SPECIAL REPORT: Letter to the California Air Resources Board

Will Anyone Listen or Read?

By K. Randall Ball

Hey,

I’m just an old grubby biker, not the CEO of a major motorcycle manufacturer, but I feel compelled to speak out against new and old motorcycle emission rules.

At one time, my contention included only that motorcycling amounted to such a small impact on the planet that we should be left alone. Since then, my reasoning has expanded many-fold.

Here are the broad strokes:

1. In order for politicians or bureaucrats to advance policy goals, they must prove manmade global warming and they can’t.

2. Motorcycling is such a small fraction of the total fossil fuel emissions it shouldn’t even be considered.

3. The road to zero-anything is fraught with problems and human sacrifice, except when applied to a growing, expanding regulatory bureaucracy.

4. What is government, but by the people for the people? Is it designed to regulate, fine and attack everything for its own power and financial gain? No!

5. The world regulatory competition. We should never compete with countries around the world in a race to pass more restrictive laws against Americans.

So let’s looks at the facts behind my contentions:

1. Manmade Global Warming, Global Cooling and Climate Change:

We are safer, healthier, greener than ever before, but that’s not all. The air is cleaner.

It’s not simply the sun that can cause climate change. It is the sun, volcanoes, the tilt of the earth’s axis, water vapor, methane, clouds, ocean cycles, plate tectonics, albedo, atmospheric dust, atmospheric circulation, cosmic rays, particulates in carbon soot, forests, land use and more.

–Marc Morano, Climate Depot.

Transportation exhaust is responsible for 13% of all greenhouse gas emissions. [.i]--Greenhouse gas emissions from this sector primarily involve fossil fuels burned for road, rail, air, and marine transportation.

"Livestock's Long Shadow: environmental issues and options". Food and Agriculture Organization of the United Nations. Rome 2006

--Environmental Protection Agency. "Global Greenhouse Gas Emissions Data".

Humanitarian organizations should work hard to help mankind to increase the CO2 concentration… CO2 is the key compound that plants need to grow—and, indirectly, that every organism needs to get the food at the end.

—Physicist Lubos Motl, formerly of Harvard University

Livestock and their byproducts account for at least 32,000 million tons of carbon dioxide (CO2) per year, or 51% of all worldwide greenhouse gas emissions.

--Goodland, R Anhang, J.

“Livestock and Climate Change: What if the key actors in climate change were pigs, chickens and cows?”

--Goodland, Robert & Anhang, Jeff.

November/December 2009

Hickman, Martin. "Study claims meat creates half of all greenhouse gases".

--Independent. November 2009

Hyner, Christopher. "A Leading Cause of Everything: One Industry That Is Destroying Our Planet and Our Ability to Thrive on It". Georgetown Environmental Law Review. October 23, 2015. (New)

Methane is 25-100 times more destructive than CO2 on a 20-year time frame.--Shindell, Drew T, et al. "Improved Attribution of Climate Forcing to Emissions". Science. 326, 716 (2009) Vaidyanathan, Sayathri.

"How Bad of a Greenhouse Gas is Methane? The global warming potential of the gaseous fossil fuel may be consistently underestimated".

--Scientific American. December 22, 2015.

"IPCC Fourth Assessment Report: Climate Change 2007. 2.10.2 Direct Global Warming Potential". Intergovernmental Panel on Climate Change (New)

We had both higher temperatures and an ice age at a time when CO2 emissions were 10 times higher than they are today. There is no scientific proof that human emissions of carbon dioxide are the dominant cause of the minor warming of the Earth’s atmosphere over the past 100 years.

The fact that we had both higher temperatures and an ice age at a time when CO2 emissions were 10 times higher than they are today fundamentally contradicts the certainty that human-caused CO2 emissions are the main cause of global warming.

—Greenpeace co-founder and ecologist Patrick Moore

We are actually experiencing a cooling period, ice is growing, sea rise is declining to 7 inches every century from 10 inches for the last 2000 years. There are more polar bears than ever before, etc.

It begs the question: Why isn’t the California Air Resources Board planting more trees and helping their fellow man?

2. Motorcycle emissions are infinitesimal when compared to all mobile source emissions totals.

1. There are 8,392,682 registered motorcycles in the U.S.

2. There are 881,386 registered (on-road) motorcycles in California as of 2017 per the DMV.

There are 25,467,663 automobiles and 5,254,450 non-commercial trucks in California as of 2017 per the DMV.

Some numbers:

• Total ROG (Reactive Organic Gas) from on-road motorcycles: 30 tons per day.

• Total ROG from off-road vehicles: 16 tons per day.

• Total ROG from all mobile sources: 749 tons per day.

• Total ROG from all non-mobile (stationary) sources: 939 tons per day.

• Total ROG from all sources: 1,688 tons per day.

— Do the math and you will find that the emissions contribution from both on- and off-road motorcycles is too small to jeopardize the future economic stability of motorcycle sales by mandating requirements that may force manufacturers to abandon the California marketplace altogether, or produce models that consumers won’t buy.

--John Paliwoda

California Motorcycle Dealers association

Note that motorcycles are not even mentioned in the SCAQMD chart that shows pollution sources in Southern California.

3. The Road to Zero

We’ve lost the thread of enjoying life behind zero tolerance. Zero is a bad word. It means zero freedoms, and zero profit, It’s against the Code of the West.

The very contention of a zero mandate is unattainable, but will cause never-ending regulation. The governor of California mandated zero emissions. That’s absurd. Should all 25 million Californians quit breathing?

How about cows? Since you can’t regulate them, what will CARB do, throw more regulations at their fellow Californians and American industries who employ citizens and pay your wages?

So, here’s what you have accomplished:

With the additions to VW’s recent settlements EPA and ARB fines are topping between $30-$40 billion and pending action against Bosch as I understand ARB is in negotiation of some additional aftermarket automotive players, this list gives you an idea of how active they have been at ARB.

Below are settled cases of companies you will probably recognize it’s from your web site.

Auto flash Tuners

https://www.arb.ca.gov/enf/casesett/hypertech.htm

Light Diesel Truck

https://www.arb.ca.gov/enf/casesett/derive\_systems.htm

Parts Unlimited- Drag Specialties $627,000

http://www.arb.ca.gov/enf/casesett/lemans\_corp.htm

WESTERN

https://www.arb.ca.gov/enf/casesett/western\_power\_sports.htm

JEGS $1.7 million plus legal fees

https://www.arb.ca.gov/enf/casesett/jegs\_automotive\_inc.htm

CCI

http://www.arb.ca.gov/enf/casesett/custom\_chrome.htm

K&N $521,000

http://www.arb.ca.gov/enf/casesett/kandn.htm

Freedom

http://www.arb.ca.gov/enf/casesett/free\_performance.htm

RC

http://www.arb.ca.gov/enf/casesett/rccomp.htm

Bassani

http://www.arb.ca.gov/enf/casesett/bassani.htm

V&H (this was a million dollar fine that was negotiated down to $500,000 with huge fees by their law firm)

http://www.arb.ca.gov/enf/casesett/vh\_performance.htm

Tucker-Rocky- In addition to this fine their legal fees were over $650,000

http://www.arb.ca.gov/enf/casesett/tucker\_rocky.htm

Akrapoivic

http://www.arb.ca.gov/enf/casesett/akrapovic.htm

Rush

http://www.arb.ca.gov/enf/casesett/rushracing.htm

Samson

http://www.arb.ca.gov/enf/casesett/samson.htm

Dirt Bike Exhaust Mfg

http://www.arb.ca.gov/enf/casesett/fmf.htm

Husqvarna (1) million + legal fees

http://www.arb.ca.gov/enf/casesett/husq.htm

Piaggio

http://www.arb.ca.gov/enf/casesett/piaggio.htm

Ricardo (5) Million Dollars + Legal Fees

http://www.arb.ca.gov/enf/casesett/ricardo\_moto.htm

Diesel Truck Market supplier $1 million

http://www.arb.ca.gov/enf/casesett/hands.htm

Lawnmower Mfg almost 1/2 million $ plus legal fees

http://www.arb.ca.gov/enf/casesett/mtd\_southwest.htm

International Test lab

http://www.arb.ca.gov/enf/casesett/moto\_sci.htm

Then if you can't pay, they get a judgement against your corporation

http://business-bankruptcies.com/cases/motorscience-inc

This one is similar to the VW case, Big $ for EPA and ARB

Volvo $14 million

This case dates back to 1998, Fed Govt also fined Volvo for 50+ million

http://www.arb.ca.gov/enf/casesett/volvo\_powertrain.htm

Recently in the Port of Los Angeles, where the air has been cleaner and cleaner for 25 years, even more regulation is being considered: POLA/POLB Clean Air Action Plan.

They've been trying to get the boaters to replace older outboards, too. Then there's the leaf blowers, lawnmowers, and on and on.

I know guys in automotive and m/c parts business who will not sell in California over the confusion and cost to prove yourself innocent with products designed to fit on pre-emission and emission compliant models.

If CARB came after them, they would go for the total number sold regardless of what year vehicle they were installed on.

The strict rules and regs stifle our innovation. Even if you make a product that is clean, there has to be a reg for it and the testing process will likely make you walk away unless there is a massive market, and unfortunately there isn’t.

So, this begs the question. Zero means you can never stop, because you will never reach zero. Every year you will attack a new sector, like go-carts and barbecues, while failing at others. You will never attain enough power, enough resources or large enough staff or budget. You are mandated to regulate and fine unmercifully against fellow Americans, while other issues will be ignored. Sounds like the perfect regulatory business model.

4. So, what’s government all about. We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. — That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, — That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.—John Adams and Thomas Jefferson, The Declaration of Independence.

We left Europe to escape to the new world for religious freedoms and for freedom from tyrannical monarchies. The British Empire, France, and Spain subjugated their people while conducting wars over colonization. When our ancestors arrived in America, it was a new beginning of freedom. Our forefathers fought the British to rid America of the King’s rule, taxes, regulations and the arbitrary search and seizure of their homes.

Some shrug at these old historic documents, but if we want freedom and happiness, there must be a balance of regulation with freedom. We have shifted from a government for the people, to one for the Planet. It was the golden door for control freaks, who want to control everything. How can you consider your own feeble life if the planet is at stake? But what if the warning deadlines have passed and nothing happened? We are healthier and breathe cleaner air than ever before. So, can we shift back to a balanced government, respect business, fun and maybe plant more trees?

5. This is the silly one. I listened to your rationale regarding stiffer regulations, because the other guys are doing it. But you represent Californians, not Parisians or Germans. You represent freedom-loving Americans. You are paid by California taxpayers.

If you study the bottom line, you'll discover that the threats and alarmist predictions didn’t come true in over a decade. Then why wouldn’t you embrace the industry, work with them and let us ride?

Why do we use the EU as a competitive excuse for more unnecessary regulations against Americans?

We are the one country that supposedly respects freedom.

We are not in a competition with the world to see who can pass the most onerous regulations against the public.

So, from your standpoint and the governor’s, we no longer live in a society mandated to deliver freedom and happiness. You are mandated to regulate everything. Just think about that for a second. Barbecues will be banned for solar warmers. Campfires will be eliminated and replaced. All roofs, according to the mayor of Los Angeles, need to be white.

So, what if you are absolutely wrong about manmade climate change? What if nothing Al Gore predicted ever came to pass? Will you feel bad because you fined hundreds of companies billions of dollars? Will you return this money on a silver platter? Will Al Gore return all the money he made by lying to the country and terrifying kids for a decade?

QUOTE OF THE WEEK--“America will never be destroyed from the outside. If we falter and lose our freedoms, it will be because we destroyed ourselves.”

-- Abraham Lincoln

A final thought:

Fossil Fuels Saved Thousands.

Alex Epstein of the Center for Industrial Progress had this take on Hurricane Harvey--“Those in the industry should feel proud of producing the affordable, reliable energy we need to cope with an inherently dangerous climate.

“Before industrial development, and in the underdeveloped world today, storms like Harvey routinely claimed tens of thousands of lives. That equates to thousands upon thousands of lives saved in Texas thanks to fossil fuels and the development they make possible.

“The opponents of fossil fuels trying to use this tragedy to promote their anti-energy, anti-development agenda should be exposed as advocating policies that would make storms like Harvey more dangerous and more deadly.”

--Climate Depot