

26:2C-8.6

LEGISLATIVE HISTORY CHECKLIST
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(Low emission vehicle--program)

NJSA: 26:2C-8.6
LAWS OF: 1993 **CHAPTER:** 69
BILL NO: S1346
SPONSOR(S) McNamara and others
DATE INTRODUCED: November 16, 1992
COMMITTEE: **ASSEMBLY:** ---
SENATE: Environment
AMENDED DURING PASSAGE: Yes
DATE OF PASSAGE: **ASSEMBLY:** February 8, 1993
SENATE: January 25, 1993
DATE OF APPROVAL: March 10, 1993

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes
COMMITTEE STATEMENT: **ASSEMBLY:** No
SENATE: Yes
FISCAL NOTE: No
VETO MESSAGE: No
MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No
HEARINGS: Yes

California statute, California statutes
Annotated Health and Safety 43800 et seq. attached

(OVER)

974.90 New Jersey. Legislature. Senate Environment Committee.
P777 Public hearing...on implementation of a low emission vehicle
1992f program in New Jersey, held 4-9-92. Trenton, 1992.
V.2

See newspaper clippings attached:

"NJ oks clean-air cap bill," 3-11-93 Asbury Park Press.

"Governor signs bill targeting cleaner autos," 3-11-93 Home News.

"Florio signs anti-pollution rules," 3-11-93 Bergen Record.

KBG:pp

[FIRST REPRINT]
SENATE, No. 1346

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 16, 1992

By Senators McNAMARA, ZANE, Cardinale, Sinagra,
DiFrancesco, Ewing, Littell, Bennett, Ciesla, Rice,
Corman, Feldman, Adler, Girgenti, Lynch, and Bassano

1 AN ACT concerning air pollution, supplementing P.L.1954, c.212
2 (C.26:2C-1 et seq.), and making an appropriation.

3
4 BE IT ENACTED *by the Senate and General Assembly of the*
5 *State of New Jersey:*

6 ¹1. The Legislature finds that ozone continues to be a
7 pervasive air pollution problem for New Jersey, resulting in most
8 of the State being designated by the federal government as a
9 severe nonattainment area for ozone; that the formation of ozone
10 poses a significant health threat to the citizens of the State,
11 especially to children and the elderly; and that ozone formation
12 not only diminishes the quality of life of our citizens but also
13 adversely impacts New Jersey's economic competitiveness by
14 increasing health costs, decreasing worker productivity,
15 decreasing agricultural production, and forcing implementation of
16 additional costly pollution control measures.

17 The Legislature also finds that the federal Clean Air Act
18 requires New Jersey and other states that are in nonattainment
19 for ozone to adopt measures that will bring those states into
20 compliance; that the federal Clean Air Act, in recognizing that
21 ozone formation is a regional problem, created the Ozone
22 Transport Region to address our region's ozone formation
23 problem; and that any solution to New Jersey's ozone problem
24 must involve the cooperation and efforts of the states in the
25 region.

26 The Legislature further finds that a low emission vehicle
27 program may be an effective, cost efficient method to reduce
28 both the State's and the region's ozone problem; that the
29 member states of the Ozone Transport Commission have endorsed
30 adoption of a low emission vehicle program in each of their
31 states; and that, because there may be a need to adopt such a
32 program in this State in order to come into compliance with the
33 federal Clean Air Act, it is in the State's best interest to
34 authorize its adoption.

35 The Legislature further finds that although it is authorizing the
36 adoption of a low emission vehicle program, it recognizes that
37 there remain legitimate questions about that program's viability
38 and its economic impact on this State; that New Jersey's
39 adoption of a low emission vehicle program must be conditioned
40 on similar adoptions by most of the states in the region in order

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SEN committee amendments adopted January 12, 1993.

1 to avoid an unfair competitive advantage and to make the
2 program work; that the adoption of the so called "California
3 reformulated fuel" in this State would have serious consequences
4 to the State's economy and must not be adopted as part of a low
5 emission vehicle program; and that further studies on the low
6 emission vehicle program and other ozone control measures
7 should continue.

8 The Legislature therefore declares that the adoption of a low
9 emission vehicle program, so long as it is part of a regional action
10 and does not include the adoption of the "California reformulated
11 fuel," should be authorized as an ozone control measure in this
12 State; that the program, and the limitations placed upon it, will
13 protect both the environmental and economic concerns of our
14 citizens; and that the State should move forward with a number
15 of strategies to combat the ozone problem in New Jersey.¹

16 ¹[1.] 2.¹ As used in this act:

17 "Department" means the Department of Environmental
18 Protection.

19 "Federal Clean Air Act" means the federal "Clean Air Act,"
20 42 U.S.C. §7401 et seq., and any subsequent amendments or
21 supplements to that act.

22 "Low emission vehicle program" means a low emission vehicle
23 program based upon emission control standards for new motor
24 vehicles or new motor vehicle engines that are identical to those
25 adopted by the State of California in accordance with authority
26 granted therefor pursuant to the federal Clean Air Act.

27 "Ozone Transport Region" means the ozone transport region
28 established pursuant to 42 U.S.C. §7511c (a), comprising the states
29 of Connecticut, Delaware, Maine, Maryland, Massachusetts, New
30 Hampshire, New Jersey, New York, ¹[Rhode Island,]¹
31 Pennsylvania, ¹Rhode Island,¹ Vermont, and Virginia, and the
32 District of Columbia, which together form the membership of the
33 Ozone Transport Commission for the northeastern and
34 mid-Atlantic states established pursuant to 42 U.S.C. §7506a.

35 "State implementation plan" means the State implementation
36 plan for national ambient air quality standards adopted for New
37 Jersey pursuant to the federal Clean Air Act.

38 ¹[2.] 3. a. The Department of Environmental Protection may
39 adopt, pursuant to the "Administrative Procedure Act," P.L.1968,
40 c.410 (C.52:14B-1 et seq.), rules and regulations establishing and
41 implementing a low emission vehicle program in New Jersey, but
42 shall implement that program¹ only if the combined number of
43 registrations of new motor vehicles in those states and the
44 District of Columbia, excluding New Jersey, within the Ozone
45 Transport Region that have enacted legislation or adopted rules
46 and regulations establishing and implementing a low emission
47 vehicle program for a motor vehicle model year not later than
48 that proposed for implementation by the department, is equal to
49 or greater than 40% of the total number of registrations of new
50 motor vehicles in all of the states and the District of Columbia
51 within the Ozone Transport Region.

52 The department shall not implement a low emission vehicle
53 program for a motor vehicle model year before the 1998 motor
54 vehicle model year except as provided pursuant to subsection b.

1 of this section.

2 For the purposes of this subsection, the number of registrations
3 of new motor vehicles shall be the number of such registrations
4 for the calendar year immediately prior to the year in which a
5 low emission vehicle program is proposed for implementation in
6 New Jersey.

7 b. The department may implement a low emission vehicle
8 program for a motor vehicle model year before the 1998 motor
9 vehicle model year if the states of Delaware, Maryland, New
10 York, and Pennsylvania have enacted legislation or adopted rules
11 and regulations respectively establishing and implementing a low
12 emission vehicle program for a motor vehicle model year before
13 the 1998 motor vehicle model year.

14 ¹[3.] 4.¹ a. If the department implements a low emission
15 vehicle program, each year the department shall: (1) determine
16 for the previous calendar year the number of registrations of new
17 motor vehicles in each of the states and the District of Columbia
18 within the Ozone Transport Region, and (2) publish in the New
19 Jersey Register, by April 1st, a public notice of that
20 determination.

21 b. If, for any such previous calendar year, the combined
22 number of registrations of new motor vehicles in those states and
23 the District of Columbia, excluding New Jersey, within the Ozone
24 Transport Region that are implementing a low emission vehicle
25 program is less than 40% of the total number of registrations of
26 new motor vehicles in that calendar year in all of the states and
27 the District of Columbia within the Ozone Transport Region, the
28 low emission vehicle program in New Jersey shall expire 180 days
29 after the department publishes the public notice required
30 pursuant to subsection a. of this section.

31 ¹[4.] 5.¹ The department shall not adopt rules and regulations
32 requiring, for gasoline-fueled motor vehicles, the sale and use of
33 reformulated gasoline other than that certified therefor by the
34 United States Environmental Protection Agency pursuant to
35 subsection (k) of 42 U.S.C. §7545 for sale and use in states other
36 than the State of California. If the sale and use of reformulated
37 gasoline other than that so certified is required by federal law ¹,
38 rule, regulation, agency ruling, order, opinion, or other action¹ or
39 court order to be sold for use, and used, in gasoline-fueled motor
40 vehicles in New Jersey because the State has implemented a low
41 emission vehicle program, the low emission vehicle program in
42 New Jersey shall expire 180 days from the date of enactment of
43 the federal law ¹, adoption of the federal rule or regulation,
44 issuance of the agency ruling, order, opinion, or other action,¹ or
45 issuance of the court order, as the case may be.

46 ¹[5.] 6.¹ The department shall adopt, pursuant to the
47 "Administrative Procedure Act," rules and regulations
48 implementing the following mandated air pollution control
49 measures identified in the federal Clean Air Act and consistent
50 with any rules, regulations, or guidelines that may be
51 promulgated therefor by the United States Environmental
52 Protection Agency:

53 a. Enhanced vehicle inspection and maintenance program;

54 b. Correction of reasonably available control technology rules

- 1 for volatile organic compounds;
- 2 c. Reasonably available control technology rules for volatile
3 organic compounds;
- 4 d. Reasonably available control technology rules for oxides of
5 nitrogen;
- 6 e. New source review regulations for volatile organic
7 compounds, oxides of nitrogen, and carbon monoxide;
- 8 f. Criteria and procedures for determining conformity between
9 the State implementation plan and transportation plans; and
- 10 g. Use in ozone nonattainment areas of federal reformulated
11 gasoline that meets the requirements of subsection (k) of 42
12 U.S.C. §7545 for sale and use in states other than the State of
13 California.
- 14 ¹[6.] 7.¹ In addition to the measures enumerated in section ¹[5]
15 6¹ of this act, the department may implement the following air
16 pollution control measures identified in the federal Clean Air Act
17 and consistent with any rules, regulations, or guidelines that may
18 be promulgated therefor by the United States Environmental
19 Protection Agency:
- 20 a. Require on-board emission control diagnostics systems for
21 new light duty vehicles and light duty trucks; and
- 22 b. Adopt a clean fuels vehicle program for fleets by January 1,
23 1995.
- 24 ¹[7.] 8.¹ The department, in consultation with the Division of
25 Motor Vehicles in the Department of Law and Public Safety and
26 the New Jersey Institute of Technology, and within one year of
27 the date of enactment of this act, shall prepare and adopt a
28 comprehensive plan to provide incentives for the retirement from
29 use in the State of older, inefficient motor vehicles that pollute
30 the environment at higher rates, in conformance with any
31 available guidance provided therefor by the United States
32 Environmental Protection Agency.
- 33 ¹[8.] 9.¹ a. The New Jersey Institute of Technology, within
34 one year of the date of enactment of this act, shall prepare and
35 submit a written report to the Governor, the Legislature, the
36 Senate Environment Committee and the Assembly Environment
37 Committee, or their successors as designated respectively by the
38 President of the Senate and the Speaker of the General Assembly,
39 and the Department of Environmental Protection:
- 40 (1) describing the various air pollution control strategies,
41 measures, and options, including, but not limited to, a low
42 emission vehicle program and a program to encourage the
43 retirement from use in the State of older, inefficient motor
44 vehicles that pollute the environment at higher rates, that have
45 been, or could be, implemented in the State either by legislation
46 or administrative action in order to ensure that the State shall
47 be, and shall remain, in compliance with all applicable
48 requirements, standards, and deadlines set forth in the federal
49 Clean Air Act;
- 50 (2) analyzing the advantages, disadvantages, benefits, and
51 detriments of each air pollution control strategy, measure, or
52 option, including, but not limited to, an analysis thereof with
53 respect to relative economic and environmental cost/benefit,
54 health impact, social impact, and small business economic

1 impact; and

2 (3) analyzing the effectiveness of the State implementation
3 plan.

4 In preparing the report required pursuant to this subsection, the
5 New Jersey Institute of Technology may consult with the
6 Environmental and Occupational Health Sciences Institute of
7 Rutgers, the State University, and of the University of Medicine
8 and Dentistry of New Jersey - Robert Wood Johnson Medical
9 School.

10 b. The New Jersey Institute of Technology shall be entitled to:

11 (1) call to its assistance and avail itself of the services of such
12 employees of any State, county, or municipal department, board,
13 bureau, commission, authority, or agency, or any senior public
14 institution of higher education within the State as it may require
15 and as may be available to it for the purpose of carrying out its
16 duties under this act; and

17 (2) employ such staff, contract with such consultants and
18 experts, and incur such traveling and other miscellaneous
19 expenses as it may deem necessary in order to perform its duties
20 and as may be within the limits of funds appropriated or
21 otherwise made available to it for those purposes.

22 ¹[9.] 10.1 a. The Department of Environmental Protection, in
23 consultation with the Department of Transportation and the
24 Division of Motor Vehicles in the Department of Law and Public
25 Safety, shall prepare and submit on a semi-annual basis to the
26 Senate Environment Committee and the Assembly Environment
27 Committee, or their successors as designated respectively by the
28 President of the Senate and the Speaker of the General Assembly,
29 a written report that shall:

30 (1) summarize the State implementation plan and any
31 amendments, alterations, or supplements to that plan that have
32 been made or proposed since the last semi-annual report was
33 issued;

34 (2) analyze the progress and effectiveness of the State
35 implementation plan with respect to ensuring that the State shall
36 be, and shall remain, in compliance with all applicable
37 requirements, standards, and deadlines set forth in the federal
38 Clean Air Act; and

39 (3) summarize the status of the low emission vehicle program
40 in New Jersey, if one is implemented in the State, and the status
41 of similar programs in the states of California, Delaware,
42 Maryland, New York, and Pennsylvania.

43 b. The Department of Environmental Protection shall prepare
44 and submit to the Governor, the Legislature, and the Senate
45 Environment Committee and the Assembly Environment
46 Committee, or their successors as designated respectively by the
47 President of the Senate and the Speaker of the General Assembly,
48 and release to the public, (1) by May 30, 1993, a list of air
49 pollution control strategies, measures, and options that are
50 optional under federal law, for consideration and possible
51 enactment into law by the Legislature, and (2) within 30 days
52 after the date of enactment of this act, a comprehensive
53 emission inventory of volatile organic compounds and oxides of
54 nitrogen for the State, which shall include emission inventory

1 data for the 1990 calendar year to the maximum extent possible.
2 c. The Department of Environmental Protection, within 30
3 days of a proposed substantive change to the low emission vehicle
4 program in the State of California that in the opinion of the
5 department shall necessitate a corresponding substantive change
6 to the low emission vehicle program in New Jersey, if such a
7 program is implemented in the State, shall provide written notice
8 and a summary of the proposed substantive change to the
9 California low emission vehicle program to the Senate
10 Environment Committee and the Assembly Environment
11 Committee, or their successors as designated respectively by the
12 President of the Senate and the Speaker of the General Assembly.
13 ¹[10.] 11.¹ There is appropriated from the General Fund to the
14 New Jersey Institute of Technology the sum of \$75,000 for the
15 purposes of this act.
16 ¹[11.] 12.¹ This act shall take effect immediately.

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Authorizes DEPE to adopt low emission vehicle program and
other air pollution control measures; appropriates \$75,000.

1 to the low emission vehicle program in New Jersey, if such a
2 program is implemented in the State, shall provide written notice
3 and a summary of the proposed substantive change to the
4 California low emission vehicle program to the Senate
5 Environment Committee and the Assembly Environment
6 Committee, or their successors as designated respectively by the
7 President of the Senate and the Speaker of the General Assembly.

8 10. There is appropriated from the General Fund to the New
9 Jersey Institute of Technology the sum of \$75,000 for the
10 purposes of this act.

11 11. This act shall take effect immediately.

14 STATEMENT

15
16 This bill would authorize the Department of Environmental
17 Protection (DEP) to adopt a low emission vehicle (LEV) program
18 in New Jersey, but only if the combined number of registrations
19 of new motor vehicles in those states and the District of
20 Columbia, excluding New Jersey, within the Ozone Transport
21 Region (OTR) for northeastern and mid-Atlantic states that have
22 enacted legislation or adopted rules and regulations establishing
23 and implementing a LEV program for a motor vehicle model year
24 not later than that proposed for implementation by the DEP, is
25 equal to or greater than 40% of the total number of registrations
26 of new motor vehicles in all of the states and the District of
27 Columbia within the OTR. The DEP would not be authorized to
28 implement a LEV program for a motor vehicle model year before
29 the 1998 motor vehicle model year unless the states of Delaware,
30 Maryland, New York, and Pennsylvania have enacted legislation
31 or adopted rules and regulations respectively establishing and
32 implementing a LEV program for a motor vehicle model year
33 before the 1998 motor vehicle model year.

34 If the DEP implements a LEV program, each year the
35 department would be required to: (1) determine for the previous
36 calendar year the number of registrations of new motor vehicles
37 in each of the states and the District of Columbia within the
38 OTR, and (2) publish in the New Jersey Register, by April 1st, a
39 public notice of that determination.

40 If, for any such previous calendar year, the combined number
41 of registrations of new motor vehicles in those states and the
42 District of Columbia, excluding New Jersey, within the OTR that
43 are implementing a low emission vehicle program is less than 40%
44 of the total number of registrations of new motor vehicles in that
45 calendar year in all of the states and the District of Columbia
46 within the OTR, the LEV program in New Jersey shall expire 180
47 days after the DEP publishes the public notice required pursuant
48 to the bill.

49 The DEP would be prohibited from requiring the sale and use of
50 "California reformulated fuel" in the State. If the sale and use
51 of such fuel is required by federal law or court order to be sold
52 for use, and used, in gasoline-fueled motor vehicles in New
53 Jersey because the State has implemented a LEV program, the
54 LEV program in New Jersey would expire 180 days from the date

1 of enactment of the federal law or issuance of the court order, as
2 the case may be.

3 The DEP, in consultation with the Division of Motor Vehicles in
4 the Department of Law and Public Safety and the New Jersey
5 Institute of Technology (NJIT), and within one year of the date of
6 enactment of the bill, would be required to prepare and adopt a
7 comprehensive plan to provide incentives for the retirement from
8 use in the State of older, inefficient motor vehicles that pollute
9 the environment at higher rates, in conformance with any
10 available guidance provided therefor by the United States
11 Environmental Protection Agency.

12 The DEP would also be required to adopt rules and regulations
13 implementing certain mandated air pollution control measures
14 identified in the federal Clean Air Act, and would be authorized
15 in its discretion to implement certain other air pollution control
16 measures identified in that act.

17 The bill would require NJIT to conduct a study and analysis of
18 the various air pollution control strategies, measures, and options
19 available to the State.

20 The bill would also impose various reporting responsibilities
21 upon the DEP, including apprising the relevant legislative
22 reference committees of any changes to the LEV programs in
23 California and in certain surrounding states.

24 Finally, the bill would appropriate \$75,000 to NJIT to conduct
25 the studies, analyses, reports, and plans required of it pursuant to
26 the bill.

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31 Authorizes DEPE to adopt low emission vehicle program and
32 other air pollution control measures; appropriates \$75,000.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 1346

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 11, 1993

The Senate Environment Committee favorably reports Senate Bill No. 1346, with committee amendments.

This bill would authorize the Department of Environmental Protection (DEP) to adopt and implement a low emission vehicle (LEV) program in New Jersey, but only if certain other states in our region also adopt the program; would further condition the implementation of the program before model year 1998 on certain other state's actions; would prohibit the adoption of the "California reformulated fuel"; would require or authorize a number of other measures to reduce the formation of ozone, including an enhanced inspection and maintenance program and a fleet clean fuels program, be adopted; would require the adoption of incentives for the scrappage of older motor vehicles; would require the New Jersey Institute of Technology to study the LEV program and other ozone reduction strategies; and would require the preparation and submission of various reports on the LEV and other ozone reduction programs.

Specifically, this bill would authorize the DEP to adopt and implement a LEV program in New Jersey, but only if the combined number of registrations of new motor vehicles in those states and the District of Columbia, excluding New Jersey, within the Ozone Transport Region (OTR) for northeastern and mid-Atlantic states that have enacted legislation or adopted rules and regulations establishing and implementing a LEV program for a motor vehicle model year not later than that proposed for implementation by the DEP, is equal to or greater than 40% of the total number of registrations of new motor vehicles in all of the states and the District of Columbia within the OTR. The DEP would not be authorized to implement a LEV program for a motor vehicle model year before the 1998 motor vehicle model year unless the states of Delaware, Maryland, New York, and Pennsylvania have enacted legislation or adopted rules and regulations respectively establishing and implementing a LEV program for a motor vehicle model year before the 1998 motor vehicle model year.

If the DEP implements a LEV program, each year the department would be required to: (1) determine for the previous calendar year the number of registrations of new motor vehicles in each of the states and the District of Columbia within the OTR, and (2) publish in the New Jersey Register, by April 1st, a public notice of that determination.

If, for any such previous calendar year, the combined number of registrations of new motor vehicles in those states and the District

of Columbia, excluding New Jersey, within the OTR that are implementing a low emission vehicle program is less than 40% of the total number of registrations of new motor vehicles in that calendar year in all of the states and the District of Columbia within the OTR, the LEV program in New Jersey shall expire 180 days after the DEP publishes the public notice required pursuant to the bill.

The DEP would be prohibited from requiring the sale and use of "California reformulated fuel" in the State. The bill, as amended, provides that if the sale and use of such fuel is required by federal law, rule, regulation, agency ruling, order, opinion or other action, or court order to be sold for use, and used, in gasoline-fueled motor vehicles in New Jersey because the State has implemented a LEV program, the LEV program in New Jersey would expire 180 days from the date of enactment of the federal law, adoption of federal rule or regulation, issuance of the agency ruling, order, opinion or other action, or issuance of the court order, as the case may be.

The DEP, in consultation with the Division of Motor Vehicles in the Department of Law and Public Safety and the New Jersey Institute of Technology (NJIT), and within one year of the date of enactment of the bill, would be required to prepare and adopt a comprehensive plan to provide incentives for the retirement from use in the State of older, inefficient motor vehicles that pollute the environment at higher rates, in conformance with any available guidance provided therefor by the United States Environmental Protection Agency.

The DEP would also be required to adopt rules and regulations implementing certain mandated air pollution control measures identified in the federal Clean Air Act, and would be authorized in its discretion to implement certain other air pollution control measures identified in that act.

The bill would require NJIT to conduct a study and analysis of the various air pollution control strategies, measures, and options available to the State.

The bill would also impose various reporting responsibilities upon the DEP, including apprising the relevant legislative reference committees of any changes to the LEV programs in California and in certain surrounding states.

Finally, the bill would appropriate \$75,000 to NJIT to conduct the studies, analyses, reports, and plans required of it pursuant to the bill.

The committee amended the bill to add findings and declarations, to clarify that the DEP may adopt, but not implement the LEV program until the conditions set forth in the bill are met, and to make several technical changes.

974.901

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OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001
Contact:

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TRENTON, N.J. 08625

Release:

Wednesday
March 10, 1993

GOVERNOR SIGNS LOW EMISSIONS VEHICLE BILL **Law Would Help Improve State's Air Quality**

In an effort to help improve New Jersey's air quality and control pollution, Governor Jim Florio today signed into law a measure which would allow New Jersey to adopt low-emission vehicle standards similar to those in California.

"We are taking a step to make sure we have a healthy New Jersey for ourselves and our children," said Governor Florio. "Putting cleaner burning cars on the road will dramatically improve the quality of our air."

Eighteen of New Jersey's 21 counties are classified as "severe" ozone areas, based on the number of days New Jersey exceeds the national health standards. The low emission vehicle (LEV) is sometimes called the "California Car" because car manufacturers were required by the federal government to develop it in California. The car is just like any other car except that it is equipped to reduce emissions from the tailpipe. A low-emissions policy will help New Jersey comply with federal clean air standards.

The new law authorizes the state Department of Environmental Protection and Energy to adopt and implement a low-emission vehicle program by 1998. In recognition of the need for air quality issues to be dealt with on a regional basis, New Jersey's program would not take effect until adjacent states have similar laws, or until 40 percent of new car registrations within the Ozone Transport Region are in states with "California-Car" laws. In addition to New Jersey, the Ozone Transport Region includes New York, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, Rhode Island, Pennsylvania, Vermont, Virginia and the District of Columbia.

Governor Florio singled out Senator Henry McNamara for his role in striking the proper balance in the legislation, and praised Senator John Adler and Assemblywoman Maureen Ogden for their important contributions. "This legislation is a good example of the bi-partisan cooperation needed for New Jersey to deal with complicated issues," the Governor said.

The program could be phased in as early as the 1996 model year if New York, Pennsylvania, Delaware and Maryland also adopt similar standards by that date. The law also requires the New Jersey Institute of Technology to study the LEV program as well as other ozone reduction strategies.

Although modeled after the California program, the law prohibits the sale and use of "California reformulated fuel".

"The enactment of this legislation incorporates the low-emission vehicle as a cost-effective component of the state's comprehensive strategy to attack ozone pollution," said Scott Weiner, DEPE Commissioner. "The passage of this bill once again demonstrates the effectiveness of parties working together to develop environmental strategies that contribute to the economic vitality of our state."

In 1990, because of ozone's extremely harmful effects, Congress amended the Clean Air Act to require states to reduce the levels of ozone. To meet federal Clean Air Act requirements, New Jersey's program includes using cleaner fuels, cleaner cars, strengthening motor vehicle inspections and maintenance, and encouraging car-pooling and mass transit use. Failure to comply with improved federal standards could jeopardize federal highway funds.

The legislation, S 1346/A 2026, was sponsored by Senators Henry McNamara and Ray Zane, and Assemblypersons Maureen Ogden and David Russo.

#