

STAPPA / ALAPCO

STATE AND TERRITORIAL
AIR POLLUTION PROGRAM
ADMINISTRATORS

ASSOCIATION OF
LOCAL AIR POLLUTION
CONTROL OFFICIALS

S. WILLIAM BECKER
EXECUTIVE DIRECTOR

December 15, 2004

Margo T. Oge
Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
MC-6401A
Washington, DC 20460

Dear Margo:

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 associations' serious concerns regarding the ongoing operation of heavy-duty diesel engines equipped with "defeat devices" and to urge the U.S. Environmental Protection Agency (EPA) to take action to address this situation.

In 1998, EPA and seven manufacturers of heavy-duty diesel engines agreed to judicial consent decrees that imposed penalties on the manufacturers for violating, during most of the 1990s, federal and California engine certification regulations by "defeating" or turning off the emission control devices on heavy-duty diesel engines during in-use highway driving. The defeat devices, which were installed on 1.3 million heavy-duty diesel engines, resulted in excess NO_x emissions on the order of 15.5 million tons. The consent decrees included provisions intended to recoup about 4.5 million tons of these excess emissions, more than one-half of which were to come from a low-NO_x rebuild program, whereby the engine manufacturers were required to provide "reflash" kits (to reduce the emission levels associated with the defeat devices) to be installed at the time a defeat-device-equipped engine is rebuilt. Notwithstanding the intent of this program, however, to date, only about 10 percent of the affected engines have been reflashed, either at the time of engine rebuild or through nationwide incentive programs, according to the most recent data provided to our associations by EPA. As a result, the vast majority of vehicles equipped with engines covered by the consent decrees continue to operate on our roads without the intended benefit of the reflash, emitting NO_x at levels well above the standard, contributing to violations of national air quality standards and thereby jeopardizing public health.

States and localities across the nation continue to grapple with an array of serious air pollution problems in which NO_x emissions play a central role, and face major challenges implementing measures sufficient to effectively address the eight-hour ozone and PM_{2.5} standards. As we diligently seek to address all contributing sources, and to do so equitably, it is of particular concern to our memberships that diesel trucks equipped with devices that circumvent environmental standards continue to operate at unmitigated NO_x levels. Therefore, we urge EPA to take swift and certain action to implement an enforceable nationwide program to reflash all diesel engines eligible for NO_x reflash under the consent decrees. If such action is not taken at the federal level, states and localities must seriously consider action of their own, following the lead of California, which last week moved to make engine reflash mandatory for heavy-duty engines by the end of 2005. On behalf of STAPPA and ALAPCO, we offer our associations' assistance to EPA as this important issue is addressed.

Sincerely,



Nancy L. Seidman
STAPPA Chair
Mobile Sources and Fuels Committee



Eric P. Skelton
ALAPCO Chair
Mobile Sources and Fuels Committee