



**Airlines for America®**

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July 18, 2016

California Air Resources Board - Clerk of the Board

submitted electronically to: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Re: Comments on Proposed Amendments to the Large Spark-Ignition Engine Fleet Requirements Regulations

On behalf of our members, Airlines for America® (“A4A”)<sup>1</sup> thanks the California Air Resources Board (“CARB”) for providing this opportunity to comment on its Proposed Amendments to the Large Spark-Ignition Engine Fleet Requirements Regulation (“Proposed LSI Regulation Amendments”), which will affect a subset of airport ground support equipment (“GSE”).

A4A and its members have an exemplary environmental record and we are committed to building on that record. With respect to GSE, even despite our view that the State lacks the authority to regulate in this area, we nonetheless cooperated with the State as it developed a suite of emissions regulations applicable to GSE (as well as other engine types), including the existing LSI Fleet Regulation as well as the In-Use Off-Road Diesel (“ORD”) regulation and the Airborne Toxic Control Measure for Diesel Particulate Matter (“DPM”) from Portable Engines (“PE-ATCM”) and related Statewide Portable Equipment Registration Program (“PERP”) rule.

Our progress in reducing GSE emissions has been impressive. Indeed, the State’s inventory of criteria pollutants shows that in 2012 NOx emissions from GSE had declined 50% from 2000 levels in both the South Coast Air Quality Management District (“SCAQMD”) and statewide, while emissions of PM2.5 from GSE declined nearly 25% in both these regions.

We are committed to building on this record and it is in this spirit that we present these comments. At the same time, we have serious concerns regarding the scope of the information Staff proposes to require fleet operators to report and urge CARB to limit any reporting requirement to items that would be needed to show compliance with Fleet Average Emission Level (“FAEL”) Standards established under the existing LSI Fleet Regulation.

Before presenting our comments, we emphasize that they address exclusively the amendments proposed here, which Staff affirms are limited to “establish[ing] new reporting and labeling requirements and extend[ing] recordkeeping requirements.”<sup>2</sup> We note that Staff presents this measure as enabling “the development of future measures that accelerate the deployment of zero emission technology in LSI and other off-road equipment.”<sup>3</sup> In comments submitted earlier this month on the Draft California Sustainable Freight Action Plan (“Draft

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<sup>1</sup> A4A is the principal trade and service organization of the U.S. airline industry. A4A’s members are: Alaska Airlines, Inc.; American Airlines Group; Atlas Air, Inc.; Federal Express Corporation; Hawaiian Airlines; JetBlue Airways Corp.; Southwest Airlines Co.; United Continental Holdings, Inc.; and United Parcel Service Co.; Air Canada, Inc. is an associate member.

<sup>2</sup> Public Hearing to Consider the Proposed Amendments to the Large Spark-Ignition Engine Fleet Requirements Regulation, Staff Report: Initial Statement of Reasons (“ISOR”), at p. iii.

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

Action Plan”<sup>4</sup> and comments submitted separately today on the Proposed 2016 State Strategy for the State Implementation Plan (“Proposed SIP Strategy”),<sup>5</sup> we present a number of concerns regarding measures identified in those plans that pertain to GSE, including those designed, as Staff refers to them here, to “accelerate the deployment of zero emission technology in LSI and other off-road equipment.”<sup>6</sup> While Staff asserts that the present proposal is necessary to lay the foundation for such a future regulatory proposal (or other actions that may apply to or pertain to LSI), we emphasize that it is our understanding that the present proposal, even if finalized, does not and cannot commit the State or Board to taking any future action. Rather, we understand that any such action, including any “future measures that accelerate the deployment of zero emission technology in LSI and other off-road equipment” ultimately may or may not be formally proposed. In addition, we understand that if any such measure were formally proposed it would trigger full notice and comment requirements under the State’s Administrative Procedure Act. Accordingly, we expressly reserve any and all rights to comment on any such measure.

## Comments

We appreciate the general intention that the proposed reporting and labeling requirements be consistent with “the current reporting and labeling requirements of the [ORD Rule]” and Staff’s plan to enhance the “existing reporting system” for the ORD Rule (i.e., DOORS) “to accommodate” and make any LSI reporting requirement “as seamless as possible.”<sup>7</sup> In this connection, in the event this proposal is finalized, we respectfully request that Staff and the Board take whatever steps are needed to ensure that the DOORS enhancements are completed far in advance of its effective date as the regulated community will need sufficient time to gain a level of familiarity and facility with the new system in order to comply with any new reporting requirement.

We do have serious concerns regarding the new reporting requirements under proposed new §2775.2 and, in particular, the scope of the information sought under subsection (a)(4). First, the proposed reporting requirements would impose a heavy administrative burden on GSE fleet operators to facilitate development of future requirements that CARB acknowledges would achieve only marginal emissions reductions from GSE. The Proposed SIP Strategy and CARB’s recently approved Mobile Source Strategy report that the estimated oxides of nitrogen (“NOx”), Reactive Organic Gas (“ROG”), fine particulate matter (“PM2.5”) and greenhouse gas (“GHG”) emissions savings from any measures addressing GSE will all be less than 0.1 tons-per-day.<sup>8</sup> This calls into question whether expending time and resources developing such regulations ultimately will be justifiable. Moreover, emissions reductions resulting from a “future measure” applicable to LSI equipment (a subset of the GSE fleet) would be even smaller than the <0.1 tpd estimated for the entire GSE fleet. Requiring fleet operators to collect and report a broad array of information to support development of an as yet unformulated regulatory initiative may be warranted where the emissions benefits are expected to be large, but it is unduly and

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<sup>4</sup> Comments of Airlines for America on the Draft California Sustainable Freight Action Plan, submitted July 6, 2016, electronically at [www.casustainablefreight.org](http://www.casustainablefreight.org).

<sup>5</sup> Comments of Airlines for America on Proposed 2016 State Strategy for the State Implementation Plan, submitted July 18, 2016, electronically at [www.arb.ca.gov/lispub/comm/bclist.php](http://www.arb.ca.gov/lispub/comm/bclist.php).

<sup>6</sup> ISOR at p. iii. While we focused on measures directly addressing GSE, we noted that other measures could also affect our equipment, including measures targeting forklifts, on-road equipment and diesel fuel.

<sup>7</sup> ISOR at 6.

<sup>8</sup> See Mobile Source Strategy, Table 4; Proposed SIP Strategy, Table 6.

unreasonably burdensome to require the collection and reporting of such information where, as here, the State itself acknowledges the potential emissions benefits are very, very small.<sup>9</sup>

Second, the list of information proposed to be collected and reported is overly broad and, in some cases, unnecessary. Many LSI fleet operators manage hundreds of pieces of equipment and the availability of information regarding individual pieces can be highly variable. Some information may be very costly to obtain or not be obtainable at all, particularly for older equipment and older engines. For example, for older engines serial numbers will be very difficult to obtain where the number has been worn away and is unavailable in existing records. Even where the serial number is available, though it may seem a straightforward task to track down each piece of equipment, locate the serial number on the engine and record that number we anticipate that this could take a great deal of time and the cost will be very high. Similarly, the dates the equipment entered the fleet and the engine displacement also may not be readily available. In the aggregate, owners of large fleets will be required to collect, input and maintain thousands of discrete information items in a database. As a result, we believe CARB estimates of initial and future reporting costs are greatly understated.

Moreover, there is no explanation regarding the potential need for and/or value of collecting and reporting particular items of information. The date a piece of equipment entered the existing fleet appears unnecessary and of marginal value, particularly in the case of older equipment which, most often, are assigned emissions default values and are usually the first units to be replaced. Similarly, there appears to be no justification for requiring reporting of a forklift's "lift capacity" or for the information items designated for zero-emission engines (see §2775.2(a)(4)(B)(14)), which will have an emission factor zero regardless of these specifications. Finally, the burden of obtaining and maintaining each and every one of the information items identified is magnified greatly by the civil and criminal penalties that could potentially be applicable for failing to do so under §2775.2(f).

In short, we believe the proposed regulation would require information that is both potentially very difficult (and costly) to collect and may, ultimately, prove unnecessary to any purpose, including supporting any future regulatory activity. Consequently, we respectfully request that Staff and the Board limit any new reporting requirement to items that would be needed to establish compliance with FAEL Standards under the existing LSI Fleet Regulation. In particular, the regulation should provide that in the case of "Uncontrolled LSI Engine" as defined under §2775(d)(45) (subsection (d)(46) in the existing regulations), GSE fleet operators need only report that (a) the engine is an "Uncontrolled LSI Engine" and (b) the fleet operator uses the applicable emissions factor of 12.0 grams per brake horsepower-hour (16.0 grams per kilowatt-hour) of hydrocarbon plus oxides of nitrogen to calculate its FAEL.

Importantly, taking this course would fulfill all of the objectives for the regulation identified by Staff in the ISOR. This would address Staff's stated concerns that "fleets may be violating the requirements of the [existing LSI] regulation," which "increases public exposure to air pollutants, results in inequity among regulated fleets, encourage other fleets not to comply, and undermines the original intent of the LSI Fleet Regulation."<sup>10</sup> A regulation requiring reporting of

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<sup>9</sup> We also note that it is not reasonable to justify the proposal on Staff's speculative "belie[f]" "that this potential future measure will be a key enabling step in transitioning zero emission technology into heavier, higher-powered demand applications." ISOR at p. iii. As explained in our comments on the Draft Action Plan, GSE itself constitutes a very small niche market, with LSI (and subcategories of LSI) constituting even smaller niches. As a result, it is very difficult to get equipment manufacturers to focus on developing technologies for these markets, making it unlikely they will be "key enablers" for technology development.

<sup>10</sup> ISOR at 5.

information necessary to comply with existing FAEL Standards also would support the “near-term Data Collection action described in the Pathways Document<sup>11</sup>.”<sup>12</sup> In addition, this level of information should be sufficient to support Staff efforts to form some concept(s) for structuring a future LSI regulation and gaining some understanding of reporting necessary to support such a regulation.

### CONCLUSION

We appreciate the opportunity to comment on the Proposed LSI Regulation Amendments. Most particularly, for the reasons stated above we respectfully request that the Board revise its proposal to limit any reporting requirement to items that would be needed to establish compliance with FAEL Standards under the existing LSI Fleet Regulation.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Tim', with a large, stylized initial 'T' and 'P'.

Timothy A. Pohle  
Senior Managing Director, Environmental Affairs

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<sup>11</sup> Sustainable Freight: Pathways to Zero and Near-Zero Emissions, Discussion Draft (ARB 2015)

<sup>12</sup> ISOR at p. iii.