



April 14, 2016

**Electronically Submitted**

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

**RE: "California Evaluation Procedure for New Aftermarket Diesel Particulate Filters Intended As Modified Parts for 2007 through 2009 Model Year On-Road Heavy-Duty Diesel Engines"**

Dear Madam Chair and Members of the Board,

CDTi is a leading global manufacturer and distributor of heavy duty diesel and light duty vehicle emissions control systems and products to major automakers and retrofitters. CDTi has its worldwide headquarters located in Oxnard, California, employing the bulk of our employees in California. We appreciate the opportunity to supply comments in support of the referenced proposed procedure. CDTi would also like to note our support of the comments made by our industry association, MECA.

CDTi has been an active participant in the various vehicle emissions reduction efforts spearheaded by the ARB for many years including the most recent Truck and Bus rule, supplying thousands of retrofit DPFs over that span. We have seen the positive impact of these rules on air quality but also on the various vehicles and vehicle owners financially and otherwise. By limiting, what is otherwise in 49 other States, a free market system for aftermarket replacement DPFs, the ARB is imposing a further financial burden on California based fleet owners and operators. In each of the previous ARB vehicle and fleet rules, the ARB was imposing a requirement on fleets to assist in the mission of providing cleaner air to the residents of California, including strong encouragement to adopt early replacement of vehicles (specifically with 2007 and newer engine equipped vehicles). As of 2007, all diesel engines were required to meet a stringent emission standard. By not allowing free market options for DPF replacements, 2007 and newer vehicle owners are obliged to purchase only the DPF available from the Original Equipment Manufacturer (OEM), who clearly has no price pressure or normal market forces in this scenario. As such, we support the introduction of this procedure to help lower operating costs for California diesel fleet and vehicle owners, while not compromising any of the emission reduction goals of the ARB and the people of the State of California.

Having explained the commercial contrast between the retrofit rules and the proposed procedure, we find it perplexing that the procedure so much resembles the procedure governing retrofit parts. While we understand the need to ensure that this procedure protects



against tampering, we believe a more appropriate comparison would be the ARB gasoline aftermarket regulations. We would also comment that there are thousands of aftermarket replacement DPFs that have been supplied into the market in the 49 other States and Canada, and this procedure should reflect that in a free market, there are forces at work that inherently control the quality of any aftermarket parts and simply imposing a procedure that will require an investment of hundreds of thousands of dollars is a significant implicit quality control measure.

The proposed procedure imposes requirements on aftermarket suppliers that do not currently exist for OEM suppliers. This is not consistent with the traditional aftermarket that exists for other components in both gasoline and diesel applications, in California and the rest of the USA. However we recognize that in the absence of a procedure, the situation is even less desirable. This procedure creates a significant onus on the applicant's in the area of warranty duration, warranty record keeping, record keeping after the warranty period, installer oversight and control, installer data collection obligations, pre-installation requirements, and documentation included with the product; primarily found in Section j) OTHER REQUIREMENTS. This increased onus appears to be in response to conditions currently in a marketplace that does not yet include aftermarket choices. As such, we request these measures be applied to any DPF available for sale beyond the warranty period of the emissions system.

In summary, despite the areas of this procedure we have identified as in need of revision, these are primarily issues affecting the chronological latter half of the procedure. CDTi requests that the Board approve the procedure for early implementation and direct staff to begin accepting preliminary applications concurrently with making final changes to the procedure. CDTi expects that there will be a peak of submissions upon formal adoption of the procedure and that additional staff resources should be implemented to accommodate and expedite review. Even if the procedure is not ideal, California diesel vehicle owners deserve purchasing options and should not be limited in viable DPF aftermarket options indefinitely, due to ARB staff limitations. Additionally, with the ARB required retirement of pre-2010 trucks in the years 2021-2023, there is a finite window of opportunity for the 2007-2009 vehicles addressed in this procedure, hence early implementation is important.

Lastly, understanding the ARB's ultimately air quality goals we feel we would be remiss to not, again, raise the issue of Inspection and Maintenance of diesel vehicles in California. Although this procedure, once implemented, will make it less likely that a diesel vehicle owner might consider willful tampering by creating pricing pressures on emissions components, it will not ensure that willful tampering does not occur. The ARBs emission inventories are based on 2007 and pre 2007 retrofitted diesel engines operating as intended with the emissions system intact, however, there exists an opportunity to create a more robust Inspection and Maintenance system to detect the extensive acts of willful tampering and correct them. We strongly feel this follow up work is a natural requirement of clean air actions and should be an ARB priority.



Thank you to the Board for your consideration of these comments and also special commendation to staff who have put considerable effort into formulating this procedure as a balance to the various and different stakeholders impacted by it.

Regards,

**Ian MacDonald, P.Eng.**

*VP Technical Sales & Business Development*

**CDTi**

Clean Diesel Technologies, Inc.