



## Sen. Feinstein Urges EPA to Allow California to Improve State's Air Quality by Adopting Its Own Tougher Small Engine Emissions Rules

*- Calls for approval of Clean Air Act waiver without delay -*

April 12, 2006

**Washington, DC** – U.S. Senator Dianne Feinstein (D-Calif.) today urged the Environmental Protection Agency to grant California a waiver to the Clean Air Act, which would allow the state to implement its own emissions regulations for lawnmowers and other small engines. These tougher standards will improve air quality and benefit the public health without any adverse impact on consumer safety.

Senator Feinstein pointed out that a number of small engine manufacturers themselves have publicly stated that no safety problems for consumers would be caused by the proposed air quality rule, and so the waiver should be granted and the regulations finalized as quickly as possible.

**“These rules are extremely important for improving the poor air quality breathed by tens of millions of Californians,”** Senator Feinstein wrote in a letter to EPA Administrator Stephen Johnson. **“California’s small engine regulations are scheduled to go into effect in January 2007 provided the EPA grants the necessary waiver. There is no reason for further delay.”**

The following is the text of Senator Feinstein’s letter:

April 12, 2006

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

Dear Administrator Johnson,

Now that the Environmental Protection Agency has completed a detailed study finding no safety risk from proposed air quality regulations for lawnmowers and other small engines, I urge the EPA to move quickly to grant California’s waiver to implement its small engine rules. These rules are extremely important for improving the poor air quality breathed by tens of millions of Californians. According to the California Air Resources Board, small engines are responsible for as much as 7% of California’s mobile source emissions, the equivalent of 3 million cars.

Section 209(e)(2) of the Clean Air Act (42 U.S.C. 7543) states that for non-road vehicles like lawnmowers:

The Administrator shall, after notice and opportunity for public hearing, authorize California to adopt and enforce standards and other requirements relating to the control of emissions from such vehicles or engines if California determines that California standards will be, in the aggregate, at least as protective of public health and welfare as applicable Federal standards.

And just last month, the National Academy of Sciences issued a report on California's role in setting new air quality regulations, finding that: "California should continue its pioneering role when setting emissions standards for small engines to aid its efforts to improve air quality and be a proving ground for new emissions-control technologies."

Despite the pressing need to improve California and the nation's air quality, EPA has already missed two statutory deadlines:

- The original statutory deadline for completing these air quality regulations under Public Law 108-199 was December 2004, over a year ago.
- Just last year, in Public Law 109-54 Congress set a new deadline of February 2, 2006, for EPA to complete the safety study on the rules. Nevertheless, EPA did not release the safety study until March 17, 2006.

There is no reason for further delay. Independent peer reviewers, the Consumer Products Safety Commission, a detailed Failure Mode and Effects Analysis performed by private experts, and extensive field testing have all supported the EPA's finding that the proposed small engines regulations present no safety concerns for consumers and in fact may improve the safety of lawnmowers and other small engines.

In fact, four of the small engine manufacturers -- Tecumseh, Honda, Kawasaki, and Kohler -- have submitted letters to the EPA (attached) stating that cleaner small engines including catalytic converters will not cause safety problems for consumers. It should be easy for the EPA to grant California its waiver when the manufacturers themselves believe that the rule will improve air quality and benefit the public health without any adverse impact on consumer safety.

California's small engine regulations are scheduled to go into effect in January 2007 provided the EPA grants the necessary waiver. I request your prompt response notifying me about EPA's schedule for review and approval of the waiver.

Sincerely,

Dianne Feinstein  
United States Senator

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