

PWIA

Pennsylvania Waste Industries Association
A Chapter of the National Solid Waste Management Association

March 31, 2008

The Honorable Joseph F. Markosek
Majority Chairman
House Transportation Committee
House Post Office
Harrisburg, PA 17120

RE: Written Testimony and Proposed Amendments
To Senate Bill No. 295, Printer's No. 1739

Dear Chairman Markosek:

The Pennsylvania Waste Industries Association ("PWIA") and its members submit this written testimony in support of Senate Bill No. 295, Printer's No. 1739, The "Diesel-Powered Commercial Motor Vehicle Idling Act" (hereinafter "SB 295"). However, SB 295 in its current form will: (1) impede the performance of the essential public function of waste removal and disposal in Pennsylvania; and (2) present a significant and undue hardship to members of the PWIA who operate fleets of commercial diesel vehicles within the Commonwealth of Pennsylvania. To eliminate this hardship, the PWIA respectfully proposes two amendments. The first amendment is a minor expansion to existing Section 3(b)(2). The second amendment adds an additional exemption specific to the solid waste collection, transportation, and disposal industry. Background and support for each amendment follows.

I. PWIA and its Membership

PWIA represents private-sector waste haulers and landfill operators in Pennsylvania and is the Pennsylvania chapter of the National Solid Wastes Management Association ("NSWMA"), the trade association that represents the interests of the North American waste services industry. PWIA members include both privately-held and publicly-traded companies that own and operate numerous commercial solid waste facilities throughout the Commonwealth. PWIA members are involved in all facets of solid waste management in Pennsylvania, including recycling, curbside collection, transfer stations, long-haul transportation, co-generation, and disposal. One of PWIA's primary missions is to advance the safe, efficient, and environmentally responsible management of solid waste, and to promote sound public policy affecting the management of solid waste.

PWIA members and their employees take very seriously their responsibility to perform the essential service of disposing of Pennsylvania's municipal waste in an efficient, economical, and safe manner. PWIA members are effective stewards of the environment who, as businesses and citizens of the Commonwealth, are committed to doing their jobs in a way that protects and preserves the environment.

II. SB 295 Should Be Amended to Remove Impediments to the Performance of the PWIA's Essential Waste Removal and Disposal Function and Alleviate Undue Hardships that PWIA Members Would Face if SB 295 Was Adopted in its Current Form

PWIA supports the Senate's effort to adopt a uniform law that will help prevent the citizenry of Pennsylvania from being exposed to oxides of nitrogen ("NOx"), volatile organic compounds ("VOCs"), and particulate matter that is produced by unnecessary diesel vehicle emissions. However, the current form of SB 295 is impractical because it will impede the performance of the essential waste removal and disposal function, with only marginal gain of NOx, VOC, and particulate emissions reductions. The waste industry is unique in that its essential function is starting and stopping multiple times each day. There are a multitude of stops each day that technically would qualify as "idling" subject to Section 3(a), yet stopping the engine would present a safety hazard to drivers and other sanitation workers at transfer stations and disposal sites throughout Pennsylvania, as well as the general public.

In order to eliminate the undue burdens and impracticalities that will result from the implementation of the current form of SB 295, the PWIA submits that the law should incorporate a minor expansion to Section 3(b)(2), and include an additional exemption that is specific to the solid waste collection, transportation, and disposal industry. Specific requests for amendment to the SB 295 follow.

Section 3(b)(2)

PWIA members respectfully request that Section 3(b)(2) of SB 295 be expanded to permit idling that is "necessary to comply with manufacturers' operating requirements, specifications and warranties." Specifically, PWIA members request that Section 3(b)(2) of SB 295 be revised as follows:

- (2) When idling is necessary to operate defrosters, heaters, air conditioners or cargo refrigeration equipment, or to install equipment to prevent a safety or health emergency and not for the purpose of a rest period, or as otherwise [*necessary to comply with manufacturers' operating requirements, specifications and warranties,*] Federal or State motor carrier safety regulations, or local requirements.

The expansion of Section 3(b)(2) of SB 295 that is described above is essential for allowing PWIA members to maintain compliance with vehicle manufacturer operating specifications, which is a necessary prerequisite for obtaining vehicle warranty protections.

In addition to its request to expand the language of Section 3(b)(2) of SB 295, PWIA members respectfully request that Section 3(b) of SB 295 be amended to include the following exemption that is specific to the solid waste collection, transportation, and disposal industry:

(12) When a commercial motor vehicle is engaged in solid waste collection, transportation, or disposal, or the collection and lawful management of source-separated recyclable materials. This exemption does not apply when a vehicle is not engaged in solid waste collection, transportation, or disposal, or the collection and lawful management of source-separated recyclable materials.

PWIA's request to include the above exemption at Section 3(b) of SB 295 is submitted in recognition of the fact that Section 3(b)(11) of SB 295 is too narrow to clearly exempt the daily routine of solid waste collection at the curb or at commercial account loading areas, and the disposal of that waste at transfer stations, landfills and resource recovery facilities.

Inclusion of the above exemption within SB 295 will: (a) remove impediments to the performance of the PWIA's essential waste removal and disposal function; (b) alleviate the significant hardship that members of the PWIA will face under the current form of SB 295; and (c) strike a reasonable balance between protecting the health of the citizens of the Commonwealth and the facilitation of essential public services. Indeed, the PWIA's proposed exemption to Section 3(b) of SB 295 will not permit the following activities which are at the heart of the new law:

- i) idling for purposes of operating heaters, air conditioners, or appliances used to maintain driver comfort during mandatory rest periods;
- ii) attended or unattended vehicle idling for vehicle warm-up at the start of a work-shift or while waiting for a facility to open; and
- iii) attended or unattended vehicle idling while drivers are on a break from performing the essential public service of collecting, transporting, or disposing of solid waste, or the collection and lawful management of source-separated recyclable materials (e.g., coffee breaks, meal breaks, rest room visits).

Thank you for the opportunity to present written testimony regarding the Proposed S.B. 295, Printer's No. 1730 (The Diesel-Powered Commercial Motor Vehicle Idling Act). A textual amendment in support of this testimony is attached.

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Respectfully submitted,

Tim O'Donnell
President

cc: Mary Webber

Attachments:

1. Textual Amendments to SB 295 (Printer's No. 1739).
2. Comparite of SB 295 (Printer's No. 1739) and proposed PWIA Textual Amendments.