



1995 ASSEMBLY JOINT RESOLUTION 33

April 4, 1995 - Introduced by Representatives DUFF, GUNDERSON, JENSEN and HOVEN, cosponsored by Senators FARROW and COWLES. Referred to Committee on Environment and Utilities.

1 **Relating to:** requesting the Department of Justice to assist in seeking relief from
2 the mandated use of reformulated gasoline in Southeastern Wisconsin and
3 other regulatory requirements related to the federal Clean Air Act.

4 Whereas, within the region comprising Kenosha, Milwaukee, Ozaukee, Racine,
5 Washington and Waukesha counties, since January 1, 1995, only reformulated
6 gasoline may be sold as fuel for gasoline-fueled vehicles, under section 211 of the
7 federal Clean Air Act (42 USC 7545); and

8 Whereas, the mandated exclusive sale and use of reformulated gasoline within
9 that region has caused numerous problems, including health-related effects,
10 damage to and deleterious effects upon engines using reformulated gasoline and
11 economic dislocation and injury as citizens avoid sources of gasoline within the
12 region; and

13 Whereas, requests for relief to the federal Environmental Protection Agency
14 have been fruitless; and

15 Whereas, numerous grounds potentially exist for mounting a legal challenge to
16 the imposition of the reformulated gasoline requirement upon the region by the
17 Congress and the federal Environmental Protection Agency, including: 1) studies

1 demonstrating that the region's nonattainment of ambient air quality standards for
2 ozone results from ozone and ozone precursors emitted elsewhere and transported
3 into the region by prevailing winds, rather than from emissions of ozone precursors
4 within the region, thus undercutting the basis for the reformulated gasoline
5 requirement; 2) the lack of a rational basis for the imposition of the reformulated
6 gasoline requirement year-round, to address a problem which arises in summer
7 only; 3) the lack of a rational basis for addressing problems of ambient ozone levels
8 by the mandated use of a gasoline reformulated to reduce emissions of both volatile
9 organic and toxic compounds, rather than addressing ozone formation by merely
10 adjusting the volatility of gasoline to be sold in the summer months; and 4) the
11 possible failure by the federal Environmental Protection Agency when promulgating
12 reformulated gasoline regulations to take into consideration costs of achieving
13 desired emission reductions, the nonair-quality and other air-quality related health
14 and environmental impacts and energy requirements, as required by section 211 (k)
15 of the federal Clean Air Act; now, therefore, be it

16 ***Resolved by the assembly, the Senate concurring, That*** the Wisconsin
17 legislature requests the Department of Justice to assess the required sale and use
18 of reformulated gasoline in the region comprising Kenosha, Milwaukee, Ozaukee,
19 Racine, Washington and Waukesha counties and to explore other aspects of the
20 federal Clean Air Act as it applies to reformulated gasoline, in order to advise the
21 legislature as to possible methods by which relief of the citizenry may be obtained
22 in the short term; and, be it further

23 ***Resolved, That*** the Wisconsin legislature, under section 165.25 (1) of the
24 statutes, requests the Department of Justice, if the Department of Justice
25 determines that such a measure is appropriate, to commence any action and to

1 intervene in an action commenced by others for the purpose of seeking relief from
2 burdens placed upon the citizenry by the reformulated gasoline and other
3 requirements of the federal Clean Air Act and implementing regulations; and, be it
4 further

5 **Resolved, That** the Wisconsin legislature requests the Department of Justice,
6 in cooperation with the Department of Natural Resources, to develop suggested
7 long-term legal strategies to minimize the regulatory burden placed on the citizenry
8 by the federal Clean Air Act and to advise the legislature of such strategies; and, be
9 it further

10 **Resolved, That** the Wisconsin legislature requests the Department of Justice
11 to report periodically to the legislature on the status of the requests made in this joint
12 resolution; and, be it further

13 **Resolved, That** the assembly chief clerk shall expeditiously transmit a copy
14 of this joint resolution to the attorney general.

15 (END)