

Danny Merkley
18-4-3



May 25, 2018

Ms. Mary Nichols, Chair
California Air Resources Board
1001 I Street
Sacramento, CA 95814

RE: Proposed Amendments to the Heavy-Duty Vehicle Inspection Program and Periodic Smoke Inspection Program

Dear Ms. Nichols:

The signatories to this letter are writing to express concern with the proposed amendments to the Heavy-Duty Vehicle Inspection Program (HDVIP) and the Periodic Smoke Inspection Program (PSIP). Our members rely on heavy duty diesel trucks and specialty vehicles to help plant, harvest, and transport agricultural products to market. Trucks used on California's farms and ranches are predominantly used during certain times of the year and then parked for the remainder of the year. Tightening opacity limits and requiring annual reporting of opacity testing will increase costs to farms and ranches with heavy-duty diesel trucks. These new requirements could also impact farms and ranches who may lose access to these vehicles if repairs are necessary during critical planting or harvesting times.

The proposed changes that reduce the allowable opacity limit as well as the new reporting requirement will create additional costs to California's farmers and ranchers who depend on these vehicles to plant, harvest, and bring their products to market. These costs will be incurred both through potential required repairs and new reporting requirements. In the long-term these additional costs are not likely to create significant air quality benefits as these trucks are all subject to the California Air Resources Board's (CARB) Diesel Truck and Bus regulations, which require the turnover of all but the lowest use heavy-duty diesel trucks and buses by 2023. Despite the turnover of these vehicles, the new PSIP reporting requirements are permanent. We urge CARB to reconsider its proposal to require the annual reporting of PSIP smoke opacity test results.

Farmers and ranchers are already faced with numerous reporting requirements by many different regulatory agencies. These reporting requirements include compliance with rules associated with the Water Board's Irrigated Lands Regulatory Program; CARB's Diesel Truck and Bus regulation; State Water Resource's Control Board's (SWRCB) annual reporting for water diversions; Department of Pesticide Regulation annual plan submission for use of crop protection materials within ¼ mile of a school or daycare facility; Sustainable Groundwater Management Act groundwater pumping reporting; fuel tank storage reports to local environmental health agencies; as well as reports that may be required

May 25, 2018

Page 2

by commodity buyers regarding food safety practices, animal welfare practices, and sustainability standards.

Requiring reporting of PSIP opacity test results may seem like a small burden, but to a farmer or rancher already required to submit numerous reports to many other agencies, one additional report can be significant. This is especially difficult for small and mid-sized farms who cannot afford to hire a compliance officer to ensure all reporting requirements are met and any additional reporting requirements take time away from the business of farming and ranching.

The regulations are unclear as to the application to vehicles that are designed for on-road use but are used almost entirely off-road and on the farm. We would request that "implements of husbandry" as defined in Division 16 of the California Vehicle Code be excluded from the testing and reporting requirements of the regulations. We recommend including this exemption in both section 2180 and section 2190 of the regulations. This would help clarify that these vehicles are not subject to PSIP opacity testing and reporting and as a result, will reduce the burden on farmers and ranchers.

The majority of these vehicles are used exclusively in rural areas where the risk of exposure is low. But again, implements of husbandry or other farm trucks built for on road use but used almost exclusively off road are still subject to the Diesel Truck and Bus Regulation that requires all diesel vehicles with a gross vehicle weight rating greater than 14,000 lbs. to have a 2010 model year engine or newer by January 1, 2023.

Finally, we are concerned with the impact these new requirements could have on farmers and ranchers if vehicles are cited and ultimately forced to be parked during planting, harvest, or the seasonal shipping of livestock. If vehicles are cited and repairs are required, the operational loss of these vehicles will have a significant impact on our member's operations. We would urge flexibility in the application of these requirements to ensure that vehicles are not put out of service during the most important times of year.

We appreciate the opportunity to comment and respectfully request amendments to the proposed regulations to exclude implements of husbandry and eliminate the reporting requirements. Thank you for your consideration of our comments.

Sincerely,



Justin Oldfield
California Cattlemen's Association



Noelle G. Cremers
California Farm Bureau Federation