



May 21, 2018

**CONSTRUCTION INDUSTRY
AIR QUALITY COALITION**

Clerk of the Board
California Air Resources Board
1001 "I" Street
Sacramento Ca 95814

Coalition Members

Subject: Comments on Proposed Amendments to the Periodic Smoke Inspection Program

Dear Chairman Nichols and Members of the Board:



The Construction on Industry Air Quality Coalition wishes to express our vigorous opposition on to the entire approach being proposed in the new "Periodic Smoke Inspections of Heavy-Duty Diesel-Powered Vehicles" regulations drafted by your staff.



We are gravely concerned about the unnecessary burdens contained in the proposed amendments and we believe the amendments add a series of challenges to a fleet's already full regulatory plate. In addition, these amendments will open up a whole new potential for inappropriate enforcement actions due to inadvertent and innocent omission of reported vehicles of smoke test data. As we also witnessed a few months ago, CARB's request for vehicle compliance based upon old DMV data required a lot of compliant companies to spend unnecessary time defending their compliant fleets.

Associated General Contractors
America-San Diego Chapter, Inc.



Currently no fleet is required to submit smoke test documentation on to CARB unless it is specifically requested. The proposed amendments require that a smoke test must be upload-ed to CARB electronically for every vehicle subject to the PSIP every year.

Building Industry Association
of Southern California
Western States Trucking
Association

Smoke opacity limits are lowered from 55% to 40% for any vehicle older than model year 1991; 30% for 1991 – 1996 vehicles; 20% for 1997-2006 vehicles; 5% for 2007 and newer model year and DPF-equipped engines. This could affect the continued use of an older vehicle legally operating currently under the Truck and Bus regulation while registered as a low use vehicle.



California Council on Diesel Education and Technology (CCDET) training and certification on will become a requirement or all smoke test inspectors. Currently this training is not mandatory, therefore one or more of our member company's employees will not be available to perform their normal jobs while they go through this new training and certification.

Engineering
Contractors Association

Reporting will be required March 1 for fleets of 50+ vehicles (10 – 49 vehicles will be May 1 and 2 – 9 vehicles will be July 1). This only adds to the other CARB reporting requirements due in the first quarter (TRUCRS, DOORS, PERP Equipment, DPF Installer).



California rental fleets will be disadvantaged by out of state rental companies that will not be burdened with the reporting requirements.

United Contractors

Additionally, there are major differences in DMV and CARB data on the existing fleet. The DMV tracks vehicles by year and Vehicle Identification on Number; CARB tracks them by engine model year.



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Major Funding Provided by the Construction Industry Advancement Fund and the Fund for Construction Industry Advancement

CARB data also registers fleets without regard to actual owners. DMV data ownership is by leasing company, holding company or other owner which will not match with CARB's fleet data. Finally, there are currently 350,000 vehicles listed in the TRUCR's data base while DMV data reflects 5.8 million trucks in California. How is all of this data going to be synchronized without issuing paperwork violations to 10's of thousands of truck owners in California?

Out of state registered vehicles/fleets will not be required to report because they are not subject to California's smoke testing requirements. Thus, California fleets are competitively disadvantaged with more reporting and more scrutiny than those registered elsewhere.

We ask the Board to direct staff to remove section 2193(c) New vehicle acquisition. There is no mechanism to identify who would not be performing the smoke tests 90-days before sale, because this is not a stipulation written into the Vehicle Code and not monitored by DMV registrations. Additionally, this does not capture any out of state sales into California because there is no jurisdiction to do so. Thus, all this section adds is unenforceable regulation.

Industry suggests a simpler approach only requiring a fleet owner to report owner information, and annually submit an annual affirmation that their fleet is compliant with the smoke test requirements (similar to the ROAR affirmation). Audits could be performed, and if the affirmation was falsely submitted, enforcement action could be taken at that time. This approach would not require reporting of entire fleets and it would not require onerous scanned uploads of all smoke tests.

I respectfully request that CARB reconsider moving forward with these amendments and instead work with the industry to develop a more practical approach that will not create years of reporting chaos.

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