

**HOUSE . . . . . No. 4903**

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on House, Nos. 854 and 3440, a Bill relative to the reduction of particulate emissions from diesel engines (House, No. 4903). July 19, 2010.

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Ten**

An Act RELATIVE TO THE REDUCTION OF PARTICULATE EMISSIONS FROM DIESEL ENGINES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Section 1. Chapter 30 of General Laws is hereby amended by adding, after Section 39S,  
2 the following new section:—

3 Section 39T. A commission be and the same is hereby created consisting of eleven (11)  
4 members appointed as follows: two (2) of whom shall be members of the senate appointed by the  
5 senate president; two (2) of whom shall be members of the house appointed by the speaker of the  
6 house; one of whom shall be the secretary of transportation or his/her designee; one of whom  
7 shall be the commissioner of the department of environmental protection or his/her designee; one  
8 of whom shall be the commissioner of the department of public health or his/her designee; and  
9 four (4) of whom shall be appointed by the governor, one of whom shall be a representative from  
10 an environmental advocacy organization, one of whom shall be a representative from a health  
11 advocacy organization, one of whom shall be a representative from the transportation industry,  
12 and one of whom shall be a representative of the construction industry.

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14           The commission shall study the impact of and solutions for addressing diesel emission  
15 pollution from heavy duty diesel vehicles. The commission shall produce a report identifying  
16 programs the Commonwealth can implement to further reduce diesel pollution levels from the  
17 heavy duty vehicles used to perform state contracted work. Said report shall be submitted to the  
18 governor, the senate committee on ways and means, the house committee on ways and means,  
19 the joint committee on environment, natural resources, and agriculture, and the joint committee  
20 on public health no later than one (1) year from enactment. The report shall include, but not be  
21 limited to, findings and recommendations that include the following:

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23           (1) A summary of the health impacts of diesel emissions from medical, environmental  
24 and social service publications that have documented studies to support the findings;

25           (2) A program to inventory all heavy duty diesel vehicles in the state, including diesel  
26 trucks and equipment used at ports, shipping terminals or rail yards, and the appropriate entity to  
27 implement such a program;

28           (3) A review of other states in the region that have successfully addressed the impact of  
29 diesel pollution from heavy duty diesel vehicles including any state funded programs and the  
30 entities responsible for participating and implementing these programs;

31           (4) The appropriate emissions control technology that shall be used on heavy duty diesel  
32 vehicles used in publicly funded state work in order to minimize and decrease the levels of diesel  
33 particulate matter impacting the air quality of Massachusetts. The report shall include

34 information about the estimated cost of retrofits for specific types of vehicle applications, the  
35 levels of technology currently available for retrofitting vehicles, and the estimated amount of  
36 time required to retrofit a vehicle;

37 (5) The types of projects that shall require the use of heavy duty diesel vehicles that  
38 meet the U.S. EPA 2007 on-road emission standards or have been retrofitted with the appropriate  
39 emissions control technology. This review shall also consider any bidding and purchasing rules  
40 that would need to be amended in order to properly award contracts for the specified projects;

41 (6) The cost and administration of a heavy duty diesel vehicle retrofit program including  
42 the source of funds, the administration of such funds, and how priorities for retrofitting will be  
43 established;

44 (7) An analysis of any competitive advantages that may or may not be created for  
45 contractors that successfully participate in a retrofit program; and

46 (8) The reporting requirements necessary to track the number of heavy duty diesel  
47 vehicles in use, the number of retrofits that are achieved under the program, and which state  
48 entity is responsible for reviewing and analyzing such reports.

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50 Appointments to the advisory commission shall be made not later than thirty days after  
51 the effective date of this statute. If a vacancy occurs on the commission, the vacancy shall be  
52 filled within thirty days. The commission shall expire upon reporting its findings and  
53 recommendations.

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55           The secretary of transportation or his/her designee shall serve as chairperson of the  
56 commission. The members of the commission shall meet at the call of the commission  
57 chairperson. The meetings of the commission are subject to Chapter 39 of the General Laws.

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59           Members of the commission shall serve without compensation. The members of the  
60 commission representing the department or the general court shall serve without additional  
61 compensation.