

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

December 13, 2005

Joseph Otis Minott, Executive Director  
Clean Air Council  
107 North Front Street, Suite 113  
Harrisburg, PA 17101

Dear Mr. Minott:

Thank you for your response letter regarding the Clean Vehicle Emissions program.

As you know, earlier today the Senate Transportation and Environmental Resources & Energy committees held a public hearing on this issue. The hearing was informative, and offered an opportunity for legislators to hear different perspectives on this issue. We believe several of the points raised in your December 12<sup>th</sup> letter, such as the alleged incremental benefits of the California standards over federal Tier II and the appropriateness of states regulating fuel economy standards, were addressed during the hearing. If you were unable to attend the hearing, we would be happy to provide a transcript to you when it is ready.

Two points in your letter bear further elaboration. First, while 37 counties in the Commonwealth are listed as in 'non-attainment' for air quality standards, 31 of these counties are expected to come into compliance with air quality standards by 2009 without any additional emission controls. Clearly, significant strides have been made in improving the Commonwealth's air quality. It is worth noting that the Department of Environmental Protection's (DEP) own strategy for achieving attainment relies upon the federal Tier II standards.

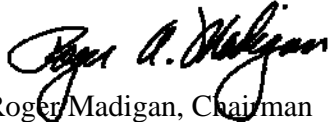
Second, you state that in our previous letter we "*deny that the Pennsylvania Clean Vehicles Program is part of the state's federally-approved State Implementation Plan (SIP) for coming into attainment with federal air quality standards.*" We invite you to re-read our letter. What we actually said is that the claim that California standards are a key component of our clean air attainment strategy, and included as such in our SIPs, is false. We have never denied that the California LEV-1 standard is technically referenced in documents submitted to EPA. This occurred, at the request of EPA, so that Pennsylvania could legally adopt NLEV as a compliance alternative back in 1998.

However, where the obfuscation occurs is in the insinuation made by DEP and other groups that we *rely upon* the California standards to meet our air quality improvement requirements. DEP's own SIPs submitted to address certain pollutant standards actually rely upon the federal Tier II standard. Moreover, EPA Region III has informed the General Assembly that Pennsylvania's SIP does not rely upon emission reductions from a California standard. It is fair to advocate in favor of California's standards; what is not right is to leave a false impression that maintaining the federal Tier II standards is a roll-back of air quality improvements.

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We have enclosed a copy of our remarks at today's hearing to further expand on some of these issues. Thank you for your letter.

Sincerely,



Roger Madigan, Chairman  
Senate Transportation Committee



Mary Jo White, Chairman  
Senate Environmental Resources  
& Energy Committee

Enclosure