

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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IN RE: DIESEL VEHICLE IDLING AND AUXILIARY POWER SYSTEM

* * * * *

BEFORE: MICHAEL PECHART, Chair
Michele Tate, Member
Arleen Schulman, Member

HEARING: Wednesday, February 13, 2008
3:00 p.m.

LOCATION: Rachel Carson State Office Building
400 Market Street, Room 105
Harrisburg, PA

WITNESSES: Thomas Av, Philip Carey, M.D., Lucas Porter, Marilyn Zatinsky, Andrew Bankey, M.D., Sandra Strauss, Richard Ruff, Duane Kicheisen, Mark Kreiger, Victor P. Sabile, Jim Runk, Charles Hooker, Hope Swenson

Reporter: Charles Leifer

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NONE OFFERED

P R O C E E D I N G S

CHAIR:

Good afternoon. I would like to welcome you to the Environmental Quality Board's Public Hearing on a proposed diesel vehicle idling and auxiliary power systems rulemaking. My name is Mike Pechart. I'm a member of the Environmental Quality Board representing the Department of Agriculture Secretary Dennis E. Wolfe. I call this hearing to order at 3:00 p.m. The purpose of this hearing is to formally accept testimony on the proposed diesel vehicle idling and auxiliary power systems rulemaking.

In addition to this hearing, a hearing was conducted on the proposed rulemaking in Allentown this past Tuesday, February 12, 2008. Another hearing is also scheduled this Friday, February 15, 2008, in Pittsburgh, Pennsylvania for EQB to accept testimony on the proposed rulemaking. The diesel vehicle idling and auxiliary power systems for proposed rulemaking was initiated through a petition to the EQB by the Clean Air Board of Central Pennsylvania. The proposed regulation would restrict owners or operators of diesel powered commercial vehicles including the owners and operators of locations at which such

1 vehicles load, unload or park from idling for more
2 than five minutes during any 60 minute period.
3 Exemptions are provided in the proposed rulemaking to
4 allow idling under certain circumstances including
5 exemptions for idling during hot and cold weather,
6 which would expire on May 1st, 2010, for maintenance
7 and safety considerations and for active loading or
8 unloading a passenger bus including school buses.

9 The proposal rulemaking allows idling of
10 vehicles with model year 2007 and subsequent model
11 years that display a label issued by the California
12 Air Resources Board, indicating that the vehicle meets
13 a more stringent NOx emission limit during idling than
14 other model year 2007 or older commercial
15 diesel-powered vehicles.

16 The rulemaking also proposes restrictions
17 on the use of auxiliary power systems by requiring
18 that commercial motor vehicle with model year 2007 or
19 newer have the APF exhaust routed through the exhaust
20 system of the vehicle's main propulsion engine.
21 In lieu of this requirement drivers may opt to exhibit
22 a CARB-issued label on their vehicle indicating that
23 the APS engine meets a verified particulate matter
24 control established by the CARB. Mobile
25 idle-reduction technology, such as APSS used by

1 vehicle operators on model year 2006 vehicles or older
2 may be used without restriction under the proposed
3 rulemaking.

4 The Department consulted with the
5 Department of Transportation and the Pennsylvania
6 State Police during the development of the proposed
7 rulemaking. In addition, the Department presented the
8 draft proposal making to the Air Quality Technical
9 Advisory Committee, the Citizens Advisory Council and
10 the Pennsylvania Small Business Assistance Program
11 Compliance Advisory Committee.

12 In order to give everyone an equal
13 opportunity to comment on this proposal, I would like
14 to establish the following ground rules. Number one,
15 I will first call upon the witnesses that
16 pre-registered to testify at this hearing. After
17 hearing from these witnesses, I will provide any other
18 interested parties with the opportunity to testify as
19 time allows. Number two, the testimony is limited to
20 ten minutes for each witness. Number three,
21 organizations are requested to designate one witness
22 to present testimony on its behalf. Number four, each
23 witness is asked to submit three written copies of his
24 or her testimony to aid in transcribing this hearing.
25 Please hand your copies prior to presenting your

1 testimony. Number five, please state your name,
2 address and affiliation for the record prior to
3 presenting your testimony. We would appreciate your
4 help by spelling names and certain terms which may not
5 be generally familiar so that the transcript can be as
6 accurate as possible. And finally, number six,
7 because the purpose of this hearing is to receive
8 comments on the proposal, EQB or DEP staff may
9 question witnesses. However, the witness may not
10 question the EQB or DEP staff.

11 In addition to or in place of oral
12 testimony presented at today's hearing, persons may
13 also submit written comments on this proposal. All
14 comments must be received by EQB on or before March
15 17, 2008. Comments should be addressed to the
16 Environmental Quality Board, P.O. Box 8477,
17 Harrisburg, Pennsylvania 17105-8477. Comments may
18 also be submitted electronically to the EQB by
19 completing and submitting the online form at
20 www.depweb.state.pa.us/RegComments by March 17, 2008.

21 All comments received at this hearing as
22 well as written or electronic comments received by
23 March 17, 2008 will be considered by the EQB and will
24 become included in a comment response document which
25 will be prepared by the Department and reviewed by the

1 EQB prior to the board taking its final action on this
2 resolution. Anyone interested in a copy of the
3 transcript of this hearing may contact the reporter
4 here this afternoon to arrange to purchase of copy.

5 I would now like to call our first
6 witness and please remember to state your name,
7 address and affiliation and submit your three copies
8 of your testimony to me. Our first witness for this
9 hearing is Thomas Au.

10 MR. AU

11 Good afternoon. My name is Thomas Au.
12 I'm hear today on behalf of the Clean Air Board of
13 Central Pennsylvania. My address is 1528 Bellwood
14 (phonetic) Drive, Harrisburg, Pennsylvania. The Clean
15 Air Board was formed in the fall of 2005 after over
16 100 Cumberland County physicians signed an open letter
17 in newspapers informing the community of the growing
18 danger of ozone and particulate pollution. The
19 medical professionals observed that many of the health
20 problems they see were attributable to air pollution
21 that we all breathe. The letter stated, quote,
22 breathing diesel emissions containing these fine
23 particulates can result in exacerbation of lung
24 disease, i.e., asthma and emphysema and can
25 precipitate heart attacks. The populations at

1 particular risk include infants, children and the
2 elderly with pre-existing heart and lung disease, end
3 quote. The Clean Air Board now includes people from
4 many walks of life, ministers, teachers, doctors,
5 lawyers, businessmen, civic leaders and ordinary
6 citizens.

7 The Clean Air Board is a faith-based
8 citizens' initiative dedicated to achieving clean air
9 to protect our health and quality of life. We
10 accomplish our mission by raising public awareness of
11 air quality issues, advocating, promoting and
12 coordinating policy and practices for clean air and
13 monitoring the air quality. CAB is an entirely
14 volunteer organization. We have no paid staff.

15 One of the air pollution problems the
16 Board has identified in Central Pennsylvania is the
17 concentration of diesel exhaust emissions at rest
18 stops, truck stops and along side the sides of roads.
19 Due to an extensive interstate road system and
20 geography, Pennsylvania has become a transportation
21 and distribution hub for the nation. Every truck that
22 idles over a long period of time at rest stops and
23 truck facilities adds pounds of ground level
24 pollutants.

25 The Board examined strategies that can

1 significantly reduce the amount of air pollution
2 produced by commercial vehicles with diesel engines.
3 Idling by large diesel-powered vehicles contributes
4 significantly to ground level fine particulate matter
5 pollution, PM 2.5 and leads to the formation of ozone
6 pollution. The Board has met with local governments,
7 the trucking industry and civic groups to better
8 understand the problems that truck and bus operators
9 face if a regulation or statute is adopted. The Board
10 also discussed the problem of enforcement with
11 municipalities, which already have adopted limitations
12 on idling.

13 On October 16, 2006 the Clean Air Board
14 filed a petition with the Environmental Quality Board
15 to adopt a statewide regulation to limit idling of
16 diesel-powered vehicles. The Clean Air Board's 2006
17 petition asked the Department of Environmental
18 Protection and the EQB to adopt regulations to limit
19 idling by commercial diesel vehicles.

20 In drafting a proposed regulation for the
21 Environmental Quality Board and the Department of
22 Environmental Protection to consider, the Clean Air
23 Board recognized that certain operational needs of the
24 transportation industry may require some amount of
25 idling. We included exemptions that would accommodate

1 these operational needs. However, we recognize that
2 idling for the sole purpose of heating and cooling of
3 cabs has been made unnecessary by appropriate modern
4 technology. Air quality benefits can be achieved by
5 reducing the amount of unnecessary idling when
6 vehicles are waiting to load and unload.

7 The residents of Cumberland County are
8 keenly aware of this diesel exhaust pollution. DEP's
9 studies have concluded that Cumberland County
10 experiences the highest number of long duration idling
11 hours in the Commonwealth. Idling emissions are a
12 growing problem with the increase of long haul diesel
13 trucks traveling the highways of the Commonwealth.
14 Where diesel trucks and buses congregate at truck
15 stops, rest areas, and parking lots, the concentration
16 of emissions is especially harmful to those who must
17 breathe these emissions, workers, drivers, residents.
18 Along with direct emissions of fine particulate,
19 diesel-powered vehicles emit nitrogen oxide and
20 volatile organic compounds, both of which contribute
21 to ground-level ozone and particulate matter. Ozone
22 and fine particulate matter are pollutants that can
23 cause or exacerbate breathing problems, especially in
24 people with pre-existing respiratory conditions such
25 as asthma, bronchitis or emphysema. These air

1 pollution concerns are not only evident in Central
2 Pennsylvania, but also evident in communities along
3 our major transportation arteries across the state.

4 Excessive idling unnecessarily wastes
5 fuel. One gallon of diesel fuel is burned for every
6 hour spent idling. DEP estimates that diesel trucks
7 spend 22.3 million hours a year in Pennsylvania in
8 long-duration idling. That's idling more than 15
9 minutes. Approximately 95 percent of which is due to
10 truck travel rest periods. If each of the 13,000
11 long-haul trucks that idle in Pennsylvania each day
12 used alternative means to provide power during rest
13 periods, diesel fuel would be cut by more than 20
14 million gallons per year. We believe that many in the
15 transportation industry recognize the economic value
16 of reducing idling time.

17 The proposed regulation is consistent
18 with the EPA model rule and the state rules in those
19 states, which have adopted idling regulations.
20 Pennsylvania is the only state in the northeast that
21 does not have an idling rule. The current situation
22 may encourage some operators to rest in Pennsylvania
23 and idle their trucks in Pennsylvania, thereby
24 aggravating our air pollution problems. Other
25 communities in Pennsylvania such as those along I-80

1 in Luzerne County and along I-78 in the Lehigh Valley
2 also receive a disproportional share of long-duration
3 idling emissions.

4 Many trucking operators and companies
5 have installed auxiliary power systems, battery
6 operated systems and other idling reduction systems on
7 their diesel vehicles to avoid the need to run the
8 main engines to heat or cool the cab during rest
9 periods. Technology has been developing rapidly to
10 ensure the comfort of drivers during mandated rest
11 periods. Among other initiatives, the Commonwealth
12 has supported the installation of the Idle-Aire
13 heating and cooling systems at several truck stops in
14 Pennsylvania. The May 1, 2010 expiration date for the
15 temperature-related exemption of idling during rest
16 periods provides companies and drivers with sufficient
17 time to install bunk heaters, battery systems or other
18 auxiliary power units. The regulation also requires
19 truck operators to use existing facility
20 electrification systems, such as the Idle-Aire system,
21 if they are installed and available for use. We
22 believe this is a sensible requirement and we support
23 this requirement.

24 We do not support any additional
25 exemptions for idling, other than the ones listed in

1 the proposed regulation. As stated earlier, the
2 proposed regulation accommodates legitimate
3 operational needs of the transportation industry, as
4 stated in sections 126.612(a)(3), (a)(4), and (a)(5)
5 and in other provisions of the regulation. Turning
6 engines on and off while waiting to load and unload,
7 where the truck is not on a public road, is not an
8 undue burden.

9 We believe we need to protect the school
10 children from unnecessary exposure to diesel emissions
11 while protecting their safety. We recognize that
12 there may be certain limited situations where school
13 buses may need to idle on public streets in order not
14 to tie up traffic while waiting to pick up children.
15 This is covered in section 126.612(a)(11) of the
16 proposed regulation. When school buses are on school
17 property there are no such traffic concerns and they
18 should not idle. We suggest that the exemption for
19 school bus idling be clarified to allow such idling on
20 public streets and not allow such idling while on
21 school property.

22 Because of our shared concerns about the
23 quality of the air we are breathing and the need to
24 take steps to reduce diesel engine idling emissions,
25 we have circulated a petition among local residents

1 and communities in support of the proposed
2 regulations. The Clean Air Board is pleased to submit
3 petitions signed by over 1,400 Central Pennsylvania
4 residents supporting the Environmental Quality Board's
5 action in proposing these regulations. The petitions
6 include the resident's name, address, municipality and
7 ZIP Code. Signers include residents of Cumberland
8 County, Dauphin County, Lancaster County, York County,
9 Perry County and other counties. Most of the signers
10 of the petition are not members of the Clean Air
11 Board. These citizens signed the petition because
12 they are interested in improving our air quality and
13 are interested in this proposed regulation.

14 The Clean Air Board wants to publicly
15 thank the members of the Environmental Quality Board
16 and the staff of the Department of Environmental
17 Protection for the work that you have put into this
18 proposed regulation. You have listened to our
19 concerns. You have tried to address our concerns. In
20 the end, we believe you will adopt regulations that we
21 can be proud of. Thank you for your time.

22 CHAIR:

23 Thank you very much, Mr. Au. Our next
24 witness is Chris Chase. Chris Chase. Seeing that
25 Chris is not here, we will move to our next witness.

1 Dr. Philip Carey. And I apologize in advance if I
2 mispronunciate any of the names of our witnesses
3 today. Please remember to state your name, address
4 and affiliation for the record.

5 MR. CAREY:

6 My name is Philip Carey. I reside at 626
7 Wilson Street in Carlisle, Pennsylvania. I am here as
8 a representative of the people of Carlisle. The
9 Pennsylvania Constitution guarantees each citizen of
10 the Commonwealth the right to breathe clean air. In
11 2005 the EPA designated Cumberland County and 15 other
12 counties in Pennsylvania as non-attainment areas for
13 fine particulate pollution. In 2007, the American
14 Lung Association designated Cumberland County as the
15 17th most polluted county in the whole country with
16 short-term particulate pollution.

17 The air we breathe is not clean. A
18 significant source of this particulate pollution in
19 our area is diesel exhaust. Exposure to diesel
20 exhaust is not just an unpleasant experience, it is
21 also harmful to our health. In fact, diesel exhaust
22 is one of the most toxic substances known to man. I
23 have been a respiratory care physician in Carlisle for
24 28 years. I became interested in air pollution
25 several years ago when I concluded that my patients

1 with asthma were becoming more difficult to treat.
2 This meaning that they were having more frequent
3 exacerbations of the disease and were requiring
4 stronger medications to control their symptoms. It
5 was then that I learned that Cumberland County does
6 not meet standards of the Clean Air Act. Again I say,
7 the air we breathe is not clean.

8 The scientific evidence that diesel
9 exhaust is harmful is overwhelming. Literally
10 hundreds of articles have been published documenting
11 its harmful effects. Diesel exhaust affects people of
12 all ages running the gamut from intra-uterine defects
13 in the unborn to significant heart and lung diseases
14 in the elderly, including premature death. Exposure
15 to diesel exhaust is associated with developmental
16 lung defects in children, exacerbations of asthma and
17 emphysema, precipitation of heart attacks, congestive
18 heart failure, strokes, and the development of lung
19 and bladder cancer. Data from the Clean Air Task
20 Force indicates that Pennsylvania is the third most
21 negatively impacted state in our country.

22 At the same time, we must remember that
23 the diesel engine is the workhorse of our economy. We
24 are all dependent upon it. It is therefore imperative
25 that we develop strategies that allow the diesel

1 engine and humans to co-exist in a healthy
2 relationship. According to DEP approximately 13,000
3 diesel trucks idle each day in Pennsylvania.
4 Approximately 25 percent of these idle in the Carlisle
5 area. A reasonable strategy to decrease harmful
6 diesel emissions and to improve air quality is
7 restriction of diesel idling. Currently 16 states
8 have enacted anti-idling regulations. The proposed
9 regulation before us is consistent with EPA guidelines
10 and one that all Pennsylvanians can live with. A
11 statewide anti-idling regulation will be a good start
12 in achieving Pennsylvania's goal of clean air and
13 upholding its Constitution. Thank you.

14 CHAIR:

15 Thank you very much, Dr. Carey, for
16 submitting comments on the proposed rulemaking. Our
17 next witness is Lucas Porter. Lucas Porter? Please
18 remember to state your name, address and affiliation
19 for the record.

20 MR PORTER:

21 My name is Lucas Porter and I live in
22 Carlisle, Pennsylvania on 620 Wilson Street. I am 12
23 years old, and I am a sixth grader in the Carlisle
24 Area School District. I recently completed a science
25 project that studied the harmful effects of diesel

1 exhaust. My study showed a decrease of lung function
2 in asthmatics when exposed to diesel exhaust from
3 idling trucks at a truck stop. Harmful effects also
4 occur when my classmates are exposed to idling school
5 buses.

6 I have learned that diesel exhaust is a
7 very toxic substance and that many areas in
8 Pennsylvania are polluted with PM2.5 diesel engines.
9 My friends and I think that one good way to decrease
10 this pollution is to pass a rule to prevent trucks and
11 buses from unnecessary idling. Our future health and
12 well-being are at stake. The kids of Pennsylvania
13 thank you for listening.

14 CHAIR:

15 Thank you very much, Mr. Porter. Our
16 next witness I will call is Marilyn Zatinsky.

17 MRS. ZATINSKY:

18 My name is Marilyn Zatinsky. I lived the
19 last five years in Carlisle at 125 Walnut Street about
20 a half a mile from the center of town. I have only
21 since I moved here developed asthma. That's the
22 bottom line. The reason I'm here today is to say
23 that. I didn't have this history before. I have
24 lived in major metropolitan areas, not in
25 Pennsylvania. Chicago, Florida with vehicles and I

1 didn't have this problem but now for five years I'm
2 sick. I take these. This one is really, really bad.
3 I beg you to try to pass the best regulations that you
4 can formulate to protect the kids and people like me.
5 I'm Medicare age and I can see that my life is going
6 to be inhibited by this more and possibly shortened.
7 I hope not. If you can pass this kind of ordinance
8 and enforce it, I have a better chance. That's all.

9 CHAIR:

10 Thank you very much, Mrs. Zatinsky. Our
11 next witness is Dr. Andrew Banky.

12 MR. BANKY:

13 Thank you, sir. In brief, I did submit
14 comments online if those are available. My name is
15 Andrew Banky. I am the president of the Cumberland
16 County Medical Society and I am here as their official
17 representative of that organization, the Cumberland
18 County Medical Society. My address is 49 Brookwood
19 Avenue, Carlisle, Pennsylvania 17015. And my comments
20 are online and just basically came here to say that
21 the physicians in the Cumberland County area recognize
22 this as a high subject for improvement of the health.
23 As physicians, we are under oath by the ancient
24 hypocrites to do best for our patients and first of
25 all to do no harm. Allowing pollutants like this to

1 go in the atmosphere can cause harm for our patients
2 is something that we must stand up against. The
3 physicians are grateful for the work of the Clean Air
4 Board, especially Doctor Carey. We support him
5 wholeheartedly and officially the Cumberland County
6 Medical Society stands in support of this regulation.
7 Thank you.

8 CHAIR:

9 Thank you very much, Dr. Banky, for
10 submitting comments for the record. The next witness
11 is Sandy Strauss.

12 MRS. STRAUSS:

13 My name is Sandra Strauss, Reverend
14 Sandra Strauss. I live at 2315 Northfork Street in
15 Harrisburg. I am here on behalf of the Pennsylvania
16 Council of Churches. I am the Director of Public
17 Advocacy for all churches and we are made up of a 43
18 member bodies representing 20 different communions of
19 denominations. So we represent thousands of persons
20 of faith throughout the Commonwealth. I am here to
21 support the Clean Air Board of Central Pennsylvania
22 and to testify on behalf of this issue, that is also
23 significant concern to the Council's constituents.

24 As stated in our Principles for Public
25 Advocacy, we believe that in a healthy society, the

1 well-being of all is a priority. To this end, we
2 believe the proposed regulation to restrict the idling
3 of diesel-powered vehicles takes a significant step
4 towards this priority. We know that diesel emissions
5 contain significant amounts of particle pollution and
6 ozone, both known to present serious health threats to
7 tens of thousands, if not millions, of Americans.
8 Research indicates that many people suffer ill effects
9 from particle and ozone pollution at even low levels,
10 and the impacts on elderly persons, children with
11 asthma, and people with heart and lung disease is even
12 greater than for the average person.

13 We know that ozone acts as an irritant to
14 the lungs and airways causing inflammation, reddening
15 and swelling. This alone is enough to endanger those
16 whose health status is less than perfect and increase
17 the chance of premature death among those affected.
18 However, healthy persons are not immune from the
19 harmful effects of particle and ozone pollution. For
20 example, studies have shown that at the federal ozone
21 standard of .08 parts per million and even below,
22 healthy persons exhibit negative health outcomes,
23 including decreased lung function and respiratory
24 symptoms ranging from inflammation to infection. So
25 it does have a dramatic impact on, not just unhealthy

1 people but healthy people.

2 We also want to acknowledge that a
3 restriction on diesel idling will benefit the
4 environment reducing our dependence on fossil fuels
5 that contribute to greenhouse gas emissions, and
6 moving us in a positive direction toward energy
7 independence for our state and our country. This is
8 in keeping with the Council's position concerning the
9 principle of sustainability, which suggests priorities
10 that may include, among other things, greater
11 responsibility in the use of energy. We believe
12 sustainability results when laws and regulations set
13 standards that consider the quality of life for future
14 generations and we believe that the proposed
15 regulations address our concern for sustainability.

16 The bottom line is that we support the
17 proposed restriction on diesel idling that will
18 address the concerns of vulnerable persons and help to
19 protect the environment, and we urge the Environmental
20 Quality Board to adopt this new regulation and promote
21 full implementation at the earliest possible date.

22 Thank you.

23 CHAIR:

24 Thank you Reverend Strauss. We
25 appreciate you coming to Harrisburg to present your

1 comments today. Our next witness is Richard Ruff.

2 Richard Ruff.

3 MR. RUFF:

4 I am Richard Ruff, a resident of
5 Carlisle. I live at 124 Morland (phonetic) Avenue and
6 the ZIP Code of Carlisle where I live is 17013. I'm a
7 Lutheran pastor who has lived in the Carlisle area for
8 over 27 years. When I arrived in Cumberland County in
9 May of 1979, I enjoyed the experience of living in a
10 small city with lots of open spaces, abundant fresh
11 air and rich blue skies. I considered these to be
12 wonderful assets where my wife and I could rear our
13 children, serve a growing Lutheran congregation, and
14 join with others to continue making Carlisle area a
15 wonderful place in which to live, to enjoy life and
16 maybe eventually retire. This place seemed ideal.

17 Over the years the borough and the county
18 has increased in population, developed more shopping
19 opportunities and became much richer in cultural
20 activities. All this has been wonderful and positive,
21 but growth occurred also in unexpected ways. With
22 this positive growth has come the need for more
23 storage areas for the stuff that people, not only in
24 Carlisle and Cumberland County want, but also people
25 living north, east, south and west of us.

1 Unanticipated and in some cases, unwanted changes
2 began to occur.

3 Large numbers of warehouses were built as
4 distribution points for the whole east coast and many
5 more are proposed. Enormous increases in truck
6 traffic both on Interstates 81 and 76 have taken place
7 and with that our clean air became more and more
8 polluted with toxins that no one anticipated or even
9 understood. The rich hues of the blue skies have
10 changed somewhat and became greyer, health-related
11 problems increased among the population and worries
12 and anxieties about what lies ahead for individuals,
13 their families and the long-term future of the
14 community had hit a new high.

15 Professionals who understand the science
16 behind vast increases in traffic, the toxic presence
17 of chemicals that are present in diesel fuels which
18 pollute the air we breathe, and the danger they can
19 present to people living in this community, have
20 helped us understand that we are living in the midst
21 of an ethical dilemma that must be addressed as
22 quickly as possible for the sake of us who are living
23 here now, but also for our children, and their
24 children who will follow after us.

25 Studies from our physicians have already

1 demonstrated that problems with lung disease are
2 rapidly increasing among the population. This
3 population includes men, women and children in the
4 general population, that also the truck drivers
5 themselves, workers at truck stops and warehouses who
6 must breathe the emissions coughed out by diesel
7 engines. The immensity of this problem cannot be
8 solved overnight, but a first legislative step can and
9 must occur swiftly to begin the turn-around of a
10 dangerous problem that seriously affects the people of
11 Central Pennsylvania. The action needs to take place
12 now to relieve the worries and fears of the people
13 living under these conditions. This is the right and
14 moral thing to do.

15 I would urge that the anti-idling
16 regulations, as this first step, be put into place as
17 law as quickly as possible. This will reduce toxic
18 emissions and even save money for those who transport
19 the goods that people want. Is this not one good way
20 that we can together love our neighbors as ourselves?
21 Thank you.

22 CHAIR:

23 Thank you, Pastor Ruff, for submitting
24 comments on the proposed regulation. Our next witness
25 is Duane Fickeisen.

1 MR. FICKEISEN:

2 Good afternoon. My name is Duane
3 Fickeisen and I am one of the pastors of the Unitarian
4 Universalists of the Cumberland Valley in Boiling
5 Springs. The address there is Post Office Box 207,
6 Boiling Springs 17007. I also serve on the board of
7 the Clean Air Board of Central Pennsylvania. I speak
8 today as a religious leader in support of the proposed
9 regulation of idling. Thank you for the efforts that
10 you have made to craft an effective and reasonable
11 proposed regulation. I feel that this is an excellent
12 example of citizens and government working together to
13 improve the quality of life in our state.

14 I am concerned about the health impacts
15 of PM2.5 in the air we breathe. Members of the
16 congregation that I serve reside throughout Cumberland
17 Valley. Several of them suffer from respiratory and
18 cardiac ailments. Some of them have expressed to me
19 the belief that high PM2.5 levels impact their
20 breathing. They have noticed that they are especially
21 affected on days when the Air Quality Index is high,
22 which is primarily due to fine particulates. This
23 continues to have serious effects on the quality of
24 their lives.

25 While the Carlisle/Harrisburg area is

1 among the worst in the nation for fine particulate air
2 pollution, other parts of Pennsylvania especially the
3 Pittsburgh, Allentown and Philadelphia areas also
4 experience unhealthy levels of PM2.5. It is my
5 understanding of the medical research on effects of
6 exposure to fine particulates that no safe level has
7 been established, that even relatively small
8 reductions in exposure have been estimated to provide
9 significant health benefits, and that even short-term
10 exposure to high concentrations increases the risk of
11 heart attack. Further, I understand that exposure to
12 fine particulates causes abnormal lung development in
13 children that is irreversible.

14 I am especially concerned about the
15 people who are frequently exposed to high
16 concentrations of PM2.5s for long periods, including
17 those who spend much of their time near diesel exhaust
18 sources on highways, at or near warehouses and
19 trucking facilities, in or near school busses, for
20 example. Professional drivers, highway construction
21 crews, police and other emergency responders, and
22 school children seem particularly vulnerable as does
23 anyone who lives or works within 1,000 feet of a
24 highway, truck route or trucking facility.

25 My religion teaches that we have a

1 compelling responsibility to care for every person in
2 our community, to practice a radical hospitality that
3 cares for all. We affirm the inherent worth and
4 dignity of every person. We also teach, along with
5 virtually all of the world's religions, that we are
6 called to be effective stewards of the Earth.
7 Unitarian Universalists are called to respect the
8 interdependent web of all existence. Whether you
9 arrive at the call to stewardship from an
10 understanding that God created it, saw that it was
11 good, and charged us to care for it, from the belief
12 that we owe it to future generations to protect the
13 planet or from the standpoint that it just makes sense
14 not to foul our own nest. I think most people would
15 agree that we should take our stewardship seriously.

16 Not only that, but the Commonwealth's
17 Constitution includes a declaration of rights, which
18 includes this language in Section 27, titled Natural
19 Resources and the Public Estate.

20 The people have a right to clean air,
21 pure water and to the preservation of the natural,
22 scenic, historic and esthetic values of the
23 environment. Pennsylvania's public natural resources
24 are the common property of all the people, including
25 generations yet to come. As trustee of these

1 resources, the Commonwealth shall conserve and
2 maintain them for the benefit of all the people.

3 That seems pretty clear to me. As an
4 agency of the Commonwealth, as one of the trustees of
5 these resources, the people have a right to expect
6 that you'll act to protect, conserve and maintain
7 clean air. The proposed regulation is balanced. It
8 grants what seems an appropriate time line for the
9 installation of alternative ways for drivers to
10 maintain comfort in truck cabs during rest periods.
11 With the rising costs of fuel, installation of
12 alternative systems is cost effective.

13 I don't expect that this regulation will
14 solve all the problems of fine particulates in our
15 air. It may not even bring us into attainment with
16 federal air quality standards, but I do believe it
17 will be helpful, that it has the potential to make a
18 difference and that it will not be unfair or
19 burdensome to drivers. Exposure to high levels of
20 PM2.5 impacts the quality of life of people who suffer
21 from respiratory ailments and reduces their life
22 expectancy. Children who are exposed to it may never
23 develop normal lung capacity, with permanent impacts
24 on their lives.

25 Our Constitution asserts that clean air

1 is a right of the people and promises us that the
2 Commonwealth will protect it. From a religious and
3 ethical perspective, we have a responsibility to be
4 good stewards of the Earth's resources, including the
5 very air we breathe.

6 The proposed regulation would be a step
7 toward fulfilling the role of trustee for public
8 natural resources. I urge your adoption of it. Thank
9 you.

10 CHAIR:

11 Thank you, Pastor Fickeisen. Our next
12 witness is Mark Kreiger.

13 MR. KREIGER:

14 I am Reverend Mark Kreiger. I am the
15 executive prespitor (phonetic) of Presbyterian
16 Carlisle. Our offices are 3040 Market Street, Camp
17 Hill 17011. As the executive of prespitor of the
18 Presbyterian Carlisle, I serve a regional governing
19 body of the Presbyterian Church USA here in Central
20 Pennsylvania, including all Presbyterian churches in
21 Cumberland County. That includes both first and
22 second Presbyterian churches in Carlisle.

23 It's amazing to me that the churches in
24 Carlisle, a number of religious leaders who also are
25 here today, in all of this the Presbyterians have

1 gathered together with representatives of the
2 community and gathered with an amazing power and
3 tenacity in the Clean Air Board and they are bringing
4 recommendations here to you which I would like to
5 second and agree with and to urge your adoption
6 approval of this regulation.

7 It seems to me that when people that live
8 in local communities gather together and identify
9 significant problems in those communities, that's
10 really the way --- how an element should start and how
11 regulations should begin. And then those regulations
12 are then communicated with the powers to be through
13 this regulatory body. That you should really listen
14 to the Reverend's concerns. So I'm simply here to
15 support that effort and to encourage your support of
16 this regulation. Thank you.

17 CHAIR:

18 Thank you, Reverend Kreiger. Our next
19 witness is Victor Stabile.

20 MR. STABILE:

21 I don't have written comments for you,
22 but if you need to hear me, they will be available.

23 CHAIR:

24 That's fine.

25 MR. STABILE:

1 Good afternoon and thank you for the
2 opportunity to be here today. My name is Victor P.
3 Stabile. I am an elective supervisor for Middlesex
4 Township in Carlisle, Pennsylvania, Central Cumberland
5 County. I am the current chairman of quality board
6 supervisors. Middlesex Township is a municipality of
7 about 7,000 people. We have what is called the
8 Miracle Mile that lies directly through the middle of
9 our township and is the stretch of US Route 11 between
10 I-81 and Route 76.

11 We work early, known as the poster child
12 for trucking stops and distribution. We have been
13 joined most recently by many of our municipal laborers
14 who are quickly getting that distinction as well. If
15 you know anything about the trucking distribution and
16 how that's changed in the past 20 years, economics of
17 distribution dictates that areas like Central
18 Cumberland County are ideal, so the logistics of
19 trucking distribution and economics are able to speak
20 today.

21 It is our understanding that that is the
22 principle reason why Central Pennsylvania and
23 Cumberland County in particular have become targets
24 for the trucking industry, and while that may be
25 useful to the economy and necessary for what we need

1 on a daily basis, it certainly has its impacts, one of
2 which is the emissions of diesel and the effects it
3 has on our community.

4 Middlesex Township and its Miracle Mile
5 has average daily traffic and sometimes you will hear
6 numbers of about 40,000 vehicles a day. More than
7 half that number is comprised of truck traffic right
8 now.

9 Middlesex Township has over 2,000,000
10 square feet of trucking-related facilities, a good
11 percentage of which are truck stops where trucks stop
12 routinely, daily and 24/7 in order for their drivers
13 to rest and idle their vehicles. The trucks that come
14 through Middlesex Township can serve 60 percent of the
15 United States population in a single day's drive,
16 which makes all the more traffic to our area to become
17 a focus for this part of our economy.

18 Air is a problem. It is a direct and
19 substantial problem for the people that live in the
20 middle of this distribution economy. I'm here today
21 to talk to you about that and to urge your adoption of
22 these anti-idling regulations. We don't need to sit
23 here today and tell you about the health effects of
24 diesel emissions and how that affects the health and
25 well-being of people. The EPA since the late '90s, as

1 I understand it, had substantial reports on the health
2 effects of diesel emissions. Even when that national
3 report was revised that basic conclusion was
4 unaffected.

5 I can tell you that Middlesex Township
6 was involved in contesting over two minutes worth of
7 additional distribution between two developments,
8 between Middlesex and South Middleton Townships, which
9 would have brought substantial more trucking into our
10 area. We want to get fuel through our own testing.
11 This was something that before we change EPA limits
12 are diesel emissions at the 2.5 part of the law
13 evident.

14 I can tell you that based upon that
15 testing, we will document that on both the 24 hour
16 testing and what we extrapolated to be the annual ---
17 that we were well in excess of anything that could be
18 considered healthy. It is likely a representative of
19 Middlesex that I routinely hear the complaints of
20 people who are subject to diesel emissions. People
21 will say in Middlesex and in particular people who
22 live in close proximity to the Miracle Mile about how
23 their eyes itch, how there is grim on their windows
24 and on their cars, how their children and themselves,
25 talking parent, adults, routinely and well frequently

1 suffer from breathing and asthma and that this is a
2 severe problem that they want to try and do something
3 about.

4 Ironically, we have these mills right
5 through the middle of our township as well, as long as
6 they're reclassified as pristine. I can tell you that
7 not only from this type of toxic material, but also
8 other materials related to transportation, those laws
9 are being compromised. I can tell you that we had a
10 well that will not be funded by state DEP because of
11 petroleum contamination. Although that is not the
12 diesel emission I'm talking of, it certainly is
13 related to the carrier that brings it into our
14 community.

15 I can tell you that there are people in
16 my community that have sophisticated filtration
17 systems in their homes. You tell me that they more
18 than frequently have to change those filters based on
19 manufacturer recommendations, that when they take
20 those filters out that they are chalk full of dust and
21 dirt and still they don't feel that they are able to
22 control this problem, which is all to say that I am
23 here on support --- to represent Middlesex asking to
24 adopt these regulations.

25 I can tell you that as an elected member

1 of the Middlesex Board, I also sit as a member to the
2 Central Cumberland County Task Force on Regional
3 Development that is a cooperative group of
4 municipalities that get together in order to try and
5 force solutions that are larger than any part of us
6 that we can collectively address on a much larger
7 basis. There are six municipalities that regularly
8 attend our task force, Middlesex, North and South
9 Middleton, Carlisle Borough, Dickinson Township and
10 West End Borough.

11 This issue of anti-idling is something
12 that the task force has tried to wrestle with now over
13 the past several years. Well, we have been stymied by
14 two things, one is what can any of us do individually
15 on a piecemeal basis by adopting a local ordinance
16 that can actually have some significant effect on this
17 problem of excess idling, and two, how do we enforce
18 it?

19 Those two problems which we have not been
20 able to address idly are resolved by your adoption of
21 statewide regulations which will address this, not on
22 a piecemeal basis but on a statewide basis and won't
23 allow us to make use of the regulations presently
24 already in place for statewide regulation on the Clean
25 Air Act.

1 I will also ask though that adopting
2 these regulations that you please also consider
3 extended concurrent jurisdiction to local law
4 enforcement authorities. I don't think it would be
5 practical to expect the state police or EPA or state
6 inspectors to be able to police this problem in order
7 to give it some teeth. Giving some concurrent
8 jurisdictions to local law enforcement on the ground,
9 I think will enable these regulations that are adopted
10 to actually become enforceable and to actually have
11 some substance behind it.

12 The only thing other than that I would
13 like to add is that to review the exemptions in
14 proposed Section 126.612. I notice that the first
15 exemption A(1), that vehicles that are at a close
16 parking location equipped with stationary idle
17 reductions technology are exempted from this
18 regulation. What this exemption does not provide for
19 it though, and I imagine unintentionally, is that not
20 only must you be parked at a facility with idle
21 reduction technology but the regs should also be
22 required to be using it.

23 As it is presently written, I am afraid
24 that there is a loop hole in it where you can pull
25 into a facility that may have only enough Idle-Aire

1 facility for maybe 50 trucks but you can have 500
2 sitting there. The way this is written is suggesting
3 that as long as you are at a facility with this proper
4 technology, you can idle there. There is no
5 requirement that you actually use it. With those
6 comments on the regulation and our experience in
7 Middlesex, I tell you that we strongly urge you to be
8 able to do this finally on a statewide basis so that
9 we can have a real and significant effect on a problem
10 that we feel directly and substantially on a daily
11 basis. Thank you.

12 CHAIR:

13 Thank you, Mr. Kreiger. Our next witness
14 is Jim Runk.

15 MR. RUNK:

16 Mr. Chairman, I don't have any written
17 comments. My name is Jim Runk, R-U-N-K. I am
18 president, CEO of Pennsylvania Motor Truck Association
19 from Camp Hill, Pennsylvania 17011-6409. Thank you
20 for providing the opportunity for us to get together
21 today. I get the feeling I'm the reason why everybody
22 is here, or my industry is anyway, but we only buy
23 trucks. We don't make the trucks. We only buy trucks
24 that are legally made and manufactured, but however we
25 are the ones that use the trucks.

1 We have statewide trade association of
2 approximately 2,200 companies. Those are thousands of
3 truck owners and related suppliers to that industry.
4 We're the fourth largest industry in Pennsylvania. In
5 one out of every 11 citizens will receive a paycheck
6 from the trucking industry. We have nine chapters
7 statewide, the association does, and which represent
8 the Commonwealth pretty completely.

9 We have worked diligently with the DEP.
10 They have been very receptive to the ideas that we
11 come up with. We certainly work with several other
12 senators on another bill, and we understand, by the
13 way, our responsibility to provide any kind of
14 equipment or any kind of solutions to support clean
15 air and the environment. Ten years ago our industry
16 started using cleaner burning diesel fuel and now
17 we're into the second or third generation diesels that
18 the manufacturers are making, and we look forward to
19 the 2010 diesel engines, albeit still need a quite a
20 bit of testing, but eventually I think we'll see that
21 the manufacturers have come up with an engine that
22 will be the cleanest burning diesel engine that you
23 will ever see.

24 I do have, however, a couple of comments
25 about the provision. I want to just point out 126.611

1 of the idling restrictions. We certainly understand a
2 limit on idling, however, it's unrealistic to believe
3 that in today's operating conditions that five minutes
4 of idling will either heat or cool a vehicle
5 particularly when the driver is trying to get his ---
6 to sleep. Because those of you who have ever ridden
7 in a diesel vehicle know how it just rattles when it
8 turns on and rattles when it turns off. So that can
9 affect the drivers' sleep which is required to get ten
10 hours of resting in a sleeper. But we understand that
11 is an issue nationally and just wanted to bring that
12 attention to the Board.

13 The other exemption that we believe is
14 very fair is the degrees of 40 degrees Fahrenheit, 75
15 degrees Fahrenheit. Those are certainly parameters
16 that our industry can live with and I think it's
17 important to know that our industry has worked with
18 the Carlisle Board, CARB Board, and we have a number
19 of members that I know have worked with them in coming
20 up with some solutions in that area, that are already
21 assigning their locations for anti-idling
22 requirements. By the way, at \$3.00 and thirty some
23 cents a gallon we don't want idling either because it
24 uses a lot of fuel. So the new technologies are
25 coming out that we will be able to utilize, including

1 Idle-Aire that we use. Those are --- as equipment
2 like a small generator that would be attached to the
3 cab of the truck. And we understand our
4 responsibilities through to do what we can to help
5 support the Board in coming up with a parameter of
6 good requirements that not only protect the health and
7 safety of the driver but also protect the environment.
8 Thank you very much for permitting us to be here
9 today.

10 CHAIR:

11 Thank you, Mr. Runk. Our next witness is
12 Charles Hooker.

13 MR. HOOKER:

14 My name is Charles Hooker from Charles
15 Hooker Jr, 16 Medlove (phonetic) Drive, Mechanicsburg,
16 17050. I can give you the essence of my statement
17 later, but I moved to this area about four years ago.
18 I am a patient of Dr. Armstrong, Medical Allergy in
19 Carlisle and he is trying to manage my asthma, COPD
20 and so forth and I support the work of the Clean Air
21 Board whenever I can. Thank you for hearing my
22 testimony.

23 CHAIR:

24 Thank you, Mr. Hooker. Our last
25 pre-registered witness is Hope Swenson. Here we have

1 no other pre-registered witnesses, I am going to open
2 it up to see if any of the members of the public that
3 are here today that haven't presented testimony
4 already would like to do so at this time. Is there
5 anybody that would like to present testimony? Going
6 once, no other witnesses present on behalf of the
7 Environmental Quality Board, I would like to thank
8 everyone for coming to Harrisburg today. The weather,
9 obviously, was not the best out to make this trip
10 here. We very much appreciate you coming and it was
11 nice to see a student as well here to present
12 testimony. You have a bright future ahead of
13 yourself. Thank you very much and seeing there are no
14 other witnesses, I would like to close this hearing at
15 4:00 p.m. Thank you.

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17 * * * * *

18 MEETING CONCLUDED AT 4:00 P.M.

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