

U.S. House Committee on Energy and Commerce
“Markup of Ten Pieces of Legislation.”
September 2, 2026
Documents for the Record

1. September 1, 2026, A joint letter addressed to Chairman Guthrie, Chairman Palmer, Ranking Member Pallone and Ranking Member Tonko, submitted by the Majority.
2. June 1, 2026, A letter from the Association of American Railroads addressed to Chairman Guthrie and Ranking Member Pallone, submitted by the Majority.
3. September 2, 2026, A letter from the National Association of Manufacturers addressed to Chairman Guthrie and Ranking Member Pallone, submitted by the Majority.
4. August 28, 2026, A letter from Michigan Farm Bureau addressed to Chairman Guthrie and Ranking Member Pallone, submitted by the Majority.
5. September 1, 2026. A joint letter addressed to Chairman Guthrie and Ranking Member Pallone, submitted by the Minority.



September 1, 2026

The Honorable Brett Guthrie
Chairman, Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

The Honorable Frank Pallone, Jr.
Ranking Member, Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

The Honorable Gary Palmer
Chairman, Subcommittee on Environment
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

The Honorable Paul Tonko
Ranking Member, Subcommittee on Environment
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

**Re: H.R. 9615, the Battery Recycling for America's Competitive Economy (BRACE) Act:
Amendment to Exclude Lithium Batteries Destined for Repurposing or Reclamation from the
Definition of Solid Waste**

Dear Chairman Guthrie, Ranking Member Pallone, Chairman Palmer, Ranking Member Tonko, and
members of the Committee on Energy and Commerce:

The undersigned organizations write in support of the Battery Recycling for America's Competitive Economy (BRACE) Act, H.R. 9615, which the Subcommittee on Environment forwarded to the full Committee, as amended, on July 14, 2026. We support the bill and urge the Committee to report it favorably. We also write to place before the Committee an issue the bill leaves unresolved: the classification of lithium batteries, battery materials, and the critical minerals recovered from them when destined for repurposing or reclamation, which remain regulated as waste under the Resource Conservation and Recovery Act (RCRA) even when they are purchased as feedstock for critical mineral recovery.

The Problem

America's waste laws were written for materials headed to disposal, not for batteries collected to be recycled or repurposed. End-of-life lithium batteries and their components contain nickel, cobalt, lithium, copper, and other critical minerals essential to American manufacturing and national security. Yet when these same batteries are purchased by recyclers to recover those minerals, they are classified and regulated as waste under RCRA, despite the fact that nothing about the physical product has changed. The entire purpose of collecting these materials is to recover their critical mineral content, not to discard them.

This misclassification subjects recycling-bound batteries to hazardous waste permitting, manifesting, labeling, and accumulation requirements intended for discarded materials rather than valuable manufacturing feedstock. It adds unnecessary cost, risk, and delay to battery recycling and critical mineral recovery by forcing recyclers to either obtain multi-year treatment, storage, and disposal facility (TSDF) permits or transport batteries to separate storage sites before processing. These requirements increase handling and public-road transportation, creating additional risk while discouraging productive recovery. They also rely on a regulatory framework developed nearly 50 years ago, long before lithium-ion batteries became one of the nation's most valuable and recoverable sources of critical minerals. As a result, the current waste classification unnecessarily undermines American battery recycling, critical mineral recovery, and the domestic EV battery supply chain.

Our Support for the BRACE Act and a Complementary Fix

We strongly support the BRACE Act's approach. The bill's storage relief provisions address a critical operational barrier by directing EPA to establish universal waste standards tailored to lithium-ion batteries and by authorizing destination facilities to store batteries under appropriate accumulation standards before recycling, without triggering full hazardous waste permitting. This is a pragmatic and targeted reform. That relief, however, is interim. Under the text forwarded by the Subcommittee, it applies only until EPA issues the rule the bill directs, so its long-term durability depends on the outcome of a rulemaking that has not yet begun.

What the BRACE Act does not address is the core issue: batteries collected for recovery remain classified and regulated as waste rather than recognized as valuable feedstock. A complementary provision, a narrow and conditioned exclusion of lithium batteries and recovered critical minerals destined for repurposing or reclamation from the definition of solid waste, would resolve this classification problem at its root and deliver durable, nationwide certainty for the domestic battery recycling industry. Because the exclusion reaches material destined for repurposing as well as reclamation, it also resolves a parallel uncertainty for packs that retain substantial useful capacity and are redeployed in stationary energy storage before they are ultimately recycled, material that has not been discarded in any ordinary sense of the word.

This approach has strong precedent. EPA's own regulations at 40 C.F.R. section 261.4(a) already exclude numerous materials destined for legitimate reclamation from the definition of solid waste, including scrap metal being recycled, cathode ray tubes sent for recycling, and shredded circuit boards. Scrap metal is the closest structural analogue. It is a high-volume commodity stream with genuine handling hazards that is bought and sold for its material value, and the exemptions appropriately recognize that those materials destined for recovery are not "discarded." The same logic applies with equal force to lithium batteries and to the critical minerals recovered from them.

Proposed Amendment Language for the Committee's Consideration

We respectfully urge the Committee to incorporate the following language into Section 2 of the BRACE Act, drafted against the text forwarded by the Subcommittee on July 14, 2026:

Strike paragraph (5) of section 2(a) and insert the following:

(5) LITHIUM BATTERY.—The term “lithium battery” means a battery of lithium-ion or lithium metal chemistry, whether configured as a cell, module, or pack, including such a battery that is contained in or packed with equipment.

(6) LITHIUM BATTERY MATERIALS.—The term “lithium battery materials” means the solid components of a lithium battery, including anode material, cathode active material, electrode assemblies, and unassembled or partially assembled cell components. The term does not include electrolyte that has been separated from a lithium battery.

(7) REPURPOSING.—The term “repurposing” means preparing a lithium battery previously placed in service in transportation or another application for use in a different application, including evaluating and testing the battery for suitability, whether or not the battery is disassembled or reconfigured.

Conform each reference to “lithium-ion battery” or “lithium-ion batteries” in subsections (b) and (c) of section 2, including the headings of those subsections, to “lithium battery” or “lithium batteries.”

Add at the end of section 2 the following:

(d) LITHIUM BATTERY EXCLUSION FROM DEFINITION OF SOLID WASTE.—

(1) IN GENERAL.—Lithium batteries and lithium battery materials destined for repurposing or reclamation are not solid wastes as defined in section 261.2 of title 40, Code of Federal Regulations (or any successor regulations), provided that they are stored in containers or in a manner sufficient to prevent a release to the environment prior to recovery.

(2) RECOVERED MATERIALS.—Materials containing critical materials (as defined in section 7002(a)(2) of the Energy Act of 2020 (30 U.S.C. 1606(a)(2))) recovered or derived from the reclamation of lithium batteries or lithium battery materials that are destined for further recycling or reintroduction into the stream of commerce are not solid wastes as defined in section 261.2 of title 40, Code of Federal Regulations (or any successor regulations), provided that such materials are managed in a manner sufficient to prevent a release to the environment prior to use.

(3) LIMITATION.—Paragraphs (1) and (2) do not apply to lithium batteries or lithium battery materials that are damaged, breached, or leaking, or that are destined for disposal. Such materials remain subject to regulation under subtitle C of the Solid Waste Disposal Act.

What This Amendment Resolves

The amendment reclassifies lithium batteries and their components as commodities containing critical minerals rather than waste, when those materials are destined for repurposing or reclamation. Excluding these materials from RCRA's definition of solid waste constitutes a legislative determination that they retain inherent value and are properly regarded as feedstock rather than discarded materials. By treating recycling-bound batteries as feedstock, the amendment removes requirements that were designed for waste management and that currently impede productive recovery, including RCRA Subtitle C TSDF permitting for storage and recycling operations, universal waste management and labeling requirements, the one-year universal waste accumulation limit, and certain hazardous-waste determination, manifesting, and generator-management requirements.

The coalition recognizes that an exclusion of this kind should have clear boundaries, and we are prepared to work with the Committee on appropriate conditions, including accumulation standards and documentation of destination.

The primary consideration across the battery collection and recycling supply chain must be safety, from the point of collection through transportation, storage, handling, and final processing. Critically, the amendment preserves the comprehensive safety and environmental protections that govern these activities while allowing the regulatory framework to better reflect how batteries and battery materials move through the recycling supply chain. U.S. DOT hazardous materials transportation requirements for packaging, marking, labeling, shipping papers, emergency response information, training, and incident reporting continue to apply. OSHA workplace safety requirements, including Hazard Communication, emergency action planning, PPE, and HAZWOPER, remain in effect. EPCRA and CERCLA emergency planning and release reporting obligations are unchanged, and state and local fire and building codes administered by authorities having jurisdiction continue to govern storage and handling.

Equally important, effective safety depends not only on regulatory classification, but on ensuring that frontline personnel throughout the collection and recycling supply chain are properly trained to identify, handle, package, store, and respond to the risks associated with batteries. Any batteries that are damaged, leaking, breached, or that result in or threaten environmental contamination remain fully subject to regulation as hazardous waste, consistent with how newly manufactured products are regulated under comparable circumstances.

In short, the amendment removes hazardous-waste regulatory requirements from materials that are being productively recovered. It does not remove transportation, workplace safety, emergency response, release reporting, or fire-code obligations. Used lithium batteries would continue to be regulated as hazardous materials in transportation and handling. What changes is their classification under RCRA, and only where they are destined for repurposing or reclamation and stored to prevent a release. Batteries that are damaged, breached, leaking, or headed for disposal remain subject to regulation as hazardous waste.

Why This Matters Now

The United States faces a generational opportunity to build a domestic critical mineral recovery industry. Millions of lithium batteries from electric vehicles, grid-scale energy storage, and consumer electronics are approaching end of life, and the critical minerals they contain, including lithium, cobalt, nickel, and copper, are among the most strategically important materials in the global economy. Recovering these minerals responsibly strengthens American competitiveness, supports manufacturing, and reduces dependence on foreign sources and traditional mining.

The conflict between how the federal government designates this material and how it regulates it is no longer theoretical. On July 30, 2026, the President determined under section 101 of the Defense Production Act that recoverable critical minerals and materials, including those recovered from batteries, are scarce and critical materials essential to the national defense. That same material remains classified as solid waste under RCRA. One federal framework treats these materials as strategically essential and directs that their supply be secured. Another treats them as discarded. The amendment resolves that contradiction by aligning classification with a designation the federal government has already made.

That classification is both outdated and counterproductive. It adds cost, creates uncertainty, and discourages private investment in the domestic recycling infrastructure America needs. A self-executing statutory exclusion, one that takes effect without requiring subsequent EPA rulemaking, would provide the regulatory certainty the industry needs to invest, scale, and compete.

A Path Forward in This Congress

Congress has acted on critical minerals in a consistently bipartisan manner. It codified the critical materials definition in the Energy Act of 2020. It directed approximately seven billion dollars toward battery materials, manufacturing, and recycling in the Infrastructure Investment and Jobs Act. It has amended the tax code to support domestic production. Across three consecutive administrations of both parties, the executive branch has treated recovered critical minerals as a national security priority. This is not a passing enthusiasm. It is a durable, bipartisan policy position.

What has not kept pace is the classification of the material itself. We believe this legislation is the appropriate venue to address that, and that doing so would be the natural next bipartisan step. The BRACE Act is the first bill in years to take up how lithium batteries are managed at end of life, it enjoys bipartisan support, and the classification question falls squarely within its subject matter. We respectfully urge the Committee to include the provision set out above.

Our view remains that classification is a statutory question and that Congress is the appropriate body to resolve it. If the Committee does not take up that provision in this markup, we ask at a minimum that it make clear, in report language or in the record, that the classification of batteries, battery materials, and the critical minerals recovered from them, when destined for repurposing or reclamation, is within the scope of what Section 2(c)(2)(C) directs EPA to consider, and that nothing in the bill should be read as Congress having resolved that question. That section already directs the Administrator to consider any additional regulatory changes that would support the recycling of lithium batteries and the recovery of critical minerals while maintaining protections for health and the environment. Making the Committee's intent explicit costs nothing in the bill text and would preserve the question rather than settle it.

We commend the Committee and the Subcommittee for advancing the BRACE Act. Its storage provisions address a real operational barrier and we want to see the bill move. But the classification of these materials is the larger question, and it is the one that determines whether the United States can build the recovery capacity its critical mineral strategy depends on. That question will remain after this bill, and we intend to keep working on it with the Committee and with EPA.

We appreciate your leadership on domestic critical mineral recovery and stand ready to serve as a resource as the Committee continues its work.

Respectfully,

Daniel C. Zotos
Director of State Policy & Public Affairs
Redwood Materials

Kristen Hildreth
Vice President, Government Relations & Public Policy
Recycled Materials Association (ReMA)

Ben Steinberg
President
The Battery Materials and Technology Coalition

Sydney Beasley
Director, Federal Affairs
Alliance for Automotive Innovation

Albert Gore
Executive Director
Zero Emission Transportation Association (ZETA)

Rose Luttenberger Caruso
Director of Advocacy
Center for Climate and Energy Solutions

Abigail Hunter
Executive Director
SAFE's Center for Critical Minerals Strategy

cc: Members, Committee on Energy and Commerce



**ASSOCIATION OF
AMERICAN RAILROADS**

IAN N. JEFFERIES

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The Honorable Brett Guthrie
Chairman
Committee on Energy and Commerce
U. S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Frank Pallone
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
2323 Rayburn House Office Building
Washington, D.C. 20515

June 1, 2026

Dear Chairman Guthrie and Ranking Member Pallone:

On behalf of the Association of American Railroads (AAR), I write to express our strong support for H.R. 3194, the LOCOMOTIVES Act.

Freight railroads are critical to the U.S. economy and are the most fuel-efficient ways to move goods. While the railroad industry is actively investing in lower- and zero-emission technologies, no commercially viable zero-emission locomotives exist today. Additional research, testing, and infrastructure development are still needed to fully develop and deploy these wide-ranging fuel-saving technologies, including fuel optimization systems, but this progress is oftentimes stymied by outdated and politicized regulatory systems.

The California Air Resources Board (CARB) has sought to impose stringent requirements that could have effectively barred up to two-thirds of the national locomotive fleet from operating in California, threatening access to key ports and disrupting interstate commerce. Such actions would increase costs for consumers, strain supply chains, and discourage continued investment in innovative technologies.

The LOCOMOTIVES Act ensures that locomotive emissions in interstate commerce are subject to a uniform federal framework, preventing a patchwork of state mandates. By ensuring regulatory certainty and consistency, the bill protects the efficiency of the freight rail system while allowing innovation to proceed at a realistic pace.

Given the integrated nature of the national rail network, where locomotives routinely operate across multiple states, it is essential that one state should be able to set de facto national policy on locomotive emissions. The LOCOMOTIVES Act is a commonsense policy solution, and I urge your support as the Committee considers this important legislation.

Sincerely,

Ian Jefferies

President & CEO

Association of American Railroads



Christopher Phalen
Vice President, Domestic Policy

September 2, 2026

The Honorable Brett Guthrie
Chairman
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Frank Pallone
Ranking Member
Committee on Energy and Commerce
2322 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Guthrie and Ranking Member Pallone,

On behalf of the National Association of Manufacturers—the largest manufacturing trade association in the U.S., representing companies of all sizes, in every industrial sector, and in all 50 states—I write to express the NAM's support for **H.R. 3978, the Nuclear Recycling Efficient Fuels Utilizing Expedited Licensing (REFUEL) Act**, sponsored by Energy Subcommittee Chairman Latta and Representative Scott Peters (D-CA), and recommend that the members of the Committee favorably report it so that it may be considered on the House floor.

The bipartisan **Nuclear REFUEL Act** would amend the Atomic Energy Act to exclude advanced fuel recycling technologies from the definition of “production facility,” as long as the process does not separate plutonium from other transuranium elements. This reform will support critical efforts underway at the Nuclear Regulatory Commission to streamline licensing for nuclear fuel recycling facilities. This will open up new pathways to the commercialization of exciting new advancements that will help secure the nuclear fuel supply chain and will add a new tool to help manage and beneficially use stored spent nuclear fuel across the country, an issue that has plagued policymakers for decades.

Manufacturers use one-third of America's energy. As such, the growth of our nation's energy supply is critical to growing the manufacturing base. To meet this goal, it is abundantly clear that the United States will need to build and operate new sources of clean, reliable nuclear power. This includes traditional nuclear generating facilities as well as advanced and small modular reactor assets.

Congress also signaled to the market the importance of domestic nuclear fuel production by passing into law the Prohibiting Russian Uranium Imports Act, which bans the importation of Russian uranium beginning in 2028. While manufacturers in the United States are working to produce new sources of domestic nuclear fuel, thanks to the funding and authorizations provided by the Nuclear Fuel Security Act, there is still tremendous opportunity to explore innovative solutions that would make it easier to meet fuel demand by reprocessing and recycling existing spent nuclear fuel. Manufacturers are ready to continue leading this innovation.

The NAM supports the Energy and Commerce Committee's bipartisan approach to building out nuclear energy to meet rising energy demand. Again, we thank you for holding this full committee markup and would urge all members to **vote yes on H.R. 3978**.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher Phalen", written over a light yellow rectangular background.

Christopher Phalen
Vice President, Domestic Policy

August 28, 2026

Congressman Brett Guthrie
Chairman
House Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

Congressman Frank Pallone, Jr.
Ranking Member
House Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Guthrie and Ranking Member Pallone,

I am writing in strong support of the LOCOMOTIVES Act, legislation to protect the nation's interconnected freight rail system from a patchwork of state-level locomotive regulations.

Freight rail is a critical component of the American economy. Nearly every major industry relies on railroads to move agricultural commodities, manufactured goods, automobiles, raw materials, and other products efficiently and reliably across state and national borders. For Michigan in particular, a strong and dependable rail network is essential to our agriculture, manufacturing, and automotive industries and to their ability to compete in domestic and global markets.

Congress has long recognized that rail transportation is inherently interstate in nature and therefore requires consistent federal oversight. Allowing individual states to establish conflicting locomotive requirements could effectively create a national standard without the national regulatory process that should accompany such a decision.

The LOCOMOTIVES Act provides regulatory certainty while preserving the federal government's role in establishing national locomotive emissions standards. The national freight rail system is an interconnected network spanning more than 144,000 track miles across the United States, Canada, and Mexico. Trains routinely cross state lines as they move goods from producers to processors, manufacturers, distribution centers, ports, and consumers. A patchwork of state-specific locomotive requirements threatens the interoperability of that system and undermines the regulatory consistency necessary for efficient interstate commerce.

For these reasons, I urge Congress to support and advance the LOCOMOTIVES Act. Establishing clear federal authority over locomotive emissions standards will protect interstate commerce, strengthen the national supply chain, support Michigan's agricultural and provide the regulatory certainty necessary for continued investment in America's freight rail infrastructure.

Thank you for your consideration and for your leadership on this important issue.

Sincerely,
Best Regards,

A handwritten signature in black ink, appearing to read 'Ben LaCross'.

Ben LaCross
President, Michigan Farm Bureau

September 1, 2026

Representative Brett Guthrie
Chairman
House Committee on Energy and Commerce

Representative Frank Pallone
Ranking Member
House Committee on Energy and Commerce

RE: Full committee markup on September 2, 2026

Dear Chairman Guthrie, Ranking Member Pallone, and members of the Energy and Commerce Committee,

In advance of the House Energy and Commerce Committee's upcoming markup on September 2, 2026, the undersigned organizations write to provide the following vote recommendations in support of legislation that protects public health and clean air and opposition to bills that would undermine them.

Vote YES on [H.R. 2140](#), Diesel Emissions Reduction Act of 2025 (Reps. Matsui and Langworthy)

- The Diesel Emissions Reduction Act (DERA) program has a strong track record of success reducing harmful criteria pollution, and we strongly support its reauthorization.
- As a result of the program, from 2008-2020 nearly \$1 billion in grants have been awarded to projects replacing or retrofitting 76,900 diesel engines or vehicles across the country, reducing 499,000 tons of nitrogen oxides (NOx) and 16,600 tons of particulate matter (PM).¹

Vote NO on [H.R. 3194](#), Lifting Overburdensome Commerce Obstructions and Motives (LOCOMOTIVES) Act (Rep. Moolenaar)

- This bill violates state authority enshrined in the Clean Air Act to restrict a state's ability to protect the public health and welfare of its residents by setting environmental standards for locomotive engines.
- Diesel powered locomotive engines are highly polluting. According to the Environmental Protection Agency's Co-Benefits Risk Assessment (COBRA) model, it is estimated that the rail industry is responsible for between 2,200 and 3,100 premature deaths annually, with total health-related costs of \$36 to \$48 billion.²

Vote NO on [H.R. 9317](#), Buses Utilizing Safety and Environmental Standards (BUSES) Act (Reps. Langworthy and Gottheimer)

- Diesel exhaust is harmful to breathe, particularly for children, the elderly, and people with preexisting conditions. Many states and municipalities have adopted anti-idling ordinances that limit idling to 3-5 minutes. This bill would impose a 15 minute idling minimum, defang enforcement mechanisms, and prevent states from including anti-idling policies in their state implementation plans.
- According to survey data from the American Bus Association, only 38% of their member's buses have particulate filters.³ More than half of their vehicles are likely more

than two decades old and operating without modern engine technologies and emissions controls. These polluting vehicles pose an even greater risk to public health when idling in bus terminals and densely populated areas.

Despite decades of progress, we still have a ways to go to address our nation's air pollution crisis. More than 4 in 10 people living in the United States—an estimated 152.3 million—live in areas that don't meet federal air quality standards.⁴

Trucks, buses and locomotive engines that burn fossil fuels are a major source of air pollution, which includes particulate matter, nitrogen oxides, ozone and other highly toxic emissions.^{5 6} The health risks of air pollution are extremely serious. Poor air quality aggravates respiratory ailments like asthma and bronchitis and heightens the risk of life-threatening conditions like cancer and heart disease.⁷ There is strong evidence that breathing fine particulate matter (PM_{2.5}) impairs neurological functions, increasing the risk of Alzheimer's disease, and that it affects the developing fetus.⁸ PM_{2.5} from transportation is singlehandedly responsible for up to 20,000 premature deaths each year.⁹ These consequences also burden our families and community members with substantial medical costs.^{10 11} All of these burdens disproportionately affect communities of color and low income households who are more likely to live near major trucking routes and transportation hubs.^{12 13}

We need to be moving forward, not backwards, towards a clean air future. We ask that you prioritize the health and welfare of the people of this country and defend the Clean Air Act, one of our nation's bedrock environmental laws. Please cast your vote in line with a clean transportation future.

Sincerely,

Union of Concerned Scientists
Alliance of Nurses for Healthy Environments
Center for Earth Energy & Democracy (CEED)
Climate Communications Coalition
Coltura
Conservation Law Foundation
Earthjustice Action
EDF Action
EJAT Cheverly MD area
Environmental Law & Policy Center
GreenLatinos
Harambee House / Citizens for Environmental Justice
League of Conservation Voters (LCV)
LivableStreets Alliance
Moms Clean Air Force
Native Sun Community Power Development
Natural Resources Defense Council
Newton MA EV Task Force

Physicians for Social Responsibility
Plug in America
Public Citizen
Sierra Club
Southwest Energy Efficiency Project
WE ACT for Environmental Justice

¹ Environmental Protection Agency (EPA) Office of Transportation and Air Quality (OTAQ). 2026. *Diesel Emissions Reduction Act (DERA) Sixth Report to Congress*. Washington, DC. Accessed July 13, 2026. <https://www.epa.gov/system/files/documents/2026-06/420r26015.pdf>.

² Cooke, Dave. "Railroads Are Running Dirty Diesel Trains Through Communities and No One Is Doing Anything About It." *The Equation (blog)*. June 17, 2025. Accessed July 13, 2026. <https://blog.ucs.org/dave-cooke/railroads-are-running-dirty-diesel-trains-through-communities-and-no-one-is-doing-anything-about-it/>.

³ American Bus Association. 2025. *Restoring Balance and Commonsense: How Weaponized Regulation And Litigation Undermine The Cleanest Form of Transportation*. Accessed July 13, 2026. https://www.buses.org/wp-content/uploads/2025/05/ABA-White-Paper_Restoring-Balance-and-Commonsense-How-Weaponized-Regulation-and-Litigation-Undermine-the-Cleanest-Form-of-Transportation.pdf.

⁴ American Lung Association. *State of the Air 2026 Report*. Chicago, IL. Accessed May 27, 2026. <https://www.lung.org/getmedia/32f0646d-c5de-4501-boac-07cd63c974d4/State-of-the-Air-2026-Report.pdf>.

⁵ Environmental Protection Agency (EPA). 2025. "Smog, Soot, and Other Air Pollution from Transportation." Last updated on August 7. <https://www.epa.gov/transportation-air-pollution-and-climate-change/smog-soot-and-other-air-pollution-transportation>.

⁶ Environmental Protection Agency (EPA). 2025. "Learn About How Mobile Source Pollution Affects Your Health." Last updated on September 17. <https://www.epa.gov/mobile-source-pollution/learn-about-how-mobile-source-pollution-affects-your-health>.

⁷ National Institute of Environmental Health Sciences. 2026. "Air Pollution and Your Health." Last reviewed on March 6. <https://www.niehs.nih.gov/health/topics/agents/air-pollution>.

⁸ *Ibid*.

⁹ Choma, Ernani F., John S. Evans, José A. Gómez-Ibáñez, Qian Di, Joel D. Schwartz, James K. Hammitt, John D. Spengler. 2021. "Health benefits of decreases in on-road transportation emissions in the United States from 2008 to 2017." *Proceedings of the National Academy of Sciences* 118 (51): e2107402118. <https://doi.org/10.1073/pnas.2107402118>

¹⁰ Alexeeff, Stacey E., Ananya Roy, Jun Shan, G. Thomas Ray, Charles Q. Quesenberry, Joshua Apte, Christopher J. Portier, Stephen K. Van Den Eeden. 2022. "Association between traffic related air pollution exposure and direct health care costs in Northern California." *Atmospheric Environment* 287. 119271, ISSN 1352-2310. <https://doi.org/10.1016/j.atmosenv.2022.119271>

¹¹ Hakami A, Zhao S, Soltanzadeh M, Vasilakos P, Alhusban A, Oztaner B, Fann N, Chang H, Krupnick A, Russell T. 2024. "Estimating Model-Based Marginal Societal Health Benefits of Air Pollution Emission Reductions in the United States and Canada." *Res Rep Health Eff Inst* (218):1-63. PMID: 39397785; PMCID: PMC11476235. <https://pubmed.ncbi.nlm.nih.gov/39397785/>

¹² American Lung Association. *State of the Air 2026 Report*. Chicago, IL. Accessed May 27, 2026. <https://www.lung.org/getmedia/32f0646d-c5de-4501-boac-07cd63c974d4/State-of-the-Air-2026-Report.pdf>.

¹³ Wilson, Sam. 2026. *Addressing Freight Pollution at the Source: Air Pollution, Freight Facility Clusters, and the Role of Indirect Source Rules*. Cambridge, MA: Union of Concerned Scientists. Accessed June 1, 2026. <http://www.ucs.org/resources/addressing-freight-pollution-source>