

Mr. Speaker, I take this opportunity to pay tribute to a superb naval officer, an outstanding gentleman, and a real leader, Rear Adm. Lou Schrier.

**H.R. 630—CLEANER-BURNING FUEL  
MEANS CLEANER AIR FOR CALI-  
FORNIA**

**HON. BRIAN P. BILBRAY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 10, 1997*

Mr. BILBRAY. Mr. Speaker, the quality of the air we breathe is of great concern to all of us. Young and old, rich and poor, liberal or conservative, we are all vulnerable to poor air quality. While we have seen great strides in the last decade in terms of improved air quality, it is incumbent upon us to work to ensure that sound science lies at the foundation of any modifications or improvements to existing law. By the same token, when opportunities exist to actually improve the service provided by our environmental and public health strategies, we have not only the right, but also the responsibility to implement them, based on that same common denominator of sound science.

Such an opportunity now exists in California, which has long been at the forefront of our national efforts to improve air quality and reduce ambient pollution levels. As a former member of the California Air Resources Board [ARB], I am very proud of California's historic role in this regard. I am pleased to be able to introduce bipartisan legislation, H.R. 630, which will further enhance the air quality of my State by building upon the progressive work already done by the State of California, under the direction of the Clean Air Act.

The Clean Air Act Amendments of 1990 directed the Environmental Protection Agency [EPA] to adopt a Federal reformulated gasoline program for urban areas with the most serious smog problems. The 1990 amendments required that Federal reformulated gasoline contain various specified properties, and established limitations on the level of flexibility that EPA could build into the program. Federal reformulated gasoline regulations were promulgated in early 1994, and became applicable in December of that year. In California, the Federal regulations now apply in the greater Los Angeles, San Diego, and Sacramento regions.

At the same time, the California Air Resources Board [CARB] was developing a comprehensive clean fuels program. These regulations, which were adopted in 1991 and became applicable in the spring of 1996, established the most stringent and comprehensive gasoline standards in the world. It includes specifications for eight different properties which affect emissions of toxic air pollutants and ozone forming compounds. The State regulations also contain a predictive model which is based on analysis of a large number of vehicle emission test studies. Refiners have the option of using this predictive model to produce reformulated gasoline, subject to an alternative set of specifications, that has been shown by the model to achieve equivalent or greater reductions in emissions than result from use of the Federal RFG. This model is being utilized in California to produce much of

the reformulated gasoline now consumed in the State. Recent studies have shown that the expanded use of reformulated gasoline in California has resulted in measurable and continuing decreases in emissions and air pollution in that region. I would like to include with this statement a recent article from the January 16, 1997 San Diego Union Tribune which elaborates further on these air quality improvements.

However, the overlapping applicability of the Federal and State reformulated gasoline regulations has reduced the ability to take advantage of the flexibility and public health benefits provided by the more stringent California program. Compliance with the Federal standard is still required, despite the fact that the California standard has been demonstrated to achieve equal or superior air quality benefits. H.R. 630 will streamline this unwieldy process, and build upon the existing Clean Air Act to permit the more stringent California regulations to apply in lieu of the Federal standards, only if they will achieve equivalent or greater emission reductions. The EPA has already provided this determination in the form of a final rulemaking for California reformulated gasoline, which was published in the Federal Register on February 16, 1994. In that rule, EPA drew the following conclusions: First, that VOC and toxic emission reductions resulting from the California Phase II standards would be equal to or more stringent than the Federal reformulated gasoline standards; second, that the content standards for oxygen and benzene under the California Phase II standards would in practice be equivalent to the Federal content standards; and third, that the California Air Resources Board's compliance and enforcement program is sufficiently rigorous.

Additionally, the California standards have been approved by the EPA as part of California's State Implementation Plan [SIP], and thus are federally enforceable.

H.R. 630 has been carefully written to apply exclusively to the State of California. As prescribed by section 211(c)(4)(6) of the Clean Air Act, a State which has received a waiver under section 209(b)(1) may "at any time prescribe and enforce, for the purpose of motor vehicle emission control, a control or prohibition respecting any fuel or fuel additive." In order to receive a 209(b)(1) waiver, a State must have adopted emissions standards for new motor vehicles prior to March 30, 1996. Because California is the only State which has qualified for a waiver under section 209(b)(1), H.R. 630 is therefore applicable only to California—no other State is eligible.

This bipartisan bill is supported by the California Air Resources Board, and I am grateful for the continued dialog and input I have received from colleagues, the State, industry, and several public health organizations, which has helped to further focus and clarify the intent of the legislation. I believe that H.R. 630, while narrowly targeted, will help to further accomplish the broader goals of the Clean Air Act that we all share, which are to provide the cleanest and healthiest air possible for the American people. I further believe that this bill can provide an example of how we ought to interpret and manage our environmental and public health laws, so that they can be made more effective in terms of product, by being kept as dynamic and flexible as possible in terms of process. Just as the vehicles which we all drive need to be fine-tuned from time to

time in order to keep them running efficiently, so too do our environmental strategies.

[From the San Diego Union-Tribune, Jan. 16, 1997]

**NEW GASOLINE FORMULA IS FUELING AIR-POL-  
LUTION DECLINE—IT DRAMATICALLY CUTS  
SMOGGY DAY NUMBERS**

(By Steve La Rue)

San Diego County had fewer smoggy days in 1996 than in any year since health standards were set and air-pollution measurement began. Most of the credit is being given to a new blend of gasoline.

The air was unhealthy to breathe by state standards on 51 days last year at one or more of the county's nine monitoring stations—a sharp drop from the 96 smoggy days in 1995, 139 days in 1990, and the 151 smoggy days in 1978, the year the California Clean Air Act applied the state standards.

The pollutant involved is ozone, a colorless, odorless gas that can sting the throat and eyes. It also can reduce lung capacity temporarily or permanently, depending on the exposure.

"We have had a dramatic reduction in the number of days over (health) standards, and there was no dramatic meteorological difference in the two years," said Richard Sommerville, county air pollution control officer.

"That implies that the big change that did occur was due to the introduction of reformulated gasoline."

County air quality violated federal health standards, which are about 25 percent less stringent than the state's, only twice last year. That is the fewest federal violations since air quality monitoring began here in 1955, county officials said.

By comparison, smog made the air unhealthy to breathe on 12 days in 1995 under the federal standard, 39 days in 1990 and 90 days in 1978. It was also the first year on record that all of the county's federal violations were caused by smog migrating south from Los Angeles and Orange counties.

The state's refiners and service stations started selling the cleaner-burning fuel early last spring to meet state specifications for a fuel that produced fewer hydrocarbon and nitrogen emissions. Southern California's sunny summer and fall skies cook those emissions into a stew of pollutants, mostly ozone.

Scientists say this lower-level ozone pollution never rises 18 miles or higher to merge with the ragged atmospheric ozone layer that shields the earth from ultra-violet radiation.

Air quality also made dramatic gains last year in the South Coast Air Quality Management District, which includes Los Angeles and Orange counties and parts of Riverside and San Bernardino counties.

As of the end of October, the end of the smog season, there had been seven Stage 1 smog alerts in the district, compared with 14 in 1995, 23 in 1994, and 40 in 1992.

Such alerts are called when ozone levels are twice the federal health maximum. During the alerts, the public is advised to reduce strenuous activity. The last Stage 1 alert in San Diego County occurred in 1991.

Peak ozone levels during smog sieges in 1996 were calculated to be 10 to 11 percent less severe than expected in the San Francisco Bay Area and the Sacramento area, said state Air Resources Board spokesman Allan Hirsch.

"Much of the state showed improvements in air quality in 1996, and cleaner burning gasoline was the main clean air measure that was introduced last year, so we think it had a significant effect," he said.

"We are very confident that the same thing occurred in San Diego County, too."

Jan Cortez, program director for the San Diego-Imperial County branch of the American Lung Association, voiced concern that the drop in ozone pollution may cause people to overlook the danger of ultra-fine particulate matter—from diesel exhaust and various types of combustion—that the federal Environmental Protection Agency is seeking to regulate.

“The report doesn't even mention particulate air pollution, so it is giving the public only part of the picture,” she said. The public is still breathing particulate pollution, she said, and it contributes to asthma attacks and increased visits to the hospital.”

The smog decline has not come without a price. The estimated \$4 billion cost to retool refineries was considered an important factor in the steep rise in gasoline prices last spring and early summer.

Many motorists still wonder how much the less-volatile fuel has reduced their gas mileage, although state spokesmen estimate the penalty at 1 to 3 percent. Averaging three-year periods, which minimizes the influence of weather, the number of days of ozone pollution in San Diego County under the state standard declined 55 percent between 1979–1981 and 1994–1996.

#### LEGISLATION TO MOVE THE 4.3-CENT GAS TAX INTO THE HIGHWAY TRUST FUND

HON. STEVE C. LATOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 10, 1997*

Mr. LATOURETTE. Mr. Speaker, today I am reintroducing legislation to move the 4.3-cent gas tax from the general fund to the highway trust fund.

The 4.3-cent gas tax, which was enacted in 1993, currently pumps an estimated \$6 billion annually into the general fund. This is wrong, plain and simple. Motorists should benefit from a fee which they alone must pay.

While no one enjoys paying gas taxes, many studies have shown that Americans are much more willing to pay gas taxes if they are used only to make our country's roads and bridges safer. This, unfortunately, has not been the case with the most recent 4.3-cent increase. Last Congress, when many had talked about repealing the 4.3, I studied the various ways to use the funds generated by the gas tax, trying to come up with a common-sense, useful proposal.

My legislation will not add one dime to the deficit, and instead will force the Federal Government to be honest with taxpayers and use the gas tax for needed infrastructure improvements.

For example, a recent study found that bridges throughout the State are badly deteriorating and in need of repair. At the local level,

last year we experienced a frustrating and costly detour on Interstate 90 after the bridge over the Grand River shifted about 2 inches. Fortunately, workers from the Ohio Department of Transportation worked tirelessly to repair what could have been a perilous situation, and tried to minimize the inconvenience to motorists.

It seems to me that if Government has a function it should be to make sure our Nation's roads and bridges are as safe as humanly possible. When you put your children in your car, you need to be assured that the bridge you travel over won't crumble, drop a few inches or collapse.

Under my new bill, the 4.3-cent gas tax would be transferred from the general fund to the highway trust fund. As a result, \$6 billion a year would be freed up for infrastructure improvements, and 20 percent of those funds would be earmarked for mass transit projects. This will come as welcome news for our cities that are struggling to meet the increasing demand for mass transit. Also, under this proposal we will not have to search for a way to offset the \$6 billion a year in lost revenues. We will simply be transferring funds from one account to another, meaning it will be budget neutral.

Ohio is not alone when it comes to needing road, bridge and infrastructure improvements. Studies show that we should be spending \$60 billion per year on our highways but are only spending \$6 billion. This is a national problem, and one that could be greatly eased if we simply leveled with the taxpayers and used the gas tax for the purpose it was intended.