Congress of the United States
Washington, DC 20515

February 22, 2007

The Honorable Stephen Johnson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460-0001

Dear Administrator Johnson:

As California Members on Committees of jurisdiction, we are aware of the significant problems faced by the communities we represent as a result of the emissions from mobile sources, particularly marine vessels and locomotives. We are writing to urge you to expeditiously promulgate new locomotive emissions standards and standards for foreign flagged vessels in a manner which utilizes existing technologies and supports the goal of achieving attainment.

Using existing authorities, local air management districts have generally reduced emissions from factories, power plants, and other stationary sources by over ninety percent, markedly improving the quality of the air in the South Coast Air Basin. Unfortunately, the South Coast Air Basin continues to have the dirtiest air in the country and substantially fails to attain federal health-based standards for fine particles and ozone. The impacts of this pollution are staggering. The California Air Resources Board (CARB) estimates that over 8,200 people die prematurely *each year* just due to particulate pollution in California. Over half of such deaths occur in the South Coast Air Basin.

Mobile sources are responsible for more than eighty percent of total emissions in this air basin, and marine vessels and locomotives are the largest unregulated source. Locomotives and marine vessels each emit more nitrogen oxides than all of the refineries, power plants and 350 other largest stationary sources in the South Coast Air Basin combined. Fifty percent of sulfur oxides emissions in the region are created by marine vessels. Worse, marine vessels are virtually the only significant source category with emissions projected to increase, primarily due to lax controls and cargo throughput that has tripled in the last fifteen years. Cargo throughput is expected to triple again in coming years.

The threat posed by emissions from marine vessels and locomotives was recognized by the EPA in its June 29, 2004 Advance Notice of Proposed Rulemaking (69 FR 39276). EPA noted that emissions of nitrogen oxide and particulate matters as well as hydrocarbons and air toxics contribute to health problems that include premature mortality, aggravation of respiratory and cardiovascular disease, aggravation of existing asthma, acute respiratory symptoms, chronic bronchitis, decreased lung function, and is likely to be carcinogenic. The Advance Notice of Propose Rulemaking went on to state that, "locomotive and marine diesel emissions reductions would particularly benefit those who live, work or recreate in and along our nation's coastal areas, rivers, ports, and rail lines."

Yet existing regulations are insufficient. The newest locomotives only achieve a fifty-eight percent level of control of nitrogen oxides. Marine vessels have even less controls. There are no federal regulations limiting emissions from foreign flagged vessels, which are responsible for close to ninety percent of vessel emissions. International Maritime Organization standards for marine vessels will achieve no further emission reductions and the possibility of future standards being adopted by this organization is speculative. Since air pollution is a zero sum game, any emission reductions that

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cannot be achieved from relatively less controlled sources like locomotives and marine vessels will ultimately have to come from somewhere. This raises the specter of having to further regulate already stringently controlled stationary sources.

Despite the recognition of a growing problem and the benefits of action, the federal government has failed to take the necessary next-steps to protect public health. EPA stated on February 28, 2003 that it would consider adopting emission standards for foreign flag vessels in rulemaking to be completed by April 2007, but no proposal has yet been issued (68 FR 9745). The 2004 Advance Notice of Rulemaking has not resulted in a new proposed regulation for locomotive emission standards.

We believe that the EPA must promulgate regulations governing marine vessels and locomotives in a manner which is sufficiently stringent to enable all areas of the country, including the South Coast, to attain federal ambient air quality standards. The effective date of these regulations must ensure reductions begin before 2014. Regulations for locomotives should require control of particulate matter and nitrogen oxides by at least ninety percent beyond current levels, and similar levels of control should be required for marine vessels, both foreign and domestic. In areas with relatively high pollution which results from marine vessels and locomotives, the EPA must find a way to expedite implementation of these standards in order to prevent further impact to the health of residents.

We believe that action to regulate these sources is technologically feasible. Existing control technologies could reduce emissions from locomotives and marine vessels by 90 percent or more. Low sulfur fuels could substantially reduce particulate matter and sulfur oxides from vessels, and shore power is a feasible control technology. In addition, after treatment devices such as particular filters can also be applied to locomotives.

A solution cannot wait. Without federal action the emissions from these sources will continue to put a stranglehold on our air basin, harming public health and putting greater pressure on already regulated sources to make up the difference. As Members who represent some of the most affected communities, we look forward to receiving your prompt reply. If you have any questions please do not hesitate to contact us or Megan Uzzell in the Office of Congresswoman Hilda L. Solis at 202-225-5464.

Sincerely,

HILDA L. SOLIS
Member of Congress

HENRY A. WAXMAN
Member of Congress

LOIS CAPPS
Member of Congress

ANNA G. ESHOO
Member of Congress