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March 17, 2008

The Honorable Kathleen McGinty
Secretary
Department of Environmental Protection &
Chairperson, Environmental Quality Board
Rachel Carson State Office Building, 16th Floor
400 Market Street
Harrisburg, PA 17101

Re: Comments on January 12, 2008 Proposed Rulemaking: Diesel Vehicle Idling; and Auxiliary Power Systems

Dear Secretary McGinty:

On behalf of its 24,000 members and customers, representing the spectrum of Pennsylvania industry, business, and commercial enterprises, the Pennsylvania Chamber of Business and Industry appreciates the opportunity to provide comments concerning the Environmental Quality Board's (EQB) proposed rulemaking to amend Chapter 126 (relating to motor vehicle and fuels programs) by adding a new Subchapter F, relating to diesel vehicle idling.

Specifically, we are concerned with Section 126.611 of the Vehicle Idling rule that includes the phrase "or allow" in its restriction on idling. This has the effect of requiring facility owners to ensure all affected vehicles, whether under the direct control of the facility or independently operated, that come on their properties comply with the regulation or the facility itself could be found in violation of the anti-idling regulation. This rule is a reapplication of a California regulation-California Code, Title 13, Division 3, Article 1, Chapter 10, Section 2485 with the following requirement, "On or after February 1, 2005, the driver of any vehicle subject to this section: (1) shall not idle the vehicle's primary diesel engine for greater than 5.0 minutes at any location, except as noted in Subsection (d);" There is no reference to allowing idling to occur. The California requirement correctly places all the compliance requirements on the owner of the vehicle. Proving compliance at a large manufacturing facility would require the site to ensure that the thousands of independently owned trucks that visit the site annually comply with the regulation. The regulation as written would have substantial impact on various entities, including but not limited to, warehousing operations and manufacturing facilities.

The Chamber respectfully urges the removal of the term, "or allow" from Section 126.611.

Sincerely,

Gene Barr
Vice President, Government and Public Affairs

