

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

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

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 (NOx); and

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

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

WHEREAS national NTE limits may not become effective until model year 2007, thus allowing the production of model year 2005 and 2006 engines that will not meet NTE limits, and the State of California has proposed to adopt NTE limits for model years 2005 and 2006 to close the NTE limit gap; and

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 is committed to protecting the public by encouraging the adoption of the most effective motor vehicle emission control programs available; and

FURTHERMORE that the OTC supports the enforcement of the NTE requirements contained in the consent decrees referenced above; and

FURTHERMORE that OTC supports California's efforts to adopt NTE requirements under State law; and

FURTHERMORE that OTC support efforts by its States to adopt similar requirements under Section 177 of the Clean Air Act; and

FURTHERMORE that the undersigned OTC States, pursuant to Section 177 of the Clean Air Act, are committed to proposing to adopt the California NTE requirements with adequate lead time to cover the 2005 and 2006 model years.

Approved December 11, 2000

Signed this 11th day of December 2000

Jane L. Stahl

Connecticut

Nicholas J. Pasquale

Delaware

James R. Collier

District of Columbia

Martha Wiggatzki

Maine

Jane Nichols

Maryland

Sonia W. Hamel

Massachusetts

Russ W. J.

New Hampshire

[Signature]

New Jersey

[Signature]

New York

[Signature]

Pennsylvania

[Signature]

Rhode Island

[Signature]

Vermont

John Paul Woodley, Jr.

Virginia