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October 2, 2009  
VIA Electronic Submission to the  
CARB Board Meeting Public Comments Docket  
List Name Reference: ghghdv08

Ms. Mary D. Nichols  
Chairman  
California Air Resources Board (CARB)  
1001 "I" Street, P.O. Box 2815  
Sacramento, CA 95812

Re: CARB Notice of Proposal to Consider  
Adopting a Regulation to Reduce  
Greenhouse Gas (GHG) Emissions from  
Heavy-Duty Vehicles

Dear Ms Nichols:

I am pleased to submit the following comments of the Rubber Manufacturers Association (RMA)<sup>1</sup> on the above-mentioned notice of rulemaking, released on 17 September 2009. While our comments represent the consensus position of all eight of our tire manufacturer members, we want to particularly acknowledge the efforts of Michelin in helping to prepare this response. We appreciate the opportunity to provide comments to the modified GHG Regulation and to the related CARB Webcast presentation "Informational Session for the Heavy-Duty Vehicle GHG Emission Reduction Regulation" of 14 September 2009.

Compliance to the GHG Regulation requires application of the U.S. EPA SmartWay Transport Partnership ("SmartWay") program, which is a voluntary program whose partners are truck carriers, shippers, logistics companies, and truck stops. Several RMA members are shipper partners in the SmartWay Transport Partnership program and have or plan to have tire models verified on the SmartWay tire list as low rolling resistance ("LRR") tires that can provide a reduction in NOx emissions and an estimated fuel savings of 3% or greater. This would be relative to the "best selling" new tires for line haul trucks, when used on all three axles (steer, drive, and trailer). CARB's Webcast meeting of September 14, 2009 featured a presentation

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<sup>1</sup> The Rubber Manufacturers Association (RMA) is the national trade association for the rubber products industry. Its members include more than 60 companies that manufacture various rubber products, including tires, hoses, belts, seals, molded goods, and other finished rubber products. RMA's eight tire manufacturer member companies operate 30 manufacturing plants, employ thousands of Americans and ship over 90 percent of the original equipment (OE) tires and 80 percent of the replacement tires sold in the United States. RMA's tire manufacturer member companies include: Bridgestone Americas Inc., Continental Tire North America, Inc., Cooper Tire & Rubber Company, The Goodyear Tire & Rubber Company, Michelin North America, Pirelli Tire North America, Toyo Tire North America, Inc., and Yokohama Tire Corporation.

intended to inform the attendees about the GHG Regulations. Slide number 17 on “SmartWay Certified LRR Tires”, i.e., low rolling resistance tires that are SmartWay verified, stated as a bullet point “Retread tires exempt if SmartWay verified casings are used”.

Following the California Global Warming Solutions Act (AB 32), discrete early action measures were proposed on September 7, 2007 and included SmartWay verified technologies, such as LRR tires, etc. However, retread truck tires are not part of the SmartWay verified technologies, nor were they addressed in the original or modified GHG Regulation. Therefore, the statement on slide number 17, that “Retread tires exempt if SmartWay verified casings are used” is the first time this provision was presented as part of the GHG Regulation. The subject of including retreads was not raised previously and SmartWay verified technologies do not include retread truck tires. It is also our understanding that some CARB members may have previously indicated that retread truck tires would be exempt from the GHG Regulation since they are not currently addressed by SmartWay.

In light of the above discussion, RMA would like to provide the following comments regarding the September 17, 2009 modified GHG Regulation and the September 14, 2009 Webcast presentation:

- 1. RMA supports, in general, the importance of rolling resistance in both fuel savings and reduction of greenhouse gas (GHG).**
- 2. It is premature to prescribe the best way for retreads to be incorporated into the California GHG Regulation.**
  - a. There are today discussions in front of SmartWay on ways to integrate retread truck tires into the verified LRR tire technology of SmartWay.
    - i. However, these discussions have not evolved into a plan to establish, with scientific rigor, the SmartWay program for retread truck tires.
    - ii. Also, no testing analyses for logistics and practicality have been done for a SmartWay retread truck tire.
- 3. As a technical matter, a retread is a combination of: a) tire casing, b) tread rubber, and c) manufacturing process.**

It is inappropriate to assume that, of these three elements, the casing alone will confer LRR. We know, for example, that various retreaders do offer “low RR” retread rubber which is different from other tread rubber.

- a. This has not been taken into account in the GHG Regulation.
- b. RMA member’s retread technology does include low rolling resistance technology in some of its retread tread designs.

- i. One cannot state, however, that a retread truck tire consisting of a SmartWay casing and an unspecified tread rubber is a SmartWay verified technology since that casing/tread combination has not been submitted to SmartWay for verification.
- 4. **It is premature to include retread truck tires in the GHG Regulation for the following reasons. Some of these issues may be resolved in SmartWay, but a timetable has not been defined and an industry task force needs to work with SmartWay on these issues.**
  - a. While there is no clear implementation date for retread truck tires, the question is, will there be an adequate quantity of casings available based on today's list of SmartWay verified tires?
  - b. All retreaders in the USA, Canada, and Mexico are impacted since any truck entering California with retread truck tires are subject to the GHG Regulation.
    - i. There are approximately 900 truck tire retread shops that would be involved with these practical challenges.
  - c. SmartWay new tires are not marked to indicate they are listed as a verified technology.
    - i. SmartWay currently does not provide for use of a SmartWay logo on such verified tires.
    - ii. Retreaders cannot segregate the SmartWay casings in the retread shop without such a marking.
- 5. **In examining the GHG regulation, we find that retread truck tires will be prohibited in California, i.e.:**
  - a. Section 95302, a, 55: "Definition":

“U.S. EPA Verified SmartWay Technology” or “U.S. EPA Verified SmartWay Technologies” means one or more aerodynamic technologies or low-rolling resistance tire models that have been identified by the U.S. EPA as meeting the technical specifications and requirements of the U.S. EPA SmartWay Transport Partnership Program.
  - b. Section 95303, a, 2:

Except as provided in subsection 95305, Exemptions, B, beginning January 1, 2010, no 2011 or subsequent model year HD tractor, including but not limited to sleeper-cab HD tractors, pulling a 53-foot or longer box-type trailer shall operate on a highway within California unless such tractor's tires are U.S. EPA Approved Verified SmartWay Technologies.

c. Section 95303, a, 3:

Except as provided in subsection 95305, Exemptions, B, beginning January 1, 2012, no 2010 or previous model year HD tractor, regardless of model year, pulling a 53-foot or longer box-type trailer shall operate on a highway within California unless such tractor's tires are U.S. EPA Approved Verified SmartWay Technologies.

d. Section 95303, b, 1 and repeated in 2 regarding trailers:

"... equipped with both...tires that are U.S. EPA Verified SmartWay Technologies; and...."

e. By definition for tires, "US EPA Verified SmartWay Technologies" are limited to tires listed by SmartWay on its website, i.e. the tire list.

i. No retreads are identified on the verified SmartWay list.

ii. Therefore, by our understanding and reading of the GHG Regulation, retread truck tires would be prohibited from running in California on the effective GHG Regulation compliance dates.

Based on the information and discussion above, RMA's asks CARB to include a clause within the GHG Regulation that states that retread truck tires are exempt until such time as the LRR retread truck tire technology is included in the SmartWay verified technology list. This would be consistent with CARB's intent to rely on the U.S. EPA SmartWay Transport Partnership program and it would avoid the potential of having two mutually exclusive requirements.

**6. In examining the GHG Regulation, we find that the fleet field evaluation tires are not addressed, for example:**

The commercial tire industry routinely works with its fleet customers to develop new and improved products. Hundreds of tires are run on fleet vehicles for hundreds of thousands of miles, in normal operations, with normal maintenance, to gauge the tires' performance compared to previous generation products. These new tires may or may not be SmartWay approved specific products. The fleets who participate in these programs often operate in all states and Canada. Therefore, some vehicles may not have CARB qualified tires when operating in California. CARB has verbally recognized this and has, to our understanding, stated that vehicles, fleets, and tire manufacturers, engaged in such evaluations, may operate in California without penalty even if the tires being evaluated are not on the most current SmartWay approved list. The commercial tire industry has been told that they would have to register evaluations of this type, on-line, with CARB. The details of exactly what information may be required for this registration and exactly how to do it have not yet been explained.

Though CARB's intent concerning this issue has been voiced officially, the commercial tire industry, represented by the RMA, respectfully requests that this intent be formalized in writing and added to the CARB, GHG Regulation.

RMA looks forward to working with CARB to address the issues and achieve the goals discussed above. Please do not hesitate to contact me should any questions or need for clarification arise. My direct line phone number is: 202 682 4841 and my e-mail address is sbutcher@rma.org.

Sincerely,

A handwritten signature in blue ink that reads "Steven Butcher". The signature is written in a cursive style with a large initial 'S'.

Steven Butcher  
Vice President  
Technical and Standards