

September 13, 2006

Robert Sawyer, Chairman and Board Members
California Air Resources Board
1001 I Street, P.O. Box 2815
Sacramento, CA 95812

RE: Revisions to Malfunction and Diagnostic System Requirements (OBD II)

Dear Chairman Sawyer and Board Members:

We are writing to you on behalf of the Union of Concerned Scientists, American Lung Association of California, and Natural Resources Defense Council to express our concern with proposed modifications to the Malfunction and Diagnostic System Requirements for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines (OBD II) and the Emissions Warranty Regulations as presented in the Initial Statement of Reasons. The proposed changes would allow light-duty diesel vehicles to be sold in California that meet less stringent OBD requirements than their gasoline counterparts. We have a strong belief that light-duty diesel vehicles should be held to the same emission standards and requirements as gasoline vehicles, and we are concerned about any proposals to delay or weaken diagnostic requirements that have been on the books for many years and are currently being met by gasoline vehicles. If the CARB board is considering a phase-in period for meeting stringent OBD II requirements for diesel vehicles, additional requirements must be adopted to minimize any emission impacts during this period. As light-duty diesel vehicles enter the California market, CARB must ensure that new emission control technology is performing adequately throughout the useful life of these vehicles and that air quality and public health are not sacrificed.

Light-Duty Diesel

CARB should maintain equivalent requirements for diesel and gasoline vehicles. In 1998, CARB established a ground-breaking precedent that diesel passenger vehicles would have to meet the same emission standards as gasoline, including OBD II requirements. The proposal to create interim OBD II requirements for light-duty diesel vehicles, without sufficient measures to detect and prevent excess emissions from these vehicles, will result in greater tailpipe pollution.

The new diesel emission control technologies employed to meet California tailpipe standards may malfunction or degrade at a higher rate than mature emission control technologies. The proposed changes to the OBD II requirements would allow higher emission thresholds to trigger a malfunction event. With higher trigger thresholds and no Smog Check program required for these vehicles, emission control malfunctions may go undetected or be ignored. To avoid emission increases under these conditions, diesel and gasoline vehicles should be held to the equivalent OBD II and inspection and maintenance program requirements.

Additional Requirements

Should CARB adopt interim standards for light-duty diesel vehicles, the following measures must be included to ensure that any adverse emission impacts from light-duty diesel vehicles introduced to the market during the OBD II phase-in period are minimized.

- **Require additional in-use testing of vehicles**

The in-use vehicle testing program described in the regulatory proposal is not equivalent to the combined OBD II and Smog Check program used for gasoline vehicles. Staff's proposal requires manufacturers to test 10 diesel vehicles per model year when mileage reaches 30,000 to 40,000 miles and 90,000 to 100,000 miles. Based on EMFAC average annual mileage accrual rates, these two milestones would be reached between years two and three and years six and seven from the date of vehicle purchase. The large testing interval between these two milestones, approximately 3 to 4 years, is likely to result in the completion of only one set of tests before 2013. In addition, emission system deterioration and component malfunction could go undiscovered for a 3 to 4 year time period, resulting in excess tailpipe emissions. Additional testing at 60,000 to 70,000 miles, approximately years 4 and 5 of ownership, should be required to ensure that any emission control problems are detected early and can be repaired. This additional testing milestone would also help to prevent any design or equipment deficiencies from being incorporated in vehicles designed to meet the final OBD II requirements in 2013.

- **Commit to establishing Smog Check for light-duty diesel vehicles**

CARB must commit to working with the Bureau of Automotive repair, vehicle manufacturers, and the public health and environmental community to incorporate light-duty diesel vehicles into the Smog Check program within the next two to three years. Diesel passenger vehicles are projected to become an increasing share of California's vehicle fleet, making inspection and maintenance programs critical to ensure these vehicles continue to meet emissions standards as they age. Given that light-duty diesel passenger vehicles must meet the same emissions standards as their gasoline counterparts, they should also be subject to an equivalent inspection and maintenance program. CARB should do everything possible to promote the establishment of Smog Check requirements and testing protocols for light-duty diesel vehicles as soon as possible.

- **Mitigation of increased emissions**

Failure to detect emission control malfunctions in the new fleet of light-duty diesel vehicles will result in increased tailpipe emissions that must be mitigated. If CARB determines that vehicles are in non-compliance, manufacturers should be held responsible for the excess pollution from these vehicles. Specific provisions should be included in the proposal to require auto companies to fully mitigate any pollution increases for all groups of vehicles determined to be non-compliant through in-use enforcement testing.

Conclusion

Diesel emission control technologies have advanced rapidly to meet tighter tailpipe emissions standards. However, these new technologies are just entering the market place, making strong OBD II requirements critical for ensuring emission reductions over the life of the vehicle. Relaxing the OBD II requirements for light-duty diesel vehicles increases the risk that these vehicles will release more toxic soot and smog-forming pollution than their gasoline counterparts. Should CARB adopt less stringent interim OBD II standards for light-duty diesel, the recommended measures must be adopted to minimize emission impacts during the proposed OBD phase-in period.

Sincerely,

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Natural Resources Defense Council

cc: Catherine Witherspoon, Executive Officer, ARB