

# EPA CLEAN AIR REQUIREMENTS AND EMPLOYEE COMMUTING IN BALTIMORE

GORDON SCOTT BONHAM\*  
VICKY MOSHIER BURNOR  
TONI MARZOTTO  
*Towson State University*

**ABSTRACT:** *The Federal Clean Air Act Amendments of 1990 require that states with severely or extremely polluted urban areas adopt regulations to reduce the number of work-related vehicle trips and miles commuted to the work site by employees. This legislation departed from previous policy by focusing on behavioral rather than technological aspects of air pollution control. In addition, the so-called employee commute option shifts regulations from drivers to employers. The authors examine the development of the employee commute regulations in Maryland. They discuss the difficulties posed when the preconditions for effective policy implementation are not met.*

**A**fter nearly 13 years of discussion and debate, Congress passed the Clean Air Act Amendments of 1990. The goal was the same as in 1970 when Congress first tried to ensure that Americans breathed clean air. Despite the tough standards set in 1970, most urban areas in the late 1980s still violated the air quality standards for ozone and carbon monoxide. The Clean Air Act Amendments of 1990 (CAAA) imposed very high standards on urban smog, automobile emissions, toxic air pollutants, and acid rain. Once again, Congress set "policy beyond capability" (Jones, 1977, p. 109) and industry spokesmen complained, the "standards are extremely technology-forcing. They've deliberately been written beyond the capabilities of companies today" (Hamm, 1991, p. 246).

While most of the CAAA is concerned with the technical side of air pollution, buried in the fourth section, and largely unnoticed, was another action-forcing leap in environmental legislation. Congress mandated that people change the way they go to

---

*\*Direct all correspondence to: Gordon Scott Bonham, Center for Suburban and Regional Studies, Towson State University, Towson, MD 21204-7097.*

---

JOURNAL OF URBAN AFFAIRS, Volume 17, Number 2, pages 165-182.

Copyright © 1995 by JAI Press Inc.

All rights of reproduction in any form reserved.

ISSN: 0735-2166.

work. This mandate moved from forcing technological capability to forcing human behavioral change. Further, it moved from direct to indirect regulation. Previous regulations directly targeted the polluting individual or companies and put the burden of compliance on them. Now, third parties are targeted as a way to get at those responsible for pollution and must bear the burden of compliance. Congress identified employees who commute alone as the polluters, but decided to regulate employers.

The new policy, labeled Employee Commute Options (ECO), requires states with extreme and severe ozone nonattainment areas to develop regulations which would reduce the number of vehicles used by people commuting to work. At a minimum, state regulations must require all employers of 100 or more persons to increase "the average vehicle occupancy (AVO) of commuting trips by employees by not less than 25 percent of the average of such occupancy in the area at the time the program is developed....The purpose of this provision is to require these employers to provide services, facilities, or incentives to encourage employees to share commuting trips. The intent is to reduce both the number of vehicles on the road during rush hours and the time the remaining cars spend idling or operating at inefficient low speeds, and thereby to reduce emissions of hydrocarbons, carbon monoxide and NOx" (U.S. Senate, 1989, pp. 3418, 3431). All states affected by the commute reduction requirement were to submit regulations to EPA by November 15, 1992, for approval. November 1996 is the deadline for achieving the higher AVO level.