



Coalition Members



Associated General Contractors
America-San Diego Chapter, Inc.



Building Industry Association
of Southern California

Western States Trucking
Association



Engineering
Contractors Association



United Contractors



Southern California
Contractors Association

October 17, 2022

Clerk's Office

California Air Resources Board

1001 "I" Street

Sacramento CA 95814

<https://ww2.arb.ca.gov/applications/public-comments>

RE: COMMENTS ON ADVANCED CLEAN FLEETS REGULATION

Dear Chair Randolph, Vice Chair Berg and CARB Board Members:

The Construction Industry Air Quality Coalition is submitting the following comments on the CARB **Advanced Clean Fleets (ACF)** proposal at your October meeting.

Our Construction Industry Air Quality Coalition has engaged in the development of air quality regulation in California for over 30 years. Our Industry members include the Associated General Contractors of California, the Building Industry Association of Southern California, the Engineering Contractors Association, the Southern California Contractors Association, United Contractors, and the Western States Trucking Association. We have over 2000 contractor members employing over 300,000 workers in California. Many of the member companies are rental companies or rent their idle fleets to other construction companies as the market dictates.

We submitted substantial and clear concerns to your staff on September 11th of 2019. There has been virtually no effort to address those concerns since that time. We incorporate that letter by reference in these comments.

The following represents just the most significant concerns about the current proposal.

1. The proposed regulation is far too broad in scope. Singling out high priority private fleets with vehicles utilized in our industry without consideration for the type of business we are in not only puts our companies at a competitive disadvantage, but it also restrains us from the business trades we are currently serving.
2. Electric heavy construction rental vehicles (e.g. water trucks, dump trucks, bucket trucks) are infeasible because DC charging stations are not available at remote sites. These stations require hard wired, high voltage electrical that are unavailable at construction sites, including highway construction and dirt construction sites. The only power serving these sites are diesel generators. That is not acceptable for the heavy-duty rental vehicle industry or to your achieving any emissions reduction. In fact, that increases the emissions that staff has not addressed in their proposal to the Board. Industry and CIAQC have addressed these issues to staff, but they have been dismissed.

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3. Heavy duty electric vehicles used for specialized service vehicles equipped with air compressors, cranes, welders, and special tooling requiring power take off (PTO) or auxiliary power that are needed to serve our industry heavy equipment service repairs do not exist. These vehicles from 8,500 pounds GVWR and larger that staff is inappropriately trying to replace with electric travel long distances and cannot feasibly or safely be available for heavy construction machine repairs. These vehicles are unavailable now and will not even be available in the remotely near future. This leaves our industry with the inability to have their equipment serviced by qualified technicians that have the ability to access the complicated emissions and electronic systems. Further, with the inequity of the proposal in targeting the high priority private fleets operated by the qualified technicians from the authorized equipment dealers, it puts only the untrained technicians to try and service our equipment. This is not feasible, and in fact, it creates more emissions as those that do not qualify as high priority fleets will only try and fill the void, and it will cause many jobsites to shut down due the lack of appropriate service to our equipment. This too was addressed to staff but was dismissed.
4. Our industry uses Class 8 not-for-hire vehicles to transport their heavy construction equipment. These vehicles require engine PTO to operate the hydraulics on the trailers that will only deplete the limited battery supply. These vehicles do not exist. This will force our clients to use smaller companies using diesel heavy duty vehicles to satisfy the need. This is self-defeating for your required emissions reductions. Staff continues to push on this knowing these vehicles do not exist but comments from our industry have gone on deaf ears.
5. Remote DC charging stations do not exist now or in the foreseeable future. This is impractical considering the many remote sites serviced that are out on dirt construction sites and in remote off-road sites. As stated, utility power at these sites is unavailable without the use of diesel generators. Again, staff has ignored this issue, even after many comments from industry.
6. The proposed regulation excludes vehicles between 8,500 pounds to 14,000 pounds GVWR from both the daily mileage exemption and the vehicle availability exemption. Staff stated these vehicles already exist, but that is nowhere close to the truth. This too was addressed to staff but was dismissed.
7. Infrastructure for the private charging stations will be cost-prohibitive for our industry that remains in a struggle since the last recession. Coming up on another inevitable recession, this is unacceptable. Our industry is extremely cost competitive and when you inappropriately single out the high priority fleets in our construction industry to force them to use electric and pay millions of dollars to comply where other non-high priority fleets remain is unethical and inappropriate. These privately held companies do not have the financial resources to run their businesses and also comply with this regulation.
8. A DC charging network for these vehicles is essentially non-existent. DC charging stations currently available are for passenger vehicles and are not practical for many business operations. Charging of these vehicles requires hours of down time that is unacceptable for construction operations.

Finally, we are gravely concerned about the complete lack of effort on the part of CARB to determine the cumulative economic burden placed on contractors by **ALL** the rules that have been imposed on the construction industry. Currently contractors are regulated by the Off-Road Rule, the Truck and Bus Rule, the Forklift Rule, and the Portable Equipment Rule at a minimum. These rules require the replacement of virtually every piece of equipment owned by our industry. The cost to comply is staggering. By piecemealing the rule-making process, and looking at only one type of equipment at a time, CARB has been able to avoid calculating the total cost to our industry both in dollars and jobs. That is further exacerbated by a CARB's fictional economic model that assumes most of the equipment has no value and its replacement cost is not a regulatory burden but rather a capitol necessity not attributable to the rule itself. It is junk analysis at its best!

The inequities of this regulation are far too great. **We believe that an exemption is needed for heavy duty vehicles used in the heavy construction rental and service industries serving the construction industry.**

We also want to concur in the comments submitted by our colleagues at the **Western States Trucking Association**, the **San Diego Chapter of the Associated General Contractors**, the **California Caterpillar Dealers** and the **AGC of California**.

It is clear to everybody in the construction industry that this regulation is not ready for adoption. The staff has presented you with a half-baked proposal with the usual CARB refrain “we can always fix it later” if things don’t happen like we thought they would. That is unacceptable when you are asking companies, many family-owned or employee-owned, to spend billions of dollars on compliance only to have CARB change direction once again.

The CARB needs to take clear action to direct that provisions be included in the rule to make regular technology and infrastructure assessments, on specific timelines, before further provisions of the rule may take effect. That is the only way to assure that reliable equipment, battery disposal standards, appropriate infrastructure and sufficient generating capacity are all available at a reasonable cost.

Without such re-openers and off-ramps in the regulation you will leave industry with no options but to seek legislative relief for the staggering employment losses that will result from this proposal. Thank you for your consideration of these concerns.

Sincerely,

A handwritten signature in black ink that reads "Michael W. Lewis". The signature is written in a cursive, flowing style.

Michael Lewis, Senior Vice President
Construction Industry Air Quality Coalition