

STAPPA / ALAPCO

STATE AND TERRITORIAL
AIR POLLUTION PROGRAM
ADMINISTRATORS

ASSOCIATION OF
LOCAL AIR POLLUTION
CONTROL OFFICIALS

July 18, 2005

S. WILLIAM BECKER
EXECUTIVE DIRECTOR

K. John Holmes, Ph.D.
Senior Staff Officer
Board on Environmental Studies and Toxicology
National Research Council
500 5th Street, NW
KECK, Room 232
Washington, DC 20001

Dear Dr. Holmes:

On behalf of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO) – the national associations of state and local air pollution control agencies in 53 states and territories and more than 165 metropolitan areas across the country – we write to reiterate some of our key perspectives and insights, which we hope will be helpful to the National Research Council's Committee on State Practices in Setting Mobile Source Emissions Standards as it deliberates over its final recommendations.

Notwithstanding the impressive progress that federal, state and local governments have made in reducing emissions into our air, our nation faces air quality and public health and welfare challenges of substantial and growing proportions. When our associations testified before your Committee at its first public meeting last year, nearly 500 counties in the U.S. had just been designated as nonattainment for the health-based federal eight-hour ozone standard. Since that time, nearly 200 counties have been designated as nonattainment for the health-based federal PM_{2.5} standard. Further, as documented by EPA's National Air Toxics Assessment, nearly every person in the country is exposed to toxic air pollution exceeding federally acceptable levels, with millions exposed to cancer risks greater than 1 in 10,000. Emissions from mobile sources play a major role in all of these, as well as other, serious environmental problems.

Our associations have followed closely the information presented to the Committee at public sessions held throughout the country over the past year, none of which demonstrated that a change in states' current regulatory authorities, or the processes by which those authorities are exercised, is necessary. In fact, the process by which a state adopts a

California motor vehicle emission standard is extremely robust, with at least three distinct, comprehensive analyses.

First, when California decides to pursue adoption of a motor vehicle emission standard, it engages in a lengthy and methodical analysis, including thorough evaluation of air quality, environmental and economic impacts, regulatory alternatives and costs and cost effectiveness. In addition, notwithstanding the likely unsurpassed technical expertise of the California Air Resources Board staff, the state consults extensively with stakeholders and other experts, convenes open public forums and considers and responds to all public comments. Throughout the process, the state reports on its findings and conclusions in various documents, including initial and final statements of reasons.

Second, when California requests from EPA a waiver of federal preemption (for onroad sources) or authorization to enforce (for nonroad sources), EPA conducts its own, often extensive review and analysis of the standards and solicits additional stakeholder comments. EPA scrutinizes the feasibility of technologies needed to meet the standards giving consideration to costs, assures that California's standards, in the aggregate, are at least as stringent as federal standards and assesses California's ongoing need for its own mobile source programs. This ultimately leads to comprehensive decision documents detailing EPA's findings and conclusions.

Third, when another state evaluates potential adoption of California's mobile source standards, it engages in its own deliberative process similar to that undertaken by California, appropriately tailored to weigh factors and circumstances that may be unique to the state, including prospective impacts on jurisdictions beyond its own borders. This process also includes an opportunity for input by stakeholders, including EPA and other states, as well as the public at large, all of whom may offer perspectives and information for the state's consideration. Only after completing its careful review does a state make its decision regarding whether or not to enact a mobile source standard. Further, no state may enforce a California motor vehicle standard until EPA has granted a waiver to California.

As history has demonstrated, although mobile source standard-setting authorities have been available for many years, states have used them very judiciously and, in every case, have acted very meticulously and competently, even concluding, at times, not to move forward with adoption of a mobile source standard, based on the outcome of the review process.

Over the next several few years, as states and localities design individual plans for achieving and sustaining health-based air quality standards and otherwise seek to realize clean air and environmental goals, we will need to have at our disposal a full array of "tools in the toolbox" so that strategies can be tailored to best meet the needs and circumstances of each particular area. The existing state authorities for adopting mobile source and fuel programs are among those tools.

As the Committee prepares its final recommendations, we hope it will include an endorsement of existing state authorities and will not include recommendations to diminish these authorities or establish additional hurdles to their use.

If you have any questions, or if we can provide any further information, please do not hesitate to contact either of us or S. William Becker, Executive Director of STAPPA and ALAPCO.

Sincerely,



Nancy L. Seidman
STAPPA President



John A. Paul
ALAPCO President