

November 21, 2019

Clerks' Office  
California Air Resources Board  
1001 I Street  
Sacramento, CA 95814

**SUBJECT: Comments on the Proposed Advanced Clean Trucks Regulation—Large Entity and Fleet Reporting Requirement**

The California Fuels and Convenience Alliance (CFCA) represents about 300 members, including nearly 90% of all the independent petroleum marketers in the state and half of the state's 12,000 service stations. Our members are small, family- and minority-owned businesses that provide services to nearly every family in California. Additionally, CFCA members fuel local governments, law enforcement, city and county fire departments, ambulances/emergency vehicles, school district bus fleets, construction firms, marinas, public and private transit companies, hospital emergency generators, trucking fleets, independent fuel retailers (small chains and mom-and-pop gas stations) and California agriculture, among many others. CFCA appreciates the opportunity to submit comments on this issue.

CFCA has concerns regarding the large entity reporting requirement of the Advanced Clean Trucks draft regulation first published on October 22, 2019 and set for hearing before the California Air Resources Board (CARB) on December 12, 2019. The lack of public engagement and potential inaccuracies regarding cost projections should require further workshops with the affected businesses.

CFCA requests that CARB bifurcate the large entity reporting requirement from the manufacturer sales requirement. All businesses that will be impacted should receive proper notice and the opportunity to voice their concerns.

Despite nearly three years of workshops on the manufacturer requirement since late 2016, the first official documents regarding the reporting requirement were not available until August 2019. Curtailing the public process has resulted in unanswered questions and a vaguely defined program that puts businesses in the position of submitting data that may not meet CARB's requirements.

Some of our concerns about the reporting requirement section are listed below:

**BURDENSOME REPORTING**

- Terms are vague, and require businesses to make guesses, "estimate," and "use best judgement" and "approximate" the data they submit. As a result, the regulation may not result in usable or useful data, much of which can be gathered by other means.
- Recordkeeping is required for the year 2020, but the regulation will not be in effect until mid-2020. How does that work?
- Many businesses do not maintain these types of records. How does CARB anticipate these businesses will comply with estimating deliveries?

## **VAGUE ENFORCEMENT**

- Violations of the Advanced Clean Trucks Large Entity Reporting Requirement are subject to general Civil Penalties of up to \$37,500 per day for a data gathering exercise.
- How will the rule be enforced? How will we know that our best guesses are enough?

## **INCREASED COSTS**

- CARB did not solicit feedback, and therefore underestimated the cost of regulatory reporting compliance, especially when considering the regulation is subject to enforcement and there is no limit on civil penalties.

## **DATA SECURITY RISKS**

- Data gathering through a vague, hard to enforce regulation subject to significant civil penalties will not result in effective or useful data and will simply burden the business community without any real benefit to CARB or the public.

## **UNCLEAR GOALS**

- Why is the regulation asking about cars, SUVs, and mini-vans?
- Why is CARB not asking about existing electric vehicles or other low-emissions technology?

CFCA urges you to bifurcate the reporting requirement from the manufacturer sales requirement and schedule a series of public workshops to allow industry to submit their feedback. I look forward to working with you to address these concerns.

Thank you for your time and consideration in this matter. Please contact Sam Bayless at bayless@cfca.energy with any questions or feedback.

Sincerely,

Samuel Bayless  
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California Fuels and Convenience Alliance