

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

U.S. ENVIRONMENTAL PROTECTION AGENCY

RE: PROPOSED TIER 2 MOTOR VEHICLE EMISSIONS
STANDARDS AND GASOLINE SULFUR CONTROL
REQUIREMENTS, NOTICE OF PROPOSED
RULEMAKING AND PUBLIC HEARING

- - - -

TRANSCRIPT OF PROCEEDINGS HAD IN
THE ABOVE-CAPTIONED MATTER, AT THE
HOLIDAY INN, 111 LAKESIDE AVENUE,
CLEVELAND, OHIO, ON THURSDAY, JUNE 17,
1999, COMMENCING AT 10:00 A.M.

- - - -

MEHLER & HAGESTROM
Court Reporters
1750 Midland Building
Cleveland, Ohio 44115
216.621.4984
FAX 621.0050
800.822.0650

1 PANEL MEMBERS:

2 Margo Oge
 Karl Simon
3 Dawn Martin
 Chet France
4 Michael Horowitz
 Mary Manners

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 MS. OGE: Good morning. On
2 behalf of the Environmental Protection
3 Agency I want to thank you for coming
4 here and welcome all of you to today's
5 hearing. Today we're holding the
6 fourth and last public hearing on the
7 Tier 2 proposal.

8 Today we're looking forward to
9 hearing your views on a program that we
10 believe will be very critical to the
11 future of air quality in this country.

12 My name is Margo Oge. I'm the
13 director of the office of mobile
14 sources with the Environmental
15 Protection Agency and I will be your
16 presiding officer for this hearing
17 today.

18 The proposed regulation that we
19 are going to be discussing at this
20 public hearing was announced by
21 President Clinton on May 1st, 1999 and
22 it was published in the Federal
23 Register on May 13th, 1999. This is a
24 historic proposal. This program will
25 achieve dramatic reductions in air

1 pollution for the 21st century and we
2 will do it in the most cost-effective,
3 flexible way. We estimate emissions
4 reductions of almost 2.2 million
5 nitrogen oxide per year by 2020. These
6 reductions are equivalent in removing
7 something close to 107 million cars
8 from the road.

9 When we designed this proposal,
10 we followed a set of principles that I
11 would like to share with you. We
12 wanted to design a program that meet
13 the air quality needs of states and the
14 nation as a whole. We wanted to treat
15 autos and fuel as one system. We
16 wanted to bring sport utility vehicles,
17 minivans, pickup trucks to the same
18 emissions standard as passenger
19 vehicles. We wanted to have a program
20 that is fuel neutral, that is
21 regardless the fuel used in the car,
22 the same standards will be applied. We
23 wanted to make sure that we are not
24 going to constrain consumer choices for
25 driving styles either due to costs or

1 due to technological factors. And,
2 finally, we wanted to provide
3 flexibility to the affected industries
4 in how they achieve the standards.
5 The same time we published the
6 Tier 2 proposal we also released an
7 advanced notice of proposal making
8 concerning diesel fuel quality. Today
9 we are not seeking comments on the
10 specific proposal. We have established
11 a separate docket, A-99-06, for
12 comments on this proposal.
13 Now, many of you are probably
14 aware of the two recent Court of
15 Appeals decisions regarding EPA's air
16 programs. The first decision founded
17 the Clean Air Act as applied in setting
18 new public health air quality standards
19 for ozone and particulate matter is
20 unconstitutional and it's
21 unconstitutional as an improper
22 delegation of legislative authority to
23 EPA. Despite the constitutional
24 ruling, however, the court did not
25 question the science on which EPA

1 relied to develop the health standards
2 and the court did not criticize the
3 process that EPA used to make those
4 decisions. EPA disagrees with the
5 court decision. We have recommended to
6 the Department of Justice that they
7 take all necessary judicial steps to
8 overturn the decision.

9 The second decision state the
10 submittal of state plans under the NOx
11 SIP call. These were plans that were
12 scheduled to come to the agency this
13 fall. We closely reviewed both of the
14 sections and concluded that they do not
15 impact the Tier 2 rulemaking. The Tier
16 2 proposal remains on solid scientific
17 grounds in terms of need, technological
18 feasibility, cost and
19 cost-effectiveness. The agency will
20 move forward to finalize this proposal
21 by the end of this year. We believe
22 the Tier 2 standards as proposed are
23 needed to attain and maintain the
24 one-hour air quality standards.

25 Also we believe that today over

1 70 million Americans are breathing
2 unhealthy air in this country and we
3 believe that this trend will continue
4 unless we take action today. We
5 believe this proposal is
6 technologically feasible and it is
7 cost-effective. The projected costs of
8 meeting this proposal are about a
9 hundred dollars per car, \$200 for SUVs
10 and light-duty trucks and between 1 and
11 2 cents per gallon of gasoline.

12 Even though our cars and trucks
13 run cleaner than ever before, they
14 still contribute a large part of our
15 air pollution. We Americans love to
16 drive and we are driving more every
17 year. If we don't act today, the
18 emissions from our cars and light-duty
19 trucks combined with the current levels
20 of sulfur in gasoline threaten to erode
21 many of the air quality gains that we
22 have made in recent years. Motor
23 vehicles, for example, are almost, are
24 responsible for almost one quarter of
25 the smoke forming air pollution here in

1 Cleveland.

2 The proposal contains two
3 primary elements. First, EPA proposes
4 more protective emissions standards for
5 all light-duty vehicles and light-duty
6 trucks. The proposed Tier 2 standards
7 would require all vehicles and trucks
8 weighing up to 8,500 pounds to meet a
9 corporate average nitrogen oxide
10 standard of 0.07 grams per mile. This
11 new standard will result in cars that
12 are 77 percent cleaner and SUVs,
13 minivans and pickup trucks that are as
14 smart as 95 percent cleaner than
15 today's vehicles.

16 The standards will be phased in
17 from 2004 to 2007 for light-duty
18 vehicles and light-duty trucks weighing
19 up to 6,000 pounds. Beginning in 2004
20 heavy light-duty trucks or those
21 between 6,000 pounds and 8,500 pounds
22 will have to meet a more stringent
23 interim standard that will reduce
24 emissions from those vehicles up to 80
25 percent. Beginning 2008 through 2009

1 these heavier trucks will have to meet
2 the same standard as vehicles, the 0.07
3 grams per mile.

4 The second element of the Tier
5 2 proposal is a nationwide control of
6 sulfur in gasoline. For the first time
7 with this proposal we will treat
8 gasoline and engines as a system. We
9 are proposing to reduce sulfur across
10 the board because sulfur poisons
11 antipollution control systems. Our
12 proposal will reduce sulfur by 90
13 percent. With cleaner fuels not only
14 the Tier 2 vehicles benefit, but also
15 the cars that we are driving today will
16 benefit.

17 Refiners and importers of
18 gasoline would be required to meet a
19 new sulfur limit of 30 parts per
20 million on an average beginning 2004.
21 With the banking and trading program
22 that we have proposed, cleaner fuels
23 could be introduced in the marketplace
24 as early as 2000 time frame and the
25 compliance could be extended to 2006

1 time frame. Also the Tier 2 proposal
2 has included provisions that are
3 designed to provide more flexibility to
4 small refiners.

5 Before getting started with
6 today's testimony, I'll take a few
7 minutes to introduce the panel and
8 describe how we are going to conduct
9 this meeting. With me today on my
10 right is Dawn Martin who is the chief
11 of staff in the office of air and
12 radiation with EPA. Next to Dawn is
13 Mr. Karl Simon and he's in my office,
14 an important person. Next to me on my
15 left is Chet France. He's the director
16 of the engine programs and compliance.
17 And at my left is also Mr. Michael
18 Horowitz and he's with our office of
19 general counsel.

20 We have received an
21 overwhelming number of requests to
22 testify today and we will do our best
23 to accommodate everyone who wishes to
24 speak. Therefore, we will ask
25 witnesses to limit their testimony to

1 no more than ten minutes. The lady
2 that is sitting in the front, Miss Mary
3 Manners, is going to keep us all honest
4 with the time. So she's going to let
5 you know when you are running out of
6 time. Please listen to her.

7 We are conducting this hearing
8 in accordance with Section 307(d)5 of
9 the Clean Air Act which requires EPA to
10 provide interested persons with an
11 opportunity for oral and written
12 presentations of data. Also we are
13 going to allow this, the comment
14 period, the public comment period for
15 this proposal to be open until August
16 2nd of 1999 for any additional written
17 submissions.

18 The hearing will be conducted
19 informally and formal rules of evidence
20 will not apply. The presiding officer
21 is authorized, however, to strike from
22 the record statements which are deemed
23 irrelevant to this hearing. Also I
24 will try to enforce reasonable limits
25 for the duration of the statement of

1 any witness.

2 We request that the witness
3 state their names and affiliations
4 prior to making their statement. When
5 a witness has finished his or her
6 presentation, this EPA panel may have
7 questions concerning issues raised in
8 the testimony. We are reminding the
9 witnesses that any false statement in
10 response to our questions may be a
11 violation of law.

12 If there are any members in the
13 audience that would like to testify and
14 have not signed in, please sign your
15 name with the receptionist outside and
16 we will do our best to accommodate you.
17 We must request that you refrain from
18 bringing food in this meeting room due
19 to the terms of our contract with this
20 facility.

21 And, finally, if you would like
22 a transcript of this proceeding, you
23 should make arrangements directly with
24 the court reporter during one of the
25 breaks. The transcript from this

1 hearing will be available, however, in
2 the docket, EPA docket within two
3 weeks.

4 If there are not any questions,
5 we will start with our first group of
6 speakers.

7 Okay. I would like for Mr.
8 Charles Lagges to come forward, Miss
9 Jayne Mardock, Mr. Robert Babik and
10 Miss Amy Simpson. Please print your
11 names on the cards in front of you.

12 Mr. Lagges, good morning.
13 We'll start with you this morning.

14 MR. LAGGES: Good morning and
15 thank you. My name is Charles Lagges
16 and I'm the director of Cook County
17 Environmental Control. It's in
18 Illinois outside Chicago. And I am
19 here this morning representing ALAPCO,
20 the Association of Local Air Pollution
21 Control Officials. I appear here on
22 behalf of ALAPCO, which represents my
23 agency as well as more than 165
24 other local air pollution agencies,
25 control agencies across the country and

1 on behalf of STAPPA, our sister agency,
2 the State and Territorial Air Pollution
3 Program Administrators which represents
4 the air pollution control agencies in
5 55 states and territories.
6 I'm very pleased this morning
7 to have the opportunity to provide the
8 Associations' testimony on the U.S.
9 EPA's recently proposed Tier 2 motor
10 vehicle emissions standards and program
11 to reduce sulfur in gasoline, as well
12 as on the agency's advance notice of
13 proposed rulemaking on diesel fuel.
14 On behalf of STAPPA and ALAPCO,
15 I would like to commend EPA for its
16 leadership, not only in issuing the
17 Tier 2 and gasoline sulfur proposal,
18 but also for developing such a strong
19 and comprehensive package. We further
20 commend EPA for responsibly taking full
21 advantage of the opportunity to
22 efficiently and cost-effectively reduce
23 a wide variety of emissions, for
24 pursuing a systems approach that
25 addresses both fuels and tailpipe

1 emissions and for engaging in such a
2 thorough and inclusive process to craft
3 this proposal.

4 We are especially pleased that
5 the proposed Tier 2 and gasoline sulfur
6 programs directly reflect almost every
7 key recommendation made by STAPPA and
8 ALAPCO over the past two years. These
9 programs, which will define our ability
10 to control emissions from cars and
11 light-duty trucks for the next 15 years
12 or so, are of vital importance to our
13 memberships, as we work toward ensuring
14 clean air for our cities, counties and
15 states. For this reason, in October
16 '97 and again in April '98, our
17 associations adopted, with
18 overwhelmingly support, resolutions
19 calling for stringent low-sulfur
20 gasoline and Tier 2 programs; copies of
21 these resolutions are with my written
22 statement. We have placed the highest
23 priority on participating in the rule
24 development process and we are very
25 pleased that EPA has concluded that the

1 most appropriate programs so closely
2 mirror those for which we have
3 advocated.

4 As the officials with primary
5 responsibility for achieving and
6 maintaining clean, healthful air across
7 the country, state and local air
8 agencies are keenly aware of the need
9 to aggressively pursue emissions
10 reductions from all sectors that
11 contribute to our nation's air quality
12 problems. We believe the potential air
13 quality benefits to result from cutting
14 emissions from light-duty vehicles and
15 light-duty trucks and reducing sulfur
16 in gasoline, as the agency has
17 proposed, are tremendous. These
18 proposed programs will give us
19 substantial and much-needed emissions
20 reductions and allow us to make
21 significant strides in our efforts to
22 deliver and sustain clean air across
23 the country. These emissions
24 reductions will play a pivotal role in
25 addressing an array of air quality

1 problems that continue to pose health
2 and welfare risks nationwide.
3 While much of the debate
4 surrounding the air quality need for
5 Tier 2 and low-sulfur gasoline seems to
6 have gravitated toward ozone, it is
7 imperative that we not overlook the
8 many other important air quality
9 benefits of this proposal, to be
10 realized by both nonattainment and
11 attainment areas both east and west.
12 While this proposal will, indeed,
13 decrease the emissions of hydrocarbons
14 and NOx, which, in turn, will lead to
15 reduced levels of ambient ozone, it
16 will also decrease particulate matter,
17 carbon monoxide emissions, improve
18 visibility, address acid rain problems
19 and reduce greenhouse gases and toxic
20 air pollution. In addition, the
21 substantial reductions to occur from
22 this proposal will further the
23 objectives of pollution prevention.
24 Additionally, the proposed programs
25 will achieve these air quality

1 improvements in an extremely
2 cost-effective manner. At
3 approximately \$2,000 per ton of NOx and
4 VOC removed, as estimated by the EPA,
5 these programs are at least as
6 cost-effective as, if not more
7 cost-effective than, most other control
8 measures available to us, and the
9 dividends are huge.

10 There are some components of
11 the proposal with which we have
12 concerns. We will offer
13 recommendations to address these.
14 Nonetheless, STAPPA and ALAPCO
15 congratulate EPA for issuing a proposal
16 that we believe provides sound
17 framework for environmentally and
18 economically responsible Tier 2 and
19 gasoline sulfur programs.

20 With regards to the proposed
21 Tier 2 vehicle emissions standards, we
22 strongly support what we believe are
23 the cornerstones of the proposed Tier 2
24 program. Specifically we, are pleased
25 that the program cost-effectively

1 achieves real-world emissions reductions
2 from the new light-duty vehicles and
3 light-duty trucks, that it reflects new
4 and emerging vehicle emissions control
5 technologies currently available and
6 expected to be available in the year
7 2004 and beyond, that it applies to
8 light-duty vehicles and light-duty
9 trucks up to 8,500 pounds, including
10 SUVs, pickup trucks and vans beginning
11 in 2004. We are pleased that it
12 subjects light-duty trucks up to 8,500
13 pounds to the same emissions standards
14 as cars and lighter trucks and includes
15 a corporate average NOx standard for
16 all affected vehicles. It establishes
17 fuel neutral standards. It includes a
18 more stringent evaporative emissions
19 standard. And, finally, extends the
20 useful life to 120,000 miles. These
21 programs are right on target for a
22 truly effective national motor vehicle
23 control program.

24 We are, however, concerned that
25 several provisions including in the

1 proposal or raised for public comment
2 could significantly undercut the
3 program. Among these concerns are the
4 later compliance deadline 2009, versus
5 2007, for the larger SUVs, vans and
6 trucks and the notion of a formal
7 technology review of the Tier 2
8 standards prior to the time the
9 standards for heavier light-duty trucks
10 take effect. In addition, while we
11 certainly agree with EPA that there
12 should be some measure of flexibility
13 included in the Tier 2 program and find
14 some of the approaches provided to be
15 entirely appropriate, we are quite
16 concerned with various aspects of some
17 of the proposed provisions, such as the
18 amount of time allowed for
19 manufacturers to make up for credit
20 shortfall under the Averaging Banking
21 and Trading program and the leniency of
22 some of the emissions standard BINS.
23 Finally, given the continuing trend
24 toward heavier light-duty trucks, we
25 encourage EPA to consider applying the

1 Tier 2 standards to those SUVs, pickup
2 trucks and full-size vans weighing up
3 to 10,000 pounds which are used
4 predominantly for personal
5 transportation. We will fully
6 articulate all of these concerns in our
7 forthcoming written comments.

8 With regards to the gasoline
9 sulfur control requirements, same as
10 with the Tier 2 program, STAPPA and
11 ALAPCO also believe that EPA has done a
12 fine job in establishing the key
13 parameters of the proposed low-sulfur
14 gasoline program. EPA's proposal very
15 appropriately and necessarily
16 establishes uniform, national,
17 year-round standards to sharply reduce
18 sulfur in gasoline, sets a gasoline
19 sulfur standard of 30 parts per million
20 on average, to take effect 2004, and
21 includes a sulfur cap of 80 parts per
22 million, includes flexibilities to
23 minimize the cost to and compliance
24 burden on affected parties, and
25 provides incentives for refiners to

1 reduce sulfur levels in gasoline prior
2 to the 2004 effective date.

3 Last spring, STAPPA and ALAPCO
4 conducted an analysis concluding that a
5 national low-sulfur gasoline program of
6 this scope will achieve overnight
7 emissions reductions that are
8 equivalent to taking 54 million
9 vehicles off the road. Further,
10 throughout the debate surrounding
11 gasoline sulfur, the issue of a
12 national versus regional program has
13 been paramount. We are gratified the
14 EPA has proposed that the low-sulfur
15 gasoline standards apply uniformly
16 nationwide. This approach will
17 forestall the very real and detrimental
18 impacts of irreversible catalyst
19 poisoning and will do so in a way that
20 is both inexpensive and cost-effective.
21 It is absolutely essential that EPA
22 preserve these provisions, as well as
23 the proposed effective day of 2004.

24 As we indicated regarding the
25 Tier 2 standards, while we are

1 extremely pleased with the framework
2 and key elements of the gasoline and
3 sulfur proposal, there are some
4 provisions that are of considerable
5 concern to us. For example, we
6 strongly support the 80 parts per
7 million cap on sulfur, but we believe
8 the agency's proposal to phase in this
9 cap is excessive. Further, state and
10 local air agencies recognize that the
11 current NSR program is in need of
12 streamlining and are working with EPA
13 and other stakeholders to reform NSR.
14 However, we find some of the potential
15 NSR streamlining options identified in
16 this proposal to be problematic.
17 Again, we will discuss these concerns
18 in detail in our forthcoming written
19 comments.

20 And before I conclude, I would
21 like to congratulate EPA for
22 recognizing the need to reduce sulfur
23 in diesel fuel and for issuing the
24 advance -- and its consideration of
25 improvements in diesel fuel quality and

1 seeking comments on the merits of that.
2 We wholeheartedly agree that
3 this is an imperative issue. Our
4 commitment is summarized in a
5 resolution that was passed this year
6 and is in the written comments that I
7 have.

8 So in conclusion, STAPPA and
9 ALAPCO applaud you for seizing the
10 opportunity to take this huge step
11 forward in achieving much cleaner air.
12 We commend your thorough process and we
13 most of all consider your leadership in
14 providing fundamentally strong programs
15 that are technologically feasible,
16 cost-effective and environmentally
17 responsible. On behalf of our
18 associations, I offer you our continued
19 cooperation and our partnership as you
20 move ahead.

21 MS. OGE: Thank you.

22 Ms. Mardock, good morning.

23 MS. MARDOCK: Hi. My name is
24 Jayne Mardock, and I am the director of
25 the Clean Air Network, and before I

1 start my formal comments about the Tier
2 2 regulations, I would just like to
3 report what I heard yesterday at a
4 press conference in Washington, that
5 Ohio is now leading the country for
6 ozone violations. They had 181
7 violations of the standard since the
8 beginning of the ozone season and have
9 had 12 days of unhealthy air and it's
10 very -- just to put into context why we
11 need, why we need cleaner cars is
12 because we still have a serious dirty
13 air problem.

14 And, in fact, there have been a
15 number of counties that have even
16 violated the one-hour standard.
17 Delaware County had a 154 reading of
18 the one-hour standard on June the 10th.
19 In addition, Butler, Lucas, Miami,
20 Lake, Montgomery and Stark Counties
21 have also had violations of the
22 one-hour standard. In fact, they have
23 had more violations of the one-hour
24 standard than many of the areas that
25 currently are out of attainment of the

1 one-hour standard. So certainly there
2 is a reason to continue to go forward.
3 I am here today to deliver
4 testimony on behalf of 20 organizations
5 that could not be present today but
6 would like to elicit their support and
7 also raise concerns about the Tier 2
8 proposal. The Network will be
9 submitting more detailed comments at
10 the end of the docket comment period,
11 but would like to take this opportunity
12 to highlight several key issues.
13 First, we would like to applaud
14 EPA for issuing such a strong proposal.
15 We are pleased that several elements
16 were included in the proposal and call
17 on EPA to retain these elements in
18 their final rule.
19 Number one, we applaud EPA for
20 taking an integrated approach to
21 tailpipe and fuel impacts on emissions.
22 By looking at the whole system involved
23 in passenger vehicle emissions
24 including fuels, the proposal was able
25 to take advantage of additional

1 technology to make tailpipe emissions
2 even cleaner. The U.S. leads the world
3 in stringent tailpipe standards, yet is
4 lagging behind most of the
5 industrialized world in cleaning up the
6 fuels that are burned in passenger
7 vehicles. Dirty fuel prevents the use
8 of the most advanced catalysts and
9 could block the use of other advanced
10 systems, such as fuel cells and
11 hybrids. Low-sulfur fuel will also
12 have an immediate positive effect on
13 air quality with the existing cars on
14 the road, achieving clean air quality
15 improvements in the near term.

16 We are pleased that all
17 passenger cars and trucks will
18 eventually be integrated into one
19 system. In 1998, light-duty truck
20 sales, including sport utility
21 vehicles, minivans and pickup trucks,
22 exceeded new passenger car sales for
23 the first time. While exemptions for
24 large trucks may have been more
25 justified in the past because they were

1 used for heavy hauling and they were
2 also fairly limited in use, these
3 vehicles have become the mainstay of
4 most families as passenger vehicles,
5 and they should be treated as such in
6 the future. The American public wants
7 consistent standards. A recent poll by
8 the American Lung Association found
9 that 91 percent of the public agreed
10 that SUVs and minivans should be
11 required to meet the same standards as
12 passenger cars. Even minivan and SUV
13 owners agreed with this. We are
14 pleased that EPA is moving forward to
15 make all passenger vehicles, regardless
16 of size and weight, meet the same
17 standards.

18 We are pleased that the fuel
19 neutral standards allow the cleanest
20 fuels to get the extra credit. EPA has
21 proposed a system that will allow fuels
22 that are significantly cleaner than
23 gasoline to get the credit for being
24 cleaner by setting certification BINS
25 that are well below the fleet average.

1 This will provide incentive for more
2 hybrid and cleaner fueled cars to come
3 to market. While we are concerned that
4 the highest BINS may allow for
5 increased diesel vehicles, we are
6 pleased that EPA did not set a separate
7 standard for diesel fueled cars and
8 passenger trucks.
9 Overall, we feel that this rule
10 will significantly reduce auto
11 pollution while remaining
12 cost-effective. EPA estimates that the
13 Tier 2 proposal, combined with the low
14 sulfur fuel requirements, will have an
15 emissions effect of taking 166 million
16 cars off the road when the proposal is
17 fully implemented. This is quite
18 significant considering that there are
19 only about 207 million cars on the road
20 today, only being quite an
21 understatement. But EPA's cost
22 estimates are also reasonable.
23 Increasing the cost of a new vehicle
24 from 100 to \$200 with an incremental
25 fuel cost over the life of the car of

1 \$100 makes it possible for consumers to
2 pay for these improvements. In
3 addition, there are significant
4 benefits to our health and environment
5 from this proposal that far outweigh
6 the costs.

7 We do, however, have concerns
8 about the proposal and think that they
9 can be followed -- can be strengthened
10 in the following ways.

11 Number one, we think that there
12 is too much lead time for the biggest
13 and dirtiest trucks. While we
14 understand that the fleet of vehicles
15 between 6,000 and 8,500 pounds are
16 fairly small, it is also one of the
17 fastest growing segments of new vehicle
18 sales. In the past ten years SUVs have
19 grown, the sale of SUVs has grown
20 tenfold and emit three to five times
21 what a passenger car emits today
22 according to a report by the U.S.
23 Public Interest Research Group. While
24 we acknowledge it will be a challenge
25 to reduce emissions from these

1 vehicles, waiting ten years from today
2 for them to, for them to become
3 integrated into the system is just too
4 long. These vehicles are the biggest
5 and the dirtiest and they should be
6 fully integrated into the Tier 2
7 program by at least 2007.

8 We feel that there is too much
9 flexibility in the fleet average,
10 especially the ability to carry over a
11 deficit fleet average. While we
12 support the concept of a fleet average
13 and understand that banking and trading
14 may be necessary to meet the average,
15 we believe that there is sufficient
16 flexibility in the program to prohibit
17 auto makers to carry a deficit into the
18 next model year. EPA has provided
19 ample flexibility by providing seven
20 certification BINS to average the
21 fleet, banking of early credits and
22 trading among auto manufacturers. The
23 auto makers can either evaluate their
24 fleets to reduce emissions or can buy
25 credits from another manufacturer that

1 have cleaned up beyond their
2 obligations. EPA should prohibit an
3 auto maker from carrying a deficit of
4 its fleet average into the following
5 model year so that we are assured clean
6 air benefits from year to year.

7 We believe that the phase-in
8 program, phase-in period for low-sulfur
9 fuel is too long. EPA, auto
10 manufacturers, state agencies and
11 environmental groups have been united
12 in the fact that low-sulfur fuel is
13 needed and that it will allow, it will
14 promote advanced technology in addition
15 to achieving immediate air quality
16 benefits with the existing fleet of
17 cars on the road. For this reason, we
18 are very concerned that EPA is taking
19 too long to phase in the low-sulfur
20 gasoline program, and we remain very
21 concerned with the banking and trading
22 program that allows a per gallon level
23 of sulfur to be as high as 300 parts
24 per million in the early years of the
25 program. Sulfur can permanently damage

1 the catalyst, especially the most
2 sensitive new technology. If auto
3 makers begin using these technologies
4 in 2004, consumers must be able to
5 protect their investment by knowing
6 that the fuel that they use in their
7 car will not damage it. While small
8 refiners may need additional help to
9 reach low-sulfur targets, we are
10 concerned about the very long lead-time
11 that would allow for the continued sale
12 of dirty fuel.

13 Finally, we believe that the
14 top BIN allowed by EPA allows too much
15 pollution. We are concerned that the
16 top BIN has been developed to allow
17 auto makers to manufacturer more
18 diesel-powered vehicles and the biggest
19 and dirtiest sport utility vehicles and
20 trucks. While we understand that there
21 may be positive consequences through
22 the fleet average requirement in the
23 form of more cleaner vehicles, we
24 remain very concerned about the health
25 and environmental impacts associated

1 with diesel. EPA is concluding a study
2 finding that diesel exhaust is 200
3 times more toxic than previously
4 believed and it's also a major concern
5 outlined in EPA's urban air toxic
6 strategy. The top BIN is almost three
7 times dirtier than the NOx average and
8 it should be either eliminated or it
9 should be tightened.

10 In conclusion, these 20
11 organizations want to thank EPA for the
12 opportunity to express our support for
13 the Tier 2 proposal and suggest ways it
14 can be strengthened to make it more
15 equitable and increase the health and
16 environmental benefits of the program.
17 On the whole, this proposal is a
18 significant step forward in cleaning up
19 auto pollution, and we give great
20 credit for proposing, to EPA for
21 proposing a program that will leave a
22 cleaner legacy for our children.

23 Once again thank you for
24 letting me share this testimony on
25 behalf of the following

1 representatives: In California, the
2 Environmental Defense Center, the
3 Desert Citizens Against Pollution,
4 California Communities Against Toxics;
5 in Illinois, the American Lung
6 Association of Metropolitan Chicago; in
7 Indiana, Valley Watch, Hoosier
8 Environmental Council; and in Kentucky,
9 the Kentucky Resources Council; in
10 Minnesota, the Clean Water Action
11 Alliance; in New Hampshire, the
12 Appalachian Mountain Club; in New
13 Jersey, the New Jersey Environmental
14 Lobby; in New York, the Clean Air Task
15 Force; in North Carolina, Appalachian
16 Voices; in Maine, the Natural Resources
17 Council of Maine; in Ohio and Oregon,
18 the Sierra Club; in Pennsylvania, the
19 Clean Air Council and the Sierra Club
20 Allegheny Group; in Utah, the Wasatch
21 County Clean Air Coalition; in
22 Washington, the Coalition for Clean Air
23 in Washington; in Washington, D.C., the
24 Campaign on Auto Pollution and 20/20
25 Vision.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS. OGE: Thank you.

Mr. Babik, good morning.

MR. BABIK: Good morning.

Thank you. I am Robert Babik, director of environmental programs at the Alliance of Automobile Manufacturers, Coalition of Light Car/Truck Makers, which include BMW, Daimler Chrysler, Fiat, Ford, General Motors, Mazda, Nissan, Toyota, Volkswagon and Volvo, more than 642,000 employees in the United States, 255 manufacturing facilities in 33 states, Alliance members represent more than 90 percent of U.S. vehicle sales.

The automobile manufacturing industry has done more than any other industry in reducing emissions and we are proud of our record. Our commitment is evident in our voluntary initiative in national low-emissions vehicle programs where we are already producing vehicles sooner than EPA can require by law.

The auto makers are stepping up

1 to the plate to accomplish the Tier 2
2 rules; however, auto makers cannot do
3 it by ourselves. Much cleaner fuels
4 are needed to make this program work.
5 EPA has an opportunity to clear the
6 path for future advanced technology
7 vehicles and the ultra clean fuels
8 needed to power them.

9 The Alliance fully supports the
10 air quality goals of the rulemakers.
11 In fact, the Alliance has put forth a
12 proposal that can achieve even greater
13 emissions reductions than the EPA's
14 proposal. We are very close on most
15 issues. Our proposal will propel us
16 into the next century with the cleanest
17 fleet of vehicles in the world further
18 reducing emissions of both passenger
19 cars and light-duty trucks to near
20 negligible levels.

21 Like the EPA, the Alliance
22 proposal goes beyond proven technology
23 and breaks new ground by requiring that
24 cars and light trucks meet the same
25 average NOx level and assures a

1 significant reduction of NOx emissions
2 more than would be achieved from the
3 EPA proposal. This is not a proposal
4 that says it can't be done or looks for
5 a free ride. It is a robust proposal
6 that recognizes our industry's
7 important role in helping the United
8 States reach the clean air goals. We
9 don't know yet how we will reach the
10 goals that we have set for ourselves in
11 our own proposal, but we are prepared
12 to take on the challenge. Can do is
13 our attitude.

14 I want to stress key elements
15 of our proposal today, elements that
16 must not get lost in the shuffle of
17 this remaining process, elements
18 necessary for Tier 2 to be a successful
19 role.

20 Element number one, first, we
21 need improved fuels including near zero
22 sulfur which will be needed to reach
23 the clean air goals. Fuels and autos
24 operate as one system. Near zero
25 sulfur fuels are needed to enable the

1 introduction of technology required to
2 meet the tough new standards. It makes
3 little sense to mandate the production
4 of world-class vehicles and then run
5 them on second-class fuels.

6 We applaud EPA's proposed
7 reduction in fuel sulfur levels to an
8 average of 30 parts per million as a
9 good first step toward the fuel quality
10 we need to reach our clean air goals.
11 This is the sulfur level that
12 California EPA has required since 1996.
13 Clearly the expansion of low-sulfur
14 fuel from a California-only program to
15 a nationwide program is long overdue,
16 along with California style volatility
17 control.

18 However, it is not enough to
19 stop there at 30 parts per million. On
20 the vehicle side the Tier 2 rule is a
21 very aggressive new program with
22 technology forcing standards comparable
23 to those that California had just
24 adopted late in 1998. Before this year
25 is out, it appears California will take

1 another major step toward near zero
2 sulfur fuel to accompany its aggressive
3 vehicle standards. We need to take
4 this critical second step at the
5 federal level as well recognizing that
6 30 part per million is not an end
7 point, but rather a stepping stone on
8 the way to near zero sulfur fuel.
9 Removing sulfur is both
10 feasible and affordable. The
11 technology for sulfur removal is
12 readily available and is in widespread
13 use in California, Japan, Europe and
14 other areas of the world. Recent
15 announcements show that members of the
16 refining industries are moving toward
17 low-sulfur fuels voluntarily. We need
18 to get the sulfur out nationwide.
19 Simply put, sulfur is the lead
20 of the '90s because of the way it
21 poisons the catalyst. Auto oil studies
22 have shown that catalysts subjected to
23 high sulfur experience a loss of
24 effectiveness that cannot be recovered
25 even after extended operation on

1 low-sulfur fuel. In other words, the
2 emissions benefits get cancelled out.
3 This is why a so-called regional fuel
4 program is unworkable because vehicles
5 traveling from a low-sulfur region to a
6 high-sulfur region will experience an
7 unavoidable degradation in the
8 performance of their emissions control
9 systems.

10 Sulfur removal is an essential
11 enabler for new emissions control
12 hardware in new power train systems.
13 Emissions technology such as NOx traps
14 may enable advanced technology vehicles
15 to achieve significant improvements in
16 fuel economy.

17 Fuel cell vehicles may attain
18 the as yet elusive goals of zero
19 emissions vehicles that may appeal to a
20 wide market. These and other promising
21 technologies are known to require near
22 zero sulfur fuels. We can either put
23 our heads in the sand and ignore this
24 fact or we can adopt regulations now to
25 ensure that the necessary fuel is in

1 place to allow technologies to begin to
2 appear in the marketplace.

3 Another important point is that
4 the auto makers need enough flexibility
5 in the time line to allow for the
6 invention of technologies necessary to
7 make EPA standards a reality. The
8 Alliance proposal agrees with EPA on
9 the end point of .07 grams per mile NOx
10 fleet emissions averages for both
11 passenger cars and light-duty trucks.
12 Getting there will take time and
13 require us to clear a number of
14 technological hurdles.

15 The introduction of the two
16 Tier 2 standards should be accomplished
17 in a two-phase approach set forth in
18 the Alliance proposal, one round of the
19 emissions reductions starting 2004, and
20 an even more aggressive reduction
21 starting in 2008 when hopefully near
22 zero sulfur fuels will be in place.

23 A third key point, independent
24 third party capability studies in 2004
25 is needed to make sure that we are

1 headed in the right direction and we
2 can achieve the goals set by EPA. The
3 study should be conducted by mutually
4 agreed upon experts to establish the
5 feasibility of a second wave of
6 emissions standards based on the
7 following four items: Five ppm max
8 sulfur fuels for both gas and diesel,
9 standards feasible for leading market
10 technologies for both gas and diesel,
11 standards that pose no anticompetitive
12 impact, and standards that are
13 cost-effective and affordable.

14 There is no downside for
15 planning for this sort of independent
16 review. None of us, not the EPA, and
17 certainly not the auto industry, can
18 foretell the future and know what
19 problems may develop, but such a
20 far-reaching technology course and
21 regulation if development is on track
22 to meet the Tier 2 standards, the
23 review process will just confirm this
24 fact and things will proceed as
25 planned. On the other hand, if major

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

unexpected problems are encountered along the way, the review process will give EPA an opportunity to make mid-course directions.

Lastly, we want to make sure that the final 2 Tier rule continues to foster and not freeze out the development and utilization of advanced technology vehicles. The government industry Partnership for New Generation Vehicles, otherwise known as PNGV, has determined that four stroke direct injection is the most promising near-term technology for meeting dramatically increased fuel economy goals within the next ten years. EPA has concurred with this selection. These lean-burn technologies, however, do not achieve the level of NOx controls needed to meet the very tight standards, and the fleet average requirement could actually restrict the number of units that can be sold. The catalyst for these technologies are extremely sensitive to sulfur and their

1 efficiency degrades quickly without
2 near zero sulfur fuels.

3 EPA's proposal could
4 effectively prevent the fruits of the
5 PNGV program from being realized in the
6 U.S. The EPA rules should foster, not
7 freeze, advance fuel efficient
8 technologies out of the U.S. market.
9 And EPA can enhance the Tier 2
10 flexibility without incurring any loss
11 whatsoever of clean air benefits by
12 expanding the number of certification
13 BINS and encourage the advanced
14 technology vehicles with no down side
15 for the environment.

16 In conclusion, the Alliance
17 fully supports EPA's clean air rules.
18 We are in agreement on many fronts.
19 Yes, we feel some changes are needed to
20 make the rule workable, but we are
21 confident by working together with the
22 EPA and other interested parties that
23 these issues can be worked out.
24 However, we cannot do this alone. As
25 our industry steps up to the plate with

1 cleaner and cleaner vehicles, we need
2 our colleagues in the oil industries to
3 do their part by providing cleaner and
4 cleaner fuels. Only by combining
5 world-class vehicles with world-class
6 fuels can we realize our full potential
7 and ensure that future generations will
8 not only have the cleanest possible
9 air, but also a robust transportation
10 and energy industry trying compete in
11 the 21st century.

12 I would like to take this
13 opportunity also to thank EPA for their
14 efforts regarding the hearings. They
15 have taken the daunting task of
16 coordinating a tremendous amount of
17 speakers over the past four hearings
18 and they've done it well and we just
19 want to let them know their efforts are
20 appreciated. And that concludes my
21 prepared statement.

22 Thank you.

23 MS. OGE: Thank you. We are
24 not going to have a fifth hearing.
25 Thank you.

1 Ms. Simpson, good morning.
2 MS. SIMPSON: Good morning. My
3 name is Amy Simpson. I'm the state
4 director of the Ohio Public Interest
5 Research Group or Ohio PIRG. Ohio PIRG
6 is a statewide consumer and
7 environmental advocacy group, about
8 10,000 members across the state, and I
9 greatly appreciate the opportunity to
10 speak to you today on this important
11 and timely issue.

12 Over the past two weeks
13 Cleveland has had a record number of
14 what we call ozone action days. Day
15 after day we were warned to stay
16 indoors if possible, asked to avoid
17 driving, mowing our lawns and using our
18 barbecues. Over and over these
19 activities were blamed for the smog
20 which hung around the city like a noose
21 causing healthy people to choke and
22 cough as we tried to cope in the
23 suffocating heat. It was much worse
24 for the thousands of people who suffer
25 from asthma. These people became

1 virtual prisoners in their
2 air-conditioned homes. This is no way
3 to live.
4 But this is just the beginning.
5 If this summer is like the summer of
6 1998, we can expect frequent and
7 widespread violations of the federal
8 health standard for smog, not just in
9 Cleveland, but throughout the country.
10 Last year the standards were violated
11 5200 times in 40 states, and Ohio is
12 423 times. What this means for people
13 living in these areas is that they
14 could experience declining lung
15 function as a result of breathing air
16 in their, breathing the air in their
17 communities. For normal, healthy
18 adults it can mean not working or not
19 exercising outdoors and over time lung
20 tissue damage that can be irreversible.
21 For children, the elderly and those
22 with asthma, high smog days means
23 missing work or school, not playing
24 outdoors with friends, hospital
25 emergency room visits for asthma

1 attacks, increased susceptibility to
2 infections and also serious
3 exacerbation of preexisting heart and
4 respiratory disease.

5 Therefore, new standards
6 requiring clean cars and clean gasoline
7 are not just a good idea, but they are
8 absolutely essential for protection of
9 public health. Automobiles are the
10 single largest source of smog-forming
11 pollution creating nearly a third of
12 the nitrogen oxide that causes smog
13 formation. While today's cars are
14 cleaner than those of two decades ago,
15 Americans drive more miles per year
16 than ever before. In 1998, we drove in
17 excess of 2.2 trillion, that's trillion
18 miles, more than double the miles we
19 drove in 1970. In addition, Americans
20 are driving bigger and more polluting
21 vehicles than ever before with nearly
22 half of the new cars sold being what we
23 call light trucks, these of which can
24 pollute up to three times more than a
25 car.

1 Together the proposed Tier 2
2 standards and gasoline sulfur standards
3 comprise a strong integrated approach
4 to reducing pollution from automobiles.
5 There are many aspects of this program
6 which we applaud, and I'll describe
7 some of those below. I'll also
8 describe several important ways in
9 which we believe the Tier 2 program
10 should be strengthened to prevent
11 unnecessary delays or complication in
12 implementation and to avoid
13 exacerbating existing loopholes for
14 bigger and dirtier automobiles.

15 First, we applaud the overall
16 significant reductions in pollution
17 from the average automobile that will
18 be realized through the Tier 2 program.
19 The .07 grams per mile average standard
20 for nitrogen oxide based on 122000 mile
21 useful life is approximately 89 percent
22 cleaner than the Tier 1 standard of .06
23 per mile based on 100,000 mile useful
24 life. It's clear that while the
25 standard is aggressive, the technology

1 to meet this standard is available.
2 Additionally, this program will also
3 harmonize federal clean air standards
4 with those adopted in California.
5 Second, we agree with the U.S.
6 EPA that the popular sport utility
7 vehicles must be treated no differently
8 for pollution purposes than cars.
9 There is no longer an expectation that
10 SUVs will be work trucks. We all know
11 this. On the contrary, they are widely
12 acknowledged to be the station wagon of
13 the '90s rarely used for any purpose
14 more taxing than taking the family to
15 the grocery store or to soccer
16 practice. The justification for
17 allowing SUVs to pollute more is an
18 artifact and new standards should
19 simply reflect the new role SUVs play
20 in our society.
21 Third, we agree that a
22 nationwide sulfur standard should be
23 adopted to prevent poisoning of
24 sophisticated new pollution control
25 equipment. The automobile and the fuel

1 should be treated as a single system
2 and EPA has appropriately proposed that
3 new car standards should be accompanied
4 by clean gasoline. Moreover, we
5 strongly believe that nationwide,
6 rather than regional, gasoline
7 standards are critical to success of
8 the Tier 2 program. As Americans we
9 enjoy the ability to drive from state
10 to state, and as consumers we would
11 absolutely be outraged to have dirty
12 gasoline damage our cars.

13 More importantly, we had air
14 quality problems across the nation with
15 violation of the health standard for
16 smog in 40 states last year. Contrary
17 to recent testimony from the American
18 Petroleum Institute which suggested
19 that many regions do not have air
20 quality problems so that this standard
21 would provide no benefit to those
22 regions, we strongly believe that there
23 is no region that would not benefit
24 from clean fuels.

25 Oil industry representatives

1 have argued stridently for a slower
2 pace and schedule for clean gasoline
3 and increased flexibility for small
4 refiners. We believe U.S. EPA's
5 proposal strikes an appropriate balance
6 between achieving necessary pollution
7 reductions and allowing the industry
8 ample time and flexibility to meet
9 those standards. U.S. EPA allows the
10 industry to use an averaging system to
11 meet the standards and allows the
12 refiners to use credit from early
13 reductions to meet those standards.
14 U.S. EPA also allows less strident caps
15 in the first two years and allows small
16 refiners to meet less stringent
17 standards through the year 2007. More
18 flexibility than this is unwarranted
19 and it would result in an
20 unenforceable, ineffective program. In
21 fact, we believe that U.S. EPA's
22 proposed gasoline sulfur standards
23 allows too much time to pass between
24 significant air pollution benefits that
25 can be expected.

1 In 2001 auto makers will begin
2 nationwide marketing of low-emissions
3 vehicles under the national
4 low-emissions vehicle program. The
5 effectiveness of emissions control
6 technology used in these vehicles will
7 be compromised by the sulfur that will
8 remain at high levels until 2004
9 through 2006 under EPA's proposal.
10 Moreover, EPA's proposal will allow
11 gasoline containing sulfur at levels up
12 to 300 parts per million to be sold in
13 2004, the year that the Tier 2
14 standards take effect. Again, the
15 technological advances made in these
16 vehicles will be undermined by the use
17 of high-sulfur fuel in 2004 and 2005.
18 A better approach we believe will be
19 begin phasing in clean gasoline earlier
20 so that most, if not all, gasolines
21 sold in 2004 are clean.

22 Now, while a strong first step,
23 EPA's Tier 2 proposal should be
24 strengthened before it becomes final
25 later this year. And I'll highlight

1 three important changes that we believe
2 should be made to avoid complication,
3 delay and the continuation of
4 undesirable loopholes in automobile
5 pollution regulations.
6 First, EPA proposed allowing
7 SUVs weighing between 6,000 and 8,500
8 pounds an extra two years before the
9 Tier 2 car standards apply. There is
10 significant and growing numbers of
11 these larger SUVs on the market,
12 including the ambiguous Ford
13 Expedition, the Dodge Ram and the
14 Lincoln Navigator. EPA's proposal
15 gives these models until 2009, a full
16 decade from now before their exemption
17 to clean air standards expires. The
18 manufacturers of emissions control
19 equipment have already shown that a
20 heavy SUV weighing 6,400 pounds can be
21 designed to meet the Tier 2 standards
22 today. We believe that special
23 standards for larger SUVs should expire
24 immediately.
25 Secondly, U.S. EPA's proposal

1 does not address pollution from the
2 largest and dirtiest SUVs of all, those
3 over 8,500 pounds. The number of these
4 super SUVs is rapidly increasing like
5 the Ford Excursion entering the market
6 to compete with the Chevy Suburban. By
7 not including these models in the Tier
8 2 program, EPA is giving auto
9 manufacturers effectively an incentive
10 to aggressively develop even larger
11 SUVs. We believe that the Tier 2
12 standards should apply the same .07 NOx
13 standards to all classes of passenger
14 vehicles including those over 8,500
15 pounds.

16 Third, U.S. EPA's proposal will
17 allow the proliferation of diesel
18 vehicles, the pollution from which
19 poses very real health threats. A
20 growing body of research shows that
21 diesel exhaust has particularly severe
22 health impacts. Smaller particles in
23 diesel pollution are associated with
24 greater risk of premature death.
25 Moreover, studies repeatedly show a

1 link between diesel pollution and
2 cancer causing the State of California
3 to list diesel pollution as a human
4 carcinogen. The highest bend in a
5 proposed averaging scheme is designed
6 specifically to allow for more
7 diesel-powered vehicles which will
8 continue to emit more toxic pollution
9 than gasoline car vehicles. The State
10 of California considered and
11 specifically rejected a similar
12 provision to protect its citizens from
13 the carcinogenic nature of the exhaust.
14 EPA should similarly remove the highest
15 bend in the averaging scheme.

16 In closing, I would like to say
17 that here in Cleveland we are really
18 tired of poor air quality. We are
19 tired of week-long ozone alerts. We
20 are tired of being told to not exercise
21 outdoors. We are tired of being asked
22 to stop mowing our lawns and stop using
23 our barbecues and it's time we stop
24 trifling, we stop gap measures and
25 Band-Aid solutions and started dealing

1 with real sources of air pollution in
2 our city, in our state and in our
3 country. These standards are an
4 absolutely critical step in doing so.
5 We deserve better air quality and EPA's
6 proposal will help get us what we
7 deserve, air we can live with.

8 Again, I would like to thank
9 the U.S. EPA for allowing me this
10 opportunity to comment on the proposed
11 Tier 2 gasoline and sulfur standards
12 and especially want to thank the
13 organizers again of this event for
14 their gracious flexibility in dealing
15 with citizen testimony.

16 MS. OGE: Thank you.

17 I would like to thank all of
18 you for taking the time this morning to
19 come and share your views on this very
20 important program. We will take both
21 your written and oral comments into
22 consideration as we are moving forward
23 to finalize the rule by the end of the
24 year. Thank you very much.

25 We are honored this morning to

1 have a number of local citizens that
2 have asked to testify, and as I call
3 your names please come forward. Anjali
4 Mather, Cheryl Ray, Miss Mary Hoffman,
5 Dawn Sunday, Chris Trepal, Mr. Adam
6 Zeller.

7 MS. OGE: What we will do is
8 break this group into two panels.
9 Could you please print your
10 names on the paper in front of you.
11 There is a seat there.
12 If you can fold it like that.
13 Great.

14 Miss Mather, we'll start with
15 you. Good morning.

16 MS. MATHER: Good morning.
17 Thank you for giving me this
18 opportunity to be here, and I'm
19 thankful to U.S. EPA for doing this
20 because I strongly believe that a civic
21 engagement is the promise of free life
22 and a division of democracy.

23 I'm Anjali Mather and I'm a
24 resident of Cleveland Heights, and I'm
25 really pleased to see these efforts,

1 EPA's efforts towards cleaner fuels and
2 vehicles in the proposed Tier 2 motor
3 vehicle emissions standards and
4 gasoline sulfur control requirements.
5 These efforts should be viewed not as a
6 measure to further an
7 environmentalist's compulsive dream,
8 but as a more visible need for a
9 healthy community. A significant
10 reduction in NOx emissions requiring
11 new cars and light truck to emit 80
12 percent less smog creating pollution
13 and reducing smog to healthy levels in
14 20 percent of the areas at risk can
15 only mean cleaner air for children when
16 25,000 children suffer from asthma in
17 Cuyahoga County. Nationally more than
18 5 million children are affected by
19 asthma today. The number of children
20 with asthma has doubled in the last 15
21 years. There has been a threefold
22 increase in the number of deaths in
23 children from asthma between 1977 and
24 1995. Over 10 million missed school
25 days from asthma are reported every

1 year. And more than 25 percent of the
2 nation's children live in areas that do
3 not meet national air quality
4 standards.

5 Also, according to a 1998
6 report of the American Academy of
7 Allergy, Asthma and Immunology,
8 children are more vulnerable because
9 their airways are narrower and they
10 also breathe more rapidly inhaling more
11 pollutant per pound of body weight than
12 adults.

13 American Academy of Pediatrics
14 has also pointed out that damage to the
15 respiratory tract occurs in children
16 upon exposure to ground level ozone and
17 repeated exposures may result in
18 persistent bronchial hyper
19 responsiveness. Increased chronic
20 cough, chest tightness, bronchitis,
21 hospital admissions for various
22 respiratory illnesses and decreased
23 lung function have been correlated with
24 ozone in epidemiological studies. The
25 symptoms were significantly higher in

1 children with asthma and wheezing.
2 Both experimental and epidemiological
3 data provide grounds for concern about
4 chronic lung damage from repeated
5 exposures to ozone which is the primary
6 constituent of smog.

7 Against this backdrop, while
8 EPA's efforts are a crucial first step
9 in the right direction, I urge EPA to
10 make bigger strides towards cleaner air
11 by setting shorter time lines and
12 allowing less phase-in time for both
13 cleaner cars and fuels. I do not want
14 to see my children reduced to saying I
15 breathe, therefore I am.

16 Thank you.

17 MS. OGE: Thank you.

18 Miss Hoffman, good morning.

19 MS. HOFFMAN: Good morning. My
20 name is Mary Hoffman. I'm here to
21 represent the Blackford Audubon Society
22 which is a chapter of the National
23 Audubon Society. We have 670 members
24 and we are located here in northeast
25 Ohio. Audubon is an organization that

1 is interested in birds and preserving
2 wildlife habitat, but our recognition
3 of what that means goes far beyond
4 taking and leading bird walks. What
5 affects wildlife and bird habitat will
6 also affect people. This was well
7 demonstrated years ago when canaries
8 were taken into mines to test the
9 purity. Our measurement techniques and
10 control abilities for air quality are
11 far more sophisticated now, but the
12 concept of relating wildlife and human
13 well-being still mains the same.

14 The U.S. EPA is to be commended
15 for proposing a level of pollution
16 controls on the fuels in cars that are
17 the subject of these hearings. They're
18 a good step and they are also long
19 overdue.

20 It's interesting one response
21 of the automotive industry was reported
22 in the Cleveland Plain Dealer yesterday
23 and that article quoted a Ford Motor
24 Company policy director saying that
25 they will meet the goals that EPA sets.

1 And it was interesting to hear Mr.
2 Babik today in representing the
3 Alliance proposing also a very positive
4 approach of the automotive industry to
5 these EPA goals. That attitude is
6 certainly a welcome change. So it's up
7 to us, the general public, to make sure
8 that these final goals remain good,
9 that the needed additions are made, and
10 you've already heard some suggestions
11 on those, that they be timely and that
12 they do not get watered down in the
13 process.

14 Of direct interest to Audubon
15 and our goals of protecting the
16 habitat, both of wildlife and people,
17 are the need to cut emissions that
18 contribute to global warming and to
19 reduce the overall demand and usage of
20 oil products, primarily automotive
21 fuel. We all recognize that global
22 warming is occurring and that it
23 affects our climate. That in turn can
24 affect much in our lives from crop
25 harvest, flooding, to wildlife and bird

1 habitat. Emissions from our uses of
2 automotive fuel is a significant
3 component of global warming, and we all
4 know we have the ability to reduce that
5 trend for more stringent application of
6 standards such as those proposed here.
7 We should go further than these
8 proposals, as you have also heard
9 suggested from Amy Simpson. They
10 include all SUVs, especially those very
11 large ones, in these standards. Global
12 warming does not recognize which SUV
13 contributed to pollution.
14 Increased fuel efficiency would
15 also reduce the overall pollution
16 level, plus it would slow down the
17 demand for imported and domestic oil.
18 The engineering efforts to reduce the
19 polluting emissions from cars should
20 include making cars more efficient as
21 well. We import over half of our oil
22 from foreign sources. The oil industry
23 has made consistent demands that we
24 explore and drill for oil in parts of
25 our country that are very susceptible

1 to damage from this industrialization.
2 We also have a response from
3 the American Petroleum Industry also
4 reported in that Plain Dealer article
5 yesterday that their response to these
6 EPA goals, and I quote, quote the
7 article, "unnecessarily costly and
8 impose costs on Americans who wouldn't
9 benefit," suggest that this is the same
10 old can't do attitude that has
11 prevented progress in the past.
12 And some of you remember
13 similar comments made several decades
14 ago. Some of you probably were not
15 here at that time, but I certainly
16 remember when fuel efficiency and
17 pollution controls were first being
18 proposed back in the late '60s or late
19 '70s. You can probably put a better
20 date on it than I can. The public
21 wanted then and we still want now to
22 have vehicles that get us to where we
23 need to go and not foul our air while
24 doing it. At that time there were dire
25 predictions that we would all be forced

1 into driving small, no frills shells of
2 cars. The industry did not seem to
3 trust themselves at that time to
4 engineer or design cars to meet these
5 essential and inevitable changes, but
6 the foreign competition did as you
7 recall. The Japanese entered the
8 market, supplied the public demand and
9 our American industry is playing
10 catch-up ever since then. The comments
11 reported by the Ford representative,
12 these EPA proposals on pollution are a
13 welcome change and we'll be watching to
14 see the results.

15 The protection of natural
16 resources in this country are a goal of
17 the National Audubon Society. We are
18 especially concerned with those places
19 threatened by oil exploration and
20 production such as the Arctic National
21 Wildlife Refuge. Wholes of the
22 American people say that protection of
23 these places, the wildlife habitat, the
24 wilderness values, the culture of the
25 native people who use them are in the

1 national interest. Improving the fuel
2 efficiency of all of our vehicles,
3 especially those increasingly popular
4 SUVs, will help protect these places.
5 It's estimated that a modest increase
6 of fuel economy standards of only 2
7 percent a year would yield oil savings
8 in fair greater amounts than that
9 projected available from the refuge.
10 So I would suggest that the automotive
11 industry and oil industry would do well
12 to realize that they can design and
13 produce the most efficient and cleanest
14 cars in the world and that the buying
15 public would respond to that.

16 So I would thank the U.S. EPA
17 for their ability to put on this
18 hearing. I know it's been a tremendous
19 job in doing so and we appreciate the
20 opportunity.

21 MS. OGE: Thank you.

22 Miss Ray, good morning.

23 MS. RAY: Good morning. My
24 name is Cheryl Ray. As a citizen I
25 really appreciate this opportunity to

1 have input at this hearing on this very
2 important issue.

3 I wish to voice my support for
4 cleaner air and for the U.S. EPA
5 decision to cut auto pollution. As a
6 parent, I am very concerned about the
7 health impacts of air pollution on my
8 children. As a minivan owner I was
9 both surprised and disappointed to find
10 out that my family minivan can pollute
11 two to three more times than my
12 passenger car. I hope that in the
13 future there will be cleaner options
14 when it's time to shop for our next
15 family car so that we can stop this
16 excess and extra air pollution.

17 This proposal is a big step in
18 the right direction, but there are
19 three things that need to be improved
20 before the rule becomes final. First
21 of all, all passenger vehicles,
22 including minivans and SUVs, need to
23 meet the same standards at the same
24 time. Larger SUVs should not be given
25 extra time to be clean.

1 Secondly, there should be no
2 special breaks for dirty diesel
3 vehicles.

4 And, finally, the EPA should do
5 more to help get advanced technology
6 vehicles on the road. Wouldn't it be
7 great if some day we could buy that
8 type of vehicle right here in
9 Cleveland. We need the strongest
10 regulations possible for, to control
11 auto pollution.

12 Thank you again for your
13 leadership on this issue.

14 MS. OGE: Thank you.

15 Miss Sunday, good morning.

16 MS. SUNDAY: Good morning. My
17 name is Dawn Sunday and I'm a resident
18 of Bedford, Ohio and I thank you for
19 this opportunity today.

20 As a citizen I am very pleased
21 that the EPA is making efforts to bring
22 about a cleaner and healthier
23 environment through Tier 2. Although
24 Tier 2 is a step towards protecting
25 people's health and improving all of

1 our quality of life, I have doubts that
2 the regulations set in Tier 2 are
3 sufficient.

4 Since there is a great need to
5 improve the quality of the air; 117
6 million people do not have access to
7 clean air. We can't buy clean air as
8 we can go out and buy water. So I'm
9 here today to ask the EPA to set those
10 standards that can help me, my family
11 and all of us to have clean air. We
12 don't have an option to the air that we
13 breath. 5,500,000 children daily
14 struggle with asthma, and there are
15 over 150,000 hospitalizations yearly,
16 and this is all due to dirty air. Why
17 should we settle for standards that do
18 not bring about the best improvements
19 possible?

20 I want to thank the EPA for
21 their efforts, but I also want to urge
22 the EPA to set the standards for all
23 passenger vehicles. SUVs and light
24 trucks need to have the same emissions
25 standards as cars. Tier 2 also needs

1 to set shorter phase-in allowances for
2 all vehicles.

3 Since the means and technology
4 to attain much cleaner air exists, I
5 ask the EPA to set standards that bring
6 about the highest quality attainable.

7 Thanks.

8 MS. OGE: Thank you.

9 I believe Mr., is it Mr. Chris
10 Trepal at the end, or Miss. Good
11 morning.

12 MS. TREPAL: Hi. My name is
13 Chris Trepal, and thank you very much
14 for the opportunity to testify.

15 I believe air pollution is a
16 real problem here in northeast Ohio.
17 Dirty air has a huge price tag in
18 health care costs and our quality of
19 life. As was mentioned earlier, last
20 week we had an unprecedented week long
21 of ozone action days. Several of the
22 monitors in our community are already
23 recording average one-hour ozone
24 concentrations of over 100 parts per
25 billion. Warnings were given to stay

1 indoors to sensitive populations like
2 our asthmatics, people with respiratory
3 concerns, children and adults who are
4 active outdoors, the elderly and people
5 who are sensitive to ozone.
6 Do we really want to raise our
7 children to seek shelter and protection
8 indoors and to reduce physical
9 activities on summer days, their
10 vacation days? Should we have to train
11 our families to ask the question if the
12 air is safe to breathe and to question
13 even if they should be going outside at
14 all? Is this a good way to enter the
15 new millennium? Scientists have found
16 that about one out of every three
17 people in the U.S. is at higher risk of
18 experiencing ozone-related health
19 effects. A recent edition of the
20 American Journal of Respiratory and
21 Critical Care Medicine cited a study
22 that says long-term exposure air
23 pollution, even at very low levels, is
24 associated with higher prevalences of
25 respiratory symptoms, even something as

1 simple as breathlessness when you are
2 outside talking a walk in the summer.
3 Fortunately, there is a
4 solution, and I'm really happy to be
5 here today to support the proposed plan
6 to clean up fuels and vehicles,
7 especially vehicles like sport utility
8 vehicles. I also own a minivan like
9 one of the other folks here today and
10 it distresses me to have to drive it.
11 Vehicles like minivans and SUVs are
12 being used as passenger vehicles and
13 they must do their part along with
14 other automobiles to reduce air
15 pollution. The Tier 2 proposal must
16 adopt the strongest possible
17 regulations for our autos.
18 However, I feel the time line
19 should be expedited. Waiting ten years
20 to clean up SUVs and other passenger
21 vehicles is way too along. All
22 vehicles should be required to meet the
23 standards at the same time. It really
24 makes no sense to allow the heaviest
25 vehicles to receive any kind of special

1 treatment.

2 Diesel-powered vehicles should
3 not be allowed to pollute more than
4 their counterparts who use gasoline.
5 All vehicles, regardless of fuel
6 preference, should be required to
7 contribute to clean air. If diesel
8 vehicles are being given special
9 treatment, then, of course, we are
10 going to see more diesel vehicles on
11 the road creating more particulate air
12 pollution and smog-forming nitrogen
13 oxide.

14 Finally, the proposed sulfur
15 reductions in gasoline should be
16 implemented by all refiners as soon as
17 possible. Sulfur actually impedes the
18 effectiveness of our catalytic
19 converters, thereby limiting the very
20 devices that are supposed to reduce
21 tailpipe pollution. And the small
22 increase that is predicted is well
23 worth the clean air benefits.

24 In summary, I applaud the
25 proposal to cut pollution and really to

1 safe lives and people's quality of
2 life. People who want to do the right
3 thing by purchasing cleaner vehicles
4 and fuels need to have that choice now.
5 Just like the promotion of
6 energy-efficient appliances, the public
7 needs to know how are vehicles and our
8 fuel choices protect and affect our
9 environment. Our new automobiles and
10 vehicles can and must do our part to
11 keep our kids healthy.

12 Thank you.

13 MS. OGE: I want to thank all
14 of you on behalf of all my colleagues
15 here at EPA and specifically thanks to
16 you for taking time from your schedule
17 and your daily activities to come and
18 share your views with us. Thank you
19 very much.

20 MS. MARTIN: We have another
21 panel. I'll ask them to come up. I'll
22 read the next names and if the
23 following people will come up. I think
24 we can bring another chair behind the
25 table as well. Adam Zeller, Ken Mavek,

1 Linda Robinson, Laurel Hopwood, Angie
2 Farleigh, Jane Miller and Pam Mason.
3 If there is not room enough at the
4 table, we'll just try to rotate people
5 in. But if those of you can grab a
6 seat and fill out your name on one of
7 the cards and place it in front of you,
8 that would be terrific.

9 Mr. Zeller, would you please
10 begin.

11 MR. ZELLER: My name is Adam
12 Zeller. I'm from Southington, Ohio.
13 And before I begin, I would like to
14 thank the EPA for the opportunity to
15 come down here and speak.

16 The automobile and oil
17 industries would like us to believe
18 that since they are composed of private
19 businesses they don't need government
20 regulations. They would like us to
21 think that as private corporations that
22 the government should not meddle with
23 their production process. When the
24 government announces new standards for
25 automobiles such as cleaner emissions

1 or gas, industry complains about
2 reduced profits, unnecessary expense
3 and reduced competitiveness.
4 But what the industry needs to
5 realize is that it owes these standards
6 to the public. The government has paid
7 over 83 billion dollars to construct
8 over 42,500 miles of interstate
9 highways. It will spend millions this
10 year paving roads, widening lanes and
11 constructing interchanges. Government
12 has subsidized the bulldozing of
13 neighborhoods in both Detroit and
14 Toledo for the construction of Dymler
15 Chrysler and General Motors facilities.
16 Such is the government's commitment to
17 these industries that it sponsored a
18 war to protect them.
19 Without such subsidies, the
20 automobile and oil industry as we know
21 it would not exist. We could have
22 subsidized rail or bus transportation,
23 but instead we chose automobiles.
24 Partially because of this General
25 Motors has posted a 2.1 billion dollar

1 profits for this year's first quarter.
2 Ford has posted 1.8 billion dollars.
3 Both companies say that they are
4 committed to protecting the
5 environment. GM has said, "We are
6 fully dedicated to protecting human
7 health, natural resources, and the
8 global environment; reaching beyond
9 compliance with the law to create and
10 implement sound environmental
11 practices."

12 Obviously the relationship
13 between industry, the public and
14 government is a symbiotic one.
15 Industry provides the products, the
16 public purchases it, and the government
17 ensures that it's safe. Any policy
18 which harms any of these groups hurts
19 the other two. Therefore, it is
20 crucial that any new relations benefit
21 not only the industry, but the public
22 as well. The proposed Tier 2
23 regulations will benefit the public.
24 Emissions from mobile sources account
25 for 46 percent of the airborne

1 carcinogens in Cuyahoga County. Child
2 asthma rates often associated with
3 airborne pollution has increased 75
4 percent since the early '80s.
5 Ground-level ozone according to the EPA
6 can be the cause of up to 25 percent of
7 emergency room visits during the
8 summer. Certainly then our current air
9 standards are hurting the public and
10 need to be changed as the proposed Tier
11 2 standards say. It is not in the
12 industry's interest to have their
13 customers spending money on hospital
14 visits and asthma inhalers. Of course,
15 this is not in the public's or
16 government's interest either. These
17 standards will benefit everyone, even
18 if the industry doesn't acknowledge
19 that. That needs to be the bottom
20 line. That is what EPA needs to
21 consider. We have supported the
22 automobile and oil industries for
23 decades and now it is time that they
24 support us. The government and the
25 public have allowed industry to make

1 billions of dollars over the years.
2 Now we deserve something back.
3 Thank you very much.
4 MS. MARTIN: Thank you.
5 Miss Robinson.
6 MS. ROBINSON: I'm Dr. Linda
7 Robinson. I live in South Euclid,
8 which is a near suburb of the City of
9 Cleveland. I'm a professional
10 sociologist. I am here, however, as an
11 individual. And I want to make some
12 three really simple points and they
13 have to do with people. I have a
14 78-year-old aunt with emphysema who
15 couldn't leave her apartment any day
16 last week. This included rescheduling
17 a dentist appointment which cost other
18 people time and money, and the idea
19 that somebody I know and love is
20 imprisoned in an apartment frequently
21 because of ozone warnings in this
22 county is becoming intolerable.
23 And there is another point.
24 I'm a perfectly healthy person whose
25 only adult problems have been sinus

1 infections and arthritis as I age, and
2 for the first time in my life last week
3 having canvassed for ten years door to
4 door for Ohio Citizen Action, Friday
5 came around and I couldn't canvass
6 because I couldn't lift my legs anymore
7 having walked around all week under
8 those ozone warnings in Pepper Pike,
9 which is a far suburb of Cleveland with
10 lots of trees and lots of grass and
11 theoretically the air is as filtered
12 there as it is going to be. And it hit
13 me that it wasn't my arthritis and it
14 wasn't tiredness at the end of the
15 week. It was the fact that the
16 warnings about the ozone level were
17 true. They had aggravated my sinus
18 condition to the point where I didn't
19 have the energy to do my job. And if
20 that has happened to me at age 61 leads
21 me to wonder if I'm going to live long
22 enough to see the air substantially
23 cleaner than it is now.

24 And I've heard everybody
25 thanking you for taking the trouble to

1 come here and proposing tougher
2 standards, but as a citizen of this
3 country for nearly 62 years I've got to
4 tell you I don't think the standards
5 are high enough. And if we were to run
6 a cost-benefit analysis between what
7 industry would have to spend to clean
8 up their cars and the fuels we run on
9 and what it costs my community in
10 health care costs for all those
11 asthmatic children you heard about, and
12 what it costs Medicare to take care of
13 my aunt's emphysema and all those other
14 things like the things like the day I
15 couldn't work, the cost of these
16 things, I suspect we would discover, at
17 least in Cuyahoga County, that the
18 greater costs come from the people who
19 can't work, the people who are sick and
20 need medical care funded by the public
21 and on my property taxes, because if
22 you can't afford care for emphysema or
23 you can't afford care for asthma or you
24 can't afford care for cancer, you are
25 going to be at Metropolitan General

1 Hospital, and our property taxes pay
2 for that public care and the taxes that
3 I pay on my salary check go to
4 Medicare. It's costing me a lot of
5 money. I am perfectly willing to buy a
6 more expensive car with better
7 pollution controls if I can or stop
8 driving rather than see this kind of
9 situation continue.

10 And my third point is that
11 going door to door for ten years for
12 Citizen Action, talking to 30 to 50
13 people a week or more, I can tell you
14 one thing, and they call this an
15 informal sample of northeastern Ohio
16 because I have canvassed from Vermilion
17 to Conneaut, people at the doors like
18 the idea of pollution controls. People
19 at the doors are angry because they
20 have to drive behind diesel trucks
21 spouting filth at them all over the
22 state while living in this county they
23 pay some of the highest costs in the
24 state to maintain their own vehicles,
25 and then they discover that the

1 families that have the SUVs aren't
2 paying the same prices. So they say to
3 me, well, you know, if I lived in
4 Columbus I wouldn't have to pay this
5 much for pollution control. Why is
6 there this inequity? Why do I have to
7 drive behind filthy diesel trucks? Why
8 doesn't everybody in every county have
9 to pay what I pay for pollution
10 control? We all drive from county to
11 county. We all drive all over Ohio.

12 And so if I have one message
13 for you, it is I'm not allowing --
14 people want equity. People want
15 controls. People want cleaner air,
16 young parents with children, older
17 people that are facing diseases like
18 emphysema.

19 I do appreciate the chance of
20 coming here to talk with you today.
21 Thank you.

22 MS. MARTIN: Thank you very
23 much. Miss Hopwood is it? Hopwood.

24 MS. HOPWOOD: My name is Laurel
25 Hopwood. I serve as the chair of the

1 human health and environment committee
2 of the northeast Ohio Sierra Club, and
3 I'm also a registered nurse and a
4 mother. Thank you for your diligence
5 in promoting clean air and for
6 listening to our comments.

7 The auto and oil industry will
8 tell you the cars are cleaner than they
9 were 30 years ago, and I won't dispute
10 that fact, but what they probably won't
11 tell you is the following: That more
12 people are driving and that people are
13 driving more miles. The total number
14 of miles driven doubled over the last
15 30 years and the total mileage is
16 expected to increase another 25 percent
17 over the next ten years.

18 Secondly, one out of every two
19 passenger vehicles sold, sports utility
20 vehicles are one of them. SUVs emit on
21 an average of four times the amount of
22 pollution than the average car. We say
23 air standards need to catch up with the
24 market trend.

25 The auto industry wants to

1 delay implementation of any new
2 standards. The truth is they have the
3 technology to meet the new standards.
4 I will agree that it will come with a
5 cost. The cost to reduce emissions
6 will be about \$200 a vehicle, which is
7 a small fraction considering that their
8 profit margin for SUVs is approximately
9 \$10,000.

10 Likewise, the oil industry is
11 trying to kill cleaner gasoline
12 proposals. Likewise, it will come at a
13 cost. The cost comes to about 2 cents
14 a gallon to reduce sulfur and to meet
15 the EPA proposal, which comes to about
16 \$10 a year for the average driver.
17 It's not unreasonable for a driver to
18 pay \$10 to enable all of us to breathe
19 healthier air.

20 By the year 2010 more than 93
21 million people will live in areas that
22 violate health standards for urban smog
23 and 55 million people will suffer from
24 high levels of soot. We here in
25 Cuyahoga County, which is amongst the

1 dirtiest counties in the nation for
2 hazardous chemical emissions into the
3 air which include sulfur dioxide and
4 nitrogen dioxide, were among the
5 twelfth top counties in the nation for
6 having the highest incidents of cancer
7 including lung cancer.

8 As a health care professional
9 I've researched asthma studies and I'll
10 share with you the following. The
11 incidents of asthma is rising
12 significantly, especially in children,
13 and mortality has doubled over the last
14 two decades. Although it is not known
15 with certainty what causes asthma, we
16 do know that many air pollutants and
17 particles aggravate asthma symptoms.
18 And I think we all want our kids to
19 stay in school and not miss days from
20 school because we want them to learn
21 and be productive citizens when they
22 are adults.

23 We trust you, the EPA, will
24 require light trucks and diesels to
25 meet the same tough standards being

1 proposed for gasoline automobiles and
2 meet them sooner than the year 2009.

3 Thank you.

4 MS. MARTIN: Thank you very
5 much.

6 Now we have Miss Jane Miller
7 with a special guest speaker as I
8 understand. You'll have to introduce
9 the speaker for us this morning.

10 MS. MILLER: This is McKayla.
11 She's my one-year-old daughter.

12 I'm here today to voice my
13 support for cleaner air and the EPA's
14 decision to cut auto pollution. As a
15 parent, I'm very concerned about the
16 health impacts that air pollution has
17 on my children. There is a strong
18 family trait towards asthma in my
19 family and I fear that instead of
20 reducing asthma causing pollution, we
21 are making more of it each year. I see
22 urban sprawl spreading throughout the
23 region. I know from the papers that
24 the number of miles traveled keeps
25 increasing.

1 I've also read that even if we
2 adopt Tier 2 and move aggressively
3 against polluting coal burning power
4 plants, that we are only buying about
5 10 years of ozone reduction before
6 increasing auto emissions overwhelm
7 these changes. Without these changes
8 we are not even going to have the short
9 reprieve.

10 The proposal is a big step in
11 the right direction, but there are
12 three things that should improved
13 before the rule becomes final. First
14 of all, all passenger vehicles,
15 including minivans and SUVs, should
16 meet the same standards at the same
17 time. Larger SUVs should not be given
18 extra time to clean up.

19 Second, there also should be no
20 special breaks for dirty diesel
21 vehicles.

22 Finally, the EPA should do more
23 to get advanced-technology vehicles on
24 the road. Right now we need the
25 strongest possible regulations to

1 control auto pollution.
2 Thank you very much.
3 MS. MARTIN: Miss Farleigh.
4 MS. FARLEIGH: Good morning.
5 My name is Angie Farleigh and I'm the
6 clean air advocate for the U.S. PIRG
7 and I somehow got scheduled onto the
8 local citizens panel. Although I'm not
9 a local citizen, I'd like to take just
10 a few moments to share a personal story
11 about why I think these standards are
12 important.
13 I moved to D.C. a year ago to
14 work at our national office, but until
15 then I lived and grew up in Michigan.
16 Growing up in a rural town in the
17 midwest I always thought I was safe
18 from the health dangers associated with
19 air pollution. However, as the air
20 pollution problem grew, in the country
21 and in Michigan, I discovered that air
22 pollution is not just a problem that
23 hinders our larger cities.
24 I started having health
25 problems a few years ago and the last

1 four years I've come down with
2 asthmatic bronchitis four separate
3 times. I was a relatively healthy
4 person. I do not suffer from asthma.
5 So I asked the doctor why I had such a
6 drastic increase in respiratory
7 illness. He said that he had seen a
8 lot more people in recent years with
9 problems just like mine and he cited
10 decreases in air quality as one of the
11 main causes. It was then that I
12 realized that air pollution is causing
13 a public health crisis nationwide.

14 Over the past two weeks the
15 1999 smog season has descended upon
16 most of the country. Yesterday I
17 learned that Michigan is fourth in the
18 nation with 67 violations of the health
19 standard for smog so far. Already this
20 summer millions of Americans have been
21 exposed to levels of air pollution that
22 are unsafe to breathe for people with
23 asthma or people like me who don't even
24 have asthma.

25 Therefore, new standards

1 requiring clean cars and clean gasoline
2 are not just a good idea, they are
3 absolutely essential to the protection
4 of public health. Automobiles are the
5 single largest source of smog-forming
6 pollution creating nearly a third of
7 the nitrogen oxide that forms smog.
8 U.S. PIRG believes that the
9 Tier 2 standards and gasoline sulfur
10 standards comprise a strong, integrated
11 approach to reducing pollution from
12 automobiles.
13 We applaud the overall
14 significant reductions in pollution
15 from the average automobile that will
16 be realized through the Tier 2 program.
17 We agree that the popular sport utility
18 vehicles should be treated no
19 differently for pollution purposes than
20 cars and we agree that a nationwide,
21 not regional, sulfur standard should be
22 adopted. However, we believe that the
23 EPA's proposed gasoline sulfur
24 standards, first of all, allow too much
25 time to pass before significant air

1 pollution benefits can be expected.
2 Clean gas should be phased in at the
3 same time that the cleaner cars will be
4 phased in.

5 And for the Tier 2 proposal,
6 there are a few important changes that
7 should be made before it becomes final
8 later this year. First of all, largest
9 SUVs, those 6,000 to 8,500 pounds,
10 should not be given extra time to clean
11 up their act.

12 Secondly, the proposal does not
13 address pollution from the largest and
14 dirtiest SUVs, those over 8,500 pounds,
15 like the new Ford Excursion. The Tier
16 2 standard should apply the same .07
17 NOx standards to all passenger vehicles
18 including those over 8,500 pounds.

19 And, finally, the highest BIN
20 in the proposed averaging scheme will
21 allow more diesel vehicles on the road.
22 The State of California considered and
23 specifically rejected a similar
24 provision to protect its citizens from
25 the carcinogenic nature of this diesel

1 exhaust and the EPA should similarly
2 remove the highest BIN in the averaging
3 scheme.
4 Again thank you for the time to
5 speak.
6 MS. OGE: Thank you.
7 I'd like to thank all of you
8 for taking time.
9 And, Miss Farleigh, you are a
10 citizen and you are a citizen for
11 Michigan and you are more than welcome
12 to testify here with us today.
13 Your comments are appreciated
14 and we will fully consider them as we
15 are moving forward to finalize this
16 important program by the end of the
17 year.
18 And, Miss Miller, thank you for
19 bringing the youngest I believe to
20 participate in this public hearing
21 today.
22 I would like to call the next
23 individuals to please come forward.
24 Mr. Ken Mavek, Mr. Michael Gutierrez and
25 Miss Pam Mason. Please print your

1 names on the cards in front of you.
2 Do we have any other individual
3 that was scheduled to testify at this
4 time frame? If we do, please come
5 forward if I haven't called your name.
6 MS. OGE: Miss Mason, good
7 morning.
8 MS. MASON: Thank you. My name
9 is Pam Mason. I live in Cleveland
10 Heights, Ohio and I would like to thank
11 you for providing the people of Ohio
12 with the opportunity, I'd like you to
13 thank you for providing the people of
14 Ohio with the opportunity to
15 participate in the regulatory process.
16 I admire your efforts to make
17 our air safe to breathe by cutting
18 pollution. More people than ever
19 before are vulnerable to the severe
20 health impacts of air pollution. We
21 need the strongest possible regulations
22 controlling air pollution from all
23 major sources.
24 Right now we have a serious air
25 pollution problem around the country.

1 There are currently 117 million people
2 who live in areas where the air is
3 unsafe to breathe due to smog
4 pollution. Children, the elderly and
5 those with respiratory illness are most
6 at risk. Asthma rates in children have
7 increased 75 percent since 1980.
8 Automobiles are the largest
9 non-industrial source of smog-forming
10 nitrogen oxide.
11 The proposal is a big step in
12 the right direction, but there are two
13 things that should be improved before
14 the rule becomes final. First, there
15 should be no special treatment for
16 heavier vehicles. All passenger
17 vehicles, including minivans and sport
18 utility vehicles, should meet the same
19 standards at the same time. Larger
20 SUVs should not be given extra time to
21 clean up. Right now the proposal
22 includes a separate schedule for these
23 heavier vehicles. These vehicles will
24 have lower protection standards than
25 any other vehicle class. The industry

1 has always responded with new
2 technologies and products when the
3 standards are firm and the deadlines
4 are reasonable. The ten-year phase-in
5 schedule for heavier vehicles far
6 exceeds any phase-in period for
7 passenger vehicles ever proposed. This
8 schedule asks the victims of air
9 pollution once again to wait last in
10 line for relief. If anything, the time
11 line should be shortened.

12 I would also like to point out
13 that as someone who drives an exempted
14 vehicle, a Honda minivan, I resent that
15 I am unable to get a clean car. I
16 drive a large vehicle because I often
17 have to transfer ill, elderly parents
18 and the size is important in moving
19 them in some comfort. I was unable to
20 find a sufficiently large vehicle that
21 was also fairly clean. I find the
22 overall cost of an additional \$250 to
23 the cost of the vehicle to be a trivial
24 addition when traded off with the piece
25 of mind knowing I'm contributing less

1 to our pollution problems.

2 I would also like to point out
3 that this proposal does nothing to
4 clean up supersized SUVs such as the
5 Ford Excursion. This could lead to
6 increased sale and production of these
7 overgrown passenger cars. Heavy-duty
8 trucks should be required to clean up
9 their emissions as well.

10 Second, the sulfur levels in
11 gasoline should be lowered to 30 parts
12 per million. The current proposal will
13 reduce the sulfur content in gasoline
14 but allow an extended timetable for
15 small refiners. Low-sulfur gasoline
16 needs to be adopted nationally at the
17 same time as new emissions standards.
18 By allowing some refiners to continue
19 to produce dirty gasoline, there will
20 be negative impacts on the pollution
21 control technologies of newer, cleaner
22 cars. I am willing to pay the extra 1
23 to 2 cents per gallon that it will take
24 to clean up sulfur levels if it means
25 breathing cleaner air.

1 The Tier 2 proposal is a strong
2 start, however, since this decision
3 will affect our air quality for decades
4 to come, we cannot afford to risk the
5 public health by adopting a proposal
6 that does not address the
7 above-mentioned areas of concern. We
8 need the strongest as possible
9 regulations to control auto pollution.
10 Thank you again for your
11 leadership on this issue.
12 MS. OGE: Thank you.
13 Mr., is it Gutierrez?
14 MR. GUTIEREZ: Very good try.
15 Very nice.
16 MS. OGE: Good morning.
17 MR. GUTIEREZ: Good morning.
18 How are you? I'm very exited to be
19 sitting in front of you guys. It's
20 always nice to know who is running the
21 show.
22 I'm here this morning to
23 applaud you for your proposed standards
24 and to urge you to put forth your idea
25 into action. Every day I work outside,

1 so your standards play an important
2 part in my life, as they do with
3 everyone else in this room and
4 yourselves as well.
5 Being a native southern
6 Californian, I know firsthand about
7 smog pollution and air pollution. I'm
8 sure you guys would understand if
9 you've traveled a southern state. I
10 developed acute bronchitis as a child
11 along with many other lung disorders.
12 I moved to Ohio just a couple years ago
13 and actually everything increased. My
14 sinuses got worse. My lungs got worse.
15 And I think that's a mix of not only
16 mixing smog from southern California
17 and smog from Ohio, but now adding some
18 of the country's most toxic industrial
19 pollution here as well.
20 I enjoy life. I enjoy
21 breathing. I'm sure you guys do as
22 well. And lately every day I see one
23 more SUV on the road and I feel a
24 shortness of breath as they drive by.
25 The other day I was told that

1 in Ohio we were under an ozone action
2 day. I thought that sounds like some
3 kind of holiday. Maybe Hallmark should
4 make a card. I don't know. In
5 California we like to call them smog
6 alerts. Kind of to the point exactly
7 what they are. A smog alert meant that
8 kids couldn't play outside. We
9 couldn't go anywhere. Elderly couldn't
10 leave their homes. You know, that's
11 pretty bogus. Our ozone action days
12 sounds to me like one more Ohio
13 bureaucratic blanket. Kind of pussy
14 footing is how my grandfather used to
15 call it, touching around the situation
16 but not really telling what's going
17 down.

18 Realizing that you are going to
19 have a tough opposition from oil
20 industry on this one, I just ask you
21 guys over there to please look at your
22 children when you are doing this. Look
23 in your children's eyes and think of
24 their children. I'm sure you've heard
25 that before. I know that the reason

1 you guys have taken your positions with
2 the EPA is because you care about the
3 environment, at least that's what I
4 hope. I ask you to not think about
5 your pockets. I ask you to not think
6 about dollar bills. And I'm
7 encouraging you to not represent just
8 the people in this room, but to please
9 represent yourselves on this one.
10 Thank you.
11 MS. OGE: Thank you.
12 Thanks both of you for coming
13 and sharing your views with us. We
14 will consider them fully as we are
15 moving forward to finalize this
16 program. Thank you very much.
17 I would like to ask the next
18 group of panelists to please come
19 forward. Cory Chadwick, Miss Laura
20 Keptner, Mr. Bob Morris, Mr. Jed
21 Mandel, Mr. Paul Brochu. Please print
22 your names on the cards in front of
23 you.
24 Mr. Chadwick, good morning.
25 We'll start with you.

1 MR. CHADWICK: Good morning.
2 My name is Cory Chadwick and I'm
3 speaking on behalf of the Ohio Local
4 Air Pollution Control Officials
5 Association, more commonly known as
6 OLAPCOA. Our organization is comprised
7 of the nine local air agencies serving
8 the State of Ohio.

9 First I would like to recognize
10 EPA for leading the way toward
11 improving the nation's air quality,
12 specifically your issuance of the Tier
13 2 and sulfur in gasoline proposals is
14 to be commended. We are especially
15 pleased that your proposals have
16 included key recommendations made by
17 our national air organizations
18 STAPPA/ALAPCO.

19 As the officials whose
20 primarily responsibility is achieving
21 and maintaining clean, healthful air in
22 the State of Ohio, we believe that the
23 potential air quality benefits that
24 will result from cutting emissions from
25 light-duty vehicles and light-duty

1 trucks and reducing sulfur in gasoline
2 and diesel are paramount to achieving
3 the air quality our citizens deserve.
4 These proposed programs will allow us
5 as air quality professionals to attain
6 cleaner air for the citizens of Ohio.

7 While much of the debate
8 surrounding air quality in the State of
9 Ohio is centered around ozone, NOx and
10 the new particular matter 2.5 microns
11 or smaller, it is imperative that we do
12 not overlook the other important air
13 quality benefits from cleaner vehicles
14 and fuels. Through the implementation
15 of cleaner vehicles and fuels, we will
16 see a decrease in particulate and
17 carbon monoxide emissions, improved
18 visibility, a reduction of greenhouses
19 gases, acid rain problems and toxic air
20 pollution.

21 Regarding the applicability of
22 the Tier 2 standards to light-duty
23 trucks over 8,500 pounds, the new
24 supersized SUVs, pickup trucks and
25 full-size vans, we strongly urge EPA to

1 include these as well as all vehicles
2 up to 10,000 gross vehicle weight which
3 are predominantly used for personal
4 transportation.
5 Finally, OLAPCOA also supports
6 the recommendations made by
7 STAPPA/ALAPCO on reducing sulfur in
8 diesel fuel. Implementation of these
9 recommendations will enable the use of
10 advanced catalyst technologies that
11 will yield enormous reductions in
12 emissions. In fact, once EPA's
13 forthcoming on road heavy-duty diesel
14 standards are fully effective, NOx and
15 particulate matter emissions could be
16 reduced by approximately 80 percent.
17 This is equivalent to taking four out
18 of five heavy-duty diesels off the
19 road.
20 In conclusion, OLAPCOA commends
21 US EPA for leading the charge to clean
22 up the air for the citizens of our
23 great nation.
24 Thank you.
25 MS. OGE: Thank you.

1 Miss Keptner, good morning.

2 MS. KEPTNER: Good morning.

3 MS. OGE: Mr. Chadwick, could
4 you please stay with us until the
5 panel --

6 MR. CHADWICK: I'm sorry, but I
7 need to leave as soon as possible to
8 return to Cincinnati.

9 MS. OGE: Okay. Thank you.

10 MS. KEPTNER: I'd like to thank
11 you for this opportunity to speak today
12 on behalf of my organization, the
13 American Lung Association of northern
14 Ohio and all of its constituents. My
15 name is Laura Keptner.

16 We applaud the United States
17 Environmental Protection Agency for
18 their proposed Tier 2 and low-sulfur
19 gasoline standards. In addition to
20 reenforcing the new national ambient
21 air quality standards, these
22 regulations seek to control the source
23 of the problem, the most sensible and
24 effective means for eliminating harmful
25 pollutants from the air.

1 According to the Northeast Ohio
2 Areawide Coordinating Agency, as of May
3 30th, 1999 northeastern Ohio has
4 already experienced in whole or in part
5 six days of unhealthy air pollution
6 levels for sensitive individuals by the
7 U.S. EPA's new standards. What does
8 this mean to the American Lung
9 Association? We know that everyone is
10 affected to some degree by the harmful
11 effects of air pollution. Polluted air
12 can even make healthy people cough and
13 wheeze. It is on these days when air
14 pollution levels are high that we are
15 most concerned about the more than
16 223,000 people in Cuyahoga, Lake,
17 Medina and Geauga Counties who
18 currently suffer from lung disease.
19 These diseases can include anything
20 from asthma, emphysema, chronic
21 bronchitis, lung cancer and those just
22 more sensitive to air pollutants. It
23 is also on these days that we are more
24 concerned about the thousands of
25 children and the elderly living in our

1 communities who are most susceptible to
2 the harmful effects of air pollution.
3 In these populations who are already
4 sick or especially sensitive, air
5 pollution may cause discomfort, limit
6 activities, increase the use of
7 medications, cause more frequent visits
8 to doctors and hospitals and even
9 shorten life.

10 We know that a growing body of
11 scientific studies suggest that air
12 pollution has long-term effects on the
13 lungs' ability to function and on the
14 development of lung disease. We also
15 know that controlling the source of air
16 pollution is the best way to eliminate
17 the onset of lung disease and to
18 promote lung health. And we also know
19 that automobiles, including cars,
20 trucks and sport utility vehicles,
21 account for as much as 40 percent of
22 our country's air pollution problem,
23 significantly contributing to harmful
24 air pollution levels.

25 Although cleaner than 20 years

1 ago, the gains we have made in reducing
2 passenger vehicle pollution in the past
3 have become overwhelmed by a growing
4 population, growing vehicle use and
5 growing sales of high polluting SUVs,
6 minivans and pickup trucks. Americans
7 are now driving approximately two and a
8 half trillion miles per year, more than
9 doubling from the 1970s. At the same
10 time the growing number of cars on the
11 road include a growing number of the
12 higher polluting SUVs and pickup
13 trucks, the most harmful.

14 Cleaner cars and cleaner gas
15 are essential to adequately protect the
16 public's health. These standards are
17 needed and achievable. However, we
18 must ensure the strongest regulations
19 possible, and as the proposal stands
20 now the suggested regulations are not
21 as strong as we'd like them to be.
22 Before final decisions are made, we
23 would like to offer EPA the following
24 recommendations.

25 First of all, we would like to

1 recommend that all vehicles regulated
2 under the proposal, whether light
3 trucks or the heavier SUVs, should meet
4 the same standards at the same time.
5 The proposed ten-year phase-in schedule
6 for the heavier vehicles is really
7 unacceptable. This category of
8 vehicles are being manufactured and
9 purchased at an alarming rate and are
10 some of the biggest contributors to our
11 air pollution problem. We will not see
12 an overall reduction in the levels of
13 harmful pollutants until these vehicles
14 are required to control their
15 emissions, and many people's lungs do
16 not have ten years to wait. The
17 emissions control technologies are
18 available and citizens are willing to
19 to pay for them, so let's utilize them
20 while we have them.

21 Second, the heaviest and
22 dirtiest passenger SUVs currently on
23 the road, the most harmful to our
24 health, such as the Suburbans and the
25 Silverados, they should not be excluded

1 from the emissions control standards as
2 the current proposal reads. The
3 emissions control technologies are
4 available for these vehicles as well.
5 Without controls on these vehicles,
6 they will continue to emit large levels
7 of harmful pollutants into the air at
8 an increasingly greater rate as the
9 public continues to demand these
10 vehicles for recreational use.

11 Thirdly, we recommend that
12 standards for low-sulfur gasoline be
13 adopted at 30 parts per million by
14 every state in the nation at the same
15 time. No exception should be made for
16 this. Allowing certain refiners an
17 extended time frame for compliance,
18 specifically the year 2006, would
19 impair the pollution control
20 technologies of the newer, cleaner cars
21 that would be produced in the model
22 year 2004. Limiting levels of sulfur
23 to 30 parts per million would allow
24 these new technologies to work at the
25 highest level of efficiency in order to

1 effectively reduce harmful emissions.
2 Finally, we recommend the EPA
3 require low-sulfur diesel fuel at 30
4 parts per million as well in addition
5 to gasoline. Even what we know about
6 diesel fuel emissions and their cancer
7 causing potential and harm to health,
8 we believe the NOx reduction and
9 subsequent health benefits of
10 low-sulfur diesel fuel may actually be
11 greater than low-sulfur gasoline.
12 I'd like to thank you once
13 again for having me here to allow me to
14 speak. In taking these recommendations
15 into consideration, I urge you to keep
16 one thing in mind, when you can't
17 breathe, nothing else matters.
18 MS. OGE: Thank you.
19 Mr. Morris, good morning.
20 MR. MORRIS: Good morning. My
21 name is Robert Morris. I'm director of
22 Environmental and Safety Affairs for
23 the Refining and Chemical Division of
24 The Coastal Corporation.
25 I would like to focus my

1 remarks today on a major problem that
2 will prevent EPA and the states from
3 realizing the estimated air quality
4 benefits from this proposed rulemaking.
5 Our industry has addressed other
6 shortcomings in the rule which I will
7 not touch on today. My subject is the
8 many constraints involved in obtaining
9 the necessary federal and state permits
10 within the time frame proposed by EPA.
11 The refining industry must obtain these
12 permits under EPA and state regulations
13 in order to make the adjustments in
14 their refinery facilities needed to
15 make lower sulfur gasoline. My
16 comments will address three questions:
17 What permits will be required, what the
18 obstacles to obtaining these permits
19 are, and whether there is a solution to
20 the problem.

21 First, let's get an idea of the
22 range of hardware affected. The
23 petroleum refining industry can pursue
24 one of three options in order to make
25 low-sulfur gasoline that is compliant

1 with the proposed rule. They are: 1,
2 hydrotreating FCCU feed (or input);
3 hydrotreating FCCU gasoline output
4 using new state of the art technology;
5 and, finally, 3, hydrotreating FCCU
6 output using conventional technology.
7 Because each refining facility is both
8 complex and unique, no single option
9 will be used by all facilities.
10 Industry may use a mix of all three
11 options.

12 To better understand the real
13 impact on a facility and the permits
14 required, Coastal itself, in
15 conjunction with members of NPRA's
16 Environmental Committee Permits
17 Workgroup, analyzed all three options
18 and are continuing to analyze to
19 determine the processes affected and
20 the regulatory implications and permit
21 requirements for each option.

22 Table 1 of my remarks is a list
23 of the 18 processes in a typical
24 refinery that are likely to be directly
25 or indirectly impacted by the proposal

1 rule. Table 2, is an analysis, all ten
2 pages of it, of these 18 processes for
3 each of the three scenarios. The
4 analysis covers: Direct and indirect
5 air emissions, and could we put the
6 slide up; applicable federal
7 regulations; other media impacts; and
8 required permits. And this
9 transparency is just one page. It's an
10 excerpt of actually two pages that
11 shows some of the issues in obtaining
12 permits.

13 All three scenarios analyzed
14 are energy intensive and create waste
15 by-products in all environmental
16 medias, air, water and solid waste.
17 One cannot do an adequate analysis in
18 the current permitting climate without
19 looking at all environmental impacts.
20 This would include changes in steam and
21 electric generation and new or modified
22 streams entering NSPS regulated units
23 such as the sulfur plant, FCCU and fuel
24 gas system. It would also include air
25 quality impacts of both hazardous and

1 criteria air pollutants. Finally, all
2 three scenarios will have impacts on
3 safety management systems such as
4 flares and spill control which are
5 strictly regulated by either OSHA or
6 the EPA.

7 The normal construction process
8 involves design, permitting, detailed
9 engineering, construction, and start-up
10 and shakedown. This takes four to five
11 years in the United States. In a
12 normal situation, the permitting
13 process for major projects has taken up
14 to 18 months. However, the permit
15 "land rush" touched off by the proposed
16 rule would severely complicate matters
17 beyond the normal case. All refineries
18 will be operating on the same
19 timetable, with all design/construction
20 occurring at the same time. This will
21 severely strain or exhaust both the
22 regulatory permitting resources in the
23 states and EPA regions and
24 engineering/construction resources
25 available in the private market.

1 For example, in the State of
2 Texas there could be as many as 29
3 refineries lined up in the queue
4 requesting permits at the same time.
5 In the State of New Jersey, there could
6 be three refineries with many multiple
7 permits. Neither state, in my opinion,
8 nor the regions existing have the
9 trained manpower in place to turn these
10 permits around as the EPA suggests in
11 six months. If public hearings are
12 requested, which is part of the normal
13 state process, the scheduling alone for
14 them can take four to five months.
15 Again an estimate of 18 months for EPA
16 and the state regulatory agencies to
17 complete their tasks might be more
18 realistic.

19 To further complicate the
20 picture, a number of federal permits
21 are affected by federal regulations
22 that are under current review and
23 development. The likely result is
24 additional, currently unforeseeable,
25 changes in federal permit requirements

1 which will directly affect the permits
2 required for gasoline sulfur. Some of
3 the regulations in question: Major NSR
4 permitting; Part 70, Title V rules;
5 public notification and review; Urban
6 Air Toxic requirements; and emissions
7 Trading laws.

8 The new NSR revisions and
9 permits will be a serious obstacle to
10 any attempt to fast track the air
11 permitting process for Tier 2 fuels.
12 EPA's proposal suggests that industry
13 can use legal means to avoid NSR.
14 However, the definition of "legal" is
15 currently being debated by lawyers and
16 judges all over this country through
17 enforcement cases. Therefore, industry
18 and state regulators will be very, very
19 cautious in taking any steps to avoid
20 NSR without EPA's formal blessing
21 because of the extensive enforcement
22 actions being taken by the agency
23 against industry under existing NSR
24 regulations. To repeat, NSR is a
25 significant obstacle to the states and

1 EPA completing their review tasks in a
2 timely manner.

3 Finally, no one can overlook
4 the additional impact of environmental
5 justice claims. Whatever its intrinsic
6 merit, an environmental justice lawsuit
7 can tie up a facility's permitting
8 process for years. Environmental
9 Justice proponents sometimes ask
10 legitimate questions about obtaining
11 nationwide environmental quality
12 improvements at the expense of the
13 environmental quality in the
14 neighborhoods surrounding petroleum
15 refineries. EPA has largely encouraged
16 the assertion of environment
17 justice-like claims and that policy,
18 like the increased emphasis on zealous
19 enforcement, will lengthen the permit
20 process for compliance with the
21 gasoline sulfur rule.

22 The National Petrochemical &
23 Refiners Association, together with
24 other industry representatives,
25 advocate the only effective solution to

1 the impending permit crisis. That
2 solution is to establish a reasonable
3 time frame for the regulators to review
4 and issue the necessary permits. Over
5 a thousand years ago an English king
6 reminded his subjects that, whatever
7 his temporal powers, he could not
8 prevent the tide from coming in. EPA
9 should follow his example and admit the
10 realities of the permit approval
11 process. One of these, long
12 demonstrated, is "the course of true
13 permitting does not run smooth."
14 Before finalizing this rule, EPA should
15 choose a much more realistic date for
16 compliance than the fall of 2003.
17 Extending the date would give both EPA
18 and states the necessary time and
19 resources to permit the more than the
20 90 refiners struggling to comply.

21 Although additional time is the
22 only real answer to avoiding the permit
23 logjam, other solutions offer limited
24 hope. They include: 1, providing
25 limited relief through standardized

1 permits written into the rule;
2 establishing prescribed time frames for
3 applications by refiners and review by
4 permitting agencies with presumptive
5 approvals; and, 3, establishing
6 presumptive BACT requirements.
7 If the environmental benefits
8 from this rule are as desirable as
9 proposed in the EPA documents,
10 regulators will need to determine how
11 to best permit and mitigate increases
12 of emissions of regulated pollutants at
13 a refinery within the confines of
14 current technology limits. This is not
15 an insignificant task for the
16 regulatory bodies. The limits on the
17 refining industry's ability to produce
18 new fuels may not only be the
19 technology associated with the fuel,
20 but also the technology associated with
21 the control of stationary source
22 emissions within the confines of the
23 nation's desired environmental quality.
24 This is not a scenario that either the
25 agencies or industry has been receptive

1 to but which must be addressed.
2 Coastal and I understand NPRA's
3 Environmental Committee want to join
4 the EPA in addressing the very real
5 permitting problems so that our
6 facilities can be in compliance with
7 this rule on the required date. I hope
8 that the very specific information on
9 this point which I have made a part of
10 this testimony will serve both as an
11 indicator of the problem facing us and
12 our willingness to find a practical and
13 acceptable solution.
14 Thank you.
15 MS. OGE: Thank you.
16 Mr. Brochu, how do you
17 pronounce your name?
18 MR. BROCHU: Brochu.
19 MS. OGE: Good morning.
20 MR. BROCHU: Good morning.
21 Thank you. Thank you for this
22 opportunity to testify on a matter of
23 great environmental and economic
24 significance to Valero Energy
25 Corporation. My name is Paul Brochu

1 and I'm director of business
2 development for Valero Energy. Valero
3 Energy is one of the largest
4 independent refining and marketing
5 companies in the United States. The
6 company owns and operates five
7 refineries in Texas, Louisiana and New
8 Jersey. Valero is recognized
9 throughout the industry as a leader in
10 the production of premium, clean fuels
11 and oxygenates like MTBE.

12 Members of the panel, the
13 answer to sensible development and
14 implementation of fuel specifications
15 has always been sound innovation in the
16 petroleum refining and petrochemical
17 sectors. And in innovation,
18 independent refiners have often led the
19 way because refining gasoline is our
20 principle business. Consider the
21 phase-down of lead in gasoline. We met
22 this challenge in the mid-1970s by
23 developing important new uses for
24 oxygenates as octane-enhancers or the
25 roll out of the reformulated gasoline

1 program in the early 1990s. Again it
2 was the independents that stepped up to
3 the plate in working out the
4 complexities in the system and in
5 producing one of the most successful
6 air and fuel quality programs in
7 history. Valero alone invested more
8 than \$300 million to meet the RFG
9 specifications. In short, we have a
10 solid track record and again stand
11 ready to focus considerable commitment
12 to innovation in fuel chemistry to
13 achieve effective fuel desulfurization.
14 We are somewhat dismayed, however, that
15 the current proposed implementation for
16 the sulfur rule does not result in the
17 optimal conditions for innovation that
18 EPA assumes to be the case in its
19 Regulatory Impact Analysis. In order
20 to restore the proper balance to the
21 rule and to allow for appropriate
22 process changes to be implemented,
23 Valero recommends incorporation of the
24 following changes as the EPA moves to
25 finalize this rule: A more realistic

1 timeline, including resolution of the
2 diesel fuel standard; elimination of
3 the advantages to foreign and small
4 refiners created by the rule; and
5 resolution of the uncertainty
6 surrounding the high-octane clean
7 burning additive MTBE. Without these
8 changes, Valero and other independent
9 domestic refiners cannot realistically
10 meet the EPA's environmental objectives
11 and certainly refiners are unlikely to
12 recover their capital costs. Let me
13 explain.

14 The tradition of innovation
15 that has made independent refining a
16 viable sector assumes sufficient lead
17 time to benefit from technological
18 changes in our own companies and within
19 the marketplace. However, if the
20 government puts significant burdens in
21 place without time to marshal
22 resources, the results could be
23 far-reaching and costly to consumers,
24 leading to gas supply interruptions and
25 price spikes. Valero alone will need

1 to invest more than \$125 million to
2 meet the proposed standard, which will
3 be extremely difficult in light of the
4 current downturn in refining margins.
5 Another challenge will be meeting the
6 deadlines under the existing permitting
7 process. Under the proposed rule,
8 refineries will require modifications
9 that trigger Title V permitting, itself
10 a source of delay given backlogs at
11 state regulatory agencies. States
12 should be consulted on this issue.

13 The rule presents certain
14 technological uncertainties that again
15 require a pragmatic timeline to
16 resolve. Without sufficient transition
17 time, we can anticipate difficulty
18 associated with unproven technology
19 resulting in significant price
20 increases and supply problems, both of
21 which could undermine the viability of
22 the industry and the rule.

23 Also, if EPA decides to issue
24 its proposed diesel rule on a similarly
25 tight schedule, EPA must recognize that

1 doubling our compliance obligations
2 over the same compressed deadline only
3 magnifies the timing issues that
4 disrupt the ability of Valero and other
5 refiners to innovative new solutions.
6 By extending the deadline to
7 2006, and by comprehensively changing
8 the EPA approach to permitting,
9 domestic independent refiners will be
10 better able to provide low-sulfur
11 gasoline without consumers being forced
12 to bear the burden of price spikes from
13 supply shortages which can be
14 anticipated if the rule is implemented
15 as currently proposed.
16 Just as inadequate time quashes
17 innovation, so too does a failure to
18 take into consideration the realities
19 of international marketplace for fuels.
20 Currently, according to the National
21 Petroleum Council, domestic refiners
22 pay 13 cents per gallon for
23 environmental compliance.
24 By contrast, many foreign
25 refiners do not face these costs and

1 are heavily subsidized by national
2 governments. They often provide their
3 citizens poor quality gasoline and are
4 encumbered by few environmental
5 emissions requirements. During 1998,
6 five hundred thousand barrels per day
7 of gasoline and gasoline blendstocks
8 were imported and 30 percent of the
9 imports were from national oil
10 companies, most notably Venezuela,
11 Saudi Arabia and China. Competition is
12 not a two-way street. Significant
13 structural barriers block increased
14 competition by U.S. refiners in foreign
15 local markets.

16 Unfortunately, the current rule
17 only exacerbates this already unfair
18 situation. As the rule is currently
19 proposed, the domestic refiners will
20 have to desulfurize their entire
21 gasoline pool. Foreign refiners will
22 not. They will be able to blend their
23 cleanest components into gasoline for
24 the U.S. market, while selling
25 higher-sulfur gasoline in their own

1 country or other parts of the world.
2 Therefore, they will be able to flood
3 the U.S. market with less expensive
4 gasoline. Valero urges that EPA
5 consider definitive changes to the rule
6 to address this problem, up to and
7 including extraterritorial application
8 of anti-dumping provisions.
9 At this juncture, more
10 comprehensive solutions should also be
11 on the mind of the federal government.
12 To preserve the domestic petroleum
13 refining industry and the world
14 environment, it is critical we either
15 prohibit foreign imports from refiners
16 that don't comply with all U.S.
17 environmental regulations or place an
18 additional fee to affect environmental
19 costs on imported gasoline and blended
20 stocks. By the same token, the U.S.
21 should push for compliance with tough
22 harmonized international norms as a
23 prerequisite for foreign refiner
24 participation in U.S. markets.
25 In addition, the economic

1 advantage that this rule provides small
2 refiners through a relaxed
3 implementation schedule further reduces
4 an independent's ability to remain
5 competitive. Valero encourages the
6 agency to level the playing field by
7 either eliminating the small refiner
8 provision or by allowing all
9 independent domestic refiners to meet
10 the same compliance deadline. The
11 smaller refiner provision can also
12 magnify the international disparities
13 discussed earlier because all foreign
14 refiners may demand the same treatment
15 as small domestic refiners under
16 certain interpretations of equal
17 treatment under the General Agreement
18 of Tariffs and Trade. EPA and other
19 parts of the U.S. government must hold
20 firm against this view here at home and
21 before the World Trade Organization, if
22 it comes to that.

23 According to the EPA, the most
24 cost-effective means of reducing sulfur
25 in gasoline involves desulfurization of

1 the product stream from the fluidized
2 catalytic cracker unit. While this
3 process reduces sulfur, it also reduces
4 octane. Octane must be replaced either
5 by increasing high-octane blendstocks
6 or adding oxygenates. Our company is
7 one of the leading producers of the
8 fuel oxygenate MTBE and other
9 clean-fuel additives. As such we fully
10 appreciate the environmental benefits
11 of blending oxygenates in gasoline.

12 Because oxygenate use will
13 increase when this rule is implemented,
14 we believe the most responsible course
15 for EPA at this time is to express
16 clear and unambiguous support for
17 oxygenates, including MTBE, even in
18 light of recent controversies.

19 In conclusion, Valero will
20 continue to build on the progress it
21 has made in providing cleaner burning
22 fuels. The proposed regulations for
23 reducing sulfur levels in gasoline take
24 the next step in gasoline improvements.
25 Valero strongly believes that by

1 extending the compliance deadline, by
2 supporting measures that level the
3 playing field for domestic refiners and
4 by embracing fuel oxygenates, the EPA
5 can create conditions conducive to the
6 innovation necessary to meet health and
7 environmental objectives in a
8 cost-effective manner.

9 Thank you.

10 MS. OGE: Thank you.

11 Mr. Mandel, good morning.

12 MR. MANDEL: My name is Jed
13 Mandel and I'm here today on behalf of
14 the Engines Manufacturers Association.
15 Among EMA's members are the
16 manufacturers of pickup trucks, sport
17 utility vehicles, other light-duty
18 trucks and passenger cars and the
19 diesel engines that are being designed
20 to power them.

21 As we all recognize, this rule
22 is one of great significance. It will
23 substantially reduce the emissions from
24 light-duty vehicles and, depending on
25 how the rule is finalized, it can do so

1 in a way that it not only reduces HC,
2 CO, NOx and PM emissions, but also in a
3 way that can reduce CO2 emissions,
4 improve fuel economy, help
5 commercialize diesel technology that
6 can achieve additional reductions from
7 other mobile sources and provide
8 cleaner fuels to improve the emissions
9 from both new and existing vehicles.

10 As we have discussed with you,
11 the single most promising
12 cost-effective and available technology
13 to reduce CO2 and improve fuel economy
14 is the diesel engine. This has been
15 confirmed by the work coming out of the
16 Partnership for a New Generation
17 vehicle program, has been recognized by
18 the Department of Energy and the
19 administration. For example, according
20 to EPA data comparing similar sized
21 gasoline and diesel engines, a diesel
22 engine exhibits a 60 percent
23 improvement in fuel economy while
24 achieving a 30 percent reduction in CO2
25 emissions.

1 Diesel engines also are
2 inherently low emitters of HC and CO,
3 are extremely durable with little or no
4 degradation from initial air quality
5 emissions and performance levels and
6 they can perform more work more
7 efficiently than other types of
8 engines. These and many other positive
9 attributes of diesel engines can be
10 realized if EPA reduces the sulfur
11 content in diesel fuel to no more than
12 five parts per million, offers greater
13 flexibility in allowing manufacturers
14 to average their fleetwide emissions
15 levels and provides modestly more lead
16 time to commercialized new clean diesel
17 technologies.

18 Diesel engines that are being
19 tested today and are on the cusp of
20 commercialization will be quiet, free
21 from excessive vibration and free from
22 visible exhaust emissions, and they
23 will do so while retaining their fuel
24 economy and durability advantages. The
25 adoption of Tier 2 standards that allow

1 a role for vehicles with diesel-fueled
2 engines in the light-duty market has
3 significant potential to stimulate
4 support and speed major research and
5 development and clean diesel engine
6 technology, and those new technologies
7 can be transferred to other
8 applications to provide even more
9 extensive benefits.

10 Engine manufacturers already
11 have made great strides in reducing
12 emissions from diesel-fueled engines
13 and we recognize that more can be done.
14 The key, however, is to assure that
15 world class advanced technology engines
16 are paired with world class ultra clean
17 fuels. As EPA has recognized, the
18 stringent emissions standards in
19 today's proposal require a systems
20 approach to compliance in which
21 technology and fuels are integrally
22 linked. For light-duty vehicles, a
23 diesel fuel with ultra low sulfur level
24 at 5 ppm or less is essential. It
25 would provide direct PM emissions

1 reductions, it would enable substantial
2 NOx emissions reductions and it would
3 provide fleetwide benefits from both
4 new and existing vehicles with
5 diesel-fueled engines. Ultra low
6 sulfur diesel fuel also is required to
7 maintain engine durability. Without
8 it, severe engine wear and poisoning of
9 the entire engine system can occur.
10 And with the need to reduce carbon
11 dioxide emissions from the
12 transportation sector and the need to
13 provide fuel economy, the increased use
14 of diesel-fueled engines using ultra
15 low sulfur fuel would decrease carbon
16 dioxide emissions.

17 Improved diesel fuel also has a
18 role in responding to potential health
19 effect concerns. Ultra low sulfur fuel
20 lowers the total mass of particulate
21 from the entire fleet and enables the
22 use of known after-treatment technology
23 such as oxidation catalysts which can
24 reduce the organic fracturing of PM
25 emissions as discussed above and enable

1 technologies to reduce NOx which will
2 in turn reduce secondary PM.
3 Diesel engine manufacturers
4 accept the challenge of meeting the
5 same emissions standards as their
6 gasoline engine counterparts. If that
7 challenge can be met, and we think it
8 can, EPA and the driving public should
9 realize that they will have a power
10 option with NOx and PM emissions
11 equivalent to a gasoline engine and
12 with substantially better fuel economy,
13 CO2 emissions and HC, CO and
14 evaporating emissions.
15 For EPA to proceed with this
16 program, however, there must be
17 substantial improvements in diesel fuel
18 quality and EPA must recognize that
19 larger, heavier, more powerful vehicles
20 are needed to meet customer needs.
21 Those needs require more work and that
22 additional work results in different
23 emissions levels. An 18 wheel truck
24 does not emit at the same level as a
25 pickup truck because it's required to

1 perform more work. Likewise, a pickup
2 truck does not emit at the same levels
3 as a passenger car because it too is
4 required to perform more work. EPA
5 must recognize that larger, heavier,
6 work capable vehicles require different
7 emissions levels and more time to meet
8 the most stringent standards. EPA
9 should provide manufacturers greater
10 compliance flexibility and more lead
11 time. In doing so it should be noted
12 that emissions levels from all vehicles
13 will be reduced substantially beginning
14 in 2004 and each succeeding year.

15 We believe that diesel fuel
16 engine technology can remain a viable
17 marketplace option without adverse
18 emissions impacts. We believe EPA
19 should make every effort to assure that
20 low NOx emitting, high performing, low
21 CO2 producing diesel fuel engines
22 remain an option. To that end, we urge
23 EPA to move ahead promptly with its
24 diesel fuel rulemaking and to
25 incorporate in this final rule an

1 independent mid-term review of the Tier
2 standards. Thank you very much.

3 MS. OGE: Thank you.

4 Mr. Brochu, I have a couple of
5 questions for you. First of all, thank
6 you for your testimony. We do
7 appreciate you coming forward with the
8 testimony and the recommendations that
9 you're making. I didn't hear you
10 commenting on the national aspects of
11 this program. Could you please tell us
12 what is your company's view about the
13 national approach of the program as it
14 is proposed by EPA?

15 MR. BROCHU: The position of
16 Valero would be that we support the
17 cleaner fuels and the improvement of
18 cleaner fuels. As I stated in this
19 document is that the compliance
20 deadline is onerous relative to the
21 positions that I've voiced from this
22 testimony.

23 MS. OGE: Yeah. I'm trying to
24 see if there is -- if I can distinguish
25 your company's position versus the

1 associations that have been
2 representing the oil industry today,
3 which is the API and NPRA.

4 The second question that I had
5 for you is that I believe that you have
6 suggested that a more appropriate time
7 frame is 2006 versus our proposal of
8 2004 time frame.

9 MR. BROCHU: Yes.

10 MS. OGE: And could you please
11 comment on the levels. We have
12 proposed a 30 parts per million average
13 with a cap of 80 ppm.

14 MR. BROCHU: On the specific
15 level, again Valero's position is that
16 we support the cleaner fuels and if 30
17 parts per million is the level, then we
18 support that level and with the time
19 frame constraints that we have relative
20 to permitting, relative to building the
21 processes necessary and to prove the
22 technology that is currently somewhat
23 unproven in meeting those requirements.

24 MS. OGE: Okay. You have raised a
25 number of issues as they relate to

1 foreign importers.
2 MR. BROCHU: Yes.
3 MS. OGE: And I would invite
4 you to continue exploring options with
5 EPA and maybe follow up writing
6 comments or verbal communication.
7 Just for the record, I wanted
8 to both thank you for making
9 recommendations, but at the same time
10 tell you that the recommendations that
11 Valero has made, and I checked with my
12 legal people here, we don't believe we
13 really have authority to move forward
14 with what you are suggesting, but that
15 doesn't mean that we are not interested
16 in working with you and other refiners
17 on this decision.
18 MR. BROCHU: We appreciate
19 that.
20 MS. OGE: Thank you.
21 MR. BROCHU: Thank you.
22 MS. OGE: And, Mr. Morris,
23 thank you for your testimony and the
24 constructive remarks on the permits. I
25 didn't hear you taking any positions

1 for your company as far as the national
2 nature of this program or the levels or
3 the timing. What do you think is
4 inappropriate timing? So I have given
5 you three questions.

6 MR. MORRIS: National versus
7 regional, let me skip that. Okay.

8 MS. OGE: Okay. You can follow
9 up with me later on.

10 MR. MORRIS: We have supported
11 NPRA's position and I am chair of the
12 NPRA environmental committee. We serve
13 two markets in the U.S., so whichever
14 way I answer the question will be
15 wrong. A time frame from my standpoint
16 is in the United States projects that
17 we are working on right now is four and
18 a half to five years. We take about
19 three and a half years of that; the
20 agencies take about 18 months. So we
21 can put -- the time frame is, how do we
22 make the time frame work. I mean the
23 time frame can be more than 18 months
24 for the regional people. But it's a
25 very, very difficult problem. And the

1 time frame can be condensed. Where do
2 we do it? But right now it's looking
3 like four and a half to five years.
4 And we have taken this up with
5 the states. We have already talked to
6 the states about the permitting, what
7 we can do to streamline things. How do
8 we make it better? Except they are
9 under the same constraints that
10 industry is under is that they are
11 being cutting back. They are pushed,
12 particularly by Title V. So there are
13 a lot of pressures here that tend to
14 extend the time frame.
15 And the third question.
16 MS. OGE: The level. The third
17 question. The level. We have proposed
18 a 30 ppm and I would like to know what
19 is your company's position on this, not
20 necessarily the NPRA's position because
21 we do know the NPRA's position.
22 MR. MORRIS: My company's
23 position is we'll do whatever we are
24 asked to do. There are certain levels
25 in the country that have a major

1 problem in putting their system
2 together and they definitely have to
3 have a fuels component. I'm not an
4 expert on what that level should be.
5 So I'm looking to the agency and other
6 experts to tell me that number. But
7 we'll do whatever we can do.

8 We have, our sulfur levels in
9 New Jersey have always been low, not 30
10 ppm, but they have always been low.
11 And that actually offers or provides us
12 with some problems associated with this
13 rule because the banking and trading
14 doesn't give us a whole lot of credit
15 for that past lowness. But it's
16 whatever EPA and the public wants.

17 MS. OGE: Thank you.

18 Any questions from the panel?

19 Mike.

20 MR. HOROWITZ: I just wanted to
21 say for the record to Mr. Brochu, we do
22 encourage any comments that you have on
23 the issues dealing with foreign
24 refiners, and I don't want to say for
25 the record that we can't do this, what

1 you suggest, but we do have substantial
2 legal concerns which I hope you'll
3 address.
4 MS. OGE: You're the engineer.
5 He's the lawyer.
6 Thank you. I'd like to thank
7 all of you for coming forward today and
8 sharing your views with us. We do
9 appreciate you taking the time.
10 Thanks.
11 We are going to have a lunch
12 break until 1:30. We'll be back to
13 this room at 1:30.
14 - - - -
15 (Thereupon, a recess was had.)
16 - - - -
17 MS. OGE: I'd like to call up the
18 following names. As you know at 1:30
19 this section is scheduled for our
20 unscheduled speakers. So it will be a
21 little less formalized than the morning
22 session and the rest of the afternoon
23 session. But I'd ask you all to please
24 when I call you come to this front
25 table here, take one of the cards that

1 you'll see that are on the edge of the
2 table and write your name on it like
3 this so we can identify you as you come
4 through.

5 So the first person would be
6 Laurie Kondas, Sarah Rovito, David
7 Cornicelli, Rebecca Rollins, Betty Long
8 and Betty Perkul.

9 Ms. Kondas, good afternoon.
10 We'll start with you. Welcome.

11 MS. KONDAS: I'd like to thank
12 you for this opportunity to testify and
13 I'm doing so as a registered
14 respiratory therapist and I would like
15 to take the opportunity to speak on
16 behalf of the 30 million Americans that
17 suffer from chronic lung disease.

18 I would like to ask everyone
19 here today to participate in a small
20 experiment, especially if you've never
21 had trouble breathing. What I'd like
22 you to do for now, just for the next
23 five or ten minutes, is I want you to
24 not breathe. Right now just stop
25 breathing. I'd like you to imagine

1 that there is something in the room
2 that is poisonous and I want you to
3 know if you breathe this substance, if
4 it enters your body, it will make you
5 very ill and it may possibly even kill
6 you. This will be challenging because
7 you must breathe to survive. You can
8 live only a matter of moments if you
9 stop breathing. So no matter who you
10 are, no matter where you are or what
11 else you need to do, breath is
12 literally life. You really have no
13 choice but to breathe the air that's in
14 this room right now, either this minute
15 or the next. If you are participating,
16 are you finding it hard not to breathe?
17 Have you taken a breath yet? Are you
18 still protecting your lungs?
19 We need the air that's around
20 us to survive. This means that our
21 bodies are in constant contact with our
22 environment. How well or how poorly
23 our lungs perform depends entirely on
24 the state of the air that surrounds us.
25 We are all exposed to whatever

1 pollutants are present in the air we
2 breathe. We are all at risk for the
3 damage that may be caused by these
4 substances and no one is immune to the
5 effects of air pollution. Everyone of
6 us attacked long enough and often
7 enough will eventually sustain injury.
8 Some of us are unfortunately less able
9 to withstand these assaults than
10 others. Some of us because of who we
11 are, how old we are, how young we are
12 or what we are doing or because we have
13 other health problems are especially
14 vulnerable to serious and even
15 permanent injury by the contaminants in
16 the very air that we need to survive.
17 Children, the elderly and people with
18 asthma are especially at risk.

19 As a registered respiratory
20 therapist I have had many opportunities
21 to work with individuals that are
22 struggling to deal with the symptoms
23 imposed by respiratory disease. I have
24 often seen firsthand the far-reaching
25 effects of chronic lung disease. In

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

just Cuyahoga County alone there are over 170,000 people affected by lung disease, over 25,000 of these are children under the age of 18 with asthma.

The most common symptom of all lung disease is shortness of breath. This can range from mildly incapacitating to severely debilitating. For many people with lung disease careful preparation and planning are successful for just life for management of their disease. These individuals learn what medications to take, what to eat, how important activity is and the importance of avoiding triggers. In essence, they must learn how to manage the environment in which they live. Unfortunately, on some days these individuals are faced with the reality that the very air they need to survive may be contributing to their illness and, in fact, it may be killing them.

For 11 years I worked in a

1 pulmonary rehabilitation outpatient
2 clinic. Unfortunately, during that
3 time I had occasion to call our
4 patients and suggest they not attend
5 their regularly scheduled appointments
6 due to a variety of air quality alerts.
7 Even though we knew their appointments
8 were very important, we knew that
9 exposure to high levels of pollutants
10 would put them at increased risk. Of
11 all the things we could do and control
12 to help improve their health, we knew
13 that we could not on that day improve
14 the air and make it safe for them to
15 breathe.

16 While exposure to air pollution
17 causes adverse health effects in
18 adults, children are especially
19 susceptible. Their lungs are still
20 developing. They breathe more air
21 relative to the size of their lungs
22 than do adults. They spend more active
23 time outdoors. Of special concern are
24 these children with asthma. Both
25 particulates and ozone have been

1 repeatedly scientifically demonstrated
2 to increase the incidents of symptom
3 days, restricted activity, asthma
4 attack, emergency room visits and
5 hospital admissions.

6 Air pollution remains one of
7 the most significant threats to our
8 health and well-being in every region
9 of our country. Air pollution sends
10 children with asthma to the hospital
11 and senior citizens frankly to an early
12 grave. Additional pollution reductions
13 are needed to protect the public,
14 especially the most vulnerable among
15 us, and again that includes children,
16 the elderly and all people with chronic
17 lung disease.

18 Motor vehicle emissions are one
19 of the leading sources of outdoor air
20 pollution. Reducing this pollution
21 from transportation sources will have a
22 significant immediate impact on the
23 quality of the air that we all breathe.
24 These stricter standards must include
25 sport utility vehicles, minivans and

1 pickups. Currently, as you know, these
2 vehicles face weaker pollution
3 standards than cars and as a result are
4 responsible for producing much more
5 smog-causing pollution. All passenger
6 vehicles, including minivans and SUVs,
7 should and must meet the same emissions
8 standards.

9 In addition, the decision to
10 move towards cleaner fuels is another
11 step in the right direction. For
12 example, sulfur dioxide is created when
13 sulfur containing fuels are burned.
14 Sulfur dioxide alone constricts air
15 passages in everyone, but this creates
16 a special problem for people with
17 asthma and for young children who have
18 smaller airways. The proposed new
19 standards for lower sulfur will help
20 make catalytic converters more
21 efficient and will make cars much
22 cleaner.

23 Regarding the economic concerns
24 of these proposed standards, personally
25 I am more than willing to pay several

1 hundred dollars over the life of my van
2 or car to protect our air. Look in the
3 face of a child who is literally
4 struggling to breathe to live and tell
5 them that we can't afford to do this or
6 that we need to postpone it. I'd ask
7 you to do that. Go to any emergency
8 room and talk to one of these children
9 and watch them literally struggle in
10 order to survive.

11 The EPA's proposal once
12 implemented will have a huge positive
13 impact on air quality and will improve
14 and protect the health of our
15 community. These new regulations are
16 an important opportunity to improve the
17 quality of air that we all need to
18 breath and survive.

19 Thank you.

20 MS. OGE: Thank you.

21 Miss Rovito, good afternoon.

22 Miss Rovito: Good afternoon.

23 MS. OGE: Could you please

24 speak in the microphone.

25 Miss Rovito: Thank you for

1 affording me this opportunity to speak
2 today. My name is Sarah Rovito. I am
3 14 years old and I'm from the Cleveland
4 area, more specifically the suburb of
5 Parma. I have been an asthmatic since
6 I was born. Many things cause me to
7 wheeze and sneeze, dog dander, cat
8 dander, dust, cigarette smoke and air
9 pollution.

10 One of the main ways that
11 asthmatics cope with their asthma and
12 try to avoid severe asthmatic episodes
13 is controlling their environment.
14 Asthmatics like myself do this by
15 pulling up carpeting in our homes,
16 having pet goldfish and by using air
17 conditioning and other special
18 air-filtering devices in our homes.
19 Unfortunately, unless we would opt to
20 wear space suits or scuba gear when we
21 venture outside of our homes, we are
22 not able to do anything about the air
23 we breathe while we were at work,
24 school or at play.

25 Let me tell a little story.

1 When I was an infant during the summer
2 smog and heat, I would wheeze just
3 lying in my crib. My parents went out
4 and bought a single unit window air
5 conditioner and I did much better.
6 Consequently, for the next three years
7 of my life during the summer I lived in
8 one little room of my house. Imagine
9 being an active toddler full of energy
10 confined to such a small space but only
11 more miserable once you left it. After
12 the horrible summer of 1988 my parents
13 had saved enough to afford whole house
14 air conditioning and eventually an air
15 conditioned car. I felt like I had
16 escaped from prison.

17 The point of my story is that
18 poor air quality means poor quality of
19 life for asthmatics like me, the very
20 old and the very young. That's what
21 brings me here today. This air
22 pollution problem has gone on too long.
23 Motor vehicles contribute nearly half
24 of the man-made pollution in the United
25 States today. Here is what I believe

1 we must do. Number one, all passengers
2 vehicles, including SUVs, minivans and
3 diesel-powered vehicles, should be kept
4 to the same pollution control
5 standards.
6 Number two, we should do more
7 to get advanced technology vehicles
8 such as electric or fuel cell powered
9 vehicles on the road. Remember, poor
10 air quality means poor quality of life
11 for people like me now, but in the
12 future it might very well likely mean
13 poor quality of life for all Americans.
14 Thank you.
15 MS. OGE: Thank you.
16 Ms. Rollins, good afternoon.
17 MS. ROLLINS: Good afternoon.
18 I would like to begin by thanking you
19 for this opportunity to speak to you
20 today. I enthusiastically applaud your
21 most recent efforts to make our air
22 safe to breathe by cutting pollution
23 from automobiles. I am sincerely
24 concerned about the detrimental impacts
25 that air pollution has on our health.

1 My personal motivation to these
2 comments is twofold. First and
3 foremost, my 11-year-old brother
4 suffers from cystic fibrosis, a
5 terminal respiratory illness. Adams
6 suffers severely and is not even able
7 to play on the intramural soccer team
8 on days when smog levels are high. I
9 also frequently visit my great
10 grandmother who by emphysema is forced
11 to rely on an oxygen tank. On bad air
12 days she is trapped in her apartment
13 unable to sit outdoors and enjoy the
14 day.

15 My second reason for making
16 this statement is as an employee of
17 Ohio Citizen Action I speak to many
18 Ohioans each night who are parents,
19 senior citizens and doctors who are
20 also very concerned, and in some cases
21 even outraged, by the air pollution
22 that fills our skies and lungs.

23 The Tier 2 proposal is a big
24 step in the right direction, but there
25 are three things that must be improved

1 before the rule passes into a law.
2 First, all passenger vehicles,
3 including minivans and SUVs, must meet
4 the same standards at the same time.
5 Larger SUVs should not be given extra
6 time to clean up.
7 Second, there also should be no
8 special breaks for dirty diesel
9 vehicles.
10 And, finally, the EPA should do
11 more to get advanced technology
12 vehicles on the road. We need the
13 strongest possible regulations to
14 control air pollution.
15 Thank you.
16 MS. OGE: Thank you.
17 Mr. David Cornicelli, good
18 afternoon. I'm glad you found your
19 testimony.
20 MR. CORNICELLY: Thank you.
21 I'd just have to wing it I guess. It
22 wouldn't be quite as elegant as our
23 previous comments were.
24 I wanted to thank you for the
25 opportunity to come here today to talk

1 about the Tier 2, about Tier 2. I
2 believe that it's going to strengthen
3 the 1990 Clean Air Act amendment.
4 My job in Cleveland is as a
5 community developer for the Detroit
6 Shoreway Community Development
7 Organization. My job actually is
8 pretty unique in that Cleveland was
9 selected under a U.S. EPA grant from
10 the Sustainable Development Challenge
11 Grant program to create an ecologically
12 designed village within an urban
13 neighborhood. This actually came out
14 of a process that happened a couple
15 years ago by the, it was funded by the
16 EPA which was called the Regional
17 Environmental Priorities Project, which
18 was part of the EPA, U.S. EPA's
19 comparative risk program, and Cleveland
20 was one of the models in the country
21 that came forward with defining the
22 environmental priorities for the
23 region, what our citizens felt were the
24 most pressing issues. And the top
25 issues that emerged were urban sprawl

1 and, slash, quality of the urban
2 environment. They felt that it wasn't
3 just one environmental issue, but it
4 was kind of a combination of all of
5 them. So urban sprawl and the quality
6 of the urban environment were rated
7 first under an EPA program.
8 Respectively, air and water were then
9 listed as number two and number three
10 and down through the expected, you
11 know, different types of talks and, et
12 cetera, that you'd expect to show up on
13 an environmental priority. So this is
14 something that this region has been
15 grappling with for many years now.
16 Urban sprawl or out migration from the
17 urban core has taken up about 23
18 percent more land in the last eight
19 years where our population growth has
20 only been three percent. So we know
21 that people are sprawling and using
22 more land, therefore, we know they are
23 using more vehicles. And there is a
24 direct correlation between using more
25 automobiles and the air quality simply

1 because of the fuels that we are using.
2 We know that they give off NOx gas and
3 compounds.
4 I also think that we need to
5 take into consideration human health.
6 Again, the last three talked about
7 human health specifically talking about
8 asthma, in particular in children and
9 with the elderly. And it's not just
10 about human health. It's about the
11 health of the biota. We are not the
12 only living creatures here. There is
13 trees, you know, there is little
14 critters in the water sheds.
15 Everything is related. Everything
16 takes oxygen to breathe, and I think
17 that if we don't take into
18 consideration the whole biota, the
19 whole ecology of the place, we are kind
20 of defining the ethic of Cleveland by
21 not caring. So I think the ethic of a
22 place translated down, you might want
23 to call it quality of life, is
24 something that promotes a healthy
25 lifestyle, and I think this Tier 2 is a

1 step in the right direction addressing
2 or helping us change our behaviors to
3 creating a more healthy lifestyle.
4 I also think ethics should be
5 reflected in efficiency. If we want to
6 drive more, then let's make our impact
7 less. We are already beginning to feel
8 the impact of cars traveling in this
9 area, not only socially. We talked
10 about road rage. On the road people
11 are driving a lot more. Whether it is
12 true or not, I feel it. I think people
13 are a little bit more stressed. I
14 drive a little more than I want to
15 these days.

16 Environmentally the impacts are
17 there. Economically the impacts are
18 there. We are spending more money on
19 fuel. I rather spend the hundred
20 dollars I spend a month on gas on other
21 things, recreation or going out to
22 dinner a little bit more occasionally.
23 The economic benefits of the new
24 industry surrounding the counties that
25 has occurred through this kind of new

1 growth in the area has been astounding.
2 The region is strong economically. But
3 that's increased the need for more
4 deliveries, more travel time, more
5 employees. We are finding now that in
6 Cleveland alone a lot of our residents
7 are going out into the suburbs. Where
8 they used to stay in the city to work,
9 they are now having to travel farther
10 out. So I think the efficiencies of
11 the vehicles needs to be addressed
12 there.

13 I guess just to close it up,
14 our air is our connection to life, just
15 like water is our connection to life.
16 We've chosen to use land in prevailing
17 ways that our current development
18 patterns are showing, that being for
19 housing and retail plazas, industrial
20 developments, but we have had zoning
21 laws that have reacted to that in this
22 area and we've begun to rise to the
23 occasion to limit that growth.

24 There is a national agenda that
25 has emerged, the Clinton/Gore

1 livability agenda, that says let's take
2 into consideration these quality of
3 life factors when we consider growth
4 and how we want to live. So I think
5 the EPA is following suit and I
6 encourage you to look at the
7 Clinton/Gore livability agenda and
8 encourage the director, her honor, to
9 make that a case for pushing this type
10 of legislation.

11 We also need to address the
12 other consequences of growth and the
13 increased traffic that our new found
14 lifestyles in the suburbs have created.
15 We need to make a better case for
16 better development and less use of
17 automobiles in the end, but that might
18 mean a different law or a different
19 type of approach than this.

20 I strongly recommend that the
21 Tier 2 standards are adopted. It's not
22 just for the air we breathe, but for
23 the air that we all share. We know
24 that airborne toxins can travel
25 thousands of miles. They are just not

1 limited to our regions. Air doesn't
2 have a political jurisdiction or a
3 political boundary. And I think that
4 laws help our society change behavior
5 and I think that's where innovation is
6 for. New technologies come out of the
7 fact, you know, to help us accommodate
8 to the new rules. We do know that
9 there are new fuels available. There
10 are fuel cells, hydrogen fuel cells and
11 hybrid cars emerging in California and
12 Japan and Germany and elsewhere and I
13 think there is no economic incentive
14 greater to the one that challenges the
15 need for preserving the health of all
16 living creatures.

17 Thank you.

18 MS. OGE: Thank you.

19 Ms. Perkul, good afternoon. Is
20 it a son or a daughter?

21 MS. PERKUL: A son.

22 MS. OGE: Welcome both of you.

23 MS. PERKUL: Thank you. I'm
24 here to speak as a minivan driving
25 mother and I would like to say that as

1 a minivan driver I'm very willing to
2 pay whatever extra is needed to make
3 the minivans and SUVs more energy
4 efficient and have stricter pollution
5 controls and emissions controls. I
6 went actually to a minivan reluctantly
7 because I was driving a Honda Civic,
8 energy efficient, but with him we
9 needed to get a larger car.

10 And I'm here to ask you to
11 consider, I don't have any statistics
12 or anything, but I'm just worried about
13 the quality of life for my children and
14 I would like my children to be able to
15 go outside in the summer and not worry
16 about ozone alert days, to feel what
17 rain feels like in the summer without
18 feeling they can't go outside because
19 of acid rain or to taste the snow when
20 it falls from the sky because it is too
21 dangerous. I think the quality of life
22 of our children is very, very important
23 and I would have, like to have us think
24 ahead now and take some measures to
25 control the pollution so that in the

1 future we can have all of our children
2 living the same life that we are living
3 now. That's really it.

4 MS. OGE: Ms. Long, would you
5 like to come forward.

6 Ms. Perkul, thank you for your
7 testimony.

8 MS. LONG: My name is Betty
9 Long. I am euphemistically called a
10 golden ager, however, it's a misleading
11 title. I'm getting the age and the
12 medical profession is getting the gold.
13 We golden agers want clean air. We do
14 not want to have to stay in our homes
15 on smoggy days. If we go out, we find
16 ourselves breathing hard, coughing and
17 possibly inhaling carcinogenic
18 particulates which will shorten our
19 lives and damage our lung tissue.
20 Stringent EPA measures are the only way
21 to go. Clean as possible fuels for all
22 cars and trucks and a cap on the
23 industrial stacks that emit harmful
24 chemicals into the air that we breathe
25 daily in the Cleveland area. Golden

1 agers want the gold, not the carbon
2 dioxide smog and other health
3 endangering pollutants. Remember, we
4 vote in large numbers and our health is
5 a number one issue when we vote.

6 Thank you.

7 MS. OGE: Thank you.

8 I'd like to thank all of you
9 for coming forward to share with us
10 your views, especially the citizens of
11 this city, beautiful city that are
12 taking the time from your own work
13 schedules, whatever you are doing
14 today. Your comments are important to
15 us and we will consider them as we are
16 moving forward to finalize this
17 recommendation. Thank you very much.

18 I would like to call for the
19 following individuals to please come
20 forward. Mr. Jones, that is Gil Jones,
21 Mr. Mike Frank, Mr. Curtis Strozier,
22 Mr. Ed Hogan and Ms. Miller. Could you
23 please print your names on the cards in
24 front of you.

25 Mr. Frank, good afternoon.

1 We'll start with you.

2 MR. FRANK: Well, I just want
3 to suggest one thing today, that what
4 to do with these three types of
5 vehicles, sports utility and pickup
6 trucks and minivans, is logical and
7 indeed it's just as plain as the fist
8 in your face as what to do with them.
9 You know, if your neighbor had 20 dogs
10 that sort of bit people, sort of
11 wandered the neighborhood, you know,
12 biting all the little kids and even
13 sending some to hospitals, so you go
14 over to your neighborhood and you say,
15 you know, you got to muzzle those dogs
16 if you are going to let them roam. And
17 so he negotiates with you and says I'll
18 muzzle 17 of these 20 dogs, but there
19 is three of them that I'm not going to
20 let them roam. They are going to be
21 guard dogs so I don't muzzle them. You
22 say, okay, that's fine. But, you know,
23 it turns out the 17 dogs go in and out
24 a little bit, but these three dogs,
25 they kind of roam more than anybody

1 else terrorizing everybody, biting
2 everybody, and so, you know, it's
3 pretty clear what to do about those
4 dogs once you discover that they are
5 not just guard dogs. You got to muzzle
6 them.

7 Well, you know, we've decided
8 that we got to muzzle cars. That's why
9 we have restrictions on car pollutions.
10 And we sort of thought that these three
11 vehicles were going to be used for work
12 and weren't going to be nearly as
13 popular as they are, the pickup trucks,
14 minivans and sports utility vehicles,
15 but they are used everywhere, they are
16 everywhere, and they bite, at least
17 they bite people who breathe. And it's
18 obvious, if the air pollution laws for
19 other cars makes sense, and I think
20 they do, they make sense for these.
21 These are three dogs that need to be
22 muzzled, so muzzle them. That's what I
23 want to say.

24 MS. OGE: Thank you.
25 Mr. Gil Jones, good afternoon.

1 Mr. Frank, why don't you stay
2 with us, with the panel. We may have a
3 question for you. Thank you.

4 MR. JONES: Thank you. My name
5 is Gil Jones. I'm the chief deputy for
6 the Franklin County sheriff's office
7 and I'm representing Sheriff Jim
8 Carnes. I'm here today testifying to
9 share the law enforcements need for
10 bigger cars.

11 Every day I and thousands like
12 me are putting our lives on the line to
13 protect the citizens of Ohio and the
14 vehicles we use are a vital tool for
15 the services we provide, from transport
16 vans and buses, to patrol cars and
17 emergency vehicles, the need for
18 vehicles that can meet our needs for
19 our department is vital.

20 As a law enforcement officer, I
21 need to assure the people I'm
22 responsible to protect and serve are
23 safe and if they are in need of an
24 emergency service, that it will be
25 there. I would not want to be the one

1 to tell the victims of an accident I'm
2 sorry, we are short on emergency
3 vehicles because of the new stricter
4 EPA emissions standards which will
5 increase the cost for the price of the
6 vehicles. After that prisoner
7 transports, and it would become a
8 nightmare. Without the availability of
9 buses we would have to go to a smaller
10 vehicle which would increase the
11 frequency of transports thus the cost.
12 It would also take away officers from
13 the field where they are truly needed.

14 As a government official I have
15 the added responsibility to answer to
16 the taxpayers regarding expenditures.
17 The EPA estimates that these stricter
18 standards will increase the cost by 100
19 to \$200 per vehicle. I have even heard
20 the increases estimated as high as
21 \$1,000 per vehicle by an independent
22 source. And I'm not sure the cost
23 would be even more for emergency
24 vehicles, but I guess it would be.

25 As a public servant I have to

1 answer to the citizens of Franklin
2 County and the additional costs would
3 be difficult to support. More than
4 likely our department, as I'm sure
5 others across the country, would have
6 to buy fewer vehicles. This in turn
7 would diminish our ability to protect
8 and serve the citizens of Franklin
9 County.

10 I'm sure the intentions of the
11 EPA are honorable, however, based on
12 the information I've read, I feel that
13 stricter standards would not have the
14 benefits the EPA has claimed. Even the
15 U.S. Court of Appeals for the District
16 of Columbia Circuit ruled the proposal
17 unconstitutional to force these states
18 to reduce air pollution.

19 I hope the EPA will consider
20 all the consequences of these standards
21 and work with those effected to tougher
22 emissions control standards in a manner
23 that is helpful to all.

24 Thank you.
25 MS. OGE: Thank you.

1 Mr. Hogan, good afternoon.

2 MR. HOGAN: Good afternoon. My
3 name is Ed Hogan and I'm speaking today
4 on behalf of the over 120 members of
5 the Ohio Coalition for Vehicle Choice.
6 I suppose we are also representing
7 those three dogs.

8 Our members, which include such
9 organizations as Campground Owners
10 Association, Chambers of Commerce,
11 automobile dealers, ohio farmers, the
12 Ohio Legislative Black Caucus, boat
13 owners, law enforcement and small
14 businesses, are interested in
15 preserving America's right to safe and
16 affordable motor vehicle
17 transportation.

18 Like most Americans, CVC
19 members are concerned about our
20 environment and preserving and
21 improving the quality of life and the
22 air we breathe. We are also concerned
23 with preserving our personal mobility.
24 Along with developing public policies
25 to address legitimate energy and

1 environmental concerns, we believe the
2 government also has an obligation to
3 protect mobility of Americans and the
4 need of car and truck users or vehicles
5 that provide safe, effective and
6 affordable transportation.

7 The EPA's proposed new
8 emissions standards might have some
9 small environmental benefit, but they
10 raise other concerns for those who rely
11 on light trucks and who must pay the
12 bill for new government regulations.
13 Our greatest concern is making sure
14 that the new regulations do not
15 interfere with the continued
16 availability of a wide range of
17 vehicles, including light trucks
18 suitable for heavy-duty hauling and
19 towing.

20 Our members use pickup trucks
21 for carrying heavy loads, utility
22 vehicles for towing, vans for
23 transporting passengers. They depend
24 on the special work capabilities of
25 light trucks including adequate engines

1 and suspensions. Because heavy-duty
2 light trucks do more work than
3 passenger cars, they have different
4 engines and different emissions
5 characteristics. Current light trucks
6 are already very clean, but the
7 emissions still aren't quite as low as
8 clean, new cars. EPA's proposals would
9 require new cars and light trucks of
10 all sizes and ranges to meet the same
11 set of extremely ambitious emissions
12 limits. That's going to be tough to do
13 for heavy-duty light trucks, especially
14 when the technology to meet those ultra
15 low standards has not yet been
16 invented.

17 We are concerned that the EPA
18 rules may drive up the cost of our
19 vehicles and perhaps reduce performance
20 or force some useful model
21 configurations out of the market, and
22 that can be counterproductive by
23 discouraging the replacement of older,
24 higher-emitting trucks with cleaner,
25 more efficient models. At a minimum,

1 EPA should make every effort to make
2 sure that standards are, in fact,
3 practically achievable and reasonably
4 cost-effective.

5 We recommend adequate lead time
6 to develop and introduce the new
7 technology. We understand that the
8 auto industry has recommended an
9 independent review of the standards of
10 larger vehicles a few years into the
11 program to examine such things as
12 technological feasibility, the effect
13 on competitiveness and whether or not
14 the standards are cost-effective and to
15 see if the original schedule still
16 looks practicable.

17 EPA's proposal for heavy-duty
18 vehicles to meet the ultra low limits
19 by 2009 seems very optimistic. Some
20 groups are pushing for shorter time
21 tables on vans, on diesel-powered
22 trucks, but those groups typically show
23 no understanding or interest in the
24 useful services that light trucks
25 provide. Since current trucks are

1 already quite clean, there is really no
2 downside to ensuring the adequate time
3 for an orderly transition for cleaner
4 trucks into the future.

5 We also believe EPA should do
6 more to emphasize the progress that has
7 been made in reducing the emissions
8 from light trucks and cars and the
9 gains already achieved in improving
10 overall air quality. Some press
11 reports have inaccurately stated that
12 light trucks have been exempt from
13 federal emissions standards, which is
14 most definitely not the case. Others
15 have suggested a growing problem with
16 smog when statistics show that our air
17 quality has, in fact, improved
18 dramatically. And many press accounts
19 also fail to recognize that cars and
20 light trucks are now a small share of
21 overall emissions and most of that is
22 due to older and poorly maintained
23 vehicles.

24 Most areas around the U.S. are
25 already in or close to compliance with

1 national air quality standards that are
2 currently in force. As you know, the
3 courts have invalidated the revised air
4 quality standards adopted by EPA in
5 1997. Those invalid air rules should
6 not be used as a justification for new
7 vehicle rules. Instead, the focus
8 should be on the proposal's likely
9 real-world impact on America including
10 cost and mobility as well as air
11 quality.

12 We recommend closer attention
13 by EPA to the cost and benefits of the
14 proposed standards. The cost estimates
15 of 100 to \$200 per vehicle seem low,
16 especially when much of the technology
17 has yet to be invented. One
18 independent source has estimated the
19 cost of complying with the proposed
20 rule as around \$1,000. Even if EPA's
21 estimates are accurate, that still
22 means an additional cost to American
23 consumers of 2 to \$3 billion per year
24 for this regulation. And since
25 emissions from new vehicles are already

1 low, the total reduction from the new
2 standards will be relatively small.
3 Our members are asking whether we can
4 find other, more productive ways to
5 invest that 2, 3 billion a year for
6 growing public health benefits. That's
7 something EPA should consider and
8 answer in the course of this ruling.
9 Thank you.
10 MS. OGE: Thank you.
11 Mr. Strozier, good afternoon.
12 MR. STROZIER: Thank you. My
13 name is Kurt Strozier and I'm president
14 and CEO of World Satellite Network,
15 Incorporated based out of Columbus,
16 Ohio, and for four years we have been
17 providing telecommunication services
18 for Ameritech and Americast. We
19 provide telephone bury drops for
20 Ameritech from Mansfield all the way
21 down to the Ohio River, and for
22 Americast we provide installation and
23 disconnection services for apartment
24 complexes. We also recover cable TV
25 equipment and we bury cable TV drops.

1 Like most Americans, I am very
2 concerned about keeping our air clean
3 and preserving and improving the air I
4 breathe. However, as a business owner
5 that relies on the use of vans and
6 light trucks, I am concerned, I am also
7 concerned about how these strict new
8 standards will affect my ability to run
9 my business and provide the services to
10 my customers. Vans and trucks are
11 vital to my operation. Every day I
12 have techs or technicians on service
13 calls from Mansfield to the Ohio River.
14 These techs have got to use heavy-duty
15 equipment. This equipment that they
16 use requires the use of light trucks
17 and some heavy vehicles. This
18 equipment you have got to understand
19 requires vehicles with high-efficient
20 engines and they have got to be
21 efficient fuelwise.

22 Today's light trucks and vans
23 are very clean and auto makers are now
24 introducing cleaner vehicles under the
25 new national low emissions vehicle

1 program. Why drive up the cost of all
2 cars and light trucks to reduce
3 emissions standards that are already
4 being reduced. At the minimum the EPA
5 should take every effort to make sure
6 the standards are practical and
7 cost-effective. The courts have
8 invalidated the strict air quality
9 standards imposed by the EPA. So why
10 are you now using those rules to
11 impose, reduce emissions standards?

12 I know you often hear the
13 argument I am a taxpayer. Well, I am
14 too, as everyone in this room are
15 taxpayers. It is the government's job
16 to be fair to all taxpayers, not
17 support, not to support a certain
18 special interest group or to push their
19 agenda. I hope that the EPA will take
20 a stand and account for the needs of
21 all taxpayers and truly listen to all
22 of our concerns which consider imposing
23 those strict new standards.

24 And again thank you.
25 MS. OGE: Thank you.

1 I'd like to make a statement
2 and then a question. Since a number of
3 you, since a number of you mentioned
4 the court case, I don't know if you
5 were here this morning, but we
6 discussed this. I'm going to make it
7 very clear that the court did not say
8 that ozone and particulate matter
9 doesn't cause significant health
10 problems.

11 Second, I want to make it very
12 clear that I think we can look at the
13 court decision and we are moving
14 forward because we believe we met the
15 air quality need.

16 Mr. Hogan, you mentioned in
17 your remarks that these regulations you
18 believe will have insignificant or very
19 small environmental benefits. Could
20 you quantify for us what are these
21 benefits? Why are you calling these
22 benefits insignificant?

23 MR. HOGAN: Well, I didn't say
24 insignificant.

25 MS. OGE: Small.

1 MR. HOGAN: Small.

2 MS. OGE: Did you say small?
3 Do you consider 2.2 million tons of
4 nitrogen dioxide reductions, hundreds
5 of thousands of toxin reductions as
6 small?

7 MR. HOGAN: What I understand
8 is it's very hard for the EPA to
9 quantify what effect that's going to
10 have. We are talking these numbers,
11 but what it means in the real world,
12 what it means in terms of reducing
13 emissions, I don't think you have the
14 answers to that yet.

15 MS. OGE: Well, I would
16 strongly suggest you take a look at the
17 record we have developed. We believe
18 that we have a very strong case to
19 quantify the air quality benefits
20 across the country of the millions of
21 people that suffer from respiratory
22 effects to environmental improvements
23 and would be glad to share all this
24 information with you.

25 And I would like to ask -- I'm

1 sorry, Ms. Miller, I didn't see you. I
2 would ask you to please come forward
3 and also give us your testimony. Good
4 afternoon.

5 MS. MILLER: I appreciate your
6 time very much. And I'd like to make
7 just three comments outside of the
8 prepared testimony that I have. Just
9 after listening to some of the previous
10 testimony, I'd like to point out as a
11 citizen in this area of Cleveland and
12 Cuyahoga County who would definitely
13 have to rely on the police and
14 emergency folks if I was ever in a case
15 to need them, I feel that if their job
16 is to protect and serve us, which it
17 is, that they ought to be using
18 vehicles that are much safer because if
19 they are using something that is
20 polluting my air, then I don't see that
21 as protecting and serving me.

22 Also, I wanted to make the
23 comment that I do believe that there
24 are a lot of technologies out there, a
25 lot of new technologies out there that

1 are showing us much more efficient and
2 effective ways that we can run our
3 vehicles. In fact, I think they have
4 been there for years and it's probably
5 something that the public doesn't know
6 a whole lot about for a good reason
7 because it's been kept from us.
8 And also I certainly understand
9 that while folks run businesses that
10 have to use light pickup trucks, vans,
11 maybe even sports utility vehicles,
12 it's important in order for us to
13 continue to be able to run those
14 businesses and continue to be citizens
15 of this country and this world that we
16 be alive and we need clean air to be
17 alive.
18 I'm very concerned about the
19 impacts that air pollution has on
20 myself and my fellow citizens.
21 Something serious has to be done to
22 ensure that there is clean air to
23 breathe. It is imperative that you
24 allow nothing to stand in the way of
25 you doing your job, protecting your

1 fellow human beings. I don't know
2 about you, but I'm very sick and tired
3 hearing the tragic stories all over the
4 world about cases of asthma. These are
5 unnecessary. Every citizen ought to be
6 able to take clean air for granted.
7 The United States of America is largely
8 responsible for this unhealthy
9 situation. We as a nation have an
10 obligation to solve this problem in the
11 best manner possible.

12 The standards you proposed in
13 the Tier 2 proposal are a step in the
14 right direction. It's about time that
15 sport utility vehicles, minivans and
16 pickup trucks meet the same protective
17 standards as passenger cars. It's
18 about time that sulfur levels in
19 gasoline are significantly reduced.
20 And it's also about time that passenger
21 cars are made cleaner than those on the
22 road today. By putting these measures
23 in place you will be giving the world
24 another breath of fresh air.

25 It's a shame that the auto

1 industry does not feel the same way.
2 I find it even more interesting that
3 these industries keep whining about how
4 much money they will have to spend to
5 implement these measures. Consumers
6 are the ones that pay. I believe it
7 should be up to me, not them, as to
8 whether I pay more for cleaner air. I
9 would be very happy to pay extra,
10 whether that's a hundred or a thousand
11 dollars, whatever the amount is for any
12 vehicle I desire to purchase and the
13 gasoline it takes to power it if it
14 would ensure that my air was cleaner.

15 The U.S. EPA has an obligation
16 to protect the environment. Please
17 institute the strongest possible auto
18 pollution regulations to protect the
19 health of all people of the world. Do
20 not allow the auto corporate lobby to
21 dissuade you from what all people need.

22 Thank you.

23 MS. OGE: Thank you. Thank you
24 very much.

25 I'd like to ask the next group

1 of panelists to please come forward.
2 Mr. John Paul, Mr. Tom Bond, Dawn
3 Friest I believe, Mr. Eliot Levinsohn,
4 Mr. John Moos and Ms. Amy Ryder.
5 Mr. Paul, good afternoon.
6 We'll start with you.
7 MR. PAUL: Good afternoon. My
8 name is John Paul and I'm the
9 supervisor of the Regional Air
10 Pollution Control Agency, RAPCA, of
11 Dayton, Ohio. RAPCA is a six-county
12 local agency serving the counties of
13 Clark, Darke, Greene, Miami, Montgomery
14 and Preble in mid-southwestern Ohio. I
15 want to thank you for this opportunity
16 to present testimony in support of
17 EPA's recent proposal to the Tier 2
18 motor vehicle controls and low-sulfur
19 gasoline and the advance notice of
20 proposal for diesel fuel. I also wish
21 to acknowledge and fully support the
22 comments of Mr. Charles Lagges who
23 testified on behalf of STAPPA/ALAPCO
24 and Mr. Cory Chadwick who testified on
25 behalf of OLAPCOA. RAPCA is an active

1 participant in both of those
2 associations and voted for the adoption
3 of the resolutions which are attached
4 to their comments. Whereas these two
5 presented comments reflecting the
6 national and regional benefits of EPA's
7 proposal, I want to give you an
8 illustration of the need for this
9 proposal policy with regard to one
10 specific local agency, that being
11 RAPCA.

12 And I want to begin this
13 testimony by commending the EPA for
14 this proposal. We are very pleased to
15 see the proposal's combination of
16 vehicle standards and clean fuel. This
17 proposal for low-sulfur gasoline will
18 provide air quality benefits from
19 existing vehicles and make possible
20 much cleaner vehicles in the future.
21 This is as encouraging a proposal as we
22 can envision for controlling mobile
23 source emissions in the future. We are
24 also encouraged by EPA's proposed
25 inclusion of strict emissions standards

1 for light-duty trucks, sport utility
2 vehicles and vans beginning in the year
3 2004.

4 RAPCA is technically the Bureau
5 of Engineering within the Division of
6 Environmental Health of the Combined
7 Health District of Montgomery County.
8 We contract with the Boards of Health
9 of each of our counties within our
10 jurisdiction. Our direct authorities
11 are those of the Boards of Health. The
12 reason we exist is because of the local
13 concern over the adverse health effects
14 of air pollution. Our main charge is
15 the protection of public health, as is
16 reflected in our adopted mission
17 statement which let me read for you.

18 "The primary mission of the
19 Regional Air Pollution Control Agency
20 is to protect the citizens of Miami
21 Valley from the adverse health and
22 welfare impacts of air pollution. This
23 is accomplished through the enforcement
24 of federal, state and local air
25 pollution control regulations, and

1 through implementation of the state's
2 industrial permit system. RAPCA
3 personnel strive for technical
4 credibility and accountability in all
5 issues and actions."
6 And I think that the testimony
7 that you've heard today, especially
8 from the citizens, really brings out
9 the responsibility that we share, you
10 as federal EPA, we as a local agency,
11 to our citizens. It's obvious that
12 they are dependent upon us to control
13 air pollution. And it's also
14 interesting some of the comments with
15 regard to the permits, Bob Morris'
16 comments, I think we share a
17 responsibility there also. We need
18 these rules, so we need to work
19 together to make sure that the permits
20 that the refineries need to implement
21 these measures, that we are working on
22 those permits and we can handle those
23 permits within the time frames. And I
24 would pledge to you that we will work
25 with you on that issue.

1 Existing as a public health
2 agency dealing with air pollution in
3 the early 1970s, it was a natural event
4 for us to become a delegated extension
5 of the U.S. EPA and Ohio EPA when these
6 two agencies came into existence.
7 Today RAPCA is a direct grantee of U.S.
8 EPA and a contractual agent of Ohio
9 EPA, and we perform most of the duties
10 common to an air pollution control
11 agency, including source inspections,
12 complaint response, air quality
13 monitoring, writing of permits and so
14 on. We do not have direct authority
15 with regard to vehicle emissions
16 standards and fuel standards, which is
17 one of the reasons why we are so
18 supportive of the U.S. EPA for taking
19 this action.

20 Throughout our 30-year history
21 of dealing with air pollution in the
22 Miami Valley, we have measured air
23 quality for the National Ambient Air
24 Quality Standards, as set by U.S. EPA.
25 We have been designated in the past as

1 nonattainment for carbon monoxide,
2 total suspended particulates, sulfur
3 dioxide and ozone. However, through an
4 aggressive program to control air
5 pollution, we have over the years met
6 each of these health-based standards
7 and been redesignated as attainment for
8 each. Our last redesignation was for
9 ozone in 1997. This was also the
10 toughest standard for us to meet. Our
11 attainment plan, which was devised and
12 approved through a coordinated effort
13 with our local metropolitan planning
14 agency, called for a combination of
15 stationary and mobile source controls.
16 Among the mobile source controls
17 recommended and adopted through the
18 state process were stage II vapor
19 controls at gasoline dispensing
20 facilities and an enhanced
21 inspection/maintenance program for
22 mobile sources. A measure which was
23 recommended locally but was not adopted
24 at the state was a call for clean
25 gasoline, defined either as low RVP

1 gasoline or the federal reformulated
2 gasoline.
3 I want to call to your
4 attention the adoption of the enhanced
5 inspection/maintenance program. The
6 area was officially classified as a
7 moderate nonattained area, so the
8 enhanced program was not required. But
9 it was recommended by the local
10 decision makers, along with the stage
11 II vapor control and clean gasoline
12 because of the recognition of the
13 importance of controlling the mobile
14 source emissions. We felt that unless
15 the mobile source sector was adequately
16 addressed, attainment could not be
17 projected into the future with any room
18 at all for growth. The local decision
19 makers very clearly chose those control
20 options to preserve public health and
21 to allow for growth in the region. We
22 were disappointed when the state chose
23 not to implement our recommendation for
24 clean gasoline, and we never received a
25 formal statement regarding its

1 rejection. This is one of the reasons
2 once again we favor a national program
3 implemented by EPA.
4 The ozone measures implemented
5 have been successful. We continue to
6 measure attainment for the one-hour
7 standard. But the measures have not
8 been without their dissenters. The
9 enhanced I/M program has received its
10 share of criticism and has been
11 adjusted by the state, reducing its
12 effectiveness, while presumably
13 increasing its public acceptability. I
14 have personally attended several public
15 hearings on the program and heard the
16 public complaints, among those
17 complaints several are common.
18 Primarily we hear about emissions from
19 vehicles that drive through the region,
20 from outside the region, especially
21 from other states, and we hear about
22 diesel truck emissions. People feel
23 there should be more equity in
24 responsibility for emissions controls,
25 and the proposal before us today would

1 go a long way to meet those stated
2 concerns.
3 Now, the Miami Valley has
4 within it the crossing of two major
5 interstate highways, Interstate 70
6 running east and west from the Atlantic
7 Ocean all the way to Utah, and
8 Interstate 75 running north and south
9 from Ontario, Canada to Alligator Alley
10 in the Florida Everglades. These
11 highways carry a large amount of
12 interstate traffic, cars that are
13 likely not a part of an enhanced
14 inspection/maintenance program. Of the
15 22 million vehicle miles traveled in
16 the Miami Valley each day,
17 approximately one-third are on these
18 two interstates and I-675 which
19 connects the two. Control of the
20 emissions from these vehicles is
21 essential to our future.
22 The limitation of sulfur in
23 gasoline will greatly enhance the
24 control of these highway vehicle
25 emissions. There are several aspects

1 of EPA's proposal that I wish to stress
2 our support on. Chief among these is
3 the uniform national and year-round
4 aspect of the proposal. As far as
5 Interstates 70 and 75 stretch, they
6 carry vehicles traveling great
7 distances from the east, west, north
8 and south. Localized or regional
9 gasoline standards would be limited in
10 their effectiveness. Vehicles
11 traveling from one area to another
12 could have their catalysts poisoned by
13 the high-sulfur content of another
14 area. Likewise, a summer only program
15 would have reduced effectiveness with
16 off-season poisoning of catalysts. The
17 national year-around aspect of the
18 proposal is essential. And I would add
19 that EPA needs to set a schedule for
20 attaining the 80 parts per million cap
21 and 30 parts per million average as
22 aggressively as possible. The sooner
23 these levels are reached, the better
24 our air quality.

25 I need to add at this point

1 that we are not meeting the new
2 eight-hour standard for ozone, which
3 was upheld by the court I might add, at
4 five of our six counties and just
5 recently communicated to Ohio EPA. We
6 have communicated to Ohio EPA our
7 recommendation that four of our six
8 counties be classified as nonattainment
9 for the new eight-hour standard. Once
10 these designations are formalized and
11 the area is once again designated
12 nonattainment, there will be increased
13 attention given to the economic impacts
14 of the nonattainment designation and
15 there will likely be a renewed call for
16 control measures.

17 Additionally, I want to point
18 out that ozone is not the only ambient
19 air quality standard that will be
20 improved through implementation of the
21 proposals. It's my understanding that
22 emissions of carbon monoxide and fine
23 particulate will be reduced, which
24 would in turn, will improve air quality
25 with regard to PM fine, toxics and

1 regional haze. I also want to point
2 out our endorsement for the Tier 2
3 application of the same standards for
4 light-duty trucks, sport utility
5 vehicles and vans as applies to the
6 light-duty vehicles. This will correct
7 inequity that has existed for too long.
8 There are many, many benefits from the
9 implementation of the proposal before
10 us today. Support for the proposal is
11 very easy for a public health official
12 such as myself.

13 Finally, and before I conclude,
14 I want to offer support for the advance
15 notice of public rulemaking with regard
16 to sulfur and diesel fuel. Just to
17 relate that back to the two major
18 complaints, we hear of cars driving
19 through the region and emissions from
20 trucks, obviously we need to address
21 that. And so we'll work with you on
22 that.

23 In conclusion, I want to offer
24 the full support of the Regional Air
25 Pollution Control Agency for EPA's

1 proposed Tier 2 standards of low-sulfur
2 gasoline and the advance notice of
3 public rulemaking on sulfur and diesel
4 fuels. We are very pleased with EPA's
5 proposal and urge its full adoption.

6 Thank you for this opportunity
7 to comment.

8 MS. OGE: Thank you.

9 Mr. Bond, good afternoon.

10 MR. BOND: Good afternoon. I'm
11 Tom Bond, manager of Fuel Technology at
12 BP Amoco. I appreciate this
13 opportunity to present our views on
14 EPA's Tier 2 and gasoline sulfur
15 proposal.

16 BP Amoco commends EPA for its
17 efforts to reduce emissions from
18 passenger cars, light trucks, including
19 sport utility vehicles, minivans and
20 pickup trucks. BP Amoco also agrees
21 with EPA that gasoline sulfur levels
22 should be reduced to help cut vehicle
23 emissions and improve overall air
24 quality.

25 We have never disagreed with

1 EPA about the goal we are trying to
2 reach in terms of lower sulfur
3 gasoline, that is 30 ppm average, 80
4 ppm cap. What we need now is to focus
5 on how to most effectively implement
6 this type of national program. If done
7 correctly, the rule could spur
8 development and deployment of more
9 fuel-efficient vehicle technology in
10 tandem with fuel changes and thus
11 improving overall air quality.

12 We believe that by working
13 together with the government and the
14 auto industry, fuel providers can
15 provide customers with products in the
16 marketplace that do not require
17 consumers to make a choice between
18 environmental quality and automotive
19 performance. We have always advocated
20 that the vehicle emissions reductions
21 must be achieved through a system
22 approach, that is looking at both fuel
23 changes and changes in vehicle
24 emissions hardware and software. This
25 system approach should be our

1 collective goal.

2 As many of you know, BP Amoco
3 has committed to moving quickly
4 worldwide to voluntarily bring cleaner
5 fuels to cities with air quality
6 programs as outlined in the speech by
7 our chief executive John Browne in
8 January of this year. In doing so, BP
9 Amoco publicly acknowledged that clean
10 air is one of the public's most highly
11 regarded resources. We have already
12 introduced cleaner fuels into the
13 market in the U.K. Later this year, we
14 will outline our plans for actions in
15 the U.S. and other cities around the
16 world.

17 Although we can and will take
18 some small steps on our own to act
19 early, EPA must develop a program that
20 recognizes that the transition to
21 low-sulfur gasoline on a national basis
22 will take time and require considerable
23 upgrading of the U.S. total refining
24 capacity. While we applaud EPA's
25 efforts to provide incentives for early

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

action and flexibility in timing, the rule as proposed needs some improvements if those goals are to be met.

Therefore, I would like to focus my comments on three areas today that we think need improvement, that is banking and trading, individual refinery treatment, and the permitting issue.

Banking and trading. BP Amoco supports the concept of banking and trading and credit for early action. Those have long been the fundamental elements of our climate change program. A properly designed gasoline sulfur banking and trading program can help ensure that EPA's environmental objectives are achieved at the lowest cost by building on the experience of other successful trading programs such as that developed for sulfur dioxide to address acid rain concerns.

If designed properly, a banking and trading program will encourage

1 early reductions in gasoline sulfur.
2 Such a program also will reward
3 technological innovation and help
4 facilitate early implementation of new
5 refining technologies.
6 We agree with EPA's use of the
7 historical baseline to avoid gaming
8 with regard to credit generation. Also
9 we commend EPA for seeking to implement
10 a banking and trading program as soon
11 as possible after the rule is
12 finalized, and as a refiner we hope to
13 be one of the first companies to
14 generate credits in the year 2000.
15 However, if EPA is to realize the type
16 of flexibility needed to facilitate the
17 move to lower sulfur gasoline,
18 additional improvements are needed in
19 the proposed banking and trading
20 program to ensure that adequate
21 incentive are available for credit
22 generation.
23 The step down in cap and
24 measurable average in the years 2004
25 and 2006 should be removed. As

1 constructed, it removes the flexibility
2 that a credit program seeks to provide
3 and forces a more costly implementation
4 path.

5 2, the life of credit should be
6 extended providing the type of
7 transition time that is similar to the
8 phase in of the lower emissions
9 vehicles.

10 3, consideration should be
11 given to allowing credit for the full
12 reduction achieved in refinery's
13 conventional gasoline average compared
14 to its baseline without having to meet
15 a trigger point. Credits should be
16 calculated and available for each
17 refinery.

18 We will provide additional
19 detailed comments on banking and
20 trading in our written submission, but
21 thought that it would be worthwhile to
22 identify early on a few areas for
23 additional consideration by EPA.

24 Small refinery issue. Another
25 issue that I believe is worthy of

1 further consideration by EPA is the
2 special treatment accorded to certain
3 small refiners. We recognize that
4 small refineries may face special
5 challenges in meeting the proposed
6 standard. That is the reason why we
7 have, that we think it essential to
8 improve the banking and trading program
9 to ensure that there are enough credits
10 available to generate and facilitate an
11 effective credit market for those who
12 cannot act early on this rule.

13 However, in exempting certain
14 small refineries from the requirements,
15 EPA has disadvantaged other small
16 refineries that must compete head to
17 head with those who are exempt, thus
18 creating a market distortion and
19 raising questions about the continued
20 viability of some small refineries.

21 Competition in the refining and
22 marketing industry is fierce. Every
23 refinery must meet its own financial
24 goals on a stand-alone basis regardless
25 of its ownership. Therefore, if a rule

1 provides differential treatment based
2 on size, all refineries of that
3 capacity should be treated the same and
4 a level playing field provided on a
5 refinery-by-refinery basis. Refineries
6 in the same marketplace with the same
7 air quality issues should operate under
8 this same set of rules.

9 Permitting challenges. A third
10 area of concern relates to the
11 potential impact of various permitting
12 requirements on the industry's ability
13 to move quickly to meet the proposed
14 gasoline sulfur standards. EPA has
15 recognized this concern and we look
16 forward to additional discussion on how
17 permitting procedures can be
18 streamlined, not only with regard to
19 meeting that compliance, the compliance
20 dates, but also with the goal of
21 encouraging early action by refiners.
22 BP Amoco urges EPA to develop
23 innovative approaches to avoid these
24 permitting barriers where possible as
25 well as establishing new tools for

1 streamlining the permit process.

2 In conclusion, BP Amoco looks
3 forward to working with EPA on the most
4 reasonable and effective strategy for
5 implementing the new controls on
6 gasoline sulfur. Thank you for this
7 opportunity. We will be submitting
8 more comments in a written comment
9 period on this important rule.

10 Thank you.

11 MS. OGE: Thank you.

12 Ms. Ryder, good afternoon.

13 MS. RYDER: Thank you. My name
14 is Amy Ryder. I'm the Cleveland area
15 director for Ohio Citizen Action. Ohio
16 Citizen Action is the state's largest
17 citizens organization with 150,000
18 members statewide. For the past 23
19 years we have organized all public
20 health and consumers issues on behalf
21 of all Ohioans.

22 When people around the country
23 hear about the State of Ohio's position
24 on air quality, they are often given
25 the misconception that Ohioans don't

1 care about clean air standards. In
2 fact, the State of Ohio has not
3 accurately or fairly represented the
4 opinion of its citizens on this issue.
5 Elected officials in the Ohio EPA for
6 decades have undermined the U.S. EPA's
7 and citizens' efforts to get stronger
8 air pollution regulations.

9 Recently the State of Ohio
10 signed on as a plaintiff in a case to
11 roll back the new NOx standards. The
12 Ohio General Assembly also recently
13 passed a polluter secrecy law which the
14 Ohio EPA strongly enforced which makes
15 it virtually impossible for the State
16 of Ohio to enforce public health
17 standards established under the Clean
18 Water Act and the Clean Air Act. This
19 week when we asked the Ohio EPA what
20 their position was on the Tier 2
21 proposed standards, they responded that
22 they didn't have one.

23 I'm here to tell you today that
24 the behavior and action on the Ohio EPA
25 and our elected officials does not

1 reflect the attitudes of the public
2 when it comes to stronger air quality
3 standards. Ohio Citizen Action
4 conducts its public outreach through a
5 year-round door-to-door and telephone
6 canvass. Each year statewide our
7 door-to-door canvass knocks on over a
8 million doors and our telephone canvass
9 has an additional 160,000 telephone
10 conversations with our members. When
11 we communicate with our members about
12 the issues of clean air, clean water
13 and safe food, we consistently hear the
14 same responses, and that is people want
15 cleaner air, they want cleaner water
16 and they want safer food to feed their
17 families.

18 Last week our organization
19 spent some time communicating with some
20 of our members about these Tier 2
21 standards and we found overwhelming
22 support for the new standards that
23 would force auto manufacturers to make
24 cleaner vehicles and force the oil
25 industry to produce cleaner gasoline.

1 I brought with me today over 300
2 telewires from our members asking that
3 these proposed standards go into
4 effect. I'd like to submit them to you
5 today to be placed as part of the
6 public hearing.

7 Along with the general public,
8 Ohio Citizen Action applauds the U.S.
9 EPA's efforts to reduce emissions from
10 vehicles and reduce sulfur in gasoline.
11 I do, however, caution you not to cave
12 to industry pressure when they tell you
13 they need more time to achieve these
14 standards or they lobby for weaker
15 standards. Remember last summer that
16 communities across Ohio reported 423
17 violations of the smog standards,
18 standards that your agency regulates to
19 protect our public health. Last week in
20 Cleveland we suffered seven ozone
21 action days. These Tier 2 standards
22 are a necessity in Ohio and nationwide
23 to improve the quality of life by
24 enabling people to breathe easier.

25 MS. OGE: Thank you.

1 Mr. Levinson, good afternoon.
2 MR. LEVINSON: Good afternoon.
3 Thank you. My name is Eliot Levinson
4 and I'm representing the Ohio Lung
5 Association of Michigan. On behalf of
6 our Michigan volunteers, the American
7 Lung Association of Michigan is pleased
8 to offer testimony today at this final
9 hearing.

10 Over the last few years in
11 Michigan some modest reductions in smog
12 pollution have been achieved as
13 measured against the old one-hour
14 standard. Nevertheless, as measured
15 against the now court demanded new
16 eight-hour standard, ozone monitors
17 across the state recorded the 1998 smog
18 season 123 times that that level was
19 exceeded. So far beginning in early May
20 of this year monitors have already
21 recorded unhealthful levels of ozone
22 over 70 times in this smog season.
23 Through June 11th in the Detroit
24 geographic region alone seven
25 consecutive ozone action days were

1 recorded going on record as the most
2 consecutive ozone action days in air
3 quality history of southeast Michigan.
4 To date southeast Michigan has had more
5 ozone action days than we experienced
6 in all of the 1998 ozone season.
7
8 Based on the results of two
9 recent school-based studies on asthma
10 prevalence in the city of Detroit, the
11 estimated asthma prevalence rate is
12 slightly over 17 percent. That's more
13 than three times the national average
14 for asthma prevalence rates. In Wayne
15 County where Detroit is seated it's
16 estimate that as many as 50,000
17 children suffer from asthma. Also at
18 risk from ozone exposure in Wayne
19 County is more than 450,000 children
20 under the age of 14 and nearly 270,000
21 adults over the age of 65. According
22 to a recent American Lung Association
23 national study, 22 counties across the
24 State of Michigan with more than
25 230,000 asthmatics or 907,000 children
and about 506,000 elderly are

1 populations at risk to unhealthy levels
2 of ozone. In only two Michigan
3 counties, which includes Wayne County,
4 over 123,000 asthmatics, almost 500,000
5 children and more than 270,000 are
6 populations at risk to particulate
7 matter exposures.

8 The ALA's June '96 report
9 called Breathless Air Pollution and
10 Hospital Admissions Emergency Room
11 Visits in 13 Cities attributes the
12 number of respiratory emergency room
13 visits to Detroit hospitals at an
14 estimated average of nearly 3,000, or
15 about 6 percent of the total
16 respiratory emergency room visits. Of
17 the more than 15,000 total respiratory
18 hospital admissions in Detroit during
19 the high ozone season of the same year,
20 an estimated average of 944 or 6.3
21 percent were admitted for exposure to
22 high ozone levels.

23 It's readily apparent to the
24 American Lung Association and our many
25 volunteers and thousands of other

1 Michigan residents, including our
2 children, the elderly and those who
3 suffer from asthma and chronic lung
4 disease, that Michigan's air quality is
5 presently in a state of relative
6 crisis. Without significant new
7 national controls on motor vehicle
8 emissions, millions of Americans and
9 thousands of Michigan residents will
10 continue to breathe unhealthy air.
11 Just behind California, Texas and
12 Florida, Michigan is the fourth highest
13 ranked state that would attain drastic
14 NOx reductions if the proposed
15 standards are enacted. A proposed Tier
16 2 emissions standard and gasoline
17 sulfur standard if enacted would reduce
18 Michigan's ozone forming NOx emissions
19 level by over 62 thousand tons per year
20 helping Michigianians, especially our
21 more vulnerable populations, to breathe
22 cleaner air while living healthier,
23 longer and more productive lives.
24 On June 3rd of this year the
25 board officers, many of who are

1 prominent physicians of the American
2 Lung Association of Michigan,
3 unanimously approved the resolution to
4 support the proposed Tier 2 and
5 gasoline sulfur standards with the
6 following recommendations. Therefore,
7 to achieve the greatest long-term air
8 quality benefits for the nation, the
9 American Lung Association of Michigan
10 urges the U.S. EPA to enact the
11 strictest Tier 2 standards possible
12 that would require the following: All
13 pickup trucks, minivans and sport
14 utility vehicles up to 8,500 pounds
15 gross vehicle weight to meet the same
16 emissions control standards by 2004 as
17 would be required for passengers cars.

18 Number 2, eliminating all the
19 air pollution exemptions for diesel
20 cars, SUVs and pickup trucks and
21 requiring them to meet the same strict
22 emissions standards as proposed for
23 non-diesel vehicles.

24 3, sharply reducing the average
25 sulfur level in gasoline to 30 parts

1 per million phased in by 2004 and
2 requiring the sulfur content of diesel
3 fuel to be reduced.

4 And, last, adopting a program
5 that becomes more stringent over time
6 to ensure cleaner air and stimulated
7 advancement of vehicle emissions
8 control technologies.

9 In summary, the American Lung
10 Association of Michigan representing
11 our volunteers and tens of thousands
12 who are at risk in our state implores
13 the EPA to enact the strongest possible
14 tailpipe and sulfur in gasoline
15 standards eliminating all diesel
16 loopholes. Most importantly, we urge
17 the EPA to finalize these rules by the
18 end of this year so that the date for
19 the rule to go into effect will not be
20 significantly delayed.

21 On behalf of our volunteers,
22 thank you for allowing the American
23 Lung Association of Michigan to offer
24 testimony at this important hearing.
25 We thank you, thank the EPA for

1 exemplary leadership in cleaning up our
2 air and we applaud you for that.
3 Thank you.
4 MS. OGE: Thank you.
5 Ms. Dawn Friest, good
6 afternoon.
7 MS. FRIEST: Good afternoon.
8 Thank you for the opportunity to speak
9 to you today. My name is Dawn Friest
10 and I'm here representing Detroit
11 Diesel Corporation, but more
12 importantly I'm also here speaking as a
13 mom. My daughter, Kes, is two and a
14 half years old.
15 I care about clean air. I want
16 my daughter to grow up in an
17 environment as free from pollution as
18 possible. The people I work with share
19 my concerns and my goals. Many of us
20 have children. We believe that the
21 Alliance Tier 2 proposal offers the
22 best path to achieve this common goal
23 of improved air quality. In fact, the
24 Alliance proposal offers greater
25 emissions reductions than EPA's

1 proposal.

2 I have heard many people refer
3 to diesel "loopholes" in EPA's proposal
4 rule. Clearly, there are no such
5 loopholes in EPA's proposal. In fact,
6 the proposal as it stands today, would
7 prevent the use of clean diesels
8 technologies. For some, that would be
9 just fine. But let me explain how
10 clean diesel technologies can help us
11 reach our common goal of improved air
12 quality for our children.

13 I'm asking you to set aside the
14 images of past generations of diesel
15 engines and consider this: Diesel
16 engines emit much lower levels of
17 certain critical emissions compared to
18 their gasoline counterparts. Diesel
19 engines produce: 28 percent less
20 carbon dioxide; 30 percent less
21 non-methane hydrocarbons; 69 percent
22 less carbon monoxide; and virtually
23 zero evaporative emissions.

24 In addition, diesel engines
25 provide more miles per gallon than any

1 other engine type. Better fuel economy
2 means lower fuel consumption. When
3 less fuel is consumed, emissions of CO2
4 are lower and air equality is improved.
5 I invite you to take a closer
6 look at a new diesel powertrain. We
7 have a sport utility vehicle with us
8 today. It is a Dodge Durango powered
9 by a Detroit Diesel DELTA four liter V6
10 common rail engine. The vehicle is
11 available for viewing outside the front
12 lobby entrance.
13 I would like to emphasize that
14 we are not asking for different
15 standards for diesel-powered vehicles.
16 We are committed to meeting the same
17 standards as gasoline vehicles.
18 However, if EPA fails to consider the
19 Alliance proposal and other key inputs
20 when finalizing the Tier 2 rule, EPA
21 may foreclose the most realistic and
22 economically viable opportunity to
23 reduce carbon dioxide emissions and
24 improve fuel economy.
25 In addition to diesel engine

1 technologies, SUVs in particular have
2 been portrayed very negatively over the
3 course of these hearings. Consider the
4 people in this room alone. I'm willing
5 to bet that at least some of us here
6 drive SUVs. Some may do so because of
7 practical needs. Maybe they tow a boat
8 or recreational vehicle. Others just
9 simply like the look and feel of a
10 larger vehicle.

11 Consumer demand for these
12 vehicles exists for a variety of
13 reasons. I am convinced that despite
14 the best efforts of many groups to push
15 consumer choices to smaller vehicles, a
16 demand will remain for SUVs. How do we
17 deal with this situation in a way that
18 maximizes potential air quality
19 improvements? We do so by allowing the
20 cleanest available technologies,
21 including clean diesel technologies, to
22 develop to their full potential. We do
23 not have to sacrifice clean diesel
24 technologies to gain air quality
25 improvements.

1 I would like to mention three
2 primary areas of concern with the Tier
3 2 proposal. Number 1, Tier 2 emissions
4 standards must be accompanied by
5 simultaneous fuel quality improvements,
6 reducing diesel fuel sulfur levels to
7 the zero to five ppm range. Fuel
8 sulfur directly contributes to
9 increased particulate emissions. In
10 addition, fuel sulfur is a barrier for
11 identified diesel exhaust
12 aftertreatment technologies.

13 2, additional time must be
14 allowed to establish the fuel supply
15 infrastructure, develop high efficiency
16 diesel aftertreatment systems and
17 launch a new generation of clean diesel
18 powertrains in North America.

19 3, Tier 2 rules must include
20 additional BIN flexibility. This
21 involves providing greater BIN
22 resolution and implementing only the
23 longer 120,000 mile emissions
24 standards.

25 Many of us share the same goal

1 to achieve the best air quality
2 possible for our children. I wanted to
3 speak on behalf of Detroit Diesel today
4 because I believe we are on the right
5 track. My interest and concern about
6 this issue is grounded in my desire to
7 provide the best air quality possible
8 for my child.

9 With the considerations
10 outlined earlier, diesel engine and
11 vehicle makers can bring fuel
12 efficient, clean diesel technologies to
13 the United States consumers and
14 contribute to achieving air quality
15 improvements. Please allow us the
16 time, fuel and flexibility to make a
17 difference for tomorrow. Thank you for
18 your attention.

19 MS. OGE: Thank you.

20 Mr. Moos, good afternoon.

21 MR. MOOS: Good afternoon. Hi.
22 I'm Jerry Moos. I'm vice president of
23 economics and planning for United
24 Refining Company, which operates a
25 small 65,000 barrels a day refinery in

1 the small town of Warren in rural
2 northwest Pennsylvania. While several
3 other speakers, either here today or at
4 other locations, have addressed the
5 need to make this proposal a little
6 more practical and cost-effective for
7 the oil industry in general, I would
8 like to focus my remarks today on the
9 importance of small refiner relieve
10 under this proposed rule and the need
11 to modify the current small refiner
12 provision in the rule to allow it to
13 provide real, significant relief.

14 In regard to the small refiner
15 provisions of this rule, executives of
16 several large oil companies, as well as
17 of the American Petroleum Institute,
18 which is primarily a representative of
19 major oil companies, have been quoted
20 recently as calling for a so-called
21 level playing field, meaning identical
22 treatment of all refiners regardless of
23 size. At the same time, some of these
24 same executives have been quoted as
25 predicting, almost gleefully on some

1 occasions, to shut down between 20 and
2 50 small refineries as the direct
3 result of the implementation of the
4 rule. These predictions of refinery
5 shutdowns are ample evidence that the
6 concept of a level playing field with
7 United Refining Company or one of our
8 small refiners at one end of the field
9 and a mammoth combination of oil
10 companies such as the recent
11 Exxon/Mobile combination, the
12 Shell/Texaco merger on the downstream
13 operations or the BP/Amoco/ARCO
14 combination at the other end of the
15 field is patently ridiculous.
16 Furthermore, it is clear that even the
17 advocates of this policy totally
18 understand that a so-called level
19 playing field is anything but.

20 The large capital investments
21 required to comply with this proposed
22 rule, United Refining estimates a \$30
23 million investment even at our small
24 refinery, and by the way this is in
25 addition to \$70 million that we've

1 spent since 1992 on previous
2 environmental regulations, are clearly
3 more feasible for large companies which
4 can fund them from internal cash flow
5 than for small refiners like United
6 that must borrow the funds.
7 Furthermore, should the major oil
8 companies choose to finance these
9 investments with borrowing, they will
10 enjoy a dramatically lower interest
11 rate because of their larger size and
12 their higher credit ratings. Finally,
13 the entire oil industry recognizes that
14 there will be a severe shortage of
15 qualified contractors to design, permit
16 and construct the required facilities
17 by the 2004 deadline. It is obvious
18 that the major oil companies and the
19 supermajors born from the frenzied
20 merging of majors with one another in
21 the last two years will have the clout
22 to ensure that their projects are
23 completed on time while smaller
24 refiners are denied timely access to
25 the resources they need to comply with

1 the proposed rule.
2 It is precisely the massively
3 unlevel playing field when small
4 companies must meet the same
5 regulations as immense supermajors
6 which is recognized by the Small
7 Business Regulatory Fairness
8 Enforcement Act under which the EPA,
9 SBA and OMB met with a panel including
10 several small refiners to develop the
11 small refiner provision included in the
12 current proposed rule. I believe this
13 provision is a useful basis, but there
14 are two critical changes needed to make
15 this provision effective and fair.
16 First, the definition of a small
17 refiner as one of the 1500 employees,
18 but including all affiliates whether
19 engaged in oil refinery or connected
20 activities or not, is inappropriate for
21 the current rule. A much better gauge
22 of refinery size is crude oil
23 processing capacity, both for purposes
24 of determining the ability of the
25 facility to afford the required

1 investment or for purposes of assessing
2 whether granting relief to the refinery
3 in question will interfere in any
4 significant way with the rule's
5 environmental goals. United Refining
6 Company and several other small
7 refiners have proposed that a small
8 refinery be defined as one with 75,000
9 barrels per day or less of crude oil
10 refining capacity. If EPA feels that
11 for such a definition to be acceptable,
12 the total companywide refining capacity
13 must also be limited, then United would
14 support a proposal by another small
15 refiner to limit corporate capacity to
16 175,000 barrels per day of crude oil
17 which this refiner calculates will
18 grant relief to less than seven percent
19 of the U.S. crude oil capacity. We
20 estimate the percentage of U.S.
21 gasoline production qualifying under
22 this definition of a small refiner
23 would be even less, almost certainly
24 less than five percent.

25 The second critically needed

1 change in the currently proposed
2 smaller refiner provision is to
3 eliminate the counterproductive interim
4 sulfur reductions. While smaller
5 refiner would have until 2008 to reduce
6 gasoline sulfur to 30 ppm, they would
7 currently have to make significant
8 interim sulfur reductions by 2004.
9 This defeats one of the key purposes of
10 the delay until 2008 for small
11 refiners, which was to allow small
12 refiners time to adopt promising but as
13 yet unproven new technologies which
14 would achieve the reduction of
15 significantly lower investment as well
16 as much lower operating costs. Interim
17 reductions by 2004 would have to employ
18 expensive current technologies which
19 several small refiners cannot afford
20 and which even if they could afford
21 them would force them to compete with
22 supermajors for scarce contractor
23 services.
24 Effective smaller refiner
25 relief is essential to the survival of

1 the nation's small refiners. There is
2 much more at stake in our survival than
3 our stockholders' investments or
4 management's careers. Most small
5 refineries still exist precisely
6 because we are located in rural areas
7 which are not easily supplied by the
8 huge refineries operated near major
9 population centers by the majors and
10 supermajors. We, therefore, often
11 operate in small rural towns where we
12 are one of the few, often the only,
13 source of high-wage industrial jobs.
14 The shutdown of small refineries,
15 therefore, not only imposes hardship
16 upon employees unlikely to find
17 comparable employment and on their
18 families, but devastates the entire
19 local economy.

20 A number of speakers today have
21 spoken about the fact that \$200 per
22 vehicle is a small price to pay for
23 clean air. I'd like them to consider
24 that the cost that could be imposed
25 upon a few thousand or perhaps a couple

1 tens of thousands of employees of small
2 refineries around the country is a lot
3 higher. They are threatened with the
4 loss of their jobs, the loss of their
5 careers, the devastation of their local
6 economies. And I think most of this
7 could be avoided simply by effective
8 relief for a group of small refineries
9 which represents in any case probably
10 no more than five percent of the total
11 gasoline production in the United
12 States and would have negligible impact
13 upon the environmental objectives of
14 this rule.

15 On a national scale, there is a
16 broader public interest in preserving
17 small refineries. Ever since the
18 elimination of lead from gasoline in
19 the early 1980s, the major oil
20 companies and trade associations which
21 represent them, I would like to
22 reiterate the American Petroleum
23 Institute is primarily the
24 representative of the major oil
25 companies, does not represent us or in

1 any real way the other smaller
2 refiners. These associations and major
3 oil companies have consistently since
4 the early 1980s overpredicted the cost
5 to the public of each new environmental
6 regulation imposed on the industry.
7 There is clear reason why these
8 overpredictions have been made. It's
9 that each time the major oil companies
10 have predicted that the full cost of
11 investment and operating expenses for
12 implementing the rule would be born by
13 the public in the form of higher fuel
14 prices. The reason that these
15 predictions have been consistently
16 wrong is that the small refiners have
17 continued to exist and coupled with
18 excess capacity in the refining
19 industry have exerted enough
20 competition in the marketplace, the
21 major oil companies have each time been
22 forced to absorb a significant
23 proportion of the cost rather than pass
24 it along to the public. However,
25 without effective small refiner relief,

1 the situation may now be fundamentally
2 different with this proposed rule. The
3 last 20 years of environmental
4 regulations have now almost entirely
5 eliminated the excess capacity in the
6 U.S. refining industry. This is
7 evidenced by the fact that for several
8 weeks of the last year during the peak
9 driving season the industry was
10 operating at more than 100 percent
11 capacity, that is to say at a
12 nonsustainable rate. In this situation
13 the approximate one million barrels per
14 day of capacity operated by small
15 refiners, though a small percentage of
16 the approximate 15 million barrel U.S.
17 refining capacity represents the
18 difference between adequate supply and
19 shortage and its elimination would give
20 the major oil companies their first
21 real opportunity in 20 years to
22 actually pass along to the public the
23 full cost of new regulations. That is
24 why they are opposing effective small
25 refiner relief while gleefully

1 predicting the widespread refinery
2 shutdowns in which lack of effective
3 relief will certainly result.
4 Thank you.
5 MS. OGE: Thank you.
6 Mr. Bond, thank you for your
7 testimony. As you know, the American
8 Petroleum Institute has recommended a
9 regional program and we at EPA have
10 proposed a national program of 30 parts
11 per million average. What is BP
12 Amoco's position on the geographic type
13 of a program that should be, that they
14 just should go forward?
15 MR. BOND: Well, as you know,
16 and you mentioned now, you, EPA, have
17 proposed a national program and our
18 comments today were trying to help you
19 best implement that program relative to
20 a regional program.
21 MS. OGE: So is your company
22 supporting a national program?
23 MR. BOND: I guess you could
24 read that.
25 MS. OGE: So I read that for

1 the record.

2 The second question, Mr. Bond,
3 I understand that BP has made a lot of
4 efforts in the area of diesel,
5 especially in England. Could you
6 briefly tell us what are you doing in
7 England as far as diesel fuel is
8 concerned? Specifically keep your
9 comments to the sulfur changes.?

10 MR. BOND: Well, there was a
11 need for fuel in that market and that
12 is our home market and there was an
13 opportunity to respond and we found our
14 local refining capacity was capable of
15 responding to that with only a small
16 investment, and I think as most of you
17 noted and have studied that area there
18 was a significant tax incentive to
19 bring that to market also. So the
20 ability to move quick, having two
21 refineries that had a favorable kit on
22 the ground that did not need a lot of
23 capital investment, we were able to
24 take advantage of that opportunity.
25 And, you know, around the world we are

1 looking at, as you know, the lead issue
2 in other undeveloped countries.

3 MS. OGE: But could you
4 specifically tell us what is your
5 target level for sulfur in diesel in
6 England?

7 MR. BOND: We are very close to
8 less than ten.

9 MS. OGE: Parts per million.
10 Thank you.

11 MR. BOND: I have to comment on
12 that though.

13 MS. OGE: Please go ahead.

14 MR. BOND: That bringing,
15 looking at a total refinery, when you
16 get down to those levels, it's very
17 easy to get contamination. We are
18 talking -- so you must keep that in
19 mind. We are able to segregate in that
20 market and do it, but it's tough.

21 MS. OGE: We obviously are
22 interested in seeking written comments
23 from BP Amoco on the issue. As you
24 know, we have published an advance
25 notice for the proposed rulemaking for

1 the diesel fuel program and we are very
2 interested to understand your
3 experience with the work that you are
4 doing in England.
5 Ms. Friest, thank you for your
6 comments.
7 MR. BOND: Could I add one more
8 comment?
9 MS. OGE: Yes.
10 MR. BOND: It should be made on
11 the record here, I'm pretty sure that
12 you people here understand that, the
13 entire European refining capacity is
14 based on hydrocrackers which make a lot
15 of diesel and they take sulfur out in
16 doing that. The entire U.S. refining
17 capacity is based on FCC units and that
18 is a major difference. We are designed
19 to make gasoline in this market, not
20 diesel. And so that is why in my
21 testimony I indicated that we've got --
22 we want to get the whole industry
23 moving, but we got to be careful how we
24 do it.
25 MS. OGE: That's a very good

1 point. Thank you. Any more comments
2 before I go to Ms. Friest, Mr. Bond?
3 No. Okay. Thank you.

4 Ms. Friest, that you for your
5 statement and the comments. We have
6 heard throughout these public hearings
7 some different views from the diesel
8 engine companies as what is feasible,
9 technologically feasible to be achieved
10 by diesel engines let's say in 2007,
11 2008 time frame. If we indeed provide
12 the cleaner fuel that you suggested
13 that you need, the five parts per
14 million, could you please tell us what
15 does Detroit Diesel believe the
16 technical feasibility will be for these
17 diesel engines assuming that the fuel
18 is there? And I'm talking about
19 light-duty market now. And we have
20 proposed 0.07 grams per mile of NOx.

21 MS. FRIEST: I'm not sure I can
22 give you the detail that you want, but
23 I can try and address what I'm hearing
24 from you. Part of the reason I think
25 that you are hearing, you know, some

1 differences among manufacturers
2 reflects the infancy of the technology.
3 It reflects the long way that we have
4 to go and the further out. The farther
5 away you are from your goal, I think
6 you are bound to get differences among
7 different people at different levels.
8 MS. OGE: Okay. And I'm
9 looking for Detroit Diesel. You have
10 recommended the five parts per million
11 diesel fuel. My question is what type
12 of emissions standards you can meet
13 with five parts per million diesel
14 fuel?
15 MS. FRIEST: With the five
16 parts per million with advanced
17 aftertreatment technologies, with
18 flexibility in the BINS, we are looking
19 at the Alliance proposal as being a
20 goal that we are hoping we can achieve,
21 but it's a stretch goal.
22 MS. OGE: Okay. So your goal
23 is 0.07 grams per mile?
24 MS. FRIEST: We are looking at
25 the BIN proposal from the Alliance.

1 MS. OGE: So is it .4? I'm
2 just trying to figure out exactly. If
3 we were to deliver this cleaner fuel
4 that Detroit Diesel has suggested, what
5 type of emissions reductions Detroit
6 Diesel would deliver?
7 MS. FRIEST: I can't give you
8 an exact number. What I can say is
9 what I've already said in my comments
10 from Detroit Diesel is that the
11 Alliance proposal offers an alternate
12 frame work that we believe we can work
13 with to get diesel engines where they
14 need to be to be on par with gasoline
15 engines.
16 MS. OGE: Ms. Friest, I would
17 welcome any supplemental information
18 that you may want to provide for the
19 record on this specific issue.
20 Thank you.
21 Any other questions from this
22 panel?
23 Well, thank you very much.
24 Thank you for taking the time to come
25 and share your views with us. We'll

1 take your comments into consideration
2 as we are moving forward to finalize
3 this very important program. Thank
4 you.

5 I would like to move forward
6 with the next group. I guess Miss Lana
7 Pollack or Mr. David Wright.

8 Why don't we just take a few
9 minutes to straight -- our recorder has
10 been working very hard this morning and
11 this afternoon. I think she needs a
12 break.

13 - - - -
14 (Thereupon, a recess was had.)
15 - - - -

16 MS. OGE: Start with the 3:00.
17 Ms. Jennifer Price, Mr. Bob Morgan, Mr.
18 Kurt Waltzer and Mr. Bradley Flamm.
19 Please print your names in the card in
20 front of you. Would ask you to keep
21 your statements to ten minutes or less.

22 If it's okay in with this
23 panel, I would like to start with Mr.
24 Bradley Flamm. I understand he has
25 another appointment. Go ahead. Good

1 afternoon.

2 MR. FLAMM: Good afternoon.
3 Thank you very much. Thank you for the
4 opportunity to speak today on the U.S.
5 EPA's proposed new automobile emissions
6 standards and low sulfur gasoline
7 rules. My name is Bradley Flamm and
8 I'm here today representing EcoCity
9 Cleveland and Northeast Ohio
10 Environmental Planning Organization.
11 EcoCity Cleveland supports the proposed
12 new auto emissions standards and low
13 sulfur gasoline rules. Good health and
14 a clean environment for all Americans
15 depend in large part on making
16 automobile emissions as clean as
17 possible.

18 These proposals are an
19 important step in the right direction.
20 In the short run, in fact, these
21 proposals seem to be the only step that
22 we can take to improve air quality.
23 Expected improvements to the air most
24 urban Americans breathe are not
25 occurring, despite the fact that cars

1 have become much cleaner in recent
2 decades. Why; because our collective
3 response to cleaner cars has simply
4 been to increase the number of miles we
5 drive every day overwhelming the
6 benefits of cleaner fuels and vehicles.
7 In Ohio we have shown ourselves
8 to be unable to address this relentless
9 rise in average vehicle miles traveled.
10 We apparently will not plan our
11 transportation investments and land
12 uses with a regional perspective in
13 mind that emphasizes efficiency and
14 sustainability.
15 Consequently, we find ourselves
16 incapable of creating communities that
17 offer true transportation alternatives
18 and require less driving. In the long
19 run, one of the most important
20 solutions to our air-quality problems
21 is to promote better urban design that
22 links transportation investments with
23 wise land use planning.
24 Until then, closing the
25 loopholes that allows sport utility

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

vehicles, light trucks and minivans to pollute our air at much higher rates than automobiles is the only realistic response available to us.

Even these proposals, however, could be much better. While we support the intent of the EPA's proposals for cleaner emissions vehicles and lower sulfur gasoline, we share other groups' and individuals' concerns that the following revisions to them be made before they go into effect. The largest most polluting sport utility vehicles should not be exempted from the clean air emissions standards.

SUVs, light trucks, utility vans used primarily as passenger vehicles should meet the same standards at the same time. The phase-in schedule for making SUV emissions cleaner is much longer than it needs to be and should be shortened as much as is technically feasible. The exemption of diesel vehicles from the clean air emissions standards should also be

1 eliminated. They should not be allowed
2 to continue polluting more than
3 gasoline-powered cars and trucks. And
4 finally, the phasing period for
5 low-sulfur gasolines is too long and
6 should also be shortened.

7 Thank you again for your time
8 and attention.

9 MS. OGE: Thank you. Ms.
10 Pollack, good afternoon.

11 MS. POLLACK: Good afternoon.

12 MS. OGE: If you could please
13 speak closer to the microphone. Thank
14 you.

15 MS. POLLACK: Thank you, Madame
16 Chair and members of the panel, my name
17 is Lana Pollack. I'm the president of
18 the Michigan Environmental Council, the
19 coalition of 53 different organizations
20 representing 175,000 individuals in
21 Michigan. And on behalf of those
22 member organizations and the citizens
23 who cannot be here today, I would like
24 to submit that we do indeed support, in
25 general, the proposed rules. We will

1 be submitting more detailed comments
2 towards the end of the comment period.
3 Having served 12 years in the
4 Michigan state legislature and having
5 spent many more years beyond that in
6 politics, I'm fully aware that the
7 challenges that you are facing here in
8 the matter of clean and healthy air are
9 at least as political as they are
10 technological engineering or economic
11 in nature. And I think that's
12 important to recognize.

13 I'd also like to point out that
14 all of us in Michigan are particularly
15 sensitive to the well-being of the
16 domestic auto industry. Our state's
17 economy, our family's income and indeed
18 the capacity to fund our universities,
19 our prisons, our public safety, our
20 public health is all dependant on the
21 well-being of the auto industry.

22 With that said, there is
23 nothing in Tier 2 in your proposal,
24 fairly applied, would compromise the
25 economic viability of this industry or

1 the economic well-being of our state.
2 We've already heard, and I will not,
3 therefore, repeat from Mr. Levinsohn of
4 the American Lung Association, of the
5 significant impact of poor air quality,
6 that has on the lives of our families,
7 particularly some populations.
8 I was shocked to hear that a
9 representative on an earlier panel said
10 the black caucus of the legislature in
11 the State of Ohio was not in support of
12 this when I know full well the impact
13 on the black population. I would like
14 to see that more fully developed via
15 better discussion of representatives
16 and not be compromised perhaps by also
17 representing an industry that is
18 impacted.
19 Additional air pollution
20 reductions are needed from on-road
21 mobile sources to protect the public
22 health from ground level ozone. And we
23 know that and it has been said
24 repeatedly today that these are sources
25 of significant impact. This is why the

1 MEC, my organization, would also like
2 the EPA to complete the phase out of
3 the equivalent standards for sport
4 utility vehicles, minivans and light
5 mini trucks prior to 2009, as currently
6 proposed. These vehicles are currently
7 being marketed and used, aggressively
8 marketed, in fact, as passenger cars
9 and are outselling passenger cars.
10 As pointed out by the EPA under
11 Tier 1 standards, these vehicles are
12 allowed to pollute from three to five
13 times more than passenger cars. And
14 while we are pleased, even delighted,
15 that the alliance auto manufacturers,
16 which does, I believe, represent all
17 auto manufacturers, except perhaps for
18 Honda, which has even higher standards
19 for itself, that they have endorsed the
20 goals of Tier 2. We in the
21 environmental community will be alert
22 to any results, any requests by the
23 industry to delay implementation of
24 these goals.
25 We remind the panel, all

1 interested parties, the long history
2 that the industry has, all industries,
3 in fact, have, saying it can't be done
4 when confronted with additional
5 regulatory requests for improvements.
6 Whether it's the chemical industry,
7 whether it's auto industry, with clean
8 air, in the past they said it couldn't
9 be done. Always it has been done.
10 It's been done with considerable
11 ingenuity, American genius, even to
12 adjust to new challenges and done with
13 the result of resulting prosperity to
14 our economy around our country.

15 So in closing, once again, I
16 would like to thank you. And I'd like
17 to also state that never in my long
18 experience with legislative panels, and
19 other panels as well, as in taking
20 testimony, have I ever seen a more
21 attentive and more courteous chair and
22 panel. I think your mother's would be
23 proud of you.

24 MS. OGE: Thank you. Maybe my
25 18 and 20-year-old daughters would be

1 proud of me.
2 MS. POLLACK: They should be.
3 MS. OGE: Thank you for your
4 kind remarks.
5 Mr. Wright, good afternoon.
6 MR. WRIGHT: Good afternoon.
7 My name is David Wright and I'm a
8 policy specialist with the Michigan
9 Environmental Council. I'm a
10 mechanical engineer. And prior to
11 joining the Michigan Environmental
12 Council, I worked for 12 years in the
13 industry on the evaluation, development
14 and testing of automotive emissions
15 control systems. I am pleased to
16 testify in support of the proposed Tier
17 2 and low sulfur gasoline regulations
18 on behalf of our member organizations.
19 Today, I want to emphasize our
20 agreement with support of the comments
21 provided at today's hearing by Jayne
22 Mardock, director of the Clean Air
23 Network. The Michigan Environmental
24 council supports the integrated
25 approach taken by EPA to address both

1 vehicle emissions and dual composition
2 engines.

3 In addressing the effects of
4 sulfur on emissions control system's
5 performance will provide immediate air
6 quality control benefits and improve
7 the performance of future advanced
8 emissions control technology. Our
9 organization is pleased that EPA will
10 ultimately require both light-duty
11 trucks and passenger cars to meet the
12 same emissions standards. Our
13 organization is also pleased the EPA
14 has not proposing a different set of
15 standards for diesel fuel vehicles.

16 In addition, we believe that
17 the proposed rule can and should be
18 strengthened. EPA is allowing too much
19 time for the heaviest trucks to meet
20 the proposed Tier 2 standard. Vehicles
21 between 6,000 and 8,500 pounds are one
22 of the fastest growing market segments.
23 Sales of these vehicles have increased
24 dramatically during the past decade.
25 Reducing emissions from these vehicles

1 will be a challenge. However, waiting
2 a decade is too long. These vehicles
3 need to be fully integrated into the
4 Tier 2 program by 2007.

5 Although we support the concept
6 of a fleet average, we do not believe
7 the manufacturers should be able to
8 carry a deficit into the next model
9 year. Sufficient flexibility exists
10 with this rule that allows for banking
11 and trading with other manufacturers.
12 EPA should prohibit a manufacturer from
13 carrying a deficit in the fleet average
14 into the following year. This is
15 important to insure improvements in air
16 quality continue yearly into the Tier 2
17 program.

18 The phase-in period for
19 reducing the sulfur concentrations is
20 also too long. Sulfur can permanently
21 degrade performance of catalysts.
22 Reducing sulfur will provide
23 significant immediate benefits in air
24 quality by not degrading emissions
25 controls on current technology

1 vehicles.

2 The impact becomes even more
3 significant as advanced technology
4 vehicles are introduced into the
5 market.

6 In conclusion, the Michigan
7 Environmental Council supports the
8 strong position the EPA has taken with
9 this proposal. The organization is
10 pleased that the EPA is meeting its
11 responsibilities to improve public
12 health and the environment. Overall,
13 this rule will result in cost-effective
14 air pollution reductions.

15 On behalf of the Michigan
16 Environmental Council and our members,
17 thank you for giving me the opportunity
18 to express our support of the proposed
19 Tier 2 regulation.

20 MS. OGE: Thank you. Ms.
21 Price, good afternoon.

22 MS. PRICE: Good afternoon.
23 Again, my name is Jennifer Price and
24 I'm the director of public affairs for
25 the American Lung Association of Ohio.

1 And although I realize that we have
2 some time constraints here today, I
3 have to stray from my prepared comments
4 for a moment and I have to come clean.
5 I drive a SUV. I, being a new mom,
6 thought I was buying a station wagon of
7 the '90s. I even bought American, like
8 many other Americans, though I never
9 realized that SUVs were exempted from
10 any clean air standards. And I have to
11 admit that I would like to buy another
12 SUV, but I want it to be as clean as
13 other passenger vehicles. The American
14 Lung Association of Ohio applauds EPA's
15 Tier 2 and low sulfur gas proposal as a
16 most important measure for protecting
17 public health since the issuance of the
18 new national ambient air quality
19 standards for ozone and particulate
20 matter.

21 The EPA estimates that these
22 new rules will significantly reduce the
23 amount of air pollution. Most
24 important to the American Lung
25 Association of Ohio is that cleaner

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

cars and trucks and cleaner gasoline will help save lives and reduce illness.

Here in Ohio, these new rules will help the hundreds of thousands of people who suffer from chronic lung disease. Without question, air pollution exacerbates the symptoms of lung disease. Lung diseases such as lung cancer, emphysema, chronic bronchitis and asthma. The coughing becomes louder, the wheezing becomes deeper and the breathing becomes harder.

Of particular concern to us is the growing prevalence of asthma in Ohio. More than 400,000 adults have asthma and another 200,000 of Ohio's children suffer from this disease. This disease is not a simple inconvenience. Asthma is deadly and asthma attacks can and are triggered by air pollution. Though air pollution affects all asthma sufferers, children with asthma are at greatest risk when

1 exposed to ozone because their airways
2 are especially sensitive to this potent
3 lung irritant.

4 Take a moment to consider what
5 dirty air means to an Ohio family.
6 Begin by considering the financial
7 ramifications of one trip to an
8 emergency room when a child has an
9 asthma attack. First there's the
10 emergency room charge, then there's the
11 pharmaceutical charges, not to mention
12 the lost work time of the parent.

13 Next, consider the other costs
14 associated with an asthma attack. The
15 cost of the resulting, the cost of the
16 permanent lung damage, the emotional
17 trauma to the child and the stress to
18 the family. Simply watching a child
19 suffocating from a lack of fresh air is
20 frightening to an onlooker let alone
21 the young child who's experiencing it.
22 How strange it must be to an asthmatic
23 child riding along in the family car,
24 watching black clouds of diesel blow
25 out of trucks, knowing the sick, black

1 smoke can trigger an asthma attack at
2 any time.

3 Ozone does not discriminate.
4 However, children are at particular
5 risk of ill health effects from ozone.
6 Even healthy children. They spend more
7 time outdoors in the summertime when
8 the ozone levels are high. They spend
9 more time engaged in vigorous activity
10 thereby increasing the amount of ozone
11 inhaled deep into their lungs, and
12 likewise, they've taken more air
13 relative to their body weights and
14 lungs surface than do adults. Because
15 their lungs are still developing, their
16 biological defenses against pollution
17 are not fully mature and their airways
18 are narrower than those of adults, thus
19 enhancing the inflammatory effects of
20 ozone air pollution. Unfortunately,
21 Ohio's children by design are greatly
22 susceptible to the dangers of ozone.

23 As I said before, ozone does
24 not discriminate. Ohio senior citizens
25 are also at significant risk of the

1 dangers of dirty air. Senior citizens
2 tend to be frail and weaker than they
3 once were. They are more vulnerable to
4 infections, raising their
5 susceptibility to pneumonia and
6 influenza because of a degree of
7 declining lung function as part of the
8 natural aging process. The elderly
9 have fewer reserves and, therefore, may
10 be less able to tolerate additional
11 declines among functions forming from
12 air pollution.

13 A number of epidemiological
14 studies have linked air pollution with
15 premature death and hospital admissions
16 for cardiovascular and respiratory
17 problems in the elderly. The elderly
18 population constitutes the fastest
19 growing portion of our population.

20 The American Lung Association
21 of Ohio commissioned a poll to measure
22 the public opinion of American's
23 heartland on their concerns of air
24 pollution. The results were
25 overwhelming. More than eight of ten

1 respondents, 83 percent, voiced concern
2 about the impact of poor air quality on
3 their health. The survey also revealed
4 that Ohioans support a number of
5 measures that can help clean up the
6 air. Nearly 90 percent of those
7 surveyed would buy and use cleaner gas
8 in their personal cars. Likewise, 88
9 percent would pay more for cleaner gas.
10 These respondents were willing to pay
11 at least three cents more per gallon of
12 gas.

13 Most of the respondents, 61
14 percent, were willing to pay at least
15 five cents more per gallon of gas and
16 another 27 percent would pay ten cents
17 or more per gallon of gas if it meant
18 it would protect public health.

19 It's simple. Ohioans want
20 cleaner cars and trucks and they want
21 cleaner gasoline. The EPA should
22 require auto makers and oil refineries
23 to give the people of Ohio what they
24 want. While we support the majority of
25 this proposal, we urge you to consider

1 the recommendations which will expedite
2 the reduction of public health. We
3 encourage you to reduce the timeline
4 phase-in for both cars and fuel
5 standards and the special treatment for
6 some type of sport utility vehicles and
7 the promotion of diesels through higher
8 standards and to promote the use of
9 advanced technology vehicles as a way
10 to reduce air pollution.

11 I thank you for allowing me an
12 opportunity to come before you today.
13 This proposed standard takes major
14 strides for protecting the health of
15 Ohio citizens. Ohio's children should
16 not be forced to stay indoors as a
17 result of dirty air. We need cleaner
18 air for our kids. They should be
19 spending more time at the neighborhood
20 swimming pool this summer. I'm also
21 attaching a copy of the top line data
22 from that Ohio poll.

23 MS. OGE: Thank you.

24 Mr. Morgan, good afternoon.

25 MR. MORGAN: Good afternoon.

1 MS. OGE: And welcome back.

2 MR. MORGAN: Thank you.

3 MS. OGE: If you could speak
4 directly into the microphone. Thank
5 you.

6 MR. MORGAN: Good afternoon.

7 I'm Bob Morgan representing Placid
8 Refining Company, L.L.C. thank you for
9 the opportunity to once again address
10 the subject of Tier 2 from the small
11 refiners' perspective.

12 Placid is a small refiner by
13 every statutory definition, with the
14 capacity of 50,000 barrels per day, or
15 refining capacity of 50,000 barrels per
16 day. Placid's refinery is in Port
17 Allen, Louisiana, directly across the
18 Mississippi River from Exxon's 432,000
19 barrel Baton Rouge facility.

20 Placid manufactures gasoline,
21 diesel and military jet fuel, which is
22 distributed through terminals in six
23 southeastern states. The great
24 majority of our gasoline is marketed in
25 the U.S. Gulf Coast Petroleum

1 Administration for Defense District 3,
2 which is dominated by large refiners.

3 As you must know, the number of
4 small refiners has declined
5 substantially over the last few years
6 and the impact of any regulation has a
7 disproportional economic significance,
8 as Mr. Moos pointed out earlier.

9 Regulatory flexibility is of
10 utmost importance to small business.
11 More particularly, to the viability of
12 small refiners. The Small Business
13 Regulatory and Flexibility Act clearly
14 expresses the will of Congress that
15 administrative agencies to accommodate
16 concerns of small business, recognizing
17 that, quote, a vibrant and growing
18 small business sector is critical in
19 creating jobs in a dynamic economy,
20 close quote.

21 SBREFA has provided an
22 effective vehicle for comment. We are
23 pleased with the SBREFA process and the
24 opportunity it has afforded to us to
25 present information helpful to EPA in

1 formulating the implementation of this
2 proposed rule. We appreciate EPA's
3 attention to our concerns and the
4 information we provided in support of
5 our position.

6 We're especially grateful to
7 this group of panel members who went to
8 great lengths to educate themselves
9 firsthand in the operational and
10 logistical concerns common to small
11 refiners. We're also indebted to
12 Frontier Refining Company, which opened
13 its facility to the panel for a
14 firsthand view of the operation.

15 The SBREFA report recognizes
16 and succinctly addresses the concerns
17 of small refineries in general. The
18 EPA has perceptively incorporated the
19 SBREFA findings in the proposed rule.
20 Specifically, to recognize the problems
21 that affect the economy of scale, the
22 access to capital, capital recovery
23 potential, access to technology and the
24 availability of the drilling supplier.

25 Although Placid and small

1 refineries in general would prefer even
2 greater flexibility than that proposed,
3 we're confident that the proposed
4 standard will allow us to continue to
5 operate, although at substantially
6 higher costs. Any further weakening of
7 the flexible implementation proposed by
8 EPA will pose a serious threat to the
9 viability of small refiners.

10 Finally, some concern has been
11 expressed that the proposed flexibility
12 for small refiners might obligate the
13 United States to give equivalent
14 treatments to foreign refiners under
15 the general agreement on tariffs and
16 trade.

17 This issue was fully reviewed
18 in the SBREFA process without side
19 counsel opinion letters being provided
20 by three small refiners. This issue is
21 more fully addressed in a letter from
22 Gracewell and Patterson to Mr. Jere
23 Glover, chief counsel of the SBA
24 office, on behalf of Placid. These
25 opinions clearly show that flexibility

1 to small domestic refiners would not
2 open the flood gates for imports of
3 higher sulfur gasoline. Under GATT,
4 any importer would have to meet the
5 same small refiner requirements as
6 domestic refiners and as of the SBREFA
7 meeting. No importer of gasoline to
8 the U.S. was identified as meeting
9 these requirements. We will include a
10 copy of that letter in our written
11 comments. We will supplement the
12 record with further written comments as
13 appropriate within the allowed period.

14 We welcome the opportunity to
15 discuss our position with any entity or
16 group that might take issue with us on
17 the smaller refiner flexibility
18 provisions. And let me agree with Ms.
19 Pollack on her observations of the
20 panel and I thank you for your courtesy
21 and applaud you for your stamina.

22 MS. OGE: Thank you.

23 Ms. Bobbi Medlen.

24 MS. MEDLEN: Thank you.

25 MS. OGE: Good afternoon.

1 MS. MEDLEN: Good afternoon. My
2 name is Bobbi Medlen and I'm
3 representing Ohio Environmental
4 Council. OEC is an Ohio-wide network
5 organization of citizens committed to
6 protect our health and natural
7 resources. We're testifying today in
8 support of U.S. EPA proposed rule that
9 will establish lower tailpipe emissions
10 and cleaner gasoline.

11 In particular, we endorse the
12 requirement that will not only require
13 cleaner emissions from cars, but will
14 also require minivans, SUVs and other
15 light trucks to meet the same standards
16 as cars. Not only is this fair, but
17 it's one of the most important in light
18 of the fact that SUVs and minivans are
19 rapidly replacing passenger cars on the
20 road.

21 We respectfully suggest that
22 this fairness and effectiveness would
23 be greatly enhanced if the U.S. EPA
24 would improve the ruling by requiring
25 all SUVs to meet the new standard by

1 2004 rather than the biggest and
2 dirtiest trucks to delay meeting the
3 standards until 2007.

4 We'd like to commend the agency
5 for helping us to get twice the bang
6 for our buck by requiring significant
7 reductions in sulfur in gasoline. Not
8 only will this reduce our exposure to
9 fine particles, it will reduce our
10 exposure to ozone. Ozone, in fact, is
11 a problem that exists here in Ohio.
12 Last summer we exceeded the new
13 eight-hour ozone standards 440 times.
14 And the old one-hour ozone standard
15 seven times at 50 different monitoring
16 sites throughout Ohio. This year we
17 seem to be gearing up to break that
18 record. Before summer has even
19 officially started, we've exceeded the
20 new ozone standard 201 times and the
21 old ozone standard 12 times.

22 I'm from the Columbus area,
23 which generally has been considered a
24 low ozone area in terms of the old
25 eight-hour standard. And so far we've

1 exceeded that old standard twice just
2 last week reaching a high of 144 parts
3 per million last Wednesday and 154
4 parts per million last Thursday.
5 Levels like these make air unsafe for
6 everyone. Not just elderly and
7 children with asthma.

8 It's important to know the
9 monitor which reported this data is
10 located in an area of sprawling urban
11 development and it's only been at this
12 location for a few years. I don't
13 think anything can better illustrate
14 the air problems associated with the
15 urban sprawling cars.

16 As monitoring data suggests,
17 smog is not just a local problem. It's
18 a statewide problem and, therefore, it
19 requires the comprehensive solutions.

20 According to analysis by the
21 U.S. EPA, NOx SIP call could reduce the
22 number of days Ohio exceeded the new
23 tailpipe standards by 98 percent.
24 Clearly an effective set of
25 requirements to reduce tailpipe

1 emissions in conjunction with cleaning
2 up utility smoke stacks could
3 completely eliminate ozone days in
4 Ohio.

5 The OAC supports these
6 broad-based solutions as the best
7 approach to addressing ozone problems
8 in Ohio. These are, in fact, preferred
9 over E-check types of solutions,
10 inspection and maintenance programs
11 that are now broad-based and thus are
12 not viewed as fair by many members of
13 the general public.

14 The E-check program is a useful
15 tool to have in the clean air tool box.
16 But our first priority should be
17 implementing the broad-based solutions,
18 such as Tier 2 and the standards in the
19 NOx SIP call.

20 I'd like to close by voicing
21 once again that we support the U.S.
22 EPA's proposed rule to raise tailpipe
23 emissions and clean up gasoline. We
24 have the cost-effective technology and
25 we should be using it.

1 I'd also like to express OEC's
2 support in both in NOx SIP call as well
3 as the ozone particulate standards. As
4 citizens of Ohio, we appreciate the
5 U.S. EPA fighting for our right to
6 breathe cleaner, healthier air. Thank
7 you for your continuing effort to
8 defend this right in court and in
9 forums for public debate. Thanks for
10 your time.

11 MS. OGE: Thank you. And
12 again, thanks to all of you for your
13 testimony and words of encouragement,
14 support, views, recommendations. Thank
15 you very much. We will fully consider
16 your comments as we're moving forward
17 to finalize this very important
18 program. Thank you.

19 - - - -
20 (Thereupon, a discussion was had off
21 the record.)

22 - - - -
23 MS. OGE: We will take a short
24 break. I would recommend to get back
25 at 4:00. A ten-minute break for the

1 next panel.
2 - - - -
3 (Thereupon, a discussion was had off
4 the record.)
5 - - - -
6 MR. FRANCE: Mr. Welsh, when you
7 are ready.
8 MR. WELSH: Thank you very
9 much. I was going to have slides, but
10 my slide technician had to go catch an
11 airplane so I'll do my best to go
12 through it as it is written.
13 My name is John Welsh. I'm an
14 application chemist with Antek
15 Industrial Instruments. We're a
16 manufacturer of on-line process
17 instrumentation for the determination
18 of sulfur in fuels specifically. If I
19 may read a quotation from the Federal
20 Register, volume 64, number 92, page
21 26097, which states, " However, we are
22 requesting comment on whether ASTM
23 method D 5453-93, entitled Standard
24 Test Method for Determination of Total
25 Sulfur in Light Hydrocarbons, Motor

1 Fuels and Oils by Ultraviolet
2 Fluorescence, should be the primary
3 method."
4 The U.S. EPA is correct to seek
5 comment as to if ASTM D 5453, sulfur by
6 UV fluorescence, should be designated
7 as the primary sulfur test method.
8 Currently D 2622, sulfur by WDXRF, has
9 been designated as the only EPA
10 approved sulfur test method. However,
11 the EPA has recognized that in certain
12 situations D 2622 has limitations.
13 In my previous testimony, I
14 presented evidence from published ASTM
15 documents that described the
16 limitations of ASTM D 2622 and the
17 absence of these limitations for D
18 5453.
19 I'll review them very quickly.
20 Section 1.2 of the D 2622 test method
21 scope includes an estimation of the
22 test methods pooled limit of
23 quantification. This calculation,
24 based upon a special subset of the
25 lowest samples analyzed during D 2622

1 verification, or otherwise known as the
2 round robin, finds a PLOQ for D 2622 of
3 only 15 parts per million.
4 Section 1.5 of the D 2622 test
5 method scope reinforces the problems
6 that can occur with samples with a
7 changing matrix. Analytical errors
8 caused by these matrix effects can
9 become critical as sulfur
10 concentrations decline. It is this
11 issue that most limits D 2622's
12 usefulness in the dynamic blending
13 future of Tier 2 gasoline.
14 Section 5.1 of the D 2622 test
15 method states, "When the elemental
16 composition, excluding sulfur, of
17 samples differs significantly from the
18 standards, errors in the sulfur
19 determination can result. For example,
20 differences in the carbon-hydrogen
21 ratio of sample and calibration
22 standards introduce errors in the
23 determination."
24 D 5453 will not suffer from
25 interferences from products covered in

1 this Tier 2 proposal because halogen
2 contamination is stringently controlled
3 in modern motor fuels.
4 D 5453 has proven itself to be
5 an excellent test method for the
6 determination of sulfur in all sorts of
7 motor fuels.
8 This is possible because D 5453
9 uses a sample combustion technology
10 that is very selective and free from
11 the carbon-hydrogen ratio and metal
12 contamination interference that affects
13 the proposed primary sulfur, regulatory
14 method, D 2622. Instrument calibration
15 is straightforward and not biased by
16 the matrix of the calibration material.
17 D 5453 has a proven history of
18 performance in the measurement of
19 sulfur at very low levels. The test
20 method initial publication in 1993
21 indicated the ability to measure down
22 to 1 milligram per kilogram sulfur
23 parts per million. A pooled level of
24 quantification, PLOQ, recently
25 completed this year, last year, excuse

1 me, 1998 ASTM round robin was less than
2 1 part per million. Another quote from
3 the Federal Register by the EPA says
4 that, "We believe that ASTM D 5453
5 would significantly reduce capital
6 costs for test equipment and that
7 operational costs would be similar to
8 ASTM D 2622."

9 A cost comparison between D
10 2622 and D 5453 for laboratory
11 instrumentation was presented at the
12 Denver hearing and is now part of the
13 record. I would like to present today
14 a cost analysis for on-line process
15 instrumentation using UV fluorescence.

16 What would have been shown if
17 the slide had been up, that the initial
18 estimated purchase price for
19 instrumentation, on-line
20 instrumentation for 5453 is in the
21 neighborhood of \$58,000, space
22 requirement costs in the neighborhood
23 of \$3,600 and annual maintenance costs
24 of \$3,000.

25 However, for 2622, as of this

1 date, I am not aware of the use of this
2 method for the on-line determination of
3 sulfur. Therefore, I will not attempt
4 to estimate the cost of this technology
5 for on-line use. However, please note
6 that from previous testimony laboratory
7 instrumentation using D 2622 costs
8 three times more than laboratory
9 instrumentation using D 5453.

10 Also, if such an instrument did
11 exist, I would believe that it would
12 require permits and could present
13 potential personnel exposure problems.

14 As previously shown, D 5453 is
15 very selective and free from the
16 carbon-hydrogen ratio, matrix effect,
17 interference. This allows for an
18 accurate sulfur determination in
19 multiple streams with a widely varying
20 component matrix.

21 The development of an on-line
22 certification program begins with the
23 establishment of a direct correlation
24 between on-line and laboratory results.
25 The ability to use D 5453 in the

1 laboratory and on-line for the
2 determination of sulfur eases and
3 simplifies the establishment of this
4 correlation of results. The issue of
5 test method bias is eliminated. The
6 development of an on-line certification
7 procedure should provide refiners with
8 a substantial cost benefit.

9 Again, as of this date, I am
10 not aware of the use of the current
11 regulatory method of D 2622 for the
12 on-line determination of sulfur.

13 For low sulfur fuels, D 5453 is
14 the technology of choice. It has the
15 analytical range, cost savings,
16 availability and flexibility in
17 applications that the oil industry will
18 need on its journey toward Tier 2 motor
19 fuels.

20 D 5453 provides a superior
21 sulfur test method, results in lower
22 sulfur levels and equivalent
23 measurements at higher sulfur
24 concentrations levels. Allowing the
25 use of D 5453 could enable significant

1 capital savings for the fuel-producing
2 community, while giving them a better
3 measurement tool as sulfur
4 concentrations continue to drop.

5 The D 5453 test method has
6 already been approved by other
7 regulating agencies and has proven its
8 worth time and time again in daily low
9 sulfur fuel production as well as in
10 general use on a world-wide basis.

11 D 5453 should be designated as
12 the primary sulfur test method. D 2622
13 and possibly other ASTM test
14 methodologies should be designated as
15 the alternate test methods.

16 In conclusion, I would like to
17 summarize what has been said in the
18 four hearings by myself or my
19 colleague, John Crnko.

20 In testimony given during four
21 public hearings, Philadelphia, Atlanta,
22 Denver and Cleveland, a compelling
23 argument has been made for the
24 designation of ASTM D 5453 as the
25 primary method for the determination of

1 sulfur in fuels. Data from
2 peer-reviewed published ASTM documents
3 and other independently conducted
4 studies has been presented that attests
5 to the superiority of ASTM D 5453. The
6 data presented in these hearings has
7 demonstrated that ASTM D 5453 is a
8 superior method in the following areas:
9 Analytical Range: ASTM D 5453
10 has an analytical range that is
11 equivalent to ASTM D 2622 for fuels
12 with high sulfur levels.
13 Limit of Quantification: ASTM
14 D 5453 demonstrates an LOQ of 1
15 milligram per kilogram sulfur per part
16 per million versus 15 milligrams per
17 kilograms sulfur for ASTM D 2622 which
18 has questionable results below 20
19 milligrams per kilograms sulfur.
20 Interferences: One
21 interference is listed for ASTM D 5453,
22 which is insignificant in modern fuel
23 formulations, versus the well-known
24 carbon to hydrogen ratio and heteroatom
25 interferences found in ASTM D 2622.

1 Cost Effectiveness: Laboratory
2 instrumentation using ASTM D 5453 costs
3 one-third that of instrumentation using
4 ASTM D 2622. On-line instrumentation
5 using UV fluorescence is widely used in
6 California refineries. As of this date
7 and to the best of my knowledge, no
8 on-line instrumentation using
9 wavelength dispersive x-ray
10 fluorescence is available.

11 Established Technology:
12 Instrumentation using ASTM D 5453 is
13 available and currently in use in many
14 refinery and contract laboratories. D
15 5453 can be implemented as the primary
16 sulfur test method and many companies
17 will have little or not cost.

18 Flexibility: The use of UV
19 fluorescence in the laboratory and
20 on-line will ease and simplify the
21 establishment of on-line certification
22 procedures that should provide refiners
23 with a substantial cost benefit.

24 Thank you very much for getting
25 me in on time. And if I could, I need

1 to run to catch an airplane.
2 MR. FRANCE: Thank you,
3 Mr. Welsh.
4 MR. WELSH: Thank you.
5 MR. FRANCE: Mr. Gelfand.
6 MR. GELFAND: Thanks for coming to
7 Cleveland. As one of the things, one
8 of the first things I noticed in this
9 rule is that there's a comment
10 expiration date or comment deadline of
11 August 2nd. And we're very thankful
12 there is that deadline because there's
13 150 pages of the rule and then I just
14 heard another 400 pages of regulatory
15 analysis to slough through. So the
16 congressman is going to have written
17 testimony within the time of the
18 deadline. But I do want to take this
19 opportunity to thank you for coming to
20 Cleveland. And in particular, thank
21 you for coming to the the 10th
22 Congressional District. We appreciate
23 that, the Congressman appreciates you
24 coming.
25 I know that you've only, you've

1 its implementation of the Clean Air Act
2 Amendments.

3 Cuyahoga County has implemented
4 vehicle emissions testing in the mid
5 1980s, upgraded, as you probably know,
6 with great political angst, to enhanced
7 testing in the early 1990s. The
8 financial cost of controls on
9 stationary sources since 1971 has been
10 significant, but most citizens I
11 believe here believe it's well worth
12 the cost in human health and quality of
13 life.

14 The County Planning Commission
15 is not the responsible agency for local
16 ambient air compliance, but it is
17 seriously engaged in planning for our
18 56 municipalities, the character of
19 their neighborhoods and their prospects
20 for thriving in the 21st century. As
21 an older urban industrial community,
22 quality of life issues such as air,
23 clarity of the air, including the way
24 it smells, whether it's good and
25 healthful, are factors in whether

1 people want to live, work and play in
2 this county or whether they find air
3 pollution another reason to abandon the
4 cities where they grew up and move to
5 the farmlands and rural communities
6 distant from the urban core.
7 Joe or Jane Citizen may not
8 have considered whether PM10 or PM2.5
9 means any difference to his or her
10 health, but they do understand the
11 sniff test when sulfur permeates the
12 air, when particulates blur the view of
13 the Terminal Tower from the lakefront
14 and when the closeness of the air is
15 suffocating. Their best guess is that
16 it is not only more pleasant to move to
17 Geauga County where there are still
18 trees and open spaces, but healthier
19 for their children. And we know that
20 this is a pretty good assumption.
21 My point is that Cuyahoga
22 County and the City of Cleveland are
23 investing significant resources in new
24 entertainment facilities, new housing
25 in the center city and even new parks

1 in the Cuyahoga River steel valley. We
2 have worked diligently to create the
3 infrastructure to redevelop Brownfields
4 properties on our old industrial
5 property, but without clean air and
6 water, our urban and inner-ring
7 suburban communities will never attain
8 the potential they deserve.
9 Vehicle emissions standards
10 should take into account those vehicles
11 which are the growing market of SUVs,
12 diesel trucks and buses must be
13 controlled and soon. I am particularly
14 disappointed that the rules have not
15 foreseen the growing behemoths, giant
16 SUVs which are not covered by the
17 proposed rule-making. Automobile
18 drivers who have paid their \$19 for the
19 E-check test see a Lincoln Navigator or
20 a diesel truck belching nasty
21 sulfur-smelling black smoke roaring by
22 them on the highway and know that there
23 is no or minimal pollution control on
24 the vehicle. They complain loudly
25 about RTA buses which lack diesel

1 controls. Although many of our fleet
2 have converted to natural gas, there is
3 a recommendation to policy of
4 purchasing natural gas vehicles. I
5 hope that these factors that are taken,
6 that are going to be completed and more
7 considerations will help them make a
8 decision. But these problems are seen
9 as loopholes by the public and need to
10 be closed as an issue of fairness to
11 other motorists.

12 Mr. Chairman, we have neither
13 the information nor the inclination to
14 make a case for particular fuels in a
15 cost-benefit basis. I understand that
16 Congress mandates that you perform
17 those calculations and I have no
18 problem with the requirement. But
19 common sense and your responsibility
20 for health under your charter dictate
21 that you get complete these hearings,
22 evaluate your studies and regulate
23 those emissions not presently
24 controlled, but which do require
25 regulations. We suggest that the rule

1 be implemented on time and at the
2 minimum level required to do the job.

3 Thank you for holding the
4 hearings in Cleveland and thank you for
5 listening to us all. I will be glad to
6 answer any questions.

7 MR. FRANCE: Thank you very
8 much.

9 Ms. VanGilder.

10 MS. VANGILDER: My name is
11 Rachel VanGilder and I'm a research
12 associate at Environmental Health Watch
13 in Cleveland, a community-based
14 information assistance and advocacy
15 organization. I appreciate the
16 opportunity to give testimony on this
17 important issue.

18 My remarks deal with two
19 concerns. The first is toxic air
20 pollutants from motor vehicles. The
21 second is the relationship between
22 indoor and outdoor pollution triggers
23 for asthma.

24 Air toxics, sometimes called
25 hazardous air pollutants, are air

1 pollutants that cause serious adverse
2 health effects. The U.S. EPA has
3 focused most of its air toxics work on
4 carcinogens, air pollutants that cause
5 cancer. Motor vehicles emit several
6 pollutants that U.S. EPA classifies as
7 known or probable human carcinogens.
8 These include benzene, formaldehyde,
9 acetaldehyde, 1,3-butadiene and diesel
10 particles.

11 U.S. EPA estimates that mobile
12 sources of air toxics, that is, cars,
13 trucks and buses, may account for as
14 much as half of all cancers attributed
15 to outdoor sources of air toxics. Some
16 of these toxic chemicals are present in
17 gasoline and are emitted to the air
18 when gasoline evaporates, passes
19 through the engine as unburned fuel, or
20 as a result of incomplete combustion.
21 Benzene, for example. Other chemicals
22 are not present in fuel, but are
23 by-products of incomplete combustion.
24 Formaldehyde, acetaldehyde,
25 1,3-butadiene and diesel particles, for

1 example. Some air toxics are formed
2 when other mobile source pollutants
3 undergo chemical reactions in the
4 atmosphere. Formaldehyde and
5 acetaldehyde are formed in this
6 secondary process.

7 We have used data from the U.S.
8 EPA cumulative exposure project to
9 estimate exposure to toxic air
10 pollutants from mobile sources in
11 Cuyahoga County.

12 The cumulative exposure project
13 developed a computer model to estimate
14 outdoor exposure to 148 air toxics, by
15 census tract, for the continental U.S.
16 the model is based on 1990 emissions
17 source inventories, including
18 background, point, area and mobile
19 sources. An air dispersion model
20 estimated how far the pollutants travel
21 after emissions, based on wind speed
22 and direction, breakdown of chemicals
23 secondary formation of pollutants.

24 It is important to note that
25 there are many limitations to this kind

1 of study. Its estimates have been
2 criticized as being too high because
3 they are based on outdated 1990 source
4 data, prior to recent improvement in
5 air quality. However, our comparison
6 of model estimates with the recent Ohio
7 EPA monitoring data from Cleveland and
8 Cincinnati found generally good
9 correspondence between the two. In
10 addition to the exposure estimates, the
11 cumulative exposure project developed
12 health effects benchmarks for those
13 chemicals for which sufficient health
14 data was available. For cancer, the
15 benchmark is based on one-in-a-million
16 excess cancer deaths from lifetime
17 exposure.

18 The results of the CEP modeling
19 are startling and disturbing.
20 Nationally, seven air toxics exceeded
21 the cancer benchmark in all 60,000 U.S.
22 census tracts. Estimated exposure for
23 benzene, formaldehyde and
24 1,3-butadiene, mobile source air
25 toxics, exceed the cancer benchmark in

1 over 90 percent of U.S. census tracts.
2 Some census tracts in the U.S.
3 had as many as 32 pollutants that
4 exceeded the cancer benchmark. The
5 average was 14 per census tract.
6 Our analysis of the cumulative
7 exposure project data for Cuyahoga
8 County found 14 air toxics estimated to
9 exceed the cancer benchmark. Four of
10 these derived primarily from mobile
11 sources. Mobile air toxics had the
12 highest exceedences of the cancer
13 benchmarks by far. The estimated
14 exposures for benzene, formaldehyde and
15 1,3-butadiene exceeded the cancer
16 benchmarks by 23 times, 36 times and 86
17 times, respectively.
18 The current control measures
19 for automobile help reduce their toxic
20 emissions. But nearly half of all
21 passenger vehicles sold in 1998 were
22 so-called light trucks, not subject to
23 the same pollution controls as
24 automobiles. The SUVs, minivans and
25 small pickups not only produce more

1 toxic emissions per gallon of gas, but
2 because they are less fuel efficient,
3 they use more gas.

4 The proposed Tier 2 emissions
5 standards for vehicles and gasoline are
6 a big step in the direction of reduced
7 air toxic exposure from motor vehicles.
8 However, there are a few elements of
9 the standard that should be
10 strengthened. Give no special
11 treatment for heavier vehicles. They
12 should be required to meet the same
13 public health standard. Give not
14 special treatment for diesel engines.
15 Again, they should be required to meet
16 the same public health standard.
17 Provide more incentive for the
18 development of alternative technologies
19 that can dramatically reduce toxic air
20 pollution.

21 Now, let me address briefly a
22 somewhat different air pollution
23 question that my organization,
24 Environmental Health Watch, has been
25 involved with. We have been working

1 for several years on programs to
2 control indoor pollution hazards
3 related to children's health, lead
4 poisoning and asthma in particular.
5 Opponents of stricter
6 regulations for air pollution have been
7 trying to minimize the adverse health
8 effects of outdoor air by pointing to
9 the role of indoor pollution in
10 illnesses such as asthma. However,
11 research on the significance of indoor
12 hazards does not get outdoor pollution
13 off the hook. Both indoor and outdoor
14 pollutants have been found to increase
15 the frequency and severity of breathing
16 problems for asthma sufferers and there
17 is, therefore, a need to control both
18 exposure pathways.
19 Asthma is the most common
20 chronic disease of childhood.
21 Prevalence has more than doubled in the
22 last two decades. Deaths of children
23 from asthma now nearly 1,500 a year,
24 increased by 50 percent in the 1980s.
25 Urban poor children are at greatest

1 risk. The American Lung Association
2 estimates that in the Cleveland area
3 23,000 children suffer from asthma. It
4 is not known why asthma rates have
5 increased in the last several years,
6 particularly among children. But we do
7 know that with the greater prevalence
8 of asthma, whatever the cause, many
9 more people are now especially
10 sensitive to both indoor and outdoor
11 pollution.

12 There is a natural division of
13 responsibility in the control of indoor
14 and outdoor pollutants that trigger
15 asthma attacks. For example, there are
16 things parents can do to reduce their
17 children's exposures to tobacco smoke,
18 cockroaches, dustmites and molds.
19 Landlords have a responsibility to
20 provide housing that is free of roach
21 infestation, water leaks and other
22 defects that give rise to these asthma
23 triggers. But neither parents nor
24 landlords control pollution in the
25 outdoor air. That must be done by

1 government and industry.
2 Lead poisoning is a good
3 example of this division of
4 responsibility for indoor and outdoor
5 pollution. Until the early 1980s, when
6 EPA regulations began to remove lead
7 from gasoline and to reduce industrial
8 lead emissions, an astonishing 53
9 percent of children nationally were
10 lead poisoned, as compared to less than
11 2 percent today. This is a dramatic
12 public health success, though lead
13 poisoning levels are still unacceptably
14 high, particularly among poor children
15 living in deteriorated housing.
16 Parents and building owners still have
17 a serious responsibility to protect
18 children from lead paint hazards and
19 soil contaminated from past use of
20 leaded gasoline. But these measures by
21 themselves, without the dramatic drop
22 in air lead levels, would never have
23 reduced lead poisoning so
24 substantially.
25 A brochure from the Northeast

1 Ohio Ozone Task Force warns parents of
2 asthmatic children that on high ozone
3 days they should limit their children's
4 time outdoors. Do we really want a
5 public health policy that tells parents
6 of asthmatic children to try to find a
7 safe place in the house where their
8 children must hide when the outside air
9 is damaging to their lungs.

10 I applaud U.S. EPA for
11 proposing the Tier 2 standards to
12 protect public health. I urge adoption
13 of these standards, with the
14 strengthening modifications noted.
15 Thank you for this opportunity to
16 speak.

17 MR. FRANCE: Thank you so much
18 for your comments.

19 Mr. Ports.

20 MR. PORTS: My name is Mike
21 Ports. I'm president of Ports
22 Petroleum Company in Wooster Ohio.
23 Ports Petroleum owns and operates 71
24 unbranded retail motor fuel outlets in
25 12 states under the name Fuel Mart.

1 I appear today on behalf of our
2 company and the Society of Independent
3 Gasoline Marketers of Ohio. I serve as
4 second vice-president of SIGMA and am a
5 member of SIGMA's board of directors.
6 SIGMA is a trade association with
7 approximately 270 members in all 50
8 states. Collectively, SIGMA members
9 sell over 20 percent of the motor fuels
10 in the nation annually.

11 As noted in SIGMA's name, we
12 are an independent marketer of motor
13 fuels. We are not a refiner of motor
14 fuels and do not fly the flag of any
15 major oil company at our outlets.
16 Instead, we compete on a daily basis
17 head to head with the major integrated
18 refiners. SIGMA members are able to
19 compete with these refiners who in many
20 cases operate both as suppliers of our
21 outlets and as our direct competitors
22 because we have access to numerous
23 suppliers and diverse sources of
24 gasoline supplies. If the number of
25 potential suppliers decrease or the

1 amount of overall supply decreases,
2 then the role of the independent
3 marketer as the most price competitive
4 segment of the gasoline marketing
5 industry is jeopardized.
6 This is the reason I am
7 appearing before you today. SIGMA is
8 deeply concerned about the potential
9 impact of the gasoline sulfur proposal
10 both on overall gasoline supplies and
11 on the number of gasoline suppliers.
12 Quality is extremely difficult to
13 predict the future. I am very
14 concerned that some of the refineries
15 that my company counts on for
16 substantial portions of our gasoline
17 supplies will not be in business in
18 five years if this proposal is not
19 modified before it's finalized. Many
20 of the refineries our companies buy
21 gasoline from are smaller, independent
22 refineries, such as Ergon Refining in
23 Newell, West Virginia and Pennzoil in
24 Rouseville, Pennsylvania. These
25 refineries, despite being small in

1 terms of output, will not qualify for
2 compliance flexibility as small
3 refiners under the definition the EPA
4 has proposed because they are parts of
5 parent companies with more than 1,500
6 employees. And yet I'm not all sure
7 that these refineries will remain
8 viable business entities under this
9 sulfur proposal.

10 If these small refineries close
11 because they cannot afford the capital
12 upgrades to meet the proposed sulfur
13 standards, our company and other
14 independent marketers will be forced to
15 increase our reliance on integrated
16 refiners for gasoline supply. And I
17 can tell you from personal experience
18 that these large, integrated refiners
19 are becoming less and less interested
20 in doing business with unbranded
21 independent marketers. If the number
22 of refiners is reduced and refining
23 capacity is concentrated in fewer and
24 fewer hands, then large integrated
25 refiners will have no incentive to do

1 business with our company, their direct
2 competitor. If our company can not
3 locate adequate gasoline supplies, we
4 are out of business. If this happens,
5 consumers will be the group that
6 suffers as a result because of
7 decreased marketplace competition and
8 increased retail prices for gasoline.
9 We need look no further than
10 California for a case study of the
11 potential impact of this proposal on
12 small refiners, independent marketers
13 and consumers. California led the way
14 in mandating low sulfur gasoline and
15 diesel fuel. Today, only a handful of
16 small independent refineries make
17 California gasoline. All of the rest
18 of the production is controlled by
19 large, integrated refiners. Many
20 independent marketers in California
21 have either branded their stations or
22 ceased doing business altogether.
23 And these trends have had a
24 dramatic impact on consumers in
25 California where gas is more expensive

1 than in any other state. California
2 consumers were paying over two dollars
3 a gallon for that state's low sulfur
4 gasoline earlier this year. While
5 there may have been many reasons for
6 these high prices, SIGMA feels it's
7 directly traceable to the increased
8 concentration of refining capacity in
9 the state and in the hands of the large
10 integrated companies, the reduced role
11 of independent marketers and the
12 stringent California gasoline
13 standards. If EPA is not careful, the
14 California experience may well spread
15 to the rest of the nation.

16 Our company and SIGMA urges EPA
17 to modify this definition of a small
18 refiner. We urge EPA to adopt a
19 definition that gives added compliance
20 flexibility to all refineries with a
21 capacity of 75,000 barrels per day or
22 less. If this step is not undertaken,
23 SIGMA is deeply concerned that many of
24 these small refineries will be closed,
25 no matter how big their corporate

1 parent may be, to the detriment of
2 independent gasoline marketers, such as
3 Ports Petroleum and to consumers across
4 much of the nation.

5 Thank you for listening to the
6 views of our company and SIGMA. I
7 would be pleased to answer any
8 questions you might have.

9 MR. FRANCE: Thank you very
10 much.

11 Ms. Russell.

12 MS. RUSSELL: Thank you. Good
13 afternoon. My name is Erin Russell.
14 I'm the Clean Cities Coordinator for
15 The Earth Day Coalition, a local
16 Cleveland based environmental
17 organization.

18 I'm here today to voice support
19 for the proposed Tier 2 standards.
20 While many sport utility vehicles, or
21 SUVs, and other so-called light trucks
22 are driven as business and commercial
23 vehicles, we have seen a significant
24 shift in their use in the private
25 sector over the last 15 years. SUVs

1 are now frequently driven as passenger
2 vehicles by hundreds of thousands of
3 people every year. All passenger
4 vehicles, including SUVs and minivans,
5 should meet the same emissions
6 standards.

7 Last year SUVs comprised
8 roughly 50 percent of the total vehicle
9 sales in the United States. While
10 passenger cars have become cleaner over
11 the past two decades, those gains are
12 decreasing due to the expanded use of
13 polluting SUVs. This translates
14 directly into a public health issue.
15 According to the U.S. Department of
16 Energy, vehicle pollution is often the
17 single largest contributor to poor air
18 quality in many cities. A recent study
19 by the International Center for
20 Technology Assessment estimates that
21 Americans annually absorb roughly \$39
22 billion in medical costs related to
23 automotive air pollution alone.

24 Also, by imposing the same
25 emissions criteria to diesel cars and

1 light trucks, public health will be
2 further protected. However, those same
3 standards need to be extended to all
4 diesel vehicles. According to the
5 World Health Organization,
6 particulates, including those from
7 diesel exhaust, are responsible for
8 nearly one-half million premature
9 deaths around the world every year. A
10 1996 study conducted by the Natural
11 Resources Defense Council ranked
12 Cleveland tenth in the nation in
13 estimated annual cardiopulmonary deaths
14 attributable to particulate air
15 pollution. The study estimated that
16 1,169 early deaths occur every year in
17 Cleveland due to particulate matter in
18 the air. As you know, diesel exhaust
19 is a suspected carcinogen. While a
20 diesel engine is extremely fuel
21 efficient, and that issue will become
22 increasingly important over the next
23 decade as oil reserves decline, it is
24 imperative that efficiency gains are
25 not made at the expense of

1 environmental and public health.

2 While I urge the EPA to exact
3 stricter emissions standards on cars,
4 light trucks, SUVs and diesel vehicles,
5 I also urge you to increase incentives
6 for advanced technology vehicles.
7 Through the U.S. Department of Energy's
8 Clean Cities program, clean alternative
9 fuel vehicles are being promoted and
10 used nationwide. However, this program
11 focuses primarily on national security
12 and domestic energy issues. U.S. EPA
13 should do all they can to promote
14 cleaner burning internal combustion
15 engines, clean domestic fuels and
16 advanced fuel cell technologies.

17 While involved in the Clean
18 Cities program, I have learned that
19 many people and companies within the
20 automotive industry are capable and
21 willing to produce cleaner vehicles.
22 There are approximately 20 models of
23 clean alternative fuel vehicles
24 available from auto manufacturers on
25 the market today. With encouragement

1 and assistance from the U.S.
2 Environmental Protection Agency, this
3 amount could grow significantly.
4 Requiring auto manufacturers to produce
5 low emissions vehicles, or LEVs, the
6 California standard, will, in effect,
7 create a national standard that should
8 be less complicated for OEMs to meet.
9 To close the loop, it is also
10 vitally important that oil companies be
11 required to produce a cleaner product.
12 While the country will undoubtedly
13 transition away from petroleum use over
14 the coming decades, that transition can
15 be made cleaner by requiring the
16 production and sale of low sulfur
17 gasoline. This enforcement should be
18 adopted at the same time as the new
19 emissions standards.
20 Why is all this so important.
21 I mentioned earlier the extreme health
22 costs associated with automotive air
23 pollution. Not only am I an advocate
24 for a cleaner environment, I'm one of
25 the millions of people in America who

1 suffer from asthma. While I have the
2 disease moderately in control now, I
3 fear a future of dirtier air that will
4 take its toll as I age. Please adopt
5 strong vehicle emissions standards that
6 will protect our air quality for many
7 years to come. Thank you for giving me
8 the opportunity to address you on this
9 important issue and I'll be happy to
10 answer any questions.

11 MR. FRANCE: Thank you very
12 much for your comments. We will
13 consider your comments.

14 - - - -
15 (Thereupon, a discussion was had off
16 the record.)

17 - - - -
18 MR. GREENBAUN: Hi, my name is Bob
19 Greenbaun. I'm the chairman of the
20 local Sierra Club in northeastern Ohio
21 and we're very happy to have you here
22 and working on an issue near and dear
23 to our hearts. I'd like to give you a
24 slightly different viewpoint on the
25 proposed regulations that I think I've

1 heard in the last little bit here
2 listening in. I have two basic points
3 I'd like to share with you. One is
4 it's a shame you folks weren't able to
5 join us here in Cleveland last week
6 because last Monday we had an ozone
7 alert and it ran on for a number of
8 days.

9 And while this ozone alert was
10 hitting us in 90 degree plus weather
11 last Monday, I happened to be out and
12 about Monday morning about 11:00 in
13 morning. I had to be driven home
14 because I was no longer capable of
15 driving. I was getting deprived of
16 oxygen to the brain, as many asthma
17 sufferers do in this kind of weather. I
18 was having trouble lifting things, like
19 glasses. And so I had to go into
20 hibernation for a little while.

21 I predict that the industry
22 panels, who I've heard and listened
23 respectfully to their testimony here,
24 would have an entirely different
25 viewpoint on air pollution from

1 automobiles if say GM's Roger had a kid
2 with asthma. Because I think about the
3 first time that a father looks at a
4 child turning blue or has to throw them
5 in the back seat of the car and rush
6 them down to the emergency room,
7 there's a very different perspective
8 that you obtain as to, you know, the
9 relationship between your business and
10 your family and the values of life in
11 general. Because, you know, although
12 we're told in churches and synagogues
13 and mosques that it's immoral for us to
14 make our living by causing the injury
15 or death of others, that tends to not
16 sit home, that moral lesson tends not
17 to sit in the forefront of the mind as
18 we go about our daily routines and
19 everything's no problem. There doesn't
20 appear to be much there. So in a sense
21 it's unfortunate you missed the
22 pleasure of Cleveland during an ozone
23 alert.

24 Please keep us in mind as you
25 are evolving rules on this subject.

1 Because you are talking directly of the
2 ability to function, the health and
3 longevity of the people of this area
4 and other areas that are subject to
5 ozone alerts, okay.

6 With regard to the upcoming
7 recommendation that you all have, you
8 know, on the proposed regulations here,
9 I would like to suggest one way of
10 resolving an industrial problem that I
11 have been hearing here and at many
12 other hearings of this type throughout
13 the years. And that is the problem of
14 industrial people saying they either do
15 not know how to comply with this
16 request or can't do it for financial
17 reasons.

18 I would like to propose that
19 EPA start, in the spirit of free
20 enterprise that has come to us more
21 recently through the ideas of Ronald
22 Reagan and the right wing, I would like
23 you to throw this open to an
24 inventor's, I'd like to throw open for
25 an inventor's lottery. And I suggest

1 that you run it as follows: That you
2 throw out to the public the possibility
3 of coming up with inventions to permit
4 the rapid improvement of the
5 environment through automobiles,
6 gasoline and any other medium and
7 empower a panel of engineering
8 societies to evaluate these proposals
9 as they may affect the health, safety
10 and environment of the community at
11 large. And then help the inventors
12 market these inventions to the
13 companies and so forth who have been
14 resistant through the years to new
15 ideas.

16 I think this would help this
17 industrial albatross that we have to
18 look at suggestions and ideas that come
19 from a culture not quite as steeped in
20 its own methodology and maybe a whole
21 new perspective for solving some of
22 these problems and we may get to a more
23 rapid thing. It would certainly enable
24 the EPA to say to GM, for example, that
25 well, if you're having trouble meeting

1 the requirements for various
2 pollutants, here are a number of
3 inventions that the society of
4 mechanical engineers and, you know, so
5 on and so forth, all the various
6 societies could look at.

7 I don't know of a single bridge
8 builder engineer who would not just
9 drool at the possibility of reducing
10 weight in the frames of some of these
11 sport utility vehicles. They could
12 make a lot of money selling those ideas
13 to Detroit.

14 So to help out our friends in
15 the industry who are having trouble
16 with this and lacking ideas, let's have
17 an inventor's lottery and give these
18 folks a portion of the ideas that could
19 help and so forth.

20 And the last thing I would like
21 to suggest that you are going to get
22 complaints at the EPA on the duration,
23 how long it this will take to implement
24 these standards and how long it will
25 take to develop new processes and

1 manufacturing facilities and so on and
2 so forth. No matter what timetable you
3 propose, you're going to get the same
4 complaints. So I think that what you
5 should do is propose the fastest
6 timetables that you can and the most
7 inclusive timetables. And that means
8 no more exceptions.

9 We had exceptions on fuel
10 efficiency for light trucks and look
11 what happened. So if we have
12 exceptions for anything, sport utility
13 vehicles, small diesel or even
14 full-size diesel, any exception will be
15 exploited as a marketing opportunity
16 where a manufacturer will have the
17 opportunity to compete and offer a
18 product that doesn't have to conform to
19 the same standards as everyone else.
20 So I strongly urge you to rationalize
21 and unify the standards for diesel, for
22 heavier cars and so forth. And this
23 will take us a long way towards an
24 improved country. And 20 years from
25 now you will be able to say to your

1 grandchildren that you contributed to a
2 better world than the one that you were
3 born into by doing these things. And
4 the bitching from the industry is going
5 to remain the same and you have nothing
6 to lose by doing this.

7 I would like to thank you for
8 your attention and for your joining us
9 here in Cleveland. And I certainly
10 hope you go back and take a very strong
11 and hard line. I would be very pleased
12 to answer any questions.

13 MR. FRANCE: Thank you very
14 much. Any questions. Thank you.

15 - - - -
16 (Thereupon, a discussion was had off
17 the record.)

18 - - - -
19 MR. SNAPE: Good afternoon and
20 thanks. This is what, your fifth day
21 of doing this. You're holding up
22 remarkably well.

23 I would also like to add my
24 voice to the many you've heard today.
25 And I'm really going to make two sets

1 of comments. One of them fairly
2 general and one rather specific.
3 Basically, I wish to speak in
4 support of EPA's Tier 2 proposal for
5 improving human health in the urban
6 environment by cutting
7 transportation-related pollution. I'm
8 concerned about the health impacts that
9 air pollution has on our health and the
10 health of our society's weakest
11 members. During the 1998 ozone season,
12 Ohio managed to have almost 450 days
13 where the new ozone standards were
14 violated. Given that we know that
15 health impacts occur in sensitive
16 populations well below the new ozone
17 standards, the importance of these
18 regulations cannot be overstated.
19 For example, in northeast Ohio,
20 the childhood asthma rates have come
21 close to tripling over the past 30
22 years. Moreover, we continue to
23 devalue the quality of life of our
24 elders.
25 My father is slowly dying from

1 lung disease and high particulate and
2 high ozone days are extremely stressful
3 on his breathing and destroy quality of
4 life he has left. Last week when we
5 had five high ozone days in a row he
6 had particular severe difficulty
7 breathing. It is ironic that the
8 pollution that so limits his breathing
9 that he is forced to stop walking and
10 take his car, the very tool that
11 created much of the problem in the
12 first place.

13 Some step needs to be taken to
14 clean air quality for all of those with
15 poor respiratory health. Given the
16 failure of the current NOx SIP call to
17 deal with transportation sources, not
18 to mention its ambiguous legal status,
19 the Tier 2 standards are one of the
20 best tools we have to really begin to
21 bring transportation emissions under
22 control.

23 This proposal's a big step in
24 the right direction, but there are
25 three things that might be improved

1 before this rule becomes final. First,
2 all passenger vehicles, including
3 minivans and SUVs, should meet the same
4 standards at the same time. Larger
5 SUVs should not be given extra time to
6 clean up.

7 I recently interviewed one of
8 the senior design engineer's at Honda.
9 He was employed as one of the project
10 managers on their new SUV project that
11 will be coming out next year. In that
12 interview, he pointed out that he will
13 be able to meet national NLEV standards
14 for approximately \$225 above the
15 existing vehicle costs on what they
16 currently are planning. As this
17 vehicle's classed as a large SUV and
18 will retail for approximately \$35,000,
19 extra cost brings this behemoth into
20 compliance at approximately 0.64
21 percent of its base cost.

22 If I am going to spend \$35,000,
23 I'm doubtful that that last one-half of
24 one percent that will make this vehicle
25 substantially cleaner will deter too

1 many consumers who might otherwise
2 purchase the vehicle. Clearly, cost is
3 hardly significant and nothing exists
4 to prevent immediate implementation.
5 The technology is already in
6 existence and on the shelf. A ten-year
7 phase-in merely allows us to maintain a
8 status quo that fails to work for even
9 longer periods of time without one
10 single compelling reason.
11 A second thing I'd like you to
12 think about is that the current
13 standards are much too lax when dealing
14 with diesel vehicles. While these
15 regulations mark a valuable step
16 forward, they are still too permissive.
17 All vehicles, regardless of engine
18 technology or fuel use, should meet the
19 same public health-related standards.
20 There's no logical justification for
21 special treatment for diesel
22 technologies. Rather than go on about
23 that, I'll just simply cite the
24 gentleman who was just here. If you
25 give them a reason to separate profit

1 line, they will do so because it
2 becomes marketable. And there's no
3 need to encourage that.

4 While I would speculate that
5 EPA, by doing little about diesel to
6 this point, now feels that they need to
7 phase in the new limitations, while
8 this might be politically astute, you
9 merely insure that we will need Tier 3
10 standards to deal with diesel and allow
11 the negative health consequences to
12 perpetuate. The Tier 2 proposal has
13 created two vehicle categories that
14 would permanently allow diesel engines
15 to pollute twice as much soot as
16 gasoline engines and up to ten times as
17 much smog-forming nitrogen oxide. I
18 would reconsider the diesel standard
19 and act more aggressively in bringing
20 these sources into line with automobile
21 standards.

22 Finally, and on a much more
23 specific level, the Clean Air
24 Conservancy is a national environmental
25 group whose mission is to find

1 market-based solutions that serve to
2 clean the air while doing so at the
3 lowest possible cost. I would
4 particularly like to now focus on the
5 issue of implementing the 30 part per
6 million standard.

7 Specifically, I'm concerned
8 that the way we're currently in the
9 existing Tier 2 legislation going to
10 implement the standard is going to lead
11 to the equivalent of what we've seen in
12 the SO2 market or hot spots. That by
13 allowing people to go ahead and setting
14 a minimum standard that they'll be
15 accountable for but no maximum standard
16 which they cannot exceed. We've seen
17 in the SO2, national sulfur dioxide
18 market, that midwestern utilities have
19 pursued a buy-and-burn program where
20 they go out, purchase allowances and
21 find cheaper to burn them than comply,
22 thus leaving the New York state
23 legislature, who repeatedly tried to
24 drop off sales of surplus sulfur
25 dioxide allowances by their utilities

1 to Ohio utilities because they're
2 viewing it as we just simply get air
3 pollution dumped back on us.

4 What we would propose is to
5 reconceptualize your allowance
6 credits that you're currently looking
7 at and set both the minimum and maximum
8 levels. That any refinery that manages
9 to go below their target number, they
10 shouldn't be awarded allowances for
11 staking use in the next year or they
12 consult other refineries. However,
13 there should also be a maximum cost
14 allowance so that they cannot exceeded
15 a certain level and so that we do not
16 find, excuse me a second, this
17 happening, which is what I greatly
18 expect will happen. Which is over time
19 what will happen as the utilities move
20 toward, into the program, you'll see
21 some who are much more aggressive in
22 their reductions and thereby year four,
23 three out of the four utilities are
24 well below the level. However, that
25 one remaining utility is still at .095

1 parts per million.
2 Where this becomes a real
3 problem is in the large SUVs which
4 currently have the technology to go
5 down to current or close to NLEV
6 standards, they're unable to do so
7 because of the high sulfur content.
8 And given the volume of gasoline and
9 emissions they have to push because of
10 their size, this becomes a problem
11 issue. They can't implement a 1400 dpi
12 catalytic system much above seven parts
13 per million. Consequently, any one
14 utility or refinery in this case that
15 is still above, even the market is
16 drifting downward, and from an
17 aggregate viewpoint, you would be
18 perfectly consistent and would be in
19 complete compliance because they can
20 buy allowances and have no annual limit
21 on their emissions, they can block the
22 entire limitation of the large-scale
23 SUV. Because with some of that fuel
24 out there, you're going to wind up
25 clogging the systems and rendering them

1 useless.
2 Consequently, we propose going
3 to a dual-level system so that annually
4 there will be a maximum amount, a
5 maximum decline as well. That still
6 gives predictability for the
7 refineries, it gives the market forces
8 a chance to continue to generate the
9 lowest costs, but it also prevents one
10 or two actors from delaying
11 implementation of crucial standards.
12 This would also allow us to speed up
13 our yearly implementation so that to
14 bring large-scale SUVs into compliance
15 be done much more rapidly if we're
16 going to use the second maximum level.
17 Thank you for your time.
18 MR. FRANCE: Thank you. Thank
19 you very much. Thank you. Any
20 questions? Thank you very much.
21 MR. SIMON: I don't have any
22 questions, but I would encourage you to
23 follow up your testimony today with
24 some detailed written statements
25 including your slides.

1 MR. SNAPE: I dropped those off
2 out front. I will be more than glad,
3 if you windup with any questions, my
4 information's on the testimony. Please
5 feel free to call.

6 MR. FRANCE: Is there anyone
7 else that wants to testify?

8 Why don't we take a break
9 and reconvene at about 5:15 and we'll
10 take stock at where we're at at that
11 point.

12 - - - -
13 (Thereupon, a recess was had.)
14 - - - -

15 MR. FRANCE: It's 5:15. We'll
16 start again. If you will be kind
17 enough to write your names and any
18 affiliation on the cards for the court
19 reporter. Appreciate it.

20 - - - -
21 (Thereupon, a discussion was had off
22 the record.)
23 - - - -

24 MR. FRANCE: Ms. Dunn, you go
25 first.

1 MS. DUNN: Sure. Good morning
2 -- not morning anymore. Good evening.
3 My name is Jessica Dunn and I greatly
4 appreciate the opportunity to speak to
5 you on this important and timely issue.
6 Today, as much of the nation
7 experiences the beginning of the 1999
8 smog season, we have a great
9 opportunity to curve pollution from
10 it's second largest single source, the
11 automobile. This should be among our
12 nation's highest priorities, especially
13 in light of the difficulties U.S. EPA
14 is having implementing the current NOx
15 SIP call on utility NOx emissions. Air
16 pollution, especially NOx pollution,
17 threatens the health of at least 117
18 million Americans who live where smog
19 levels are a frequent health threat.
20 Those who are most vulnerable
21 to the health impacts of air pollution
22 are children and people with asthma.
23 The growing number of American children
24 now go to asthma camps instead of
25 summer camps, miss school to avoid

1 breathing smog, stay indoors instead of
2 playing outside with friends on smoggy
3 summer days and end up in hospital
4 emergency rooms from asthma attacks
5 brought on by smog. There are over 15
6 million Americans with asthma, 5
7 million of whom are children. We must
8 establish pollution controls that
9 protect these vulnerable populations
10 from smog.

11 Although we do have cleaner
12 cars today than two decades ago,
13 automobile air pollution is on the
14 rise. This is because people drive
15 more than ever before and are choosing
16 larger, more polluting vehicles.
17 Therefore, we must insist upon advances
18 in automobile pollution control
19 technology in order to keep pace with
20 the trends toward more driving and
21 larger vehicles. As the New York Times
22 pointed out, the popularity of SUVs
23 could obliterate recent improvements in
24 air quality.

25 I applaud EPA's Tier 2 and

1 gasoline sulfur proposal because it is
2 a strong program that will lead to
3 dramatically cleaner cars.
4 Specifically, I agree with EPA that new
5 cars should pollute 90 percent less
6 than today's cars, that a nationwide
7 clean gasoline standard is necessary to
8 insure that vehicle pollution controls
9 remain effective over the lifetime of
10 the car and that the popular sport
11 utility vehicles should be included in
12 the program. While not all would agree
13 with the scope of the risk, as Richard
14 Klimisch, the vice-president of the
15 American Automobile Manufacturers
16 Association, reported, "The effects of
17 ozone are not that serious... what
18 we're talking about is a temporary loss
19 in lung function of 20 to 30 percent.
20 That's not really a health effect."
21 Another anonymous oil industry
22 lobbyist was quoted as saying,
23 "Asthmatic kids need not go out and
24 ride their bicycles on smoggy days."
25 Despite these opposing views,

1 the EPA should strengthen its standards
2 in several important ways. No special
3 treatment should be given to bigger,
4 dirtier SUVs.

5 EPA's proposal, as written,
6 will not require the cleanup of the
7 largest and dirtiest sport utility
8 vehicles on the market and gives some
9 SUVs until 2009 before the standards
10 apply. This loophole creates a
11 perverse incentive for automobile
12 manufacturers to aggressively make and
13 market ever-larger and more polluting
14 SUVs. All cars and SUVs should meet
15 the same pollution standards at the
16 same time under the new standards.

17 No special treatment should be
18 given to diesel vehicles. Automobile
19 makers are aggressively moving toward
20 diesel engines for the largest
21 passenger vehicles. EPA's proposal
22 leaves the door open for higher
23 polluting diesel trucks to be sold
24 indefinitely.

25 Clean gasoline should be

1 available earlier. Under EPA's
2 proposal, high sulfur gasoline will be
3 on the market in significant quantities
4 as late as 2006. In 2004 when clean
5 cars begin to come off the assembly
6 lines, clean gasoline should be
7 required nationwide to prevent
8 irreversible damage to the car's
9 pollution control equipment.

10 Again, thank you for the
11 opportunity to speak. I applaud EPA
12 for proposing stringent standards for
13 cars and urge the adoption of this
14 program with the noted strengthening
15 amendment.

16 MR. FRANCE: Thank you very
17 much.

18 Mr. Galik.

19 MR. GALIK: Thank you for the
20 opportunity to speak here today. I am
21 here to voice my support for the EPA's
22 Tier 2 proposal to push forward
23 important environmentally effective
24 standards that will insure cleaner air.
25 As an environmentally conscious

1 citizen, college student and life-long
2 resident of the greater Cleveland area,
3 I have researched and studied both the
4 health and environmental problems that
5 the proposed regulations focus upon.
6 Environment problems such as increased
7 automobile emissions, the degradation
8 of air quality and the significant
9 buildup of ground level ozone are of
10 great concern to me since the public
11 health impact on the surrounding areas
12 and region are serious.

13 I applaud the EPA in their
14 efforts to eliminate sulfur from
15 gasoline since it is of utmost
16 importance. Low or no sulfur gas would
17 lead to cleaner air by lessening the
18 pollution emissions by vehicles. The
19 current gasoline pollution controls
20 found on vehicles today are sulfur
21 tolerant. However, new and better
22 control technologies are available and
23 comparatively priced to current
24 technologies. Unfortunately, they are
25 not sulfur tolerant.

1 The oil industry is fighting
2 against such a policy stating that it
3 would be too costly to the consumer to
4 refine out the sulfur and that the
5 EPA's proposal requires more than is
6 reasonably possible. Contrarily, the
7 technology to eliminate sulfur from gas
8 is readily available and increases in
9 the price would be more than likely
10 comparative to those that occurred with
11 the elimination of lead. Big business
12 such as the oil industry has
13 continually made such claims in
14 vehement opposition to environmental
15 regulations. They try to scare the
16 public with absurd economic figures
17 that have been shown time and time
18 again to be far too high once the
19 policy was actually enacted.

20 Furthermore, I am glad to see
21 the EPA is attempting to close the SUV
22 loophole, which means that light trucks
23 and SUVs would have to meet similar
24 pollution standards as are currently in
25 the place for our average cars. The

1 proposed new pollution standards are
2 needed to combat the tremendous
3 increase in light trucks, SUVs,
4 minivans and pickups from less than 20
5 percent some 25 years ago to one of the
6 fastest growing types of automobiles
7 sold today. The policy would fix the
8 problem of SUVs emitting up to three
9 times as much pollution as an average
10 car and make new cars about 90 percent
11 cleaner than the current cars.

12 In addition to closing the
13 loopholes of light trucks, I'm happy to
14 see the EPA proposal addresses
15 diesel-run vehicles for the first time.
16 Necessary regulations are finally being
17 placed on emissions levels for some
18 diesel-run vehicles. Even though the
19 proposal only provides minimal
20 emissions standards to be set, I think
21 this is a step in the right direction.

22 Degradation of air quality and
23 public health is inherent in all the
24 diesel and SUV traffic going on in the
25 exurbs, which can be combatted by the

1 Tier 2 proposal. SUV and diesel
2 vehicles are amongst the largest
3 producers of air pollutants threatening
4 public health. The air pollution that
5 traffic produces has a significant
6 impact on local, state and national and
7 global environments. There are serious
8 health ramifications due to the
9 increased distances and volumes of
10 automobile traffic. This leads to
11 higher pollution emissions and
12 decreasing air quality since more and
13 more vehicles travel on our roads every
14 day emitting massive amounts of
15 pollution. 30 percent of the
16 smog-forming nitrogen oxide or NOx
17 pollution arises from cars and light
18 trucks. In addition, they are
19 responsible for about 20 percent of
20 smog forming volatile organic
21 compounds, not to mention that 20
22 percent of the total U.S. carbon
23 dioxide or greenhouse gas emissions are
24 produced by cars and light trucks. All
25 of these numbers would be increased if

1 diesel-run vehicles were added to the
2 equation.
3 Furthermore, these vehicles
4 produce particulate matter that is seen
5 in the form of soot. This can be
6 translated in the degradation of our
7 surrounding areas that impact the
8 environment, i.e., human health,
9 buildings, monuments, crops, etc. One
10 can easily see the impact of more
11 stringent air pollution standards would
12 have on all suburban areas. One of the
13 major health risks stemming from all of
14 this is that the health impact of
15 ground level ozone. According to the
16 American Lung Association, ground level
17 ozone reacts with lung tissue,
18 inflaming breathing passages and
19 decreasing lung function. It acts as a
20 powerful respiratory irritant, which at
21 high levels can cause shortness of
22 breath, coughing, wheezing, headaches,
23 nausea and lung damage. Children, the
24 elderly and those with respiratory
25 disorders are at an even greater risk.

1 Also, people who suffer from lung
2 disease, like bronchitis, asthma,
3 pneumonia, emphysema and colds have
4 even a harder time breathing when air
5 is polluted. Nevertheless, these
6 potential health risks effect everyone
7 in the region.

8 One of the best examples of
9 these effects that the proposed air
10 pollution standards set forth by Tier 2
11 would be seen in the area of Medina
12 County, which is located in northeast
13 Ohio, just south of Cleveland. In the
14 past several years, there has been an
15 explosive urban development of the
16 Medina County region. To combat this,
17 one of the major interstates, I-71,
18 runs through the county, adding to the
19 increased traffic flow. What all this
20 means is that the with such increase in
21 urban sprawl, which leads to increase
22 in traffic congestion in the area, and
23 ambient air quality of the area has
24 decreased, thus the amount of air
25 pollution has, air pollution has

1 significantly increased.
2 However, the proposal does fall
3 short on several key areas. The first
4 being that all passenger vehicles,
5 whether it be a sedan, minivan, SUV or
6 compact, should be required to meet the
7 same standards at the same time.
8 Secondly, larger SUVs should not have
9 an extended period of time to meet the
10 new standards. Thirdly, that EPA
11 should not provide any special
12 concessions for dirtier emitting diesel
13 vehicles. Instead, more stringent
14 standards should be set to combat the
15 pollution effects of diesel-run
16 vehicles.
17 Also, the EPA should
18 strengthen their efforts to advance
19 control technologies to lower emissions
20 of all vehicles. And finally, sulfur
21 must be completely eliminated from
22 gasoline as quickly as possible.
23 Thank you for your time, or for
24 the opportunity to speak.
25 MR. FRANCE: Thank you very

1 much. We do appreciate you sharing
2 your views with us and we will take
3 them under advisement as we modify the
4 rule. Thank you again.

5 - - - -

6 (Thereupon, a discussion was had off
7 the record.)

8 - - - -

9 (Thereupon, a recess was had.)

10 - - - -

11 MR. FRANCE: Let the testimony of
12 William G. Johnson, managing director
13 of public affairs, AAA Ohio Motorists
14 Association, be submitted into the
15 record.

16 MR. MAVEC: My name is Ken
17 Mavec and I'm a respiratory therapist
18 at Mt. Sinai Medical Center in
19 Cleveland. And I'd like to say thank
20 you for your efforts to make the air
21 safe to breathe by cutting pollution
22 from vehicles.

23 I see on a firsthand basis the
24 health effects daily when our air
25 pollution is high. We get a lot of

1 asthmatics and emphysema and chronic
2 lung patients in the emergency room.
3 And particularly what affects me is the
4 children that can't run outside and
5 play because the air pollution is too
6 bad. And they come in the hospital and
7 they're in there several days getting
8 stuck with needles and getting all
9 kinds of medications in order to try to
10 breathe. And it's not fun and they'd
11 rather be outside playing or going to
12 school. They lose a lot of days of
13 school from being sick.

14 And so smog, it's called a
15 serious health threat, but I think the
16 threat is, it's actually an occurrence
17 that occurs. And that's, some of this
18 is unnecessary and we could, by
19 applying the same standards for diesel
20 and gasoline fuels and eliminating
21 sulfur from each of those fuels, we
22 decrease a lot of the pollution that
23 effects the sulfur dioxide that effects
24 the lungs. And passenger cars, sport
25 utility vehicles and light trucks and

1 vans should all have the same standard
2 applied to them if they're used for the
3 same personal transportation. So
4 vehicles, including up to the new
5 super-size SUVs, 10,000 pounds,
6 personal transportation should have the
7 same standards, apply the same
8 implementation phase-in and the effect,
9 make them effective before the year
10 2004 vehicles, that would be helpful.

11 And the cancer-causing
12 particulates, EM2.5, apply the same
13 standards to all the vehicles, whether
14 they operate on electricity or diesel
15 or gasoline.

16 And thank you very much for the
17 opportunity to testify.

18 MR. FRANCE: Thank you. We
19 appreciate your time today to come
20 here. Thank you very much.

21 I appreciate you testifying.
22 You can state your name and spell your
23 name for the court reporter.

24 MR. BELL: My name is Sam Bell,
25 B-e-l-l, and I'll give you a written

1 copy as well. Hello, I'm a certified
2 automobile repair technician operating
3 the Lusty Wrench Garage in Cleveland
4 Heights and a contributing editor at
5 Import Service magazine. I'm also a
6 member of the Service Technicians
7 Society, the sister organization of the
8 Society of Automotive Engineers. I am
9 also a State of Ohio EPA certified I/M
10 240 technician trainer. So it is my
11 job and the job of those whom I train
12 to maintain and repair the new vehicles
13 and systems that will result from the
14 regulations ultimately adopted.

15 I would like to speak to some
16 of the specifics of the proposed Tier
17 regulations before us today.

18 A. The proposed low sulfur
19 standards for fuel should be
20 implemented industry-wide as quickly as
21 possible. Industry-wide implementation
22 is necessary because high sulfur fuels
23 will irreversibly
24 damage next-generation catalytic
25 converters rendering them ineffective.

1 Another emerging technology
2 which shows great promise for increased
3 fuel efficiency and reduced emissions
4 levels, gasoline direct injection, also
5 requires low sulfur fuels. Low sulfur
6 fuels are already in use in California,
7 Sweden, Finland and the UK. The
8 proposed market-based system of banking
9 and credits will not accomplish the
10 needed goal of insuring greater
11 converter efficiency, but will instead
12 allow small refineries to continue to
13 produce and market high sulfur fuels.
14 I, therefore, suggest a system of tax
15 credits and subsidies on a per refinery
16 basis, which would allow universal
17 compliance in a shorter time frame. A
18 more detailed discussion of this
19 proposal is included in my written
20 statement.

21 B. The automobile industry is
22 capable of meeting the proposed .07
23 grams per mile NOx standard as early as
24 model year 2002 or 2003 for all
25 vehicles below 10,000 pounds. The

1 EPA's own feasibility testing has shown
2 the simple addition of off-the-shelf
3 catalytic converter capacity allows
4 current production small and
5 medium-sized trucks to meet the Tier 2
6 standards under full load without even
7 reprogramming the vehicle's engine
8 management computer.
9 A study project conducted at
10 the independent Southwest Research
11 Center in San Antonio, Texas for MECA,
12 the Manufacturers of emissions Controls
13 Equipment Association, replaced the
14 catalyst of a 6,400 pound Silverado
15 showing 120,000 miles on its odometer
16 with a larger, more efficient converter
17 and other advanced but readily
18 available components. This experiment
19 achieved NOx emissions of .047 grams
20 per mile, more than 30 percent below
21 the proposed Tier 2 standards. This
22 study used gasoline with a sulfur
23 content of 38 parts per million,
24 commercially available now in
25 California.

1 I will mention only two more of
2 the many available strategies by means
3 of which the Tier 2 NOx goals could be
4 achieved much sooner.

5 One, the adoption of
6 continuously variable automatic
7 transmissions, a technology already
8 extensively used by Subaru and DAF, a
9 Dutch manufacturer, would allow
10 vehicular power plants to operate
11 within a narrow band of speed and load,
12 achieving the same kind of efficiency
13 currently enjoyed by stationary
14 engines.

15 And two, the use of hybrid
16 underhood power plants or multi-stage
17 power supplies, incorporating the
18 output from one or more auxiliary
19 motors to supplement the main engine's
20 power during extreme load conditions,
21 allowing even the largest vehicles to
22 operate substantially
23 greater efficiency throughout their
24 range of speed and load. The
25 forthcoming Toyota Prius, already a

1 best seller in Japan, is a good example
2 of a hybrid power plant.

3 C. The emissions regulations
4 should be extended to all vehicles up
5 to at least 10,000 pounds. It is
6 morally reprehensible and
7 environmentally unsound for the very
8 largest and dirtiest SUVs to be
9 exempted from the regulations. Indeed,
10 the proposed regulations will
11 paradoxically encourage vehicle
12 manufacturers to devote greater
13 marketing and production resources to
14 the biggest, dirtiest and least
15 efficient class of vehicle, like the
16 new Ford Excursion.

17 D. The upsurge in the sale of
18 trucks, minivans and sport utility
19 vehicles has already resulted in a
20 decrease in the average fuel economy of
21 the fleet on our highways. If we are
22 to allow these vehicles to be produced
23 and driven at all, I propose an
24 additional regulation requiring any
25 vehicle which falls more than 10

1 percent below the average fuel economy
2 of the fleet or even of its segment of
3 the fleet to display an EPA warning
4 label accompanied by the following
5 text: Use of this vehicle is hazardous
6 to life on this planet. This vehicle is
7 inefficient and its use hastens the
8 degradation of the entire ecosystem.
9 This includes you.

10 E. The proposed regulations do
11 not adequately address the specific
12 problems associated with the
13 diesel-powered vehicles. Soot and fine
14 particulate emissions from diesel
15 emissions is known health hazards.
16 Compared to gasoline engines, diesels
17 emit fine particulates and soot at a
18 given NOx level. If the prevalence of
19 diesels increases in the passenger
20 portion of the fleet, as seems
21 inevitable, greatly higher levels of
22 particulate emissions will result.
23 Although, tighter NOx standards for
24 diesels may not be required, tighter
25 particulate matter standards are.

1 Common-rail, direct-injection
2 diesel technologies coupled with better
3 self-regenerating particulate traps and
4 other appropriate control devices, such
5 as those in current production on the
6 latest generation Mercedes passenger
7 diesels, could bring diesel into the
8 mainstream. Changes in the formulation
9 of diesel fuels may also be required to
10 inhibit particulate formation. EPA
11 should lead the way through dealing
12 more strictly with diesel particulate
13 emissions.

14 Thank you.

15 MR. FRANCE: Thank you very
16 much. We appreciate you taking the
17 time to come here and share your views.

18 Do we have any other
19 testifiers?

20 - - - -
21 (Thereupon, a discussion was had off
22 the record.)

23 - - - -
24 MS. BROCK: My name is Kathryn
25 Brock. B-r-o-c-k, Kathryn,

1 K-a-t-h-r-y-n. I live in the City of
2 Cleveland. You want my address? I
3 would just like to say that I am very
4 much in favor of the strictest possible
5 air emissions regulations for cars and
6 SUVs and trucks.

7 I presently live in the City of
8 Cleveland. I lived, I live on the west
9 side. And I previously lived in Parma
10 Heights, which is south of the Ford and
11 the Chevy plant and south of the
12 airport. And so when I first moved to
13 Cleveland, I was amazed at how much
14 dirtier the air is. Very often it
15 smells like burning electrical cords
16 all day. I mean, if you go outside,
17 that's what it smells like. And I know
18 that this is because there's more
19 industry in the City of Cleveland and
20 probably there's a whole lot more
21 pollution. And I know that you're not
22 addressing that problem at this
23 hearing, but that is still a huge
24 problem and the air emissions of
25 vehicles add to that problem as well.

1 And I have a particular reason
2 for being concerned. In the last three
3 years, I've had cancer twice. And in
4 December of 1995 I had breast cancer on
5 one side and in October of '98 I had
6 breast cancer on the other side, a
7 completely different cell line,
8 different kind of cancer. There is no
9 history of breast cancer in my family.
10 And I work at Cleveland Clinic, have
11 access to Medline and a whole database
12 of journal articles. So I've done a
13 lot of research on the subject. And
14 like 95 percent of breast cancers are
15 not genetic, which means they're caused
16 by environmental factors. And that
17 means the air we breathe, the water we
18 drink. And I know that, I think in the
19 Cleveland area breast cancer is like
20 one in seven women get it. That's a
21 whole lot of people.

22 And while you're just
23 addressing the small issue of air
24 emissions from vehicles in this
25 hearing, I think that air pollution has

1 a tremendous effect on the whole
2 environment because air deposition to
3 Lake Erie is second only in pollution
4 to the pollution coming in from the
5 Detroit River to Lake Erie. So it's
6 huge dioxins.

7 After I lived in Parma Heights,
8 I lived in Lakewood for a
9 year-and-a-half. And we had a, the
10 apartment building had an incinerator
11 where everything was burned, except
12 bottles and cans. And I would come out
13 in the morning and my car would be
14 covered with soot. And, I mean, it had
15 to be full of dioxins because there's
16 all that bleach in the paper and all
17 the plastics. And I called the City of
18 Cleveland Air Pollution Control office
19 and asked them about the, is this
20 building that I live in in compliance.
21 And they said actually yes, it's one of
22 the better ones.

23 Lakewood is a very populous
24 community. It's like the highest
25 population per square mile between New

1 York and Chicago. And it is full of
2 apartment buildings, all who have these
3 old incinerators which they use. So,
4 you know, that's in the air. And I
5 just think that anything that can
6 reduce air pollution reduces the air
7 pollution contribution to water quality
8 in Lake Erie. And so I would just like
9 to see the strictest standards
10 possible. You know, I think that the
11 whole United States should have the
12 California standards at the very least.

13 So that's all I have to say.
14 Thank you.

15 MR. FRANCE: Thank you very
16 much. Appreciate you sharing your
17 views with us.

18 Anyone else?

19 Please state your name and
20 spell your last name for the recorder.

21 MS. MANNERS: Wanted to add for
22 those of you who came in to speak, can
23 I get a copy of your written testimony
24 as well. But if you have extra copies,
25 if you could leave them with us, too.

1 MS. RYDER: Hi, my name is
2 Claire Ryder. C-l-a-i-r-e R-y-d-e-r.
3 My name is Claire Ryder and I
4 am 15 years old. I have taken
5 193,646,000 breaths, so I consider
6 myself an expert of on breathing. As
7 an expert, I can tell you the air we
8 breathe is less than satisfactory. I
9 am here today in favor of the proposal
10 that would require SUVs to have
11 stronger air quality standards.
12 Passing this proposal would make my
13 next 493,526,000 breaths healthier.
14 I would now like to read two
15 letters written by teenagers to Carol
16 Browner on the subject.
17 Dear Carol Browner, the
18 proposed standards of making the cars
19 pollute less is a great idea. Our
20 health and environment is too important
21 to us to throw away with pollution from
22 cars. Please send me info on these
23 standards. Thank you.
24 Dear EPA, the air around here
25 isn't so bad, but I've seen it smoggy

1 in areas. I have had problems
2 breathing in those areas and I believe
3 the people living there have the same
4 problems. Despite the rise in gas
5 costs, I want the air cleaner and
6 easier to breathe. Thank you for
7 reading this.

8 Those were written by teenagers
9 that drive. So if they can afford the
10 increase in gas, adults with
11 higher-paying jobs can.

12 Now you've heard from three
13 teenagers. And if you need more proof,
14 I have 17 more letters here. Thank
15 you.

16 MR. FRANCE: Thank you very
17 much for sharing that with us.

18 Anyone else? Come on up. If
19 you'd be kind enough to state your name
20 and spell it.

21 MS. BOTWAN: My name is Judy
22 Botwan, B-o-t-w-a-n. I just found out
23 about this hearing yesterday so I don't
24 have a prepared text or anything. And
25 I decided to stop in and see what was

1 happening. And I certainly do have
2 something to say though.

3 For many years I've noticed
4 increasing smog over the City of
5 Cleveland and its environments. You
6 don't see a clear sky very often. This
7 is in short contrast to my childhood
8 and youth and young adulthood. It's
9 very perceptible.

10 Now, in addition, I, like many
11 other people, have become asthmatic.
12 And I became aware of this in the 1980s
13 and started having some problems. I
14 didn't know exactly what it was, but it
15 really hit when I was on a trip twice
16 and suddenly I realized that I was
17 having respiratory difficulties and so
18 I had it diagnosed finally. And it
19 renders me more susceptible to
20 infections and then I have a great deal
21 of difficulty.

22 Last week I had a problem
23 because we had air aversion. It was
24 extremely hot, we didn't have much
25 movement. And what happens is when I

1 go outside, and I really do enjoy the
2 outdoors, I really can't tolerate it
3 under those conditions. I couldn't go
4 to a meeting because the place wasn't,
5 you know, air conditioned and it was
6 hot and they had the windows open and
7 so on and I just feel really tired. I
8 should point out that I'm otherwise a
9 very healthy person. I don't take any
10 medication except for hormone
11 replacements. For a person my age,
12 that's pretty darn good, I think, you
13 know. Occasional aspirin, whatever.
14 None whatsoever.

15 But this is a problem. And I
16 feel that and I know that air quality
17 is being seriously compromised not only
18 by the emissions of industrial
19 corporations but also by cars and
20 vehicles not abiding by the standards
21 that were set. But most importantly,
22 we have a great increase in the number
23 of vehicles that don't have to maintain
24 the same standard that passenger cars
25 do and these vehicles have been

1 increasing numerically.

2 I think it's extremely
3 important that we improve the standards
4 for vehicles so that at least they will
5 have to abide by the standards for
6 regular passenger cars. I mean, that's
7 the least we can do. I think we really
8 should, of course, improve those
9 standards.

10 The one thing is that we all
11 have to breathe. And even those
12 members of society who consider
13 themselves extraordinarily privileged
14 can't escape that fact. Even they have
15 to breathe. And I don't think
16 interplanetary travel is progressed to
17 the point where they can escape. Not
18 yet.

19 So that being the case, I would
20 strongly suggest that government, whose
21 function is to protect us, sometimes we
22 forget about that, take the necessary
23 steps to provide that protection. I
24 think that's the least we can do as a
25 society that purports to be civilized.

1 Thank you very much.

2 MR. FRANCE: Thank you. We
3 appreciate you taking the opportunity
4 to come here and share your views.

5 Any other testifiers?

6 - - - -

7 (Thereupon, a discussion was had off
8 the record.)

9 - - - -

10 MR. FRANCE: I'd like to welcome
11 you all here. I think you have the
12 honor of being the last panel. And
13 we've lost a few of our fellow panel
14 members. They had to catch flights in
15 various parts of the country. But the
16 two of us are here to listen carefully
17 and take back your comments. We'll
18 consider them as we develop the final
19 rule.

20 And so with that, why don't we
21 start off. Shawn, if you would state
22 your name and any affiliation and give
23 us your testimony, we appreciate it.

24 MR. SWEENEY: Shawn Sweeney. I
25 just have something prepared I'm going

1 to read real quick. It's not going to
2 be very long.

3 Today in front of the hotel
4 there was a press conference with about
5 75 environmental activists to speak out
6 in favor of Tier 2 emissions standards
7 for vehicles and gasoline sulfur
8 standards for refineries.

9 What I wanted just to comment
10 on was the testimony about the
11 14-year-old girl. I can't remember her
12 name, but she told the story of having
13 asthma and what's that like to grow up
14 with asthma in a community with a lot
15 of toxic air pollution, what that goes
16 through. And my feeling is that that
17 should have said it all.

18 These standards deal with the
19 health of people in this state and in
20 this country and that should be the
21 bottom line. Unfortunately, some
22 people believe that profits are more
23 important than the health of our
24 children and of our families. And
25 that's sad. I think that's sad. And I

1 think that's a bad message that we're
2 sending to our children. I think we
3 should send a better message to our
4 children by passing stronger air
5 standards. We should send them the
6 message that their health comes before
7 the profits of big business.

8 Those 75 of us or so who stood
9 outside today to demonstrate in favor
10 of stronger air standards had a message
11 that I believe should be heard and
12 understood by the EPA. That message is
13 clean air now. That was the basic
14 chant, that we want clean air now. And
15 that's a demand that we think should be
16 heard and understood.

17 Today I just wanted to take a
18 minute and testify in hopes that you
19 guys would hear that message and
20 understand that message and act on it
21 immediately and not in ten years, but
22 act on it now.

23 The members of the auto
24 industry say that it's too expensive,
25 they say it costs a lot and so does the

1 oil industry. I for one am willing to
2 pay an extra couple cents per gallon
3 for gas in order to breathe and I'm
4 certainly okay with paying an extra
5 hundred dollars or so for a truck. In
6 fact, I own a truck and it's fine with
7 me if I decide to buy another one in a
8 few years and it costs me more money.
9 I think that our health is priceless
10 and we can't put a price tag on that.
11 I think it's an insult to do so. And
12 the auto industry even admits that it's
13 just a few hundred dollars, which is
14 just a fraction of what those vehicles
15 will cost, and a couple more cents a
16 gallon is just a fraction of what it
17 already costs. And I think it's worth
18 it, so.

19 I think that when the EPA and
20 Carol Browner make this decision, they
21 need to think of the health of the
22 children in this country and the people
23 in this country and not worry about the
24 pocket book of corporate America and
25 remember the message is clean air now,

1 not later. And this has been going on
2 too long and we can't wait. That's it.

3 MR. FRANCE: Thank you very
4 much.

5 Courtney Christenson.

6 MS. CHRISTENSON: First I want
7 to thank you guys for sticking around
8 as long as you have because I know it's
9 been a long day and I'm sure that the
10 message has been pretty consistent all
11 day as well. But I am also here to
12 express my support for the Tier 2
13 standards. And I have a letter that
14 I've written to Ms. Browner that I
15 would like to have taken back to her.

16 I'm a community organizer with
17 Ohio Citizen Action. I live in
18 Cleveland's Tremont area, which is a
19 virtual fallout zone for Cleveland's
20 industrial valley. And I can tell you
21 that I do not speak for myself when I
22 say that I'm angry that this debate
23 over air standards even exists. I'm
24 angry when decisions are made on
25 environmental regulation, economic

1 development and the industry's bottom
2 line always seems to take precedent
3 over human life and health.

4 I'm angry in this case that the
5 oil industry makes my friends and
6 family and neighbors become simple
7 mathematical and political
8 calculations. Healthy problems like
9 respiratory illness, asthma, emphysema,
10 these are not medical mysteries by any
11 means or sense. Solutions and
12 technology exist to make the quality of
13 life better for people who suffer from
14 these problems. But they're not
15 aggressively used or regulated. And
16 I'm angry that yet again the industry
17 bottom line seems to outweigh human
18 health.

19 I also live in a country that
20 cannot guarantee myself or my family
21 medical care. I believe that the least
22 that we can ask is to breathe air and
23 drink water and eat foods that do not
24 poison our bodies. And I think we have
25 an opportunity now to further progress

1 us to that goal.

2 If the industry does insist on
3 accentuating the bottom line and the
4 all-mighty dollar, I would ask they
5 hear myself and everyone in my
6 community that I speak for when I say
7 that I'm 18 grand at least worth of
8 consumer that's willing to spend
9 another hundred bucks next time I
10 purchase an automobile to improve our
11 quality of life. And I would also ask
12 the EPA accept no compromise with these
13 standards. Thank you.

14 MR. FRANCE: Thank you.

15 Tom Smith.

16 MR. SMITH: Well, I'd also like
17 to thank you for staying so late. I
18 just came back from Akron. It took me
19 about an hour and 15 minutes. So I
20 just sat in all those emissions all the
21 way up here.

22 MR. FRANCE: Hopefully we miss
23 them when we go out, the traffic that
24 is.

25 MR. SMITH: Buses, even though

1 they spew up instead of out at ground
2 level now, it's still there. Every day
3 I travel 25 miles each way to work in
4 Solon from the suburb of Lakewood where
5 I live following the garbage trucks and
6 all the others as they shift gears up a
7 hill, spew out all this black
8 particulate that ends up in my lungs
9 because I'm following them.

10 And as a committee concerned
11 about urban sprawl, our Sierra Club
12 Urban Sprawl Committee, we know one of
13 the driving factors of urban sprawl we
14 hear over and over again, I want to the
15 live out where the air is fresh. The
16 implication being that it's not fresh
17 in place that they're living, which is
18 the more older urban area and the place
19 that everybody sees as they drive in
20 every day and experience the auto
21 pollution. And they want to get away
22 from that and they want to move out.
23 They don't want their children living
24 in it. Especially if children have
25 asthma or any health problem. And it

1 is just one of the many factors that
2 causes people to move out and leads to
3 the decline of older cities.
4 I am against extending any time
5 limits for the industry to meet these
6 standards. As I read the information
7 on the proposed Tier 2 standards, I
8 find your time limits are very generous
9 to allow people to get ready by 2004.
10 2009 I think is almost stretching it in
11 some cases.
12 I'm old enough to remember the
13 whole battle at the time with cars
14 starting back when people were losing
15 their eyes and noses on hard
16 dashboards. And the auto industry said
17 we can't do that. People won't pay for
18 the extra added cost of making soft
19 dashboards. Then it was collapsible
20 steering wheels, then engines that go
21 down when there's a frontal collision
22 instead of crushing the driver, then
23 putting the bends in the frames so the
24 car acts as an accordion. The auto
25 industry just fought over all of these

1 things. Then it was seat belts. No
2 one will ever use them. They'll never
3 pay for these. How will we get the
4 public to accept air bags. Oh, no, we
5 can't afford that. And catalytic
6 converters, the same thing. And
7 they've done it and they're making
8 record profits and we're paying for it.
9 And we're all enjoying the cleaner air
10 that we have as a result of this. So
11 it can be done.

12 And as an engineer that's
13 responsible for cleaning up some of the
14 air that comes out of the plant where
15 he works, I can tell you that if you
16 give us fair standards throughout
17 industry, that's all we ask, is a level
18 playing field. If we have to pay
19 something extra, as long as the other
20 guy has to pay it, too, fine. And we
21 really depend on you guys to level the
22 playing field and say this is what
23 everybody has to do. So we appreciate
24 this.

25 We see what people can do in

1 California, what kind of emissions
2 they're not allowed to do and we wonder
3 why can't we do this in Ohio or why
4 can't we do this in some other state.
5 And we depend on national standards to
6 say all right, let's make it fair for
7 everybody, all businesses would face
8 the same expense. So please go ahead
9 and please make it tough. And
10 obviously the auto industry, which is
11 the main subject in today's hearings, I
12 guess, has lived with these and has
13 prospered and has done very well.

14 They say that the average van
15 brings the auto industry a profit of
16 about \$5,000 and these sell for 20 to
17 \$25,000 a piece. Well, when I look at
18 that sport utility vehicle that sells
19 for 30 to \$40,000, then for somebody to
20 say we can't afford a \$200 catalytic
21 converter, there isn't even a matter of
22 cutting the cost, it's just cut into
23 the huge profits that are there. It's
24 very possible to be done. It's been
25 done in case after case, as I've

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

mentioned. Thank you very much.

MR. FRANCE: Thank you very much. We appreciate your comments and we'll take them under, into consideration as we develop our final rule.

This is the final call for any testifiers. Okay. Since there are none, we'll take this opportunity to close the record. And this hearing is finished. Thank you very much.

C E R T I F I C A T E

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

The State of Ohio,) SS:
County of Cuyahoga.)

We, Heidi D. Smith and Juliana M. Lawson,
Notaries Public within and for the State of
Ohio, do hereby certify that the hearing as
above-set forth was reduced to writing by us by
means of stenotypy, and was later transcribed
into typewriting under our direction; that this
is a true record of the hearing; that said
hearing was taken at the aforementioned time,
date and place.

IN WITNESS WHEREOF, we have hereunto set
our hands and seals of office, at Cleveland,
Ohio, this _____ day of _____, A.D.
1986.

Heidi D. Smith, Notary Public, State of Ohio
1750 Midland Building, Cleveland, Ohio 44115
My commission expires October 27, 1999

Juliana M. Lawson, Notary Public, State of Ohio
1750 Midland Building, Cleveland, Ohio 44115
My commission expires March 10, 2000