STATE OF CALIFORNIA AIR RESOURCES BOARD

Proposed Revisions to the On-Board Diagnostic System Requirements and Associated Enforcement Provisions for Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles and Engines, and Heavy-Duty Engines	**)** **)** **)** **)** **)**	**Hearing Date: July 22, 2021** **Agenda Item: 21-6-1**

ORAL STATEMENT OF
THE TRUCK AND ENGINE MANUFACTURERS ASSOCIATION

Good morning, and thank you to Chair Randolph and Members of the Board for the opportunity to testify. My name is Tia Sutton, and I am speaking today on behalf of the Truck and Engine Manufacturers Association.

EMA and its members have a long history of working collaboratively with CARB on the development and implementation of its regulations, and we are committed to continuing that collaborative approach on this important agenda item and on other CARB programs going forward.

Our very detailed comments, including our recommended changes to specific provisions of the proposed regulatory text, are included in our written submission, but I would like to highlight the following priority concerns:

- The engines, vehicles, and equipment manufactured by EMA's members are heavily regulated under numerous CARB regulations, including multiple recent regulatory actions that are being issued essentially simultaneously. Those actions include the Advanced Clean Trucks rule (which will be further amended in the near future), the Heavy-Duty Omnibus Low NO_x program (which is currently undergoing additional 15-day changes), and the upcoming Heavy-Duty Inspection and Maintenance program. In assessing EMA's comments on this rulemaking, we respectfully request that the Board take note of the multiple pending and overlapping programs, especially in cases where regulatory changes to one program would create conflicting or duplicative regulatory requirements with another program, as will be the case here. Care also needs to be taken to ensure that any changes to the OBD provisions that are contained in any of those other regulations are clearly stated, or, at minimum, clearly referenced, in the relevant OBD regulations. Further, the Board should consider the burden (including compounding costs) that the multiple regulations will increasingly impose on the regulated industry.

- In that regard, pursuant to Board Resolution 18-53, this Board has previously instructed

CARB Staff, by no later than this year, to prepare a technical review of the expanding OBD requirements, including an updated analysis of the mounting aggregate costs of the HD OBD program, which is – by more than an order of magnitude – the most expensive annual certification program that engine and vehicle manufacturers have to comply with. Importantly, CARB Staff have not conducted or reported on that Board-directed technical review and aggregate cost assessment before seeking Board approval for still more OBD requirements. Perpetual OBD revisions and additions, without any cumulative accounting for costs, should not continue. Staff should be re-directed to comply with this Board's prior directive by the end of the year, and a separate informational hearing should be held, after a notice and comment process, so the Board can fully and fairly consider the manner in which the OBD program, and its costs, continue to expand.

- We want to highlight certain technical comments as well. As discussed in detail in the draft SAE J3349 Sensor Accuracy Taskforce report, and as noted by many manufacturers in discussions with Staff, investigations of negative NO_x sensor readings have shown that such readings are meaningful and constitute an important contribution to measurement accuracy. Exclusion of negative NO_x sensor values, as CARB Staff are proposing, can have a significant impact on the accuracy of cumulative NO_x emissions for ultra-low NO_x emissions systems, and EMA requests that CARB reconsider this amendment to allow for the inclusion of negative NO_x sensor concentrations.

- While improved understanding of accelerated aging versus real-world experience is a highly desirable goal, the amendments to catalyst malfunction criteria regarding field-returned parts are unworkable as proposed. For heavy-duty vehicles, field returns containing approximate best performing unacceptable (BPU) parts likely will not appear before a vehicle exceeds 750,000 miles. Depending on the vehicle, it would take 5 years at an average of 150,000 miles per year to accumulate a total of 750,000 miles. Comparing a 5- year-old field returned part with an aged part of the same design will not reliably correlate with an accelerated, aged part of a new design. The new design will be materially different from the old design, due to changes in useful life and threshold requirements.

- The data and validation requirements of the upcoming Heavy-Duty Inspection and Maintenance (HD I/M) program would create duplicative requirements with the existing OBD reporting requirements, and thus would result in duplicative data submissions. EMA recommends streamlining or consolidation of the overlapping data submissions to better align the two programs, and we would like to discuss with CARB Staff potential options for such consolidation.

- The "Economic Analysis Support" prepared for the pending rulemaking does not, as noted, take cumulative aggregate costs into account, and grossly underestimates the regulatory cost impacts to manufacturers of the proposed regulatory changes, especially with regard to catalyst system and adsorber monitoring. Staff should reassess those costs in light of EMA's comments. And to reiterate our prior point, Staff should be directed to prepare and

solicit comments on the Board-directed cumulative cost assessment of the HD OBD program before the end of this year, and an informational hearing should be set as soon as is practicable to consider Staff's assessment and to reevaluate the overall costs and efficacy of the expanding HD OBD program, especially since the mandated review was not performed in advance of (or in conjunction with) the issuance of the pending proposed amendments to the program.

Additionally, EMA strongly supports the comments of the Alliance for Automotive Innovation, including regulatory changes requested by the United States Council for Automotive Research (USCAR) with respect to the proposed amendments for Cold Start Emission Reduction Strategy (CSERS) provisions.

We hope that all comments raised regarding the pending HD OBD amendments, including EMA's request for the prompt completion and consideration of the Board's previously directed technical review and cost assessment, will be taken into account prior to the adoption of a Final Regulation Order. To that end, EMA looks forward to continued collaboration with CARB Staff on the necessary revisions to the proposed amendments.

Thank you for the opportunity to provide testimony today.