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FOR IMMEDIATE RELEASE

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**ENGINE MANUFACTURERS SUPPORT TEXAS FEDERAL COURT RULING
UPHOLDING THE CLEAN AIR ACT**

CHICAGO, Ill., June 22, 2001 – The Engine Manufacturers Association (EMA) applauds the ruling by the United States District Court for the Western District of Texas upholding the regulation of mobile sources at the national level.

In its decision, the Court ruled that the Texas Natural Resource Conservation Commission (TNRCC) lacked legal authority to set emissions or in-use standards for engines and equipment that are exclusively regulated by the federal Clean Air Act. EMA and other industry groups filed suit against TNRCC, seeking to overturn its regulations regarding emissions in the Dallas-Fort Worth metropolitan area.

“Allowing each state or region to adopt its own emissions standards and use requirements would create chaos in the marketplace and severely restrict interstate commerce,” said Jed Mandel, EMA general counsel. “Our purpose in opposing the TNRCC action was to prevent such an outcome and assure consistent regulation of mobile sources as directed by Congress.”

The regulations proposed by the TNRCC and overturned by the court would have prohibited the operation of construction equipment during early morning hours and required that the construction industry accelerate the phase-in of new construction and industrial equipment.

Implementation of these rules would have set a precedent that states and local authorities could regulate engines and equipment that are moved from area to area and that must be regulated on a consistent nationwide basis. “These products are regulated by the US EPA”, explained Mandel. “Engine manufacturers have worked with EPA to uniformly reduce emissions from these sources that Texas sought to control.”

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"There are appropriate mechanisms that states can use to help achieve emissions reductions," Mandel said. For example, incentive programs can provide significant emissions reductions while minimizing the impact on local businesses and the economy. Senate Bill 5, recently passed by the Texas legislature, creates financial incentives for fleet operators to replace older, high-emissions vehicles with newer, cleaner-operating models. This program will achieve the emissions reductions sought by TNRCC. "EMA supports and encourages adoption of similar incentive programs in other states," he said.

"EMA also is pleased that the Court ruling reaffirmed EMA's standing to represent its members in matters where states or local authorities attempt to alter national engine emissions standards through equipment and use restrictions " Mandel said.

The Engine Manufacturers Association is a trade association representing worldwide manufacturers of internal combustion engines used in applications such as trucks and buses, farm and construction equipment, locomotives, marine vessels, and lawn, garden and utility equipment. EMA works with government and industry stakeholders to help the nation achieve its goals of cleaner fuels, more efficient engines and cleaner air.

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