

EXECUTIVE ORDER NO. 60

WHEREAS, diesel exhaust poses a health risk to the people of this State; and

WHEREAS, the United States Environmental Protection Agency, the International Agency for Research on Cancer, the World Health Organization, and the United States Department of Health and Human Services' National Toxicology Program have classified diesel exhaust as likely to be carcinogenic to humans; and

WHEREAS, diesel exhaust contributes significantly to the fine particle air pollution in New Jersey; and

WHEREAS, the cumulative exposure to pollution and other hazards from multiple sources in urban communities creates a disproportionate impact on the health, well-being, and quality of life of persons living in those communities, and those impacts are exacerbated by exposure to diesel exhaust in urban settings; and

WHEREAS, diesel engines are extremely durable, often remaining in service for decades, and unless the vehicles and equipment powered by these engines reduce their emissions, they can continue to emit high levels of harmful fine particulates and other chemicals for thirty (30) years; and

WHEREAS, aftermarket control technologies, cleaner burning fuels, and cleaner engines are available now, and the costs associated with applying these risk reduction strategies are relatively low when compared with the costs of the vehicles or equipment they update and the costs to public health; and

WHEREAS, it is appropriate for the State to continue to show leadership by requiring that major state construction contracts involving diesel engines are awarded with concern for

the protection of the environment and the health of our citizens; and

WHEREAS, reducing fine particle concentrations emitted as part of major state construction contracts could prevent up to 75 deaths and 1,000 cases of asthma in the State each year;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The New Jersey Department of Environmental Protection ("NJDEP") and New Jersey Department of Transportation ("NJDOT") shall establish a pilot program to reduce emissions from non-road diesel powered equipment used in selected publicly funded state construction contracts. The pilot program, which is to be completed within three years, will require diesel emission retrofit technology to be installed on non-road diesel powered equipment used in one or more projects in urban areas, to be selected by the Commissioners of NJDEP and NJDOT. Funding shall be provided through NJDEP to reimburse the cost of diesel emission retrofit technology installed under the pilot program.

2. Upon completion of the three-year pilot program, NJDEP and NJDOT shall conduct a stakeholder process to determine, based on experience with the pilot program and, if applicable, other projects, whether it is appropriate to continue or expand the diesel emission reduction requirements and whether modifications are needed before continuing or expanding emission reduction requirements. The stakeholder process identified in this paragraph shall be completed within ninety (90) days.

3. After consultation with NJDOT and after the stakeholder process outlined in paragraph 2, the Commissioner of NJDEP shall make a recommendation to the Governor to continue and expand the diesel air pollution retrofit requirements to the entire State, with appropriate modifications, unless the Commissioner finds that the diesel retrofit program on construction equipment has not been successfully implemented. Such recommendation shall be provided to the Governor within thirty (30) days of completing the stakeholder process outlined in paragraph 2.

4. All state agencies and authorities affected by this Order are hereby ordered to ensure that the requirements of this Order are met in a timely manner and enforced.

5. This Order shall take effect immediately.

GIVEN, under my hand and seal this
20th day of April,
Two Thousand and Eleven,
and of the Independence of
the United States, the Two
Hundred and Thirty-Fifth.

/s/ Chris Christie

Governor

Attest:

/s/ Jeffrey S. Chiesa

Chief Counsel to the Governor