

TESTIMONY OF LEAH WEISS
ON BEHALF OF THE
OZONE TRANSPORT COMMISSION
AND THE
NORTHEAST STATES FOR COORDINATED AIR USE MANAGEMENT
BEFORE THE U.S. ENVIRONMENTAL PROTECTION AGENCY
ON IT'S PROPOSAL FOR CONTROLLING EMISSIONS FROM NON-ROAD LARGE
SPARK IGNITION ENGINES AND RECREATIONAL VEHICLES

OCTOBER 24, 2001

Good morning, and thank you for the opportunity to testify on the U.S. Environmental Protection Agency's (EPA's) October 5, 2001 notice of proposed rulemaking for controlling emissions from non-road large spark ignition engines and recreational vehicles. My name is Leah Weiss and I am testifying today on behalf of the Ozone Transport Commission (OTC). OTC was created by Congress under the Clean Air Act Amendments of 1990 to coordinate ground-level ozone air pollution planning in the Northeast and Mid-Atlantic region of the U.S. Members of the OTC include: Connecticut, Delaware, the District of Columbia, Maine, Maryland, New Hampshire, New Jersey, New York, Massachusetts, Pennsylvania, Rhode Island, Virginia, and Vermont.

Since representatives from the Northeast States for Coordinated Air Use Management (NESCAUM) are not able to attend this hearing, I am also presenting these comments on their behalf. NESCAUM is an association of the air pollution control programs in the eight northeast States: Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

OTC and NESCAUM are still reviewing the proposal, and today I am providing general, preliminary comments. OTC and NESCAUM plan to submit more detailed comments to EPA before the docket closes on December 19th.

The proposed non-road rule is a necessary component of a larger, integrated mobile source control strategy that is designed to control emissions from engines, vehicles in-use, and fuels. We are pleased that EPA has taken a systems approach to addressing mobile source emissions. Reductions in hydrocarbons, nitrogen oxides, carbon monoxide, particulates, and air toxics from non-road sources will help to reduce ozone and regional haze, and address other public health air quality concerns within the region. Since States are generally pre-empted from setting their own standards for non-road engines and vehicles, they are looking to EPA for a strong and protective national rule.

OTC and NESCAUM view the proposal as a good first step in addressing emissions from the non-road sector, and generally supports EPA's proposal. There are some areas where we hope EPA will consider future action, and where additional analysis is needed prior to finalizing the proposal. Some of our concerns are elucidated as follows:

1. Large Spark Ignition Engines

OTC and NESCAUM support EPA's two-phased approach for achieving emission reductions from large spark ignition engines. The proposed steady-state duty cycles for phase one are a good first step, and we strongly support EPA's phase two plans to

develop a transient test, which will be effective in 2007 along with more stringent standards.

Instead of offering alternative standards for heavily loaded engines, as per the proposal, we prefer that EPA move manufacturers toward improving engine design details in order to meet standards while under heavy load.

OTC and NESCAUM would like EPA to address rebuilt engines in this category. We believe EPA should examine what happens to these engines when they reach the end of their useful life. If they are rebuilt and resold to other users who may not be able to adequately update and maintain their equipment, this would result in improperly functioning, high emitting engines that are used for longer periods of time. We urge EPA to examine steps that would ensure that these engines, even when rebuilt, are maintained and operated to their fullest potential and efficiencies.

2. Recreational Vehicles

a. *Off Road Motorcycles*: The off-road motorcycle standards proposed by EPA are a good first step towards regulating these vehicles.

EPA's proposed waiver for non-road motorcycles used in competitive racing applications is, at face value, appropriate. However, given that EPA estimates that approximately 80,000 licensed motorcycle racers replace their motorcycles every other year, there may be 40,000 motorcycles per year that become available on the used motorcycle market, and, with appropriate customization, may even be used for on-road purposes. We urge EPA to examine the impacts of this scenario, reassess its definitions and criteria, and recommend ways to close this potential loophole.

b. *All-Terrain Vehicles*: We are generally supportive of the proposed standards for all-terrain vehicles, and are pleased with the proposed two-phased approach. These vehicles represent a significant portion of the emissions inventory. We support phase two testing requirements that go beyond steady state engine testing, and believe this will ensure that advanced technology is developed and significant reductions from this sector are achieved.

c. *Snowmobiles*: While we are still developing our comments on this category, our initial reaction is that the standards for snowmobiles may not be stringent enough and may not push the market toward cleaner four-stroke technology. We understand that four-stroke powered sleds are technologically feasible and commercially available. We support EPA's two-phased approach and encourage the agency to consider more stringent standards that would encourage advance technology vehicles. Given the phase-in time allowed, it would be reasonable to expect that manufacturers would be able to address issues such as performance. We also urge EPA to re-evaluate the test cycles used for snowmobile emissions testing to ensure that an appropriate transient test cycle is developed.

d. *Labeling Program*: In the proposal, EPA relies primarily on its existing, voluntary Blue Sky program for labeling. By relying on a voluntary labeling program, we believe EPA is passing up a great opportunity to educate consumers and allow them to make informed choices on vehicle purchases. We believe this is particularly important, especially since on-road vehicle fuel economy is at a twenty-one year low. EPA should consider

proactive ways to ensure informed consumer choice and to educate the public on non-road vehicle emissions impacts.

3. Marine Engines: OTC and NESCAUM agree with EPA's approach of proposing standards for recreational marine compression ignition engines that essentially establishes parity with commercial marine compression ignition engines. We urge EPA to continue collecting data and performing analyses that will lead to better test cycles that more accurately measure in-use emissions for this category in the future. We also urge EPA to consider future standards that would require the use of emission control devices such as oxidation catalysts or particulate filters.

4. Missing Categories: OTC and NESCAUM note that the proposal fails to address highway motorcycle exhaust standards and marine vessel spark ignited engine evaporative standards. We were expecting proposed standards for these categories, and are disappointed that those were not included in this rulemaking. We urge EPA to issue a notice of proposed rulemaking for those important mobile source categories in the very near future.

Thank you again for the opportunity to testify. We will be submitting more detailed comments into the docket within the next several weeks.