

Summary of Brief in Support of Evaluating Revisions to Criteria Pollutant Standards for On-Road Medium- and Heavy-Duty Diesel Engines and Nonroad Diesel Engines

Submitted by the Diesel Freedom Coalition

To: SBA Office of Advocacy

July 9, 2026

The Diesel Freedom Coalition urges the SBA Office of Advocacy to engage with EPA during the Tier 4 Postponement, Part 2 Rulemaking and advocate for EPA to evaluate whether the criteria pollutant standards applicable to on-road medium- and heavy-duty diesel engines and nonroad diesel engines should also be revised.

Although the current rulemaking focuses on model year 2027 and later light-duty vehicles and certain medium-duty vehicles, two significant categories of new information have emerged since the existing standards for these diesel engine categories were adopted. This information bears directly on the cost, energy, and safety factors EPA must consider under sections 202(a) and 213 of the Clean Air Act.

New Information Requiring Reconsideration

First, in January 2026 EPA determined that it would no longer monetize PM_{2.5}- and ozone-related health benefits in formal regulatory cost-benefit analyses. The Agency explained that prior methodologies often provided the public with a false sense of precision and that it lacked sufficient confidence in the models to assign reliable monetary values to these benefits. These benefit categories had been the dominant justification for the stringent post-Tier 2 and Tier 4 diesel standards.

Second, nearly two decades of real-world operating experience with advanced diesel aftertreatment systems - including diesel particulate filters and selective catalytic reduction systems requiring Diesel Exhaust Fluid (DEF) - have produced extensive data showing substantially higher compliance costs, more frequent and complex maintenance, greater system reliability problems, increased equipment downtime, automatic engine derating, higher fuel consumption, and safety consequences than EPA projected when the standards were adopted.

The SBA Office of Advocacy has already identified these diesel emission standards as a priority for reform. It has estimated that small businesses could save approximately \$13,300 per year for each semi-truck owned, with potential aggregate small business cost savings of approximately \$195 billion.

EPA's 2012 Section 610 review of the 2001 heavy-duty diesel standards received detailed data showing that actual costs and operational burdens were significantly higher than EPA's original projections. That review did not result in changes to the rule.

Legal Authority and Obligation to Act

The Clean Air Act authorizes EPA under sections 202 and 213 to prescribe and from time to time revise emission standards for medium- and heavy-duty on-road and nonroad diesel engines, while giving appropriate consideration to cost, energy, and safety factors. These provisions contain no restriction comparable to the light-duty standards that would prevent revision when warranted by new information. Following *Loper Bright Enterprises v. Raimondo*, the plain statutory language supports revision when the required factors justify it.

Under the Administrative Procedure Act, as interpreted in *State Farm*, EPA must consider significant new information that is relevant to the factors it is required to evaluate. The January 2026 change in benefits

monetization and the extensive real-world performance data on aftertreatment systems are directly relevant to cost, energy, and safety. A decision to maintain the current standards without addressing this materially changed record would increase the risk of a finding that the Agency failed to engage in reasoned decision-making.

Presidential Memorandum of June 29, 2026

On June 29, 2026, President Trump issued a Presidential Memorandum directing the EPA Administrator to issue guidance within thirty days on emission repairs, expedited alternative certification pathways for aftermarket parts, and consideration of deprioritizing civil tampering enforcement for those acting in good faith. While this guidance can provide valuable near-term relief, it cannot alter the certified configuration required by the current standards. Under section 203(a)(3) of the Clean Air Act, removal or rendering inoperative of aftertreatment devices remains unlawful tampering so long as the underlying emission standards stay in place. Only by revising the emission standards themselves can removal or reconfiguration of unnecessary hardware become lawful compliance rather than prohibited tampering.

Technology-Neutral Compliance Pathway

The Clean Air Act establishes emission performance standards rather than permanent hardware mandates. EPA has previously exercised discretion to allow alternative compliance approaches when supported by the record, including through the emergency vehicle rules (AECs and Emergency Vehicle Field Modifications) and recent guidance permitting the replacement of Urea Quality Sensors with NOx sensor-based monitoring strategies without that change being treated as tampering.

The Diesel Freedom Coalition therefore requests that the SBA Office of Advocacy urge EPA to establish a technology-neutral compliance pathway. If the standards are revised, owners, operators, remanufacturers, and aftermarket manufacturers should be permitted to demonstrate compliance through testing or engineering analysis without being required to retain legacy aftertreatment hardware, including DEF systems, that is no longer necessary to meet the revised standards.

Request to SBA

The Diesel Freedom Coalition respectfully requests that the SBA Office of Advocacy advocate for EPA to evaluate revisions to the criteria pollutant standards for on-road medium- and heavy-duty diesel engines and nonroad diesel engines as part of the Tier 4 Postponement, Part 2 Rulemaking, along with establishing a technology-neutral compliance pathway for in-use engines and equipment. This evaluation should be conducted in a timely manner so that it may inform both the response to the June 29, 2026, Presidential Memorandum and the final determination in this rulemaking.

Diesel Freedom Coalition