



## AVIATION:

### EPA to target airline industry's greenhouse gas emissions

Niina Heikkinen, E&E reporter  
Thursday, July 21, 2016

U.S. EPA is moving closer to regulating greenhouse gas emissions from airplanes, prompting environmental groups and the aviation industry to ask: How strict will the agency be?

Media reports suggest EPA will soon officially determine that the greenhouse gas emissions from airplanes are contributing to air pollution that is harmful to human health and welfare. Once this happens, EPA will be legally required to propose federal regulations that for the first time would control and reduce aircraft emissions. Supporters of stricter regulations are calling for a prompt release of strong proposed emissions standards, known as an endangerment finding.

"I am glad that we [will] finally have an endangerment finding for aircraft, of course I am," said Vera Pardee, senior counsel at the Center for Biological Diversity. "The problem is it was unreasonably and unlawfully delayed."

CBD, along with Friends of the Earth and Earthjustice, have spent nearly a decade pressuring EPA to regulate aircraft emissions

The environmental groups first petitioned EPA to create federal emissions standards for aircraft in 2007. But the agency did not respond to the petition, prompting them to sue, first in 2010 and then in April (Climate-Wire, April 13).

Currently, air travel accounts for about 3 percent of U.S. greenhouse gas emissions and about 11 percent of the country's overall transportation emissions, according to EPA.

When the endangerment finding is finalized, the agency will have to set emissions standards for both new and existing aircraft under Section 231 of the Clean Air Act. It is still unclear when proposed regulations will be released or how strict future emissions standards will be, but EPA had signaled that it planned to follow the lead of the International Civil Aviation Organization (ICAO), said Sarah Burt, an attorney at Earthjustice.

ICAO, a U.N. body, finalized proposed standards in February that would require a 4 percent reduction in the amount of fuel consumed by airplanes -- compared with 2015 levels -- while they were at cruising altitude. The regulation would only affect new and modified commercial and business aircraft.

Modified aircraft would begin to transition toward meeting the standard in 2023, and new aircraft would not have to comply until 2028, according to a policy update by the International Council on Clean Transportation.

At the time, the White House stated on its blog that ICAO used stringency standards that were at the “upper end of the range” ICAO members were considering for large aircraft. The regulations are expected to reduce carbon emission by more than 650 million tons between 2020 and 2040 when it is fully implemented.

But environmental groups say the standards’ impact is well below the 1 to 1.5 percent fuel efficiency improvements the aviation industry is currently making on an annual basis. By 2028, the industry would already be reducing its fuel use by between 13 and 19.5 percent, even without regulation.

“These international standards, they don’t even serve as a backstop. They are basically meaningless because we will overtake those standards in the next four years all by ourselves or maybe even sooner than that,” Pardee said.

Airline industry supports following ICAO’s lead

Not only do the regulations apply to just new and modified aircraft, leaving out the vast majority of airplane emissions, the regulations don’t cover emissions generated as airplanes take off and land.

Conversely, if EPA were to adopt strict emissions standards, it would have a significant impact on international aviation emissions.

That’s in part because the United States is responsible for about 30 percent of global aviation emissions and the Clean Air Act requires standards that cover both new and existing aircraft. It’s also because major aircraft manufacturers would likely conform to a single (stricter) standard for all its customers, rather than differentiate their products among different markets, the environmental groups said.

Just as stricter car emissions standards in California drove higher fuel efficiency across the board for car manufacturers in the United States, airplane manufacturers will conform to meet EPA’s standards, rather than ICAO’s, said Pardee.

“Without ICAO taking the lead right now, the U.S. should be the one to step up and lead internationally,” said Marcie Kever, economic justice campaigner at Friends of the Earth.

The aviation industry has promoted its own efforts to cut greenhouse gas emissions. A spokesperson for the trade organization Airlines for America (A4A) noted that U.S. airlines have improved their fuel efficiency by 120 percent between 1978 and 2015, preventing the release of 4 billion metric tons of carbon dioxide. From 2000 to 2015, U.S. airlines reduced their fuel use and CO2 emissions by 6 percent, even as passengers and cargo increased by 24 percent.

A4A members include American Airlines Inc, Southwest Airlines Co., United Airlines Inc., JetBlue Airways Corp., Alaska Airlines, Hawaiian Airlines, Atlas Air Worldwide Holdings, FedEx Corp. and United Parcel Service Inc.

"As fuel remains one of the largest and most volatile costs, U.S. airlines are naturally incentivized to align our business model with environmental interest -- which has been the case for decades," Vaughn Jennings, A4A's managing director of government and regulatory communications, said in an email.

The trade organization also supports EPA adopting the ICAO CO2 certification standard for its own federal regulations.

"As aviation is a global industry, with airlines operating internationally and aircraft manufacturers selling their aircraft in international markets, it is critical that aircraft emissions standards be set at the international level and not imposed unilaterally by one country or set of countries," Jennings wrote.

While the environmental groups say EPA has enough information to release a proposed regulation before the end of this administration, the agency has said it would not propose a rule until next year and the rule would not be finalized until 2018, according to Burt.

"Their proposed endangerment finding was a year ago, and that was quite a while ago. This foot-dragging on this is pretty unusual and certainly does not match the level of urgency that we need to be acting on climate," she said.

The environmental groups are heading back to court as soon as possible to get another ruling that would set specific dates by which EPA must first propose and then finalize airplane emissions regulations, said Pardee.

"EPA has been looking at this for nine years, they know exactly what is going on. They know what is possible technically, they acknowledge what greenhouse gases do to us, this is not a secret, this is not hard to do," Pardee said.