



# Heavy-Duty Engine and Vehicle Omnibus Rule Update 2024

Advisory Committee Charter

Rulemaking Contact: Eric Feeley

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# Table of contents

Objectives and Scope .....	1
Policy Objectives .....	1
Fiscal, Economic and Racial Equity Impacts.....	1
Roles .....	2
DEQ Facilitator .....	2
Committee Members .....	2
Non-Committee Member Attendees .....	2
DEQ Staff.....	3
DEQ Support and Website .....	3
Committee Meetings .....	3
Decision Making .....	4
Membership .....	4
Travel Expenses .....	5
Public Records and Confidentiality.....	5
Information Exchange .....	5
Public Involvement.....	5
DEQ Contacts.....	5

# Objectives and scope

## Policy objectives

Diesel engine exhaust is a complex mixture of gases and particles that, both on their own and collectively, are associated with a variety of health effects. Exposure to diesel engine exhaust is associated with:

- Increased risk of certain cancers, including lung and bladder cancers.
- Cardiovascular effects including an increased risk of heart attacks.
- Pulmonary effects, such as upper respiratory system irritation and decreased lung functions.
- Neurodevelopmental effects including decreased cognitive function and decreased birthweight.

Reducing this exposure has proven to be challenging due to the durability of diesel engines, which dominate the on-highway medium- and heavy-duty sector. Significant improvements have historically been achieved through technological advancements brought about by the promulgation of new engine standards.

On Nov. 16, 2023, the Environmental Quality Commission adopted temporary rules to delay the implementation of the Heavy-Duty Engine and Vehicle Omnibus Rules. The Omnibus rules require conventionally fueled heavy-duty engine and vehicle manufactures to meet tougher oxides of nitrogen (NOx) and particulate matter emission standards, update engine testing procedures, and further extend engine warranties to ensure emissions from new medium- and heavy-duty vehicles are reduced. DEQ proposes to amend these rules to permanently adopt the one-year delayed implementation of the Omnibus rules, provide for a larger volume of legacy engine sales that meet 2023 emission standards, allow for legacy engine certification prior to Omnibus compliant engine certification, and clarify definitions related to emission offset projects.

## Fiscal, economic and racial equity impacts

ORS 183.333 requires that DEQ ask the committee to consider the fiscal and economic impact of the proposed rules including:

- Whether the rules will have a fiscal impact, and if so, what the extent of that impact will be.
- Whether the rules will have a significant adverse impact on small businesses, and if so, how DEQ can reduce the rules' negative fiscal impact on small businesses.

ORS 183.333 (a)(F) requires agencies to provide a statement identifying how adoption of the rule(s) will affect racial equity in Oregon. To aide in crafting this statement DEQ will ask the committee to provide input on this question.

# Roles

## DEQ facilitator

The facilitator:

- Encourages open, candid and robust dialogue;
- Starts and ends the meetings and agenda items on time;
- Encourages innovation by listening to all ideas;
- Tries not to lose good ideas to the consensus process; and
- Recognizes when the discussion is outside the scope of the meeting and steers the discussion back to the focus of the meeting.

## Committee members

Advisory committee members must attend each meeting to ensure continuity throughout the process. An alternate may be assigned if needed. However, it is each committee member's responsibility to fully brief their alternate on all relevant issues and prior committee discussions to meet the meeting objectives and keep the project on schedule. The primary and alternate members of the committee cannot participate in the same meeting. If a member's absence is unavoidable, please notify the DEQ project manager.

The committee member:

- Prepares for and sets aside time for the meetings;
- Provides DEQ staff with copies of relevant research and documentation cited during the meeting;
- Stays focused on the specific agenda topics for each meeting;
- Comments constructively and in good faith;
- Consults regularly with constituencies to inform them on the process and gather their input;
- Treats everyone and his or her opinions with respect;
- Allows one person to speak at a time;
- Is courteous by not engaging in sidebar discussions; and
- Avoids representing to the public or media the views of any other committee member or the committee as a whole.

## Non-committee member attendees

Those who attend the committee meetings but are not members of the committee are there only to observe and not to actively participate. If non-committee members are present at a meeting, DEQ may allow time during the meeting for their comments.

## DEQ staff

DEQ is committed to making the most effective use of committee member's time by:

- Establishing clear committee goals, meeting objectives and agendas;
- Giving committee members reasonable access to staff;
- Encouraging all members to take part in discussions; and
- Providing a clear description of members' roles, the committee timeline, the level of agreement expected and feedback on how members' input is used.

Key staff includes:

- Eric Feeley, Air Quality Planner
- Rachel Sakata, Transportation Strategies Section Manager

## DEQ support and website

DEQ will post agenda and meeting materials on the advisory committee website at least one week in advance. DEQ administrative staff will provide meeting summaries that highlight committee discussions, different perspectives and input of committee members. DEQ will not prepare a formal committee report. DEQ will send draft meeting summaries to the advisory committee for review and input. Final meeting minutes will be posted to the advisory committee website and will be part of the public record.

The advisory committee charter, a full roster of the committee, meeting agendas and minutes, and background materials will all be located on the advisory committee [webpage](#).

## Committee meetings

All committee meetings will be:

- open to the public, although the committee can choose whether the public can actively participate in committee meetings
- advertised on DEQ's webpage calendar two weeks before the meeting at: [DEQ Event Calendar](#)
- [noticed by email](#) to the Air Quality Diesel and Biodiesel and Low Emission/Zero Emission Vehicle Program GovDelivery lists
- noticed on DEQ's Facebook/Twitter account
- held virtually via Zoom
- accessible via a call-in number

The committee is expected to have one meeting. Meeting time and duration will vary depending on topics and committee progress. The meeting will likely be held during the first week of April 2024.

Meeting materials and agenda will be posted to the advisory committee [webpage](#).

## Decision making

The committee's discussions will be used by DEQ in forming its draft rule, which will then be proposed for broader public review and comment as part of DEQ's rulemaking process. When DEQ shares information with the group, DEQ will allow a reasonable timeframe for comments.

## Membership

In convening this committee, DEQ selected members that reflect the range of stakeholders the proposed rules affect, both directly and indirectly. Representatives should be able to consider the policy, fiscal and economic impact of the proposed standard on the business or organization they represent.

<b>Advisory Committee Membership</b>		
<b>Name</b>	<b>Organization</b>	<b>Sector</b>
Carrie Nyssen	American Lung Association - NW	Health Promotion Organization
Ana Colwell	Beyond Toxics	Environmental Justice Organization
David Van't Hof	Climate Solutions	Environmental Organization
Matthew Spears	Cummins	Engine Manufacturer
Sean Waters	Daimler	Truck and Engine Manufacturer
Don Emerson	FMI Trucks	Truck Dealer and Service Provider
Mary Peveto	Neighbors for Clean Air	Environmental Organization
Darin Weaver	ODOT/Fleet Managers Advisory Council	State Agency Ex Officio
Jacqui Treiger	Oregon Environmental Council	Environmental Organization
Greg Remensperger	Oregon Auto Dealers Association	Vehicle Dealer Association
Rich Angstrom	Oregon Concrete & Aggregate Producers Association	Trade Association
Chris Ellison	Oregon Pupil Transportation Association	School Bus Fleet Association
Jana Jarvis	Oregon Trucking Association	Trade Association
Scott Meyer	Schetky Bus and Van Sales	School Bus Dealer
Timothy French	Truck & Engine Manufacturers Association	Trade Association

# Travel expenses

DEQ can reimburse any in state, out-of-town committee members for travel expenses, if DEQ approves them in advance.

# Public records and confidentiality

Committee communications and records, such as formal documents, discussion drafts, meeting summaries and exhibits are public records and are available for public inspection and copying. DEQ does not assume responsibility for protecting proprietary or confidential business information shared during committee or subcommittee meetings. However, the private documents of individual committee members generally are not considered public records if DEQ does not have copies.

# Information exchange

Committee members will provide information as much in advance as possible of the meeting at which such information is used. The members will also share all relevant information with each other to the maximum extent possible. If a member believes the relevant information is proprietary in nature, the member will provide a general description of the information and the reason for not providing it.

# Public involvement

All meetings will be open to the public. The committee can choose whether to allow public input during a committee meeting. DEQ may set aside time for the public to speak.

Once the committee process is complete, DEQ will develop draft rules and conduct a public rulemaking process. That process will include a specified period during which the public can submit comments on the proposed rules. DEQ will also hold a public hearing during which any member of the public can submit written or verbal comments. Individual committee members may provide comments to DEQ on the full draft rule at this time. DEQ may modify the final proposed rules based on public comment. DEQ intends to take a final proposed rule to the Agency Director for approval on or before June 28, 2024.

# DEQ contacts

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