

Please accept the following comments for the public record, and for subsequent implementation. They are provided on behalf of multiple stakeholders/affected parties/clients in the automotive aftermarket. We request these become formal CARB policy, as discussed in the CARB workshops and prior comments.

Aftermarket companies are not OEMs. They do not have the resources, capabilities, expertise, or time for development and validation, etc., of the OEMs. They simply cannot be expected to meet the exact same requirements imposed upon the OEMs. There must be appropriate flexibility and consideration in their implementation and application. This has been the historic understanding of CARB. This was adequately considered in the original procedures. This was also reaffirmed in the Initial Statement of Reasons, page 12, in the comments for “(c)(1) Vehicle or Engine Selection {Section V (a)(1,2)}:

“Since aftermarket part manufacturers are often small businesses, some of the more costly tests have been excluded from the evaluation of add-on or modified parts. To further minimize testing costs, aftermarket part manufacturers have been required to test the vehicle or engine that represents the worst case for emission impacts.”

However, this regulation still increases stringency in overly burdensome and significant ways. In many cases, to levels identical to what is required of the OEMs. This is simply not feasible in terms of things like requiring costly evaporative testing, demonstration of full OBD detection prior to applicable emission standards being exceeded, submitting EO applications by individual test group, and real world testing, to name just a few examples. These new requirements still directly contradict the above statement, as well as the historic recognition by CARB relative to the limitations inherent in the aftermarket.

These 15-Day revisions only address a few (3) of the many more issues raised in the public comments already provided for the Board meeting. The changes stated in the 15-Day comments are surely welcome, but they’re not nearly sufficient enough to mitigate the multitude of concerns described in the prior public comments. CARB staff has the obligation to address **ALL** of the items contained in the public comments with a statement as to why, or why not, they would be incorporated into these regulations and then subsequently implemented as policy. This is very clearly stated in the second paragraph of the 15-Day notice. **CARB staff has clearly failed to meet this obligation if only 3 of the many, many more comments received are deemed to need “further modifications that are appropriate”**. While the formal staff response in the “Final Statement of Reasons” will hopefully explain Staff’s reasoning, it’s inconceivable so few comments would’ve been addressed. It’s especially concerning when requests for greater clarity, such as adding definitions and/or compliance criteria, etc., seem to have been ignored.

These would not only help applicants better understand and comply with these new regulations but they would also help CARB staff process the applications more efficiently and quickly. This is particularly true with regard to the request for General Compliance Criteria which would reduce the application approval process to essentially a simple “check the boxes” verification of the information submitted with the applications. This is not a new concept. The prior regulations/procedures included this capability, though it was no longer feasible due to changes in vehicle technology. Staff should have simply updated these provisions to reflect new technology and standards rather than simply ignore them. This is but one of MANY examples where the requests made in the public comments were not addressed even though doing so would be beneficial to both applicants and CARB staff. This is clearly unacceptable.

We again request that CARB implement, through both policy and statute, **ALL** of the revisions contained in the public comments previously provided and recorded in the public record. I will be more than happy to address any questions which CARB staff may have that arise due to these or any other comments.

Thank you for your cooperation,

Frank Bohanan,
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