

Mary Nichols, Chair and
Members of the Board
California Air Resources Board
1001 I Street
Sacramento, CA 95814

RE: PROPOSED AMENDMENTS TO THE REGULATION FOR IN-USE OFF-ROAD DIESEL-FUELED FLEETS

Dear Ms. Nichols and Board Members,

The Union of Concerned Scientists, American Lung Association of California, Coalition for Clean Air, Regional Asthma Management and Prevention/Community Action to Fight Asthma, COFEM, Environmental Defense Fund, American Lung Association of California, Natural Resources Defense Council, Sierra Club California, Environment Now, El Comite Para el Bienestar de Earlimart, and Breathe California would like to express our deep concern regarding the public health impact of the proposed modifications to the in-use off-road diesel rule (Off-Road Rule). The Air Resources Board's (ARB) Off-Road Rule is critical to both achieving clean air standards and reducing the health risks from exposure to diesel pollution. Unfortunately, the legislative changes to the Off-Road Rule put these important public health protection goals at risk. We ask that ARB move quickly to quantify the emission reduction losses from the proposed amendments and to develop and implement contingency measures to fully make-up for the lost clean-air benefits as soon as possible.

ARB's initial assessment of the proposed changes, as specified by the state legislature in AB X2 8, indicated that 17 percent of the expected emission reductions from the Off-Road Rule could be lost in 2014. This loss of emission reductions not only puts at risk the state's ability to achieve federally mandated clean air deadlines, but will increase the risks of premature deaths, asthma, heart and lung disease, and cancer associated with diesel pollution. We understand ARB is in the process of gathering the necessary information from off-road equipment fleet owners to assess the impact of the economic downturn on off-road diesel emissions. We urge ARB to estimate the emissions impact of both the economic downturn and the proposed amendments as soon as possible.

We strongly believe that ARB must do everything possible to preserve emission reduction benefits in the Off-Road Rule. We applaud ARB for proposing early incentive provisions in order to encourage some progress on cleaning up equipment over the next few years. However, it is unlikely that these provisions alone will mitigate the longer-term emission losses expected, and in fact may exacerbate them. If ARB finds that implementation of the proposed amendments compromises future emission reductions from off-road equipment,

CARB should quickly propose and adopt further adjustments to the Off-Road Rule to fully mitigate these losses.

ARB has painstakingly developed many diesel pollution regulations over the past decade in an open and public process. The actions of the Governor and legislature to amend the Off-Road Rule during state budget negotiations are unfortunate, but we believe the ARB can and must fully account for the emission losses and take action to restore critical public health protections.

Sincerely,

Don Anair
Union of Concerned Scientists

Bonnie Holmes-Gen
American Lung Association of California

Nidia Bautista
Coalition for Clean Air

Joel Ervice
Regional Asthma Management and Prevention/Community Action to Fight Asthma

Arturo Carmona
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Camille Kustin
Environmental Defense Fund

Will Barrett
American Lung Association of California

Diane Bailey
Natural Resources Defense Council

Bill Magavern
Sierra Club California

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El Comite Para el Bienestar de Earlimart

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