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*House of Representatives*  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

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July 14, 1993

Richard W. Hayden  
Chairman, LEV Commission  
Buchanan Ingersoll Professional Corp.  
Two Logan Square, 12th Floor  
18th & Arch Streets  
Philadelphia, PA 19103-2771

Dear Dick:

I am forwarding this written note in follow-up to our recent telephone conversation. I apologize, once again, for not being able to participate in the July 20th meeting, due to a conflict of a meeting regarding a very important issue in my district, that was previously scheduled prior to the announced LEV Commission meeting.

I would also like to take this opportunity to commend you for your excellent leadership as Chairman of the Commission. I am pleased with your concern and understanding of my schedule, along with the schedule of the other Legislative members in scheduling the final meetings. I believe it is important to have all of them available to attend the final meetings of the Commission.

Although I have not been directly involved with the Technical Advisory Committee, I am pleased with the time devoted by them and MAUTC, and the positive reports received on the expertise and work being done by MAUTC. This is why I feel that it is important for the Legislative members to be in attendance for the final report of the MAUTC and for any votes to be taken by the Commission on the completed work. I am grateful for your understanding of this view and in working to setup that meeting at a mutually convenient time.

Once again, please accept my thank you for the leadership you have shown in directing the LEV Commission.

Sincerely,

A handwritten signature in cursive script that reads "Larry O. Sather".

Larry O. Sather

**RICHARD J. CESSAR, MEMBER**

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## *House of Representatives*

COMMONWEALTH OF PENNSYLVANIA  
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MAGLEV CAUCUS, CO-CHAIRMAN

### MEMORANDUM

**DATE:** August 5, 1993

**SUBJECT:** Low Emission Vehicle Status

**TO:** All Republican Members

**FROM:** Representative Richard J. Cessar, Chairman  
House Transportation Committee (R)

AUG - 6 1993

A handwritten signature in black ink, appearing to read "RJC", written over the "FROM" field of the memorandum.

In an effort to keep you informed on vital transportation issues, I am notifying you of the decision of the Low Emission Vehicle Commission (LEVC) regarding whether strict California standards would be required on all new cars sold in Pennsylvania beginning in 1997. The Commission decided that the state should not adopt the California car program through regulations until better information is available. Regulations wouldn't be proposed at least until January 1, 1995, under the decision.

The LEVC was established under Act 166 of 1992 (House Bill 2751). The Commission consisted of 13 members. Representative Larry Sather represented our caucus on this Commission and did a tremendous job at the Commission's hearings and fashioning the final compromise that was reached last Friday, July 29. Other Commission members were Representative Keith McCall and Senators J. Doyle Corman and Gerald LaValle from the legislative side, along with gubernatorial appointees PennDOT Secretary Yerusolim, DER Secretary Arthur Davis, Commerce Secretary Andrew Greenberg, Gary Babin of the Pennsylvania Gas Association, Peter Bauer of the Pennsylvania Automotive Association, Wayne Ewing of the Associated Petroleum Industries, Richard Flati of the Pennsylvania Electric Association, former Representative Richard Hayden of the Pennsylvania Environmental Council, and Garvin Kissinger of the Pennsylvania AAA Federation.



The Commission was given 240 days to submit a study and recommendations to the Governor and General Assembly. That 240 days ends August 13. To complete its work, in a timely fashion, the LEVC established a technical subcommittee to work with a consultant to conduct cost-effectiveness and economic and environmental impacts of a low emissions vehicle. The selected consultant, Mid-Atlantic University Transportation Center (MAUTC) is an affiliate of Penn State's Transportation Institute. Governor Casey and the Administration have been pushing for the California car regulations since September of 1991, actively taking the lead in the 14-state ozone transport region trying to convince other states to adopt the regulations as well. **The MAUTC report showed no compelling reason for adoption of the strict emissions requirements on Pennsylvania consumers.**

The Commission took four votes on July 29. The first vote unanimously rejected a partial LEV program for Pennsylvania to be instituted in just moderate or severe non-attainment counties (i.e., Allegheny and the southeast counties of Philadelphia, Bucks, Delaware, Montgomery and Chester). The second vote rejected a statewide LEV program, allowing for immediate submission of the California regulations. This motion would have the California Air Resources Board (CARB) making policy for Pennsylvania consumers. This motion by Richard Hayden failed on a 7-6 vote, with Hayden, the Cabinet Secretaries, and the Electric and Gas Associations voting in favor. At this time, a compromise authored by House members was offered by Representative McCall, and it passed by a vote of 13-0. The motion offered puts the final decision on LEV on a new Governor and General Assembly. It reads:

The Commission concludes that:

- Implementation of the mandatory and discretionary control strategies adopted by the Commonwealth for VOCs and NOx will result in substantial reductions in ozone precursors.
- These control strategies may result in attainment of the NAAQS (National Ambient Air Quality Standards) for ozone throughout the Commonwealth.
- The available data regarding the emissions reductions and the cost-effectiveness of such reductions attributable to implementation of the LEV is inconclusive.

**Therefore, the Commission recommends to the Governor and the General Assembly that no department, board or commission shall propose or adopt a California LEV program for Pennsylvania before January 1, 1995. Prior to**

proposing a California LEV regulation, after January 1, 1995, the Department of Transportation and the Department of Environmental Resources shall prepare a report to the Senate Transportation Committee, Senate Environmental Resources and Energy Committee, House Transportation Committee, and House Conservation Committee containing information regarding the Commonwealth's attainment status for ozone.

The report shall include, but not be limited to, the most current ozone inventory data, results of urban air modeling and status of the Commonwealth's participation in the Ozone Transport Commission.

Representative Sather then offered a motion designed to obtain the best available data to make an informed decision at a future date. Two Cabinet Secretaries were nays in the 11-2 vote. Sather's motion read, "The Commission urges the Commonwealth or the General Assembly to move expeditiously to establish an independent comparative air modeling program in conjunction with DER's current program so that future considerations and decisions on the adoption of clean air strategies can be based on better data than is currently available."

The MAUTC study looked at 29 different scenarios for mobile source controls of emissions. The scenarios were combinations of controls and projected alternatives in the entire state or in selected counties. The data is based on assumptions on predicted numbers of vehicles and miles traveled, as well as economic forecasts by a widely used economic model.

Selected excerpts from the study are available. You may contact Eric Bugaile from my committee staff at 7-6409 for a copy.

RJC/EB/lmb

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House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

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TREASURER

August 24, 1993

The Honorable Larry Sather  
Room B-7  
Main Capitol Building  
Harrisburg, PA 17120

AUG 24 1993

Dear Representative Sather:

Pennsylvania's Low Emission Vehicle Commission (LEVC) is required by statute to recommend whether adoption of a low emission vehicle (LEV) program will result in significant and cost-effective ozone reductions from mobile sources. As a member of the LEVC, your actions will affect state environmental policy, not just now, but in the future. Therefore, I urge you to support a LEV program for Pennsylvania.


Because it is based on sound economic and environmental principles, the LEV program will benefit both Pennsylvania and Pennsylvanians. The proposed LEV program is economically sound, as it will promote continued economic growth through lessened restrictions on new and expanding industries. The proposed LEV program is economically fair, as it will lessen the fiscal impact on business by spreading the cost of emissions control over all sources, not just concentrating the costs on stationary sources, such as the energy and manufacturing industries.

Finally, the LEV program should be adopted because if Pennsylvania fails to meet and maintain the national standard for the implementation of both mobile and stationary source reductions, the federal government can withhold highway funds from the Commonwealth. In an era of fiscal constraints, Pennsylvania can ill afford the loss of a major revenue source.

Page Two  
August 24, 1993

Thank you for your kind attention to my request. I sincerely believe that by working together we can develop a proposal which is agreeable and beneficial to government, business, and the citizens of our great Commonwealth.

Sincerely yours,

  
Louise Williams Bishop  
192nd Legislative District

LWB:dce

MATTHEW J. RYAN  
THE REPUBLICAN LEADER



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HOUSE OF REPRESENTATIVES  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

February 4, 1993

The Honorable Larry Sather  
B-7 Main Capitol Building  
Main Capitol Building  
Harrisburg, PA 17120

FEB - 5 1993

Dear Larry:

Please be advised that I am appointing you to serve on the Low Emissions Vehicle Commission for the 1993-94 Sessions of the General Assembly.

Very truly yours,

A handwritten signature in cursive script that reads "Matt".

MATTHEW J. RYAN  
The Republican Leader

MJR:nr

cc: The Honorable H. William DeWeese  
Speaker of the House

The Honorable Howard Yeruselim  
Secretary  
Department of Transportation

Joint State Government Commission

Governor's Office of Boards and Commissions



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES

Post Office Box 2063  
Harrisburg, Pennsylvania 17105-2063  
March 30, 1993

717-772-2724

Deputy Secretary  
for Air and Waste Management

The Honorable Larry O. Sather  
House of Representatives  
House Post Office Box 34  
Main Capitol Building  
Harrisburg, PA 17120-0028

APR 6 1993

Dear Representative *Larry* Sather:

It was a pleasure to meet with you last month, and to discuss issues of concern to my deputate.

A major challenge facing the Office of Air and Waste Management is implementation of the Clean Air Act Amendments (CAAA) of 1990. The CAA mandates that the Commonwealth complete activities by dates specified in the legislation. If those mandates are not met, mandatory sanctions affecting jobs and economic development will be imposed. I have enclosed a listing showing the current status of the regulations related to the implementation of the program.

Should you have any questions or comments regarding the regulations, or any of the programs under Air and Waste Management, please feel free to call or write me.

Sincerely,

*Cathy*  
Catherine W. Cowan

Enclosure



New Regulations/SIP Submission Required by the Clean Air Act	Deadline	Status	Date Completed	CAA Mandatory Sanctions
1 . Surface Coating VOC Controls - Corrections . . . . .	05/15/1991	Completed	08/13/91	11/15/92
2 . Leak Check VOC Controls - Corrections . . . . .	05/15/1991	Completed	08/13/91	11/15/92
3 . VOC Emission Source Record Keeping - Corrections . . . . .	05/15/1991	Completed	08/13/91	11/15/92
4 . VOC Controls for Tire Manufacturing - Corrections . . . . .	05/15/1991	Completed	05/23/92	11/15/92
5 . SO2 Emission Limitations for Warren . . . . .	05/15/1992	Public Comment		12/15/93
6 . Stage II VOC Emissions Controls . . . . .	11/15/1992	Completed	02/08/92	07/15/94
7 . Oxygenated Gasoline for Philadelphia CMSA . . . . .	11/15/1992	Completed	08/15/92	07/15/94
8 . Small Business Assistance Program . . . . .	11/15/1992	Completed	01/19/93	07/15/94
9 . Major VOC and NOx Source Emission Statements . . . . .	11/15/1992	Completed	10/10/92	07/15/94
10 . Enhanced Inspection and Maintenance (I/M) . . . . .	11/15/1992	Leg Adopted	12/16/92	07/15/94
11 . RACT for Major NOx Sources . . . . .	11/15/1992	EQB Proposed		07/15/94
12 . RACT for Major VOC Sources . . . . .	11/15/1992	EQB Proposed		07/15/94
13 . New Source Review Requirements . . . . .	11/15/1992	EQB Proposed		07/15/94
14 . Employee Trip Reduction . . . . .	11/15/1992	EQB Proposed		07/15/94
15 . Transportation Conformity Rules . . . . .	11/15/1992	Under Development		07/15/94 *
16 . Transportation Control Measures for Philadelphia . . . . .	11/15/1992	Under Development		07/15/94
17 . Title V Operating Permit Program . . . . .	11/15/1993	Under Development		05/15/95
18 . Attainment and 15% Emission Reduction Demonstrations . . . . .	11/15/1993			05/15/95
19 . VOC and NOx SIP Emission Inventories . . . . .	11/15/1993	Under Development		05/15/95
20 . Contingency VOC Control Measures for Moderate and Above Areas	11/15/1993			05/15/95
21 . Barge/Tanker Loading VOC Controls - Corrections . . . . .	05/15/1994	Completed	09/28/91	11/15/95
22 . Tanker Ballasting VOC Controls - Corrections . . . . .	05/15/1994	Completed	09/28/91	11/15/95
23 . Clean Fuel Fleet Vehicle Program . . . . .	05/15/1994			11/15/95
24 . Federal Infectious Waste Incinerator Requirements . . . . .	03/15/1995			09/15/96
25 . VOC Controls for Hazardous Waste Facilities . . . . .	05/15/1995			11/15/96
26 . VOC Controls for Aerospace Coating . . . . .	05/15/1995			11/15/96
27 . VOC Controls for Shipbuilding and Repair . . . . .	05/15/1995			11/15/96
28 . VOC Controls for Consumer/Commercial Solvents . . . . .	05/15/1995			11/15/96
29 . VOC Controls for Landfills . . . . .	05/15/1995			11/15/96
30 . VOC Controls for Wood Finishing - Corrections . . . . .	05/15/1995			11/15/96
31 . VOC Controls for Plastic Parts Coating . . . . .	05/15/1995			11/15/96
32 . VOC Controls for Offset Lithography . . . . .	05/15/1995			11/15/96
33 . VOC Controls for Autobody Refinishing . . . . .	05/15/1995			11/15/96
34 . VOC Controls for Organic Chemical Batch Processes . . . . .	05/15/1995			11/15/96
35 . VOC Controls for Volatile Organic Liquid Storage . . . . .	05/15/1995			11/15/96
36 . VOC Controls for Six Additional Source Categories . . . . .	05/15/1995			11/15/96
37 . Acid Deposition Permit/Allowance Tracking Program . . . . .	01/15/1996			07/15/97

\* Mandatory sanction date dependent on EPA guidance.

RICHARD J. CESSAR, MEMBER

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MEMBER, RAIL FREIGHT ADVISORY COMMITTEE  
  
MEMBER, PORT OF PITTSBURGH COMMISSION  
  
MAGLEV CAUCUS, CO-CHAIRMAN

MEMORANDUM

SEP - 3 1993

TO: All House Members

FROM: Richard J. Cessar, Chairman  
House Committee on Transportation (R)

DATE: September 1, 1993

SUBJECT: Northeast Ozone Transport Commission (OTC) Hearing in Philadelphia

As you are aware from my past correspondence, the issue of the California Low Emission Vehicle (LEV) is being considered by the northeast Ozone Transport Commission. The issue is whether or not the Commission will vote a region-wide California car, taking the process out of our hands.

As a follow-up, I am enclosing a copy of my remarks to the Ozone Transport Commission at a hearing held in Philadelphia on August 31, 1993. Also enclosed please find a statement for the record by Representative Joseph A. Petrarca endorsing my testimony.

You may wish to send your own statement for the record to the Ozone Transport Commission. They are accepting comments through September 10, 1993. They may be mailed to Bruce Carhart, Executive Director, Ozone Transport Commission, 444 North Capitol Street, N.W., Suite 604, Washington, DC 20001.

The whole issue can be summed up by what the Commissioner from New Jersey said to me in questioning my testimony yesterday. He said, "We answer to our Governors. You answer to the people." The people do not want the California car, and it is our job to let the OTC know how our constituents feel.

RJC:seh

Enclosure

cc: House Members' District Office  
House and Senate Transportation Chairmen  
in OTC States



**REMARKS OF REPRESENTATIVE RICHARD J. CESSAR,  
REPUBLICAN CHAIRMAN-PA HOUSE TRANSPORTATION COMMITTEE  
TO THE OZONE TRANSPORT COMMISSION  
AUGUST 31, 1993, PHILADELPHIA, PA**

I am here today speaking for the members of the Pennsylvania House of Representatives-- both Republicans and Democrats that voted in favor of House Resolution 147 on June 24 of this year. This resolution was passed on a unanimous 195-0 vote and carries with it 49 co-sponsors.

I sponsored H.R. 147 primarily to inform Pennsylvania's delegates to the Ozone Transport Commission that the issue of California Low Emissions Vehicles was considered by our General Assembly and that **Pennsylvania** should make the decisions that will effect Pennsylvanians and their pocketbook. My Democrat counterpart, Rep. Joseph Petrarca and the House appointees to the Pennsylvania Low Emission Vehicle Commission, Representatives Keith McCall and Larry Sather were co-sponsors with me on this resolution. I am attaching with my written testimony a copy of the resolution for the record.

Pennsylvania has been in the forefront of developing plans to comply with the Clean Air Act Amendments of 1990 and it hasn't been an easy job to find a consensus on all methods. Much political capital was spent on both sides of the aisle to get an enhanced emissions inspection program instituted in the Commonwealth despite being required to by the Clean Air Act. We have also struggled with stationary source controls as much as my colleagues in the other states that make up the OTC. But isn't that the way our system is designed to work? We don't think that Congress meant for the General Assemblies of our states to be circumvented because a few unelected bureaucrats feel that it would be more convenient or perhaps more expedient to adopt a California LEV region-wide.

The California LEV was fully explored and rejected in Pennsylvania by the 13-member Low Emissions Vehicle Commission as formed by Act 166 of 1992, the same act which established our Enhanced Emissions Inspection Program. State officials, Legislators, interest groups and industry representatives sat on the panel which studied the need and economic impact of California LEV for much of this spring and summer. The Mid-Atlantic Universities Transportation Center (MAUTC), an affiliate of Penn State and other prominent universities, was selected by the Commission as consultant and advisor. MAUTC's final report could show no compelling reason to adopt California LEV at this time. Based on MAUTC findings and testimony from expert witnesses at several public hearings, the Commission rejected a selected county LEV program and a statewide program. They also urged the state to get comparative air quality data and voted to allow for a revisit of California LEV in 1995 after Enhanced I/M takes effect and better data will be available.

In the opinion of the Pennsylvania House of Representatives, we respectfully suggest that you are putting the cart before the horse when it comes to California LEV. The Clean Air Act Amendments section 176A spells out the duties of Interstate Transport Commissions. The primary charge of these commissions as I read the Act, is to study and assess control strategies. Letter (b) paragraph 2 of the section states, "The transport commission **shall** assess the degree of interstate transport of the pollutant or precursors to the pollutant throughout the transport region,

assess strategies for mitigating the interstate pollution, and recommend to the Administrator such measures...." This is your mission. My questions to you as commissioners are, have you completed these studies as a commission? Are you bringing to the table an agenda that is expedient and perhaps tailored for a single state or two? And are there some commissioners looking to end-run their elected representatives through what they might view as a loop-hole in the Clean Air Act?

Looking further into your mission, I read with interest the petition of Maine, Massachusetts and Maryland. Paragraph two mentions Section 184(c) of the Clean Air Act Amendments as justification for the petition. I have also read this section. It states that the OTC may Petition EPA for additional control measures only "**if the commission determines such measures are necessary to bring any area in such region into attainment...**" Once again we would like to know on what facts or study does the OTC petitioners base their petition? We've studied the California LEV in Pennsylvania and found that we cannot justify the potential negative economic impact that this program would bring. Our study in Pennsylvania conducted by Mid Atlantic Universities Transportation Center (MAUTC) found that California LEV was not a good option for reaching attainment. The study found California LEV was better suited as an option to **maintain** attainment, albeit an expensive option.

I am attaching to my testimony a copy of an article from the August 23rd edition of "Newsweek" entitled "Winning the War on Smog." This article shows that despite this year's hot spell in the northeast which compares to the 90 degree plus heat of 1988 when ozone advisories were extremely high. This year, the ozone advisories have diminished considerably. The Philadelphia region, which got a severe rating due to 23 such advisories in 1988, was down to just seven this year. This is without any of the measures such as enhanced I/M, the new Federal Tier I car and federal reformulated fuel, which have yet to be instituted. With figures such as these, shouldn't we be careful not to go overboard with other controls?

One of the main reasons for Legislative opposition of the California LEV in Pennsylvania is its **all or nothing** mandate in the Clean Air Act. Pennsylvania is not California. We do not have the topography, meteorology, and vehicle miles traveled as this state 3,000 miles to our west.

**The Clean Air Act says we are required to take the entire program as approved by the California Air Resources Board (CARB). CARB future rulings on changes to the program would also have to be adhered to by Pennsylvania and any other state which adopts the program.**

As a legislator, I feel it is necessary to have oversight of the bureaucrats and their rulemaking. We have this in our regulatory process in Pennsylvania. Who knows what future ruling CARB could come up with, that could have a detrimental effect on our constituents. I am sure CARB won't be concerned at the effect they would have on Pennsylvania or the states in the OTC when they make regulation changes. They are a creature of the state of California. They owe no care or duty to our states. This, in effect would have unelected Californians making laws in our states. We as elected officials have a duty to insure that our constituents are not victimized by proposed changes which they have no control over.

This Commission has a job to do. We in the Pennsylvania House of Representatives would like you to do as we have--study the problem before making any recommendations. My colleagues and I, both Republican and Democrat implore you to withdraw this request. Let the Legislative process go forth in our states. This process has worked for over 200 years- don't try to change it. Thank you.

JOSEPH A. PETRARCA, MEMBER  
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STEEL CAUCUS  
COAL CAUCUS  
FIREFIGHTERS CAUCUS

August 31, 1993

Low Emission Vehicle Committee  
Ozone Transport Commission  
444 North Capital Street, N.W.  
Suite 604  
Washington D.C. 20001

Statement for the record - Tuesday August 31, 1993  
Philadelphia Public Forum

Members of LEV Committee:

We in Pennsylvania, have worked diligently to assure compliance with the Clean Air Act Amendments. Our Committee, for example, has worked closely with our Department of Transportation in developing an effective enhanced vehicle inspection and maintenance program.

This was a difficult task politically however, we were able to work in a bipartisan fashion to deal with this important environmental issue. I concur with the views of this committees' ranking republican regarding a regional LEV program. Furthermore, I think you will find that there is not one elected member of this General Assembly who will support such a program.

We are committed to the environment, but we are not prepared to impose further financial burden on the citizens of this Commonwealth when it can not be demonstrated that any significant environmental benefit will occur.

My schedule prohibits me from appearing today so I would ask that you include this letter in the record as a full endorsement of Representative Cessar's testimony and a demonstration of our resolve on this matter.

Sincerely,

A handwritten signature in cursive script that reads "Joseph A. Petrarca".

Joseph A. Petrarca, Chairman  
House Transportation Committee

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January 31, 1994

The Honorable Robert P. Casey  
Governor  
Commonwealth of Pennsylvania  
Room 225 - Main Capitol  
Harrisburg, PA 17120

re: Ozone Transport Commission (OTC) meeting - Washington, DC

Dear Governor Casey:

As a member of the Pennsylvania Low Emission Vehicle Commission, I am writing this letter to remind you of the study commission's recommendations to not consider adopting a program at this time.

I would also urge that the vote of Pennsylvania's representative on the OTC reflect the decision reached through a comprehensive review by the study commission.

Your support and assistance would be appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Larry O. Sather".

Larry O. Sather

LOS/nlp

FEB 03 1994

**RICHARD J. CESSAR, MEMBER**

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*House of Representatives*

COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

**MEMORANDUM**

**COMMITTEES**

TRANSPORTATION,  
REPUBLICAN CHAIRMAN  
  
BUSINESS AND ECONOMIC DEVELOPMENT  
  
MEMBER, STATE TRANSPORTATION COMMISSION  
  
MEMBER, RAIL FREIGHT ADVISORY COMMITTEE  
  
MEMBER, PORT OF PITTSBURGH COMMISSION  
  
MAGLEV CAUCUS, CO-CHAIRMAN

**DATE:** February 2, 1994

**SUBJECT:** Ozone Transport Commission  
California Low-Emission Vehicle

**TO:** All Republican House Members

**FROM:** Representative Richard J. Cessar, Chairman  
House Committee on Transportation (R)

A handwritten signature in black ink, appearing to be 'RJC', written over the 'FROM' line of the memorandum.

Contrary to the wishes of the General Assembly, as stated in House Concurrent Resolution 147, DER Secretary Arthur Davis voted for recommending that the EPA force Pennsylvania and other Northeast states to adopt a California LEV program under penalty of sanctions.

The vote of 9-4 had New Jersey, Virginia, Delaware and New Hampshire in the negative, while New York, Massachusetts, Vermont, the District of Columbia, Maryland, Connecticut, Maine and Rhode Island followed Secretary Davis' lead by voting in favor of CAL-LEV.

Attached is a news release in which Secretary Davis claims that CAL-LEV is a significant step economically for clean air. He also states that, while some states did not support CAL-LEV, they do support the efforts of the OTC. (Unfortunately, this will boost new car prices \$800 to \$1,500, and gasoline prices 25¢ to 27¢ per gallon.) In addition, you will find a copy of an interesting article which appeared in the Wall Street Journal, entitled, "Meet the Clean Air Monster."

Aside from Pennsylvania's HR 147, Vermont, Virginia, Delaware and Rhode Island, and perhaps other general assemblies, had similar anti-OTC resolutions.

The EPA will now evaluate the recommendation, and could have an answer on whether to accept it by year's end. I will continue to keep you informed.

RJC:seh  
Attachment



COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF THE GOVERNOR  
HARRISBURG

February 14, 1994

Honorable Larry O. Sather  
House of Representatives  
Post Office Box 34  
Harrisburg, Pennsylvania 17120-0028

Dear Representative Sather:

I have been asked to respond to your January 31, 1994, letter to Governor Robert P. Casey regarding the implementation of the Federal Clean Air Act amendments of 1990 (the "federal Clean Air Act"). Thank you for your letter and your efforts to assist the Administration in implementing this very difficult, and onerous piece of federal legislation.

Many of the issues raised in your January 31st letter are addressed in the attached February 4, 1994 letter from Governor Casey to members of the General Assembly. As the Governor's letter explains, there are at least two reasons why Secretary Davis voted in favor of the Ozone Transport Commission's (the "OTC") petition.

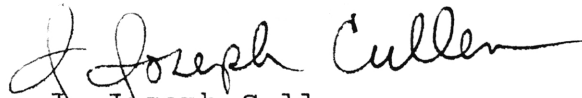
First, under the federal Clean Air Act, states which adopt a low emission vehicle program as part of their state implementation plan will receive additional credits from the EPA. By placing these additional requirements on "mobile sources" like automobiles, Pennsylvania will be able to avoid imposing even more stringent requirements on "stationary sources" such as manufacturing firms and coal burning utilities. Governor Casey was particularly concerned that any additional mandates on stationary sources, particularly coal burning utilities and manufacturers, could jeopardize thousands of coal industry and related jobs.

Second, by voting in favor of the OTC resolution, Secretary Davis guaranteed Pennsylvania a seat at the negotiating table on how to improve EPA's low emission vehicle program. This will allow Pennsylvania to develop a low emission vehicle program which is different from the "CAL-LEV" program. The attached letter from EPA indicates that as a result of the OTC vote, EPA is willing to sit down with state officials like yourself and Art Davis, as well as automobile manufacturers who have criticisms of the "CAL-LEV" program. We hope these negotiations will result in the creation of a low emission vehicle program that makes sense for Pennsylvania and other OTC states.

Honorable Larry O. Sather  
February 14, 1994  
Page two

Thank you for your interest in matters relating to the implementation of the Clean Air Act and please call should you have any questions.

Yours truly,

A handwritten signature in cursive script that reads "J. Joseph Cullen". The signature is written in dark ink and is positioned above the typed name.

J. Joseph Cullen  
Special Assistant to the Governor

Attachment

cc: Secretary Arthur Davis  
Executive Secretariat





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 2 - 1994

OFFICE OF  
AIR AND RADIATION

Mr. Arthur A. Davis  
Secretary  
Pennsylvania Department of Environmental Resources  
MSSOB  
16th Floor  
P.O. Box 2063  
Harrisburg, PA 17105-2063

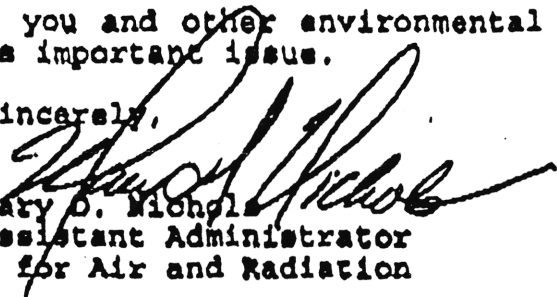
Dear Mr. Davis:

Now that the Ozone Transport Commission has approved a petition under Section 184 of the Clean Air Act, I will be recommending to the Administrator that the agency review the petition through an open process that would include an evaluation of the California LEV program, the American Automobile Manufacturers Association proposal, and other ultra-low or zero emission vehicle options designed to achieve significant mobile source reductions through new vehicle standards.

I envision EPA working in cooperation with OTC staff and environmental commissioners from OTC states to initiate a process of workshops and policy development that would provide ample opportunity for all interested parties to contribute their ideas and suggestions. When EPA receives the OTC petition, a review process of this type, while comprehensive, must also proceed expeditiously in order to provide adequate guidance to states preparing their 1994 attainment plans.

I look forward to working with you and other environmental commissioners from OTC states on this important issue.

Sincerely,

  
Mary O. Nichols  
Assistant Administrator  
for Air and Radiation



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COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF THE GOVERNOR  
HARRISBURG

THE GOVERNOR

February 4, 1994

The Honorable Raphael J. Musto  
Democratic Chairman  
Environmental Resources and Energy Committee  
Senate of Pennsylvania  
Room 458, Capitol  
Harrisburg, Pennsylvania 17120

Dear Ray:

As you know, the Ozone Transport Commission (OTC) has voted 9 to 4 to recommend adoption of a Low Emission Vehicle (LEV) in twelve Northeastern states plus the District of Columbia. You need to know that I instructed Secretary Art Davis to vote in favor of that recommendation. While the recommendation would have been approved without Secretary Davis' vote, I believed his vote was necessary to assure Pennsylvania's participation in the Environmental Protection Agency's (EPA) development of a LEV program that is right for our people.

Secretary Art Davis' leadership as Chairman of the OTC has placed Pennsylvania in the forefront of the coming negotiations over how this program will be shaped in the months ahead. In response to the OTC vote and negotiations led by Secretary Davis during the days before that vote, EPA officials have already indicated their willingness to open up the process to include consideration of alternative approaches. I propose that we take them up on that offer and I am asking for your help to make it happen.

Let me first share with you some basic principles that I believe must guide our approach to this task.

First, the people of Pennsylvania have a right to breathe air that will not harm their health.

Second, the Commonwealth has a responsibility to comply with the federal Clean Air Act, because it is the law and because the consequences of failure to comply are severe and will be measured in thousands of lost jobs and the virtual shutdown of our federal highway program.

The Honorable Raphael J. Musto  
Page 2  
February 4, 1994

Some do not believe the federal mandates and sanctions are real. I say we cannot afford to take that risk. I will not willingly take any action that places Pennsylvania jobs and highway improvements in jeopardy.

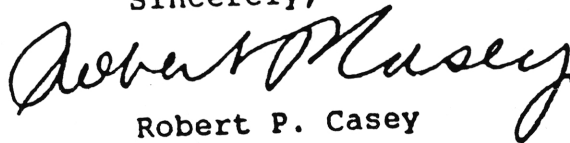
Third, Pennsylvania is not California and we will not abdicate our authority and our responsibility to achieve emission reductions in a way that best suits our state and our people.

Fourth, Pennsylvania's clean air program must be appropriately balanced to achieve the necessary reductions in a way that does not unfairly affect our native industries, such as coal and manufacturing. We do not need to be apologists for the automobile makers; they can take care of themselves. If they are willing to work with us in designing cars that meet our objectives without unfairly burdening our commercial and industrial businesses, we are prepared to consider any reasonable proposals.

Tuesday's vote by the OTC has provided the impetus and the opportunity for Pennsylvania to lead this effort rather than simply waiting for events to overtake us. I have asked Secretaries Davis and Yerusolim to take the next step by meeting with you as soon as possible to chart the course of these negotiations over the Northeast LEV. Your advice and support are essential to the success of that effort.

Thank you for your assistance. I am confident that together we will achieve what is in the best interests of all Pennsylvanians.

Sincerely,



Robert P. Casey  
Governor



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
HARRISBURG, PENNSYLVANIA 17120

OFFICE OF  
SECRETARY OF TRANSPORTATION

March 2, 1994

Honorable Larry O. Sather, Member  
House of Representatives  
Room B-7, Main Capitol  
Harrisburg, PA 17120

Dear Mr. Sather:

On September 24, 1993, I sent information to you, in a question and answer format, regarding the Enhanced Vehicle Emission Inspection program. I promised to update that material as information became available. That is the purpose of this letter.

An updated question and answer package is enclosed. For your convenience, I have listed the changes to the original package:

Page 1 - Question 3  
Page 4 - Questions 14, 15, 17, 18 and 19  
Page 6 - Question 32

In addition to the updated question and answer package, I am enclosing several copies of an initial brochure that was developed by the Department of Transportation and our contracted vendor for the program. You and your staff can use this brochure to respond to early constituent questions; a more detailed brochure, prepared specifically for distribution to the public, will be sent to you at a later date.

So that you can become thoroughly familiar with the new emission inspection program, the Department, in conjunction with Envirotest, the firm which will provide testing, will be contacting you. Special briefings can be arranged for you and your staff, and a broad range of material--including an information kit for legislators, sample news releases and newsletter copy, and various handout pieces for your district office--will be made available to you at a later time.

Honorable Larry O. Sather  
March 2, 1994  
Page Two

If you have any questions about the enclosures or the emission inspection program, you may reach the Department's staff at (717) 787-2895.

Sincerely,

A handwritten signature in cursive script that reads "Howard Yerusolim". The signature is written in black ink and is positioned above the typed name.

Howard Yerusolim, P.E.  
Secretary of Transportation

Enclosures

March 16, 1994

*HARRIS*  
*copy*  
*114*  
*114*  
*(114)*

MAR 21 REC'D

Honorable Gerald J. LaValle  
Senate of Pennsylvania  
Room 458, Main Capitol Building  
Harrisburg, PA 17120

Dear Senator LaValle:

Thank you for your letter of March 11, 1994, concerning recent discussions between the State of California and the United States Environmental Protection Agency (EPA). The discussions appear to have resulted in agreement between both parties relative to program design for California emissions testing.

I learned of the agreement on Thursday evening, the 10th. On the 11th I was in transit out-of-state. When I learned of your letter and the potential agreement I called Mary Nichols, Assistant Administrator for Air and Radiation of EPA and Federal Highway Administrator Rodney Slater since I share deep concern about the possible consequences of actions taken because of the agreement. As a result, Mary Nichols' senior staff and my staff have had lengthy discussions about stipulated conditions of the potential agreement. Attachment 1 is a brief overview of those stipulations, based on information provided by EPA. It shows that the California program is more onerous and expensive than the Pennsylvania Program. I am attempting to arrange a meeting of members of the legislature and a senior official from EPA later this week which will further illuminate these points.

Secondarily, I have included a letter from Mary Nichols, Assistant Administrator for Air and Radiation of EPA. Her letter makes it quite clear that California does not and will not have a program less stringent than the Pennsylvania program.

Honorable Gerald J. LaValle  
March 16, 1994  
Page Two

I should also clarify confusion that has developed regarding the percentage of vehicles that will be tested at test-only facilities. In a recently published document EPA officials answer the following question:

"What percent of cars are required to go to test-only? All the press accounts say 15% -- Is this accurate?"

Press accounts stating that California will only send 15% of the vehicles to test-only are not accurate. California has made a full commitment to meet the EPA performance standard. Starting in 1996, California can meet EPA's performance standard by testing all cars six years old and older in test-only facilities (approximately 60 percent of the vehicle fleet, or 30 percent annually), while giving newer cars the option of going to a test-and-repair station. As allowed by EPA regulations, California will begin phasing in its program by sending 30 percent of cars through test-only in 1995 (fifteen percent on an annual basis)."

What this means is that starting in 1995 and in each succeeding year one-half of the subject vehicle population will be tested each year as the test cycle is two years. In 1995, 30% of the vehicles tested will go to test-only facilities. In all succeeding years, 60% of vehicles tested will be tested at test-only facilities.

Currently the Pennsylvania IM State Implementation Plan (SIP) has gained preliminary approval with EPA. The California SIP has not gained acceptance. Faced with the reality of federal sanctions, California has arrived at an agreement in principle which will enable them to avoid sanctions. Should Pennsylvania not proceed with its current program, we then will be faced with the reality of sanctions and the need to develop a new SIP to which EPA agrees. In all likelihood to obtain the "nice" elements of the California program, we would have to accept those elements that seem very harsh when closely scrutinized. Please review the attached document thoroughly, so that we can all understand this matter better.

Honorable Gerald J. LaValle  
March 16, 1994  
Page Three

I am hopeful that this letter and its attachments will be of help to you. I ask that you do not take any action on this matter until the meeting referred to earlier with EPA takes place so we can all better compare Pennsylvania's program to California's tentative settlement. Please advise me if I or my staff may be of aid to you in any way.

Sincerely,

Howard Yerusolim, P.E.  
Secretary of Transportation

PS: While I am out, I did personally review all of the issues and signed a fax copy of this letter.

Attachments

710/DLO/yys

cc: Secretary Yerusolim's Reading File  
Mario D. Pirritano  
David L. Ori  
Legislative Affairs  
Honorable Ralph Acosta  
Honorable William F. Adolph, Jr.  
Honorable Bob Allen  
Honorable David G. Argall  
Honorable Thomas E. Armstrong  
Honorable Matthew E. Baker  
Honorable Kevin Blaum  
Honorable Karl W. Boyes  
Honorable Teresa E. Brown  
Honorable Raymond Bunt, Jr.  
Honorable Alvin C. Bush  
Honorable Alan L. Butkovitz  
Honorable Ronald I. Buxton  
Honorable Mario J. Civera, Jr.  
Honorable Daniel F. Clark  
Honorable Paul I. Clymer  
Honorable Lita Indzel Cohen  
Honorable Mark B. Cohen  
Honorable Nicholas A. Colafella



cc: Honorable Anthony L. Colaizzo  
Honorable Joe Conti  
Honorable Roy W. Cornell  
Honorable Thomas C. Corrigan, Sr.  
Honorable Ronald R. Cowell  
Honorable Jeffrey W. Coy  
Honorable Lawrence H. Curry  
Honorable Peter J. Daley, II  
Honorable Tony DeLuca  
Honorable Thomas W. Dempsey  
Honorable Charles W. Dent  
Honorable Frank Dermody  
Honorable H. William DeWeese  
Honorable Robert C. Donatucci  
Honorable Thomas W. Druce  
Honorable Kathryann W. Durham  
Honorable C. Allan Egolf  
Honorable Dwight Evans  
Honorable Russ Fairchild  
Honorable Gregory C. Fajt  
Honorable Howard L. Fargo  
Honorable Elaine F. Farmer  
Honorable Thomas J. Fee  
Honorable John W. Fichter  
Honorable Patrick E. Fleagle  
Honorable Robert J. Flick  
Honorable Robert Louis Freeman  
Honorable Ron Gamble  
Honorable Thomas P. Gannon  
Honorable Richard A. Geist  
Honorable Camille "Bud" George  
Honorable Jim Gerlach  
Honorable Frank J. Gigliotti  
Honorable Joseph M. Gladeck, Jr.  
Honorable Robert W. Godshall  
Honorable John Gordner  
Honorable Michael C. Gruitza  
Honorable Leonard Q. Gruppo  
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Honorable Ellen A. Harley  
Honorable George C. Hasay  
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Honorable Lynn B. Herman  
Honorable Arthur D. Hershey  
Honorable Dick L. Hess  
Honorable Vincent Hughes  
Honorable Scott E. Hutchinson  
Honorable Ivan Itkin  
Honorable Kenneth M. Jadlowiec  
Honorable Harold James  
Honorable Stanley J. Jarolin  
Honorable Babette Josephs  
Honorable Ralph Kaiser  
Honorable Richard A. Kasunic

cc: Honorable William F. Keller  
Honorable George T. Kenney, Jr.  
Honorable David O. King  
Honorable Thaddeus Kirkland  
Honorable Edward H. Krebs  
Honorable Allen G. Kukovich  
Honorable Frank LaGrotta  
Honorable Martin L. Laub  
Honorable Susan Laughlin  
Honorable John A. Lawless  
Honorable Marie A. Lederer  
Honorable Kenneth E. Lee  
Honorable Dennis E. Leh  
Honorable Victor John Lescovitz  
Honorable David K. Levdansky  
Honorable William R. Lloyd, Jr.  
Honorable Edward J. Lucyk  
Honorable Jim Lynch  
Honorable Stephen R. Maitland  
Honorable Kathy M. Manderino  
Honorable Joseph F. Markosek  
Honorable Ronald S. Marsico  
Honorable Albert Masland  
Honorable David J. Mayernik  
Honorable Keith R. McCall  
Honorable Michael P. McGeehan  
Honorable Christopher K. McNally  
Honorable Anthony J. Melio  
Honorable James R. Merry  
Honorable Thomas A. Michlovic  
Honorable Nicholas A. Micozzie  
Honorable Herman Mihalich  
Honorable Sheila Miller  
Honorable Phyllis Mundy  
Honorable Jerry L. Nailor  
Honorable Steven R. Nickol  
Honorable Robert E. Nyce  
Honorable Dennis M. O'Brien  
Honorable Richard D. Olasz  
Honorable Frank L. Oliver  
Honorable John M. Perzel  
Honorable Timothy L. Pesci  
Honorable Joseph A. Petrarca  
Honorable Thomas C. Petrone  
Honorable Albert W. Pettit  
Honorable Merle H. Phillips  
Honorable Jeffrey E. Piccola  
Honorable Frank J. Pistella  
Honorable Joseph R. Pitts  
Honorable Todd R. Platts  
Honorable Joseph Preston, Jr.  
Honorable Ron Raymond  
Honorable Robert D. Reber, Jr.  
Honorable Roy Reinard  
Honorable David P. Richardson, Jr.

cc: Honorable William W. Rieger  
Honorable Karen A. Ritter  
Honorable Lawrence Roberts  
Honorable William Russell Robinson  
Honorable James R. Roebuck, Jr.  
Honorable Samuel E. Rohrer  
Honorable T. J. Rooney  
Honorable Carole A. Rubley  
Honorable Ruth C. Rudy  
Honorable Matthew J. Ryan  
Honorable Dante Santoni, Jr.  
Honorable Larry O. Sather  
Honorable George E. Saurman  
Honorable Stanley R. Saylor  
Honorable Terry R. Scheetz  
Honorable Jere W. Schuler  
Honorable Thomas J. Scrimenti  
Honorable Paul W. Semmel  
Honorable Frank A. Serafini  
Honorable Bruce Smith  
Honorable Samuel H. Smith  
Honorable Donald W. Snyder  
Honorable Edward G. Staback  
Honorable Jess M. Stairs  
Honorable Sara G. Steelman  
Honorable Joseph A. Steighner  
Honorable David J. Steil  
Honorable Jerry A. Stern  
Honorable Stephen H. Stetler  
Honorable Thomas B. Stish  
Honorable Jere L. Strittmatter  
Honorable P. Michael Sturla  
Honorable Dan A. Surra  
Honorable Thomas A. Tangretti  
Honorable Elinor Z. Taylor  
Honorable John J. Taylor  
Honorable W. Curits Thomas  
Honorable Thomas M. Tighe  
Honorable Robert M. Tomlinson  
Honorable Fred A. Trello  
Honorable Leo J. Trich, Jr.  
Honorable Katie True  
Honorable Frank Tulli, Jr.  
Honorable Joseph Uliana  
Honorable Terry E. Van Horne  
Honorable Patricia H. Vance  
Honorable Michael R. Veon  
Honorable Gregory S. Vitali  
Honorable LeAnna M. Washington  
Honorable Michael L. Waugh  
Honorable Anthony H. Williams  
Honorable Chris R. Wogan  
Honorable John N. Wozniak  
Honorable David R. Wright  
Honorable Matthew N. Wright

cc: Honorable Frank W. Yandrisevits  
Honorable Thomas F. Yewcic  
Honorable Peter J. Zug  
Secretary Yerusolim's Office File

MAR 30 1994



KEITH R. McCALL, MEMBER  
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LANSFORD, PENNSYLVANIA 18232  
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800 MAHONING STREET  
LEHIGHTON, PENNSYLVANIA 18235  
PHONE: (215) 377-6363

House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

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MEMBER, LOW EMISSION VEHICLE  
COMMISSION

March 29, 1994

Honorable Gerald J. LaValle  
Senate of Pennsylvania  
Room 458, Main Capitol Building  
Harrisburg, PA 17120

Dear Senator LaValle:

This is in response to your letter of March 18, 1994 concerning my "overwhelming" support for the adoption of a centralized automobile emission program with the Commonwealth.

You are correct in at least one area, specifically, my support for House Bill 2751 of 1992, which was signed into law by Governor Casey as Act 166 of 1992. Unfortunately, it is obvious to me that you and your advisors, staff or otherwise are not fully cognizant of all the facts. It is apparent that the major thrust of your letter concerns the exclusion of Carbon County from the Enhanced I/M program.

In this regard, let me set the record straight. When House Bill 2751, which I was prime sponsor of, was introduced on May 13, 1992 and passed by the House of Representatives on June 16, 1992, Carbon County was, in fact, included as one of the 33 counties that were identified for inclusion in the Commonwealth's program as a result of the Federal Clean Air Act amendments of 1990, an increase of 22 counties over our existing program.

Senator LaValle, a review of the records of the Senate Transportation Committee indicates that you voted in support of Amendment A3783, sponsored by Senator J. Doyle Corman, during consideration of House Bill 2751 by the Committee on November 9, 1992. This amendment included language directing the Secretary of Transportation to petition the federal government to exempt any county or portions of any county that may qualify for an exemption from the program based upon population data.

As a result of this amendment, which was unanimously approved by the committee, Carbon County, along with Adams, Columbia, Fayette, Monroe, Perry, Somerset, and Wyoming were removed from the program. Even with the removal of these eight counties, approximately 80 percent of the Commonwealth's vehicle fleet will be subject to requirements of the I/M program. I am fully cognizant of the implications of the Clean Air Act amendments of 1990, as well as, requirements imposed on the residents of the Commonwealth by Act 166. My role in the enactment of this legislation was to craft a proposal that would best accommodate our constituents with full recognition of convenience and cost to the driving public. In my opinion, it is implicitly clear that is not the case in the proposed hybrid California program, which if adopted, will be significantly more costly to both the state of California and the driving public.

Honorable Gerald J. LaValle

Page 2

Under the proposed California I/M program, the test and repair portion of the program will require service station owners participating in the program to expend \$30 to \$50 thousand to purchase a RG 240 dynamometer, with enhanced analyzer, plus required computer and communications equipment. The equipment cost alone will severely limit the number of individual service station owners capable of making this investment. In addition, amortization of their investment will dictate that the cost of the test will be somewhere in the range of \$50 to \$75 per vehicle. Further, due to the limited number of vehicles eligible for the test-only portion of the program, the cost of the test will be at least double that of a test in Pennsylvania.

When you attempt to compare programs, you immediately ascertain that California will be testing 1966 and newer vehicles versus Pennsylvania's 1968 and newer vehicles. California will test vehicles up to 14,000 pounds gross weight, while Pennsylvania's program is limited to vehicles less than 9,000 pounds gross weight. Further, California will require, in addition to the normal test program, an additional test when the vehicle is sold regardless of the age of the vehicle. In addition, test and repair stations are prohibited from issuing waivers. What exactly does this mean? Federal law provided that a vehicle owner, whose vehicle failed an emission test to spend up to \$450, over and above any warranty expenses to bring their vehicle into compliance. Elimination of this waiver will force the vehicle owner to pay whatever is necessary to bring the vehicle into compliance with scrapping of the vehicle as the only alternative.

I don't know whether you are aware of correspondence between Governor Mario Cuomo of New York and U.S. EPA Administrator Carol M. Browner relative to this issue. Specifically, Governor Cuomo requested information whether a test and repair I/M program employing BAR 90 analyzers in conjunction with increased enforcement would be less costly, more convenient, and equally effective in reducing emissions in comparison to a centralized test only system. I have taken the liberty of enclosing copies of their correspondence, and it should be noted that Administrator Browner supports my position that California's proposed program will be significantly more expensive to the motoring public.

Further, a letter, copy enclosed, from Mary D. Nichols, Assistant Administrator for Air and Radiation, U.S. EPA, to Secretary Yerusolim further supports my premise that the California proposal will result in a very high failure rate for vehicles subject to test only inspection. The cost of program enforcement is expected to increase sharply -- California \$10 per vehicle or \$45 million a year vs. Pennsylvania's .17 cents or \$500,000 a year. In addition, California plans to conduct a multi-million dollar study (I assume the cost to be born by the California taxpayer) to evaluate the effectiveness of remote sensing devices, alternatives to I/M 240 test procedures, as well as, additional approaches to identify high emitting vehicles for test only inspection. In addition to the aforementioned operational costs, undoubtedly there will be increased costs incurred to administer and enforce the registration denial program.

I just don't understand how you, in all good conscience, are promoting adoption of a program similar to California's here in the Commonwealth, especially in light of your fiscal conservatism. I am particularly concerned that you would propose to eliminate the repair cost waiver of \$450, eliminate waivers for gross polluters and vehicles transferred from out-of-state, and further, ensure that the failure rate for vehicles doubles. Finally, there is no information available as to whether or not a vehicle that is tested through California's test only system will be provided a free retest after repairs have been completed, as Pennsylvania's program provides for.

Honorable Gerald J. LaValle  
Page 3

I regret that you have decided to attack me personally on this issue, especially since you have not offered any meaningful alternative to our legally constituted program other than the one being supported by representatives of Pennsylvania Service Station Operators Association -- a proposal that was considered by the Emission Inspection Advisory Committee established by Act 166 and rejected because of costs and difficulty of administration and enforcement.

In closing, it is my hope that you will realize that the program to be implemented in the Commonwealth and already submitted to the U.S. Environmental Protection Agency for approval will commence as scheduled on January 1, 1995, a program that I am confident will be the most cost effective and consumer oriented program in the country. In addition, I am hopeful that this program will allow the Commonwealth to comply with the mandates of the Clean Air Act amendments of 1990, assist our businesses and industries and ensure for continued economic expansion in the Commonwealth, as well as, provide long range benefits for the health and welfare of our citizens.

Sincerely,



KEITH R. McCALL  
State Representative  
122nd Legislative District

KRMc/RJH/dsw  
Enclosures (4)

cc: Honorable Robert P. Casey  
Secretary Howard Yerusolim, PennDOT  
Secretary Arthur Davis, DER  
All House Members  
All Senators  
Carbon County Commissioners  
Luzerne County Commissioners  
White Haven Borough Council  
Beaver County Commissioners  
Lawrence County Commissioners

RICHARD J. CESSAR, MEMBER

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PHONE: (412) 487-3747

HARRISBURG OFFICE:  
P.O. BOX 58  
HARRISBURG, PA 17120-0028  
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*House of Representatives*

COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

JUN 16 1994

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MEMBER, RAIL FREIGHT ADVISORY COMMITTEE

MEMBER, PORT OF PITTSBURGH COMMISSION

MAGLEV CAUCUS, CO-CHAIRMAN

MEMORANDUM

**DATE:** June 15, 1994

**SUBJECT:** Automobile Emissions Testing

**TO:** Members of the Pennsylvania General Assembly

**FROM:** Representative Richard J. Cessar *RJC*  
Chairman, Transportation Committee (R)

I am writing this memorandum to provide you with information about Pennsylvania's new enhanced emissions program, specifically a comparison of our program and California's. This is to provide you **correct** information, and not misinformation about a recent United States Court of Appeals ruling and the so-called "deal" that California lawmakers were able to get from the Environmental Protection Agency (EPA).

**I would like to set the record straight. The Clean Air Act amendments of 1990, as mandated by Congress and signed by the President, make it very clear that we have much to lose if we fail to comply:**

- \$900 million in sanctions of our annual federal highway construction funding
- \$350 million to repay Envirotest for their expenditures in setting up a centralized system.
- untold amounts in business sanctions--new and expanded stationary sources, such as bakeries, dry cleaners, hospitals, etc.--will get two-for-one offset penalties.

**The 1990 Clean Air Act as passed by Congress, holds Pennsylvania to a higher standard in emissions testing by virtue of being included in the Northeast Ozone Transport Region (OTR). We share this designation with Maine, Vermont, New Hampshire, Massachusetts, New York, Connecticut, Rhode Island, New Jersey, Delaware, the District of Columbia, Maryland and northern Virginia. The Clean Air Act specifically requires the OTR states to enact the Enhanced I/M 240 program.**



And, just as important, I have also enclosed for your review a recent correspondence to Virginia's Governor George Allen from Region III EPA Administrator Peter H. Kostmayer. In short, the EPA has indicated that it will withhold approval of transportation improvements in 30 days if Virginia does not adopt a stringent pollution control program, such as the centralized vehicle emissions program Pennsylvania has adopted.

Some people are claiming that a recent United States Court of Appeals for the District of Columbia Circuit Court was a favorable ruling for California. Nothing could be further from the truth. Yes, it is true that California and the EPA did agree upon a hybrid emissions testing program (which I describe in greater detail later in this document); however, the decision had nothing to do with California. On May 6, the court ruled and confirmed that a centralized program utilizing I/M 240 technology is the standard by which all enhanced vehicle emissions testing programs must be measured. The decision makes clear that states are legally bound to adopt programs conforming to the standard. The court flatly rejected the claim of service station owners and automobile dealers that performing inspections at garages where repairs are also provided is an equivalent test. "The fundamental problem with these (test-and-repair) networks," **the court said**, "appears to be the incompetence of unlicensed and ill-trained testers and the inherent incentive on the part of testers simply to pass cars along for a quick fee (or the customer's satisfaction), instead of engaging in time-consuming repairs." I am attaching a copy of an analysis of that court ruling prepared by the EPA.

Additionally, I am attaching the EPA document that was filed with the United States Appeals Court which answered two of the court's concerns: (1) why decentralized programs are not as effective as centralized, which was proven through overt and covert audits, and (2) why the EPA was authorized by the court to impose the 50% emissions credit penalty on states that implement a decentralized program.

In March, California and the EPA signed an agreement, resulting in that state having a hybrid emissions testing program. **THE CALIFORNIA PROGRAM WILL HAVE TWO COMPONENTS:**

- **60% of the emissions testing will be done at centralized test only facilities operated by a single company--for those vehicles six years and older, those needing a waiver, gross polluters identified by remote sensors or test and repair stations, tampered vehicles, and all vehicles at change of ownership; and,**
- **40% of the tests will be done at state-approved test and repair service stations and automotive garages--for new vehicles and those up to six years old.**

This agreement has been the impetus for interest groups in our state to try and persuade the General Assembly to change our decision to adopt a centralized emissions program. I firmly believe that the California program would be a bad deal for Pennsylvania's motorists, taxpayers and business. **One example of the onerous nature of the California plan is the "fix it or junk it" provision that says there's no limit on repair costs to the consumer.**

## A COMPARISON

### MOTORISTS – FEES

#### Pennsylvania

- Under our program, motorists will pay either a \$17 fee or a \$22 fee *once every two years* to have their vehicles tested.
- The \$22 fee will be in effect for the last nine days of the month; it's an inducement to hopefully persuade car owners not to wait until the end of the month to get their vehicles tested.

#### California

- Motorists will pay a fee at the service stations ranging between \$50 and \$75 every other year to have their emissions tested. I could not support a program that would require my constituents to pay a fee that is three times our fee.
- The reason for the exorbitant California fee is simple. New testing equipment (Bar 90/94), which costs between \$30,000 and \$40,000, will have to be installed in California's garages and service stations, and those businesses will have to increase the testing fees to recoup that investment.

### MOTORISTS – FAILURES

#### Pennsylvania

- Two out of every 10 vehicles will fail the emissions inspection. Upon failure, motorists are given 30 days to return for a free retest.

#### California

- In California, 40%, or four out of every 10 vehicles, are guaranteed to fail their test. The reason for the higher failure rate is because repair shop-based inspection systems are far less effective at achieving clean air standards. In order to meet the new EPA guidelines for clean air, California must fail a higher percentage of vehicles. If we adopted the California plan, an additional 600,000 car owners in Pennsylvania would fail the emissions test.
- Those additional 600,000 car owners would then be required to spend additional money to repair their cars.

## MOTORISTS -- REPAIRS

### Pennsylvania

- Once again, I think we are better off in the Pennsylvania program. If a vehicle fails in Pennsylvania, the owner takes the vehicle to a local mechanic for repairs, and repairs will average about \$100. However, by federal law, the repairs to the vehicle cannot exceed \$450. If a vehicle owner spends \$450 and the vehicle still does not pass the test, the test is waived for that vehicle.

### California

- In California there is no dollar amount limit on the cost of repairs to the vehicles. **Motorists will be forced to either fix their vehicles or junk them.** This "fix it or junk it" policy is sure to be unsettling to owners of older vehicles and a significant burden for lower-income motorists.

## BUSINESS -- MOBILE VS. STATIONARY EMISSIONS

### Pennsylvania

- A centralized system is the most cost-efficient and effective way of reducing mobile emissions. Under our program, Pennsylvania will accumulate enough clean air credits from mobile sources to enable us to minimize the impact on stationary sources. These stationary sources, as I mentioned earlier, include small businesses such as bakeries and dry cleaners. They also include major employers, such as mills, power plants and hospitals. The potential for federal sanctions for failure to comply with the Clean Air Act could dampen plans for business expansion.

### California

- The system in California will almost certainly be harmful to the state's heavy industries and its competitiveness. Because the California program will not eliminate enough mobile emissions, industry will be required to make up the difference. The cost of removing a ton of pollutants from the air through scrubbers and other clean air equipment will cost business between \$5,000 and \$20,000 a ton. The additional cost to business will stifle business growth and development in California.

## BUSINESS -- JOBS

### Pennsylvania

- Under the centralized program, the private vendor will hire a workforce of 2,000 employees to operate the program -- that's 2,000 new jobs created in our state. Additionally, the test is being required in an additional 11 counties (25 total), which will allow for additional repair work at the local service stations.

### California

- In California, jobs will be lost because industries will be less competitive because of the high cost of the new clean air regulations.

## PUBLIC SECTOR BENEFITS -- NO STATE FUNDING

### Pennsylvania

- **The cost to Pennsylvania's taxpayers for building and operating these test centers is zero.** The private company running the program pays for it, and, in 1994 alone, it will spend \$150 million of its own money to buy the land and build and equip the centers. Over the next seven years, it will annually spend \$46 million more on salaries, benefits and property taxes. In addition, the state will only spend about \$500,000 annually (17¢ per vehicle) to provide oversight of the program.

### California

- The administrative cost to provide oversight of the hybrid program is dramatically more than Pennsylvania's. California will have to spend about \$45 million a year in state revenue (\$10 per vehicle) to oversee the program.

JUL 01 1994  
COMMITTEES

RICHARD J. CESSAR, MEMBER

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*House of Representatives*  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

TRANSPORTATION,  
REPUBLICAN CHAIRMAN  
  
BUSINESS AND ECONOMIC DEVELOPMENT  
  
MEMBER, STATE TRANSPORTATION COMMISSION  
  
MEMBER, RAIL FREIGHT ADVISORY COMMITTEE  
  
MEMBER, PORT OF PITTSBURGH COMMISSION  
  
MAGLEV CAUCUS, CO-CHAIRMAN

June 29, 1994

Arthur A. Davis, Secretary  
Department of Environmental Resources  
Market Street State Office Building  
Harrisburg, PA 17105-2063

COPY

*Retained*  
*(D)*

Dear Art:

It has recently come to my attention that your department will bring the California Low Emission Vehicle Program before the Air Subcommittee of the Air and Water Quality Technical Committee at its meeting on July 6, 1994. I am also aware that you are continuing to push for the adoption of the program by the Commonwealth.

Your action involving the regarding the adoption of the CAL-LEV program by the Commonwealth is in conflict with the statements made at the meeting held in my office that the FED-LEV would be the vehicle considered in conjunction with its development by the vehicle manufacturers.

The Department's activity in bringing the CAL-LEV before this subcommittee disturbs me because this clearly goes against the unanimous vote of the Pennsylvania Low Emission Vehicle Study Commission, of which DER was a part. The Commission, even though the membership opposed the low emission program, agreed last summer not to promulgate a CAL-LEV program before 1995, and not until the requisite modeling and research had been completed. Further, such an activity strikes me as a waste of resources since the Ozone Transport Commission has petitioned the Environmental Protection Agency to adopt this program on a region-wide basis. In addition, I am aware that James Salvaggio of DER has also made statements at recent meetings that the CAL-LEV will be in place, no matter what is decided at the legislative level.

I strongly agree that the Department has been given a significant burden by the mandates of the 1990 Clean Air Act Amendments. Consequently, I continue to be amazed at DER's insistence on advocating a program which the General Assembly has chosen not to adopt and which was demonstrated by independent study to be ineffective.

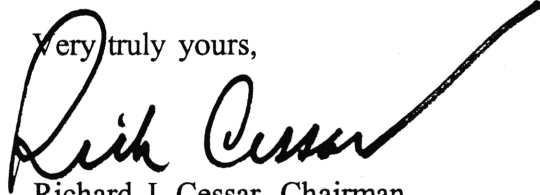
Arthur A. Davis, Secretary  
June 29, 1994  
Page 2

Surely the fact that DER has chosen to bring this proposal before a subcommittee chaired by an individual who has already publicly expressed his support for the CAL-LEV program (see attached clipping) is not a coincidence. Furthermore, this person is an employee of one of Pennsylvania's largest utilities. Isn't it ironic that these same utilities have strongly pushed the CAL-LEV program in order to avoid costs to themselves, which last year's study demonstrated were reasonable and cost effective. They have attempted instead to force expensive, ineffective controls, along with unproven electrical vehicle technology, onto the general public.

I again strongly suggest that the Department, under your leadership, cease its efforts to pit mobile source interests against stationary sources and find solutions which are more cost effective and make the most sense for all Pennsylvanians. The FED-LEV program can be as effective as the unproven CAL-LEV and with a vehicle that would be available to all of the states and not just California and the OTC states.

I certainly hope that you will guide those within your Department to a decision that will be in the best interest of all of us.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rich Cessar", with a long, sweeping flourish extending to the right.

Richard J. Cessar, Chairman  
House Transportation Committee (R)

RJC:pl

Enclosure

✓ cc: All House Members

OCT 07 1994



*House of Representatives*

COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

**MEMORANDUM**

**DATE:** October 5, 1994

**SUBJECT:** Clean Air Act and CAL-LEV

**TO:** All Republican Members

**FROM:** Representative Richard J. Cessar, Chairman (R)  
House Transportation Committee

A handwritten signature in black ink, appearing to be "R.J.C." with a period at the end.

There is another provision of the Clean Air Act which I feel will have a greater impact upon our constituents than auto emissions testing. The California low-emission vehicle (CAL-LEV) could soon be mandated by the federal EPA as a result of a petition of the member states of the Northeast Ozone Transport Commission (OTC).

Pennsylvania DER Secretary Arthur Davis, you will remember, went against his word and voted for this expensive optional program on orders from Governor Casey. Worse yet, Davis, as Chairman of the OTC, this year swayed other states to vote yes for CAL-LEV. The EPA is now on the verge of agreeing with the petition, which would force another unfunded mandate on us.

I am attaching my press conference statement and that of Senator Corman, my Senate counterpart, in an effort to give you as much background as you need. The EPA's decision will most likely be held back by them until after the election, but before November 15.

If you have further questions on this matter, please talk to Paul or Eric from my staff. Thank you.

/lmb  
Attachment

STATEMENT OF REPRESENTATIVE RICHARD J. CESSAR  
REPUBLICAN CHAIRMAN, HOUSE TRANSPORTATION COMMITTEE

OCTOBER 4, 1994

I AM HERE THIS MORNING WITH MY TRANSPORTATION CHAIR COLLEAGUES TO UPDATE YOU ON WHAT MAY VERY WELL BE THE NEXT MAJOR UNFUNDED MANDATE TO COME FROM OUR FEDERAL GOVERNMENT--THE CAL-LEV CAR.

IF YOU THINK THE ENHANCED AUTO EMISSIONS TESTING PROGRAM WAS BAD, YOU AIN'T SEEN NOTHING YET!

SHORTLY, A FINAL RULE WILL BE WRITTEN BY THE EPA, WHICH, IF NO COMPROMISE IS REACHED WILL FORCE ON ALL PENNSYLVANIANS THAT BUY NEW CARS, A COSTLY \$1500-\$2000, PACKAGE WHICH IS DESIGNED TO BRING THE CAR INTO COMPLIANCE FOR CALIFORNIA'S SMOG. WHILE NOT IN THE PROPOSAL NOW--A REQUIREMENT THAT WILL FORCE US ALL TO USE A NEW CALIFORNIA REFORMULATED GASOLINE WILL NOT BE FAR BEHIND--COSTING US ALL FROM \$.17 TO \$.27 MORE PER GALLON. THIS IS INEVITABLE, SINCE THESE CAL-LEV CARS WILL BE DESIGNED TO ONLY OPERATE CORRECTLY ON CALIFORNIA GASOLINE.

THERE IS AN EASY SOLUTION. ALL FOUR CAUCUSES TRANSPORTATION CHAIRMEN HAVE BEEN IN THE FOREFRONT OF NEGOTIATING TO CONVINCING THE BIG THREE AUTOMAKERS IN DETROIT TO OFFER A COMPROMISE LOW EMISSION



CAR IN ALL STATES OTHER THAN CALIFORNIA. SO FAR, EPA AND THE OZONE TRANSPORT COMMISSION (OTC) HAS GIVEN "LIP SERVICE" TO THIS PLAN WHICH IS WELL THOUGHT AND INCORPORATES THE ECONOMICS OF SCALE THAT WOULD KEEP PRICES MANAGEABLE FOR THE CONSUMER.

THIS PLAN OF THE AUTOMAKERS, DUBBED "FED-LEV", BY MAKING IT NATIONWIDE, DOES NOT DISCRIMINATE ON THE PEOPLE OF THE NORTHEAST.

FED-LEV IS A PERFECT CAR PROPOSAL FOR A TRUE ENVIRONMENTALIST, SINCE IT RECOGNIZES THAT THERE ARE NO POLLUTION BOUNDARIES AT OUR STATE BOARDERS. THE RESULTING CLEAN AIR WILL HAVE A MAJOR EFFECT ACROSS OUT ENTIRE NATION--NOT JUST ONE REGION.

SUPPORT FOR FED-LEV IS WIDE AND STRONG IN OUR CAUCUS. THE REPUBLICANS IN THE HOUSE RECENTLY INVITED U.S. SENATOR ARLEN SPECTER IN OUR CAUCUS MEETING AND BRIEFED HIM ON THE EPA'S DELIBERATIONS ON THE PETITION OF THE OTC TO FORCE CAL-LEV ON US.

ARLEN WAS SYMPATHETIC TO OUR PRESENTATION AND AS A RESULT, ARRANGED FOR THE FOUR CHAIRMEN TO MEET WITH EPA'S DIRECTOR OF AIR QUALITY'S, DEPUTY DIRECTOR JOHN BEALE. MR. BEALE MADE THE MEETING PART OF THE OFFICIAL REVIEW PROCESS. THE MEETING, HOWEVER, APPEARS NOT TO HAVE SWAYED EPA OPINION THAT THE COSTLY CAL-LEV PROGRAM BE IMPLEMENTED IN TWO YEARS IN EVERY OTC STATE--13 IN ALL FROM MAINE TO VIRGINIA.

THE COST OF CAL-LEV IS HIGH AND BENEFIT IS LOW. DON'T TAKE JUST OUR WORD FOR IT. SOME OF THE BEST MINDS AT PENNSYLVANIA STATES AND

OTHER MIDDLE-ATLANTIC STATES' UNIVERSITIES CONFIRM THIS. AND, UNLIKE EMISSIONS TESTING IN 25 COUNTIES, THIS CAL-LEV PROGRAM WILL EFFECT US ALL FROM ERIE TO WAYNE COUNTY AND GREENE TO PHILADELPHIA--ALL 67 COUNTIES.

**Remarks of Senator J. Doyle Corman (R-34)**  
**PA Senate Transportation Committee Chairman**  
**Questionable Constitutional Foundation of the Ozone Transport Commission**

**October 4, 1994**

Thank you. I am here today to restate my opposition to the "California car" petition from the Ozone Transport Commission that was presented to the Environmental Protection Agency. I think this issue of California Car emission standards for Northeast states is important because it is still in the formative stage -- unlike the emissions inspection program which has already been forced into law by both the Federal Clean Air Act -- and federal regulations.

In short, I oppose Cal Car standards because they are expensive and they don't go very far in cleaning up the air.

You will remember that I criticized DER Secretary Arthur Davis earlier this year for voting "for" the California Car emissions standard petition at a meeting of the Ozone Transport Commission. He earlier promised in writing to abstain on the issue. Part of the criticism of that action centered around state's rights, and that's what I would like to address today. What I will show is that the Ozone Transport Commission, established under the Federal Clean Air Act, supersedes a state's rights to set its own environmental policy, and raises significant Constitutional questions about the foundation under which the OTC was enacted as part of the Federal Clean Air Act.

The Ozone Transport Commission, made up of the air administrators and top environmental bureaucrats in the 12 northeast states and Washington D.C. meet under authority of section 184 of the Federal Clean Air Act amendments of 1990. After deciding collectively on ozone reduction measures, the OTC petitions the EPA to implement rulemaking. The OTC has used this process by petitioning the EPA to move ahead with rulemaking to establish California Car emissions standards on the Northeast states.

However, some legal experts have argued that the Ozone Transport Commission was improperly conceived under the Constitution. Only two methods of joining states exist under the Constitution:

1. Article IV says that states may be joined by Congressional action as long as the legislatures of those states concur. I can assure you the Pennsylvania legislature has not abdicated its environmental destiny to state and federal bureaucrats. Pennsylvania has not agreed to join the Ozone Transport Commission under any legislative action undertaken by the General Assembly.
2. The other method by which states can be joined, according to Article I of the Constitution, is through interstate compacts formed by the states. But when states agree to join an interstate compact, the consent of Congress is also required, according to Art. I.

Senator J. Doyle Corman (R-34)

Questionable Legal Foundation of the Ozone Transport Commission

Page two

In short, the Constitution disallows Congress to create a powerful alliance of states without their consent. But it has. And clearly in the upcoming years the most sweeping, controversial, and unpopular environmental action will not occur with the states or the federal government -- but with the Ozone Transport Commission, a group highly-insulated from the will of the people.

This leads me to my second and final point today which is to comment that the OTC is not responsive to public opinion. If my constituents did not like the expensive and ineffective proposal that the California Car emissions standard is -- they have not way of redressing me, or their Congressional representative with those concerns.

It could be argued that the bureaucrats become insulated from public opinion, and sometimes rightly so. But if properly insulated from public opinion as part of the administrative arm, then they should not be deciding the larger policy-making questions that are rightly in hands of legislators, and ultimately the hands of the people.

To summarize, I have called to your attention the obvious lack of Constitutional authority by which Congress created the Ozone Transport Commission under the Federal Clean Air Act. And further, I feel it is clear that larger policy-making questions are better left in the hands of the popularly-elected representatives of Congress or the state legislators. Thank you.



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
HARRISBURG, PENNSYLVANIA 17120

OFFICE OF  
SECRETARY OF TRANSPORTATION

November 1, 1994

Honorable Gerald J. LaValle  
Senate of Pennsylvania  
Room 458, Main Capitol Building  
Harrisburg, Pennsylvania 17120

Dear Senator LaValle:

This is in response to your letter of October 28, 1994, relative to the content of the notice published on behalf of this Department in the *Pennsylvania Bulletin* of October 29, 1994, which certified the establishment of the centralized enhanced I/M program.

I fully understand your concern over the Department's action to require vehicle owners in the 11 counties involved in the current basic I/M program whose subject motor vehicle has an even numbered vehicle identification number (VIN) to report to a centralized test center to obtain a certificate of emission inspection even though these vehicles are not subject to testing the first year of the centralized enhanced I/M program. The inclusion of such a requirement in the notice was inadvertent on the part of the Department. I understand this information was conveyed to your staff during the course of a phone conversation on October 28, 1994, with the Department's Office of Legislative Affairs. We are submitting a corrected notice today to the *Pennsylvania Bulletin*, which we anticipate will appear on November 12, 1994, to eliminate this requirement.

Please accept my apology on behalf of the Department for any confusion this may have caused. If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Howard Yerusolim".

Howard Yerusolim, P.E.  
Secretary of Transportation

270/RMM/bdm

cc: All Members of General Assembly

NOV 04 1994

**RICHARD J. CESSAR, MEMBER**

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*House of Representatives*

COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

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MEMBER, RAIL FREIGHT ADVISORY COMMITTEE

MEMBER, PORT OF PITTSBURGH COMMISSION

MAGLEV CAUCUS, CO-CHAIRMAN

**November 3, 1994**

**MEMO:**

**SUBJECT:** Letter to Governor from  
Transportation Committee Chairmen

**TO:** All Republican Members

**FROM:** Hon. Richard J. Cessar, Chairman  
Transportation Committee (R)

Attached is copy of letter that was sent to Governor Casey in connection with decisions he has made or supported dealing with "Reformulated Fuel", "California Low Emission Vehicle"; "Ozone Transport Commission and Region".

It is our hope that the Governor will reconsider some of these decisions that impact greatly on the citizens of the Commonwealth, particularly where he has included areas in the RFG program where it is not required.

I will continue to keep you informed as information is received and situations change.



*House of Representatives*

COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

October 31, 1994

The Honorable Robert P. Casey  
Governor  
225 Main Capitol Building  
Harrisburg, PA 17120

Dear Governor Casey:

We are writing you to express our extreme disappointment with your decision to commit 28 additional counties to the reformulated gasoline (RFG) program **without consulting the General Assembly**.

We fully realize that the five-county southeast region of Pennsylvania is mandated by federal law to enter into this program, and that you were given authority by the law to opt additional parts of or the entire state into the program. However, something of this magnitude, that is perceived as more stringent than federal law, should have been, at a minimum, discussed with the Legislature. This program will have a lasting impact on our citizens and industry.

Our plate is full with clean air mandates for both stationary and mobile sources, without imposing questionable programs that appear to the average citizen as new taxation. Arbitrary decisions cannot be made behind closed doors without citizen outcry.

A not-so-quiet revolution has occurred in our state, and each time a new and more costly program is embraced by the Department of Environmental Resources, the revolution grows. We have entered into a contracted, centralized enhanced emission inspection program predicated on the federal law; we have mandated employee trip reduction in the southeast; we have mandated Stage II vapor recovery in the southeast; we have dealt with the issue of clean fuel fleets. But, to enter into optional program, such as RFG and CAL-LEV, without giving the mandated programs an opportunity to work only feeds the average citizen's outcry.

Pennsylvania is bordered by Ohio and West Virginia, two states that will not have reformulated fuel at any pumps. This will only serve to provide a loss of revenue and, potentially, a loss of jobs in our Commonwealth. An individual who does not have to travel further to a station in one of those states is obviously going to purchase gasoline there. We do not have the luxury of most states in the northeast, whereby the surrounding states are in the same situation, and, as the

elected representatives of Pennsylvania, we must take these factors into consideration when dealing with these issues. We urge you to request an EPA review of how we may, at least, postpone the RFG implementation in our moderate and marginal nonattainment counties until we can address the impacts of this program in a viable manner.

We also urge you to discuss with Secretary Davis the impact of the Ozone Transport Commission's CAL-LEV stance. We should be supporting a 49-state FED-LEV car, which would not serve to drive Pennsylvania costs higher than that of other states. This compromise should be based upon what is not only good for Pennsylvania, but the nation and the U.S. automobile manufacturers.

As a result of the decision to move ahead with reformulated gasoline, the enhanced emissions inspection controversy, and Secretary Davis' vote on California car emission standards, we respectfully request the Administration to consider these emissions questions. By reexamining Clean Air Act compliance as a whole, linking individual mobile and stationary strategies, we may come to grips with what is truly required to attain Clean Air Act compliance. We should not be making Pennsylvania the test case state in clean air, while disregarding our economic competitiveness with other states.

As you well know, there are people in this Commonwealth that are hurting economically. The opportunities for good-paying jobs aren't what they should be, and we cannot support programs that will serve to worsen these conditions.

Sincerely,



Joseph A. Petrarca  
Majority Chairman  
House Transportation Committee



Richard J. Cesler  
Minority Chairman  
House Transportation Committee



J. Doyle Gorman  
Majority Chairman  
Senate Transportation Committee



J. Barry Stout  
Minority Chairman  
Senate Transportation Committee

cc: Members of the General Assembly