

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

November 7, 2005

The Honorable Allen D. Biehler, P.E.
Secretary of Transportation
8th Floor, Commonwealth Keystone Building
Harrisburg, PA 17120

The Honorable Kathleen A. McGinty
Secretary of Environmental Protection
16th Floor, Rachel Carson Building
Harrisburg, PA 17105

Dear Secretary Biehler & Secretary McGinty:

Thank you for your letter in response to our concerns over the public debate on House Bill 2141, which would prohibit the Environmental Quality Board (EQB) from adopting the California Low Emission Vehicle (Cal-LEV) program.

First, we would like to clarify the suggestion in your letter that Senator White strongly supported the EQB's October 18, 2005 adoption of the proposed rulemaking amending the Clean Vehicle Program. Senator White's alternate made quite clear the concerns we share over permitting California to set vehicle emissions standards for Pennsylvania consumers. As your letter states, the October 18th vote was simply to solicit public comment on the proposal. If this proposed regulation goes forward, we will outline our concerns more formally when the public comment period commences and again urge the Department of Environmental Protection (DEP) to change course.

We are also heartened by your acknowledgement that, while it is your belief additional air quality improvements may have to be achieved elsewhere, Pennsylvania can indeed choose not to opt in to the Cal-LEV program and instead continue to utilize the federal Tier II standard. This contradicts earlier, unsubstantiated statements made to members of the General Assembly that passage of House Bill 2141 "*puts us in violation of federal law*". That is simply not the case. While we disagree with the purported incremental benefits DEP claims Pennsylvania will achieve should we let California set our vehicle emission standards, we note with interest the support expressed for Cal-LEV by activist organizations, presumably to avoid imposing tougher NOx and VOC limits on stationary sources.

Your letter states that the Commonwealth "can change the Pennsylvania Clean Vehicles Program", but doing so must occur in a manner consistent with the public hearing, comment and engagement procedures dictated by the federal Clean Air Act. We believe it is much more appropriate to have the elected General Assembly and Governor, rather than a regulatory body, make the substantial public policy decisions that affect Pennsylvanians. It is our understanding that several states, including Washington and New Jersey, have adopted Cal-LEV through the legislative process, while other legislatures have explicitly prohibited Cal-LEV. Please advise us

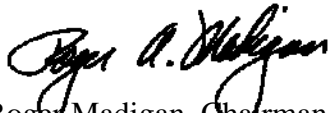
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of the specific public hearing, comment and engagement obligations the General Assembly must meet under the Clean Air Act should it decide to designate the most appropriate vehicle emission standards program for Pennsylvanians.

As we expressed in our November 1st letter, we remain extremely troubled by the tactics utilized by the Administration to oppose House Bill 2141. Responding to legitimate inquiries in a fair, accurate and responsible manner is indeed a fundamental responsibility, and it has been sorely lacking to date.

Thank you for your attention to our request for explicit instructions on how the General Assembly can designate a vehicle emissions standards program that is both appropriate for Pennsylvania consumers and complies with the federal Clean Air Act public hearing, comment and engagement process referenced in your letter.

Sincerely,



Roger Madigan, Chairman
Senate Transportation Committee



Mary Jo White, Chairman
Senate Environmental Resources
& Energy Committee