

Testimony of
Arthur A. Davis Secretary
Department of Environmental Resources

before the
House Transportation Committee
Subcommittee on Transportation Safety

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Good morning. My name is Arthur A. Davis and I am Secretary of the Pennsylvania Department of Environmental Resources (DER). I appreciate the opportunity to come before you today to discuss transportation issues related to the federal Clean Air Act, enacted a little over a year ago.

It took Congress and the federal government over a decade to debate and amend the Clean Air Act. But the law they finally came up with gives the states very little time to meet some extraordinary obligations. There are tremendous adverse consequences in store for Pennsylvania if we do not meet them. This is a situation which calls for leadership from the General Assembly and the Administration if we are to escape unscathed economically from the box into which the federal government has put us. The people we all represent will be hurt if we do not take that leadership role to heart.

Furthermore, although most parts of the Clean Air Act requires the US Environmental Protection Agency (EPA) to promulgate a standard, guidance or rule which the states are to adopt, that is not the way it is working out in practice. EPA is, in fact, late with many of the products that were supposed to be in final form already. In order to meet the tight statutory deadlines, states are being required to make decisions before they know the standards by which the acceptability of their decisions will be judged.

If we don't fulfill our obligations according to the aggressive schedule laid down in the Clean Air Act, Pennsylvania will lose billions of dollars in Surface Transportation Act funds. That means that the funding of highway and other transportation projects throughout Pennsylvania grinds to a halt. In addition, EPA could impose conditions upon new industries that would make it virtually impossible for them to locate in more polluted areas.

These are not idle threats or decisions of some Washington or Philadelphia bureaucrats. There is no discretion in this new law: these sanctions are mandatory.

There is no question that we need to take action to improve air

quality in Pennsylvania, where nine out of ten people were exposed to unhealthy air due to ozone in the last four years. Our very Constitution guarantees our citizens the right to clean air. We take that responsibility very seriously.

But, given the tight deadlines, mandatory sanctions and lack of EPA action, we have some very tough decisions to make. We all have a role to play in making them. Governor Casey has designated DER to lead Pennsylvania's efforts to implement the Clean Air Act requirements. The General Assembly, DER, PennDOT and other agencies need to work in partnership to make sure that we meet our obligations under the Clean Air Act and not threaten the economic well being of the Commonwealth.

The recent amendments to the Clean Air Act recognized that major areas of the country failed to meet health standards for ozone by deadlines that had passed years before. The amendments devised a new strategy, dividing areas which did not attain ozone standards, or "nonattainment areas", into several categories.

Progressively more comprehensive emission reduction requirements and specific prescribed measures are mandated for the more polluted areas. The act sets new dates to meet ozone standards for each category, as well as timetables for states to take certain actions. The clock for those actions started ticking from the date of enactment of the federal law. Most of these timetables are not dependent on any regulatory action taken by the US Environmental Protection Agency.

In addition, the entire state was included with the other Eastern seaboard states from Massachusetts through Northern Virginia in the Northeast Ozone Transport Commission charged with addressing ozone on a regional basis. Pennsylvania's inclusion in the transport region requires other specified measures and will affect our clean air strategies in the future.

The attainment and emission reduction deadlines as well as prescribed measures are detailed in the attachment to this testimony. It is important to note that, particularly in southeastern Pennsylvania, just taking the minimum measures specifically prescribed in the federal law will not bring Pennsylvania into compliance with the Clean Air Act. We will have to identify and implement additional measures, because we are clearly mandated to do what we must to ensure that Pennsylvania meets and maintains the public health standards established by the Clean Air Act.

The law has a long laundry list of reductions which must come from factories and other operations that generate air pollution. We will be required to regulate smaller sources of air pollution, more kinds of sources and regulate some kinds of industry more stringently. Some diffuse sources such as consumer use of solvents and paints will most likely be regulated by the federal government. In short, all

segments of our society must contribute to our efforts to meet Clean Air Act mandates.

We've made a good start on our Clean Air Act obligations. Legislation amending the state Air Pollution Control Act which will give DER needed authority and revenues has been introduced in the House and is before the House Conservation Committee. Several of the required regulations are either effective or in the pipeline. We've begun to develop much of the rest. We have been working on tasks like establishing a baseline inventory of emissions, so that we can measure and demonstrate our progress toward air standards. But, we do have a lot of work to do and the first major submission to EPA is due in about nine months.

At least half of the chemicals that cause ozone, volatile organic compounds and nitrogen oxides, comes from vehicles or "mobile sources." Therefore, transportation measures are extremely important to overall ozone reduction. The new federal law puts some real teeth in insisting that our vehicles and transportation system be part of the solution, not part of the problem.

Even though we have made great strides in reducing the air pollution that comes from cars, the sheer growth in the number of cars and vehicle miles traveled have offset much of the benefit. Since 1980, the number of cars and light trucks registered in Pennsylvania has increased by over 35 percent and the vehicle miles traveled by about 20 percent.

Let me briefly discuss some of these transportation-related emission reduction measures. They encompass a comprehensive and targeted strategy for reducing emissions. In addition, I will also describe some of the prescriptive measures required in the Philadelphia area.

We will have to control emissions from cars in use, reduce the number of miles we drive, reduce pollution generated as a result of our transportation system and change the composition of fuels we use in our vehicles.

Federal studies show that emission controls on cars deteriorate substantially: the average car on the road emits three to four times more than it did when it was brand new. But the technology used in the present vehicle inspection and maintenance program is not adequate to detect this deterioration because current tests no longer match the technology of today's cars. So the Clean Air Act prescribes an improved program, called "enhanced" inspection and maintenance. In Pennsylvania, this would be required in 33 counties.

An inspection/maintenance program must provide a measure of assurance that the emission reduction achieved by new car standards will not be lost in subsequent years. We cannot accept deterioration of the

emission controls on new vehicles if we are to achieve and continue to meet the health-based standards.

We also must take measures to ensure that transportation improvement projects do not increase air pollution. Specifically, DER is charged with the responsibility of reviewing Transportation Improvement Plans to make sure they are consistent with air pollution control strategies in our State Implementation Plan. This is called TIP/SIP consistency. This means that if a project increases air pollution in a polluted area, it cannot be built with federal funds.

Another important element is improving our fuels so that they burn more cleanly. On September 25, 1991, Gov. Casey advised EPA that that Pennsylvania will participate in the federal reformulated fuels program for all nonattainment areas. Reformulated fuels by definition in the law will emit 15 percent fewer volatile organic compounds and toxic pollutants than present fuels.

DER is working on additional emission reduction actions prescribed by the Clean Air Act for the severely polluted five-county Philadelphia area. First, in order to control carbon monoxide, we have proposed a regulation to require oxygenated fuels in winter months. Secondly, we are working in cooperation with PennDOT, the Department of Commerce and the regional transportation agency on required measures to reduce commuting trips for employers of more than 100 people, to reduce emissions from large vehicle fleets and to devise other transportation control measures to compensate for growth in vehicles and driving.

Especially in Philadelphia but also in the major urban areas around the state categorized as "moderate" nonattainment, we are going to have to prove to EPA that our strategies for mobile and stationary sources will reduce emissions by 15 percent and offset all future growth in emissions. That means that measures like enhanced vehicle inspection and maintenance, Stage II and reformulated gasoline which reduce emissions cost effectively are essential.

The Governor has also announced that Pennsylvania will participate in the California low emission vehicle program, as will our neighboring states. This program will move us gradually toward cars built specifically to offset the long term growth in motor vehicles and vehicle-miles-traveled.

To return to the issue of enhanced inspection and maintenance programs, we are first required by law to implement a program that meet the EPA requirements. Of course, we don't know what those requirements are yet. Governor Casey wrote to EPA Administrator William Reilly last week urging him to immediately adopt the necessary regulations so that Pennsylvania can do its part.

Beyond this, enhanced inspection and maintenance programs in

Pennsylvania must also ensure we reduce emissions as mandated in the act as well as attain and maintain ozone health standards.

In southeastern Pennsylvania that means we must have the maximum emission reduction possible. Anything less would require us to achieve more emission reductions from other less effective transportation control measures or industries that have already invested substantially in controlling their emissions.

In the moderate nonattainment areas, the inspection/maintenance program must provide enough emission reduction credits to ensure we meet the 15 percent emission reduction required by the Clean Air Act. We expect that the control measures we have already underway, Stage II vapor controls and reformulated gasoline, will provide us with about two-thirds of the required reduction. I am sorry that I cannot be more exact, but we have not yet completed the data collection and analysis that will allow us to be more accurate. Since EPA has not yet promulgated the enhanced inspection/maintenance requirements, I cannot give you good estimates of the emission reductions that would be available for various enhanced I/M alternatives.

In closing, let me return to a point I made earlier.

EPA was required to promulgate a regulation for enhanced inspection and maintenance by November 1991 and the states are required to implement it by November 1992. They have not done so and in fact, we understand they may not promulgate the rule until the date states are supposed to have systems in place, November 1992.

Then what? Whether EPA can grant leniency to states because an EPA rule has not been finalized will probably be decided in court. The law allows for third parties to sue EPA to force the imposition of sanctions if EPA fails to do so. Several actions have already been taken by parties outside government to force action where EPA is behind schedule. This Administration does not intend to be a test case in that issue.

We would be glad to offer any assistance we can to this subcommittee to ensure that does not happen.

NONATTAINMENT CATEGORY	EMISSION REDUCTION	TRANSPORTATION PRESCRIPTIONS
Marginal	o Attainment by 1993	o Enhanced I/M*
=====		
Moderate	o Attainment by 1996 o 15 percent reduction in volatile organic compounds (VOC) by 1996	o Enhanced I/M* o Stage II
=====		
Severe	o Attainment by 2005 o 15 percent reduction in VOC by 1996 o Three percent annual reduction from 1996 to 2005	o Enhanced I/M o Stage II o Clean fleets o Transportation Control Measures o Trip reduction

* Enhanced I/M is required because Pennsylvania is included in the Northeast Ozone Transport Region; otherwise, basic I/M would be required.

NOTE: Reformulated fuels will be required in all nonattainment areas.