



September 24, 2018

Clerk of the Board
California Air Resources Board
1001 "I" Street
Sacramento, California 95814

Subject: Comments on Proposed Amendments to the Periodic Smoke Inspection Program (PSIP)
15-Day Comments

Dear Chair Nichols and Members of the Board,

On behalf of the undersigned businesses and associations, we would like to comment on the 15-day amendments for the Periodic Smoke Inspection Program (PSIP). In the 15-day amendments we find it concerning that there is no document presented that reflects the Board's concern with reporting, or with requested legislative conformity. Specifically, it was stated by the Board "the regulation itself or the resolution language adopting it contain language that explicitly says how we will deal with a transition". The motion to approve also stated: "I would encourage our Chairman...to work with...our staff on a 15-day change that might alleviate that burden...And...make the motion to approve the staff's proposal with 15-day changes...including the concept that you'll work with our Chairwoman on the issue of the record keeping."

Given these statements, we feel the 15-day comments must still address reporting concerns from the public. We also feel the requirement for smoke tests done within 90 days was not clearly addressed for validity or uniformity for all vehicles sold in California.

Fleet Reporting and Annual Smoke Test Uploads

As members of the undersigned coalition have noted in five separate letters: one to staff on January 31, another letter to Richard Corey on June 15, 2017, and in comment letters to the Board dated May 14, 2018 and May 21, 2018, we indicated we cannot support a concept that would require entire fleet reporting and cumbersome uploading of smoke tests annually for each vehicle reported.

The proposed reporting requirements will unfairly add cost and administrative burdens to compliant truck fleets, will result in little to no emissions benefit, and will further exacerbate the uneven playing field with an even more unenforceable program than that required by the current regulation.

We were encouraged by the Board's stated concern and motion at the May 25 Board Hearing regarding the reporting burden, and we fully expected additional discussions to occur between staff and stakeholders, and between staff and Board members, to provide language that would alleviate the burden. Unfortunately, nothing was provided in the 15-day that addressed this overwhelming concern.

We understand the reporting does not start until 2023. We also understand legislation is being discussed that may change the landscape of what may be required by the regulation approved on May 25, 2018. However, there is nothing provided in a resolution or any other document as requested by the Board that would require the regulation to be reopened if it turns out "duplicative or even possibly conflicting programs" would exist. We would ask the Board to ask staff for a definitive resolution that requires this regulation to be reopened July 1, 2020 or sooner to resolve any duplication or conflict. In providing a firm "resolution" date,

concerns between CARB records and DMV records could also be addressed should 2023 reporting still remain. Those concerns include determination of the "true owner" versus operator, real time synchronization of the DMV and CARB databases, engine model year versus vehicle model year, and registered GVWR versus GVWR of the vehicle. The cumbersome process of uploading thousands of smoke tests, that will likely not get any more review than under the current compliance audit system, could also be reviewed.

Smoke Test Requirements for Vehicle Sale

15-day changes were applied to paragraph 2193(c) regarding smoke tests being required to be performed within 90 days of sale. This last minute addition to the regulation language your Board approved is unenforceable because there is no mechanism within the Vehicle Code that makes it a condition of sale through DMV. It is also a discriminatory requirement because the PSIP regulation excludes single truck owners altogether, and thus it also excludes these owners from performing this pre-sale test. The on-road vehicle smog check was used as an analogy; however, that requirement applies to each and every vehicle sale made in California. Unfortunately, this was not adequately addressed. This should be reviewed to ensure uniformity and validity before the regulation is sent to OAL.

We would appreciate the Board's consideration of the concerns above, and request the Board seek additional resolutions to the regulation submitted to OAL that would require the regulation to be reviewed for conformity with any legislation and reopened by no later than July 1, 2020 to remove any duplicity or conflict. At the same time we would ask such review include a determination of remaining discrepancies between CARB and DMV records that could lead to inaccurate and unnecessary enforcement. We would also the Board to ask staff to provide answers to the validity of the requirement for smoke tests within 90 days of sale, when there is no current mechanism for enforcement in place through DMV, and when such requirement is not imposed on every vehicle sale in California.

We want to thank the Board and its staff for the opportunity to present these comments. If you have any questions, they may be directed back through Jim Halloran, Caterpillar Manager, State Government Affairs - Western Region (916)-580-5467, or email, Halloran_James_P@cat.com.

Sincerely,

The California Caterpillar Dealers



Bob Shepherd
Quinn Group, Inc.
Manager – Sustainability & Compliance



Rob Cram
Holt of California
Emission Specialist



Grant Stickney
Peterson CAT
Product Support and Emissions Solutions



Jeff Wood
Hawthorne CAT
Diesel Regulations Manager

California Trucking Association



Chris Shimoda
Vice President of Government Affairs

American Trucking Associations



Michael Tunnell
Director, Energy & Environmental Affairs