

Approved: 2-19-97
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES

The meeting was called to order by Chairperson David Corbin at 8:00 a.m. on February 14, 1997 in Room -254-E of the Capitol.

All members were present.

Committee staff present: Raney Gilliland, Legislative Research Department
Lila McClafin, Committee Secretary

Conferees appearing before the committee:

Clark Duffy, Kansas Petroleum Council
Steve Miller, Sunflower Electric Power Corporation
John Irwin, Director, Bureau Air and Radiation, Kansas Department Health and Environment
John Federico, Pete McGill, representing Kansas Coalition for Vehicle Choice
Terry Leatherman, Kansas Chamber of Commerce & Industry
Bill Fuller, Kansas Farm Bureau

Others attending: See attached list

The minutes of February 12 and 13 were presented. Senator Schraad moved to adopt the minutes. Senator Tyson seconded the motion. The motion carried.

The hearing on **SB 208: Enacting the interstate ozone transport oversight act; providing for legislative review and recommendations regarding certain interstate memoranda of understanding agreements.**

Clark Duffy, Kansas Petroleum Council, supported **SB 208, SCR 1608 and SCR 1609**. He said **SB 208** asks that KDHE report OTAG recommendations to the legislature and includes an environmental benefits analysis; **SCR 1609** urges EPA to only implement OTAG recommendations that provide environmental benefits for Kansas; and **SCR 1608** urges EPA to maintain current air quality standards unless environmental benefits demonstrated for Kansas. Other information relating to OTAG and the Kansas Air Quality Coalition are included with his testimony (Attachment 1). Mr. Duffy responded to questions.

Steve Miller, Sunflower Electric Power Corporation, supported legislative oversight to the EPA process, and he believed **SB 208** would provide that (Attachment 2)

John Irwin, Director, Bureau Air and Radiation, KDHE, opposed the bill, as it requires extensive consultation and review by the legislature and KDHE. Finally it would be very costly (Attachment 3). Mr. Irwin responded to questions.

SCR 1608: Urging the United States Environment Protection Agency to maintain current air quality standards unless benefit and economic impact demonstrated.

John Federico, Pete McGill & Associates, on behalf of Kansas Coalition for Vehicle Choice supported **SCR 1608**. He stated they have over 300 businesses, associations and groups making up their coalition. They share a common belief that the protection of the environment is a worthy goal, but it must be accomplished by reasonable means and only after striking a balance between government intrusiveness and the health of its citizenry (Attachment 4).

Terry Leatherman, Kansas Chamber of Commerce and Industry expressed support for **SCR 1608**. The Environmental Protection Agency, (EPA) is proceeding with changes in the Nations Ambient Air Quality Standards that would have significant impact on the business community in the state, without consideration for the efforts that have been made in recent years to improve air quality (Attachment 5).

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES Room 254-E-Statehouse, at 8:00 a.m. on February 14, 1997.

Bill Fuller, Kansas Farm Bureau, supported SCR 1608. Attached to his testimony is an Environmental Standards statement that their members approved at their annual meeting (Attachment 6).

The hearing on SCR 1608 will be continued on Monday, February 17.

The meeting adjourned at 9:02 a.m.

The next meeting is scheduled for February 17, 1997, at 8:30 a.m.

**SB 208; SCR 1608; SCR 1609
AIR QUALITY ISSUES**

BY

KANSAS AIR QUALITY COALITION

KANSAS AIR QUALITY COALITION

Farmland Industries
GM Fairfax Plant
Kansas Automobile Dealers Association
Kansas Chamber of Commerce and Industry
Kansas City Power and Light
Kansas Coalition for Vehicle Choice
Kansas Cooperative Council
Kansas Farm Bureau
Kansas Motor Carriers Association
Kansas Oil Marketers Association
Kansas Petroleum Council
National Cooperative Refinery Association
Sunflower Electric
Utilicorp United
Western Resources

Sen Energy & Nat Res
Attachment 1
2-14-97 1-1

**TESTIMONY ON SB 208, SCR 1608, AND SCR 1609
FOR SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
BY CLARK DUFFY, KANSAS PETROLEUM COUNCIL
ON BEHALF OF KANSAS AIR QUALITY COALITION
FEBRUARY 14, 1997**

I. 1990 CLEAN AIR ACT - CONCEPT

- A. Identify Problem Areas - Based on 6 National Ambient Air Quality Standards (NAAQS)
- B. Develop Plan to Improve Problem Areas - Local Recommendations
- C. Implementation Plan - State Implementation Plan
- D. Monitor Progress - To Achieve "Attainment" (Compliance with Standards)

II. STATUS OF AIR QUALITY - REFER TO 8/96 AND 9/96 MAPS

- A. Nationally - Dramatic Improvement
- B. Kansas
 - 1. In "Attainment" for All Standards
 - 2. Kansas City - Marginal

III. CURRENT ACTIVITIES - FURTHER IMPROVEMENT

- A. Nationally - Ozone Transport Assessment Group (OTAG)
- B. Kansas - Mid-America Regional Council (MARC)

IV. NEW STANDARDS PROPOSED BY EPA - REFER TO THE 12/96 MAPS

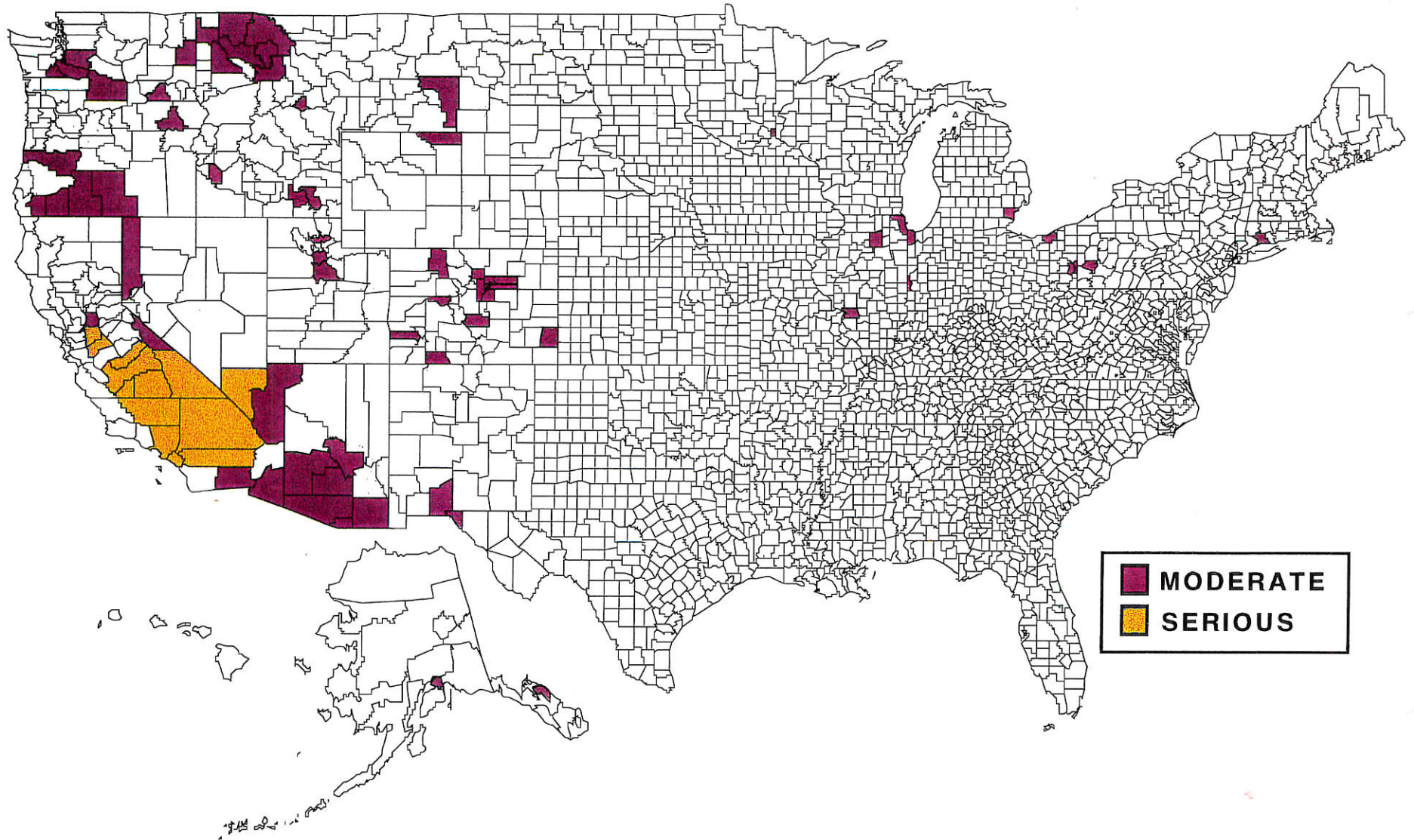
- A. Scientific Uncertainties
- B. No "Environmental Benefits" Analysis
- C. Conceptually Illogical to Treat Kansas like California

V. CONCLUSION

SB 208 - Asks KDHE to report OTAG recommendations to Legislature and includes an "environmental benefits" analysis.

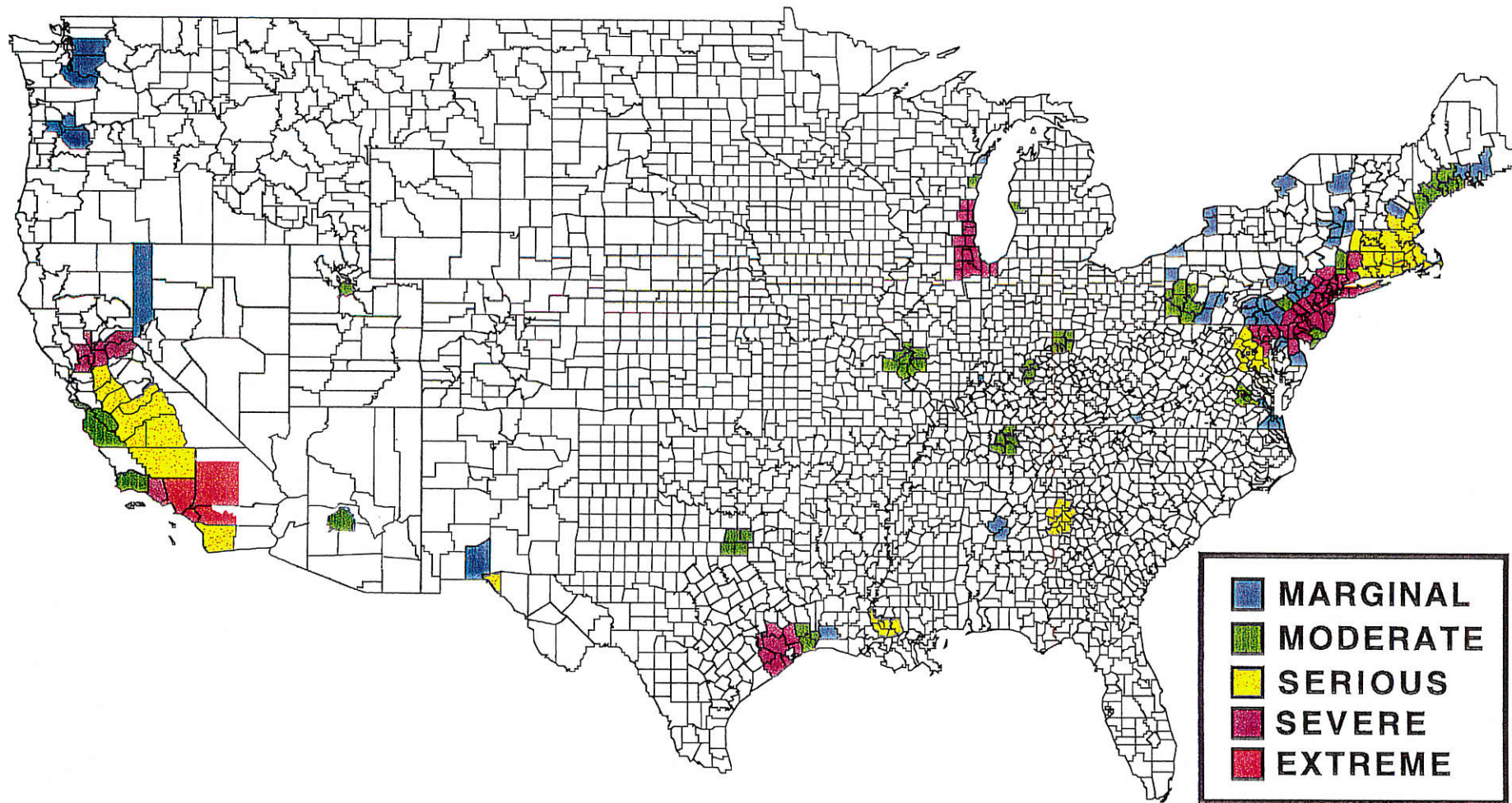
SCR 1609 - Urges EPA to only implement OTAG recommendations that provide "environmental benefits" for Kansas.

SCR 1608 - Urges EPA to maintain current air quality standards unless "environmental benefits" demonstrated for Kansas.



**DESIGNATED PM-10 NONATTAINMENT AREAS
UNDER CLEAN AIR ACT AMENDMENTS OF 1990
AS OF JULY 2, 1996**

Source: Based upon U.S. EPA data interpreted by A.S.L. & Associates, Helena, MT

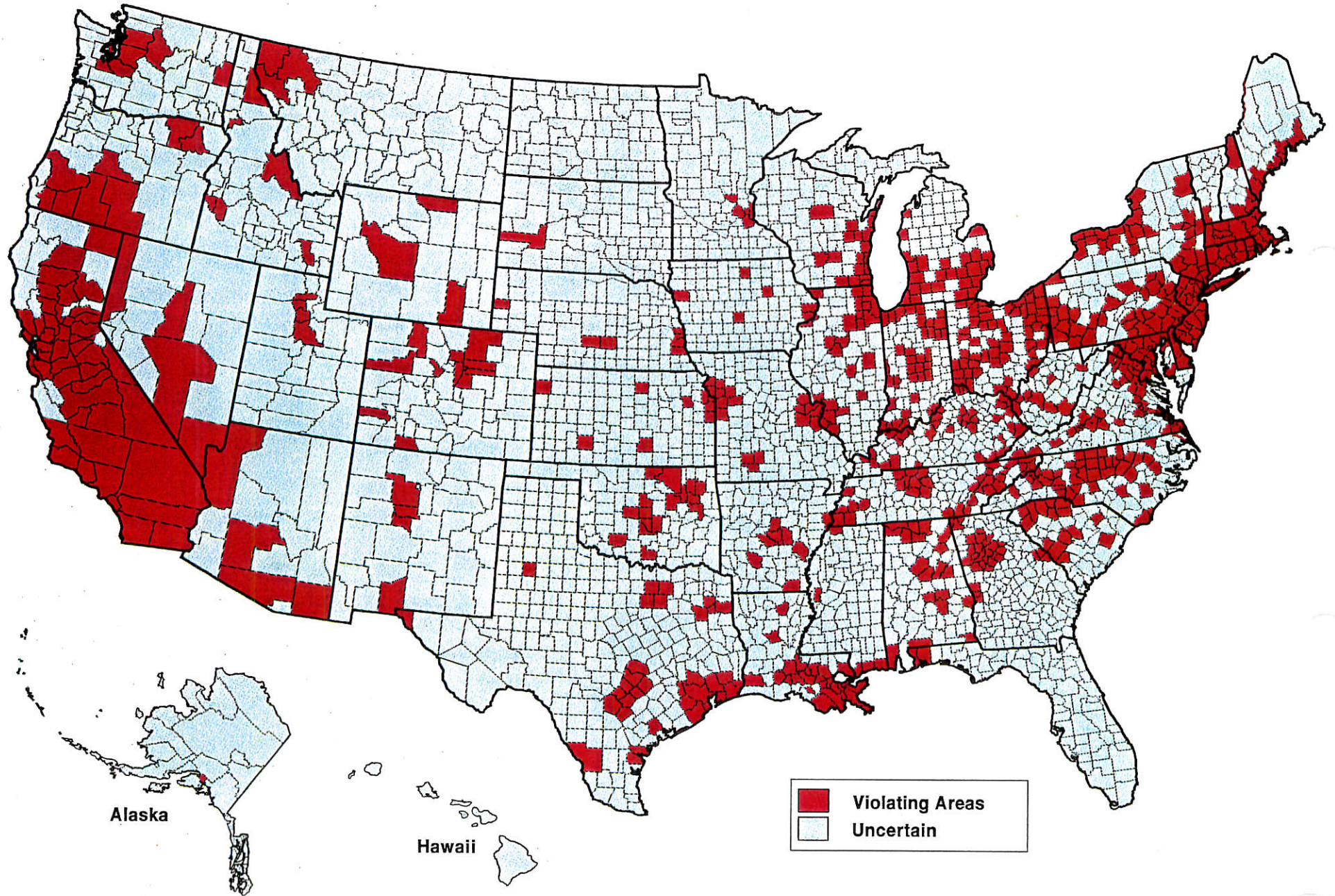


**DESIGNATED OZONE NONATTAINMENT AREAS
UNDER CLEAN AIR ACT AMENDMENTS OF 1990
AS OF AUGUST 26, 1996**

9/96

Source: Based upon U.S. EPA data interpreted by A.S.L. & Associates, Helena, MT

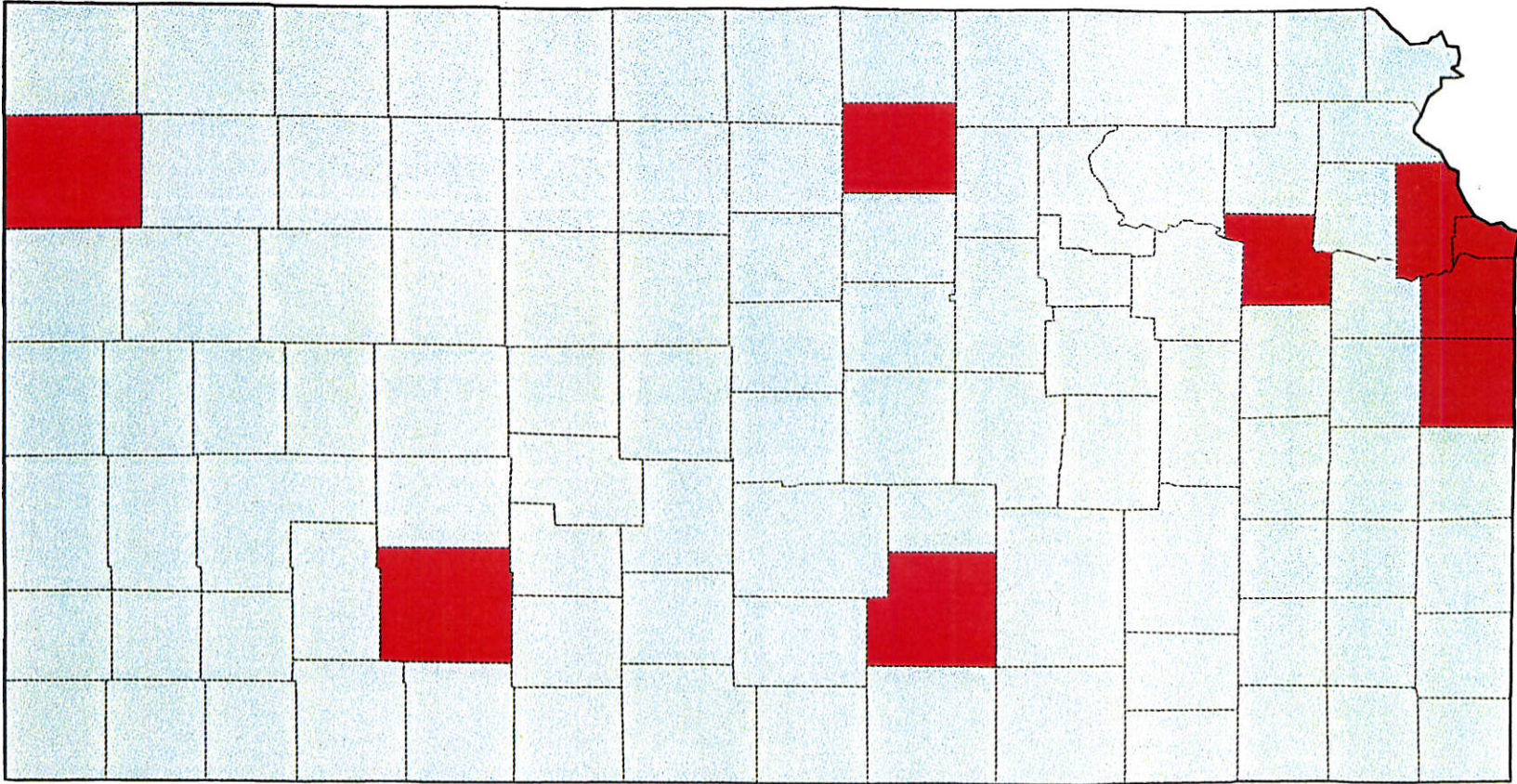
EPA Proposed Standards for Ozone and PM_{2.5}




1-5

EPA Proposed Standards for Ozone and PM_{2.5}

Kansas



16

	Violating Areas
	Uncertain

BACKGROUND INFORMATION

I. SUMMARY OF FEDERAL AIR ISSUES

Kansas Petroleum Council

Ozone Transport Assessment Group (OTAG)
National Ambient Air Quality Standards (NAAQS)

II. FACT SHEETS

U.S. EPA

NAAQS - Review and Re-evaluation Process
Proposal on Ozone Standard
Proposal on Particulate Matter (PM) Standard
Interim Implementation Policy

III. POTENTIAL IMPACTS OF EPA'S NAAQS PROPOSALS

Implications for Agriculture
Implications for Manufacturing
Implications for Baking
Control Measures - California

American Farm Bureau
National Association of Manufacturers
Independent Bakers Association
John R. Barsanti, Jr., Partner
Armstrong, Teasdale, Schlafly & Davis

IV. COMMENTS BY OTHER STATES

American Petroleum Institute

OTAG - Governors/Legislative Activity
NAAQS - Letters and Resolutions

V. MARC RECOMMENDATIONS

SUMMARY OF FEDERAL AIR ISSUES

The Environmental Protection Agency is currently considering a number of changes in its air programs. These changes could have a significant adverse impact on Kansas.

Kansas has worked hard to maintain and improve its air quality. It is important that any changes in the Federal Air Program protect the Kansas environment based on sound science and that these changes do not simply impose additional economic administrative and regulatory burdens on Kansans.

Since the Environmental Protection Agency is in the early phases of the regulatory process, now is the time to begin a dialogue with the Environmental Protection Agency to help direct the outcome of these regulations.

Attached are the following background papers:

"Background Paper on the Ozone Transport Assessment Group"

"Summary of EPA Proposals to Revise the National Ambient Air Quality Standards"

OZONE TRANSPORT ASSESSMENT GROUP

The Ozone Transport Assessment Group was created by the Environmental Protection Agency as a means to help some states achieve compliance with ozone standards through regional control measures. This approach has considerable merit. However, it will only help improve air quality if ozone transport issues are considered for each specific geographic area. For example, one subcommittee of the group has proposed a new severely reformulated gasoline for all states that has not been justified scientifically and is not cost effective. Added cost of this type of gasoline in Kansas would be unfair to Kansans because Kansas does not contribute to the problem areas impacted by transport.

It is important that Kansas not enter into any multi-state agreement with this Ozone Transport Assessment Group until the state has had an opportunity to study the environmental, economic, and social impacts of any agreement related to ozone transport as described by the Kansas Environmental Benefits Act.

NATIONAL AMBIENT AIR QUALITY STANDARDS

The Environmental Protection Agency is required every five years to conduct a review of its National Ambient Air Quality Standard (NAAQS) for six air pollutants, including ozone and particulate matter. While this review is important, the EPA has now proposed revised standards for ozone and particulate matter that could result in many counties in Kansas being designated as nonattainment. This would occur simply because of the change of the standard and not because of any change in the air quality.

It is important for the Environmental Protection Agency to evaluate the potential incremental health and economic impacts as described in the Kansas Environmental Benefits Act on Kansas before a new standard for ozone and particulate matter is established. Kansans have spent a considerable amount of their resources achieving the current standards. The imposition of additional economic burdens without such an evaluation is clearly not justified.

The Standard for Ozone

The current ozone standard is 0.12 parts per million (ppm) ozone averaged over a one-hour period with one exceedance allowed per year. The American Lung Association has filed suit to force the agency to consider whether the current NAAQS for ozone should be changed. EPA's proposed rule will replace the current standard with a standard of 0.08 ppm over an 8-hour period. The number of ozone nonattainment areas in the U.S. could *increase* to as many as 200 or 300 depending on EPA's final decision.

Nonattainment areas in Kansas could include Johnson, Leavenworth, Miami, and Wyandotte counties under a new ozone standard.

The Standard for Particulate Matter

In response to a court order, EPA has proposed a revision to the current PM standard. The current standard was designed to decrease the amount of PM10 (particles 10 microns in diameter or less) in ambient air. EPA has proposed this standard be maintained and a new standard be adopted to regulate PM2.5, which consists of "fine" particles no greater than 2.5 microns in diameter.

Nonattainment areas could include Cloud, Ford, Greeley, Morton, and Sherman counties (and possibly all other "high plains" counties), Kansas City, MO-KS MSA, Topeka, KS MSA, and Wichita, KS MSA under a new particulate matter standard.

May 9, 1996

BACKGROUND PAPER ON THE OZONE TRANSPORT ASSESSMENT GROUP

1. What is the Ozone Transport Assessment Group (OTAG)?

OTAG is composed of state environmental commissioners and their air program directors from 37 states (and the District of Columbia) in the eastern half of the U.S. These representatives were designated by the member states and are not elected or appointed to OTAG. OTAG's stated goal is to recommend emissions control strategies to address the ozone transport problem in the eastern half of U.S. to the U.S. Environmental Protection Agency. OTAG operates under the auspices of the Environmental Council of the States (ECOS) and is assisted by a professional facilitator.

2. How was OTAG formed?

On March 2, 1995 EPA issued a memorandum which describes the agency's new guidance on providing flexibility in meeting State Implementation Plan (SIP) obligations under the Clean Air Act (CAA). EPA sets out a two phase program that couples an alternative schedule for meeting SIP deadlines with an enforceable commitment to participate in a process to address regional ozone transport. Participating states must agree to adopt additional measures in areas that are contributing to transport or be subject to federal action under sections 110 and 126 of the CAA. OTAG held its first full meeting on June 2, 1995 in Washington, DC.

3. How does OTAG function?

OTAG is headed by Mary Gade, the Director of the Illinois EPA. Don Schregardus, Director of the Ohio EPA, chairs the policy development side of OTAG and Bob Shinn, Commissioner of the New Jersey Department of Environmental Protection, heads the technical assessment effort.

General oversight over OTAG is provided by a Policy Group which is composed of ECOS commissioners from the 37 OTAG states and the District of Columbia, EPA Assistant Administrator for Air and Radiation and the Director of EPA's Office of Air Quality Planning and Standards (OAQPS). The Policy Group is assisted by the

1-10

Advisory Panel which is composed of representatives of the Illinois EPA, STAPPA/ALAPCO, EPA OAQPS, EPA's Office of Mobile Sources and EPA Region V. Nine lower level groups are co-chaired by state and EPA representatives.

OTAG is composed of ten primary committees and numerous other subcommittees. These committees are divided into two areas; technical assessment and policy. With the exception of the Policy Group, all OTAG committees are composed of state officials and representatives of private interests. Private interests have no voting rights and the number of seats designated for private interests are determined by the chairperson, which in all cases is a state representative. Mary Gade has stated that OTAG committees operate by consensus but this procedure has yet to be tested with critical issues that may require a vote. The OTAG Policy Group has the final authority on emission control recommendations to EPA.

OTAG acts in an advisory capacity to EPA but has not been designated an advisory group under the Federal Advisory Committee Act. OTAG has no legal authority under the CAA and its recommendations are not binding.

4. What is OTAG's time line?

EPA has given OTAG to the end of 1996 to reach consensus on additional regional, local and national emissions reductions that are needed to address ozone transport that impedes states' abilities to meet SIP emissions reductions requirements. If consensus is not reached by the deadline, EPA has stated that it intends, by the end of 1997, to use its authority under the Clean Air Act e.g., using sections 126 and/or 110, to require emissions reductions to address the issue.

OTAG has scheduled monthly meetings of its policy and technical subgroups and numerous meetings and conference calls of other work groups and subcommittees. Completion of all air quality modeling and development of draft recommendations for emissions controls is set for the Fall of 1996 - unrealistic by many participants.

5. What is the current status of OTAG's deliberations?

OTAG has just completed the bulk of its effort to identify the costs and cost-effectiveness of candidate control measures and has started its strategy development phase. Unfortunately, the air quality modeling effort has fallen behind its original schedule. As a result, OTAG is proceeding to develop strategies without the benefit of knowing which strategies provide the most benefit.

SUMMARY OF EPA PROPOSALS TO REVISE THE NAAQS FOR OZONE AND PARTICULATE MATTER

Background: Recently, EPA proposed changes to the national ambient air quality standards for both ozone and particulate matter (PM). These standards set allowable limits on the concentration of each air pollutant in the ambient air. The limits are set by EPA at levels that are intended to protect public health as well as "public welfare" (environmental effects). EPA is required by the Clean Air Act to review these standards every 5 years to determine whether they should be changed based on the most recent scientific research. Areas whose air quality violates the standards are designated by EPA as "nonattainment areas". Sources in nonattainment areas must reduce their emissions so these areas can come into compliance with the standards.

EPA is accepting public comment on both proposals until February 18 and is under a court schedule to make a final decision by June 28 on whether to revise the PM standard. Although not legally required to do so, EPA intends to make a final decision about the ozone standard by the same deadline.

Ozone: The current standard for ozone is 0.12 parts per million (ppm) averaged over 1 hour. EPA is proposing to replace this with a new ozone standard of 0.08 ppm averaged over 8 hours. If the 3-year average of the third highest ozone reading each year exceeds 0.08 ppm, the area would be nonattainment.

Particulate matter: The current standards for particulate matter are based on PM₁₀ (particles whose diameter is 10 microns or less). The 24-hour standard is 150 micrograms per cubic meter (pg/m³) and the annual standard is 50pg/m³. EPA is proposing to add new 24-hour and annual standards for PM_{2.5} (fine particles). The proposed 24-hour PM_{2.5} standard is 50pg/m³ and compliance is based on the 3-year average of the 98th percentile of PM_{2.5} readings at each air quality monitor within an area. The proposed annual PM_{2.5} standard is 15pg/m³ based on the 3-year average of the annual mean PM_{2.5} readings averaged across all air quality monitors in an area. The initial impact of new standards will be felt by the states who must collect air quality data to determine which areas are in nonattainment. States are then required to revise their state implementation plans to specify how emissions will be reduced in each of these nonattainment areas. EPA must approve these revisions before they take effect.

Nonattainment areas: Based on the most recent air quality data, EPA estimates that approximately 140 counties violate the standards for either ozone or PM₁₀. If EPA decides to adopt the new standards it has proposed, approximately 800 counties (one out of every four counties nationwide) will be located in nonattainment areas. Existing nonattainment counties will be faced with additional regulations and new nonattainment counties will be forced to adopt a variety of new regulatory control programs affecting small business, manufacturing operations, transportation, agriculture and consumer products. Nonattainment areas also face growth restrictions that make it difficult to locate new businesses in these areas as well as to expand existing businesses.

Health benefits: There is considerable uncertainty about the scientific validity of the theories, data and conclusions upon which EPA's justified for changing the existing standards and the cost and feasibility of complying with them. After reviewing EPA's report on ozone, the agency's own Clean Air Scientific Advisory Committee (CASAC) concluded that there was no significant health benefit to adopting a tighter ozone standard and EPA's own cost-benefit analysis demonstrates that a new ozone standard is difficult to justify. The CASAC urged EPA to conduct further research on PM to address the many questions and uncertainties about its possible health effects. Congress has provided \$18.8 million for FY 1997 to begin funding the research that should be conducted before a scientifically sound decision can be made about whether to establish a new PM_{2.5} standard.

January 1997



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

June 3, 1996

FACT SHEET

OFFICE OF
AIR AND RADIATION

EPA'S NATIONAL AMBIENT AIR QUALITY STANDARDS:
THE STANDARD REVIEW/REEVALUATION PROCESS

INTRODUCTION...

- ◆ The Clean Air Act directs EPA to identify and set national standards for pollutants which cause adverse effects to public health and the environment. EPA has set national air quality standards for six common air pollutants---ground-level ozone (smog), carbon monoxide, lead, nitrogen dioxide, sulfur dioxide, and particulate matter (measured as PM-10).
- ◆ For each of these six pollutants, EPA has set health-based or "primary" standards to protect public health, and welfare-based or "secondary" standards to protect the environment (crops, vegetation, wildlife, buildings and national monuments, visibility, etc).
- ◆ EPA is required by the Clean Air Act to review the health and welfare-based standards at least once every five years to determine whether or not revisions to the standards are necessary to continue to protect public health and the environment.

HOW DOES THE NATIONAL AMBIENT AIR QUALITY STANDARD REVIEW PROCESS WORK?

- ◆ EPA undertakes an extensive scientific and technical assessment process during the standard review for any pollutant. The first step in the process is the release of the Agency's "criteria document," an extensive assessment of scientific data pertaining to the health and environmental effects associated with the pollutant under review.
- ◆ EPA then prepares a document (known as a "staff paper") that interprets the most relevant information in the "criteria document" and identifies 1) factors EPA staff believe should be considered in the standard review; 2) uncertainties in the scientific data; and 3) ranges of alternative standards the staff believes should be considered. The "staff paper" is compiled by technical staff to assess the policy implications of the science. It represents the views of the staff and, in final form, is ultimately used as the basis



for staff recommendations to the EPA Administrator.

- ◆ Drafts of both the "criteria document" and the "staff paper," which are based on thousands of peer reviewed scientific studies, receive extensive review by representatives of the scientific community, industry, public interest groups and the public, as well as the Clean Air Scientific Advisory Committee (CASAC)---a Congressionally mandated group of independent scientific and technical experts.
- ◆ As part of its mandate, CASAC also makes recommendations to EPA on the adequacy of the standards. Based on the scientific assessments and taking into account the recommendations of CASAC, the EPA Administrator must judge whether or not it is appropriate to propose revisions to the standards.
- ◆ Before making a decision, the EPA Administrator goes through an extensive public review and comment process. EPA reviews and extensively analyzes public comments before announcing a final decision. As with all other proposed and final rules, all other relevant federal agencies are also given the opportunity to review any decision.
- ◆ Since 1980, EPA has completed reviews of seven national ambient air quality standards. Only one of those reviews resulted in a revised standard.

WHAT ARE THE CURRENT NATIONAL AMBIENT AIR QUALITY STANDARDS?

- ◆ The current health and welfare-based ozone standards are both set at 0.12 parts per million (ppm), 1 hour average. The standards may not be exceeded more than once per year, on average over 3 years. The standards were last revised in 1979.
- ◆ The current health and welfare-based standards for particulate matter (measured as PM-10, denoting particles with a nominal size less than 10 micrometers in diameter) were last revised in 1987. The two PM-10 standards are 150 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), 24 hour standard and 50 $\mu\text{g}/\text{m}^3$, annual standard.
- ◆ EPA is nearing completion of its reviews of the national air quality standards for ozone and particulate matter. EPA has announced that it will combine the timing for its decisions on whether or not to retain or revise the current national ambient air quality standards for ozone and particulate matter. EPA will propose its decisions on both standards by November 29, 1996, with a final decision scheduled for mid-1997.

- ◆ The health-based standard for lead was last revised in 1978 and is set at 1.5 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), averaged over a calendar quarter (once every three months). The secondary standard for lead is the same as the primary standard.
- ◆ There are two health-based standards for carbon monoxide---an 8-hour standard set at 9 ppm and a 1-hour standard set at 35 ppm. Both standards are not to be exceeded more than once per year. EPA announced its decision to retain the current standards for carbon monoxide in 1994. There is no secondary standard for carbon monoxide.
- ◆ EPA proposed to retain the current national standards for nitrogen dioxide in 1995. The primary and secondary standards for nitrogen dioxide are both set at 0.053 ppm, measured as an annual average. EPA will issue its final decision on the nitrogen dioxide standards in October 1996.
- ◆ EPA announced its final decision to retain the current health-based standards for sulfur dioxide in May 1996. The two primary standards are set at 0.14 ppm, 24-hour average and 0.030 ppm, averaged annually. The 24-hour standard may not be exceeded more than once per year and the annual standard is never to be exceeded. Later this year, EPA will propose a new program to address the potential health risks posed to asthmatics by short-term peak levels of sulfur dioxide in localized situations. EPA retained the secondary standard for sulfur dioxide in 1993, which is set at 0.50 ppm, averaged over a three-hour period. The secondary standard may not be exceeded more than once per year.

EPA's PROPOSAL ON THE OZONE STANDARD

Today's Action...

- ◆ EPA is today proposing that revisions to the current 0.12 parts per million (ppm), 1-hour primary and secondary national ambient air quality standards (NAAQS) for ozone are necessary to protect public health and welfare.
- ◆ EPA proposes to replace the current 1-hour primary standard (health-based) with a new 8-hour standard to protect against longer exposure periods that are of concern at ozone concentrations below the level of the current standard.
- ◆ Consistent with the advice of its independent panel of scientific advisors, EPA solicits comment on alternative levels of 0.09 and 0.08 ppm, 8-hour average, while proposing a standard set at a level of 0.08 ppm to provide for increased health protection beyond that afforded by the current standard.
 - Recognizing sharply divergent views held by some public commentors, EPA also solicits comment on retaining the current standard and on an 8-hour standard set at a level of 0.07 ppm.
- ◆ EPA proposes to define a new 8-hour standard in terms of a "concentration-based" form, specifically the 3-year average of the annual third-highest daily maximum 8-hour ozone concentration.
- ◆ EPA also proposes to replace the current secondary standard (to protect the environment, including agricultural crops, national parks, and forests) with either a standard identical to the proposed new primary standard or a new seasonal standard.

Background

Scientific Assessment Process for National Ambient Air Quality Standards

- ◆ When EPA reviews a national ambient air quality standard such as ozone it develops a "criteria document" that represents a compilation and scientific assessment of all the health and welfare information available for that pollutant.
- ◆ EPA also develops a "staff paper" which is compiled by technical staff to help translate the science into terms that can be used in making policy

decisions. It represents staff interpretations of the information in the "criteria document" and it makes recommendations to the EPA Administrator on any revisions needed to the standards to protect public health and welfare.

- ◆ Both the "criteria document" and "staff paper" are part of an extensive scientific assessment process that includes an extremely rigorous scientific peer review and public comment process. Before these documents become the basis for input into any policy decisions, they undergo repeated detailed reviews by the scientific community, industry, public interest groups, the general public, and the Clean Air Scientific Advisory Committee -- a Congressionally mandated group of independent scientific and technical experts. As part of its mandate, the Clean Air Scientific Advisory Committee also makes recommendations to EPA on the adequacy of the standards.
- ◆ Based on the scientific assessments and taking into account the recommendations of the Clean Air Scientific Advisory Committee, the EPA Administrator must judge whether or not it is appropriate to propose revisions to standards.

Review of the Current Ozone National Ambient Air Quality Standard

- ◆ Last revised in 1979, the current ozone standard is set at 0.12 ppm for 1 hour and is expressed as a "1-expected-exceedance" form.
 - ◆ An area attains when the number of days per year on which the level is exceeded is less than or equal to 1, averaged over 3 years. Several concerns have been raised about this form, including the extent to which it may be too rigid. Critics have charged that under the current form of the standard areas can "flip-flop" in and out of attainment based on relatively minor ozone exceedances since all exceedances are treated equally regardless of magnitude.
- ◆ EPA completed its last extensive assessment of the scientific information for ozone in May 1989.
- ◆ Since the late 1980's, over 3,000 new studies have been published on the health and ecological effects of ozone, as well as on ozone monitoring and ambient air quality levels. Many of the new health studies show that health effects occur at levels lower than the current standard and that exposure times longer than one hour (reflected in the current standard) are of concern.

- ◆ On February 3, 1994, EPA published in the Federal Register an accelerated schedule outlining the steps it intended to take (issue draft "criteria document", hold meetings of the Clean Air Scientific Advisory Committee, etc.) to ensure a comprehensive assessment of these new studies. The schedule calls for EPA to make a final decision on whether to revise the ozone standards by mid-1997.
- ◆ The "criteria document" has been reviewed at meetings of the Clean Air Scientific Advisory Committee in July 1994 and March 1995, and a final draft was reviewed at a meeting in September 1995. Based on comments from the public and the Clean Air Scientific Advisory Committee, EPA revised the "criteria document." In July 1996, EPA completed and made public its final "criteria document."
- ◆ Drafts of the EPA "staff paper" were reviewed at public meetings of the Clean Air Act Scientific Advisory Committee held in March 1995, September 1995, and March 1996. Based on comments from the public and the Clean Air Scientific Advisory Committee, EPA revised the "staff paper." In June 1996, EPA completed and made public its final "staff paper."
- ◆ The Clean Air Scientific Advisory Committee sent closure letters to EPA on both the "criteria document" and "staff paper" concluding that these documents provide an adequate basis for the Administrator to make a decision on whether revisions to the primary and secondary ozone standards are appropriate.
- ◆ On June 12, 1996, EPA issued an advanced notice of proposed rulemaking on the reviews of the ozone and particulate matter standards announcing the same schedule for both reviews, explaining the linkages between these two air pollutants, and giving advance notice of key issues on which the Agency is now seeking comment. In addition, EPA held public meetings on the health and environmental effects associated with ozone and particulate matter and on the implementation of possible revised standards. These meetings occurred in Philadelphia on July 25, 1996, and St. Louis on August 5, 1996.

What are the Ozone Effects of Concern?

- ◆ The "staff paper" highlights several health effects of concern based on the recent studies for which the current ozone standard does not provide adequate protection.
 - ◆ Exposure to ambient ozone concentrations has been linked to increased hospital admissions for respiratory causes, such as asthma.

Studies conducted in the Northeastern United States and Canada show that ozone air pollution is associated with 10-20 percent of all of the summertime respiratory-related hospital admissions. Repeated exposure to ozone can make people more susceptible to respiratory infection and lung inflammation, and can aggravate preexisting respiratory diseases, such as asthma.

- ◆ Children are most at risk from exposure to ozone because they are active outside, playing and exercising, during the summertime when ozone levels are at their highest. For example, summer camp studies in the eastern U.S. and southeastern Canada have reported significant reductions in lung function in children active outdoors. Adults who are outdoors and moderately active during the summer months, such as construction workers and other outdoor workers, are also among those most at risk. These individuals, as well as those with respiratory illnesses, such as asthma, can experience a reduction in lung function and increased respiratory symptoms, such as chest pain and cough, when exposed to relatively low ozone levels during periods of moderate exertion.
- ◆ Long-term exposures to ozone can cause repeated inflammation of the lung, impairment of lung defense mechanisms, and irreversible changes in lung structure, which could lead to chronic respiratory illnesses such as emphysema, chronic bronchitis, and/or premature aging of the lungs.
- ◆ The "staff paper" also highlights concerns associated with ozone effects on vegetation for which the current ozone standard does not provide adequate protection. These include reduction in agricultural and commercial forest yields, reduced growth and decreased survivability of tree seedlings, increasing tree and plant susceptibility to disease, pests, and other environmental stresses, and potential long-term effects on forests and ecosystems.

Summary of the Proposal

Primary Standard

- ◆ EPA has concluded that the current primary standard is not adequate to protect the public from adverse health effects. Therefore, EPA is proposing to replace the current standard with an 8-hour standard set at 0.08 ppm; an area would not attain when the 3rd highest daily maximum 8-hour concentration, averaged over 3 years, is above 0.08 ppm. An area attains

the standard when the 3rd highest daily maximum 8-hour concentration, averaged over 3 years, is below 0.08 ppm.

- ◆ As the Clean Air Scientific Advisory Committee unanimously recommended, EPA is proposing to change the ozone standard averaging time to 8-hours. Even though 1- to 3-hour and 6- to 8-hour ozone exposures can be addressed through 1-hour or 8-hour standards, the 8-hour standard is more directly associated with the health effects of concern cited in recent 6- to 8-hour exposure studies. These studies were conducted at more typical exercise levels and at lower exposure levels (0.08 ppm) than the 1-hour studies.
- ◆ In considering an 8-hour standard set at either 0.09 or 0.08 ppm, the EPA recognizes that since there is no discernible threshold below which no adverse health effects occur, no level would eliminate all risk. Thus, a zero-risk standard is not possible, nor is it required by the Clean Air Act. The decision to propose a 0.08 ppm level is based on the judgment that at this level public health will be protected with an adequate margin of safety, and takes into account the following considerations:
 - ◆ An 8-hour standard set at 0.09 ppm would provide roughly equivalent or marginally increased protection when compared to the existing standard, which the Clean Air Scientific Advisory Committee has previously concluded contains little, if any, margin of safety.
 - ◆ The 0.08 ppm standard would provide additional reductions in risk to public health that have been quantitatively assessed (e.g., respiratory symptoms and decreases in lung function) as compared to the 0.09 ppm alternative.
 - ◆ Health effects from which the public is not adequately protected but which could not be quantitatively assessed in risk analyses provide support for setting the primary standard at 0.08 ppm (e.g., inflammatory response in the lungs potentially resulting in chronic lung tissue damage).
 - ◆ The 0.08 ppm level would provide increased protection against long-term exposures relative to the 0.09 ppm level.
- ◆ Recognizing sharply divergent views held by some commentators, EPA also solicits comment on an alternative 8-hour primary standard set at 0.07 ppm, using a concentration-based form, and on retaining the current standard.

- ◆ EPA is proposing a concentration-based form instead of an expected exceedance form because it more directly relates to ozone concentrations associated with health effects; it avoids exceedances, regardless of size, from being counted equally in the attainment tests.
 - ◆ EPA is seeking comment on whether data from multiple monitors, rather than from the monitor with the highest reading in an area, should be used to determine when the primary standard has been attained.
- ◆ The new 8-hour standard would become effective 30 days after promulgation, while the existing 1-hour standard, for most purposes, would remain in effect until new State Implementation Plans are developed that would result in attainment of the new standard.

Secondary Standard

- ◆ As Clean Air Scientific Advisory Committee unanimously concluded, EPA believes that the existing 1-hour, 0.12 ppm secondary standard does not adequately protect vegetation (the public welfare effect of concern) from adverse ozone effects.
- ◆ EPA believes attainment of the proposed primary standard would substantially protect vegetation. However, available science on plant exposure supports the viewpoint that a seasonal standard is more appropriate than the 8-hour proposed primary standard for protecting vegetation from ozone because the longer averaging time better addresses the longer term, cumulative effects of ozone on plants.
- ◆ Therefore, EPA proposes either setting the revised secondary standard identical to the proposed primary standard, or establishing a so-called "seasonal SUM06" secondary standard.
 - ◆ The SUM06 standard is expressed as a sum of hourly ozone concentrations greater than 0.06 ppm, summed over 12 hours per day during the 3-month period when ozone concentrations are at their highest. Such a standard would not be attained when the sum exceeds 25 ppm-hours.
- ◆ EPA also recognizes the importance of enhancing the existing ozone monitoring network to provide better coverage in agriculturally or ecologically important rural areas regardless of the final secondary standard chosen. The notice seeks comment on the appropriate spatial scale for the

network so that it would cost-effectively provide air quality data in rural areas.

For more information...

- ◆ Anyone with a computer and a modem can download the proposal and this fact sheet from the Clean Air Act Amendments bulletin board of EPA's electronic Technology Transfer Network (TTN) by calling (919) 541-5742 (look under "Recently Signed Rules"). For further information about how to access the board, call (919) 541-5384. The TTN can also be accessed through EPA's homepage on the Internet. The address is:
<http://ttnwww.rtpnc.epa.gov>

- ◆ For technical questions about this proposal, contact Dr. David McKee at EPA's Office of Air Quality Planning and Standards at (919) 541-5288.

November 29, 1996

FACT SHEET

EPA'S PROPOSAL ON THE PARTICULATE MATTER STANDARD

Today's Action...

- ◆ EPA is today proposing revisions to the primary and secondary national ambient air quality standards (NAAQS) for particulate matter (PM). EPA believes these changes are necessary to protect public health and the environment.
- ◆ EPA proposes to revise the current primary (health-based) PM standards by adding a new annual $PM_{2.5}$ standard set at 15 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) and a new 24-hour $PM_{2.5}$ standard set at $50 \mu\text{g}/\text{m}^3$.
- ◆ EPA also seeks comment on two alternative combinations of primary $PM_{2.5}$ standards that reflect sharply divergent views as to the appropriate policy response to the available health effects evidence:
 - (1) A "limited" policy response option, consisting of an annual standard up to $20 \mu\text{g}/\text{m}^3$ with a 24-hour standard up to $65 \mu\text{g}/\text{m}^3$.
 - (2) A "highly precautionary" policy response option, consisting of an annual standard down to about $12 \mu\text{g}/\text{m}^3$ with a 24-hour standard set within a range from $20 \mu\text{g}/\text{m}^3$ up to about $50 \mu\text{g}/\text{m}^3$.
- ◆ EPA proposes to retain the current annual PM_{10} standard of $50 \mu\text{g}/\text{m}^3$. EPA also proposes to revise the current PM_{10} 24-hour standard of $150 \mu\text{g}/\text{m}^3$ by changing the current form of the standard. EPA is also soliciting comment on the option of revoking the 24-hour PM_{10} standard.
- ◆ EPA proposes to revise the current secondary (welfare-based) standards by making them identical to the proposed primary standards. EPA believes that the proposed $PM_{2.5}$ and PM_{10} standards, combined with the Clean Air Act required regional haze program, will provide protection against the major PM-related welfare effects, including visibility impairment, soiling and materials damage.
- ◆ In separate notices, EPA proposes to revise its PM monitoring requirements to account for the network design and related samples schedule needed for the new $PM_{2.5}$ standards and revised PM_{10} standards. EPA is also proposing a new federal reference and equivalent methods for monitoring $PM_{2.5}$.

Background

Scientific Assessment Process for National Ambient Air Quality Standards

- ◆ When EPA reviews a national ambient air quality standard for a pollutant such as PM, it develops a "criteria document" that represents a compilation and scientific assessment of all the health and environmental effects information available.
- ◆ EPA also develops a "staff paper" which is compiled by technical staff that interprets the most relevant information in the "criteria document" to be used in making policy decisions. It contains staff recommendations to the EPA Administrator regarding any revisions needed to the standards to protect public health and welfare.
- ◆ Both the "criteria document" and "staff paper" are based on thousands of peer reviewed scientific studies and are part of an extensive scientific assessment process that includes an extremely rigorous scientific peer review and public comment process. Before these documents become the basis for input into any policy decisions, they undergo repeated detailed reviews by the scientific community, industry, public interest groups, the general public, and the Clean Air Scientific Advisory Committee -- a Congressionally mandated group of independent scientific and technical experts. As part of its mandate, the Clean Air Scientific Advisory Committee also makes recommendations to EPA on the adequacy of the standards.
- ◆ Based on the scientific assessments and taking into account the recommendations of the Clean Air Scientific Advisory Committee, the EPA Administrator must judge whether or not it is appropriate to propose revisions to standards.

Review of the Current PM Standards

- ◆ The current health- and welfare-based standards for particulate matter (measured as PM₁₀, particles 10 micrometers in diameter or smaller) were last revised in 1987. They are:
 - (1) a 24-hour standard set at 150 $\mu\text{g}/\text{m}^3$, and
 - (2) an annual 24 hour standard set at 50 $\mu\text{g}/\text{m}^3$.
- ◆ The 24-hour PM₁₀ standard is expressed in a "1-expected-exceedance" form. The standard is attained when the expected number of days per year (averaged over 3 years) that the standard is exceeded is less than or equal to 1.

- ◆ Since the standards were last revised, a large number of important new studies have been published on the health effects of particulate matter. Many of these studies suggest that significant effects, such as premature mortality, hospital admissions, and other respiratory illness, occur at concentrations below the current standards.
- ◆ EPA is under a court order to propose whether or not a revision to the current standards is necessary by November 29, 1996, and to issue a final decision by June 28, 1997.
- ◆ Drafts of the EPA "criteria document" were reviewed at public meetings of the public Clean Air Scientific Advisory Committee meetings in August and December of 1995 and February 1996. Based on comments from the public and the Clean Air Scientific Advisory Committee, EPA revised the "criteria document." In April 1996, EPA completed and made public its final "criteria document."
- ◆ Drafts of the EPA "staff paper" were reviewed at public meetings of the Clean Air Scientific Advisory Committee in December 1995 and May 1996. In July 1996, EPA completed and made public its final "staff paper." A public meeting of a Technical Subcommittee on PM monitoring issues was held in March 1996.
- ◆ The Clean Air Scientific Advisory Committee sent closure letters to EPA on both the "criteria document" and "staff paper" concluding that these documents provide an adequate basis for the EPA Administrator to make a decision on whether revisions to the primary and secondary particulate matter standards are appropriate.
- ◆ On June 12, 1996, EPA issued an advanced notice of proposed rulemaking on the reviews of the ozone and particulate matter standards announcing the same schedule for both reviews, explaining the linkages between these two air pollutants, and giving advance notice of key issues on which the Agency is now seeking comments. In addition, EPA held public meetings on the health and environmental effects associated with ozone and particulate matter and on the implementation of possible revised standards. These meetings occurred in Philadelphia on July 25, 1996, and St. Louis on August 5, 1996.

What are the PM Effects of Concern?

- ◆ The characteristics, sources, and potential health effects of larger or "coarse" particles (from 2.5 to 10 micrometers in diameter) and smaller or

"fine" particles (smaller than 2.5 micrometers in diameter) are very different.

Coarse particles come from sources such as windblown dust from the desert or agricultural fields and dust kicked up on unpaved roads from vehicle traffic.

Fine particles are generally emitted from activities such as industrial and residential combustion and from vehicle exhaust. Fine particles are also formed in the atmosphere from gases such as sulfur dioxide, nitrogen oxides, and volatile organic compounds that are emitted from combustion activities and then become particles as a result of chemical transformations in the air.

- ◆ Coarse particles can deposit in the respiratory system and contribute to health effects such as aggravation of asthma. EPA's "staff paper" concludes that fine particles, which also deposit deeply in the lungs, are more likely than coarse particles to contribute to the health effects (e.g., premature mortality and hospital admissions) found in a number of recently published community epidemiological studies.
- ◆ These recent community studies find that adverse public health effects are associated with exposure to particles at levels well below the current PM standards for both short-term (from less than 1 day to up to 5 days) and long-term (from generally a year to several years) periods.
 - These health effects include premature death and increased hospital admissions and emergency room visits (primarily among the elderly and individuals with cardiopulmonary disease); increased respiratory symptoms and disease (among children and individuals with cardiopulmonary disease such as asthma); decreased lung function (particularly in children and individuals with asthma); and alterations in lung tissue and structure and in respiratory tract defense mechanisms.
- ◆ EPA believes that the current standards do not adequately protect the public from the adverse health effects of particles and need to be revised.
- ◆ In addition, EPA also believes that there are welfare effects from particles for which the current PM₁₀ secondary standards do not provide adequate protection. Chief among those is visibility impairment. Particles primarily in the fine range are responsible for visibility impairment because of their ability to scatter and absorb light effectively.

Summary of the Proposal

Primary Standards

PM_{2.5} Standards

- ◆ EPA proposes to revise the current suite of PM₁₀ standards by adding two new primary PM_{2.5} standards set at 15 $\mu\text{g}/\text{m}^3$, annual arithmetic mean, and 50 $\mu\text{g}/\text{m}^3$, 24-hour average, to provide increased protection against the PM-related health effects found in the community studies.

- ◆ EPA's "staff paper" concludes that fine particles are a better surrogate for those components of PM most likely linked to mortality and morbidity effects at levels below the current standards, while coarse fraction particles are linked to effects such as aggravation of asthma at higher concentrations. The Clean Air Scientific Advisory Committee made a near unanimous (19 of 21 members) recommendation that new standards for PM_{2.5} be added while retaining PM₁₀ standards as an indicator for coarse fraction particles.

Averaging Times

- ◆ EPA is proposing PM_{2.5} standards with 24-hour and annual averaging times to protect against effects from short- and long-term exposure identified in the community studies.

- ◆ In developing a suite of PM_{2.5} standards designed to protect public health, EPA considered the combined effect of the standards rather than an approach that only considers short- and long-term evidence, analyses, and standards independently.

- ◆ EPA has concluded that much of the total annual risk associated with short-term exposures likely results from days when the levels are in the low- to mid-range, below the 24-hour peaks. As a result, lowering a wide range of PM_{2.5} concentrations through an annual standard, versus focusing on controlling peak 24-hour concentrations, is the best way to reduce total PM_{2.5} risk. EPA also believes that the 24-hour standard would provide additional protection for days with high PM_{2.5} concentrations, localized "hot spots," and risks arising from seasonal emissions, such as woodsmoke in the winter.

Standard Form

- ◆ EPA is proposing that the new annual $PM_{2.5}$ standard be met when the 3-year average of the annual arithmetic mean $PM_{2.5}$ concentrations, spatially averaged across designated air quality monitors in an area, is less than or equal to $15 \mu\text{g}/\text{m}^3$. The spatially averaged form is more closely linked to the underlying health effects information which relate area wide health statistics to averaged measurements of area wide air quality. EPA believes this spatially averaged form, established in conjunction with a 24-hour $PM_{2.5}$ standard, would provide the most appropriate target for reducing area-wide population exposure to fine particles which are most directly related to the health studies.
 - EPA recognizes that using spatial averages makes it more difficult to site monitors and to designate areas for spatial averaging. Therefore, EPA requests comment on the alternative of basing the annual standard for $PM_{2.5}$ on the population-oriented monitor with the highest 3-year average annual mean. EPA is also soliciting broad public input on the selection of the sites and designations of areas for spatial averaging in the proposed revisions to the PM monitoring requirements.
- ◆ For the proposed 24-hour $PM_{2.5}$ standard, the form would be based on the 98th percentile of 24-hour $PM_{2.5}$ concentrations in a year (averaged over 3 years), based on the single population-oriented monitoring site with the highest measured values in an area.
 - This form would reduce the impact of a single high exposure event that may be due to unusual meteorological conditions, and thus would provide a more stable basis for effective control programs.
 - The percentile form compensates for missing data and less-than-every-day monitoring, thereby reducing or eliminating the need for complex procedures now required for the PM_{10} attainment test.

Standard Level

- ◆ EPA proposes to establish an annual $PM_{2.5}$ standard level of $15 \mu\text{g}/\text{m}^3$, in order to protect public health with an adequate margin of safety. Although health effects at lower annual concentrations are possible, the evidence for effects at such levels is highly uncertain and the likelihood of significant health risk becomes smaller at concentrations well below this level and approaching background levels.

- ◆ EPA believes that a 24-hour $PM_{2.5}$ standard set at $50 \mu\text{g}/\text{m}^3$ would provide an appropriate supplement to the annual standard and reasonably reflects the peak levels observed in communities where health effects have been associated with daily levels of fine particles.
- ◆ EPA also solicits comment on alternative views of the health effects evidence and different policy approaches for selecting the levels of $PM_{2.5}$ standards. EPA is proposing two alternative combinations of $PM_{2.5}$ standard levels:
 - (1) A "limited" policy response option consisting of an annual standard up to $20 \mu\text{g}/\text{m}^3$ combined with a 24-hour standard up to $65 \mu\text{g}/\text{m}^3$, the upper ends of the ranges recommended in the staff paper.
 - This approach reflects the views held by some that place great weight on uncertainties and limitations of the database for PM health effects, while recognizing $PM_{2.5}$ as a component of air pollution that should be addressed through a national ambient air quality standard. The policy goal of this option would be to focus on better characterization of fine particle pollution, while facilitating additional research before initiating any possible major new regulatory programs designed to reduce risks to public health. EPA is soliciting comment on whether standards set at these levels are sufficient to protect the public from adverse PM effects with an adequate margin of safety.
 - (2) A "highly precautionary" policy response option consisting of an annual standard down to about $12 \mu\text{g}/\text{m}^3$ combined with a 24-hour standard set at a level within the range from above $20 \mu\text{g}/\text{m}^3$ and up to about $50 \mu\text{g}/\text{m}^3$.
 - This approach reflects the views held by some that the new health evidence makes a compelling case for causality between fine particles and health effects. It places less weight on uncertainties in the health evidence, suggesting that the serious nature of potential health effects warrants greater protection. This approach would not only result in a new monitoring network and additional health effects research, but would likely result in major new regulatory programs. EPA is soliciting comment on whether the standards set as these levels are necessary to protect the public from adverse PM effects with an adequate margin of safety.

PM₁₀ Standards

Annual Standard

- ◆ Based on its assessment of the health and other available information, EPA proposes to retain the current annual PM₁₀ standard of 50 $\mu\text{g}/\text{m}^3$ to protect against effects from both long- and short-term exposure to coarse fraction particles.

24-hour Standard

- ◆ EPA proposes to revise the current PM₁₀ 24-hour standard of 150 $\mu\text{g}/\text{m}^3$ by replacing the 1-expected-exceedance form with a 98th percentile form, averaged over 3 years to protect against short-term exposure to coarse fraction particles. The concentration-based percentile form is a more stable target for control programs and eliminates the need for complex data handling for missing values.
 - With the addition of fine particle standards, EPA has found that the original quantitative basis for the level of the current 24-hour PM₁₀ standard is no longer appropriate. However, the new health studies and information on coarse particles do not provide a basis for a lower standard level. Therefore, EPA recommends that if a 24-hour PM₁₀ standard is retained, the level of the standard be maintained at 150 $\mu\text{g}/\text{m}^3$, although with a revised form.
 - For the reasons outlined above regarding the form of the 24-hour PM_{2.5} standard, EPA finds the 98th percentile concentration based form would also be an appropriate form for a 24-hour PM₁₀ standard.
- ◆ EPA also solicits comment on an alternative proposal to revoke (rather than revise) the 24-hour PM₁₀ standard. EPA is asking for comment on this option because air quality analyses show that a 24-hour PM₁₀ standard set at 150 $\mu\text{g}/\text{m}^3$ with a 98th percentile form standard might not add greatly to the protection afforded by the current PM₁₀ annual standard. The current annual standard might provide adequate protection against both long- and short-term exposure to coarse particles, especially when viewed in conjunction with the overall proposal to add new annual and 24-hour PM_{2.5} standards. EPA proposes to discontinue adjusting PM air quality measurements to standard temperature and pressure conditions, in the absence of health evidence justifying the need to continue this practice.

Secondary Standard

- ◆ EPA proposes to set secondary standards identical to the proposed primary standards, in conjunction with establishment of a regional haze program. This proposed approach would provide appropriate protection against the welfare effects associated with particulate pollution including soiling and material damage and visibility impairment.

For More Information...

- ◆ Anyone with a computer and a modem can download the proposal and this fact sheet from the Clean Air Act Amendments bulletin board of EPA's electronic Technology Transfer Network (TTN) by calling (919) 541-5742 (look under "Recently Signed Rules"). For further information about how to access the board, call (919) 541-5384. The TTN can also be accessed through EPA's homepage on the Internet. The address is:
<http://ttnwww.rtpnc.epa.gov>
- ◆ For technical questions about this proposal, contact Patricia Koman at EPA's Office of Air Quality Planning and Standards at (919) 541-5170.

November 29, 1996

FACT SHEET

EPA'S PROPOSAL ON THE INTERIM IMPLEMENTATION POLICY FOR THE OZONE AND PARTICULATE MATTER NATIONAL AMBIENT AIR QUALITY STANDARDS

Today's Action...

- Along with new proposed national ambient air quality standards for ozone and particulate matter (PM), EPA is also today proposing a policy outlining requirements States must meet in the interim before the new standards become effective.
- When issued in final form, the interim implementation policy will assure that States maintain the momentum of existing control programs for ozone and PM during the time when they are preparing their plans to implement any new or revised ozone or PM standards.
- After considering and incorporating public comment, EPA intends to make this proposed policy effective on the date that EPA promulgates a final decision on the ozone and PM national ambient air quality standards. The policy would remain in effect until EPA approval of State plans that implement any new or revised standards.
- EPA is today proposing revisions to the ozone and PM standards in a separate notice. EPA intends to consider comments from the public, states, industry, environmental groups, and others before making a final decision on any revisions to these standards. EPA plans to issue those final rules by June 28, 1997.

Key Elements of the Interim Implementation Policy...

- EPA's proposed interim implementation policy will require that existing ozone and PM designations remain in effect until EPA establishes new designations based on any new ozone or PM standard. The policy will provide for redesignation of ozone and PM areas with clean air quality data if certain requirements are met.
- The interim implementation policy is strongly based on the principle of "no backsliding". The key element of this policy is to insure that essential programs required under the Clean Air Act for attainment of existing air quality standards are continued where it is appropriate to do so. Two specific areas where the proposed policy modifies existing requirements are in the area of attainment demonstrations for existing standards and

reclassifications of existing ozone nonattainment areas.

- The proposed policy provides additional flexibility to satisfy control programs for ozone mandated by the Clean Air Act. Specifically, for "serious", "severe" and "extreme" ozone nonattainment areas, the policy would allow credit for emission reductions outside existing nonattainment areas to satisfy the post-1996 rate-of-progress requirements mandated by the Clean Air Act.
- The policy also addresses other issues and programs including the Ozone Transport Region (OTR), which is comprised of 13 northeastern States and the District of Columbia, the Photochemical Assessment Monitoring System, conformity with transportation plans, and new source review requirements.

Other EPA Actions Related to Ozone and PM National Ambient Air Quality Standards Implementation...

- As stated above, the interim implementation policy will remain in effect until States have approved plans implementing any new or revised ozone or PM standards. EPA is now developing strategic guidance to the States on how they should revise their implementation plans to attain and maintain these standards. The first phase of this strategy will mainly consist of guidance related to designation of areas with regard to their new attainment status. The second phase of the strategy will address remaining implementation plan requirements.
- EPA is scheduled to propose the first phase of the strategy in June 1997 and finalize it in June 1998. EPA is scheduled to propose the remaining portion of the implementation strategy in June 1998 and finalize it in June 1999. An advance notice of proposed rulemaking regarding the development of this strategy is being published today in a separate notice.

Background...

- EPA created the Ozone/PM/Regional Haze Implementation Programs Subcommittee in August 1995 under the Federal Advisory Committee Act (FACA). The purpose of the Subcommittee is to advise EPA on innovative, flexible and cost-effective strategies for integrated implementation of ozone, PM and regional haze control programs.
- The formation of this Subcommittee is an example of how EPA is reinventing government in order to lessen regulatory burdens on State and local control agencies and on affected industry sources by optimizing integrated strategies for reducing emissions of both ozone and fine particulate matter. Ozone and PM are formed under similar atmospheric conditions by gases

(NO_x and VOCs) and are emitted from the same types of sources, which tend to be located in the same geographic areas. These similarities provide opportunities for optimizing integrated strategies for reducing emissions of both pollutants in the most cost-effective, efficient and flexible manner possible.

- The Subcommittee is working to develop the most effective and common-sense strategies for attaining the ozone and PM standards and making reasonable progress under the regional haze program. The Subcommittee is providing advice to EPA on developing both phases of the implementation policy, and is advising EPA on the strategic guidance to States on how they should revise their implementation plans to attain and maintain any new or revised standards.
- The Subcommittee, which is currently composed of 59 members from State, local and tribal agencies; environmental groups; industry; scientific/academic groups and other Federal agencies, first met in September 1995. Numerous Subcommittee meetings have been held through November 1996. The Subcommittee will continue to meet through 1997, generally every two months unless more frequent meetings are necessary.

For more information...

- Anyone with a computer and a modem can download the proposal from the Clean Air Act Amendments bulletin board (look under "Recently Signed Rules") of EPA's electronic Technology Transfer Network (TTN). For further information about how to access the board, call (919) 541-5384. The TTN can also be accessed through EPA's homepage on the Internet. The address is: <http://ttnwww.rtpnc.epa.gov>
- For further information about this proposal, contact Sharon Reinders at EPA's Office of Air Quality Planning and Standards at (919) 541-5284.

EPA proposing to change air quality standards for PM and Ozone Implications for Agriculture

Background:

The Environmental Protection Agency (EPA) is proposing to revise the National Ambient Air Quality Standards (NAAQS or "standards") for two criteria air pollutants: ozone and particulate matter (PM). Because of a lawsuit by the American Lung Association, EPA is under a court-ordered schedule with respect to the PM standard. However, EPA has decided to conduct both rule makings (ozone and PM) on the same schedule, although not required to do so by the court. EPA is considering PM and ozone together because of the interrelation in the atmospheric processes that form ozone and PM, common sources and precursor emissions, and related issues such as transport and area designation. EPA issued a proposal on November 27, 1996, and is scheduled to issue final rules by June 27, 1997. The final standard, if as proposed, will have far-reaching consequences.

The primary purpose of a NAAQS is to protect the public from "adverse health effects" that might be caused by specific air pollutants. Areas of the country where air pollutant concentrations exceed the NAAQS are required to adopt regulatory control programs -- state implementation programs or "SIPs" -- to ultimately bring these "non-attainment areas" into compliance with the NAAQS.

More stringent standards for either ozone or PM (or both) will create many new non-attainment areas around the country. Depending on the standard chosen by EPA, the number of new non-attainment areas could double or triple. In addition to new areas, existing non-attainment areas still striving to achieve the current standards will find themselves facing even more difficult goals. Regulatory control programs that must be adopted in these new and existing non-attainment areas will impact a very wide segment of the economy, including electric utilities and power plants, manufacturing facilities (aerospace, pharmaceuticals, paper, steel, autos, etc.), agriculture (dairies and feed lots for ammonia, diesel emissions, wind blown dust), small businesses (bakeries, printers, dry cleaners, restaurants, etc.), and cars and trucks (fleet requirements, gasoline and diesel, etc.).

EPA staff take the position that both standards need to be revised to protect public health. There is a diversity of opinions among scientists on the scientific justification for changing either standard.

Agriculture implications and concerns:

New tighter standards would create many new non-attainment zones across the country for ozone and particulate matter ultimately impacting agriculture either directly through new emission regulation or indirectly through increased costs of doing business.

Direct impacts - Recommended new standards for particulate matter and ozone could force significant increases in already sufficient emission regulation on farms and ranches located in

present non-attainment zones. New non-attainment zones mean a greater number of farms and ranches would be subject to air quality regulation. Also affected would be dairies and feed lots for ammonia; fuel combustion sources, diesel emissions and emitters of nitrogen oxides and sulfur dioxides.

Indirect impacts - The recommended new standards would significantly increase farm energy and fuel prices and transportation costs. Fuel and energy costs are the third largest non-agricultural input supply expense for American farmers. As a result, the profitability of some crops can be dramatically influenced by motor fuel and electricity prices.

Additional impacts - The 1990 Federal Clean Air Act (FCAA) Amendments changed the manner in which air pollution is regulated in the states. These regulations establish that a federal operating permit (FOP) must be obtained by facilities classified as major sources or significant area sources of emissions of air pollutants and establish a fee basis for payment of the program.

Agriculture operations have been interpreted or (misinterpreted) as being a "significant source" of emission for particulate matter. Various agriculture facilities are presently being regulated in non-attainment zones primarily in the Southwest and far West. Under a new PM standard, new non-attainment zones may be proposed across the United States impacting agricultural operations.

Examples of agriculture PM emissions are: dust from cultivation and harvesting, wind blown dust from feed lots, grain elevators and grain mills, and diesel soot. Emissions of PM also include PM precursors such as ammonia which rises from feed lots and dairies, diesel emissions, nitrogen oxides and sulfur dioxides from industrial boilers, soot from fires and spray drift from crop protection products.

The State and Territorial Air Pollution Program Administrators and the Association of Local Air Pollution Control Officials (STAPPA/ALAPCO) have published a report to "assist affected [non-attainment] areas in identifying options for controlling emissions for PM and PM precursors from mobile, stationary and area sources and evaluating those options for possible inclusion in an area's [state implementation] plan for addressing PM pollution."

In order to meet new standards, according to this report, the agriculture sector may face tighter operational and processing controls to reduce particulate matter emission. STAPPA/ALAPCO's proposed particulate emission control options for agriculture include:

- * Wind breaks - and other residue management systems to reduce wind erosion
- * Conservation tillage - use of special equipment to avoid mixing in residues
- * Crop management - planting of legumes or grasses to build soils, grassed waterways
- * Cover crops - planting alfalfa and winter wheat to protect vegetation
- * Dust controls for storage areas - tarps, covers
- * Grain elevators - cyclones, fabric filters, vents, application of oils to grain to control dust
- * Grain transportation - covers on conveyor belts, bucket elevators, etc.
- * Feed mills - moisture control measures and cleaning

Agriculture Recommendations:

There is considerable controversy -- scientific, economic and political -- associated with the EPA planned revisions of the PM and ozone NAAQS. If the standards are revised, a substantial number of new non-attainment areas will be created. The resulting regulatory control programs and unfunded mandates will impose economic burdens on those areas. Letters from governors and other state officials attest to these concerns.

Seventeen governors, both Democrats and Republicans, have urged EPA to consider the option of retaining the existing standards. In addition, Executive Order 12866 states that "in deciding whether and how to regulate, agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating" (i.e., including consideration of a no-change option). Finally, it would seem desirable that the Administrator keep all options open so as not to tie the hands of decision-makers in the next Clinton/Gore administration.

In Brief:

- * Agriculture organizations believes there is insufficient scientific data to support recommendations in changing current standards. The present standards should be retained.
- * EPA has not sufficiently evaluated the impact on small business under SBREFA - EPA is required to do a small business impact statement before proposing new standards that would lead to further regulation and regulated areas. To date, EPA has not conducted such impact statements. Congress under SBREFA can review all regulation that have a significant impact on small business and can prevent EPA from issuing standards that are insufficiently justified.
- * Agriculture organizations recommend further research into emission factors for particulate matter and particulate matter precursors for agricultural operations. Current studies, such as a research project presently being conducted at the University of California at Davis, suggest agriculture may be less of an emitter of PM than presently recognized and that only a very small portion of agriculture PM emissions are PM 2.5 and below -- the PM of most concern. More accurate projections of agriculture's contribution of PM emissions needs to be determined.

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Manufacturing Impacts Under Tightened Ozone and PM Standards:¹

Ozone

Most industrial manufacturing or processing facilities would be impacted with new regulatory programs and requirements under EPA's proposed tightening of two National Ambient Air Quality Standards: ground level (tropospheric) ozone and Particulate Matter (PM_{2.5}). (See other issue papers for explanation of current standards and possible variations of new standards for ozone and PM).

For some industries the regulatory controls could require low NO_x emitting commercial and industrial boilers; possible fuel switching; higher electric bills due to increased electric utility costs; and controls on industrial processes. For example, many manufacturing plants would be required to add Volatile Organic Compounds (VOCs) control equipment to reduce the precursors of ozone or urban smog. VOCs come from a wide variety of manufacturing and processing operations, including paint formulation; chemical manufacturing; pharmaceutical manufacturing; coatings and industrial chemicals; plastics manufacturing; plastics and molded consumer goods; and packaging manufacturing.

Other commercial operations will likely be required to install new VOC emissions control equipment. These commercial operations include very large dry cleaning establishments as well as medical or laboratory sterilizers and some commercial incinerators. Autobody painting facilities, commercial painting and coatings operations, and metal finishing operations and metal casting (possibly including jewelry manufacturing), which are often small businesses, also would likely have new regulatory controls imposed to reduce both VOCs and/or NO_x. High tech manufacturing or large-scale assembly operations could be required to install controls on VOC emissions from solvents use.

One of the largest potential impacts to manufacturers and business establishments with more than 100 employees could be new state requirements to control Vehicle Miles Traveled (VMT) in the region. One possible control measure for employers with >100 employees in an area would mean altered employee work shifts to provide for employees to commute together in order to reduce VMT.

¹ Note: This white paper's description of possible regulatory controls is based upon STAPPA/ALAPCO's Controlling Particulate Matter Under the Clean Air Act: A Menu of Options, July, 1996 and Meeting the Fifteen Percent Rate of Progress Requirement Under the Clean Air Act: A Menu of Options. The Texas, Illinois, and California State Implementation Plans (SIPs) for ozone controls were reviewed to describe the transportation and employee commute issue. This white paper's purpose is to describe the options available to each state in order to reduce ozone and particulate matter. This narrative does not suggest which control methods are appropriate for each individual industry or state. For information on STAPPA/ALAPCO materials which explain these control options, please call (202) 624-7864.

This employee transportation control method was a legal requirement under the Clean Air Act Amendments of 1990 until 1995 when Congress voted to not require this as a Federal requirement in order to meet the ozone standard. However, if communities must reduce ozone emissions under still tighter standards, many communities would have no choice but to include automobile emissions controls through different fuels standards and VMT reduction programs.

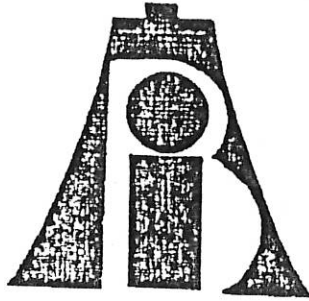
Employee trip commute requirements would have a considerable impact on both employers and employees since many employees who work on shift work would not want to have work hours based upon the commuting schedules of fellow workers. In metropolitan Chicago, the employer cost of these Employee Trip Commute Programs ran between \$800 and \$1,000 per employee since employers had to conduct extensive and expensive transportation and manufacturing planning studies in order to reduce employee miles driven by 15 percent.

Another major impact on manufacturers and the transportation sector could be transportation controls to reduce the use of major highways and streets. Some manufacturers might have to adjust *time to market* expectations of customers for consumer and commercial goods since transportation schedules might be delayed in major metropolitan areas. In addition to more expensive fuel requirements and engine re-design, trucking companies might face scheduling delays due to re-routing during peak travel times. Manufacturing companies and commercial enterprises with fleet vehicles would likely be required to switch to clean fuel fleets.

Particulate Matter

Under a PM_{2.5} standard many industries and commercial operations which emit SO₂ and NO_x as precursors for PM_{2.5} could be regulated as described above for ozone controls. Very large, commercial bakeries could be required to control NO_x. Generally speaking heavy industries including iron & steel production, metal finishing, oil refining, metal casting, smelters, aluminum production, cement kilns, glass manufacturing, and pulp mills will likely face additional regulatory controls to reduce NO_x and other particulates. Most of these industries will have already been regulated to meet ozone or air toxics controls under the Clean Air Act Amendments of 1990 and these PM and ozone controls would be in addition to their existing restrictions.

The transportation sector will be hit in the same manner as described for ozone control--with tighter fuel specifications, automobile and truck use, and engine re-design as likely control measures. Manufacturing companies located in the industrial areas or those relying on obtaining product shipped from warehouses in industrial or densely populated regions may find delays in shipments by only a few hours to several days--a critical factor in some industries which have switched to "Just in Time Manufacturing" processes.



INDEPENDENT BAKERS ASSOCIATION

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FOR IMMEDIATE RELEASE
January 9, 1996

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IBA Deplores EPA's Proposed PM and Ozone Calculations

IBA Chairman Pete Smith, President of Schmidt Baking Company, Baltimore, Maryland called the association's recent participation at an EPA Small Business forum "a critical step in getting the agency to pay attention to the severe impact proposed changes to Particulate Matter (PM₁₀) and ozone attainment criteria will have on the baking industry." Smith further reported that IBA has joined the EPA's Clean Air Small Business Outreach Team (SBORT). The agency will conduct field hearings in January on the proposed rule changes for ozone and particulate matter testing and attainment determinations.

At the meeting on Tuesday, IBA was critical of the agency's 50 fold underestimate of the cost of controlling bakery process emissions in its Ozone Regulatory Impact Analysis (RIA). Formal comments being drafted for the Agency record will address IBA's concern that the Ozone RIA states a facility cost of \$9,000.00 for baking industry process controls for ozone, Volatile Organic Compounds and Nitrous Oxide emissions. In fact, the cost of bakery oven control is closer to \$500,000.00 per plant with annual operating costs around \$100,000.00. Furthermore, the ozone RIA states the impact of the rule change would only require 32 bakery sources to control ozone and PM emissions. Industry figures detail actual bakery emission control installations already number 50. This number will surely increase under the more stringent regulation EPA has proposed. According to Smith, "IBA told the agency there was no excuse for such disparity between the modeling calculation and actual industry figures since the agency wrote an official Advanced Control Technique (ACT) guidance document on how to control and regulate bakery oven emissions. In effect, the agency did not read its own document on the subject."

IBA also expressed reservations at the meeting about EPA's PM RIA's finding that grain handling as well as sugar and confection operations face significant costs relative to other industries in controlling particulate matter emissions. IBA is concerned that, despite the high costs estimates, the agency fails to show an appreciable or measurable drop in PM emissions from regulating this industry segment. IBA questions the need for expensive

command and control regulations that could eventually be forced upon all bakery operations. Under the EPA proposals, compressed air driven bulk powdered commodity storage of ingredients such as flour and sugar could be newly regulated. Several states currently require bakeries to file for Permits to Operate for exterior flour storage silos.

In addition to oven emissions, the regulations could force the control of diesel emissions for bakery fleet operations and stationary co-generation engines with reformulated diesel fuels, adding by some estimates between \$.30 - \$.50 per gallon. Commercial delivery restrictions such as alternate day and restricted time-of-day proposals will also impact the baking industry's direct store delivery of a perishable commodity.

IBA members will meet on February 23-26 in Boca Raton, Florida to determine its final position on this critical industry issue. For the present, the association will limit official comments to identifying serious concerns with the EPA inaccuracies in determining the impact of rule changes that could eventually require bakeries and bulk ingredients operations to install new or additional emission control equipment.

Control Measures Proposed or Implemented to Demonstrate Attainment in California

Enhanced Inspection and Maintenance Program: The program implemented in California as a substitute for the federal program (which has resulted in consumer and small business backlash throughout the country) involves complex requirements for biennial testing for passing vehicles or only marginally failing vehicles, and annual testing for vehicles that grossly fail. The program eliminates waivers for gross emitters imposing what is believed by many to be undue burden on the poor. California's program has not even been implemented and yet a 3,000 person protest rally on the Capitol steps has already taken place.

Curb Idling: This rule would limit the emissions from curb idling by enforcing a maximum idling time limit of three minutes for all motor vehicles on both public and private property.

Limits on Dealer Vehicle Starts: Many car dealers start vehicles on their lot daily to avoid battery failure and ensure smooth start-ups for customer test drives. This requirement would limit these start-ups to once every two weeks.

49-State Vehicles: Prohibit California residents from registering 49-State vehicles.

Leaf Blowers: The South Coast Air Quality Management District (SCAQMD, responsible for air quality in the Los Angeles area) proposed giving credit to local governments that implement programs prohibiting the use of leaf blowers and/or replace them with non-polluting alternatives.

Other Mobile Source Emission Control Techniques: SCAQMD proposed that either ARB and/or EPA require additional controls on everything from boats to ships to trains to military aircraft.

At-the-Pump Pricing: This measure would levy an additional fee upon fuels at the pump based on that fuel's emission characteristic. Obviously, the largest fee would be levied on gasoline. Clearly, this is not a widely popular idea and has not been implemented.

Congestion Pricing: Either levying a fee based on the number of miles traveled during peak demand, or having differential tolls for peak and non-peak hours. Again, not a politically popular idea and never implemented.

Stage I Episode Plan: To reduce mobile source emissions from business commutes, this measure requires businesses of more than 100 employees to implement mandatory rideshare if a Stage I Episode (1.6 times the standard) is forecast. Additionally, this requires closure of non-essential businesses if a Stage II Episode (2.9 times the standard) is forecast. This measure was not adopted (proposed only for further review). Imagine closing businesses if pollution is predicted to exceed a certain standard - a standard EPA proposes to lower.

Remote Sensing: This popular technique (NOT!) uses an infrared sensor to detect high polluting vehicles passing the sensor. A camera records the license plate of the vehicle and the

vehicle's owner is then sent a notice to have the vehicle smog checked. Several rules adopt remote sensing by placing the sensors at random roadside points (part of the enhanced inspection and maintenance program discussed above), at special events (discussed below), places of employment, etc. As you might imagine, this program drips of "big brother looking over your shoulder" and is not very popular, and although it is still an integral part of enhanced I&M, it has not been implemented in the other areas to my knowledge.

Indirect Source Controls - Requirements on organizations that do not directly pollute.

Special Event Centers: This rule requires owners/operators of special event centers (stadiums, convention centers, fair grounds, etc.) to reduce mobile source emissions generated by their events. SCAQMD suggested items such as providing free transit passes with each ticket, providing free shuttle service, free parking for car pools, holding concerts after ball games to encourage patrons to stay late (don't ask me how this helps reduce pollution, but it was proposed), analyzing emissions emitted from vehicles entering the event and passing out literature on ways to maintain optimum performance for emissions (a laughable idea in and of itself - imagine explaining pollution maintenance techniques to a van load of stoned Dead Heads).

Shopping Centers: This proposal requires shopping centers to reduce mobile source emissions from patrons. Suggestions include providing patrons: transit passes with purchase, package delivery, shipment delivery schedules, transit shuttles from work centers and residential areas, parking management.

Etc., Etc.: This list continues and includes requirements to reduce mobile source emissions at facilities such as airports, high schools, colleges, and universities, and those that generate a large number of commercial vehicle travel (i.e., large manufacturing plants).

Employee Trip Reduction: This rule requires employers with 100 or more employees to reduce the number of peak hour home-to-work trips by 33 percent.

Employee Trip Reduction for Employers of 25 or More: The federal program specifies that "Employers of 25 or more employees who lease parking spaces for the employees may not offer free parking unless they offer employees the option of retaining the parking or accepting cash allowance equal to the market cost of the parking space." California modified this somewhat primary to increase the number of employees to 50 or more.

While the Employee Trip Reduction programs were the most unpopular, none of the indirect source measures were popular. As a result, legislation has been proposed that specifically prohibits the SCAQMD from implementing any of these programs.

Fugitive Dust: Fugitive dust is primarily a PM 10 pollutant which by and large would contribute to PM 10 and not PM 2.5 (i.e., the majority of constituents of fugitive dust are sized from 2.5 to 10 microns). However, a percentage of fugitive dust would be PM 2.5 and stringent PM 2.5 standards could require controls.

Paved Roads:

Construction Track-Out: Proposes a reduction in the amount of dirt tracked out onto the road from construction sites through the use of techniques such as wheel washers, water sprays, and/or mechanical devices to vibrate dirt off of the tires and under bodies of vehicles used at the construction site. Additionally, this could require paving and routinely cleaning 100 feet of the access road to the site.

Roadside: Proposes installation of wind fences (an aesthetically pleasing idea) and/or curbs to prevent roadside dirt from reaching the road surface and becoming airborne by turbulence from passing vehicles.

Street Sweeper/Cleaning: Suggest use of only vacuum type street sweepers (in lieu of the mechanical broom type sweepers) and street cleaners which use high pressure water to clean the streets.

Unpaved Roads: Several measures are proposed for unpaved roads including: reducing the number of vehicles traveling on unpaved roads, paving them, reducing the speed of vehicles, using water trucks to periodically wet the roads, and chemical dust suppressants.

Open Storage Piles: Presumably this applies to piles of dirt, gravel, or anything else that would generate dust if the wind blew across it. Various measures are recommended including: application of a chemical stabilizer if the pile is not subject to frequent disturbances, enclosures such as silo's or open ended buildings, water sprays or foams, lowering material drop height.

Construction Sites: In addition to the track-out and unpaved road requirements, the following control strategies were proposed: pre-watering, such as with a sprinkler system, prior to earth moving operations (e.g., bulldozers, etc.) and continuous watering once the operation begins, chemical stabilization, portable wind screens, covering the bed of any vehicle carrying bulk material (i.e., dump truck beds).

Agriculture:

Tilling: This measure prescribes improved tilling practices and the elimination of some activities all together. For example: using herbicides to control weeds vice tilling the soil to control weeds (inevitably, some endangered fish, bird, worm, virus, or disease would be killed by the herbicide and that method of weed control banned leaving the consuming public eating weeds for salad), pre-watering prior to tilling, using punched holes to plant seeds vice tilling a trough for planting the seeds.

Revegetation of Fallow Fields: Recommends replanting fields with cover grass after crops are harvested.

Prescribed Burning: This control measure requires a permit from the SCAQMD to burn fields (I understand that farmers burn their fields after crops are harvested to prevent the loss of soil nutrients. This is done for rice fields). This requirement extends to wildland vegetation burning as well, inasmuch as, burning is banned except when certain meteorological conditions are met.

Consumer Products: This control measure requires the reduction of emissions from consumer products ranging from hair mousse to charcoal lighter fluid. Consumer products manufacturers have argued (somewhat successfully) that the proposed control levels are technologically infeasible.

Laboratory Flume Hoods: This measure requires modifications to reduce pollutants from the flume hoods used in virtually all laboratories at hospitals, high schools, colleges, universities, research centers, and private laboratories.

Aerosol Paint: This rule requires the reformulation of aerosol paint to reduce pollution emissions. Additionally, SCAQMD proposed reformulation of all architectural paints (e.g., interior and exterior house paint).

Lawn and Garden Equipment: This measure establishes strict exhaust emission standards for lawn mowers, leaf blowers, hedge trimmers, edgers, etc. In addition, SCAQMD considered changes to gas cans used for refueling lawn and garden equipment such as interlock devices that would prevent fuel vapors from escaping while filling the gas can from a service station or filling the lawn equipment from the gas can. Additional measures were considered that would eliminate spillage during refueling.

Showers and Water Faucets: This potential emission reduction strategy would reduce water flows to faucets and showers. While hard to follow, the logic goes like this, reduce the hot water demand and the energy required to heat the water is reduced. Therefore, less pollution from the energy that would have been used to heat the water which either comes from the gas (gas hot water heaters that emits pollution) or the electric utility that generated the electricity (electric hot water heaters).

Electric Vehicles: SCAQMD proposed extrapolating the zero emission vehicle mandate to 50% of vehicle sales by 2009. (CARB requires 10% by 2003 and this percent then remains constant.)

Dry cleaners: Requires modifications to dry cleaners to limit the amount of perc (perc is the agent used to dry clean clothes) emitted through the installation of closed loop machines, proper maintenance of these machines, and employee training.

As an example of how some of these measures would be implemented, dry cleaner owners would be required to "maintain and retain records of total perc used, total garments cleaned, inspections and maintenance, and a copy of the certificate for their trained employees."

LIST OF LETTERS AND RESOLUTIONS -- NAAQS

Resolutions

Rhode Island Senate Resolution
South Carolina Resolution -- passed both the House and Senate
Illinois Resolutions -- House Resolution and Senate Resolution
Alabama House Resolution
Delaware Senate Resolution - Delaware House concurs
Tennessee House Resolution
Ohio Resolution -- passed both House of Legislature
National Association of Counties (NACo) Resolution
Policy Statement (Resolution) adopted by the Energy Council (the Energy Council is an organization of elected state legislators from ten energy producing states and the province of Alberta. The member states are AK, WY, CO, NM, TX, OK, AR, LA, MS, and AL.)
ALEC Resolution
Western States Coalition Resolution
Interstate Oil and Gas Compact Commission (IOGCC) resolution
Council of State Governments (CSG) resolution
National League of Cities resolution

Letters to Administration

Letter from Illinois Governor Jim Edgar
Letter from Ohio Governor George Voinovich (5/3/96)
Letter from Ohio Governor George Voinovich (11/25/96)
Letter from Ohio Governor George Voinovich (no date)
Letter from Florida Governor Lawton Chiles (5/7/96)
Letter from Florida Governor Lawton Chiles (1/8/97)
Letter from South Carolina Governor David Beasley
Letter from Arkansas Governor Jim Guy Tucker
Letter from Wisconsin Governor Tommy Thompson
Letter from Michigan Governor John Engler
Letter from Kentucky Governor Paul Patton
Letter from Indiana Governor Evan Bayh
Letter from Mississippi Governor Kirk Fordice
Letter from Utah Governor Michael Leavitt
Letter from Virginia Governor George Allen
Letter from Georgia Governor Zell Miller
Letter from Missouri Governor Mel Carnahan
Letter from Louisiana Governor M. J. "Mike" Foster, Jr.
Letter from Tennessee Governor Don Sundquist
Letter signed by New Jersey Governor Christine Whitman and Nebraska Governor Benjamin Nelson (Chair and Vice Chair of the NGA Committee on Natural Resources) to Carol Browner

Letter from representatives of several public policy groups (CSG, International City/County Management Association, NACo, NCSL, NGA, National League of Cities, United States Conference of Mayors)

Letter from Executive Director of the American Legislative Exchange Council (ALEC)

Letter from the Commissioner of the Tennessee Department of Environment and Conservation to Mary Nichols

Letter from the Commissioner of the Texas Natural Resource Conservation Commission to Mary Nichols

Letter from the Alabama Congressional Delegation

Letter from Eight Senators to Carol Browner

Letter from Senator Strom Thurmond (SC)

Letter from Senator Robert Byrd (WV)

Letter from Senator Kit Bond (MO) and Dale Bumpers (AK)

Letter from Representative Alan Mollohan (WV)

Letter from Representative Mike Doyle (PA)

Letter from Representative John Dingell (MI)

Letter from Representative Lee Hamilton (IN)

Letter from Jere Glover (U.S. Small Business Administration)

Letter from the Mayor of South Bend, Indiana

Letter from the Mayor of Mt. Vernon, Indiana

Letter from the Mayor of Indianapolis, Indiana

Letter from the Mayor of Louisa, Kentucky

Letter from the Mayor of Detroit, Michigan

Letter from the Mayor of Kansas City, Missouri

Letter from the Mayor of St. Louis, Missouri

Letter from Rhode Island League of Cities and Towns

Letter from North Carolina State Representative L.W. Locke

Letter from North Carolina Speaker of the House Harold Brubaker

Letter from Alabama Speaker of the House James Clark

Letter from North Carolina State Senator Fountain Odom to President Clinton

Letter from the Ohio Senate President and the Ohio Speaker of the House (joint letter)

Letter from New York State Senator George Maziarz

Letter from Ohio State Senator Scott Oelslager

Letter from Indiana State Representative Ralph Foley

Letter from Carmel Clay Chamber of Commerce (Indiana)

Letter from Berne Chamber of Commerce (Indiana)

Letter from the Greater Fort Wayne Chamber of Commerce (Indiana)

Letter from the Bluffton Chamber of Commerce (Indiana)

Letter from the Boone County Chamber of Commerce (Indiana)

Letter from the Greater Kansas City Chamber of Commerce (Kansas)

Letter from the Greater Providence Chamber of Commerce (Rhode Island)

Letter from the Chicagoland Chamber of Commerce (Illinois)

Letter from the Florida Chamber of Commerce

Letter from the Virginia Chamber of Commerce

Letter from the Office the County Executive, St. Charles County, Missouri

Letter from the Office of the County Judge, Campbell County, Kentucky
Letter from the Office of the County Judge, Bullitt County, Kentucky
Letter from the Office of the County Judge, Kenton County, Kentucky
Letter from the Greater Houston Partnership
Letter from North Carolina Petroleum Marketers Association
Letter from Kentucky Petroleum Marketers Association
Letter from the Associated Industries of Massachusetts (AIM)
Letter from the American Truckers Association (ATA)
Letter from the South Carolina Trucking Association (SCTA) to the Small Bus. Admin.
Letter and comments from the American Automobile Manufacturers Association (AAMA)
(10/10/96)
Letter from the Illinois Retail Merchants Association
Letters from the Indiana Oil Marketers Association
Letter from the Florida Petroleum Marketers & Convenience Store Association
Letter from the Florida Nurserymen and Growers Association
Letter from Florida Equipment Sales
Letter from the Florida Gift Fruit Shippers Association
Letter from the Ray Distributing Company
Letter from McKenzie Petroleum
Letter from Mid-State Energy, Inc.
Letter from the Thomas Oil Company
Pioneer Oil Company
Lake Oil Company
Smith Oil Company
Tenneco Packaging
Florida Forestry Association
Southeastern Association of Fish and Wildlife Agencies
Letter from the South Dakota Retailers Association
Letter from the Petroleum Transportation and Storage Association
Letter from the Engine Manufacturers Association (EMA)
Letters from the Indiana Manufactured Housing Association -- Recreation Vehicle Indiana
Council
Letter from the Wisconsin Cast Metals Association

Other Letters

Letter from Wyoming Governor Jim Geringer to North Dakota Governor Ed Schafer
Letter from the Nevada Bureau of Air Quality Chief to the Nevada Department of Conservation
and Natural Resources Administrator
Letter from Georgia Chamber of Commerce to Georgia Governor Zell Miller
Letter from the Maine Chamber of Commerce to Maine Governor Angus King
Letter from Missouri Chamber of Commerce to Missouri Governor Mel Carnahan
Letters from North Dakota Chamber of Commerce to North Dakota Governor Edward Schafer
and the ND Congressional Delegation
Letter from Virginia Chamber of Commerce to Governor George Allen

Letter from West Virginia Chamber of Commerce to West Virginia Governor Gaston Caperton

Letters from the Bismarck Chamber of Commerce to the North Dakota Congressional Delegation

Letter from the Mayor of Rensselaer, Indiana to the Indiana Association of Cities and Towns

Letter from the Indiana Association of Cities and Towns to the Mayor of Lebanon, Indiana

Letter from Ohio Governor Voinovich, the Speaker of the Ohio House, and the President of the Ohio Senate to Senator Chafee

Letters from Ohio Governor Voinovich and Lieutenant Governor Hollister to all Ohio mayors and county commissioners impacted by the proposed NAAQS revisions

Letters from Ohio State Senator Scott Oelslager to Newt Gingrich and Trent Lott

Letter from the Alabama Oilmen's Association/Association of Convenience Stores to Alabama Governor Fob James

Letter from the St. Louis Regional Commerce & Growth Association (RCGA) to Missouri Governor Mel Carnahan

Letter from Rhode Island Economic Development Corporation to Rhode Island Governor Lincoln Almond

Letter from Associated Petroleum Industries of Michigan, Michigan Manufacturers Assn., Michigan Chamber of Commerce, Michigan Oil and Gas Assn., Michigan Chemical Council, and the National Federation of Independent Business to Michigan Governor John Engler

American Automobile Manufacturers Association (AAMA) letters to Governors of Missouri and Michigan

Letter from AAMA to the Florida Highway User Organizations

Letter from the Associated Industries of Missouri (AIM) to Missouri Governor Mel Carnahan

Letter from the Associated Industries of Massachusetts (AIM) to Massachusetts' DEP Commissioner David Struhs

Letter from the Associated Industries of Vermont (AIV) to Governor Dean

Letter from the Kentucky Petroleum Marketers Association to Kentucky Governor Paul Patton

Letter from the Virginia Manufacturers Association to Virginia Secretary of Natural Resources, Becky Norton Dunlop

Letter from the Utah Motor Transport Association to the Governor of Utah

Letter from the Arizona Motor Transport Association to the Governor of Arizona

Letter from the Texas Motor Transport Association to the Governor of Texas

Letter from the Hawaii Transportation Association to the Governor of Hawaii

Letter from Montana Motor Carriers Association to Montana Governor Raciote

Letter from Colorado Motor Carriers Association to Colorado Governor Romer

Letter from New Jersey Motor Truck Association to New Jersey Governor Whitman

Letter from Pennsylvania Motor Truck Association to Pennsylvania Governor Ridge

Letter from Rhode Island Trucking Association to Rhode Island Governor Almond

Letter from South Carolina Trucking Association to the South Carolina Congressional Delegation

Letter from the Massachusetts Motor Transportation Association to Massachusetts Governor Weld

Letter from New York State Motor Truck Association, Inc. to New York Governor Pataki

Letter from Associated Motor Carriers of Oklahoma, Inc. to U.S. Senator Inhofe

Letter from Motor Transport Association of Connecticut, Inc. to Connecticut Governor Rowland

Letter from the New Mexico Motor Carriers' Association to New Mexico Governor Johnson

Letter from Ford to Indiana Governor Bayh

Letter from several Texas business and industry groups to the Texas Natural Resource
Conservation Commission (TNRCC)

Letter from the Texas division of Citizens for a Sound Economy to the Texas Natural Resources
Conservation Commission (TNRCC)

Other

Article in *FYI*, ALEC's newsletter

Georgia Chamber of Commerce 1997 legislative agenda recommendations regarding ozone and
PM NAAQS

Conference report from the VA-HUD appropriations bill

Comments from NPRA on the Advanced Notice of Proposed Rulemaking

Comments from AAMA on the proposed rule (12/20/96)

Written statement by the American Road & Transportation Builders Association (ARTBA) for
EPA's January 7 Small Business Outreach Team Meeting

Updated January 24, 1997

Letters from Governors and/or Legislative Activity Regarding OTAG

State	Bill/Resolution or letter	Status	Comments
Alabama	Letter fro Governor James to the Alabama Dept. of Env. Management		Governor James is concerned about the potential impacts of OTAG's recommendations on the economy of Alabama. He recommends that the Alabama Department of Economic and Community Development (ADECA) analyze the economic and employment implications of any measures proposed by OTAG before making any final decisions regarding next steps. He also states that "in order to protect and ensure the economic viability of our state, the benefits should exceed the costs.
Arkansas	Letter from Governor to Carol Browner		Letter from Governor expresses some concern about the OTAG process. Specifically, he states the following: "I do not feel that the OTAG process should be used to gain support for predetermined control measures or to shift the regulatory burden to other states before the states with the ozone problems have made reasonable efforts to control their own emissions." Governor also expresses concern that the principles of sound science and cost-effectiveness are being sacrificed due to time constraints.
Florida	HB 1887	Bill has been signed.	An amendment was attached to the bill in the final hours of the session prohibiting the Dept. of Env. Protection from entering into any interstate agreement relating to the transport of ozone precursor pollutants. The bill also prohibits any modification of the state's rules based upon recommendations from OTAG or any other organization that is not an official subdivision of the U.S. EPA without prior review and specific legislative approval.
Illinois	SB 1408	Bill has been signed.	Bill creates the Interstate Ozone Transport Oversight Act to provide for legislative review of any proposed memorandum of understanding by OTAG, which may require the State to undertake emission reductions in addition to those specified by the Clean Air Act Amendments of 1990. Bill is backed by coal interests.
Indiana	Senate Concurrent	Senate Concurrent	The resolution urges legislative oversight of any proposed

State	Bill/Resolution or letter	Status	Comments
	Resolution #64	Resolution passed both houses and took effect without the Governor's signature.	interstate agreement related to control of atmospheric ozone beyond the requirements of the Clean Air Act.
Louisiana	Letter from Governor Foster to Carol Browner		The letter addresses potential NOx disbenefits in Louisiana and states that OTAG should "provide a cause and effect relationship between emissions in Louisiana and ozone in the northeastern U.S. or any other state." Governor Foster also points out that OTAG controls could be very costly to his state, but advises EPA that, "Before our state enters into any interstate agreement the environmental benefits of such emission controls will be thoroughly weighed against any adverse effects such controls might have on state economic development, competitiveness, employment, or income." Finally, the letter addresses OTAG's ambitious schedule and urges "those guiding the OTAG process to re-evaluate the time constraints so that more accurate modeling and thorough cost benefit analysis can be employed."
Maine	Letter from Governor King to all northeastern governors		Governor King is clearly an advocate of more stringent controls on the midwest states. He urges the northeastern states to "come together" to ensure that OTAG produces results. Governor King is particularly concerned about the transport issue in light of utility deregulation.
Oklahoma	Letter from Governor Keating to Carol Browner		The letter from Governor Keating focuses on his opposition to a seasonal NOx control program. In addition, he states that, "the states included in the ozone transport region should do everything possible to reduce their emissions prior to imposing economic hardships on other states outside the Ozone Transport Region."
Rhode Island	SB 3341	Bill introduced on May 16, 1996 and referred to the Senate Committee on Health, Education, and Welfare.	Would establish the Interstate Ozone Transport Oversight Act. It would require public hearings and legislative review of any proposed interstate agreement related to ozone transport if such agreements would result in emission controls in excess of federal standards.

State	Bill/Resolution or letter	Status	Comments
		Legislature close to adjournment. Final action not likely this session.	
South Dakota	Letter from Governor Janklow to Carol Browner		Governor Janklow is concerned that South Dakota will be forced to implement costly controls although it is not a contributor to the ozone transport problem. The Governor would like OTAG to remove South Dakota from the OTAG process; however, barring that option, he wants OTAG to have enough time and flexibility to complete its scientific analysis.
Vermont	SB 340	Legislature has adjourned. No final action was taken.	This bill is really an OTC oversight bill. When the bill was originally written, OTAG had not yet been formed. SB 340 proposes that before the Secretary of Natural Resources may establish emission control requirements, the General Assembly shall approve those requirements.
Virginia	HB 1512	Bill has been signed. Effective 7/1/96	Law prohibits state agencies from entering into any agreement related to the transport of ozone if the proposed agreement contains emission requirements exceeding federal law. The bill also requires the Dept. of Economic Development and Env. Quality to conduct a study of the impact of such a proposed agreement on the state's economy.
West Virginia	Committee Substitute for HB 4523.	Bill has been signed.	Requires prior legislative review and approval of any proposed interstate MOU or MOA related to the transport of ozone that results from OTAG or similar groups. The bill also requires that a hearing be held and a report issued addressing the energy use, tax, economic development, utility costs and rates, competitiveness and employment impacts of any proposed interstate agreement related to the transport of ozone.

Updated on January 15, 1997

1-5-97

OTHER OTAG ACTIVITIES

Group	Resolution, Letter, or Other	Comments
Alabama	Letter from Speaker of the House to Carol Browner	The letter expresses concerns about OTAG's focus on utility and motor fuel control strategies. The Speaker is also concerned that OTAG's tight deadline does not allow a proper evaluation of the proposals and may place OTAG in the position of making recommendations that do not reflect the best scientific knowledge.
Arkansas	Letter from Speaker of the House to Carol Browner	The letter urges EPA to extend the OTAG deadline, allow time to adequately test and verify the accuracy of the OTAG computer model, include elected officials in OTAG's membership, include a cost benefit analysis for all recommended strategies, and avoid costly regional fuel mandates that may benefit only a few states.
Iowa	Letter from Environmental Protection Division to Mary Gade	Letter states that Iowa does not support the OTAG process. Iowa's specific concerns are that the state did not contribute to ozone formation on any of the days selected for modeling, there appears to be an overall "rush to judgment," and the model being used may have serious flaws.
Iowa	Letter from Iowa Department of Natural Resources to Mary Gade	The letter indicates that Iowa is becoming increasingly concerned about its inclusion in the OTAG process, especially given OTAG's recent modeling results. The letter also states that if Iowa is an insignificant contributor to ozone transport, then the same can likely be said about ND, SD, NE, KS, MN, and OK. Further, Iowa is concerned that science is being ignored as participants in OTAG continue to suggest that controls should be placed on all OTAG states. Iowa feels that this concern is being ignored and, if it is not addressed soon, Iowa is prepared to write a dissenting report to OTAG that it hopes several states will join.
Kansas	Letter from Kansas Dept. of Health and Env. to Mary Gade	Kansas is concerned about its inclusion in the OTAG domain. The state maintains that it is not a significant contributor to the air quality problems in nonattainment areas of interest to OTAG. The letter urges development of a screening strategy that would redefine the OTAG region and would exclude fringe states, such as Kansas, from the process.
Kentucky	Letter from Kentucky Natural Resources Secretary Bickford to Mary Gade	This letter clarifies the July 8 letter Secretary Bickford signed jointly with six other air quality officials from the southeast (see below), and amplifies Bickford's concerns about the impact of OTAG activities on Kentucky.

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Group	Resolution, Letter, or Other	Comments
Minnesota	Letter from MN Chamber of Commerce to the MPCA	The letter notes that EPA intends to issue a SIP call before the third round of modeling is complete. The third round of modeling would “examine sound criteria by which states can be released from participating in emission reduction measures proposed for the 37 state OTAG region.” The letter encourages the MPCA to ask the Governor to write to Mary Nichols and request that EPA withhold action until the third round of modeling is complete.
Nebraska and South Dakota	Letters from both states to Mary Gade, which prompted a response from Gade	Letters question the inclusion of these states in the OTAG process.
North Dakota	Letter from Senator Dorgan to Carol Browner	Senator Dorgan is concerned about North Dakota’s inclusion in the OTAG process. He explains that although North Dakota is in attainment of the current ozone standard, it might be required to implement costly new controls for the benefit of east coast states with higher emissions. In addition, Senator Dorgan asks that “any further restriction on emissions, especially on states that have achieved attainment, should be based on sound scientific analysis and be carefully reviewed by Congress.”
North Dakota	Letter from Senator Kent Conrad to Carol Browner	Senator Conrad is concerned that OTAG will recommend emissions reductions in North Dakota that will result in little or no improvement in air quality in the nation’s problem areas.
Texas	Letter from Commissioner of the Texas Natural Resource Conservation Commission to Mary Gade	The Commissioner expresses concern that OTAG will be used to gain support for predetermined control strategies or to shift the regulatory burden to other states. The Commissioner also expresses concern that sound science may be sacrificed to meet tight deadlines.
American Legislative Exchange Council (ALEC)	State Factor	The State Factor, ALEC’s white paper series, is mailed to all ALEC’s legislative and private sector members, media contacts, and governors. This particular State Factor will be mailed to all 7500 legislators nationwide. It focuses on the lack of state legislative oversight for OTAG’s activities.
American Legislative Exchange Council (ALEC)	Model Legislation	ALEC has adopted a model Interstate Ozone Transport Oversight Act.
Southern Governors’ Association	Resolution	The resolution urges EPA to provide OTAG with adequate time to complete the technical work required to address transport issues. The resolution also encourages active participation of state elected officials in the OTAG process and advocates consideration of cost-effectiveness and the use of sound science when selecting control strategies.

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Group	Resolution, Letter, or Other	Comments
Midwest Governors' Association	Resolution	The resolution requests that EPA allow adequate time for OTAG to complete its analyses, which should be based on sound science and cost-effectiveness. It also requests that OTAG encourage oversight by state elected officials.
Energy Council	Policy Statement	The policy statement recommends that OTAG and EPA allow time to carefully consider proposed emissions restrictions and base such requirements on verifiable scientific data and cost benefit analysis. The statement also calls for legislative and gubernatorial approval of such agreements.
Energy Council	Letter to Carol Browner	A letter to Carol Browner was signed by 33 of 36 Energy Council legislators registered for the June 16-18, 1996 Energy Council meeting. The letter calls for EPA to base any control strategy on sound science and accurate economic analysis. The letter also calls for an endorsement of that control strategy by appropriate state legislative and executive branch officials before it is implemented.
Central States Air Resources Agencies (CenSARA)	Resolution	The CenSARA resolution calls for the use of good science and cooperation of affected states in OTAG's assessment of VOC, NOx and ozone transport issues. Further, the resolution calls for EPA to allow sufficient time to refine the accuracy of the computer model being used to evaluate the problem. The members also request that regional control strategies be applied so that they are proportional to each individual states' contribution to the transport problem.
Group of 7 southern state OTAG officials	Letter to Mary Gade	The seven states signed on to a letter stating that "it is essential that technical analyses performed by OTAG meet acceptable standards, particularly if future regulatory actions are to be based on those analyses." The letter also expresses concern about the poor results of OTAG's initial modeling.
Council of State Governments	CSG has included the Ozone Transport Oversight Act in its 1997 volume of <u>Suggested State Legislation</u> .	The CSG Committee for Suggested State Legislation decided to include the West Virginia Ozone Transport Oversight Act in its 1997 volume of <u>Suggested State Legislation</u> (SSL). The SSL series is designed by CSG to inform state policy makers on a broad range of legislative issues and is looked upon as a guide to areas of current interest in the states. The West Virginia bill was selected by the SSL Committee based on a number of criteria, chief among them is that it provides a practical approach to address an issue of national significance.
Southern Legislative Conference	Policy Statement	The policy statement encourages EPA to allow adequate time for OTAG to complete its extensive technical work. Specifically, the Southern Legislative Conference requests that EPA allow OTAG to complete the complex modeling process without the imposition of arbitrary deadlines. In addition, the policy

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Group	Resolution, Letter, or Other	Comments
		statement encourages the active participation of elected state officials and supports the concepts of sound science and cost-effectiveness.
Midwestern Legislative Conference	Resolution	This resolution is essentially the same as the one passed by the Midwest Governors' Conference. The resolution requests that EPA allow adequate time for OTAG to complete its analyses, which should be based on sound science and cost-effectiveness. It also requests that OTAG encourage oversight by state elected officials.
National Council of Farm Cooperatives (NCFC)	Agreed to make contact with Carol Browner	NCFC has agreed to contact Carol Browner.
Southern States Cooperative (member of NCFC)	Letters	The Southern States Cooperative, a member of the NCFC, has agreed to send letters to various U.S. Senators, Representatives, state governors and selected members of state legislatures in relevant states.
Missouri Farmers Association (member of NCFC)	Letters	The Missouri Farmers Association, a member of the NCFC, has agreed to send letters to various U.S. Senators, Representatives, states governors and selected members of state legislatures in relevant states.
CENEX, Inc. (member of NCFC)	Letters	CENEX has sent 34 letters to various U.S. Senators, Representatives, state governors and selected members of state legislatures in the CENEX territory. The letters are intended to educate these officials on the OTAG issue. Note that CENEX is a midwest farm cooperative.
American Farm Bureau Federation	Letter	The letter recommends (1) broadening OTAG representation to include elected officials; (2) consideration of costs when assessing potential OTAG recommendations; and (3) extending the deadline for OTAG recommendations.
Iowa Motor Truck Association	Letters to Mary Gade and Carol Browner	The letters state that "it is unlikely that Iowa could be a significant contributor of NOx to the Chicago-Milwaukee area." However, the letter expresses concern that OTAG is still examining regionwide and/or national emission control options. Attached to the letters is the Foundation for Clean Air Progress paper showing that the air is getting cleaner in Iowa.
North Dakota Petroleum Marketers Association	Letter to ND Governor, Ed Schafer	The marketers question both the need for OTAG and the need for costly OTAG controls in North Dakota. The Marketers are particularly concerned about an OTAG fuel that could reduce competitiveness of North Dakota marketers with Montana (a non-OTAG state) marketers, who would not be required to sell the fuel.
North Dakota Motor Carriers Association, Inc.	Letter to ND Governor, Ed Schafer	The motor carriers are concerned about the potential for an OTAG diesel fuel. They feel it is not scientifically proven or cost-effective and they are requesting that Governor Schafer closely monitor OTAG's activities and allow the business

1-658

Group	Resolution, Letter, or Other	Comments
		community to work with government to assess this issue.
South Dakota Trucking Association	Letter to SD Governor Janklow and Mary Nichols	The truckers are concerned about the potential for OTAG to recommend an OTAG diesel fuel that will be costly to manufacture. The truckers request more careful monitoring of OTAG's activity. They have also enclosed the Midwestern Legislative Conference resolution for reference.

Updated January 15, 1997

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RECOMMENDED AIR QUALITY CONTROL MEASURES
KANSAS CITY METROPOLITAN AREA
AIR QUALITY FORUM - MID-AMERICA REGIONAL COUNCIL

MAJOR STRATEGIES

Public Education. The Air Quality Forum recognizes that public education will be vitally important to building community support and obtaining community commitment to implement the recommended control strategies. The Forum recommends that MARC, in cooperation with the two states, local governments, EPA, private business, and health and environmental groups work together to design and carry out a public awareness and education campaign to build understanding of the importance of clean air to the Kansas City community and the need for all sectors of the community to be involved in addressing air quality problems.

CONTROL STRATEGIES.

The Air Quality Forum recommends the following four major control strategies to address the Kansas City region's problems with ozone pollution.

Low RVP Gasoline. 7.2 Reid Vapor Pressure gasoline will be provided to the Kansas City metropolitan area during the high ozone season (June 1 - September 15) of each year, beginning with the 1997 ozone season. It is expected that the additional cost for this less evaporative gasoline will be passed on to the consumer at one to two cents per gallon.

Motor Vehicle Inspection Program. A motor vehicle inspection and repair program will be designed and implemented. The program could range from a minimum of an anti-tampering and pressure check inspection to ensure the presence and proper functioning of the vehicle's pollution control equipment and fuel systems to a more rigorous enhanced inspection and maintenance program that tests vehicle emissions at varying driving speeds and conditions. The determination of the specific inspection program will be based on the results of more extensive discussions with local and state elected officials, further examination of the various options and additional public involvement. The discussions on program design will include the consideration of features identified by the Air Quality Forum as appropriate for metropolitan Kansas City, including a biennial inspection program, a centralized program design, an exemption for pre-1971 model year vehicles and vehicles driven less than 1,000 miles/year, a cap on the amount that owners would be required to pay to repair their vehicles, and payment of an inspection fee by vehicle owners to cover the cost of the program. The use of remote sensing technology will also be examined as a possible component of whatever inspection program is determined to be appropriate.

Seasonal No-Fare Transit. The area's transit providers, the Kansas City Area Transportation Authority, Johnson County Transit and The Bus (Kansas City, Kansas) would provide no-fare transit during the high ozone season (June 1 - September 15), beginning in 1997. Funding to support this strategy has not been identified.

Clean Fuel Fleets. Public and private fleet operators would be required to switch a portion of their fleets to less polluting fuels, such as propane or compressed natural gas. This program would be designed to exceed the fleet requirements of the federal Energy Policy Act. State tax credits could be used by private fleet operators to assist in covering the initial capital investment. Public fleets would need to identify a funding source.

SUPPLEMENTARY MEASURES

The Air Quality Forum recommends that the region evaluate and design specific program initiatives in the following areas that have the long-term potential to reduce ozone-forming emissions.

Enhanced Traffic Signalization. Identify specific high traffic congestion corridors in the five county region and design a traffic signalization improvement program to improve traffic flow. The evaluation will include an analysis of possible funding sources to support the improvements to the existing system of traffic signals.

Expanded Transit System. As part of the update of the region's Long-Range Transportation Plan, identify improvements to expand the transit system serving the five county metropolitan area. The evaluation will include an analysis of possible funding sources to support the expansion. The plan will also include an analysis of scheduling, routing, private contractor and bus size issues.

Land Use Planning. MARC is making a commitment to work with area local governments to plan for growth and development in ways that encourage more efficient travel patterns

Stationary Emissions. Additional air quality control measures proposed by the Air Quality Forum concentrate on sources of mobile emissions because they are the primary contributor to the region's air quality problems and are relatively cost-effective to control. In addition, other sources, including some major industries, have significantly reduced emissions in recent years. However, recognizing the importance of a comprehensive community strategy, MARC commits to initiate a process to explore the potential to achieve additional emissions reductions from stationary sources, including both small and large emitters. This process will be undertaken in cooperation with state and local air agencies, business, industry and other affected parties. It will examine the need, cost-effectiveness and impact of potential control measures. The process will include a particular examination of sources not currently regulated, and it will also place a priority on ways to broaden voluntary efforts to reduce stationary emissions. An appropriate plan of action will be developed as part of this process.

Expanded Heartland Sky Program. Recognizing that public awareness of the air quality problem is important toward building community support for any recommended control measures, the region will continue to improve and expand its Heartland Sky program. This program seeks to inform residents, employers and public agencies of voluntary actions that will have a positive impact on the region's air quality.

Air Quality Data Collection. Local and state air agencies, MARC and EPA will collect and analyze additional information about emissions and the various sources of pollutants, including industry, vehicles, and lawn and recreational equipment. The region will work toward more regular updates of the community's emissions inventory.

7/25/96

**TESTIMONY SUBMITTED TO
THE SENATE ENERGY & NATURAL RESOURCES COMMITTEE
By
SUNFLOWER ELECTRIC POWER CORPORATION**

February 14, 1997

**COMMENTS ON
SENATE BILL 208**

Thank you, Mr. Chairman and members of the Committee, for providing us time to share with the you our thoughts on Senate Bill 208.

My name is Steve Miller. I am the Senior Manager, External Affairs for Sunflower Electric Power Corporation. Sunflower provides wholesale power throughout the western one-third of Kansas to the 150,000 people served by the seven rural electric cooperatives that own Sunflower.

Senate Bill 208 provides for appropriate legislative review of current regulatory activities relating to the phenomenon known as ground-level ozone transport. This phenomenon has been blamed for the failure of many eastern cities from Washington, D.C. to Boston (known as the Ozone Transport Region), and the Greater Chicago and Atlanta areas, to achieve the current standards for ambient air quality for ozone that were established by the EPA in 1979. Indeed ground-level ozone concentrations in certain areas of the 11 northeastern states and Washington D.C. are nearly twice the federal standard. This in spite of nearly 20 years of efforts to improve the air quality in these areas.

Ozone is not really emitted from any source in significant quantities. Rather ozone is the chemical reaction of certain ozone precursors in sunlight in the atmosphere. These precursors are chiefly nitrogen oxides, hydrocarbons, and volatile organic compounds. The sources that contribute most to the high levels of precursors within any region are utility and industrial plants, known as point sources, and area sources that are largely transportation related.

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Attachment 2*

In 1995 EPA established the Ozone Transport Assessment Group, known as OTAG to evaluate the extent that states outside the Ozone Transport Region are responsible for these pollution problems. The OTAG region, initially 31 states, now includes portions of 37 states, including the eastern half of Kansas. Membership in the group was not voluntary. The Kansas Department of Health and Environment (KDHE) delegation to OTAG has worked to assure that the data necessary for the models was as accurate as is possible. They have held to the proposition that the Kansas contribution to eastern pollution is so unlikely that any application of good scientific models will clearly demonstrate this truth and prove that no further source controls would be warranted. Sunflower concurs with and appreciates their diligence with regard to this position.

The entire OTAG group is charged with making recommendations to EPA for resolving this problem. The EPA Assistant Administrator, Mary Nichols, in the January 6, 1997 federal register stated that "EPA anticipates that the (proposed rule) will propose overall amounts or ranges of NO_x and/or VOC emission reductions that each state would need to achieve to reduce the boundary condition concentrations of ozone and its precursors."

It is now difficult to imagine how any recommendations that OTAG might make to EPA that would not be heavily influenced by the more populated (and more polluted) eastern and mid-western states, and by EPA's apparent pre-determination that the solution must involve all 37 states.

OTAG has established a special committee, the goal of which is to produce the appropriate educational and public relations material to persuade individual state legislators to support the recommendations made by the overall OTAG group. Perhaps in anticipation of the recommendations, EPA has already issued advanced notice of calls on the states, including Kansas, to identify their contribution to the ozone

transport problem. This action can begin the process that may eventually result in additional controls being placed upon Kansas sources—controls the minimum costs for which would easily be placed in the tens of millions of dollars.

But the results of all the studies aren't in, and they probably won't be completed until early April. In fact, some of the results in the first two rounds of highly specialized atmospheric modeling may indicate that only a fraction of the ozone problem may originate outside the Ozone Transport Region itself. A third round of modeling has begun that will more clearly indicate the amounts of nitrogen oxide reductions that might be required within the 37-state region to achieve the current standards. In at least one of those model runs, additional pollution controls are assumed for eastern Kansas utility sources that operate east of the 99th meridian which is located near Larned, Kansas. Some scientists have even called into question the treatment of transportation sector areas sources within the model.

Recommendations for controls probably won't come from OTAG until early May. While we cannot understand how additional control for Kansas sources would finally be recommended by OTAG, Sunflower believes that the pressures on OTAG to include everyone in the solution will be immense. Legislative initiatives, like SB 208, may well serve to limit the recommendations that might otherwise be made by those in the eastern states. We support the legislative oversight to this EPA process that would be assured by this bill.

State of Kansas

Bill Graves



Governor

Department of Health and Environment

James J. O'Connell, Secretary

Testimony presented to

Senate Environment Committee

by

The Kansas Department of Health and Environment

Senate Bill 208

The Ozone Transport Assessment Group (OTAG) is a 37-state consortium of states formed to develop recommendations (for submission to EPA) for reducing violations of the ozone air quality standard in the northeastern United States. The OTAG group was created when a number of problem area states in the northeast petitioned the EPA for additional time to comply with federal Clean Air Act (CAA) requirements in order to investigate the contribution that transported ozone was making to their compliance problem. The concept was that they would be unable to comply with the standard no matter what action they were to take if problem amounts of ozone were blowing in from neighboring states. OTAG was formed pursuant to a March 2, 1994 EPA memorandum which recognized that in general, many states were unable to complete the state implementation plan requirements within the deadlines prescribed in the Clean Air Act due to circumstances beyond their control. In particular, the states were hampered by unavoidable delays in developing necessary technical information to verify or discount this problem. OTAG is not a legally-constituted entity and carries no authority other than the commitment to submit a technical report to EPA.

The state of Kansas did not join OTAG. Kansas was drawn into OTAG because the boundary of the air dispersion modeling domain being used by OTAG dissected Kansas at the 99th meridian (just west of Great Bend). KDHE staff have been monitoring the work of OTAG closely through attendance at numerous meetings and conference calls, review of written material, and evaluation of modeling runs to assure that emission sources in Kansas were not being erroneously blamed for a downwind states problem. OTAG technical conclusions derived from the results of recent modeling of the impact of emissions from the central United States has shown that Kansas is not a significant contributor to this problem. However, we continue to remain concerned the OTAG process remain on a firmly sound scientific and technical basis. In addition, recent discussions of a "cap and trade" approach also cause some concern. I have an example of the modeling products and am willing to explain the approach.

Senate Bill 208 requires the Director of the Bureau of Air and Radiation within KDHE to submit any OTAG MOU or agreement to the House Committee on Environment and Senate Committee on Energy and Natural Resources for review. It further prohibits entering into any such agreement until this review is complete. Senate Bill 208 also requires the reviewing committees to hold hearings and to submit their findings to the Governor. Finally, Senate Bill 208 requires KDHE to prepare and submit an environmental benefit statement and an economic impact statement similar to those required at K.S.A. 77-416 at least 10 days before the public hearings.

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Attachment 3

The department has grave concerns with SB 208 for several reasons. First, the provisions are largely not needed. The OTAG group will not issue an MOU or similar document. Rather it will prepare a report to forward to the headquarters of US EPA. This report will be used along with other information to develop and review individual state implementation plans (SIP). The extent to which state SIPs might be required by EPA to reduce emissions will at that point become a matter of federal law and federal authorities. Senate Bill 208 will have no impact on this process. To date, the group is also in general agreement there will not be a formal consensus due to disagreement over which states should be included in the control areas. This report will be submitted to EPA headquarters with or without Kansas' approval.

Second, the bill requires extensive consultation and review. This consultation may take a considerable amount of your time and ours. The explanation of all impacts, assumptions, options, modeling and ramifications of the OTAG report is a very detail-rich discussion.

Third, the requirement for an environmental benefit and economic impact statement sounds like a reasonable approach. It should, however, be noted the OTAG report and recommendations will encompass 37 states with their wide variety of sources, air quality conditions, and impacts. The OTAG product will not differentiate among the individual states in the modeling area. We would be forced to either produce a total review of the OTAG multistate product or perhaps develop Kansas-specific estimates with independent modeling domains. Either approach will be costly. Since the EPA is funding the OTAG effort directly, it is likely the source of funds will be the state.

In addition, there are several misleading provisions in SB 208:

Section 1(b) - EPA did not create OTAG, the states did. The northeastern states who originally formed the group have been very vocal during the meetings on the multistate nature of this process.

Section 3(a) - OTAG is not going to develop any MOU or agreement for signature by the states; the Director of the Bureau of Air and Radiation is not the state's representative to OTAG, the Director of the Division of Environment is the state's representative.

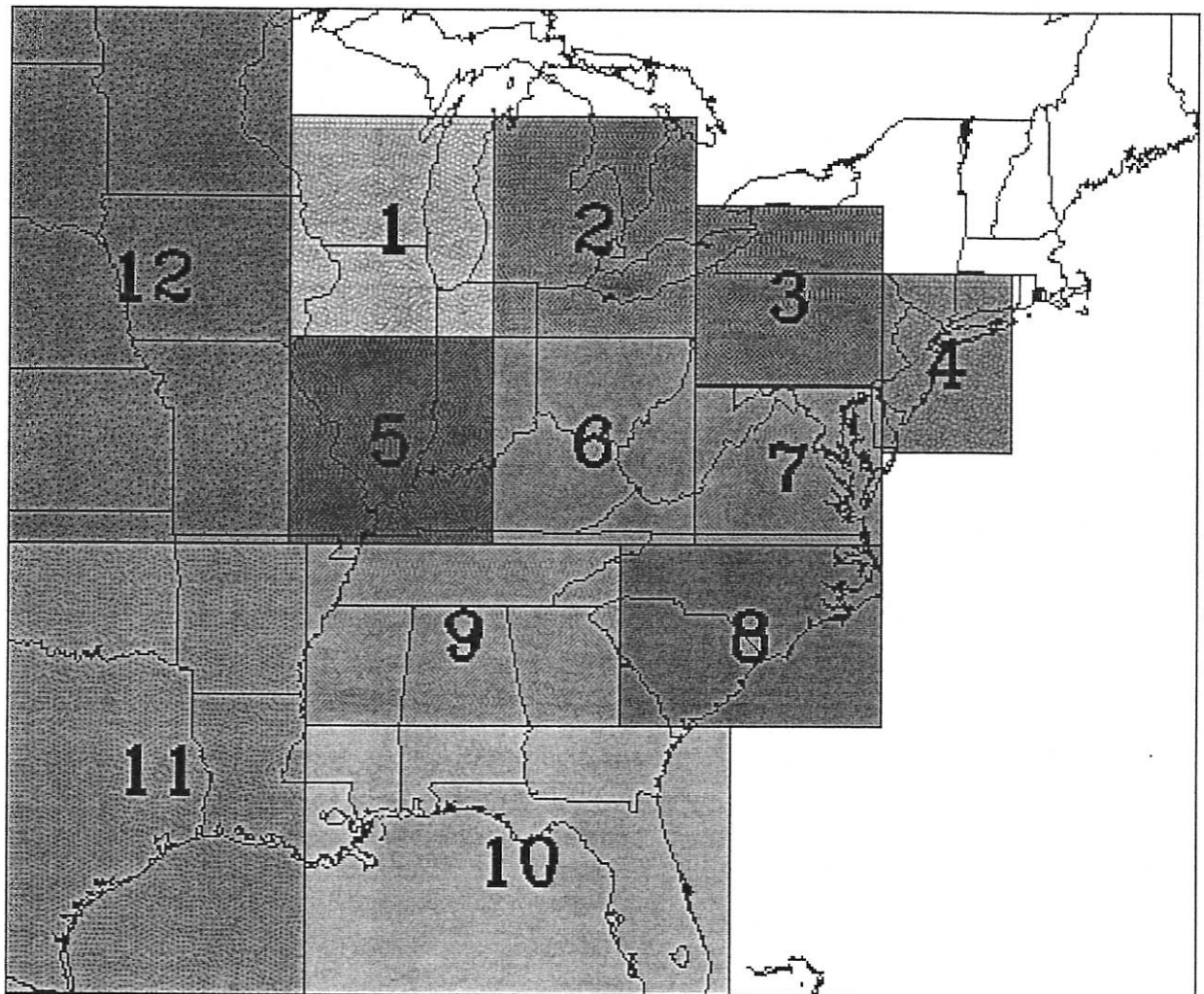
Section 3(b) - OTAG is not going to develop any state-by-state documentation of its findings; therefore, comment on any recommendations for presentation at hearing would be impossible for KDHE to develop and evaluate.

Conclusion:

For the reasons stated above, the department recommends a careful review of the necessity for the passage of SB 208 in light of the multistate nature of the OTAG process.

Testimony presented by: John Irwin, Director
 Bureau of Air and Radiation
 February 14, 1997

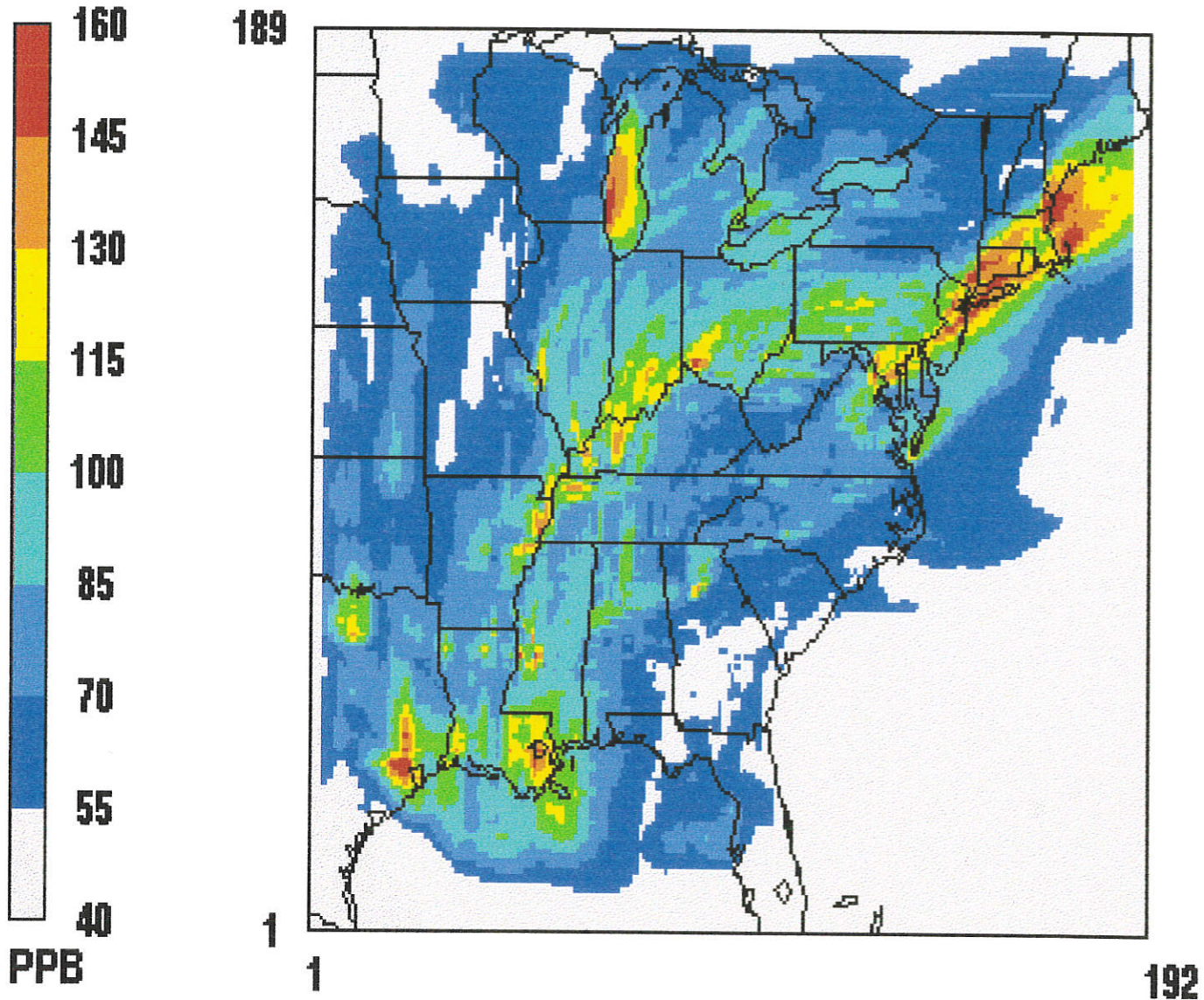
Twelve OTAG Sub-regions For Geographic Sensitivity Runs



FAVE by MCNC

Episodic Peak Ozone: Sens 81

Sens 81 = Sens '5c' controls in Subregion 12
OTAG -- Midwest Modeling Center

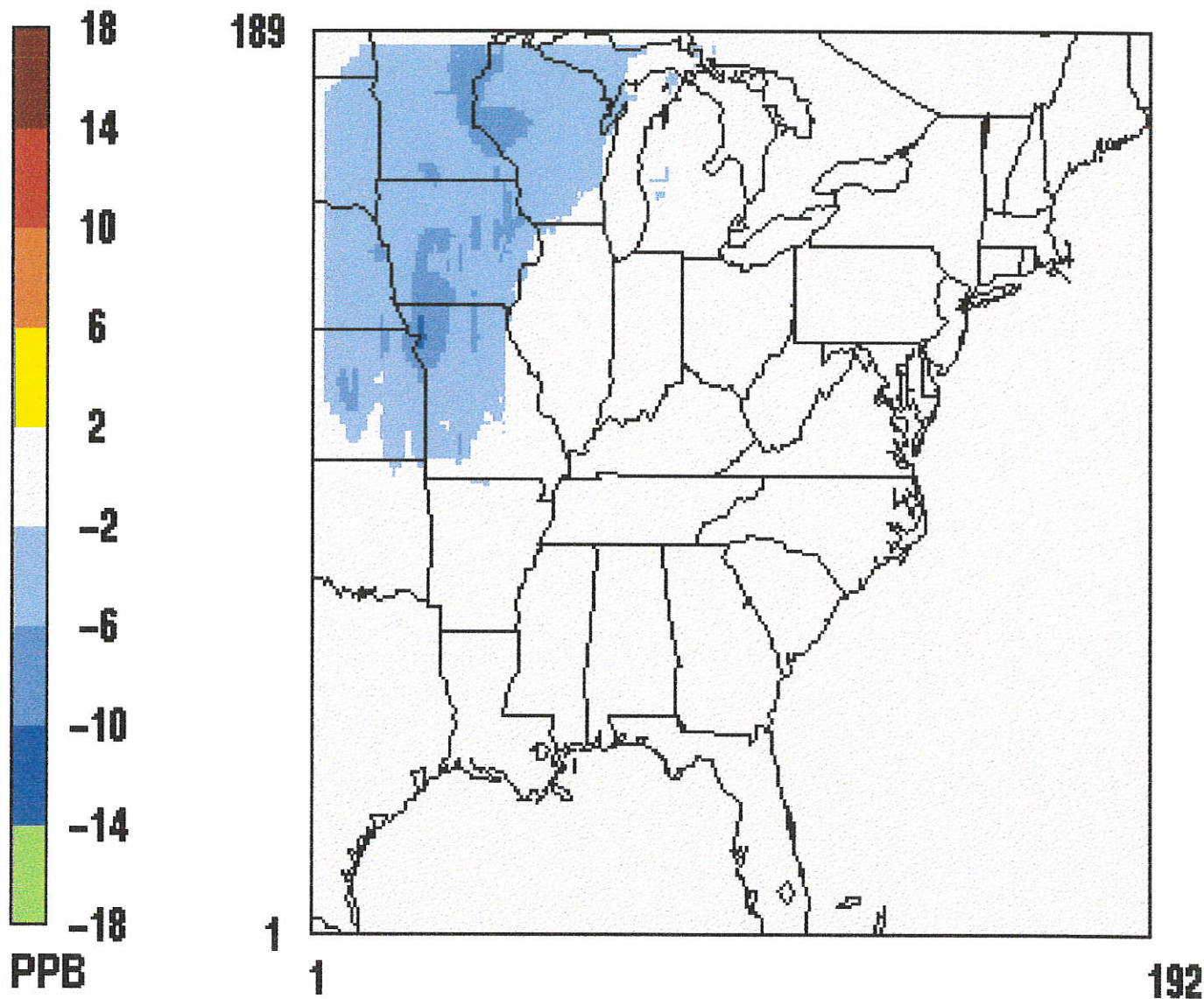


July 16, 1991 0:00:00
Min=-999 at (1,1), Max= 186 at (23,35)

FAVE by MCNC

SubReg 12: "5c" Emis Reductions

Episode Composite decrease (daily max O3): July 91
OTAG -- Midwest Modeling Center (Sens 81)



July 16, 1991 0:00:00
Min= -11 at (26,125), Max= 0 at (1,1)

Testimony In Support Of SCR 1608

My name is John J. Federico, of Pete McGill & Associates, and I am here on behalf of the Kansas Coalition For Vehicle Choice. We have as members, over 300 businesses, associations and groups from across the State, representing tens of thousands of Kansans who share a common belief that the protection of the environment is a worthy goal, but that it must be accomplished by reasonable means and only after striking a balance between government intrusiveness and the health of our citizenry!

CVC works to protect American's rights to choose and use the kinds of motor vehicles that meet their individual needs and to increase public understanding of the effect public policy proposals, such as the ones the Environmental Protection Agency is currently considering, can have on their freedom of choice, their mobility, and ultimately, their lifestyles!

Yes, it is imperative that the government continue to develop public policies that address legitimate energy and environmental concerns. However, CVC believes the government also has an obligation to do this with great caution and careful consideration. Thusly, the government must consider, and work to protect, personal mobility and the needs of car and truck users for safe and affordable transportation.

Let us not forget that the air we currently breathe is considerably cleaner than it was 25 years ago. The EPA, who by their own accounts have reported that major pollutants are down nearly 30% and smog and particulate matter have also been substantially reduced. Additionally, automobile manufacturers are producing cars with emissions that are 96% cleaner than they were 25 years ago. In fact, the mislabeled "great polluter", the automobile, is no longer the main cause of air pollution in major cities! (This from a study by the American Automobile Association).

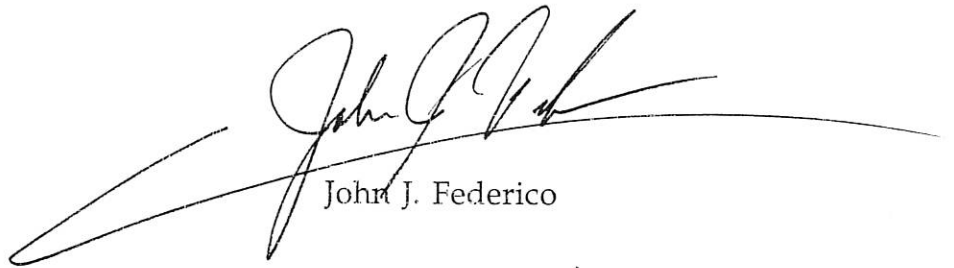
This then begs the question; How clean is clean enough?! How much are people willing to do without, for negligible gains in air quality? Knowing that we now breathe significantly cleaner air, ...and that the United States currently has the most stringent pollution controls in the world, why is the EPA dramatically tightening of the standards for ozone and particulate matter? More puzzling is the speed at which the EPA is attempting to force communities into compliance of yet to be determined new standards! The stakes are high for communities and consumers

*Sen Energy & Nat Res
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attachment 4 4-1*

across the nation and I question whether the EPA is basing its decision for new standards on sound scientific information and only after carefully conducting a cost - benefit analysis as required by law!

Kansas of course, is not immune from these stricter standards. Through increased pesticide management and soil conservation, our rural Kansas farmers and ranchers will suffer. Through the forced use of synthetic baghouses our aviation industry will suffer. Through mandatory state-run emissions inspections, all vehicle users will suffer. In short, in Kansas, from small businesses to major employers, to tailgaters at Kansas City Chiefs football games, no one will escape the consequences that stricter standards in ozone and particulate matter will bring! Accordingly, on behalf of Kansas Coalition For Vehicle Choice, I ask that you support SCR 1608.

Thank you for your time.



John J. Federico

KANSAS/CVC MEMBERSHIP

As of February, 1997

AAA Kansas
A Plus Trucking
A Total Image
A.B. Flint Motor Co.
ABC Rentals, Inc.
ABZ Manufacturing, Inc.
Abilene Convention & Visitors Bureau
Absolute Security
Acme Foundry, Inc.
AJ's Import Garage, Inc.
All City Locksmith
All Freight Systems
Alliance Insurance Companies
American Agricultural Law Assn.
American Bar Assn./Student Division
The Appliance Shop
Apico Corporation of Girard
Aristocrat Motor Company, Inc.
Arkheaven
Ashley Investments
Auto Partsmith
Automotive Machine
Autosport
Baker Roofing Co., Inc.
Bank of Commerce - Chanute
Bayer Construction Co., Inc.
Becker Tire and Retreading
Beckham Motorsports
Bell's Skeet Lessons
Berger Automotive
Big Top Popcorn Company
Bill Kobach Buick
Bird's Nest Tree Farm
Blondie's
Boeing Emp. Association
Bonnie's Cakes
Bowtie Vintage Tin
Breckenridge Place
Brian's Bottomline Business Solutions

Brown's Shotgun Ammo & Reloading
Bud Newell & Associates, Inc.
Built Environment Consultants, L.L.C.
Burgess & Associates
C & O Motorsport
CHO Motor Sports
C.J.S. Industries
CNA Architects, L.L.C.
Capital Limo
Casey's
Catalytic Industrial Group
Cedar Hill Gun Club
Cellular One - Topeka
Champions, Inc.
City Attorney's Office/City of Topeka
City Auto Supply
City of Pittsburg, Ks.
Coca-Cola of Topeka
Colby Convention & Visitors Bureau
College Body Shop
Community Paging
Corvette Clubs of K.C.
Creative Marketing Unlimited, Inc.
Critical Connections Internations
D.K. Berry Remodeling
Dale Sharp, Inc.
Darrell's Texaco Service
Delta Theta Phi Legal Fraternity
Dennis Hagemann Remodeling & Repair
Larry Devine
Diamond Simmental
Dodge/Carroll Electronics, Inc.
Door Controls Inc.
Douglass County Ambulance Service
Downey Liquor Store
Dustrol, Inc.
Dynamic Representations
Easton's LTD Mens Store
Ed Bozarth Chevrolet/Geo
Elliott Chevrolet
Exide Batteries
Feight Consulting
Feuske Farms
Fisher, Cavanaugh & Smith
Garden City Area Chamber of Commerce
Gary Haulmark & Associates
Gary Hardy Dodge
Gerald W. Scott, P.A.
Gerlach Builders
G.L.D. Rental Management
Goodart Construction
Goodland-Sherman County Convention & Visitors Bureau
Grace Retail Liquor
Greater Topeka Chamber of Commerce
Gregg Tire

Griggs Construction
 Hallmark Cards
 Hamel Electric
 Hansen's Gunsmithing
 Hartland Farms, Inc.
 Hartland Ridge Gun Club
 Hays Area Chamber of Commerce
 Hays Convention & Visitors Bureau
 Heartland Mopar Club
 The Heavy Constructors Association of the Greater K.C. Area
 Heck & Sheppard, P.A.
 Hendrick Automotive Group
 Heniz Pet Products
 Hercules Tires/Royal Tire of Topeka
 Heritage Motors
 Highway Users Federation for Safety & Mobility
 Horse Crazy Magazine
 Horsemen's Benevolent & Protective Association - Kansas Affiliate
 Humbolt Hardware & Sporting Goods
 Hutchinson, Kansas Police Department
 Hygienic Dry Cleaners, Inc.
 The I-70 Association
 In-Out Auto
 International Law Society
 International Lubrication Laboratories, Inc.
 J. Aurelius Photography
 James Lincoln-Mercury GMC, Inc.
 Jennison Ranch
 Jim Allen Associates
 Joe Conroy Contractor, Inc.
 John Hoffer's Chrysler Plymouth
 Junction City-Geary County Convention & Visitors Bureau
 Just for Fun
 K.C. Bobcat, Inc
 Kansans for Highway Safety
 Kansas Association of Wheat Growers
 Kansas Automobile Dealers Association
 Kansas Awards
 Kansas B.A.S.S. Chapter Federation, Inc.
 Kansas Bar Assn./Student Division
 Kansas Building Industry Association
 Kansas Chamber of Commerce & Industry
 Kansas Chapter of the Pontiac-Oakland Club International
 Kansas City Convention & Visitors Bureau
 Kansas City, Kansas Area Chamber of Commerce
 Kansas Cooperative Council
 Kansas Corn Commission
 Kansas County Appraisers Association
 Kansas Credit Union Association
 Kansas Department of Transportation
 Kansas Engineering Society
 Kansas Farm Bureau
 Kansas Fertilizer & Chemical Association
 Kansas Grain & Feed Association
 Kansas Hearing Aid Association, Inc.

Kansas Highway Users Federation
Kansas Horse Council Connection
Kansas Kampers
Kansas Livestock Association
Kansas Lawn & Garden, Inc.
Kansas Motor Carriers Association
Kansas Petroleum Council
Kansas Railroads
Kansas Sheep Auxillary
Kansas Skeet Shooting Association, Inc.
Kansas Soybean Association
Kansas State Troopers Assn.
Kearney and Associates, Inc.
Kent Fence Co.
Krieghoff by Jolly
Laird Noller Ford
Lake Garnett Cruisers Car Club
The Land Company
Landmark Appraisal, Inc.
Larry's Glass
Lawrence Convention & Visitors Bureau
Lesh Motors
Lewis Auto Salvage
Life and Safety Products, Inc.
Lutz Auto Maintenance
Magic Pools, Inc.
Marche' Associates, Inc.
Martin K. Eby Construction Co., Inc.
Mayans Insurance Services
McDonalds of Hutchinson
McElroys, Inc.
Merck Human Health Division
Mid-America Lumbersmens Association - Kansas
Middle of the Trail Distance Riders Association
Midland Land & Cattle Company
Mid-west Communication Group
Mid-West Line Contractors
Minuteman Solar Film
Model "A" Club of America
Monarch Management Corporation
Mr. Goodcent's Subs & Pastas - Topeka
Mr. Goodcent's Subs & Pastas #66 - Topeka
Mr. Goodcent's Subs & Pastas - Manhattan
Mt. St. Scholastica Academy
My 2nd Home Daycare
NCK Area Vo-Tech School
National By Products
National Farmers Organization - Kansas
Neill & Terrill
The New Dutch Goose
Northside Boats
Oakley Chamber of Commerce
Orthequip, Inc.
Our Own Hardware
Overton Auto Body

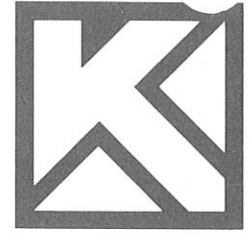
Ozawki Marine
Pak Mail #159, Inc.
Patio Pool & Fireside
Personal Communications, Inc.
Peytons Liquors
Phi Delta Phi
Porter, Fairchild, Wachter & Haney
Prellwitz Construction
Professional Bass Angler
Quad City Motor Club
Quail Unlimited, Inc.
Ravenwood Hunting Preserve
Ray Shepherd Motors
Reber's Fine Jewelry
Red Dog Card Club
Reich Liquors
Reisinger Farms
Reiter Farms
Reno Construction Co.
Rich Longbine Chevrolet
Right Way Moving, Inc.
Rite Way Roofing
Robert Krause's Catering
Ron Cuda Motorsports
Rosebud Lawn Service
Ruben's Rod & Reel
Rubenich Motors and Sales
Ruddick's, Inc.
Russell Convention & Visitors Bureau
Ryan's Daycare
Safelite Auto Glass
Salina Area Chamber of Commerce
Sandy's Detail Service
Sayers Ace Hardware, Inc.
Shaw's Custom Fence
Shearport Hairstylers
Sherwood Construction
Sieh Racing
Special "T" Company
Speier Coachworksp
Sport Motors
Stan Boos Auto Sales, Inc.
Stephenson Trucking
St. Francis Area Chamber of Commerce
Steinlage & Associates
Stella's Design & Alteration
Sterling Equities
Strickland Const. Co.
Stuart Heat and Machine
Students for Racial Equality
Sundown Daycare, Inc.
Sunflower Bicycle Club
Sunflower Motors
Sunglo Feeds
Superior Carpet

Target Park
Texas Red's BBQ
Thomas & Associates of Johnson County Kansas, Inc.
Tiede Farms
Tilden Corporation
Tilton & Hoffman
Topeka Convention & Visitors Bureau
Topeka Harley-Davidson
Topeka Rugby Club
Topeka Vinal Top
Total Truck Stop
Touch of Class
USDA-SCS
United We Stand America
Universal Companies, Inc.
Utility Contractors, Inc.
Vern's Place
Victory Housing, Inc.
Village Cleaners
Vintage Mustang Club
VitaCraft
WaKeeney-Trego Economic Development
Washburn Communication Law Society
Washburn Environmental Law Society
Washburn Public Interest Law Society
Washburn Sports Law Society
Washburn Student Bar Assn.
Welch Automotive
Welch Appraisal Service
Westendorf Day Care
West Star Realty
Western Auto D.C.
Western Auto of KC, KS
Westridge Automatic Car Wash
Westside Imports
Whitney B. Damroon, P.A.
Wichita Area Chamber of Commerce
Wilcox RV & Boat Center
Winford & Koger Law Offices
W. M. White Graphics
Woodwork
Works, Works & Works, P.A.
Wyman & Associates
Yamaha Bike Club
Zero Defect Cable

304 Members

LEGISLATIVE TESTIMONY

Kansas Chamber of Commerce and Industry



835 SW Topeka Blvd. Topeka, Kansas 66612-1671 (913) 357-6321 FAX (913) 357-4732
SCR 1608

February 14, 1997

KANSAS CHAMBER OF COMMERCE AND INDUSTRY

Testimony Before the

Senate Committee on Energy and Natural Resources

by

Terry Leatherman
Executive Director
Kansas Industrial Council

Mr. Chairman and members of the Committee:

My name is Terry Leatherman. I am the Executive Director of the Kansas Industrial Council, a division of the Kansas Chamber of Commerce and Industry. Thank you for the opportunity to express the Kansas Chamber's support for SCR 1608.

The Kansas Chamber of Commerce and Industry (KCCI) is a statewide organization dedicated to the promotion of economic growth and job creation within Kansas, and to the protection and support of the private competitive enterprise system.

KCCI is comprised of more than 3,000 businesses which includes 200 local and regional chambers of commerce and trade organizations which represent over 161,000 business men and women. The organization represents both large and small employers in Kansas, with 47% of KCCI's members having less than 25 employees, and 77% having less than 100 employees. KCCI receives no government funding.

The KCCI Board of Directors establishes policies through the work of hundreds of the organization's members who make up its various committees. These policies are the guiding principles of the organization and translate into views such as those expressed here.

The Environmental Protection Agency is proceeding with changes in the National Ambient Air Quality Standards that will have significant impact on the business community in the state of Kansas. What greatly concerns KCCI about this EPA action is our lack of confidence in the scientific need for these proposed changes, especially in light of the efforts to improve air quality standards in recent

*Sen. Energy Nat Res
2-14-97
Attachment 5
5-1*

It does appear that EPA's action is an example of Washington bureaucracy failing to see significant impact their action will have outside of the nation's capitol.

KCCI would urge legislative support of SCR 1608, which will inform the Environmental Protection Agency about our state's concern regarding this matter. Thank you for the opportunity to comment on SCR 1608. I would be happy to answer any questions.



PUBLIC POLICY STATEMENT

SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

**RE: SCR 1608 - Urging the U.S. EPA to maintain current air
quality standards unless cost benefit analysis and
economic impact study demonstrates need for change.**

**February 14, 1997
Topeka, Kansas**

**Presented by:
Bill R. Fuller, Associate Director
Public Affairs Division
Kansas Farm Bureau**

Chairman Corbin and members of the Senate Committee on Energy and Natural Resources, I am Bill Fuller, Associate Director of the Public Affairs Division for Kansas Farm Bureau.

We are here to express support of SCR 1608 on behalf of the farmers and ranchers who are members of the 105 county Farm Bureaus in Kansas. "Environmental Standards" policy adopted by the more than 435 Voting Delegates at the 78th Annual Meeting of Kansas Farm Bureau is attached to this statement for your review.

SCR 1608 urges the U.S. EPA to continue studying the need for changes in the National Ambient Air Quality Standards and only

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2-14-97
attachment 6*

consider changes after a cost benefit analysis and a risk assessment is completed.

The particulate matter (PM) criteria alone causes all industries to ask many questions. We believe new standards are likely to be established that could not be attained in the real world and would have a devastating impact on agriculture and other industries.

How would wind blown dust be treated? Would dust produced by livestock in feedlots and dairies be a problem? What about dust from land tillage? Would the dust from machines when harvesting grain and baling hay be outlawed? What about the dust created by driving cars and trucks on unpaved roads? Will grain elevators and feed processors again be required to spend mega-bucks to control dust?

Will emissions from autos, trucks and farm machinery be further limited? New standards could significantly increase farm fuel and energy prices and transportation expenses. This is an important consideration since fuel and energy costs are the third largest non-agricultural input supply expense for American farmers.

We believe there is an abundance of reasonable questions and concerns that not only impact agriculture, but also affect industry, business, municipalities and homeowners, to recommend that more scientific study and research data is needed before the current standards are changed.

Farm Bureau respectfully asks for your support, approval and advancement of SCR 1608.

Thank You!

Environmental Standards

CNR-1

We believe any legislation that is enacted, or any environmental regulations which are proposed for promulgation must be based on:

1. Factual information;
2. Scientific knowledge; and
3. Economic impact studies.

Legislation and regulations regarding damage or "probable damage" to land, water, air, wildlife or endangered species must be supported by data which substantiate actual damage.

We support a uniform, safe, effective, and scientifically based system of regulation of agricultural chemicals, fertilizers and pesticides which is consistent with state and federal law and administered by appropriate state and federal agencies.

We believe state standards should be no more stringent than federal standards. Rules and regulations promulgated by any Kansas agency should not put Kansas producers or businesses at a competitive disadvantage with any other state.