

## **BILL ANALYSIS**

Senate Research Center  
77R4396 NBH-D

S.C.R. 35  
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Natural Resources  
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As Filed

### **DIGEST**

Air pollution has a potentially serious impact on the health of many Americans, including a majority of the nearly 21 million residents of the State of Texas, and is a matter of concern to both federal and state governments, which share a responsibility to clean up the environment and protect the public health. In metropolitan areas where the problem is most severe, achieving federally mandated reductions in the emission of certain pollutants within the time lines established by the U. S. Environmental Protection Agency (EPA) will be possible only through an appropriate combination of federal, state, and local actions, including not only stringent local and state emission controls but also the timely implementation of federal controls.

Emissions may be regulated by either the state's environmental regulation agency or the federal government, depending on their origin. For example, emissions from an industrial facility, such as a utility company or petroleum refinery, are subject to state regulations, while gasoline and diesel fuel standards and emissions from aircraft, airport ground support equipment, automobiles, trucks, marine engines, and locomotives are all federally controlled. Under recent federal action, the EPA will require buses and commercial trucks to produce 95 percent less pollution than today's buses and trucks and will require the amount of sulfur in diesel fuel to be reduced by 97 percent; these measures alone are expected to cut air pollution by as much as 95 percent. At issue is the fact that the low-sulfur diesel fuel provisions will not go into effect before 2006, and diesel fuel engine manufacturers will have flexibility in meeting the new emission standards due to phase in between 2007 and 2010; the slow rate of turnover among commercial fleets means that these federal emission control measures will likely have little effect until several years after that, when a sufficient number of these trucks and buses are in operation.

Currently, the State of Texas has nine metropolitan areas that either have been designated as nonattainment areas by the EPA or are close to exceeding the National Ambient Air Quality Standards (NAAQS) for one or more of the regulated pollutants. These nonattainment or near-nonattainment areas have been given strict time lines for their emission reduction efforts based on the severity of pollution in the area. Because of the lengthy time line for the reduction of emissions from federally controlled sources, the federally mandated attainment date for some NAAQS nonattainment regions in Texas, such as the Houston-Galveston-Brazoria area, will arrive long before the effects of federal air quality improvement efforts can be realized.

Texas is forced to require state-controlled emission sources to make significant reductions in pollution in a relatively short period of time while federally controlled sources continue to contaminate the state's environment. The incongruence in the federal and state time lines for emission reductions places an undue burden on the state to lower air pollution significantly enough to be in attainment with the NAAQS without a corresponding decrease in emissions from any of the myriad federally controlled emission sources.

### **PURPOSE**

As proposed, S.C.R. 35 submits the following resolutions:

Provides that the 77th Texas Legislature respectfully urges the United States Congress to

require federally controlled emission sources to reduce their emissions by the same percentages and on the same schedule as state-controlled sources. Provides that the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the United States Congress.