
Attention: California Air Resources Board, 1001 "I" Street Sacramento, CA 95814

Mary Nichols

cc: Dan Sperling
Phil Serna
John Eisenhut
Barbara Riordan
John Balmes
Hector De La Torre
Sandra Berg
Ron Roberts
Judy Mitchell
Alexander Sherriffs
John Gioia

Shawn Daley
Sharon Lemieux
Yong Yu
Mark Schuy

Reference: Testimony on Procedure for Approving Aftermarket Diesel Particulate Filters for On-Road Heavy-Duty Diesel Engines

Dear Chair and board members,

ESW Group appreciates the opportunity to comment on the proposal regulation for aftermarket diesel particulate filters (DPF) for on-road heavy-duty diesel engines. ESW strongly supports this regulation and urges the Board to consider early adoption.

BACKGROUND: ESW is a US based company with a strong presence in California. We hold nine CARB retrofit system verifications and are very familiar with the California diesel emission control market. We share ARB's concern that there may be a significant number of 2007 and newer heavy-duty vehicles operating with damaged DPFs, emitting excessive levels of particulate matter, carbon monoxide and other pollutants and commend ARB's efforts to create a common-sense regulatory structure for aftermarket DPFs. It is our strong belief that these programs make a real difference in protecting public health.

ESW is convinced that an appropriately regulated aftermarket program will bring high quality and competitively priced new DPFs to a replacement parts market that is often dominated by overly expensive and/or remanufactured components. In addition, it has come to our attention that in some instances end users have reported that they cannot get new replacement parts, and that OEMs offer remanufactured used replacement parts to be sold in the CA market. The creation of a market for new suppliers, that offer competitively priced parts as well as new parts to replace those that are not supported by the OEMs, will enable truck owners to replace their DPFs as soon as there is trouble.

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Although ESW believes that the proposed regulation still requires modification we think that an aftermarket regulation is timely, ensures that aftermarket products match the performance and durability of the OEM replacement parts, offers ample protection to the end user and reasonably balances technical rigor with the very costly certification test burden. We have provided Staff with a list of our concerns and trust that those can be addressed. We therefore urge the Board to consider the aftermarket regulation for early adoption.

The testing regimen in the regulation, which encompasses emissions, durability, and field testing, will ensure that aftermarket DPFs have equivalent emissions performance to the OEM and will be suitably durable. We appreciate the opportunity to rapidly-age our replacement part candidates using a validated scientific approach to rapid aging. The field testing requirements are reasonable and will ensure that replacement parts are fully compatible with the applications. In short the regulation makes sure that the aftermarket part matches the OEM replacement part in performance, form fit and function.

We also support ARB's approach to require individual applications and testing based upon manufacturer and technology specific control groups. These control groups encompass the majority of the heavy duty diesel engine population and technology in use in California and is sufficiently broad to lessen the impact of the certification cost on the aftermarket products. In addition, we believe that the consumer is more than adequately protected by a warranty requirement that exceeds the OEM replacement warranty coupled with an installation warranty and tracking provisions.

ESW has commented on the proposed regulation to Staff and our two main remaining concerns are:

1) ESW is concerned that the requirements placed on the distributors regarding the installation, maintenance and warranty add no value to the end user but will create restrictions on the aftermarket DPF that are not imposed on the OEM replacement DPF. Such restrictions could significantly discourage the distributors from offering aftermarket DPFs, thus limiting or eliminating altogether the availability of aftermarket DPFs, further raising the cost of DPFs, and leaving too many damaged DPFs on the road. For example, the distributors that install OEM parts are not required to follow any of these procedures that are called out in the draft regulation, such as:

- Provide a 2-year installation warranty
- Maintain installation records for 4 years
- Collect service information on the replaced part
- Monitor warranty claims and generate and submit warranty reports
- Perform a detailed pre-installation inspection

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- Determine whether the engine is in “cert condition”. In case of aftermarket injectors or other replacement parts this would be very hard to do.
 - Track end user information (addresses may change)

2) ESW believes that only emission critical components of the aftermarket DPF (i.e. substrate, wash coat, system interfaces) should be subject to part number control and quality reporting requirements. The manufacturing process flow and associated quality control elements should be subject to audit, but not submitted for approval as required by the proposed regulation. If the manufacturing processes are subject to potentially time consuming ARB approval, any upgrade or optimization in the manufacturing processes such as tooling changes and upgrades to handle higher volume would be delayed. From our experience with retrofit change requests, being subject to the ARB approval process can have a tremendous negative impact on our ability to provide a high quality product at a competitive price, in a timely manner. We believe this has been recognized by regulators before and we are not aware of any similar requirements for the OEM. ESW believes that warranty and audit testing requirements are sufficient to ensure that the DPFs will be of appropriate quality and durability.

ESW has encouraged Staff to reconsider these concerns and we are hopeful that they can be addressed as the regulation is approved.

Summary

ESW strongly supports an aftermarket regulation. We think that once most of the key concerns are addressed, it is technically sound, protects the end user and provides affordable high quality aftermarket parts to the market place. Considering that currently some original equipment manufactured replacement parts are not made available and replaced by remanufactured parts, we believe that the rule is timely and we urge the board to consider early adoption.

Best Regards,

A handwritten signature in black ink, appearing to read "Patrick Barge", with a large, sweeping flourish extending to the left.

Patrick Barge

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