

**Western States Petroleum Association's Comments on CARB's Proposed Alternative Diesel Fuels (ADF) Regulation – November 21, 2014 Workshop**

**[Note: Please also see the comments inserted in the marked-up version of the draft regulation, attached separately to our e-mail]**

Specific issues:

1. ARB did not include the requirements for sunset in the regulation (e.g. 90% NTDEs).
2. ARB included requirements for mitigation of B100, but did not include blends greater than B20 in the mitigation table. We ask for clarification from ARB as to how they are proposing to handle the higher level blends.
3. ARB included requirements for importers /blenders /distributors /retailers of B100 to list mitigation, but it seems mitigation would happen at blending (based on blending levels) – ARB needs to add this (as applicable) to all areas where it references, including mitigation taken, in recordkeeping requirements.
4. The cetane number range included on Table A.8 seems overly restrictive and not in agreement with other portions of the regulation. It appears ARB is requiring a soy-based B100 for the additive certification testing. Perhaps in this case ARB should just state unadditized soy B100.
5. How will ARB incorporate/account for the growth that the agency is predicting (as a consequence of the LCFS) in renewable diesel into future allowable blend-levels?
6. There needs to be clear direction in the regulation regarding FTC alignment as well as NIST (Weights and Measures) labeling and the PTD requirements.
7. ARB needs to provide clarification on the role of GTL in biodiesel. Can it still be used for mitigation purposes?
8. Why there is any reporting requirements for a stage 3B (No Impact) ADF if there is no impact to health and environment? The only requirement should be related to LCFS reporting. What is the difference between the reporting within the LCFS and reporting in the ADF regulation for Stage 3B? If there is a difference, it should be spelled out.

Comments related to Appendix 1 testing:

We recommend the below-referenced language be struck from Appendix 1 (a) (2) (G) (2) of the proposed ADF regulations. This should be part of the Multi-Media Evaluation. The language as written is unduly vague and extremely difficult, if not impossible, to comply with.

~~(2) Use of any additive identified pursuant to (a)(2)(B) of this appendix in heavy-duty engines will not increase emissions of noxious or toxic substances which would not be emitted by such engines operating without the additive. In addition, cellular tests on the particulate emissions~~

~~from heavy-duty engines will not show greater harm for mutagenicity, inflammation, DNA damage, or oxidative stress with the use of any such additive than would occur with such engines operating without the additive.~~

1. Some concerns and questions regarding the proposal for cellular testing include:
  - a. The methods to be used for cellular testing are not defined.
    - i. The rule should clearly define tests, toxicity endpoints, and methods related to cellular testing
    - ii. Impacted stakeholders should have adequate time to comment on any such proposal.
  - b. The rule does not include a defined procedure for conducting exposures to the PM in a consistent, representative manner.
  - c. Both PM exposure procedures and cellular testing must be conducted by qualified laboratories with rigorous QA/QC procedures.
  - d. Is any data regarding measurement of cellular harm from particulate emissions readily available for a “reference” fuel?
  - e. If so, has the data been published and peer reviewed?
  - f. How much data is available?
  - g. Is any data regarding measurement of cellular harm from particulate emissions available for the multiple diesel blends that are currently used in California?
  - h. What would be the reference fuel? – currently CARB diesel may be sold as CARB diesel or blended with up to 5% biodiesel and up to 5% renewable diesel.
  - i. Would applicants be required to test a “reference” fuel each time these cellular tests were performed?
  - j. How many tests would be required to obtain statistically significant results?
  - k. What would be the statistical methods ARB would require applicants to use evaluate the results of “cellular tests”?
  - l. What would be defined as a statistically significant difference?
  - m. How reliable are the available cellular tests?
  - n. Have these cellular test been used for this type of analysis in the past?
2. Some concerns and questions regarding the proposal for noxious or toxic substance testing include:
  - a. The methods to be used for testing are not defined.
    - i. The rule should clearly define the specific noxious or toxic substance to be evaluated.
    - ii. Test and methods for noxious or toxic emissions testing should be clearly defined in the rule.
    - iii. Impacted stakeholders should have adequate time to comment on any such proposal.
    - iv. Testing must be performed by qualified laboratories with rigorous QA/QC procedures.
  - b. Is any data regarding noxious and toxic emissions available for the multiple diesel blends that are currently used in California?
  - c. What would be the reference fuel? – currently CARB diesel may be sold as CARB diesel or blended with up to 5% biodiesel and up to 5% renewable diesel.

- d. Would applicants be required to test a “reference” fuel each time these tests were performed?
- e. How many tests would be required to obtain statistically significant results?
- f. What would be the statistical methods ARB would require applicants to use evaluate the results?
- g. What would be defined as a statistically significant difference?

If ARB continues to include such language in the proposed ADF rules, we urge you to address the above issues such that testing requirements are clearly defined, implementable, and create a level playing field for the regulated community.

In addition, if ARB proceeds with inclusion of these requirements, we request that ARB involve impacted stakeholders in the selection of appropriate tests and procedures.