

Submission on Locomotive Emissions Regulations

Attention: Director- General, Environmental Policy, Transport Canada

Further to participation in Stakeholders meeting in Vancouver and review of documentation distributed by Transport Canada and others obtained from Metro Vancouver (2005 Nonroad Engine Fleet Characterization and Reduction of Nonroad Diesel Emissions in Lower Fraser Valley.....) , you will find comments listed below concerning principles and specifics of some of the proposed regulations:

1. In many port and urban areas where pollution from Particulate Matter (PM) and NOx is critical to health, the regulations will have little/no effect on the many locomotives provincial railways or terminals operate outside of federal jurisdiction. It is recommended that the regulations ensure some way that these operators upgrade their own equipment to the EPA Tier standards and not recycle locomotives abandoned by the regulated railways.
2. The higher level Tier 0-2 emissions allowed for switch locomotives operating in urban areas will allow these older locomotives to operate for a long time after many line-haul locomotives have been upgraded to higher standards for fuel economy reasons. This will proportionately increase emissions due to switch locomotives, particularly in urban areas where most switch locomotives operate. Some questions need to be asked as to why, if 2015 and later manufactured switch and line-haul locomotives must have the same CAC standards, can't they require the same standards if manufactured earlier?
3. Letting Canadian railways be totally responsible for Labelling, Emission Testing, and Record Keeping activities that US operators are not responsible for will add major additional roles and responsibilities. Not only some of these duties entail conflicts to identify specifications and certification but they will add significant costs to carry out these duties. These costs are not only operating costs but investments in testing equipment (or sub-contracting costs to commercial test facilities), reporting systems development, staffing and training prior to commencing regulation. In order to satisfy the complex EPA regulation, it will be important to define roles of Transport Canada, Environment Canada and any coordination roles of provincial or municipal authorities early to spread responsibility and share authority for compliance. It is difficult to see how these significant changes can emerge during this year, without more staffing and systems development ahead of time.
4. How can it be ensured that non compliant locomotives retired from the regulated railways are not cascaded into the non-regulated sector of Canadian railways, or exported abroad for another jurisdiction's pollution? Those cascaded to provincial and terminal rail operations in Canada will continue to pollute the same or more, without monitoring, without the same control federal railways are subject to. This invites various provincial and regional governments to invent their own regulations for whatever emissions they target.

5. How will funding of regulation compliance be handled by governments and will there be any incentives or penalties involved for regulated railways required to do most of the monitoring? Will there be any financial incentives from government to install new technology ahead of the required regulatory schedule? The process industries had accelerated Capital Cost Allowances for environmental control expenditures. Will there be some tax incentives of this nature offered to railways to push their adoption of “Best” technology? Is there a chance that R&D technology programs could help fund introduction of new technology not yet proven in the Canadian environment? Should railways be asked to keep accounting of their compliance expenditures in case incentives/reimbursements are available to recover some of their expenses? Some regional governments with many non regulated rail operations in their jurisdictions seem interested to .reduce particular emissions in their areas. Will the government help finance measurement of these non-regulated locomotives, or try to harmonize efforts made locally to control these emissions?
6. There is no certainty after the introduction of these regulations, that there will be any reduction of overall emissions, due to traffic growth and consequent increased fuel consumption possibly leading to more emissions than regulation enforcement can mitigate. As introduction of newer technology is essentially voluntary for existing Tier 0-1 engines, only “ new” locomotives replacing older ones will create a net reduction. In order to determine how effective the regulations are there should be calculated emissions volumes, by CAC component done at least every 5 years to see if regulations need to be strengthened to get true emission reduction.. Such calculations should be done by an independent third party and reported publicly.

