Summary of Clean Air Act Committee Meeting of the Outdoor Power Equipment Institute (OPEI) - June 3, 2004

AEM was invited to participate in a portion of OPEI’s June 3rd Committee meeting. Greg Orzal of Wacker and I sat in on discussions concerning EPA’s development of Phase III regulations for spark engines.

OPEI members reported that EPA staff has met with a number of spark engine manufacturers in preparation of developing more stringent exhaust and evaporative emission standards. The new regulations will include all small spark ignition engines below 30kW including those used in industrial, construction and agricultural machinery. The regulation is due December 1, 2004. The consensus was that EPA will have a very difficult time meeting this deadline.

EPA appears to be starting from a clean slate and using these initial industry meetings as fact finding and exploratory in nature. Companies are provided limited questions in advance and the meetings with EPA officials have no set agenda. Based on reports of the meetings, EPA is focused on defining: cost effective regulations (optimize emission reduction/dollar spent); hardships that further regulation might place on both small and large manufacturers and the product and manufacture regulatory categories. OPEI members agreed to share with each other the names of EPA representatives who participated in the company meetings and any questions EPA provided in advance.

It was also reported that EPA is interested in meeting with OEMs. Our understanding is that EPA plans to visit JLG, Tennant and a concrete saw manufacturer.

EPA is expected to initiate a Small Business Regulatory Enforcement Fairness Act (SBREFA) panel this fall to review and evaluate how EPA can try to mitigate the impact of the federal rule on small businesses. The panel discussions will be considered in preparation of the proposed regulation.

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