

1 COMMITTEE: Environment

2 POLICY: Air Quality

3 TYPE OF POLICY: Existing

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5 **The Clean Air Act Implementation**

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7 The National Conference of State Legislatures (NCSL) supports the goals embodied in the
8 Clean Air Act Amendments of 1990 (CAAA). The CAAA represent a major step toward
9 addressing important environmental, air quality, and public health issues. NCSL fully supports
10 CAAA goals and urges the U.S. Environmental Protection Agency (EPA) to proceed diligently
11 with full implementation of the law to achieve clean air for our citizens. It is essential that
12 Congress and the EPA fulfill their responsibilities to facilitate implementation by the states.
13 NCSL makes the following recommendations:

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- 15 • Implementation of the CAAA is the responsibility of the states, who have a wealth of
16 experience in implementing control programs. NCSL encourages Congress and the
17 EPA to pay particular attention to the voices of that state expertise and experience.
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- 19 • Communication with state legislators is of utmost importance because only state
20 legislators can enact enabling legislation for state programs and appropriate state
21 funds. Congress and the EPA should regularly and directly work with state legislators
22 during federal action on air quality issues.
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- 24 • EPA should work closely with states to assist them in developing all regulations,
25 technical assistance and funding necessary for compliance. Furthermore, EPA should
26 support any state regulation that enables that state to meet or exceed the CAAA
27 standards.
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- 29 • Federal grants authorized under the CAAA provide financial resources to the states for
30 development and implementation of air quality programs and other clean air

31 responsibilities. Congress and the EPA must ensure that states continue to receive
32 adequate funding to cover all costs of program management including monitoring.

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- 34 • Because the states have existing air pollution control programs to administer with
35 current federal funding, any new air quality programs or responsibilities mandated by
36 Congress or EPA should be accompanied by additional federal funding.
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 - 38 • The CAAA contain many sweeping and general mandates which will involve the
39 exercise of broad discretion and interpretation by the EPA for their implementation.
40 NCSL urges EPA to provide as much administrative flexibility as the law allows in
41 order to achieve clean air goals in the most cost effective and efficient manner.
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 - 43 • Cost-effectiveness should be permitted as a factor in state selection of transportation
44 control measures and emissions control strategies.
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 - 46 • Numerous sections of the CAAA require the EPA to develop regulations and technical
47 guidance for the states to follow in their implementation process. The regulations and
48 guidance are essential to state efforts to implement complete and adequate state
49 programs that fully comply with the CAAA. Often the EPA is very late in publishing
50 regulations and technical guidance for state programs and responsibilities. Such
51 delays leave little or no time between the publication of the documents and the
52 statutory deadlines for state compliance. NCSL urges EPA to meet all deadlines for
53 publication of documents required under the CAAA. NCSL urges Congress to amend
54 the law to replace statutory deadlines for state action with language that provides a
55 specific time period for state compliance after document publication.
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 - 57 • NCSL urges EPA to act expeditiously to enact the required regulations necessary to
58 reduce emissions from federally preempted sources. Failure to act to require emission
59 reductions from federally preempted sources can impede a state's ability to achieve
60 attainment in some areas despite any and all actions available to a state in
61 development of their state implementation plans.
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- 63 • NCSL urges Congress to develop and implement sustainable management policies
64 which will reduce fuel loadings on federal lands, thereby reducing emissions from
65 catastrophic wildfires and improving carbon sequestration on those lands.
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- 67 • EPA should provide training opportunities for states to help develop the skills and
68 understanding needed to properly implement the CAAA. In addition, EPA should
69 provide informational resources to help the public understand its role in achieving
70 CAAA goals.
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- 72 • To address ozone nonattainment problems, the CAAA require significant nitrogen
73 oxide (NOx) and volatile organic compound (VOC) emission reductions to be obtained
74 from both stationary and mobile sources. Since any reductions that are not obtained
75 from mobile sources must be obtained from stationary sources, Congress and EPA
76 should take maximum advantage of tools and strategies to reduce emissions from
77 mobile sources including but not limited to promoting alternative fuels and encouraging
78 strict exhaust standards for light duty vehicles.
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- 80 • Federal highway legislation should be made consistent with CAAA objectives. The
81 EPA and the Department of Transportation (DOT) should work together to ensure
82 coordination of federal policy.
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- 84 • NCSL urges the adoption of national energy, transportation and other policy that
85 emphasizes energy conservation in order to help achieve the goals of the CAAA. This
86 should include strengthening of emission standards for automobiles as technologies
87 improve, more energy-efficient lighting, buildings, and transportation, and more
88 research and use of alternative forms of energy.
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- 90 • NCSL urges the federal government to expeditiously apply the same CAAA
91 requirements to federal facilities and motor vehicle fleets that are required for state
92 facilities and fleets.
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94 **Sanctions**

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- States should not be sanctioned for non-compliance if state's failure to comply was the result of EPA's failure to adhere to CAAA deadlines for promulgation of regulations or technical guidance that provide details and requirements of state programs.
- EPA should have the authority to waive sanctions on states that EPA determines are making reasonable good faith efforts to comply with CAAA requirements and deadlines.

Motor Vehicle Inspection and Maintenance

- States should be granted flexibility to design inspection and maintenance (I/M) programs that achieve air quality targets and should receive full credit for emissions reductions those programs achieve.
- Congress and EPA should not require the states to use specific I/M technologies. Such rigid federal requirements may fail to account for technological advances in emissions testing programs and equipment.

Low Emission Vehicles and Zero Emission Vehicles

- EPA should maintain national Low Emission Vehicle (LEV) standards, referred to as the 49-state car, that are stricter than the law requires. States should be allowed, but not required, to adopt Zero Emission Vehicles (ZEV) requirements.

Transportation Conformity with State Air Quality Plans

- NCSL supports the principles underlying transportation conformity provisions of the Clean Air Act that requires new or revised state transportation implementation plans (TIPs) to conform to the purpose of state air quality plans, also referred to as state implementation plans (SIPs).

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- Adequate funding should be made available to cover the cost of the resource-intensive requirements for development, revision and implementation of conforming TIPs.
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- In evaluating the emissions budgets submitted by states, EPA should ensure state flexibility in balancing the burden of reduction among all air pollution sources.
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- Conformity requirements should be limited to nonattainment areas and areas at risk of becoming nonattainment.
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