ECO regulation for Lake and Porter Counties.

II. Public Comments and USEPA Responses

Comment

Several commenters believe that employees will be forced to change their commuting habits. Employees note that driving is a privilege and that the USEPA is trying to take it away with the ECO program. There is concern that employees will face substantial penalties if they do not meet the ECO regulations. Employers believe they will be required to force their employees to change their commuting habits. The employers note that ECO will create opportunities for legal challenges from angry employees against employers put in the position of infringing on employee's commuting choices and personal schedules.

USEPA Response

There is nothing in the Act that would force an employee to change commuting habits. The Act requires employers to provide incentives to employees so that employees may choose alternatives to driving alone. The Act gives employers flexibility to use any incentives they choose to promote compressed work weeks, mass transit, vanpools, carpools, telecommuting, bicycling, and walking. An employee may accept or reject an employer's incentives to stop driving alone to work.

Many employees will benefit from the ECO program. Coordinated ridesharing programs will facilitate carpooling and vanpooling that can reduce employee stress and save employees money. Efforts by employers to support coordinated transportation planning at the regional level may improve transportation services, such as added bus routes, so that employees will have more choices in how they get to work. Guaranteed ride home programs have been found to cost employers very little and provide assurance to employees who do not drive to work that their transportation needs can be met in case an emergency arises.

Consequently, the privilege of driving is not being taken away with the ECO program and employees will not face penalties for not meeting the ECO requirements. Employees will voluntarily decide whether or not to change their commuting habits. Conversely, employers will not be required to force their employees to change their commuting habits. Employers will develop a program of incentives with the goal of influencing their employees to voluntarily decide to commute differently.

Comment

One commenter objects to the need for an ECO program since new cars are built to be much cleaner. The commenter notes that if the ECO program goes into affect, money developing these cleaner cars will have been wasted since people can't drive the clean cars.

USEPA Response

The Act requires implementation of an ECO program in those areas that have been classified as severe or extreme nonattainment for ozone or serious nonattainment for carbon monoxide. Fourteen areas in eleven States, including Lake and Porter Counties in Northwest Indiana, must implement an ECO program.

These severe and extreme ozone nonattainment areas will have to reduce emissions by a very large amount to achieve the health-based ambient air quality standard for ozone. A study currently being conducted for the Chicago, Milwaukee, and Northwest Indiana areas by the Lake Michigan Air Directors Consortium and the States of Indiana, Illinois, Wisconsin, and Michigan indicates that current levels of emissions, considering growth, will need to be reduced by as much as 40 to 60 percent, or more to achieve attainment of the ozone air quality standard by the year 2007. Implementation of numerous control measures for stationary, area, and mobile sources of emissions will have to occur to achieve this percentage reduction. Mobile sources, which include automobiles, account for almost 47 percent of the ozone pollution in Northwest Indiana.

The growth in the use of automobiles is one of the primary reasons it has been difficult to achieve better ozone air quality. Vehicle miles traveled have experienced a growth rate over the past 25 years which is nearly three times the rate of the population growth. While hundreds of millions of dollars have been invested over the past 25 years to reduce vehicle emissions by applying good technology to both the vehicles and the fuel, it is predicted that the growth in total emissions due to continued growth in vehicle miles traveled may eventually outweigh those gains.

The ECO program is part of the Act's strategy to address the growth in vehicle miles traveled. The purpose of the ECO program is to reduce air pollution caused by vehicle traffic and congestion through reductions in the number of work-related drive-alone trips. Although work-related commute travel is only about a third of all travel, it is uniquely suited to promote alternatives to single occupant vehicle travel. There are concentrations of people going to the same place at the same time who can share rides. The ECO program was mandated by Congress because Congress believes there is a need to address how people travel as a part of the solution to cleaning the air and reducing travel congestion.

Therefore, even though new cars are built to be much cleaner, there is a need for ECO and the money spent to develop cleaner cars will not have been wasted. The ECO is a means to reduce, not eliminate, automobile usage and, thus, maintain the emission reduction benefits derived from cleaner cars.

Comment

One commenter opposes ECO as a "band-aid" solution to the ozone problem. The commenter notes that the appropriate approach is for the Federal Government to mandate that the automobile manufacturers produce more natural gas powered vehicles. The commenter points out that natural gas is plentiful in this country, inexpensive and clean burning, and that the technology exists. The commenter notes that all that is needed is to make natural gas available to the consumer. The commenter suggests that the phase-in of natural gas vehicles should begin now, so future generations naturally have that option.

USEPA Response

A major goal of the Act is to promote vehicles that pollute less than conventional gasoline powered vehicles or not at all. Act initiatives include promotion of natural gas vehicles which are recognized as an available and clean technology.

The Clean Fuel Fleet (CFF) (section 246) program explicitly addresses the phase-in of lower emitting vehicles and trucks beginning in model year (MY) 1998 for fleets of 10 or more vehicles, that are either centrally fueled or determined to be "capable" of being centrally fueled, and which are located or primarily operated in an affected nonattainment area. The CFF program will require that specified percentages of a covered fleet operator's new vehicle acquisitions in a given model year consist of low emitting vehicles. The light-duty clean fuel vehicle (up to 8,500 pounds GVWR) phase-in requirements are 30 percent in MY 1998, 50 percent in MY 1999, and 70 percent thereafter. The heavy-duty clean fuel vehicle (8,500 to 26,000 pounds