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Sacramento

November 13, 2019

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Sacramento, CA 95814

Via Electronic Submittal at

https://www.arb.ca.gov/lispub/comm/bcsubform.php?listname=act2019&comm_period=A

SUBJECT: Comments on the Proposed Advanced Clean Trucks Regulation—Large Entity and Fleet Reporting Requirement

The California Seed Association represents over 200 companies that deal in some facet of the seed industry and we are deeply concerned about the large entity reporting requirement of the Advanced Clean Trucks draft regulation first published on October 22, 2019 and set for hearing before the California Air Resources Board (CARB) on December 12, 2019. The draft reporting requirement regulation has been fast tracked with limited public outreach and engagement from impacted businesses. This draft regulation imposes new costly and burdensome reporting requirements and should be thoroughly vetted before adoption.

We therefore request that CARB bifurcate the large entity reporting requirement from the manufacturer requirement and schedule a series of public workshops to solicit feedback and data from the additional 10,000 businesses that are estimated by CARB to be affected by this new concept.

The Large Entity Reporting Requirement at Section 2012-2012.2 is tacked onto the end of a complex truck manufacturing regulation. Despite ongoing workshops on the manufacturer requirement since late 2016, the first conceptual document outlining CARB's ideas around a reporting requirement were not made available until the end of the final public workshop on the Advanced Clean Trucks rule on August 21, 2019. Rushing the regulation and the lack of public process has resulted in fundamental flaws in the regulation that must be addressed prior to adoption.

Some initial concerns about the reporting requirement section are listed below:

BURDENSOME REPORTING

- Terms are vague, and require businesses to make guesses, "estimate," and "use best judgement" and "approximate" the data they submit. As a result, the regulation may not result in usable or useful data, much of which can be gathered by other means.
- Recordkeeping is required for the year 2020, but the regulation will not be in effect until mid-2020. How does that work?
- Many businesses do not maintain these types of records. How does CARB anticipate these businesses will comply with estimating deliveries?

VAGUE ENFORCEMENT

- Violations of the Advanced Clean Trucks Large Entity Reporting Requirement are subject to general Civil Penalties of up to \$37,500 per day for a data gathering exercise.
- How will the rule be enforced? How will we know that our best guesses are enough?

INCREASED COSTS

- CARB did not solicit feedback, and therefore underestimated the cost of regulatory reporting compliance, especially when considering the regulation is subject to enforcement and there is no limit on civil penalties.

DATA SECURITY RISKS

- Data gathering through a vague, hard to enforce regulation subject to significant civil penalties will not result in effective or useful data and will simply burden the business community without any real benefit to CARB or the public.

UNCLEAR GOALS

- Why is the regulation asking about cars, SUVs, and mini-vans?
- Why is CARB not asking about existing electric vehicles or other low-emissions technology?

Thank you for your leadership on this issue. We again urge you to bifurcate the large entity reporting requirement from the manufacturer requirement and schedule a series of public workshops to solicit feedback and data from the additional 10,000 businesses that are to be affected by this new concept. We look forward to working with you to address these concerns.

Sincerely,

A handwritten signature in black ink, reading "Chris Zanobini". The signature is fluid and cursive, with the first name "Chris" and last name "Zanobini" clearly legible.

Chris Zanobini
Executive Vice President