

**Statement of Marcia Willhite  
on behalf of the  
State and Territorial Air Pollution Program Administrators (STAPPA)  
and the  
Association of Local Air Pollution Control Officials (ALAPCO)  
at the EPA Public Meeting on the Proposed Rule on the Control of Emissions of  
Hazardous Air Pollutants from Mobile Sources  
Detroit, Michigan  
August 21, 2000**

I am Marcia Willhite, director of the local air quality program in Lincoln, Nebraska. I am participating in this public meeting on behalf of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO). I currently serve as the President of ALAPCO. I appreciate this opportunity to provide you with our comments.

I think we all can agree that emissions of hazardous air pollutants from mobile sources are a very serious problem. In fact, mobile sources represent the predominant source of toxic air pollutants in this country. EPA's own data confirm this conclusion: the 1996 National Toxics Inventory indicated that approximately 40 percent of hazardous air pollutant emissions are from motor vehicles and nonroad mobile sources combined. Specifically with respect to benzene, 76 percent of emissions are from on- and nonroad sources. For formaldehyde, the total contribution from on- and nonroad sources is 49 percent. The National Air Toxics Assessment modeling conducted by EPA indicates that, even in small communities, ambient benzene concentrations significantly exceed health benchmarks. Current ambient monitoring results show the same thing. Obviously, if we are going to address the significant public health problem of toxic air pollution, we must establish measures that reduce emissions from mobile sources, both onroad and nonroad.

The Clean Air Act is clear in its mandate: EPA must promulgate regulations under Section 202(l) to control hazardous air pollutants from motor vehicles and motor vehicle fuels. These regulations are to apply to, at a minimum, benzene and formaldehyde and "reflect the greatest degree of emission reduction achievable through the application of technology which will be available..." We do not believe the proposal, which relies primarily on measures already taken and merely caps benzene levels at 1998-99 levels, satisfies the requirements of Section 202(l) of the Clean Air Act. Congress mandated many other mobile source measures when it crafted the Clean Air Act and still determined that an *additional* provision to address mobile source air toxics specifically was warranted. Therefore, we believe EPA's approach, which fails to adequately fulfill the statutory mandate, should be amended to include new requirements specifically to address mobile source air toxics.

STAPPA and ALAPCO are very supportive of many of the efforts EPA is undertaking to address emissions from mobile sources, including Tier 2 motor vehicle emission standards, gasoline and diesel fuel sulfur standards, federal reformulated gasoline, onroad heavy-duty diesel standards and small engine standards. We applaud the agency for promoting these important measures and we acknowledge that they will result in needed reductions in emissions from mobile sources. However, these programs alone are simply not adequate to reduce toxic air pollution from mobile sources sufficiently. These programs, some of which rely on the turnover of the fleet, do not provide reductions in toxic air pollution soon enough. Consequently, we fear that the severe public health risk from mobile source air toxics will still persist a decade or more from now.

Further, aside from the delays, even if the controls EPA is relying upon to address mobile source air toxics do result in a 75-percent reduction in certain pollutants, as the agency is claiming, that may still not be enough. When you consider the large contribution of mobile sources to the problem of toxic air pollution, we do not believe EPA has made a convincing demonstration that even a 75-percent reduction in emissions equals reduction of public health risk to an acceptable level.

Even worse than the delays inherent in EPA's proposed approach is the fact that the agency has not offered any assurance that mobile source air toxics will *ever* be adequately addressed in the future. Under the best of circumstances, the proposed program will not afford additional controls on any emissions of mobile source air toxics for at least six or seven years – an unacceptably long time. Under less-than-ideal circumstances, EPA could decide ultimately not to take any additional action to control emissions from mobile sources, continuing to leave the problem unresolved. Since EPA is already several years behind the Clean Air Act's schedule for controlling mobile source air toxics, we do not believe additional delay is acceptable. Mobile source air toxics controls are already overdue and should not be postponed any longer.

In light of our deep concerns about mobile source air toxics, we were depending upon EPA to take strong action to address this issue. This is especially true because 1) other than Section 202(1), no avenue exists for regulatory action to expressly reduce the substantial risk posed by mobile source air toxics and 2) state and local agencies have limited capacity to regulate mobile sources or fuels directly and generally rely upon EPA to take the lead. We were counting on EPA, then, to take aggressive action to address our public health concerns.

Since EPA proposed an approach that calls for *no* additional controls, one feature of the mobile source air toxics proposal that causes us a great deal of consternation is the preemption of state and local agencies' ability to adopt more stringent limits on benzene in gasoline. In the preamble to the proposal, EPA acknowledges that state and local agencies may be put in a difficult position by the rule. The preamble states that the proposed program "would not impose a uniform national standard that ensures significant emissions reductions in all areas of the country" and "gasoline benzene levels around the country would not change from where they are today [which is] particularly significant

for areas receiving conventional gasoline.” In some of these areas, average benzene levels are “well above the national average.” The preamble goes on to note that “without some regulatory mechanism, this proposal could have the effect of preventing States from addressing local toxics concerns under all circumstances because a waiver may not be available.” I am particularly concerned about this preemption, since my home, Lincoln, Nebraska is a conventional gasoline area and EPA’s own study has indicated that mobile source air toxics pose the greatest air toxics risk in my community.

Unless EPA strengthens the proposal significantly, it is imperative that the rule not tie our hands by preempting state and local agencies from adopting our own benzene controls for gasoline subject to the federal benzene standard. Those of us who fear that the proposal will not go far enough to protect public health need to have the option of adopting a program tailored to address our areas’ problems, including establishing our own limits on gasoline.

We are very pleased that the preamble to the proposal acknowledges the need for additional research and data gathering and we are especially gratified to note that nonroad sources are included in the research plan. Since, as the proposal notes, nonroad sources contribute “approximately the same amount to national inventories of key air toxics as on-highway sources,” it is essential that they be included in any future programs. We support, then, EPA’s plans to conduct additional research related to onroad and nonroad sources of mobile source air toxics. However, we are dismayed to note that the appropriate provisions addressing the research agenda for onroad and nonroad sources are not contained in the proposed rule itself. Without including them in the rule, there is no explicit commitment that this research plan will be carried out. Given the fact that this data-gathering effort is extremely important and long overdue, we believe it is important for EPA to commit to it in the rule language itself.

Again, we believe EPA’s proposal for mobile source air toxics does not go far enough to address our concerns about this significant public health problem. We urge EPA to consider seriously our recommendations and make the necessary adjustments to the final rule.

Thank you again for your consideration of our comments on this issue. I would be happy to answer any questions you have.