collect, including warehouse size, square footage used for warehousing activities, contact information, and lease start and end dates. This type of information will allow the RAQC and others to better understand how truck trips correlate to warehouse square footage and ensure that regulators have the necessary information to aid future implementation of any emission reduction program. We recommend examining the Warehouse Operations Notification ("WON") required by the South Coast WAIRE Program. For operators, information about warehouse size and area similarly is key information to gather; we recommend examining the WAIRE's program's Initial Site Information Report ("ISIR") requirements. Information about vehicle miles traveled will be very helpful, and additional information about onsite equipment would also be useful. For example, information about the number of forklifts and their operating time—or fuel use as a proxy—would be useful, as would information about on-site alternative non-gas fueling stations or electric stations.

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[3] WAIRE 3rd Annual Report at 28–29.
[4] *See* Calstart, *Zeroing in on Zero-Emission Trucks*, https://calstart.org/zio-zets/.

II. The RAQC must grapple with the effects of federal rollbacks on Colorado clean vehicles regulations

As part of its proposed Blueprint, the RAQC offers another strategy: "Effects of Turnover of the Existing On-Road Vehicle Fleet and Additional On-the-Books Colorado Clean Vehicles Regulations." We are gravely concerned that the RAQC has not accounted for recent legal developments affecting these policies and is therefore underestimating total future emissions from the mobile source sector.

This portion of the Blueprint relies heavily on the assumption that Colorado's clean vehicles policies will drive a transition to clean vehicles. But according to the federal administration, which is the key authority for approving Colorado's ozone plans, Colorado's Clean Cars Rule, Clean Trucks Rule, and Low-NOx Omnibus Rule are no longer enforceable. Those rules would be responsible for significant reductions in emissions as well as health-related savings.[5] But Congress has attempted to remove the authority for Colorado to enforce those regulations, by purporting to use the Congressional Review Act to revoke the underlying waivers.[6] Although litigation concerning the matter is pending, EPA is defending the Congressional action in court, and the federal administration's position is that the underlying rules are unenforceable.[7]

In addition, rollbacks of federal tailpipe regulations threaten Colorado's progress on reducing emissions from the mobile source sector. The RAQC must take these rollbacks into account as part of its planning. For example, earlier this year, EPA finalized a rule entirely revoking federal greenhouse gas standards for vehicles.[8] The revocation of the greenhouse gas standards will increase PM emissions, costing up to $4.2 billion dollars in health harms under the federal government's own estimates.[9] This is likely a severe underestimation of the true costs of the repeal: the Environmental Defense Fund estimates that the repeal of these standards would result in nationwide

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[5] *See* CDPHE, Cost-Benefit Analysis, Regulation Number 20 (Apr. 7, 2023) (Advanced Clean Trucks benefits estimates); CDPHE, Cost-Benefit Analysis, Regulation Number 20 (Oct. 19–20, 2023) (Advanced Clean Cars II benefits estimates).

[6] *See* First Amended Complaint for Declaratory and Injunctive Relief, *State of California, et al. v. United States of America, et al.*, 4:25-34-04966-HSG, N.D. Cal. (Oct. 10. 2025). https://cdn.climatepolicyradar.org/navigator/USA/2025/california-v-united-states_36bef29ba6e74e78e24fdbb188aa0df8.pdf (complaint challenging Congressional action).

[7] *See, e.g.*, EPA, *EPA Administrator Zeldin Celebrates President Trump Officially Ending California's Vehicle Waivers, Delivering Another Major Blow to the EV Mandate* (Jun, 12, 2025), https://www.epa.gov/newsreleases/epa-administrator-zeldin-celebrates-president-trump-officially-ending-californias.

[8] 91 Fed. Reg. 7686 (Feb. 18, 2026).

[9] EPA, *Reconsideration of 2009 Endangerment Finding and Greenhouse Gas Vehicle Standards, Draft Regulatory Impact Analysis* (July, 2025), https://www.epa.gov/system/files/documents/2025-07/420d25003.pdf.

emissions of GHGs between 9.1 and 17.9 billion metric tons, NOx would increase between 2.4 and 4.7 million US tons, PM would increase between 68,000 and 169,000 US tons, and SOx would increase between 37,000 and 54,000 US tons.[10] The net costs due to PM 2.5-related health harms caused by emission increases from all vehicles would be up to $256 billion. Climate harms amount to up to another $3.9 trillion.[11] The Natural Resources Defense Council estimates that the additional air pollution caused by this action will be responsible for roughly 5,800 deaths and 3,500 hospital visits.[12] Colorado and its residents will share in these harms.

In addition, legislation passed by Congress in 2025 has effectively gutted the Corporate Average Fuel Economy (CAFE) standards' effectiveness by setting fines for noncompliance at $0.[13] These standards require increasing levels of fuel efficiency for new vehicles, leading to reduced emissions. The standards are now essentially unenforceable. Further, the Department of Transportation has issued draft rules to weaken the underlying CAFE standards.[14] That rollback means that future model years will likely be less fuel-efficient, causing a greater amount of tailpipe emissions. Notably, when standards stay stagnant, fuel economy also does *not* improve in the real world.[15] In other words, the standards are, in fact, what drives fuel efficiency improvements. The Department of Transportation acknowledges in its rulemaking docket that the changes will impact emissions of carbon monoxide, VOCs, NOx, SOx, PM, CO2, methane, and nitrous oxide.[16]

Finally, EPA has proposed weakening the federal standards for criteria pollutants, including NOx, VOCs, and PM.[17] The agency is pursuing a two-year delay of these standards for light- and medium-duty vehicles; in effect, this change means that MY 2027 and 2028 vehicles will emit more pollution than the RAQC previously anticipated.

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[10] Comments of Envt'l and Pub. Health Organizations to U.S. Envt'l Prot. Agency at 16 (Sept. 22, 2025), https://library.edf.org/AssetLink/p4j47orurd537p3vmaas230eywsm71x5.pdf?_gl=1*tbjoe9*_gcl_au*MjAxODY1NDg0MC4xNzY1ODM3NDIz*_ga*NjEzNjM5NjIzLjE3NjU4Mzc0MjQ.*_ga_2B3856Y9QW*czE3Njg0NTQ4ODQkbzMkZzEkdDE3Njg0NTQ4OTIkajUyJGwwJGgw.

[11] *Id.*

[12] *Id.* at 18.

[13] H.R. 1, Section 40006 (July 4, 2025).

[14] 90 Fed. Reg. 56438 (Dec. 5, 2025).

[15] The Equation, *5 Reasons Trump's Fuel-Economy Standards Rollback Is a White Elephant Gift No One Wants*, Union of Concerned Scientists, (Dec. 18, 2025), https://blog.ucs.org/dave-cooke/5-reasons-trumps-fuel-economy-standards-rollback-is-a-white-elephant-gift-no-one-wants/

[16] 90 Fed. Reg. at 56509 n.286.

[17] 91 Fed. Reg. 28463 (May 18, 2026).

EPA has called this action "Part 1;" a "future Part 2 rulemaking" will alter emission standards for MY 2029 and beyond, further undermining the RAQC's planning efforts.[18]

The RAQC cannot bury its head in the sand and continue on with a business-as-usual-attitude. Prior assumptions about emission reductions from vehicle turnover are no longer reliable, and the RAQC must adjust its plans, including its Blueprint, in response. That means identifying and pursuing additional opportunities in Colorado—like a Clean Deliveries Rule—to reduce emissions from the transportation sector.

III. Vehicle electrification incentives are a critical component of cleaning up Colorado's transportation sector

We wholeheartedly support the RAQC's strategy regarding "Continued Light Duty Vehicle Electrification Incentives." However, this policy should expand to include medium- and heavy-duty vehicles. A Clean Deliveries Rule would support this policy strategy. One compliance option in the South Coast rule is a mitigation payment. While these payments have been a very small component of South Coast compliance to date (accounting for around 5% of all compliance points), that option has generated nearly $60 million in mitigation fees.[19] That substantial sum will fund projects to achieve and facilitate emission reductions in the same areas where the mitigation fees were paid. In the same way, funds raised via a Colorado Clean Deliveries Rule could help fund additional clean transportation projects in communities that are most harmed by truck traffic, easing the direct health burden and reducing ozone precursors.

IV. The RAQC should not divert resources to develop a mobile-source emission offset program

The RAQC also describes a potential new strategy: "Implement Mobile Source Emission Reduction Credits." We urge the RAQC to reject this program. As an offset program, by its very nature it would not result in additional emissions reduced. The program would merely offset reductions that otherwise would have been required onsite at major stationary sources of pollution via Colorado's existing Emission Reduction Credits program.[20] Given the many competing priorities at the RAQC, it does not make sense to expend time and resources on a program that inherently does not result in additional emission reductions.

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[18] EPA, Revision of Tier 4 Cirteria Pollutant Standards, Part 1, https://www.epa.gov/regulations-emissions-vehicles-and-engines/revision-tier-4-criteria-pollutant-standards-part-1 (last visited Aug. 21, 2026).

[19] WAIRE 3rd Annual Report at 24.

[20] CDPHE, *Emission Reduction Credits (ERC)*, https://cdphe.colorado.gov/apcd/ercs (last visited Aug. 21, 2026).

In addition, this type of program would have a significant and negative impact on DI communities. It is not clear from the draft Blueprint document that the RAQC has considered these negative impacts at all. The program would result in fewer emission reductions at major stationary sources—which are disproportionately located in low-income communities and communities of color. The offset program would thus shift critical emission reductions away from DI communities. That's reason enough not to pursue this type of program. If the RAQC does move forward with this strategy, it must include provisions to ensure that any offsets occur within the same community that is harmed by the stationary source and limit the amount of offsets any single stationary source can acquire.

Finally, it's not clear that this type of offset program can even ensure that the required offsets actually occur. There's no way to prove that the emissions reductions are additive or go beyond the usual fleet turnover. The RAQC already accounts for fleet turnover in its motor vehicle emissions budget, and as described above, the RAQC is likely already over-relying on fleet turnover given the federal rollbacks. If a fleet converts to all-electric, there is no way to know whether those new electric vehicles are above and beyond the zero-emission vehicles that the RAQC (and SIP) already expected to go into service. Because the reductions are supposed to replace (offset) other emission reductions, that overlap could result in a net *increase* in emissions. Further, such a program would need to ensure that the old vehicles leave the nonattainment area, which is not only difficult to verify—the RAQC would need to track each vehicle over the course of its remaining lifetime—it would have significant negative justice repercussions, because those high-polluting vehicles would simply be outsourced to other communities.

Signed,

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