

Testimony before the
Senate Committee on Environment and Public Works
Subcommittee on Clean Air, Climate Change and Nuclear Safety

By Joseph P. Koncelik, Director
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regarding the

Diesel Emissions Reduction Act of 2005

Senator Voinovich, Senator Carper, members of the subcommittee, I am Joe Koncelik, director of the Ohio Environmental Protection Agency. Thank you for allowing me to address this important legislation to help improve air quality throughout our nation by reducing emissions from existing diesel engines.

This legislation is significant for two reasons. First, the emission reductions it would provide will help communities comply with the new ozone and fine particle air quality standards. Second, these are not reductions that States can achieve individually on the kind of broad basis that this bill makes possible.

Diesel emissions significantly contribute to both ozone and fine particle air quality problems. Ohio faces substantial challenges in meeting these new standards, particularly in Senator Voinovich's hometown, Cleveland. In all, Ohio has 33 counties that don't meet the 8-hour ozone standard and all or part of 27 counties that don't meet the fine particle standard.

U. S. EPA's rules for new diesel engines and fuels will help in the long run. By 2030, they will reduce diesel emissions as much as 80% from 2000 levels. But we must meet the new air quality standards well before 2030, at the latest 2010. Therefore, EPA's rules will not be a substantial factor in helping us meet our attainment deadlines because we need reductions must faster. In addition, the federal rules do not address the 11 million diesel engines already in use. Rather, the federal rules rely on new diesel engine standards that will achieve reductions only as new vehicles are put into service. States, such as Ohio, that are facing significant challenges in meeting the federal clean air standards cannot wait for 20 or more years for vehicle fleet turnover to occur, we need reductions now to help us attain the standards. This bill helps to close that critical gap.

Another reason this bill is so important is that states have a harder time regulating diesel engines than other traditional sources of pollution, such as industrial sources. On-road diesel equipment moves from place to place, indeed from State to State, making it very difficult for states to effectively regulate these

sources of pollution. A national retrofit program is the only logical answer. Even off-road equipment such as construction machinery changes location, taking its pollution impact with it. A patchwork of State laws attempting to achieve emission reductions from existing diesel engines is impractical. This nationwide program, which still allows States to customize to meet their needs, is ideal.

Of course, I am pleased that the bill would allocate at least 20% of annual funding to the States to set up their own grant or loan programs for diesel retrofit. Ohio EPA is currently developing a grant program to retrofit school buses, funded by a portion of the penalties that companies pay for violating environmental laws. The potential synergy between that program and the Diesel Emissions Reduction Act of 2005 is exciting. By using our own program as a match for federal funds, we can extend the reach of both, targeting areas where we need the most air quality improvement, and improving both air quality and children's health.

In addition to providing air quality and public health benefits, this legislation also supports Ohio's economic recovery. Unless we are able to get meaningful reductions from vehicle emissions, we will have to make more stringent demands on industry. Ohio is already facing expensive new pollution controls and regulations in order to meet the new federal standard for ozone and fine particles that will reach into the billions of dollars. These costs come at a time in Ohio when we are trying to rejuvenate our economy. Ohio remains very concerned about the impact of the strict deadlines imposed by U.S. EPA to meet the ozone and fine particle standards. The current deadlines are in some cases unrealistic and could chill economic growth in the state. We need innovative approaches that will accelerate pollution reductions without adding to the significant compliance costs the State already faces.

Existing diesel engines will continue to make up the majority of the diesel fleet for many years to come. That is as it should be. Certainly an environmental agency would not advocate scrapping perfectly functional equipment. At the same time, waiting for the vehicle fleet to turn over delays the benefits of EPA's requirements on new engines and fuels. The retrofit program in this bill is the best of both worlds.

I commend Senators Voinovich and Carper, along with the co-sponsors, for this bi-partisan effort to clean up our air and improve public health. We strongly support this legislative initiative.