

STAPPA / ALAPCO

STATE AND TERRITORIAL  
AIR POLLUTION PROGRAM  
ADMINISTRATORS

ASSOCIATION OF  
LOCAL AIR POLLUTION  
CONTROL OFFICIALS

S. WILLIAM BECKER  
EXECUTIVE DIRECTOR

July 9, 2002

The Honorable George W. Bush  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear Mr. President:

On behalf of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO), we are writing to express our serious concerns with the American Trucking Associations' (ATA's) recent requests to you and EPA Administrator Whitman to postpone compliance by diesel engine manufacturers with new air pollution emission standards established under consent decrees lodged in 1999.

Given the history behind these consent decrees, and all that is at stake with respect to air quality and public health, our associations – which represent air pollution control officials in 54 states and territories and over 165 major metropolitan areas across the country – have taken an active role in tracking implementation of these agreements over the past three years. Our associations have urged EPA and the U.S. Department of Justice to hold the affected engine manufacturers to their word and to enforce the consent decrees as written and on schedule. To date, EPA and DOJ have stood firm in not allowing engine manufacturers to avoid the requirements to which they agreed. STAPPA and ALAPCO strongly urge that you firmly support enforcement of the consent decrees as written and ensure full compliance by October 2002, including timely issuance by EPA of revised nonconformance penalties (NCPs) for those who fail to comply.

In its appeal to you for a delay in the consent decree requirements, ATA contends that “on October 1, 2002, the EPA’s new 2.5 g/bhp NO<sub>x</sub> emission standard goes into effect for virtually all of the domestic manufacturers of on-highway, heavy-duty diesel engines, 15 months earlier than the original deadline.” We believe this statement is extremely misleading and omits critical information – namely, an explanation of how and why this standard was put in place. Accordingly, we offer the following by way of background.

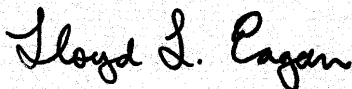
In November 1998 the United States proposed, and in July 1999 finalized, consent decrees with seven manufacturers of heavy-duty diesel engines to settle massive environmental violations involving the use by these manufacturers – over a period of more than a decade – of illegal “defeat devices”. This intentional use of computer software that altered fuel injection timing when the engines were in use adversely affected the engines’ emission control systems for oxides of nitrogen (NO<sub>x</sub>), and resulted in tens of millions of tons of excess NO<sub>x</sub> emissions into our air.

Under the final consent decrees – which the affected engine makers negotiated, agreed to and signed of their own volition – the egregious violations of law that occurred were addressed, in part, by requiring manufacturers to accelerate the implementation of new emissions controls so that some, though not all, of the illegal emissions that resulted would be recouped by future reductions. Specifically, the engine manufacturers agreed that by October 2002 they would comply with federal engine standards – including the 2.5-g/bhp standard for HC+NO<sub>x</sub> – otherwise set to take effect in 2004. The manufacturers further agreed that if they did not comply by October 2002, they would pay NCPs as established by EPA.

It is our understanding that EPA is making every attempt to work with those engine manufacturers who, in good faith, seek to meet the October 2002 deadline. Cummins Inc. – one of the engine makers subject to the consent decrees – has already received EPA certification for the first of its engines under its consent decree. Further, these 15-liter engines have not only been field tested by Cummins since 1999, they are now in production and commercial service. We also understand that several other affected engine manufacturers are close to submitting certification applications. At least one, however, has made clear that, notwithstanding the fact that it signed a consent decree, it does not intend to meet the October 2002 deadline. If the federal government in any way excuses engine manufacturers that fail to comply, an uneven economic “playing field” will be created and those who have kept their word will be placed at an unfair disadvantage.

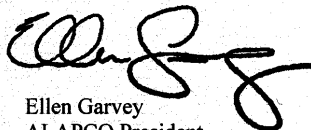
STAPPA and ALAPCO are aware that some members of Congress have now joined with ATA, and the few engine makers that continue to resist fulfilling their obligations, to place pressure on the Administration to delay compliance with the consent decrees. Our associations urge you to dismiss these arguments and, instead, take whatever steps are necessary to enforce the consent decrees as written, on schedule. We further urge that you facilitate EPA’s efforts to issue final revised NCPs, so that they are in effect by October 2002 and applicable to any engine that does not comply.

As the state and local officials responsible for developing and implementing programs that will achieve and maintain clean, healthful air nationwide, the members of STAPPA and ALAPCO look to you, Mr. President, and your Administration to ensure that the engine manufacturers who broke the law and degraded our air quality, are held accountable for their actions and not allowed to retreat from or renegotiate their penalty.



Lloyd L. Eagan  
STAPPA President

Sincerely,



Ellen Garvey  
ALAPCO President

cc: Members of the U.S. Senate  
Members of the U.S. House of Representatives  
The Honorable Christine Todd Whitman