August 4, 2010

Ms. Lisa Jackson, Administrator; and
Ms. Gina McCarthy, Asst. Administrator Air & Radiation
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Ms. Mary Nichols
Chairman
California Air Resources Board
1001 I Street
P.O. Box 2815
Sacramento, California 95812

Re: NOx Emission Requirements for Heavy-Duty Diesel Engines

Dear Administrator Jackson, Asst. Administrator McCarthy and Chairman Nichols:

As members of Congress representing California residents, we are writing to express our concern over EPA’s current guidance on the use of Selective Catalytic Reduction ("SCR") technology in heavy-duty diesel engines (the "EPA Guidance"), which appears to be a significant relaxation of EPA's NOx emission standard for 2010 and later model-year engines (the "2010 NOx Standard"). We are particularly concerned about how a relaxation of the 2010 NOx Standard could impact both the air quality and the economy in the State of California. We understand that EPA and the California Air Resources Board ("CARB") held a joint public workshop on July 20, 2010, to reevaluate the EPA Guidance and certification requirements for SCR-equipped engines, and appreciate that your agencies have taken some steps to address this important issue.

With respect to your reevaluation of the EPA Guidance, we are aware that the Coalition for Clean Air, one of the leading environmental groups in California, already has indicated to you how the EPA Guidance creates a loophole that would enable SCR-equipped vehicles to emit substantially higher amounts of NOx over the life of the vehicles when compared to vehicles that comply with the 2010 NOx Standard. Specifically, the Coalition has raised concerns that the EPA Guidance allows SCR-equipped vehicles to operate for significant amounts of time on the highway without a working emission control system. This must be fixed. We ask that EPA and CARB carefully consider the Coalition’s viewpoints as part of the agencies’ respective reevaluations of the EPA Guidance to ensure that the 2010 NOx Standard is strictly enforced and
that all heavy-duty diesel engines comply with the standard on the highway and not just in the test cell, regardless of the technology they use.

We also understand that CARB has recently disavowed the EPA Guidance and that it is no longer effective in California. We request that EPA similarly disavow the guidance and that both agencies develop certification standards for SCR-equipped engines that ensure those engines will comply with the 2010 NOx Standard when those engines are in use on the road. Specifically, we request that as part of the certification standards for SCR-equipped engines, EPA and CARB should prohibit those engines from operating when the emission control device is not working to reduce NOx emissions, such as when the system has inadequate or improper diesel exhaust fluid (“DEF”). Second, since SCR-systems cannot reduce NOx emissions if the system is disconnected, EPA and CARB should require that SCR-systems be designed to be tamper proof and that SCR-equipped vehicles should never be allowed to operate when the system is disconnected. In addition, EPA and CARB should require that SCR-equipped engines be designed appropriately to reduce NOx emissions in stop-and-go traffic, which is necessary to mitigate NOx emissions in the urban driving conditions that occur throughout California. Finally, the agencies should prohibit SCR-engines from operating when the DEF tank is frozen, or the SCR system will not work to reduce NOx.

Air quality is a significant and ongoing concern in California, and the state and its citizens rely on strict enforcement of federal and state clean air standards to ensure our air quality goals are met. While we must balance safety concerns with air quality concerns when addressing this issue, having heavy-duty diesel engines meet the 2010 NOx Standard is particularly important to achieving federal air quality standards. Accordingly, we are very concerned that continued application of the EPA Guidance will endanger both the public health and California’s ability to meet its federal State Implementation Plan (“SIP”) requirements. If the federal air quality standards in the SIP are not met, California’s federal funding will be in jeopardy and countless jobs that rely on that funding will be put at risk. California cannot tolerate a relaxation of air quality standards at the expense of its citizens’ health or at the risk of losing any jobs secured through federal funding.

We appreciate your consideration of our concerns and request that EPA and CARB take all necessary steps to ensure that the 2010 NOx Standard is fully enforced in future diesel engine certifications.

Sincerely,

[Signatures]

Laura Richardson
Grace Napolitano
Susan Davis

Jackie Speier

Lucille Roybal-Allard

Lynn Woolsey

Jane Harman

Brad Sherman

Doris Matsui

Judy Chu

Lois Capps

cc: Ms. Khesha Reed (EPA)
    Ms. Kimberly Pryor (CARB)