



January 4, 2002

Connecticut

Christine Todd Whitman
Administrator

Delaware

U.S. Environmental Protection Agency
1101 A

District of Columbia

Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Maine

Dear Administrator Whitman:

Maryland

The undersigned members of the Ozone Transport Commission (OTC) are writing in response to the U.S. Environmental Protection Agency's (EPA's) October 2001 Non-Road Diesel Emissions Standards Staff Technical Paper. OTC was created by Congress, through the Clean Air Act Amendments of 1990, to coordinate ground-level ozone planning in the Northeast and Mid-Atlantic region of the U.S. Ground-level ozone problems persist in the Ozone Transport Region (OTR). Since States are pre-empted from setting new non-road diesel engine standards, we must rely on EPA for strong and protective standards that will help us attain the health-based air quality standards.

Massachusetts

New Hampshire

New Jersey

New York

Pennsylvania

Rhode Island

Vermont

Emissions from non-road diesel engines and fuels are a significant source of ozone pollution, regional haze, particulate matter (PM) pollution, greenhouse gases, and air toxics. Diesel exhaust causes serious health problems. The Clean Air Scientific Advisory Committee has determined that diesel exhaust is a likely human carcinogen at environmental levels of exposure. Nationally, non-road engine emissions currently comprise 20% of the total nitrogen oxide (NOx) inventory. By 2007, it is estimated that non-road diesel emissions will comprise roughly 46% of the non-road NOx inventory and 52% of the non-road PM inventory.

Virginia

The OTC States support technology-forcing standards that ensure the introduction of clean diesel engine technology; such standards would guarantee significantly lowered NOx emissions in the future. Some of the States in the OTR have one-hour ozone attainment deadlines in 2007, and need timely reductions from non-road diesel NOx standards to meet that deadline. Most other OTC States are relying on protective non-road engine standards to ensure that they maintain the one-hour ozone standard. Additional reductions will be needed to meet the eight-hour ozone and the fine particulate standards in the near future.

Bruce S. Carhart
Executive Director

444 N. Capitol St. NW
Suite 638
Washington, DC 20001
(202) 508-3840
FAX (202) 508-3841
e-mail: ozone@sso.org

The OTC States are pleased that EPA's technical assessment affirmed that Tier 3 non-road diesel NOx standards are technologically feasible. However, we are very concerned that other actions did not coincide with the report's release. First, the technical review did not establish Tier 3 PM standards or establish a transient test cycle for land-based non-road diesel engines, as EPA committed to in its 1998 rule; we are disappointed that EPA did not take such actions. Second, we fully expected that EPA would develop a comprehensive non-road strategy -- including Tier 3 PM standards, Tier 4 NOx standards, and low sulfur diesel fuel standards -- concurrent with release of the Staff Technical Paper. We are concerned that the report only references the need to assess and promulgate PM standards in the future. Failure to promulgate protective NOx, PM, and low sulfur fuel standards in a timely manner will jeopardize achievement of timely emission reductions and our ability to meet and maintain our clean air goals in the next ten years.

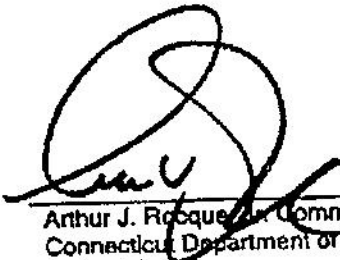
The OTC States strongly support EPA's integrated approach for addressing on-road mobile source emissions, and we applaud much of the work done to date. We believe that, with the advances in engine technology and fuel quality, EPA must take action to ensure parity between on-road and non-road engine and fuel standards. The need for such action is even more compelling in light of recent health research on ozone and PM health effects. To this end, we urge EPA to:

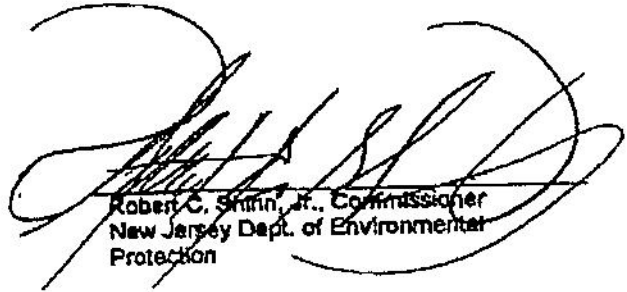
- Effective in 2007, establish parity between on-road and non-road heavy-duty diesel engines by promulgating non-road Tier 3 PM standards based on the same levels of emission reductions, i.e., greater than 90%.
- Between 2007 and 2010, establish parity between on-road and non-road heavy-duty engines by promulgating non-road Tier 4 NOx standards based on the same levels of emission reductions established for on-road engines, i.e., greater than 95%.
- By the start of ozone season 2006, establish parity between on-road and off-road fuels by promulgating, and making available, a 15-ppm low-sulfur non-road diesel fuel standard.

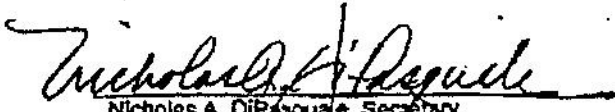
Low-sulfur non-road diesel fuel will allow technological advances to occur in the non-road diesel sector; without such fuel, the cleaner technologies, including diesel particulate retrofit equipment, will not be maximized or able to function properly. Low-sulfur fuel will also yield significant sulfate reductions across the country.

The OTC States are committed to ensuring that appropriate steps are taken to mitigate adverse public health and environmental effects from non-road diesel engines. If we can be of assistance, do not hesitate to contact Bruce Carhart, OTC's Executive Director, at 202-508-3840.


Sincerely,



Arthur J. Roques, Commissioner
Connecticut Department of Environmental
Protection


Robert C. Shinn, Jr., Commissioner
New Jersey Dept. of Environmental
Protection



Nicholas A. DiPasquale, Secretary
Delaware Department of Natural
Resources and Environmental Control



Eric Cross, Commissioner
New York State Department
of Environmental Conservation

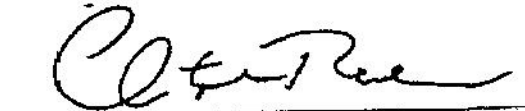

Theodore Gordon, Chief Operating Officer
District of Columbia Department of Health


Denise K. Chamberlain, Deputy Secretary
Pennsylvania Department of Environmental
Protection

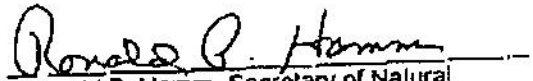

Martha Kirkpatrick, Commissioner
Maine Department of Environmental
Protection



Jan H. Peetsma, Director
Rhode Island Department of Environmental
Management


for Jane Nishida, Secretary
Maryland Department of the Environment


Christopher Recchia, Commissioner
Vermont Department of Environmental
Conservation


Robert Durand, Secretary
Massachusetts Executive Office
of Environmental Affairs


Ronald P. Hamm, Secretary of Natural
Resources, Commonwealth of Virginia


Dana Bisbee, Assistant Commissioner
New Hampshire Department
of Environmental Services

Cc: Jeffrey Holmstead, EPA
Robert Brenner, EPA
Margo Oge, EPA
Chet France, EPA
Margaret Borushko, EPA