

Senator Roger Madigan, Chairman
Transportation
Room 286 Main Capitol Building
Senate Box 203023
Harrisburg, PA 17120-3023



Senator Mary Jo White, Chairman
Environmental Resources & Energy
Room 169 Main Capitol Building
Senate Box 203021
Harrisburg, PA 17120-3021

Senate of Pennsylvania

To: All Senators

From: Senator Roger Madigan, Chairman
Senate Transportation Committee
Senator Mary Jo White, Chairman
Senate Environmental Resources & Energy Committee

Date: November 21, 2005

Re: Pennfuture "Action Alert"

A recent "Action Alert" from the organization Pennfuture urges Senators not to support our legislation adopting the federal Clean Vehicle Emission standards and prohibiting the Department of Environmental Protection (DEP) from letting California (CA) set standards on our behalf.

The following points may be of interest when responding to constituents on this subject:

- The Ridge Administration's DEP did not endorse CA's car program in 1998. Rather, DEP opted into the federal National Low Emission Vehicle (NLEV) program, which was, at the time, a voluntary emission standard stricter than federal Tier I standards.
- The CA standard was adopted as a legal backstop, necessary to encourage automakers not to withdraw from NLEV while stricter federal standards (Tier II) were finalized. Statements from DEP in 1998:
 - *"This regulation... is the final step PA needs to take to participate in NLEV"*
 - *Adopting the CA standards "is a contingency. This language is part of verbatim language that EPA is asking us to adopt"*.
 - *"DEP agrees... that NLEV would have a greater air quality benefit (than Tier I) and be much more equitable for PA than a state-by-state" approach.*
- Under the Clean Air Act, states must either utilize the federal standards or adopt those promulgated by CA (now Cal-LEV II). Pennsylvania is currently governed by the federal Tier II vehicle emission standards, as are approximately 40 other states.

- The Environmental Quality Board (EQB) did not unanimously endorse the CA rule last month. EQB voted simply to solicit public comment. Several members raised serious concerns about letting CA set our standards.
- Vehicles designed to meet CA standards cost more to manufacture; moreover, they rely upon significantly more expensive boutique fuels to meet CA emission standards. Several years ago the General Assembly wisely prohibited the use of California fuel, which can cost at least 50¢ more per gallon than the fuel currently used in Pennsylvania. CA standards are designed to address CA air quality deficiencies, not ours. The greater Los Angeles area was recently named the “smog capital” of the nation by EPA.
- In 2004, EPA expressed concern that benefits of adopting CA emissions standards were being overstated, and “*may entice States to adopt the Cal-LEV II program with the hope of achieving emission reductions that actually may not be realized.*” EPA estimates there is between a 1%-2% emission reduction difference between Cal-LEV II and federal Tier II.

Please feel free to contact either of our offices if you have any questions (Sen. Madigan 787-3280; Sen. White 787-9684).

Attachment