

June 14, 2001

The Honorable Christie Whitman  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Whitman:

On behalf of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO), I am writing to you today to express the associations' continued interest in and concern regarding the ongoing discussions between the United States and heavy-duty diesel engine manufacturers concerning the heavy-duty diesel consent decrees. Specifically, we strongly urge that you dismiss any requests or recommendations for changes to the consent decrees and commit to enforcing the agreements as they are currently written.

We are pleased that on June 5, 2001 the U.S. Environmental Protection Agency and the U.S. Department of Justice transmitted letters to the manufacturers stating that the United States would not agree to amend the consent decrees to modify the pull-ahead requirements. STAPPA and ALAPCO have been urging such a decisive statement, among others, by the federal government and we commend this action. The requirements to accelerate the advancement of clean diesel engine technology are among the most valuable aspects of the consent decrees. The "pull ahead" of technology requirements, rather than simply the tons of emission reductions associated with the application of the technology requirements, is at the heart of the settlements and STAPPA and ALAPCO firmly believe that this commitment to technology advancement must not be sacrificed.

It is our understanding that at least one manufacturer is on track to comply with the pull-ahead requirements by the October 2002 deadline. We further understand that several manufacturers are seeking accommodations for the use of Auxiliary Emission Control Devices (AECs) under certain conditions, pursuant to provisions that exist in the consent decrees as currently written. We are concerned, however, that there are discussions taking place at this time regarding the acceptability of AECs; such

discussions are premature and will only inhibit timely progress in the development of clean diesel engine technology envisioned by the consent decrees.

Any discussions regarding AECDs should take place during the engine certification process, subject to existing guidance published by EPA. Until then, every effort must be made by the manufacturers – and encouraged by the United States – to meet the pull-ahead requirements without the use of AECDs. At such time as it is appropriate to contemplate the need for AECDs, if an AECD is deemed acceptable under EPA’s existing AECD guidance, then it will be allowed; if it is not acceptable, then the manufacturer will be required to pay noncompliance penalties, as stipulated in the consent decrees. The consent decrees do not provide for other “creative” means by which to comply with the pull-ahead requirements – such as allowing a manufacturer to offset excess emissions that result from the use of AECDs – and STAPPA and ALAPCO oppose efforts to attempt to provide for such means. Such allowances would not only severely undercut the consent decrees, they would also unfairly undercut the efforts of those who have committed to comply with the pull-ahead requirements.

As we have for the past year and a half, STAPPA and ALAPCO strongly urge that the consent decrees be enforced as written; no changes should be made and any ongoing discussions with the manufacturers concerning potential changes should be discontinued. We urge, instead, that the focus of all efforts be placed on compliance with the consent decrees as they were agreed to and signed by the parties.

Sincerely,

S. William Becker

cc: Jessica Furey  
Rob Brenner  
Sylvia Lowrance  
Margo Oge  
Bruce Buckheit