



Resolution of the Ozone Transport Commission Concerning States' Rights and Vehicle Emissions

Whereas, the Ozone Transport Commission (OTC) was established under Sections 176A and 184 of the federal Clean Air Act (CAA) to ensure the development and implementation of regional strategies to reduce ground-level ozone to healthy levels; and

Whereas, the adverse health effects of ground-level ozone are well documented, and in spite of significant reductions of ozone precursor emissions achieved to date, approximately 30 million residents of the Ozone Transport Region (OTR) continue to be exposed to unhealthy levels of ozone air pollution; and

Whereas, the OTC has been in place since 1991 and has developed considerable policy and technical expertise on ozone policy, implementation of ozone control strategies, opportunities to enhance economic development and job creation, air pollution control technology and the science of ground level ozone formation; and

Whereas, section 209 of the CAA allows California to establish and enforce its own vehicle emission standards after receiving a waiver of federal preemption and California's waiver was approved in 2013 for its standards through model year (MY) 2025; and

Whereas, a separate CAA provision, section 177, allows other states to adopt and enforce the California vehicle emission standards; and

Whereas, current technical analyses completed by OTC and the U.S. Environmental Protection Agency (EPA) show that mobile sources are the most significant contributor to ozone in the OTR; and

Whereas, to address the mobile source contribution to ozone problems in the OTR, a majority of OTC states have adopted the California Low Emissions Vehicle Program (CALEV) motor vehicle emission standard in state regulations and incorporated the standards into their State Implementation Plans, as provided for under the CAA; and

Whereas, EPA has indicated that the agency may reconsider some aspects of the California waiver, an action which could ultimately impact or limit states' rights regarding implementation and enforcement of the CALEV standards; and

Whereas, the inability of OTC states to adopt the CALEV standards could cause increased emissions from mobile sources affecting the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS); and

Therefore, be it **RESOLVED** that the states of the OTC strongly urge EPA to ensure that California's right to a waiver, and other states' rights to adopt and enforce the CALEV standards, under the CAA are preserved; and

Furthermore, the OTC states commit to working in partnership with other states to

Connecticut

Delaware

District of Columbia

Maine

Maryland

Massachusetts

New Hampshire

New Jersey

New York

Pennsylvania

Rhode Island

Vermont

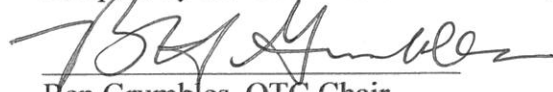
Virginia

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protect California's ability to receive a waiver and to use all available tools to protect the states' rights to adopt and enforce the CALEV standards.

Adopted by the Commission on June 7, 2018

A handwritten signature in black ink, appearing to read "Ben Grumbles", written over a horizontal line.

Ben Grumbles, OTC Chair