

**Testimony of  
Dennis J. McLerran  
on behalf of the  
National Association of Clean Air Agencies  
on the  
U.S. Environmental Protection Agency's  
Proposed Rule on the  
Control of Emissions of Air Pollution from Locomotive Engines and  
Marine Compression-Ignition Engines Less than 30 Liters per Cylinder  
72 *Federal Register* 15938**

**May 8, 2007**

Good morning. I am Dennis McLerran, Executive Director of the Puget Sound Clean Air Agency in Seattle, Washington. I appear here today on behalf of NACAA – the National Association of Clean Air Agencies – which represents air pollution control agencies in 54 states and territories and over 165 metropolitan areas across the country. As Co-Chair of NACAA's Mobile Sources and Fuels Committee, I am pleased to provide our association's preliminary perspectives on the U.S. Environmental Protection Agency's (EPA's) proposed rule on the *Control of Emissions of Air Pollution from Locomotive Engines and Marine Compression-Ignition Engines Less than 30 Liters per Cylinder*, as published in the *Federal Register* on April 3, 2007 (72 FR 15938).

Diesel-fueled locomotives and marine engines are among the largest and most dangerous under-regulated sources of pollution in the U.S. Last year, NACAA published a study in which we estimated that emissions from locomotives and marine diesel engines are responsible for more than 4,000 premature deaths each year, as well as a host of other serious public health and welfare consequences (*Danger in Motion: It's Time to Clean Up Trains and Boats*, February 2006). At that time, we called upon EPA to take immediate action to address these sources in a meaningful and expeditious way. NACAA commends the agency for its leadership in issuing this proposal and we

offer our firm support for swift action. We urge EPA to promulgate a final rule no later than the end of 2007.

The proposal currently before us represents a good step forward in addressing emissions from locomotive and marine diesel engines. We are pleased that EPA is pursuing more stringent emission standards for new and remanufactured engines and is seeking to eliminate emissions from unnecessary locomotive idling. We believe, however, that given the significant contribution of locomotives and marine diesels to serious air quality problems across the nation, and the substantial public health and welfare benefits that can result from comprehensive and timely controls, the rule can and should be strengthened in several important ways.

#### There Is a Compelling Need to Control Emissions from Diesel Locomotives and Marine Engines

The substantial levels of emissions from locomotive and marine diesel engines contribute to unhealthful concentrations of fine particles and ozone. These translate into startling health impacts, including premature deaths, as well as heart disease, aggravated asthma and other respiratory conditions. Also, because diesel exhaust is a likely human carcinogen, increased risk of lung cancer occurs from emissions from these engines. In addition, these emissions lead to a host of environmental harms, such as visibility impairment, crop damage and acid rain.

EPA's proposal to cut emissions from locomotive and marine diesel engines comes at a time when states and localities across the U.S. face the daunting challenge of developing strategies to achieve and maintain health-based National Ambient Air Quality Standards for ozone and PM<sub>2.5</sub>. Air quality in approximately 120 areas of the nation currently violates the 8-hour ozone and/or fine particulate matter (PM<sub>2.5</sub>) standards, exposing well over 150 million people to unhealthful levels of air pollution. It is clear that considerable efforts by EPA and state and local agencies will be needed to reduce the health and environmental impacts of sources of pollution contributing to these widespread problems. In addition, EPA has already taken action to tighten the

PM<sub>2.5</sub> ambient air quality standard and is considering similar action for the ozone standard, thus increasing the potential challenges facing states and localities. Further, many additional areas of the country are adversely affected by unacceptably high levels of toxic air pollution, much of which is caused or exacerbated by diesel engine emissions.

As EPA appropriately acknowledges in its proposal, diesel locomotive and marine engines are significant contributors to air pollution in many areas of the country. The agency has estimated that emissions from these engines currently represent about 20 percent of all mobile source oxides of nitrogen (NO<sub>x</sub>) and 25 percent of all mobile source diesel fine particulate matter. In addition, because these engine categories are subject only to minimal controls, unless they are subject to more stringent regulation, their relative contribution to emission inventories is anticipated to increase by 2030 to more than one-third of mobile source NO<sub>x</sub> emissions and two-thirds of diesel PM emissions.

#### Emission Control Requirements for Locomotive and Marine Diesel Engines Should Achieve the Greatest Reductions Feasible As Soon As Possible

Congress, through Section 101(a)(3) of the Clean Air Act, has vested state and local clean air agencies with “primary responsibility” for the control of air pollution. This is a responsibility we take very seriously. As we seek to achieve and sustain clean, healthful air throughout the country, we must consider the full measure of emission reductions feasible from every source of pollution as quickly as possible. With respect to locomotive and new marine diesel engine emissions, however, states and localities are preempted from taking regulatory action. Therefore, we urge EPA to consider the following recommendations for achieving greater emission reductions from locomotive and marine diesel engines.

With respect to locomotives, we recommend that the implementation dates for new engine and remanufacture standards be accelerated. Technical experts within our association, including from the California Air Resources Board and the South Coast Air

Quality Management District, believe that Tier 4 NO<sub>x</sub> and PM standards for new engines at least as stringent as those proposed by EPA are technologically feasible by the end of 2013 and that the Tier 3 PM standard for new locomotives can be implemented no later than the end of 2010. They have further advised us that the Tier 2 remanufacture standard for PM can be implemented by the end of 2010. We recommend that EPA advance the rule's implementation dates accordingly.

We also recommend that EPA include in the final rule remanufacture standards for locomotives used for Class II and Class III railroads. In addition, to further augment the regulation of locomotive emissions, we encourage EPA to consider establishing a process for certifying NO<sub>x</sub> and PM aftertreatment devices for Tier 0, 1, 2 and 3 engines and requiring the use of the most effective certified system deemed to be cost-effective for remanufacturing as the devices become available, but not later than 2014.

For marine diesel engines, we support applying emissions standards not only to new engines, but to rebuilt/remanufactured engines as well, and encourage EPA to include such standards in the final rule for all Category 1 (C1) and Category 2 (C2) engines. For new marine diesels, we recommend that EPA expand the coverage of Tier 4 standards to include all new C1 and C2 engines greater than 25 horsepower and accelerate implementation to occur from 2013 to 2015 (depending on the engine's kW rating); Tier 3 implementation dates should also be accelerated, accordingly.

As discussion of EPA's proposal unfolds in the coming weeks, other approaches may be offered to accelerate implementation deadlines and otherwise refine this rule. NACAA will be pleased to analyze any such alternatives and is prepared to support those for which our analysis demonstrates similar or expanded public health and welfare benefits. Our top priority is to affect the greatest emission reductions feasible as soon as possible, and we are open to considering whatever approach best achieves this goal.

Finally, although this proposal does not address Category 3 marine engines, NACAA has long advocated for aggressive and swift regulation for these engines. Therefore, we reiterate our concern over this issue and urge EPA to ensure that such controls be implemented expeditiously, either through international protocol with the International Maritime Organization (IMO) or through U.S. regulation. We are encouraged by the U.S. proposal recently presented to the IMO.

### Conclusion

In conclusion, NACAA believes that EPA's proposal to control emissions from locomotives and marine diesel engines of less than 30 liters per cylinder signifies an important step toward instituting a meaningful program for reducing emissions from these engine categories, which contribute significantly to air quality problems throughout the country. We appreciate this opportunity to express our support for the proposal's general framework and to offer some key recommendations that we believe will appropriately strengthen the rule's public health and environmental benefits. Moreover, we urge timely action to publish a final rule by no later than the end of 2007. Toward that end, we look forward to continuing to work in partnership with EPA and other stakeholders as the agency moves ahead with this important program. Thank you for this opportunity to testify.