

Hopkins, Chris@ARB

From: Rubin, Eugene@ARB
Sent: Monday, December 12, 2022 4:26 PM
To: Hopkins, Chris@ARB
Subject: FW: Public comment
Attachments: To whom it may concern.docx; To whom it may concern 2.docx

Here you go Chris.

Eugene Rubin (he/him)
(916) 287-8214

From: Art <art@sherm splating.com>
Sent: Friday, December 9, 2022 1:43 PM
To: Rubin, Eugene@ARB <Eugene.Rubin@arb.ca.gov>
Subject: Public comment

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Eugene,

Please add the two attachments to the public comment section for Chrome ATCM.

Thank you,

Art Holman

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To whom it may concern,

My name is Art Holman one of the owners of a small decorative plating facility in Sacramento California. I am looking for support on an unfair ruling that is being implemented by California air resources board (CARB)

Sherm's plating in Sacramento has been on the forefront of emission control for decades now, we manage all our hexavalent chrome emissions and have test results to prove it. C.A.R.B. board as well as others have toured our facility twice in 2021 to view facility layout and emission control systems which were effectively demonstrated along with documentation validating our compliance to regulations.

As a long-time industry leader in decorative chrome, it is becoming clear that the facts on emissions are not being considered in this new ruling concerning the ban on CRVI, forcing decorative platers to use Trivalent Chrome will do nothing to curb chrome emissions in the state. When decorative chrome isn't available in Ca. customers will simply ship there products out of state to be plated, adding more chrome emissions due to transportation than the original chrome plating would have produced under our current regulations. I ask you to look at the facts surrounding this issue and what will be accomplished by moving forward on the ruling.

If there is fact-based documentation that shows decorative chrome platers have contributed considerable hex chrome emissions, I would like to see it, we have been regulated and controlled for years and our industry is NOT the problem.

Even if you eliminate all chrome plating in Ca. over 99% of the emissions remain due to transportation, shipping, concrete and other industry that have a higher pollution rate than platers but are not being addressed. How is it fair to regulate an industry out of Ca. that has emission rates below 1% of total chrome emissions in the state?

Therefore, I don't believe this rule is based on facts anymore, my customers won't accept trivalent chrome as a substitute and have made that fact very clear,

but my client's pleas have fell on deaf ears. Rule makers are proceeding ahead as if they haven't heard any of the facts or comments from our customer base stating time and time again that trivalent is not an acceptable replacement for hex chrome due to color inconsistencies. My clients have been in the automotive restoration industry for decades and have the knowledge of what is an acceptable product to be considered period correct and trivalent chrome is not period correct.

Once again it is California forcing its will on small business and our customer base, all while addressing less than 1% of the real problem. As a business owner and taxpayer in California, who stands up for my rights? We have over a dozen employees that make a good living and support their families working in the decorative chrome industry in this one little shop, is it because we don't have the lobbyists of the environmental justice community behind us that makes us expendable? It sure feels that way, as we keep providing facts only to be disregarded over mere accusations from the EJ community. It seems decorative chrome platers are just a bargaining chip for CARB to play against the EJ community, a sacrificial lamb so to speak.

When you just look at the facts this whole rule falls flat on its face, there does not appear to be any partnership between CARB and the decorative platers in Ca to come to a workable solution that allows jobs to remain and control emissions at the same time. They have done it in South coast where rule 1469 was implemented and considerable resources were spent to comply, and now companies have 2 years before a ban is implemented. This is ridiculous that a rule is passed only to be followed up with a ban eliminating the process completely.

What about the South Coast companies that have invested large capitol sums in their process to comply and now have a two-year window before a phase out ban is initiated; these people are just hard-working individuals that many have secured loans to pay for emission control devices and site compliance development for the new ruling of 1469

We as an industry are just asking to be able to provide for our families while complying with emission regulations that are attainable and provide further safety for the community. As a regulating body CARB is tasked with fair compliance issues as well as concerns from environmental groups and we

understand that, but no one is standing up for our rights as a clean and complying industry to continue to provide employment and a way of life that cannot be replaced.

When there is an acceptable market replacement for CRVI we would gladly look at changing our process, but the facts don't lie, and the facts show that if forced to use trivalent our customer base will simply find an alternative plater out of state that can provide the product that is required for these restorations.

This is the part of the rule making process that is frustrating to our group, we have continued to work with CARB to provide facts about facility operations and customer comments stating they won't accept trivalent only to be dismissed. Our customer base has provided many emails and phone calls asking for a workable solution to the emission control standard, and that is exactly what we need, an emission-based rule that will be fair for everyone.

How can CARB say that a hard chrome or chromic acid anodize facility is more essential than a decorative facility? Should this not be based on emissions? After all decorative facilities have the smallest emissions of anyone in the industry and yet are being regulated out of business first. This really doesn't make sense except those decorative platers don't have the aircraft industry or military contracts behind us to make us a big player in the political game being played here in California. So, as you can see it would be easy for someone in the decorative industry to feel like we are being singled out as a scapegoat while the real problem isn't being addressed.

As I have already stated the real problem isn't the plating industry at all, it's the transportation industry among others. Ships and rail as well as trucking far out produce hex emissions of platers in the state and will continue. Even with the elimination of all chrome plating and chromic acid anodizing you still have over 99% of the current problem unresolved, so how is this rule helping California? I feel this is because the environmental lobbyists have political ties in Ca. that are just more powerful and profitable than the decorative chrome industry and therefore, we can just be eliminated.

As another example of how low the emission level is in this industry, I ask that the study look at Disneyland's level of emissions on a yearly basis, would you be surprised to find that the happiest place on earth has a higher chrome emission

level than the entire decorative chrome plating industry in Ca.? Once again though we are talking about a hugely politically connected corporation that doesn't have to play by the same rules as the plating industry.

This is particularly frustrating when we can see the facts are not being addressed and my business is going to be sacrificed for some so called greater good of the climate and community, when is CARB going to have to produce their facts to show CRVI levels for the plating and coating industry justify this type of ban? We will see but, I don't think anyone at CARB is looking at or going to be held accountable for these decisions on the rulemaking process that will affect thousands of Californians in the plating industry and beyond.

The metal finishing industry has met repeatedly with CARB to discuss solutions to this issue and presented our facts, along with the EJ lobbyists and attorneys. We have heard many accusations about how dangerous chrome platers are to the environment and community without ever being provided and documentation backing up their claims. When I hear someone who sits on The CARB board say "we have to give them something" meaning ban decorative platers to keep the EJ community appeased for the time being is just not how our rulemaking process should be conducted.

This process should be based on facts and the best technology available to decrease platers chrome emissions even further than have already been accomplished. The information is there, we have seen further reductions in emissions in South Coast under rule 1469 that can be attainable for a large portion of our industry. It's true not all companies will be able to meet the standard of rule 1469 due to the financial expense, but at least we have an obtainable emissions-based rule that will tighten chrome emissions and still allow companies to operate in California.

Seriously concerned,

Art Holman

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To whom it may concern,

As a stakeholder in the decorative chrome plating industry here in California I am shocked and extremely disappointed as to how our rule making policies are being conducted. Firstly, I thought the goal is to minimize emissions to the lowest possible level without banning an entire sector of the chrome plating industry. The chemistry used for decorative and functional chrome are near identical, yet functional plating will be allowed to continue while decorative will be banned.

Please explain how CARB can justify banning decorative while allowing functional platers to operate at hugely higher emission levels, I know you are going to say trivalent is an acceptable replacement and therefore decorative has an alternative. I say that is not the case as well as many letters you have received from my client base and others stating the same.

I have had the CARB executive board at my facility on the plating floor, feet from the chrome tank to share emission data and control device performance including a smoke test, if you recall all members present were very impressed and couldn't understand why there would be an issue with such low emission rates, except for one member who made it very clear that as far as he was concerned "CARB has to give the EJ community something", his words not mine.

I have worked with CARB and opened my facility and data for inspection, allowing tours and educating CARB members through sharing information of the decorative plating industry all in good faith that the facts speak for themselves, and they do! Those in attendance agreed.

It has become obvious that it is not about facts or statistics but rather a politically driven agenda from the EJ community. If this were about facts, we would have been presented with data to show that, not just accusations that are being accepted as fact. The comments made by an unnamed attorney were deeply troubling and frankly made me ask myself a question.

Comments made by an EJ community leader included that "she is tired of seeing children killed by the plating industry through poorly regulated emissions", which made me ask myself, as a parent or partner of an injured loved one, would you not be involved in a regulatory process that caused damage to your loved one? I know I would and yet through the seven working group meetings all we have heard from the EJ lawyers are claims we are the problem without producing facts to back up claims of hexavalent chrome exposure from platers.

This is my 42nd year in the decorative chrome industry and I can assure you we are anything but poorly regulated, my emissions are proven through scientific data to show I am being proficient in controlling those emissions not just a statement, but data provided to back up my claim. I as well as others have asked to see data supporting the claims being made against us but as of yet nothing has been presented.

I know firsthand that if this rule is implemented as is my company will have no choice but to close, along with most other decorative platers in the state. The data you were provided on trivalent chrome largely came from chemical suppliers, so what exactly do you think a chemical supplier/salesman is going to say? Yes, we have an alternative product, but the client base will not accept it. Of course not, it is their job to sell product therefor they will make it as attractive as possible. I have had multiple meetings with vendors to see if an acceptable alternative to hexavalent has been developed and at this time they cannot produce a color that matches industry standards.

When we compare trivalent samples produced from the vendor to my chrome plating, I just ask the vendor one question, can you produce this color in trivalent and the answer is always the same, NO but this is very close. Well in decorative chrome close is not good enough, I sell a product that must meet or exceed OEM standards in color and durability not to mention show winning quality restoration for classic auto enthusiasts.

My confusion on this subject arises from critical thinking, if Decorative and functional are using the same chemistry and functional platers are using millions of amp hrs. monthly and I used 32,230-amp hrs. all of 2021 while having proven control device in place to capture those emissions, how am I the problem? Logic tells you I am not, and the facts back that up.

The only way to a fair and equitable rule for all is emission based, if you set the standard for hexavalent chrome then that should be the standard, functional or decorative should not matter as we are using the same product with the same technologies. Those who cannot meet the standard must comply or get out of the industry. For CARB to mandate a ban on decorative platers like myself while allowing functional platers to continue in the state can only mean one thing, CARB must appease the EJ community, it's the only thing that makes sense.

As you know I have been very vocal about this topic and rightfully so, my livelihood is on the line as well as those I employ. This rule is like banning diesel pickups while allowing large diesel trucks to continue to operate, it's mindboggling, we produce the same emission at lower levels using the same chemistry and yet decorative platers are the ones being banned.

Another question that I have not received an answer to is who makes the decision that trivalent is an acceptable replacement? Is it the CARB board or chemical suppliers the EJ community? No, it is not, it is our customer base and they have spoken on this subject repeatedly although it has fallen on deaf ears. With that said it's not totally the issue, if you allow hexavalent chrome in California to operate at all then you must set a standard, it is not CARB's place to dictate what

industries can operate in the state, it is your place to set an emission standard and those that comply can legally operate and those that cannot cease operations.

I understand that CARB has a responsibility to protect the environment and communities but banning decorative platers does not accomplish any of those goals, it is only logical that having an emission base standard for the entire plating industry whether decorative or functional lowers emissions statewide while still allowing business owners to remain and provide jobs. As a stakeholder who has provided my data, CARB can see my emission levels and I do not believe anyone on the board can honestly say my company is a threat to environment or community.

We can do more to further lower emissions as rule 1469 has proven while still allowing chrome plating here in California, which is a fact as proven in your own data. So, if there is technology and housekeeping techniques that lower emissions even further why are they not being considered? There is only one answer that makes sense and that is the EJ community has so much power that CARB would rather eliminate the decorative plater than stand up for what is right and face pushback from environmental justice attorneys.

As I move closer to my 60th birthday and CARB tries to justify ripping away my business and the livelihood of my employees know this, I will not go quietly or without a fight. This is still the United States of America, and we have rights, I know I am just a small business owner facing the State of California but right makes might and common sense does not lie. Common sense says this is not about emissions when chrome platers are less than 1% of state emissions and yet are being targeted for elimination. Why is there not more being done to reduce the other 99% of emissions without destruction of an entire industry? Why is the EJ community not concerned about the other sources? Have studies been done to see actual reduction rates after factoring in additional transportation emissions to have plating done out of state? These are just a few of many valid questions that no one has given an answer.

I urge CARB to reevaluate the information and propose an emission-based rule for all hexavalent chrome platers in the state of California.

Sincerely,

Art Holman

Sherm's Custom Plating

