



**MEMORANDUM OF UNDERSTANDING AMONG THE STATES
OF THE OZONE TRANSPORT COMMISSION SUPPORTING THE ADOPTION
HEAVY-DUTY ENGINE AND VEHICLE EMISSION STANDARDS AND
ACCELERATED CHIP REFLASH REPLACEMENT**

Connecticut

WHEREAS heavy-duty diesel trucks are a major source of pollutants that cause ozone, as well as particulate pollution; and

Delaware

WHEREAS seven heavy-duty diesel engine manufacturers were found to be employing defeat devices over a multi-year period in the 1990s that resulted in more than nine million excess tons of airborne emissions of nitrogen oxides (NO_x) as of 2000, and millions of tons more of excess emissions since then; and

District of Columbia

Maine

WHEREAS NO_x emissions are a significant cause of regional concentrations of ground-level ozone; and

Maryland

WHEREAS the seven manufacturers signed a series of consent decrees with the U.S. Environmental Protection Agency (EPA) in 1998 that require them to pay monetary fines and other environmental penalties and to meet “not-to-exceed” (NTE) test limits for new engine certification through 2004; and

Massachusetts

New Hampshire

WHEREAS implementation of these consent decrees has resulted in significantly fewer installations than anticipated of the replacement components needed to protect against defeat devices (i.e. “Chip Reflashing”);

New Jersey

New York

WHEREAS the OTC states adopted an MOU in 2000 which established NTE limits equivalent to EPA’s limits to cover model years 2005 and 2006 engines that otherwise would not meet NTE limits, and many OTC states implemented this NTE rulemaking to cover model years 2005 and 2006;

Pennsylvania

Rhode Island

WHEREAS the EPA has finalized its “on-road” diesel rule and expects it to be fully implemented beginning in 2007;

Vermont

WHEREAS the OTC supports the EPA rule and wishes to ensure its full implementation and protect it from anything that may cause the EPA action to be weakened or delayed; and

Virginia

WHEREAS, the State of California has now adopted heavy duty diesel regulations for model years 2007 and beyond which are substantively identical to the EPA final rule for model year 2007 vehicles except for urban buses; and

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WHEREAS Congress, through Section 177 of the Clean Air Act, empowered States to adopt new motor vehicle standards identical to those promulgated by California; and

WHEREAS the Ozone Transport Commission (OTC) has consistently emphasized the need to reduce emissions from diesel-fueled vehicles;

THEREFORE, BE IT RESOLVED THAT the OTC reaffirms its commitment of 2000 to protect the public by encouraging the adoption of the most effective motor vehicle emission control programs available; and

FURTHERMORE that the undersigned OTC States, pursuant to Section 177 of the Clean Air Act, are committed to proposing to adopt the California heavy duty diesel requirements to cover the model years of 2007 and beyond; and

FURTHERMORE that the undersigned OTC states will work together to identify and expeditiously pursue means to implement the replacement of component parts to protect against defeat mechanisms ("Chip Reflashing") in on-road diesels.

