

September 22, 2021

The Honorable Joseph R. Biden Jr.
President of the United States
1600 Pennsylvania Avenue
NW Washington, DC 20500

Michael Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue
N.W. Mail code 1101A
Washington, DC 20460

Re: Urgent Need to Propose and Adopt a New Rule for Greenhouse Gas Emission Standards for Airplanes and Airplane Engines

Dear President Biden and Administrator Regan:

On behalf of our millions of members and supporters, we write to urge you to move swiftly and decisively to replace the Trump administration's existing do-nothing rule for greenhouse emissions from commercial aircraft ("Existing Rule") with an ambitious rule that will reduce climate pollution consistent with administration priorities, international leadership, and the urgency of the climate crisis.

As the White House has acknowledged, federal government leadership and innovation is essential to addressing greenhouse gas pollution from the aviation sector.¹ The White House has specifically identified the Existing Rule as one that must be reviewed in light of the administration's focus on protecting public health and tackling the climate crisis.² President Biden has pledged to follow the science and tackle the climate crisis with the urgency it demands, mobilizing all federal agencies to take the actions necessary to address environmental injustice and to avert the most catastrophic harms. Yet to date EPA has failed to utilize the most effective tool in its possession: its regulatory power to set an emission standard that ensures real, meaningful fleetwide reductions in climate pollution from aircraft.

¹ White House, Fact Sheet: Biden Administration Advances the Future of Sustainable Fuels in American Aviation (Sept. 9, 2021), *available at* <https://www.whitehouse.gov/briefing-room/statements-releases/2021/09/09/fact-sheet-biden-administration-advances-the-future-of-sustainable-fuels-in-american-aviation/>.

² White House, Fact Sheet: List of Agency Actions for Review (Jan. 20, 2021), *available at* <https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/20/fact-sheet-list-of-agency-actions-for-review/>.

We urge the Environmental Protection Agency (“EPA”) not to be distracted by false solutions touted by the aviation industry, and to instead complete its review and move swiftly to propose and adopt a new rule.

Commercial Aviation Is Increasingly Fueling the Climate Emergency

Commercial aviation accounts for about 2.6% of annual global CO₂ emissions—roughly the same amount of climate pollution as Germany emits. Global aviation emissions increased by 44% over the last ten years as growing passenger traffic outpaced slight fuel efficiency improvements. Flights departing from airports in the United States and its territories were responsible for almost a full quarter of global passenger flight carbon dioxide emissions in 2019, highlighting the outsized responsibility of the United States to tackle airplanes’ planet-warming pollution.

Two Intergovernmental Panel on Climate Change reports, the 2018 *Special Report on Global Warming of 1.5°C* and the *Climate Change 2021* report, make it clear that global industry sectors must decarbonize by mid-century to keep warming to 1.5°C and avoid devastating climate damages. Yet, before the COVID-19 pandemic, aviation sector emissions were set to triple by 2050, and evidence suggests a return to that pre-pandemic trajectory in the near future. In light of such drastic increases in emissions from this single industry, EPA simply cannot sit on its hands any longer. It must quit delaying and set aviation emissions standards commensurate with the present climate crisis.

Aviation Pollution Can and Must Be Reduced Dramatically

To effectively reduce greenhouse gas emissions from the aviation sector, EPA should set a declining fleetwide average standard that (1) applies to aircraft in operation as well as new aircraft; (2) allows for reducing emissions through airframe and engine design and operational improvements; and (3) includes a ratchet mechanism to reduce emissions over time and achieve zero emissions by 2045 or sooner.

We support a multi-prong strategy of improving fuel efficiency by at least 3.5% annually, electrifying all regional flights by 2040, and replacing fossil fuel jets with zero emission aircraft by 2045. Doing so is possible and necessary to achieve near-zero emissions levels and keep global warming below 1.5°C.

Biofuels are a False Solution That Must Be Avoided

To avoid actions that would meaningfully reduce aviation emissions, the aviation industry has increasingly resorted to claiming it will achieve “carbon neutrality” using carbon offsets and biofuels. These are false solutions on which the administration must not rely.

Carbon offset schemes neither reduce greenhouse gas emissions nor toxic co-pollutants from airplanes that disproportionately harm low-wealth communities and communities of color. Offset projects can also have many other adverse consequences, including violating the human rights of local communities and Indigenous peoples in the Global South.

Biofuels have not been proven to be carbon neutral or sustainable. For example, some jet biofuels derived from palm feedstocks increase overall greenhouse gas emissions when accounting for all factors of production, including land-use change. Biofuels can also perpetuate serious non-greenhouse gas environmental harms, such as increased water pollution, pesticides and sediments; increased fresh water scarcity; and degraded air quality.

So-called “sustainable” aviation fuels can also result in increased emission of nitrogen oxides (“NO_x”) as compared to fossil jet fuel.³ NO_x, an ozone precursor, is associated with the development and aggravation of respiratory diseases, especially asthma. Communities are already struggling with the burden of NO_x pollution from aircraft. We cannot afford to fuel the climate crisis and increase the health impacts of co-pollutants through the false solution of biofuels.

EPA Cannot Wait for International Action

EPA cannot wait for the International Civil Aviation Organization (“ICAO”) to develop new standards before revising its own domestic standards. That agency has no obligation to establish pollution limits, and sets only technology-following standards—that is, standards that intentionally lag behind whatever improvements industry may or may not make on its own.⁴ Congress, however, directed EPA to set pollution limits for aircraft through the Clean Air Act⁵ that eliminate or reduce harmful pollution.⁶ EPA’s obligation to act exists independently of any international agreements, and nothing under international law prevents or limits EPA from setting more stringent, ambitious greenhouse gas pollution standards for aircraft.

As EPA itself has formally acknowledged, the existing international standards do nothing whatsoever to reduce aircraft pollution beyond what is expected without any international rule.⁷ EPA cannot wait to see whether ICAO may make any changes in the future to its ineffective standards. EPA must fulfill its obligations under U.S. law now and show bold leadership to the

³ Kurawska, P. & R. Jasinski, Overview of Sustainable Aviation Fuels with Emission Characteristic and Particles Emission of the Turbine Engine Fueled ATJ Blends with Different Percentages of ATJ Fuel, 14 *Energies* 1858 (2021), <https://doi.org/10.3390/en14071858>.

⁴ Zheng, Sola & Dan Rutherford, Fuel burn of new commercial jet aircraft: 1960 to 2019, International Council on Clean Transportation (2020), <https://theicct.org/publications/fuel-burn-new-comm-aircraft-1960-2019-sept2020>.

⁵ 42 U.S.C. § 7571.

⁶ 42 U.S.C. § 7401.

⁷ Control of Air Pollution From Airplanes and Airplane Engines: GHG Emission Standards and Test Procedures, 86 Fed. Reg. 2,136, 2,164 (Jan. 11, 2021) (to be codified at 40 C.F.R. pt. 87, 1030).

international community by swiftly setting ambitious standards that will rapidly drive real reductions in emissions.

Conclusion

The undersigned organizations agree that we must immediately and significantly reduce carbon emissions from the aviation sector to prevent devastating warming of our planet and protect the public from harmful air pollution, without reliance on false solutions like biofuels and offsets. Strong, technology-forcing standards will drive these needed changes and create good, family-sustaining jobs in the aviation sector. We urge you to swiftly propose and finalize a new ambitious rule with the urgency that the climate crisis demands.

Sincerely,

1. 350 Bay Area Action
2. 350 Eugene
3. 350 Mass Metro North Node
4. 350 Seattle
5. 350 Triangle
6. 350 Hawaii
7. Advocates for the Environment
8. Animals Are Sentient Beings, Inc.
9. Animas Valley Institute
10. Aviation-Impacted Communities Alliance
11. Bergen County Green Party
12. BOS Fair Skies
13. Breast Cancer Action
14. Businesses for a Livable Climate
15. Call to Action Colorado
16. Carrizo Comecrudo Tribe of Texas
17. Cascadia Wildlands
18. Catholic Network US
19. Center for Biological Diversity
20. Christian Council of Delmarva
21. Christians For The Mountains
22. Clean Energy Action
23. Climate Hawks Vote
24. CO Businesses for a Livable Climate
25. Concerned Citizens of Palo Alto
26. Conservation Congress

27. Coordinador De Pueblos y Organizaciones Del Oriente Del Estado De Mexico En Defensa De La Tierra, El Agua y Su Cultura (CPPOEM)
28. Earth Action, Inc.
29. Earthjustice
30. Eco-Eating
31. Empower our Future
32. Endangered Habitats League
33. Endangered Species Coalition
34. Environmental Protection Information Center
35. Faithful America
36. Feminists in Action Los Angeles
37. Flight Free USA
38. Food & Water Watch
39. Fresnoans against Fracking
40. Friends of the Earth
41. Global Anti-Aerotropolis Movement (GAAM)
42. Great Egg Harbor Watershed Association
43. Green Education and Legal Fund
44. Green New Now
45. GreenLatinos
46. Institute for Policy Studies Climate Policy Program
47. International Marine Mammal Project of Earth Island Institute
48. Jewish Climate Action Network
49. KyotoUSA
50. LA Forward Action Climate Justice
51. Logan Aircraft Noise Working Group, Boston, Massachusetts
52. Milwaukee Riverkeeper
53. Mira's Garden
54. No Jets Santa Monica Airport
55. North Alabama Peace Network
56. North American Climate, Conservation and Environment (NACCE)
57. Nuclear Information and Resource Service
58. Occupy Bergen County
59. Oil Change International
60. Oregon Aviation Watch
61. OVEC-Ohio Valley Environmental Coalition
62. Pelican Media
63. Phil Berrigan Memorial Chapter Veterans For Peace
64. Plane Sense 4 Long Island
65. PSR Colorado

66. Public Lands Project
67. Quiet Skies Coalition
68. Quiet Skies Puget Sound
69. Rachel Carson Council
70. Rainforest Action Network
71. Rainforest Relief
72. RapidShift Network
73. Resource Renewal Institute
74. Rocky Mountain Neighborhood Conservancy
75. San Francisco Bay Physicians for Social Responsibility
76. San Francisco Baykeeper
77. Santa Cruz Climate Action Network
78. Save Our Skies East Bay
79. Save The Frogs!
80. Sisters of St. Dominic of Blauvelt, New York
81. SoCal 350 Climate Action
82. Social Eco Education (SEE-LA)
83. South Asian Fund For Education, Scholarship and Training INC (SAFEST)
84. Sparc Power
85. Spirit of the Sun
86. Strathmore Village Civic Association
87. Sunflower Alliance
88. Sunrise Movement Los Angeles
89. Sunrise Movement
90. Surfrider Foundation Los Angeles Chapter
91. Syracuse Cultural Workers
92. The Climate Center
93. The River Project
94. Transition Sebastopol
95. Turtle Island Restoration Network
96. Unitarian Universalists for a Just Economic Community
97. Unite North Metro Denver
98. Wasatch Clean Air Coalition
99. WATCH, INC
100. WESPAC Foundation, Inc.

cc.

Bill Charmley, Director
Office of Transportation and Air Quality, Assessment and Standards Division (ASD),
Environmental Protection Agency,
2000 Traverwood Drive, Ann Arbor,
MI 48105

Bryan Manning,
Office of Transportation and Air Quality, Assessment and Standards Division (ASD),
Environmental Protection Agency,
2000 Traverwood Drive, Ann Arbor,
MI 48105

Steve Dickson, FAA Administrator
Federal Aviation Administration
800 Independence Avenue,
SW Washington, D.C. 20591