



November 7, 2022

Chair Randolph and Members of the Board  
California Air Resources Board  
1001 I Street  
Sacramento, CA 95814

**Re: Support with Amendments of Proposed Amendments to the In-Use Off-Road Diesel-Fueled Fleets Regulation**

Dear Chair Randolph and Members of the Board:

On behalf of the undersigned health, community, and environmental organizations, we respectfully submit this comment in response to the California Air Resources Board (ARB)'s proposed amendments to the In-Use Off-Road Diesel-Fueled Fleets ("Off-Road Amendments"). This rule is vital to protecting the health and welfare of millions of Californians. It is vital this rule be adopted this month to make sure California benefits from the large health benefits that will accrue. We appreciate ARB staff efforts to bring more emission reductions to breathers above the current off-road regulations.

**I. There Is an Urgent Need to Amend the In-Use Off-Road Diesel-Fueled Fleets Rule.**

Many Californians breathe the worst air quality in the nation and rely on ARB to advance regulations like this one to reduce harmful air pollution in communities. ARB staff estimate that the proposed Off-Road Amendments would reduce statewide emissions by approximately 31,087 tons of NOx and 2,717 tons of PM above expected reductions from the current regulation on the books.<sup>1</sup> Between 2024 and 2038, the proposed Off-Road Amendments will result in the following health benefits:

- 571 fewer premature deaths;

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<sup>1</sup> Initial Statement of Reasons ("ISOR"), at 10.

- 82 fewer hospital admissions for cardiovascular illnesses;
- 98 fewer hospital admissions for respiratory illnesses; and
- 277 fewer emergency room visits for asthma.<sup>2</sup>

Statewide, the value due to avoided health outcomes would be \$5.74 billion.<sup>3</sup> And, importantly, half of these benefits would occur in the first five years of the rules implementation.<sup>4</sup> Moreover, 10 of the 17 AB 617 communities in California have identified equipment covered under this rule as a top concern, which means these amendments would provide benefits in the first five years to California's disadvantaged communities.<sup>5</sup> The overwhelming benefits of these regulatory amendments require swift adoption by ARB.

## II. Compliance Deadlines Could Be Moved Up to Achieve Emission Reductions Earlier.

We appreciate the effort to expedite the phase out of old and inefficient equipment compared to the existing rule. The following chart provides the phase out proposed.<sup>6</sup>

**Table 5. Tier and Model Year (MY) Phase-Out Dates by Fleet Size**

Year (January 1)	Large Fleets	Medium Fleets	Small Fleets	Ultra-Small Fleets
<b>2024</b>	Tier 0/MY 1994 or older on-road			
<b>2026</b>	Tier 1/MY 1999 or older on-road	Tier 0/MY 1994 or older on-road		
<b>2028</b>	Tier 2/MY 2003 or older on-road	Tier 1/MY 1999 or older on-road	Tier 0/MY 1994 or older on-road	Tier 0/MY 1994 or older on-road
<b>2030</b>		Tier 2/MY 2003 or older on-road	Tier 1/MY 1999 or older on-road	Tier 1/MY 1999 or older on-road
<b>2032</b>			Tier 2/MY 2003 or older on-road	
<b>2036</b>				Tier 2/MY 2003 or older on-road

Much of this Tier 0, 1, and 2 equipment is exceptionally old and heavily polluting. We recommend moving up the 2026, 2028, 2030, 2032, and 2036 dates in the attached chart up by

<sup>2</sup> ISOR, at 12.

<sup>3</sup> *Id.*

<sup>4</sup> ISOR, at 118.

<sup>5</sup> ISOR, at 13.

<sup>6</sup> ISOR, at 47.

two years – making the compliance dates 2024, 2026, 2028, 2030, 2032, and 2034. This would achieve desperately needed reductions in a more expeditious timeframe.

### **III. We Support Efforts to Shift Off-Road Equipment to Zero-Emissions.**

While we recognize many of the rule provisions do not require zero-emissions, we appreciate ARB staff's efforts to allow more zero-emissions. We encourage continued work to convince fleets to shift to zero-emissions, especially because the electrification of off-road equipment is currently very promising. We also recommend that the Board direct staff to diligently pursue a Tier 5 standard for new off-road equipment, which currently stands as a commitment in the 2022 State Strategy. This will be critical to meeting the direction of Governor Newsom Executive Order N-79-20, which directs ARB, in consultation with other agencies, to achieve 100% zero-emission off-road vehicles and equipment operations by 2036.

### **IV. We Support Staff's Proposed Enforcement Scheme For Ensuring Compliance With This Rule.**

Our organizations support ARB's efforts to increase accountability. The Prime Contractor requirements will allow for greater enforcement and transparency in compliance with California's regulations.<sup>7</sup>

### **V. Conclusion**

Controlling off-road pollution is vital to protecting Californians. Our organizations appreciate agency staff's continued efforts to move forward with the final adoption of this life-saving regulation. We ask this Board to express clear support to advance cleaner off-road equipment and direct staff to come back to adopt zero-emission requirements for this equipment expeditiously.

Sincerely,



Adrian Martinez  
**Earthjustice**

Taylor Thomas  
**East Yard Communities for Environmental Justice**

Andrea Marpillero-Colomina  
**GreenLatinos**

Heidi Harmon  
**Let's Green CA!**

*[Additional Signatories Continued on Next Page]*

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<sup>7</sup> ISOR, at 49-50.

Matt Holmes  
**Little Manila Rising**

Joel Ervice  
**Regional Asthma Management and Prevention (RAMP)**  
- **A Project of the Public Health Institute**

Rita Clement  
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