



3001 Old Gettysburg Road
Camp Hill, PA 17011
November 18, 2013

Hon. Ron Miller, Majority Chairman
Hon. Greg Vitali, Minority Chairman
House Environmental Resources and Energy Committee
House Post Office Box 202093
Harrisburg, PA 17120-2093

RE: House Bill 1699 PN 2382 Session of 2013

Dear Chairmen:

The American Lung Association in Pennsylvania (ALAPA) recognizes the desire of Representative Chris Ross and the cosponsors of House Bill 1699 to address the need for adequate air pollution controls on certain internal combustion engines used as stationary generators to supply electric power. We have grown increasingly concerned about the rapid proliferation of these kinds of inadequately controlled engines, and about the failure of statutory and regulatory structures to address the problems they pose for public health.

While we appreciate and support the intent of all bills whose purpose is to control these sources of air pollution sufficiently to protect public health, we are working with our national office to conduct an analysis of House Bill 1699, and reserve the opportunity to provide additional, and perhaps more specific, comments in the future.

In the meantime, we ask the Committee to keep in mind the American Lung Association of Pennsylvania's chief concerns about the issue at hand; they are essentially as follows:

- ALAPA opposes demand response programs that are directly contrary to the anticipated use of emergency power generation and whose impacts are directly and adversely related to increased air emissions, especially given the propensity for such operation to occur exactly when conditions leading to the formation of ground-level ozone are at their worst.
- ALAPA supports definitions of emergency that limit its scope to true emergencies where the public is put at risk of substantial danger, or where economic interests—with few exceptions, other than those of the power generation sector—are placed at risk of massive damages and loss.

- ALAPA opposes any definition of “emergency use” that fails to explicitly exclude demand response situations from its scope.
- ALAPA opposes the use of any engine for demand response situations unless that engine achieves the degree of air pollution control that would be required for such an engine were it routinely used in non-emergency situations.
- ALAPA finds that failure to ensure that engines whose emissions are inadequately controlled are not used in non-emergency scenarios such as demand response situations, may result in violations of the 1-hour nitrogen dioxide standard, the daily fine particle pollution standard, and potentially the 8-hour ozone standard.
- Furthermore, ALAPA is concerned about the strong potential for increased releases of hazardous air pollutants, especially in areas already at higher risk of environmentally unjust exposures.
- Rather than favoring highly polluting generating resources, ALAPA encourages
 - Steps to reduce pollution from existing distributed generation engines as much as possible, including retrofitting, use of less polluting fuel, and phasing out, especially the least efficient and most polluting units.
 - Structures that allow for an adequate supply of emergency power without promoting the increased use of dirtier engines as part of the solution.
 - Providing incentives that promote energy efficiency and decreased electricity consumption during peak periods, as the chief means to increase system reliability and to protect public health.

In conclusion, ALAPA calls to your attention the essential reason *why* we advocate for ensuring that legislation eliminates any recognition of demand response as a permitted “emergency”—public health is at stake:

ALAPA emphasizes that the populations potentially at risk from exposure to ozone smog and fine particle pollution are not a small minority of particularly sensitive persons, but in the Commonwealth are constituted of groups containing hundreds of thousands or even millions of individuals, accounting for on the order of half of the region’s population. They include the following:

- 2.8 million infants, children and teens under 18
- 2 million persons aged 65 and above
- 280,000 children with asthma
- 900,000 adults with asthma
- 670,000 persons with COPD (chronic obstructive pulmonary disease)
- 3.5 million persons with cardiovascular disease
- 950,000 persons with diabetes, and
- 1.7 million persons living in poverty.
- Pregnant women, their developing unborn, persons who work or exercise outdoors, and many others with existing health problems are also at risk.

We ask that the Committee please consider *their* needs, and the corresponding costs due to absenteeism, lost work and productivity, medical care, and mortality, in your decisions concerning this legislation.

Respectfully,

A handwritten signature in cursive script, reading "Kevin M. Stewart".

Kevin Stewart
Director of Environmental Health