

# **Ground-Level Ozone**

A Negotiated Rule-Making Process on Varara's Air Pollution Crisis

## **Instructions for the ALC Negotiator**

From the ALC Governing Council

As you know, the Alliance for a Livable City (ALC) was formed five years ago to provide a unified voice for the environmental community on environmental and equity issues in the Varara metropolitan area. Our membership includes seven Varara-based and three Sandoa-based environmental groups. Since we successfully used demonstrations and litigation to push the government to eliminate leaded gasoline and to block a highway project, we have gained greater public support and obtained more assistance from voluntary experts. It is now time for us to play a major role in solving the ground-level ozone crisis.

### **Position on the Reduction of Ground-Level Ozone**

Citizens have been victimized by polluted air, which has resulted from weak environmental policies. We criticize the government's preferential treatment of private automakers, seen most clearly in the low emission standards it has allowed over the years. It is critical to induce fundamental behavior change; people must shift from a dependence on private cars and trucks to the greater use of public transport and bicycles, in order to reduce ground-level ozone. We emphasize that without citizens' support, the implementation of any ozone-reduction plan will be doomed.

### **Primary Concerns**

It is difficult to narrow the list of the ALC's concerns. However, our top three objectives in this negotiation are: (1) bicycle lanes; (2) Metro extension; and (3) public audits. You cannot agree to ring road construction or slow phase-in options for low-sulfur gasoline or emission standards.

### **Negotiating Strategies**

The negotiation has five agenda items. We do not expect you to win in every case, but remember that we are the sole voice for the environmental community in this dialogue. Many are counting on us to remain tough.

We expect you to argue strongly for all of our stated positions. Keep in mind that the public and the media are very supportive of the ALC. Note that you may need to work to change others' perceptions that the ALC is irrational and violent and that we lack relevant knowledge. Other tips are as follows:

**Advocate for public participation.** Emphasize at the outset that the evolving stakeholder agreement does not seem to reflect our interests and inputs thus far. This gives the impression that this dialogue process has just been a sham, and not an honest effort to be inclusive. Remind other stakeholders that they need our help in selling any agreement to the public.

**Threaten to boycott and sue.** If the automakers and the oil company are unwilling to adopt progressive options, then the ALC will urge consumers to boycott them. Remind government representatives that citizens may sue the government if it fails to implement legislation aimed at reducing vehicle emissions.

**Support the VED.** The VED is our choice for an environmental regulatory agency. Until recently, compared with other government agencies, the VED has been very weak at times when it should have had a strong voice. Since we agree with the VED's proposals in many cases, you should support the VED in every possible way.

## Decision Options

Guidance is provided regarding our top priorities only. Unacceptable policy options are also highlighted. You are to strive for these outcomes. If our first or second choice is impossible to achieve, we leave it to you to use your judgment as to what best meets the ALC's needs.

### Decision 1: Sulfur Content in Regular Unleaded Gasoline

**1<sup>st</sup> Choice: 300 ppm in 2004 and 30 ppm in 2008 (Option 3).** The ALC learned through this dialogue process that the adoption of MES 1 and MES 2 standards for gasoline vehicles requires reductions in sulfur levels in gasoline. We believe that if the appropriate fuel were available, automakers could leapfrog to the MES 1 or MES 2 standards quickly. Given that the primary impediment for proceeding with tougher standards is uncertainty regarding the availability of low-sulfur fuels, we believe it is imperative that there be a fast phase-in schedule for low-sulfur gasoline.

**2<sup>nd</sup> Choice: 300 ppm in 2006 and 30 ppm in 2011 (Option 2).**

**Oppose: 300 ppm in 2008 and 30 ppm in 2015 (Option 1).** This option will slow down the adoption of vehicle emission-control technologies. In addition, as we know, sulfur

content can affect the level of particulate matter in the air and cause acid rain. For these reasons, we do not support this irresponsible option.

## **Decision 2: Emission Standards for New Vehicles**

**1<sup>st</sup> Choice: MES 2 in 2011 (Option 3).** Unleaded gasoline has enabled the use of catalytic converters in vehicles. In addition, automakers are already exporting MES 1 vehicles to developed countries, so we know they are capable of manufacturing them. Thus, if they have the will, we know they can introduce MES 2 vehicles by 2011. Given the rapid increase in car ownership, it is critical for the health of the Camitian people that we utilize better emission-control technologies.

**2<sup>nd</sup> Choice: MES 2 in 2013 (Option 2).**

**Oppose: MES 2 in 2016 (Option 1).** The government has given favorable treatment to the automobile industry, resulting in very low emission standards. This cannot continue. Thus, we simply do not accept a slow introduction of new standards in this crisis. Automakers should know that their long-term survival depends on the production of cleaner vehicles.

## **Decision 3: Enhanced Inspection and Maintenance Program**

**1<sup>st</sup> Choice: Public Audits (Option 2).** I&M programs have long been associated with fraud and corruption. Public perceptions regarding the transparency of I&M systems will heavily influence the willingness of the public to cooperate with I&M regimes imposed by the government. A successful I&M program will have to include mechanisms for rooting out corrupt entities, especially inspectors. Audits are one way to do this. Audits should be implemented by nonprofit organizations that are not otherwise involved in operating a part of the I&M system. Covert and overt audits should be conducted, and the results of these audits should be made public.

**2<sup>nd</sup> Choice: OBD Systems and Emissions Warranties (Option 5).** Automakers are as much responsible for vehicular emissions as customers. Even new vehicles pollute heavily – often as a result of malfunctioning emissions-control equipment. Surveys conducted in Varara in 1998 showed that as many as 40% of new cars on the road failed pollution-control tests. Roadside surveys conducted by the California Air Resources Board in the United States showed that emissions-control systems often malfunction, causing high emission levels. Several countries now require on-board diagnostic (OBD) systems to detect such malfunctions, as well as emissions warranties. Emissions warranties require automakers to repair or replace faulty emissions-control equipment.

## **Decision 4: Public Transportation**

**1<sup>st</sup> Choice: Bicycle Lanes (Option 3).** The ALC does not believe the assumption that privately owned cars and trucks are the most flexible means of getting around. In fact, in Camitia, the proliferation of cars is undermining individual mobility, rather than improving it, due to terrible congestion and limited parking spaces. We believe that bicycles are the most convenient way to travel short distances. However, the streets of Varara and Sandoa are not safe for bicycles (or pedestrians, for that matter). Bicycle lanes would make the cities more livable, by making bicycle transport safer, reducing unnecessary car traffic, and reducing air pollution. We would love it if a major auto company or city government invested in bicycles lanes in the metropolitan area.

**2<sup>nd</sup> Choice: Metro Extension to Sandoa (Option 1).** If Sandoa's air pollution is, through wind transport, helping to cause Varara's ozone crisis, it is because there is no Metro line in Sandoa. The mostly poor laborers in Sandoa do not own cars. The only way they can get to work in Varara is to take minibuses to Varara's Metro stations. The Metro is a magnificent system. It's fast, it's safe, and it doesn't pollute. If the Metro were extended into Sandoa, airborne pollution would decrease, and Sandoa's residents would have a more convenient way to commute. The Mayor should thus consider ways to expand the Metro.

**Oppose: Ring Road Construction (Option 2).** The more roads are built, the more cars appear. Ring roads are not going to solve anything. They will only give people a reason to use the cars that they don't use now because there's too much traffic. The ALC does not accept the inevitability of car-centered transportation in our cities, and does not cast the cities' problem as one of public infrastructure keeping pace with motorization. In addition, there exists no accepted mechanism for determining the sufficiency of a road network, nor for determining an appropriate urban density or total urban population.

## **Decision 5: Assigning Enforcement Responsibility and Financing**

Past experience has left the ALC worried that the stakeholder group's recommendations (if we can reach consensus) will never be implemented or enforced. Too few environmental laws are ever implemented, due to political squabbling and high costs. Encourage stakeholders to find outside financing sources, such as the World Bank or United Nations Development Program, to help pay for implementation. Also, advocate for the establishment of a neutral and independent coordinating body to oversee implementation. We are willing to be a memberpart of in a pPublic-pPrivate partnership supported by donor organizations. We can organize an ozone action plan to educate concerned citizens about individual activities to reduce ground-level ozone. To do that, we need to enhance our organizations' capacity. The lack of capacity limits the effectiveness of our members in pressuring government officials to ensure that strong environmental policies are put in place.

## Summary of the ALC's Positions

### Priorities

- (1) Bicycle Lanes
- (2) Metro Extension
- (3) Public Audits

### Constraints

- (1) Cannot agree to the slow phase-in of low-sulfur fuel (Option 1) or emission standards (Option 1)
- (2) Cannot agree to ring road construction

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- 2<sup>nd</sup> Choice: 300 ppm in 2006 and 30 ppm in 2011 (Option 2)
- Oppose: 300 ppm in 2008 and 30 ppm in 2015 (Option 1)

### Decision 2: Emission Standards for New Vehicles

- 1<sup>st</sup> Choice: MES 2 in 2011 (Option 3)
- 2<sup>nd</sup> Choice: MES 2 in 2013 (Option 2)
- Oppose: MES 2 in 2016 (Option 1)

### Decision 3: Enhanced Inspection and Maintenance Program

- 1<sup>st</sup> Choice: Public Audits (Option 2)
- 2<sup>nd</sup> Choice: OBD Systems and Emissions Warranties (Option 5)

### Decision 4: Public Transportation

- 1<sup>st</sup> Choice: Bicycle Lanes (Option 3)
- 2<sup>nd</sup> Choice: Metro Extension to Sandoa (Option 1)
- Oppose: Ring Road Construction (Option 2)

### Decision 5: Assigning Enforcement Responsibility and Financing

- Outsourcing from international donor organizations
- Through capacity building, a public-private partnership
- Evolving dialogue to be more inclusive
- Neutral and independent coordination body