



**CONSTRUCTION INDUSTRY  
AIR QUALITY COALITION**

Coalition Members



Associated General Contractors  
America-San Diego Chapter, Inc.



Building Industry Association  
of Southern California



California Construction Trucking  
Association



Engineering  
Contractors Association



United Contractors



Southern California  
Contractors Association

July 17, 2014

Clerk of the Board  
California Air Resources Board  
1001 I Street  
P.O. Box 2815  
Sacramento, CA 95812

**RE: 15-Day Changes for On-Road Truck and Bus Regulation  
Amendments**

Dear Clerk of the Board and Staff:

The Construction Industry Air Quality Coalition (CIAQC) appreciates the opportunity to comment on the California Air Resources Board (CARB) staff 15-day changes to the amended Truck and Bus Regulation. CIAQC supports amendments that help reduce some of the significant costs contractors must incur to comply with the regulation. As CIAQC has stated previously, many contractors, most of which are small businesses, own trucks covered by the regulation. These construction employers are subject to multiple CARB diesel regulations including the Off-road Equipment Regulation and Portable Equipment Air Toxic Control Measure. In the aggregate, contractors are forced to shrink their truck and equipment fleets to comply with these regulations. This results in fewer jobs, fewer projects and less revenue needed to cover the high costs to refit and replace existing trucks.

Please consider the following recommendations:

**July 31, 2014 Reporting Deadline for Early Access to Approved  
Amendments**

ARB Mail-Out #MSC 14-08 describes how truck and fleet owners can receive early access to approved amendments to the Truck and Bus Regulation. This includes how owners can utilize the new Low Mileage Work Truck (LMWT) Phase-in Option. Many contractors own trucks that meet the definition of a low miles work truck and were previously using the Low-Mileage Construction Truck Option.

CIAQC is concerned however that July 31, 2014 reporting deadline unnecessarily establishes a requirement that will effectively preclude many other construction trucks owners to retroactively claim the option. The regulation requires truck owners to install a minimum

number of particulate filters (PM) on certain trucks in their fleet in order to qualify for the LMWT option. There is no increased emission benefit by penalizing truck owners not aware of the July 31, 2014 reporting deadline by disallowing them to participate in the low mileage work truck option.

Therefore CIAQC recommends that CARB allow additional time for fleets to report their trucks that meet the LMWT qualifications and label their trucks appropriately.

The CARB board acknowledged when it approved limited amendments to the regulation that small fleets owners, among others, are struggling economically to comply with the regulation. The proposed extension for fleets utilizing the Small Fleet Option to defer the compliance for the second and third truck in a fleet to January 1, 2017 and January 1, 2018 respectively will help some fleets and potentially allow incentive funding opportunities otherwise not previously available. However, the July 31, 2014 reporting deadline for this new option schedule will preclude many truck owners that could benefit from it with no real emission reduction benefit. CARB should redouble its outreach efforts to the many thousands of truck owners in California with information about the new amendments and compliance options in the regulation and provide additional time for fleets to report.

### **Diesel Particulate Filters**

Amendments to the Truck and Bus Regulation provides that if a Verified Diesel Emission Control Strategy (VDECS) is recalled, and it cannot be repaired or replaced, and the retrofit manufacturer does not reimburse the fleet owner, the fleet owner may continue to operate the affected vehicle for up to five years without a filter.

This amendment alone does not provide enough protection to truck owners that experience repeated VDECS malfunctions outside of a product recall. In some instances truck owners are experiencing system malfunctions associated with PM filters that can result in trucks being removed from operation in a fleet for repair for days and sometime weeks at a time. CIAQC has been informed that some have experienced this pattern multiple times with a single truck-filter combination. The regulation compels truck owners to install or purchase trucks with PM filters, yet does not provide a process for truck owners to appeal a faulty or deficient application installed in good faith.

CIAQC recommends that CARB establish a more rigorous performance monitoring program to advise consumers about the appropriate applications for this filter equipment. In addition a truck owner should be allowed to remove a filter after a certain number of failures or engine shutdowns.

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We believe these recommendations will provide the additional flexibility the CARB board sought when it amended the regulation in April 2014. I would be glad to answer any questions you might have or provide additional information. Please do not hesitate to contact me at (626) 858-4611.

Sincerely,

A handwritten signature in black ink that reads "Michael W. Lewis". The signature is written in a cursive, flowing style with a large initial 'M'.

Michael W. Lewis  
Senior Vice-President