WESTERN GROWERS
FAMILY OF COMPANIES

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William Charmley
Director, Assessment and Standards Division, Office of Transportation and Air Quality
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: *Docket ID No. EPA-HQ-OAR-2023-0589 "California State Motor Vehicle Pollution Control Standards; Advanced Clean Fleets Regulation; Request for Waiver of Preemption and Authorization"*

Dear Director Charmley,

Western Growers (WG) welcomes the opportunity to provide comments on the California Air Resources Board's (CARB) request for a waiver of preemption and authorization under the Clean Air Act, as it relates to its Advanced Clean Fleets (ACF) regulation. WG is an agricultural trade association headquartered in California. Our members are small-, medium- and large-sized businesses that produce, pack and ship fruits, vegetables, and tree nuts from our home states of California, Arizona, New Mexico, and Colorado. Beyond our home states, WG members produce in – and directly contribute to the economies of – more than 30 states in the United States as well as around 25 foreign countries. In total, our members account for roughly half of the annual fresh produce grown in the United States, providing consumers with healthy, nutritious food. Indeed, WG has long had the slogan "We grow the best medicine."

Our members always work to balance their ability to provide affordable, healthy food with ever-changing regulatory and consumer demands. We recognize that climate and air quality are big concerns for Americans, and we want to be part of the solution, not the problem. Western Growers has engaged directly with CARB since its earliest ACF iterations to ensure the nuances and necessities of agriculture are accounted for.

Unfortunately, there is still not enough lead time for the necessary technology, equipment, and infrastructure to be developed and deployed, and there has not been due consideration to the cost of compliance. As such, WG requests that EPA not grant a waiver for the Advanced Clean Fleets (ACF) Regulations on these grounds that are inconsistent with Section 202(a).

Vehicle Limitations

Day-to-day operations of WG member farms are often extremely demanding, especially when considering the usage of on- and off-road vehicles and equipment. These farms are typically comprised of several different ranches, cooling and processing facilities, and actual growing acreage. These locations are not always in close proximity, with some nearly 60-70 miles apart. As such, a farm owner or employee can clock hundreds of miles in typical day, as they make necessary trips to and from fields, offices, and warehouses. It has been repeatedly cited that a daily travel log could reach 200 miles or more, especially during peak seasons of harvest. For longer haul trucking (which is the primary mode of transport for our crops), the trips can reach 500 miles a day.

Additionally, farming vehicles undertake significant hauling and pulling tasks. In addition to moving and delivering the crops themselves, there is also heavy planting and harvesting equipment, packaging materials, water, fuel, pallets, landscaping refuse, and portable toilets. Importantly, there is also the daily transportation and

movement of workers and all their needed supplies. When coupled with the often unpaved, uneven, and muddy terrain that farming operations occupy, it amounts to a taxing payload that inevitably draws down any vehicle's expected mileage.

Farming requires a lot of hours, miles, and horsepower, so it needs vehicles that can sufficiently fulfill those requirements. This reality undercuts CARB's repeated assertion that the ZEV supply is currently and will be commercially available with enough options in time for the ACF rollout. CARB estimates that most trucks and vans operate less than 100 miles a day, which is simply not the case for our industry. CARB has also argued that there are over 135 different models of vans, trucks, and buses currently available. While there are some feasible options to replace the smaller passenger-focused trucks, the heavier-duty trucks and semis needed for hauling and pulling do not reasonably exist. There are little to no options with four-wheel drive or uplifts, which are essential features in dealing with the rough terrain. For various types of essential service trucks, there are no current or forthcoming viable options, which will likely force a complete shift into an entirely different vehicle class of vans or other smaller options.

Within the limited existing universe of ZEV alternatives, the advertised ranges are anywhere from 150 to 400 miles. For an industry that can average 200 miles a day, that range does not inspire confidence. This is especially true when there are repeated real-world examples of the range dropping to as low as 80-90 miles when the ZEV undertakes loads, poor terrain, and bad weather conditions.

There are two other key challenges with ZEVs. First, the base weight of ZEVs is much heavier, with some nearly twice the weight of traditional diesel-powered ones. To balance this against existing truck weight standards, farmers will be forced to move less in each truckload. Second, the recharging process puts both the truck and its driver out of commission for much longer than traditional refuels. Depending on the vehicle type, charging can take anywhere from one to five hours.

To counter this joint loss in productivity, our producers expect their overall fleet sizes will have to grow, pushing more vehicles onto the roads and pressuring the supply even more. They will also have to drastically revamp their logistics and scheduling to account for the charging downtime and added trip time. Ultimately, we expect this forced ZEV transition to completely upend planning, harvest, and delivery models, driving more uncertainty and potential delays that will impact our time-sensitive and highly perishable crops.

From our members' assessment, the available models that could be suitable replacements are still in infancy stages and potentially two to five years away from full commercial realization and application. At the same time, despite CARB's assurances of various vehicle exemptions and waivers being available, many of our members have already been denied for essential vehicle types that don't have ZEV options. Therefore more time is needed to allow for not just more ZEV options, but ones that are truly suitable and affordable.

Infrastructure and Energy Limitations

Arguably the bigger challenge is the lack of charging infrastructure and energy supplies, which are even farther behind and less within our farmers' control. Farming operations are overwhelming based in rural areas of the state – areas that are often not the first priority for infrastructure development. We therefore have grave concerns that neither our members nor the state of California itself will have the sufficient power and stations in place to sustain the transition that the ACF rules currently seek to impose.

When considering the charging stations themselves, sufficient locations are not readily available, and it is complicated and unclear as to where the proper locations would be. Fields and ranches are not typically electrified to begin with, so the construction and electrification of chargers in or just near these areas is simply infeasible. Unpaved facilities are also common, so the necessary paving would be an extensive undertaking.

As previously noted, farming operations can encompass many properties that cover a broad area, so its vehicle and equipment assets do not typically return to a single location every night, especially during busy or peak seasons. It is also typical and more convenient for certain employees to take vehicles home overnight. As such, it is incorrect to assume that farms could manage with a single central charging location; rather, they would need to build, electrify, and maintain several stations throughout their operations.

For many of these construction and upgrade elements, they also require full or partial approval from city and/or county entities – often a 'make or break' situation that has severely impacted many other building projects our growers have pursued. For the nearly 45% of California farms that operate on rented land, planning and approval will additionally involve a landlord. For electrification, many of our members are already being told by the Pacific Gas & Electric Company (PG&E) to expect rough timeframes anywhere from two to ten years. One member was told to anticipate four years to get chargers in just one location. All these external forces have the potential to completely throw off a producer's best attempts to comply on a timely basis.

CARB itself recognizes that battery-powered EVs categorically have limited range, higher up-front costs, and total reliance on charging infrastructure. It also recognizes that publicly accessible charging may not be available in all areas of the state by its stated timelines. In Kern County – the top agricultural producing county in the United States that encompasses 8,000 square miles - there is only one heavy duty charging station located off a major highway capable of fast charging a bigger trucks and semis. Given the vastly longer time needed to recharge a vehicle, as well as the less universality of the chargers themselves, it should raise serious concerns as to the necessary amount of public stations that will be needed to meet a statewide fleet shift.

Unfortunately, the workarounds CARB has proposed – such as 'opportunity charging' and 'route planning' – reflect a lack of understanding of farming realities and are not sufficient to address the glaring limitations. As with the vehicle waivers, infrastructure waivers and extensions are not easy to come by. A producer in need of one would have to apply well in advance and still already have construction or utility contracts in place. It is and will be very difficult for farmers to pair the already-complex fleet planning with infrastructure planning and do it all with enough lead time to simply get themselves in a position for a temporary waiver.

Conclusion

There are several other areas of inconsistencies and vagueness about the ACF rules that have not been sufficiently addressed by the state authorities, and the existing exemptions and waivers aren't reliable or simple enough to provide assurance to our members. CARB is still in the process of producing resources and messaging to the affected entities; as of this summer, it still had not yet developed an outreach toolkit and online tools to better understand the regulations. In the meantime, growers are already being pushed to undertake risky speculations, major private investments into the millions of dollars, and extensive upkeep within an industry where margins are already slim.

Until and unless these challenges are properly addressed, we predict the ACF regulations at this time will not put the state on a path to cleaner air, but a path for more confusion for farmers and higher costs for consumers. WG strongly urges EPA to deny a waiver, and we appreciate your consideration of our concerns.

Sincerely,

Tracey Chow
Federal Government Affairs Director