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*Submitted Electronically*

RE: Comments to Proposed Heavy-duty Inspection and Maintenance (HD I/M) Regulation

The California Farm Bureau Federation (Farm Bureau) is pleased to submit comments on the proposed Heavy-duty Inspection and Maintenance (HD I/M) Regulation released by the California Air Resources Board (CARB). First and foremost, Farm Bureau is deeply appreciative of CARB's staff for the willingness to collaborate with our organization on the creation of the regulation, their ability to engage with individual agricultural members to discuss operational difficulties and to begin to understand the nuances related to the vehicles utilized in agricultural operations, and for their efforts in conducting the many HD I/M workshops throughout the state. It is because of these efforts that Farm Bureau and our members feel confident that the eventual implementation of HD I/M will be less objectionable, and that agricultural operations will continue with less interruption while still achieving the air quality goals established by Senate Bill 210 (Leyva; Chapter 5.5, Statutes of 2019).

Below are comments and requests for clarification on the proposed HD I/M regulation. We will continue to make ourselves available for any additional discussion(s) as necessary and prior to the public hearing on December 9, 2021.

*§2195.1. – Definitions*

Farm Bureau is supportive of the *agricultural vehicle* definition, as provided. The definition is consistent with other CARB regulations and relevant sections of California Vehicle Code. The distinction is critical because agricultural vehicles utilized in agricultural operations are granted seventy-five (75) days to correct emission control system deficiencies, as opposed to forty-five (45) days for other non-agricultural vehicles. The definition provided is also consistent with the intent of Senate Bill 210 (Leyva) and the conversations with Farm Bureau prior to passage.

*§2196.8. – Parts Unavailability Compliance Time Extension*

Farm Bureau would be supportive of providing a one-time compliance extension for small fleets who cannot obtain the needed parts to repair a vehicle. The availability of replacement parts for vehicles has long been challenging, and has significantly worsened as manufacturers are now navigating serious COVID-19 related delays. International import and export delays, as well as vehicle and part manufacturing shortages, will not alleviate in the short-term but may reach a level of normalcy and predictability by mid-2022. With that in mind, and aware that HD I/M will not be effective until January 2023, it's possible that some parts may still experience availability shortages. We believe the

consideration of even a one-time extension is appropriate given the continued challenges facing part and vehicle manufacturers.

However, Farm Bureau does respectfully request additional clarification as to the applicability of the extension to *agricultural vehicles* and the owners of said vehicles, exclusively. We believe the intent of the time extension is for all HD vehicle owners subject to the regulation, including those owners of agricultural vehicles. The proposed language needs further clarification as to whether the extension is applicable to all HD I/M covered vehicles and owners. Farm Bureau would appreciate the clarification related to compliance time extensions.

#### *§2197.1 – HD I/M Tester Requirements*

Farm Bureau is supportive of establishing certified HD I/M testers to conduct compliance tests and inspections of HD vehicles subject to the regulation. The most pressing concern among agricultural vehicle owners is related to travel distance and time lost for HD I/M testing on their vehicles. Not only is off-site testing and travel a financial impact to farmers and ranchers, but vehicle usage may also jeopardize the mileage limitations of certain vehicles enrolled in low-mileage programs under CARB's Bus and Truck Rule. The proximity of certified HD I/M testing locations, or lack thereof, and the availability of certified HD I/M testers is a serious concern of rural farming and ranching operations. Establishing an HD I/M tester certification program would theoretically address some of the concerns raised by Farm Bureau members.

As drafted, the regulation provides that an HD I/M tester requires the successful completion of training course developed by CARB and passing marks on a related examination, but also an ability to bypass certain training modules for those familiar with vehicle emission testing guidelines and the regulation requirements. We believe that the course of instruction would establish a level of competency and knowledge required of a tester, as well as potentially increase the availability of HD I/M certified testers in rural/agricultural areas of California. Further, given the potential availability of the CARB-approved training courses, we see an opportunity for agricultural employers to facilitate employee training opportunities for those interested in becoming a certified HD I/M tester.

#### *Periodic Testing Requirements*

The periodic testing requirements have improved since our initial conversations with CARB staff. The periodic testing protocols, as originally conceived, provided for too much disruption of day-to-day business activities, recordkeeping requirements, and potentially created numerous other compliance issues for even the smallest of HD vehicle fleets. The semiannual compliance testing we believe is sufficient for most HD vehicles; however, agricultural vehicles, as defined by the regulation, should be afforded the opportunity to test annually.

Agricultural vehicles face significant limitations on usage, which also ebbs and flows with the seasonality of harvest. Certain agricultural vehicles, like those enrolled in CARB's Bus and Truck Rule – Low Mileage Exemption Program or Agricultural Vehicle Extension, are limited by regulation to a maximum amount of mileage and engine hours. Agricultural vehicles are low-level emitters of particulate based on our infrequency of use and operation compared to other HD vehicles subject to the HD I/M regulation. Given these considerations, Farm Bureau would appreciate the consideration of CARB staff to develop an "agricultural vehicle" identification to allow low-use vehicles a bit of a reprieve from the periodic testing requirements.

## On-Board Diagnostic (OBD) Testing Devices

Owners of HD OBD-equipped vehicles will likely have several opportunities available to them for compliance testing. Telematic systems are definitely highly utilized among larger vehicle fleets and those vehicles operating in interstate commerce with electronic log-books and other software. For smaller fleets with fewer vehicles and drivers, telematic services are utilized less frequently. In this case, the proposed regulation does authorize the submission of test results through a non-continuously connected remote OBD device, or plug-in device.

Farm Bureau would like this opportunity to raise serious concern over the cost of not only OBD testing devices, but also smoke opacity testing devices for the state's socially disadvantaged farmers. Based on our assessment, OBD testing devices can range in price from approximately \$100 to as much as \$900, while a standard opacity testing device is likely to exceed \$5,000. Farm Bureau has the obligation as the state's largest agricultural organization to represent all farmers and ranchers, including those that represent the great diversity of California's agricultural community and who have not had access to the resources or information to successfully operate their agricultural enterprise. Absent an availability of HD I/M certified testers, socially disadvantaged farmers may not have the financial resources necessary to purchase their own OBD plug-in device, nor opacity testing device. Even if a socially disadvantaged farmer, or employee, were to become a certified HD I/M tester, these farmers and ranchers would still lack the financial resources necessary to purchase the testing equipment. Socially disadvantaged farmers and ranchers represent nineteen percent (19%) of California's total agricultural producers.<sup>1</sup>

Farm Bureau would request that CARB have a program in place to provide OBD plug-in devices and/or opacity testing devices for the state's socially disadvantaged farmers so that their HD vehicles may also be compliant with the regulation. Farm Bureau is open to further discuss this consideration and facilitate the dissemination of information to our partners and members as necessary. This consideration is not intended to be disruptive of the good work produced by CARB staff in the development of the HD I/M Regulation but is worthy of further consideration and discussion.

### *Conclusion*

Farm Bureau appreciates the opportunity to provide comments on the Proposed HD I/M Regulation and we look forward to further discussing our comments as is necessary. Thank you for this opportunity and for the continued dialogue between Farm Bureau and CARB staff.

Respectfully,



Katie Little  
Governmental Affairs Advocate  
California Farm Bureau Federation

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<sup>1</sup> United States Department of Agriculture – National Agricultural Statistics Service (USDA-NASS), 2017 Ag Census.