

February 16, 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 write to you to urge the U.S. Environmental Protection Agency (EPA) to take timely and decisive action in the upcoming rulemaking under Section 202(l) of the Clean Air Act to move forward in controlling mobile source air toxics. We understand that the agency is under court order to issue a proposed rulemaking under Section 202(l) by April 2000 and to promulgate a final rule by the end of this calendar year.

Mobile sources represent the predominant source of toxic air pollutants in this country. Under Section 202(l) of the Clean Air Act, EPA is required to conduct a study of the "need for, and feasibility of, controlling emissions of air toxic pollutants which are...associated with vehicles and motor vehicle fuels." The Act instructs the agency to "focus on those categories of emissions that pose the greatest risk to human health." Section 202(l)(2) goes on to direct EPA to "promulgate regulations...to control hazardous air pollutants from vehicles and motor vehicle fuels." The Act clearly indicates that these standards should apply, at a minimum, for benzene and formaldehyde and should "reflect the greatest degree of emission reduction achievable through the application of technology which will be available." In short, Section 202(l) establishes a two-step process whereby EPA is directed to 1) determine the risk to public health posed by benzene, formaldehyde and other toxic air pollutants associated with mobile sources and 2) establish technology-based vehicle and/or fuel standards.

Other than Section 202(l) of the Clean Air Act, no avenue exists for regulatory action to expressly reduce the substantial risk posed by mobile source air toxics. (Although Section 211(c) of the Act affords states and localities the opportunity to obtain waivers to implement specialized fuel programs, we note that, historically, EPA has made it extraordinarily difficult for states and localities to obtain these waivers.) Therefore, STAPPA and ALAPCO believe it is imperative that EPA fulfill its statutory responsibility by ensuring that its forthcoming rulemaking include regulatory initiatives and other remedies for directly addressing the substantial risk associated with mobile source air toxics. We are extremely concerned that if EPA does not take immediate regulatory action, we may lose our only near-term opportunity to achieve meaningful reductions in toxics from mobile sources.

Last week, the Health Effects Institute (HEI) sponsored a workshop on behalf of EPA to examine the issue of mobile source air toxics. At that workshop, representatives of state and local air quality agencies from across the country (from Lincoln, Nebraska; Los Angeles, California; Minnesota; Seattle, Washington; Spokane, Washington; and the Northeast States for Coordinated Air Use Management) presented information clearly demonstrating that 1) emissions of toxic air pollutants from mobile sources currently pose a critical and pervasive public health and welfare problem across the nation; 2) despite the emission reductions projected to occur as a result of current or pending mobile source control programs (e.g., Tier 2 motor vehicle emission standards, gasoline and diesel fuel sulfur standards, federal reformulated gasoline (RFG), onroad heavy-duty diesel standards and small engine standards), these programs alone are simply not adequate with respect to reducing toxic air pollution from mobile sources and, as a consequence, the severe public health problem from mobile source air toxics will still persist a decade or more from now; 3) nonroad mobile sources are expected to account for a significant level of toxic emissions in the future; and 4) given the very limited ability for state and local governments to regulate mobile sources or fuels directly for the purposes of reducing toxic air pollutants, timely and aggressive federal action for the express purpose of addressing mobile source air toxics is essential.

STAPPA and ALAPCO believe that the Clean Air Act is clear in its mandate: EPA is to promulgate regulations to control toxic air pollution from mobile sources and, at a minimum, these regulations must apply to benzene and formaldehyde. Such regulations are already overdue and should not be postponed any longer. To this end, our associations offer the following recommendations, to be included in the forthcoming proposed rulemaking under Section 202(l):

1. EPA should establish a nationwide fuel benzene cap that is more stringent than the 1.0-percent cap under the Phase I RFG program and no higher than the lowest benzene level currently being achieved in the nation today. This cap should be as low as feasible and should apply nationally. (We note that although the 1.0-percent benzene cap in federal RFG has resulted in a reduction in ambient benzene concentrations, state and local air agencies have demonstrated that ambient benzene concentrations in areas using Phase I RFG still persist at concentrations well above risk screening ranges.)

2. EPA should clearly identify, under Section 202(l)(2), the emission reduction options for acetaldehyde, benzene, 1,3-butadiene, mobile source particulate matter and formaldehyde. These options should consider more stringent new engine emission standards, alternative fuels and new and emerging technologies.
3. EPA should develop a clear strategic plan and research strategy to more comprehensively address toxic air pollution from mobile sources and their fuels.
4. EPA should consider a shift in historical policy development practices, particularly in the agency's Office of Transportation and Air Quality, such that future federal fuel standards and emission control requirements address all mobile source sector emissions (both onroad *and* nonroad) and the impact of policy action on both criteria and toxic air pollutant emissions be qualified and quantified.
5. EPA should develop a stakeholder process to refine or enhance existing tools in order to more completely qualify and quantify the cancer and non-cancer health risk(s) associated with exposure to pollutants such as acetaldehyde, benzene, 1,3-butadiene, mobile source particulate matter and formaldehyde.

STAPPA and ALAPCO were pleased to have the opportunity to present our perspectives and illustrative supporting information at the HEI workshop relative to the pervasive and persistent mobile source-related toxic air pollution problem that faces our nation. We urge EPA to propose and finalize this year a rulemaking under Section 202(l) that encompasses the aforementioned recommendations and makes significant strides towards ameliorating the critical public health problem associated with mobile source air toxics. We look forward to working with you and your staff to achieve this goal.

Sincerely,

Ronald C. Methier  
STAPPA President

Eric P. Skelton  
ALAPCO President

cc: Robert Perciasepe  
Margo Oge  
Merrylin Zaw-Mon  
Chet France