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106TH CONGRESS
1ST SESSION

H. R. 888

To amend the Clean Air Act to limit the concentration of sulfur in gasoline used in motor vehicles.

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 1999

Mr. KILDEE (for himself, Mr. DINGELL, Mr. WAXMAN, Mr. MEEHAN, Mr. LAZIO, Mr. LEVIN, Mr. PALLONE, Mr. BONIOR, Mr. GUTIERREZ, Mr. LEWIS of Georgia, Mr. MARKEY, Ms. NORTON, Ms. RIVERS, Mr. BROWN of Ohio, Ms. STABENOW, Ms. KILPATRICK, Mr. BOUCHER, Mr. MCDERMOTT, Ms. SCHAKOWSKY, Mr. ACKERMAN, Mrs. CAPPS, Mr. FARR of California, Mr. TOWNS, Mr. CAPUANO, Mr. FROST, Mr. BARRETT of Wisconsin, Mr. TIERNEY, Mr. NEAL of Massachusetts, Mr. BLUMENAUER, Mr. ALLEN, and Mr. STARK) introduced the following bill; which was referred to the Committee on Commerce

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A BILL

To amend the Clean Air Act to limit the concentration of sulfur in gasoline used in motor vehicles.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Gasoline Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) according to the National Air Quality and Emissions Trends Report of the Environmental Protection Agency, dated 1996, motor vehicles account for a major portion of the emissions that degrade the air quality of the United States: 49 percent of nitrogen oxides emissions, 26 percent of emissions of particulate matter with an aerodynamic diameter smaller than or equal to 10 micrometers (PM–10), and 78 percent of carbon monoxide emissions;

(2)(A) failure to control gasoline sulfur concentration adversely affects catalytic converter function for all vehicles in the national vehicle fleet; and

(B) research performed collaboratively by the auto and oil industries demonstrates that when sulfur concentration in motor vehicle gasoline is reduced from 450 parts per million (referred to in this section as ''ppm'') to 50 ppm—

(i) hydrocarbon emissions are reduced by 18 percent;

(ii) carbon monoxide emissions are reduced by 19 percent; and

(iii) nitrogen oxide emissions are reduced by 8 percent;

(3)(A) recent studies conducted by the the Association of International Automobile Manufactur-

ers, and the Coordinating Research Council confirm that sulfur in vehicle fuel impairs to an even greater degree the emission controls of Low-Emission Vehicles (referred to in this section as ''LEVs'') and Ultra-Low-Emission Vehicles (referred to in this section as ''ULEVs'');

(B) because sulfur-induced impairment of advanced technology emission control systems is not fully reversible under normal in-use driving conditions, a nationwide, year-round sulfur standard is necessary to prevent impairment of vehicles' emission control systems as the vehicles travel across State lines;

(C) industry research on LEVs and ULEVs demonstrates that when gasoline sulfur concentration is lowered from 330 ppm to 40 ppm—

(i) hydrocarbon emissions are reduced by 34 percent;

(ii) carbon monoxide emissions are reduced by 43 percent; and

(iii) nitrogen oxide emissions are reduced by 51 percent;

(D) failure to control sulfur in gasoline will inhibit the introduction of more fuel-efficient technologies, such as direct injection engines and ''NO_x

trap'' after-treatment technology, which require fuel with a very low concentration of sulfur;

(E) the technology for removing sulfur from fuel during the refining process is readily available and currently in use; and

(F) the reduction of sulfur concentrations in fuel to the level required by this Act is a cost-effective means of improving air quality;

(4)(A) gasoline sulfur levels in the United States—

(i) average between 300 and 350 ppm and range as high as 1000 ppm; and

(ii) are far higher than the levels allowed in many other industrialized nations, and higher than the levels allowed by some developing nations;

(B) the European Union recently approved a standard of 150 ppm to take effect in 2000, to be phased down to 30 through 50 ppm by 2005;

(C) Japan has a standard of 50 ppm; and

(D) gasoline and diesel fuel in Australia, New Zealand, Taiwan, Hong Kong, Thailand, and Finland have significantly lower sulfur concentrations than comparable gasoline and diesel fuel in the United States;

(5)(A) California is the only State that regulates sulfur concentration in all gasoline sold; and

(B) in June 1996, California imposed a 2-part limitation on sulfur concentration in gasoline: a 40 ppm per gallon maximum, or a 30 ppm per gallon annual average with an 80 ppm per gallon maximum;

(6)(A) a 1998 regulatory impact analysis by the California Air Resources Board reports that air quality improved significantly in the year following the introduction of low sulfur gasoline; and

(B) the California Air Resources Board credits low sulfur gasoline with reducing ozone levels by 10 percent on the South Coast, 12 percent in Sacramento, and 2 percent in the Bay Area; and

(7)(A) reducing sulfur concentration in gasoline to the level required by this Act is a cost-effective pollution prevention measure that will provide significant and immediate benefits; and

(B) unlike vehicle hardware requirements that affect only new model years, sulfur control produces the benefits of reduced emissions of air pollutants across the vehicle fleet immediately upon implementation.

SEC. 3. SULFUR CONCENTRATION REQUIREMENTS FOR GASOLINE.

(a) IN GENERAL.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating subsection (o) as subsection (p); and

(2) by inserting after subsection (n) the following:

''(o) SULFUR CONCENTRATION REQUIREMENTS FOR GASOLINE.—

''(1) IN GENERAL.—

''(A) REQUIREMENT.—Subject to subparagraph (B), effective beginning 4 years after the date of enactment of this paragraph, a person shall not manufacture, sell, supply, offer for sale or supply, dispense, transport, or introduce into commerce motor vehicle gasoline that contains a concentration of sulfur that is greater than 40 parts per million per gallon of gasoline.

''(B) ALTERNATIVE METHOD OF MEASURING COMPLIANCE.—A person shall not be considered to be in violation of paragraph (1) if the person manufactures, sells, supplies, offers for sale or supply, dispenses, transports, or introduces into commerce, during any 1-year period, motor vehicle gasoline that contains a con-

centration of sulfur that is greater than 40 but less than or equal to 80 parts per million per gallon of gasoline, if the average concentration of sulfur in the motor vehicle gasoline manufactured, sold, supplied, offered for sale or supply, dispensed, transported, or introduced into commerce by the person during the period is less than 30 parts per million per gallon of gasoline.

''(C) REGULATIONS.—The Administrator shall promulgate such regulations as are necessary to carry out this paragraph.

''(2) LOWER SULFUR CONCENTRATION.—

''(A) REPORT.—

''(i) INITIAL REPORT.—Not later than 6 years after the date of enactment of this subsection, the Administrator shall submit to Congress a report that documents the effects of use of low sulfur motor vehicle gasoline on urban and regional air quality.

''(ii) FOLLOWUP REPORT.—Not later than 2 years after the date of the initial report under clause (i), the Administrator shall submit a report updating the information contained in the initial report.

''(B) REGULATION.—After the date of the initial report under subparagraph (A)(i), the Administrator may promulgate a regulation to establish maximum and average allowable sulfur concentrations in motor vehicle gasoline that are lower than the concentrations specified in paragraph (1) if the Administrator determines that—

''(i) research conducted after the date of enactment of this subsection indicates that significant air quality benefits would result from a reduction in allowable sulfur concentration in motor vehicle gasoline; or

''(ii) advanced vehicle technologies have been developed that can significantly reduce emissions of air pollutants from motor vehicles but that require motor vehicle gasoline with a lower concentration of sulfur than that specified in paragraph (1).''.

(b) PENALTIES AND INJUNCTIONS.—Section 211(d) of the Clean Air Act (42 U.S.C. 7545(d)) is amended—

(1) in paragraph (1), by striking ''or (n)'' each place it appears and inserting ''(n), or (o)''; and

(2) in paragraph (2), by striking ''and (n)'' each place it appears and inserting ''(n), and (o)''.

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