



### ***This Week in Review – May 30-June 3, 2005***

**(1) California Establishes Greenhouse Gas Emission Reduction Targets (June 1, 2005)** – California Governor Arnold Schwarzenegger announced targets for reducing the state's greenhouse gas (GHG) emissions. The Governor signed an executive order establishing the following GHG reduction targets for California: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; and by 2050, reduce GHG emissions to 80 percent below 1990 levels. According to the executive order, Schwarzenegger took this action because California is especially vulnerable to the effects of global warming, which include reducing California's water supply, inundating its coastlines, degrading its air quality and adversely impacting human health, and because California is well-positioned to be a leader in developing technology to reduce or mitigate GHG emissions or the impacts of global warming. The order directs the Secretary of California EPA to report to the governor and state legislature by January 2006 and biannually thereafter on progress made toward meeting the GHG emission targets and on the impacts on California of global warming, including impacts on water supply, public health, agriculture, the coastline and forestry, and directs the Secretary to prepare and report on mitigation and adaptation plans to combat these impacts. [For further information: Air Web – In the News and Global Warming Committee pages]

**(2) Maine Governor Signs Cleaner Car Law (May 31, 2005)** – Maine Governor John Elias Baldacci signed into law the "Cleaner Car" program – the final piece of the California Low-Emission Vehicle II (LEV II) program. Under the new law, beginning in 2009, about 11 percent of new cars sold in the state will be either gas-electric hybrids or the cleanest gasoline-burning vehicles. With this action, Maine becomes the seventh state – in addition to Connecticut, Massachusetts, New Jersey, New York, Rhode Island and Vermont – to adopt California's LEV II program. The legislation was supported by a broad coalition of public health, business and environmental groups and was approved with unanimous support by Maine's Board of Environmental Protection, Natural Resources Committee and both houses of the State Legislature.

**(3) EPA Rejects Oxygen Content Waiver Petitions (June 2, 2005)** – EPA announced that it will reject petitions submitted by California, New York and Connecticut to waive the 2-percent oxygen-content requirement of the federal Reformulated Gasoline (RFG) program. With regard to the decision, EPA Assistant Administrator Jeff Holmstead said "Congress has required the use of oxygenates as

part of the clean fuels program and has made it clear that this requirement can only be waived if a state demonstrates that it prevents or interferes with the state's ability to meet national air quality standards. California, New York and Connecticut did not make this demonstration." In its press release, EPA notes that "Since Congress created the RFG program in 1990, much has been learned about cleaner-burning gasoline. The administration supports efforts by Congress to remove the oxygen requirement from the RFG program and replace it with a flexible national renewable fuels program." According to Holmstead, "This legislation would provide California, Connecticut, New York and other RFG areas the relief they are seeking through these waiver requests without compromising the benefits of clean fuel." [For further information: [www.epa.gov](http://www.epa.gov)]

**(4) Group of States Petitions EPA for Reconsideration of Delisting of Power Plants Related to Mercury Rule (May 31, 2005)** – Fourteen states formally petitioned EPA to reconsider its decision to remove power plants from the list of sources that must be regulated with a MACT standard under Section 112 of the Clean Air Act. In a December 2000 regulatory determination, EPA determined that power plant standards under Section 112 were needed. However, as part of its recent decision to regulate emissions of mercury from power plants under Section 111, rather than Section 112, EPA issued a regulatory finding that regulation of utilities under Section 112 was not necessary and appropriate. EPA subsequently issued the Clean Air Mercury Rule (CAMR), calling for reductions in mercury emissions through a cap-and-trade program under Section 111. The states' current petition for reconsideration addresses the agency's decision to delist power plants. Separately from the states' action, several environmental groups and one tribe have also submitted petitions for reconsideration. Many of the states and other groups that submitted petitions have also filed lawsuits on both the delisting rule and the CAMR itself. The states participating in the petition for reconsideration are led by the New Jersey Attorney General and include California, Connecticut, Delaware, Illinois, Maine, Massachusetts, New Hampshire, New Mexico, New York, Pennsylvania, Rhode Island, Vermont and Wisconsin. [For further information: Air Web – Air Toxics Committee page]

**(5) Environmental and Citizen Groups File Suit Against EPA Safe Harbor Agreement for Animal Farming Operations (June 1, 2005)** – Several environmental and citizen advocacy groups filed a petition to review EPA's proposed agreement with animal farming operations (AFOs), under which participating AFOs receive a "safe harbor" from enforcement of the Clean Air Act and other laws in exchange for paying a small penalty, agreeing to fund a program for monitoring emissions from AFOs and agreeing that, if selected, their emissions will be monitored. The petition was filed in the U.S. Court of Appeals for the D.C. Circuit by the Environmental Integrity Project, the Sierra Club, Iowa Citizens for Community Improvement and the Association of Irrigated Residents. According to a press release issued by the groups, EPA should abandon the agreement and instead use its existing legal authority to gather emissions data and to enforce clean air laws. [For further information: Air Web – Agriculture and Enforcement Committee pages]

**(6) EPA Issues Final Rule for In-Use Testing of HDD Trucks (June 3, 2005)** – EPA Administrator Steve Johnson today signed a final rule establishing an in-use emissions testing program for 2007 and later model year heavy-duty diesel trucks. The manufacturer-run program, which is the result of an agreement between EPA and the Engine Manufacturers Association, will require diesel engine makers, for the first time, to use portable emissions measurement systems to measure gaseous and particulate exhaust emissions from vehicles operating under real-world driving conditions and to regularly provide EPA with a “significant quantity” of emissions data from in-use engines; EPA will, in turn, evaluate the data to ensure compliance with emission requirements. In announcing this rule, the agency indicated that a nonroad diesel engine in-use testing program modeled after the onroad program is expected in the 2010 timeframe. Also today, EPA announced revisions to the testing procedures for various categories for nonroad engines, as well as its intent to apply these requirements to heavy-duty highway engines. The agency has determined that a single set of unified test procedures will allow for simultaneous improvements across engine and vehicle sectors and facilitate movement toward international harmonization of test procedures. [For further information: [www.epa.gov/otaq/hd-hwy.htm#inuse](http://www.epa.gov/otaq/hd-hwy.htm#inuse)]

**(7) EPA to Extend ULSD Fuel Deadline (May 27, 2005)** – In an effort to facilitate the transition to ultra-low-sulfur diesel (ULSD) fuel, EPA will extend by 45 days – from September 1, 2006 to October 15, 2006 – the deadline by which fuel terminals and retail outlets must comply with the 15-ppm ULSD standard adopted by the agency in 2001 as part of the federal highway diesel rule. Accordingly, during the 45-day “transition” period, diesel fuel meeting 22 ppm can be marketed downstream as ULSD to “ensure nationwide transition to 15 ppm ULSD prior to the introduction of new clean diesel trucks and buses,” which begins with the 2007 model year. The agency will also establish a test program, to be conducted in cooperation with the fuel industry, to collect data to determine the sufficiency of the current 2-ppm fuel testing tolerance. According to EPA, “These transitional items will not interfere with the planned introduction of clean diesel vehicles and engines anticipated in the autumn of 2006, nor will they reduce the environmental benefits that will be achieved by this historic Clean Diesel Program.” [For further information: [www.epa.gov/newsroom](http://www.epa.gov/newsroom)]

**(8) Senators Lieberman and McCain Introduce Revised Global Warming Bill (May 31, 2005)** – Senators Joseph Lieberman (D-CT) and John McCain (R-AZ) introduced the Climate Stewardship and Innovations Act of 2005, an updated version of global warming legislation introduced in previous years. The bill caps greenhouse gas (GHG) emissions from the electricity generation, transportation, industrial and commercial sectors; the cap is at 2000 GHG levels for the year 2010. Emissions trading is permitted. The Senators added provisions to encourage technology development: the bill provides that revenue generated by auctioning allowances would be used to fund the innovation and deployment of technology that reduces GHG emissions or produces low or no GHG emissions. These include integrated gasification combined cycle technology with sequestration of carbon; advanced technology vehicles; renewable electricity; and advanced nuclear designs. [For further information: Air Web – Global Warming Committee page]

**(9) EPA Proposes to Defer Nonattainment Designations for Early Action Compact Areas (June 2, 2005)** – EPA proposed to defer the 8-hour ozone nonattainment designations for 14 Early Action Compact areas from September 30, 2005 to December 31, 2006. EPA will accept comment on this proposal for 30 days after publication of the proposed rule in the *Federal Register*. EPA is proposing this deferral because the 14 areas met the required milestone of submitting SIPs that contain adopted control measures that demonstrate attainment of the 8-hour ozone standard by December 31, 2007. After reviewing all comments, EPA anticipates issuing the final rule deferring designations in September 2005. [For further information: Air Web – Criteria Pollutants Committee page]

**(10) New Report Examines Ways to Reduce Nonroad Diesel Emissions from Construction and Ports (May 27, 2005)** – A new report, released by EPA and the Associated General Contractors of America, describes and assesses incentive programs to reduce emissions from nonroad diesel engines in the port and construction sectors. *Emission Reduction Incentives for Off-Road Diesel Equipment Used in the Port and Construction Sectors* provides a review of program information gathered from public agencies, public and private stakeholders and other related literature sources, focusing primarily on grant programs, tax incentives, modified contracting procedures and non-monetary incentives implemented at the federal, regional, state and local levels. Recognizing the “urgent need to reduce emissions from off-road diesel engines in use today and those that will be manufactured over the next five to eight years,” the authors of the report address technological and operational strategies to reduce nonroad diesel emissions from the port and construction sectors. Technological strategies detailed in the report include 1) retrofitting with exhaust aftertreatment devices, 2) using alternative fuels, 3) repowering engines, 4) scrapping and replacing older equipment and 5) repairing and rebuilding engines to maximize performance; operational strategies include 1) reducing engine idling, 2) reducing ship speed, 3) greater use of on-dock rail, 3) improving port gate operations, 4) connecting marine vessels to shore-side electric power and 5) improving productivity. [For further information: [www.epa.gov/sectors/pdf/emission\\_20050519.pdf](http://www.epa.gov/sectors/pdf/emission_20050519.pdf)]

**(11) STAPPA/ALAPCO Ambient Monitoring Steering Committee Discusses Funding, Policy and Technical Issues with EPA (June 1-2, 2005)** – A group of state and local monitoring experts from all parts of the country met with representatives of EPA in Research Triangle Park, North Carolina to discuss implementation of the National Monitoring Strategy and to air concerns about the impacts of the Strategy on the nation’s existing monitoring networks. Led by STAPPA Monitoring Committee Co-Chair Dick Valentinetti (VT), the group discussed the need for improving and creating a more formal structure for state and local communications with EPA’s Emissions, Monitoring, and Analysis Division. Other topics included EPA’s plans for deploying a precursor gas monitoring network, the upgrades to the CASTnet monitors, reductions in the speciation network, air toxics monitoring and EPA’s plans to harmonize the speciation trend network with the IMPROVE monitors. State and local members of the Ambient Monitoring Steering Committee who took part in the meeting included George Allen (NESCAUM), Gary Kendall (San Francisco,

CA, representing Jack Broadbent), Jerry Campbell (Tampa, FL), Mary Stewart Douglas (STAPPA/ALAPCO), Dirk Felton (NY), Mike Gilroy (Seattle, WA), Mike Koerber (LADCO), Charles Pietarinen (NJ), Steve Spaw (TX), Tom Tamanini (Tampa, FL) and Dick Valentinetti (VT). All participants agreed that it was particularly important to continue these discussions in meetings and on conference calls while the rule implementing the Strategy is being developed. The rule is tentatively scheduled for proposal by EPA in December. [For further information: Air Web – Monitoring Committee page]

**(12) Study Finds that Diabetes Increases Vulnerability to Particulate Air Pollution (May 31, 2005)** – A study conducted by researchers from the Harvard School of Public Health and others suggests that people with diabetes are vulnerable to cardiovascular health effects associated with exposure to particle air pollution. Researchers conducted the study by measuring 24-hour average ambient concentrations of PM<sub>2.5</sub>, black carbon and sulfates in the Boston area and evaluating the effects of different levels of pollution on the vascular systems of 270 Boston residents. The study concluded that “diabetes confers vulnerability to particles associated with coal-burning power plants and traffic.” Those with type II diabetes are particularly vulnerable. [For further information: [circ.ahajournals.org/cgi/content/abstract/CIRCULATIONAHA.104.517110v1](http://circ.ahajournals.org/cgi/content/abstract/CIRCULATIONAHA.104.517110v1)]

### ***The Week Ahead***

- Ozone Transport Commission Meeting, in Burlington, Vermont – June 7-8, 2005
- House Science Committee Hearing on Business Actions Reducing Greenhouse Gas Emissions, in Washington, DC – June 8, 2005
- Global Warming Solutions 2005 Conference, sponsored by Clean Air-Cool Planet, in New York, New York – June 8-9, 2005

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