



**CALIFORNIA
ALLIANCE
FOR JOBS**

April 25, 2023

SUBMITTED ELECTRONICALLY

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

Re: Comments on the In-Use Off-Road Diesel-Fueled Fleets Regulation

To the members of the California Air Resources Board:

The California Alliance for Jobs (Alliance) appreciates the opportunity to provide official public comments on the recent modifications to the proposed In-Use Off-Road Diesel-Fueled Fleets regulations (Off-Road Diesel) proposed by the California Air Resources Board's (CARB).

The Alliance represents over 2,000 heavy construction companies and 80,000 union construction workers from Bakersfield to the Oregon border. The Alliance is a unique labor-management partnership that advocates for responsible investments in public infrastructure projects. Specifically, the Alliance keeps California's people and economy moving as the state's population grows by focusing on improving water systems, expanding transportation networks, and increasing the access and quality of our public infrastructure. Ultimately, smart infrastructure investments are the backbone of California's long-term success; ensuring future generations have sustainable economic prosperity and an enhanced quality of life. The Alliance is proud to support our members' mission to build and maintain California's most vital infrastructure.

In recent years, our members have been faced with the challenge of complying with regulations centered around a vital piece of equipment – the vehicles they rely on to make a living. Unfortunately, the proposed regulation and other rulemaking proceedings currently underway continue to create uncertainty as to how our members are expected to comply with one mandate this year but then be asked to transition and comply with a totally different goal or objective which requires the need to purchase or try to purchase new vehicles regardless of costs and performance.

After reviewing the recent modifications to the proposed off-road diesel regulation, below are several comments for your consideration:

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LOCAL UNION #3

ASSOCIATED GENERAL
CONTRACTORS OF CALIFORNIA

NO. CALIFORNIA DISTRICT
COUNCIL OF LABORERS

UNITED CONTRACTORS

NO. CALIFORNIA CARPENTERS
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Renewable Diesel: We want to thank you for including modified provisions that allow for the use of certain formulas of renewable diesel in specific weather environments and regions throughout the state. Various members of the construction industry held and conveyed a number of concerns with previous versions of the proposed rule changes pertaining to the renewable diesel provisions. We support the recent changes to the proposed rule modifications.

Lack of resources to self-police: The recent proposed modifications continue to call for prime contractors to self-police other entities for compliance purposes. For a project involving the use of vehicles subject to this regulation, the prime contractor or public works awarding body, as applicable, must obtain copies of the valid Certificates of Reported Compliance, for the fleet selected for the contract and their listed subcontractors, if applicable, prior to entering into a new or renewed contract with that fleet. We believe demonstration of a valid Certificate is preferable versus any type of self-policing requirement placed on the prime contractor.

Impractical Vehicle Transition: The recently proposed modifications continue to ban adding certain vehicles beginning on January 1, 2024, with a Tier 3 engine to large, medium, and small fleets. The proposed modifications continue to enact a similar ban on adding Tier 4 interims for large and medium fleets beginning January 2024, and January 1, 2028, for small fleets. Real world issues such as supply chain issues, etc. must be taken into account. Therefore, we ask that such a ban must be deleted.

As the construction industry understands the need for the State to develop policies in order to achieve its climate goals, we ask that ARB work with stakeholders in the construction industry to develop practical and realistic regulations that can be successfully administered by our members. Currently, the proposed rule, as written, would result in imposing significant cost pressures on both the private and public sector in a period when California is experiencing an economic slowdown. As a result, this proposed regulation will have significant negative impacts on well-paying construction jobs that serve as a vital pathway to low-income individuals moving into the middle class.

Thank you for considering our comments and we look forward to future conversations on this and other important policy issues.

Sincerely,

Michael Quigley
Executive Director
California Alliance for Jobs

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