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Approval near for control of small engines' emissions EPA ready to OK California's limits, even to point of making rules national standard

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(06-30) 04:00 PDT Washington -- Federal regulators signaled Thursday that they are ready to approve California's effort to limit air pollution from small engines such as those that power lawn mowers -- and, to the chagrin of industry, may adopt the state's tough new standards across the entire country.

California has battled for years to rein in the smog-forming emissions from lawn mowers, leaf blowers, weed whackers and chain saws, pollutants known to exacerbate asthma, heart disease and other ailments. But the state's efforts had been delayed by one U.S. senator -- Republican Christopher "Kit" Bond of Missouri -- and a powerful small-engine manufacturer with two plants in his state.

California officials made their case directly at a hearing Thursday before the Environmental Protection Agency, which must approve a waiver allowing the state's new rules to go into effect.

While top EPA officials won't make a final decision until later this year, after receiving public comment, they indicated they were leaning toward embracing California's stringent standards.

"We are concerned that as other sources are controlled, this source is going to continue to be a bigger source for air pollution," said Margo Oge, director of the agency's office of transportation and air quality.

EPA Administrator Stephen Johnson will make the final decision, but Oge said California's rules are seen as the model for new federal standards for small-engine emissions that are scheduled to be proposed later this year.

"We believe harmonizing with California will be cost-effective, good for the environment, good for the industry," she said.

Thursday's hearing also was a breakthrough for the state because the industry's main trade group, for the first time, said it will no longer seek to block California's rules.

William Guerry, the counsel for the Outdoor Power Equipment Industry, said the industry still wants more flexibility to meet the state's requirements, but is ready to install new catalytic converters and other equipment in products sold in California to reduce emissions.

"I want you to appreciate the pain and challenge (our) members are accepting to make that statement," he told the EPA panel.

But after the hearing, Guerry said his group does not want to see California's rules adopted as the national standard, because it would add costs to every lawn mower, tree trimmer or small gasoline-powered generator sold in America.

"That's not acceptable for the national market," he said.

In fact, small-engine manufacturers are divided over California's rules. Two major manufacturers, Honda and Kohler, testified at the hearing Thursday that they strongly support the state's efforts.

Honda's representative, David Raney, said his company plans to sell small engines that meet California's more stringent requirements wherever possible around the country.

"Nothing should stop EPA from moving forward with a regulation (similar to California's) for all of the country," Raney said.

The California Air Resources Board first proposed its new rules in 2003, realizing that after limiting motor vehicle and manufacturing emissions, lawn and garden equipment was one of the last big sources of smog-forming chemicals. The rule would eliminate 22 tons of pollutants from California's air daily -- the equivalent of more than 800,000 cars a day.

But the largest lawn and garden equipment maker in the country, Briggs & Stratton, challenged California's authority to regulate the industry.

The company, which has two factories in Missouri, persuaded Bond, a powerful appropriations subcommittee chairman with control over the EPA's budget, to attach a rider to a spending bill forcing the agency to delay approving California's rules until it studied the fire risks of new, cleaner engines. Bond also included language barring other states from adopting California's tough standards.

But the EPA's study, released in March, found that new small engines with air pollution controls did not pose a fire risk and, if properly equipped, could actually be safer than existing engines. And Bond said this week that he has no further plans to block California's new rules.

Robert Sawyer, chairman of the California Air Resources Board, told EPA officials Thursday that new standards are critical to the state's battle against smog. The state has six of the 10 most ozone-polluted cities in the country. Last year, the San Joaquin Valley exceeded the federal standard for ozone on 72 days, while Southern California exceeded the standard on 84 days.

"Timely action on your part is needed," Sawyer pleaded to regulators.

State officials acknowledge that the new standards come with a price tag: an additional \$37 to \$52 for a walk-behind lawn mower and \$71 to \$179 for a commercial-grade riding mower. But Sawyer said the improved fuel efficiency of the engines would compensate for the extra cost over the life of the mower.

Other states are closely watching the agency's decision in the California case. While Bond's amendment blocked other states from adopting the tougher rules, many air quality officials believe California's standard will eventually become the new federal standard.

"California is once again leading the way in setting stringent limits" on air pollutants, said Eric Skelton of the Northeast States for Coordinated Air Use Management, which represents eight states, including New York and Massachusetts.

Gov. Arnold Schwarzenegger sent a letter to Johnson, the EPA chief, warning that a failure to approve a waiver would jeopardize California's ability to meet federal clean air standards.

Sen. Dianne Feinstein, D-Calif., who battled Bond in the Senate over the new air rules, urged the agency to consider the health risks of not acting.

"Lives are at stake: The American Lung Association estimates that 7,100 Californians die each year from illnesses related to unhealthy air," she said. "We cannot accept these deaths from poor air quality; California's small-engines rule is an effective way to help prevent them."