

January 18, 2000

The Honorable Carol M. Browner  
Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, NW  
MC-1101A  
Washington, DC 20004

Dear Administrator Browner:

On behalf of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO), we would like to congratulate you on your tremendous success in issuing the final Tier 2 motor vehicle standards and low-sulfur gasoline program and thank you for the outstanding leadership and commitment you demonstrated to these programs throughout the rule development process.

As you are well aware, STAPPA and ALAPCO have been among the most ardent supporters of strong Tier 2 and low-sulfur gasoline programs since EPA embarked on its efforts relative to these issues. We are very pleased, not only that the final rule reflects virtually every key recommendation made by the associations over the past several years, but also that federal, state and local regulators were able to work so cooperatively and productively toward such a worthy goal. The final rule is undoubtedly one of EPA's finest accomplishments. It is a legacy to our nation of which you and your staff should be extremely proud.

We write to you today not only to commend you on this landmark action, but also to urge that you and your staff work with the same degree of intensity and dedication with respect to the effective and timely regulation of onroad and nonroad heavy-duty diesel engines and fuels, which pose perhaps an even more significant threat to public health and welfare. Heavy-duty diesel engines are huge contributors to air pollution. We simply cannot overstate the critical need for EPA to enact, by no later than 2007, more stringent onroad and nonroad heavy-duty diesel emission standards, beyond those already promulgated, and sharp cuts in sulfur in onroad and nonroad diesel fuel. Such action is imperative to the efforts of states and localities across the country to achieve and sustain clean, healthful air; without it, we cannot succeed.

Nitrogen oxide (NO<sub>x</sub>) emissions from diesel engines are primary precursors to the formation of ground-level ozone. Nearly 100 million people nationwide live in areas that continue to violate the one-hour standard for ozone, while even more reside in areas with air quality that exceeds the eight-hour ozone standard. EPA has estimated that mobile sources are responsible for more than one-half of all NO<sub>x</sub> emissions nationwide. Further, the agency has projected that by 2010, annual NO<sub>x</sub> emissions from mobile sources will near 8 million tons, with more than half of this – over 4 million tons – coming from diesel engines. One-third of this diesel contribution to NO<sub>x</sub> is attributed to onroad heavy-duty diesels and two-thirds to nonroad.

Onroad and nonroad heavy-duty diesel engines also contribute substantially to high levels of coarse and fine particulate matter (PM) that exist in so many areas across the country. The World Health Organization has concluded that, globally, particulate matter causes 460,000 premature deaths each year. Diesel engines generate primary particulate emissions – accounting for 20 percent of direct PM<sub>10</sub> emissions nationally. EPA has projected that by 2010, direct PM<sub>10</sub> emissions from mobile sources will be over 600,000 tons, with diesel engines contributing nearly 70 percent. Further, heavy-duty diesels are responsible for dangerous fine particulate matter, which is able to evade respiratory defense mechanisms, lodge deep within our lungs and cause or contribute to a variety of serious health problems, including asthma, chronic bronchitis, pneumonia, heart disease and premature death. Up to 95 percent of the fine particulate from diesels is smaller than one micron in diameter.

From a public health perspective, perhaps the greatest threat posed by heavy-duty diesel engines comes from their toxic emissions. The hazardous mixture that comprises diesel exhaust contains hundreds of different chemical compounds, over 40 of which are listed by EPA and California as toxic air contaminants, known human carcinogens, probable human carcinogens, reproductive toxicants or endocrine disrupters. In 1998, California declared particulate emissions from diesel-fueled engines a toxic air contaminant, based on data that supported links between diesel exposure and cancer. Dozens of other studies, including EPA's own draft health assessment document for diesel emissions, have also demonstrated a link between diesel exhaust and cancer.

Finally, diesel emissions contribute to an array of other very significant, adverse environmental impacts, including regional haze, acid rain and global warming.

Based on the substantial contribution of heavy-duty diesel emissions to air pollution and very serious public health and environmental problems, there is no alternative but to control both onroad and nonroad heavy-duty diesels and their fuels, and to do so by setting standards that achieve timely and significant emission reductions.

STAPPA and ALAPCO are extremely pleased that EPA is actively pursuing a systems approach for onroad heavy-duty diesels, to include more stringent

emission standards for NO<sub>x</sub> and PM to take effect in 2007, as well as a nationwide cap on sulfur in diesel fuel in the range of 15 ppm, to take effect in mid-2006. We commend the direction in which EPA appears to be moving and urge that the agency 1) set 2007 emission standards no less stringent than 0.2 g/bhp-hr NO<sub>x</sub> and 0.01 g/bhp-hr PM, based on the most advanced technologies possible, with commensurately low diesel sulfur standards and 2) move forward to propose this program imminently, so that it will take full effect on the schedule contemplated, with both the NO<sub>x</sub> and PM standards applying to 100 percent of the fleet in the 2007 model year. The emission reductions to result from such a systems approach will be pivotal to a wide range of state and local clean air efforts.

Addressing onroad heavy-duty diesels and fuel alone, however, is not sufficient. EPA must also take swift action to control nonroad heavy-duty diesel engines and fuel. Nonroad heavy-duty diesel engines are a more significant source of emissions than onroad heavy-duty diesels. Further, the technological advances that will occur in order to meet the 2007 onroad standards will carry over to nonroad equipment, but only if low-sulfur diesel fuel, which is necessary for these technologies to operate, is available for the nonroad sector, as well. To this end, EPA should adopt emission standards and a sulfur cap for nonroad heavy-duty diesels and fuel that are equivalent to those for onroad heavy-duty diesels, and in the same timeframe. As a first step, we recommend that the agency commit to such action in its forthcoming proposed 2007 onroad heavy-duty diesel rulemaking.

Finally, we urge that the agency incorporate a truly effective in-use compliance program into its heavy-duty program development strategy, and to do so in a timely fashion that will result in final regulatory action for the in-use compliance of onroad heavy-duty vehicles by the end of this year and implementation with the 2004 model year. Such a program should include both a manufacturer-based testing component and a federal testing component. Similar action for the in-use compliance of nonroad heavy-duty engines should also be taken. Use of defeat devices by seven heavy-duty engine manufacturers for more than a decade, which resulted in millions of tons of excess NO<sub>x</sub> emissions, is evidence of the need for the agency to take action to institute an in-use compliance program that will ensure onroad and nonroad engines operate as cleanly in use as they do in certification tests.

Once again, STAPPA and ALAPCO applaud your exemplary leadership on Tier 2 emission standards and low-sulfur gasoline. We urge you to continue your diligent efforts to clean up the mobile sector by pursuing an integrated strategy for onroad and nonroad heavy-duty diesel engines and fuels. Such a strategy is essential in order to effectively address the huge air quality and public health problems posed by these sources. As always, STAPPA and ALAPCO stand ready to support your efforts.

Sincerely,

Ronald C. Methier  
STAPPA President

Eric P. Skelton  
ALAPCO President

cc: Robert Perciasepe  
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