

NESCAUM Comments

April 12, 2006 Public Hearing - Sheraton Crystal City Hotel -Arlington, VA

US EPA Notice of Proposed Rulemaking

Control of Emissions of Hazardous Air Pollutants from Mobile Sources

Good morning, my name is Coralie Cooper. On behalf of the Northeast States for Coordinated Air Use Management (NESCAUM) I am providing comments today regarding the Agency Notice of Proposed Rulemaking to control the emissions of hazardous air pollutants from mobile sources. In addition to the comments I will provide today, NESCAUM intends to provide detailed written comments prior to the May 30th deadline.

The proposed rule takes an important step toward reducing mobile source air toxic emissions and exposure since it will lower by 27 percent the total mobile source air toxic emissions by 2030. However, NESCAUM believes that the proposal falls short of achieving the level of control needed to protect public health and to satisfy Congressional intent.

Mobile sources such as cars, trucks, buses, construction equipment, lawn and garden equipment, snowmobiles, and boats emit pollutants that cause cancer or other adverse health effects. Public exposure to toxic emissions from mobile sources is a major concern to health officials and air quality regulators in the Northeast. State and local air pollution control officials' concerns are echoed by a wealth of information demonstrating that mobile sources (on-highway and nonroad sources) and their fuels are a dominant emission source category for a group of extremely potent hazardous air pollutants in all areas of this country. The 1999 National-Scale Air Toxics Assessment (NATA) indicated that 50 percent of cancer risk and 74 percent of non-cancer risk related to breathing outdoor air results from mobile source air toxics emissions. Northeast State modeling and monitoring data indicate that ambient concentrations of acetaldehyde, benzene, 1,3-butadiene, formaldehyde, acrolein, and diesel particulate matter exceed risk screening thresholds for cancer and, in some cases, non-cancer effects throughout the region. A review of emissions inventory data concluded that mobile sources dominate the primary emissions for these pollutants in all Northeastern States.

The Northeast States are concerned primarily because we have pursued numerous regulatory and non-regulatory emission reduction programs for more than a decade to reduce emissions from mobile sources and their fuels, yet the evidence illustrates that ambient concentrations of these compounds remain at unacceptable levels. Of additional concern are results from recent studies which reveal exposures that greatly exceed ambient monitored levels of mobile source air toxics in "microenvironments" in the Northeast. Recent studies of microenvironment exposure levels in the Northeast concluded that:

- Levels of benzene found in pedestrian and bicyclist zones were approximately 10 times higher than typical ambient levels due to vehicle exhaust;
- PM_{2.5} levels at commuter train stations in Boston were found to peak at 1,000 micrograms per cubic meter - 50 to 100 times higher than ambient levels.
- Construction workers operating post-1996 model year nonroad equipment were exposed to 8-hour PM_{2.5} averages as high as 600 micrograms per cubic meter;
- An additional study outside of the region found that vehicle drivers are exposed to PM and benzene levels that are 10 to 16 times higher than ambient levels.

These recent analyses add to the body of evidence supporting the need for substantial reductions in mobile source air toxic emissions. In light of the public health threat posed by the 21 mobile source air toxics, a more comprehensive evaluation of toxics risk and additional control measures are needed from EPA. In the 1990 Clean Air Act, Congress directed EPA to achieve the maximum feasible reductions in mobile source air toxics. In this proposed rule, EPA has taken a narrow interpretation of the obligation under the Clean Air Act that falls short of a comprehensive assessment of the air quality and public health impact of mobile sources burning gasoline and diesel fuels. Because of the pervasive risk posed by mobile source air toxics in all regions of the country,

NESCAUM believes the final MSAT II rule must go further to reduce toxic emissions from mobile sources.

Specific Comments on the Proposed Rule

Proposed Vehicle Exhaust and Evaporative Emissions Standards:

NESCAUM supports EPA's proposal to reduce MSATs resulting from vehicle cold start emissions. NESCAUM also supports EPA's proposal to create a single nationwide benzene cap at 0.62 percent by volume. However, given the lack of restrictions on the amount of credits that can be purchased to meet the benzene cap as part of the averaging, banking, and trading provisions of the rule, we strongly encourage EPA to set a maximum cap on benzene in fuel as well. Further, since the anti-backsliding provision established in MSAT I will be superseded by the nationwide benzene average that will be required once the current proposal is implemented, we are concerned that gasoline with unacceptably high levels of benzene could be produced and sold in some parts of the country.

With regard to the timeframe for implementation, the proposed rule is over ten years past the deadline that Congress originally established. As such, we encourage the Agency to require an earlier phase in than the 2011 date for the benzene cap that has been proposed in the rule.

NESCAUM supports the gas can standards that the Agency has proposed, but as with the benzene gasoline standard, the Agency should explore earlier adoption, given the delay in proposing the MSAT rule.

Need for Reductions of Particulate, Formaldehyde, and other MSATs from Mobile Sources:

- The 1999 NATA concluded that diesel particulate matter is among the substances that pose the greatest relative risk. Accordingly, EPA should conduct a review of the inventory, control measures, and risks posed by diesel particulate emissions;
- EPA should evaluate and establish controls for mobile source particulate that were not considered in this proposal including a light duty gasoline PM standard, retrofits for existing diesel engines, and other measures.
- EPA should evaluate measures to reduce benzene, 1,3 butadiene, and formaldehyde from nonroad engines. The rule reduces approximately 10 percent of nonroad gasoline engine benzene emissions and 4 percent of 5 "key" MSATS from nonroad engines in 2030. As much as 40 percent of the mobile source benzene inventory in some states comes from nonroad engines. Technologies such as four stroke engines and catalytic converters should be required to further reduce MSATs from nonroad engines. In the preamble to the MSAT I rule, EPA acknowledged that, "...a comprehensive control strategy must include nonroad sources." Unfortunately, the current rule does not propose strategies to reduce MSATs from nonroad engines - with the exception of the gasoline benzene cap. Nonroad engine MSAT emissions are roughly equivalent to light duty motor vehicles in states in our region. Given the importance of the inventory from nonroad engines, MSATs from this source need to be further reduced.
- Under this rule, mobile source emissions of 1,3 butadiene, acetaldehyde, acrolein, and formaldehyde will either increase or stay at current levels - given the lack of controls proposed for these toxins. The NATA identified 1,3 butadiene, and formaldehyde as national or regional cancer or non-cancer risk drivers. As such, EPA in its final proposal should include measures to reduce these toxins.

In conclusion, while NESCAUM supports EPA's proposal for a benzene gasoline cap, the introduction of gas can standards, and the vehicle cold start emissions reduction, we believe this rule needs to go much further to reduce overall mobile source air toxics emissions. The current draft of the rule could reduce mobile source air toxic emissions by 27 percent in 2030. Given the pervasive risk associated with a long list of toxic air

pollutants - including diesel particulate matter - we strongly urge the Agency to consider a broader range of additional controls in the final rule. Thank you.