



California Council for Environmental and Economic Balance

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

Submitted electronically to

<https://www.arb.ca.gov/lispub/comm/bccommlog.php?listname=hdim2021>

Re: Proposed Heavy-Duty Inspection and Maintenance Regulation

Dear Chair Randolph and Members of the Board,

The California Council for Environmental and Economic Balance (CCEEB) is pleased to submit these comments in support of the proposed Heavy-Duty Inspection and Maintenance (HD I/M) Regulation. CCEEB supported passage of SB 210 (Leyva, 2019), which authorized the California Air Resources Board (CARB) to study and develop the HD I/M program as a critical means for reducing emissions of oxides of nitrogen (NO_x), fine particulate matter (PM_{2.5}), and diesel particulate matter (DPM) from heavy-duty vehicles operating in the state. This continues and expands upon CCEEB's long history of support for "smog check" and vehicle emissions testing programs at CARB with its partners the Bureau of Automotive Repair and the Department of Motor Vehicles (DMV).

Since 2019, CCEEB has been an active participant in the CARB HD I/M work group. We commend staff for its inclusive and iterative rulemaking process, which included review of CARB-directed studies on new roadside remote sensing techniques and on-board diagnostic (OBD) systems. We look forward to working with CARB staff to continuously refine and improve the HD I/M program¹ as more data from these testing methods becomes available and we gain understanding of how best to apply these new emissions testing systems to strengthen air quality programs. This is important since, by CARB estimates, 98 percent of California-

¹ For example, staff could reduce testing and reporting requirements from biannual to annual, if it finds that historical data shows no significant clean air benefit from more frequent testing. This would ease administrative burden, loss of operation time, and costs for compliant fleets, and would be similar to efforts that streamlined the light-duty vehicle smog check program, based on historical compliance data.

registered heavy-duty vehicles are already compliant with the Truck and Bus regulation,² and most would presumably pass I/M compliance testing. That means the I/M program is most effective when it targets the very small number of non-compliant California vehicles along with out-of-state-vehicles unaffected by DMV registration holds. Furthermore, we share with CARB staff the intention that the I/M program develop so that, for compliant vehicles with OBD systems, it is largely a “set-it-and-forget-it” test, whereby emissions data is easily and quickly transmitted to CARB.³

For now, we offer three final comments based on the HD I/M rulemaking, but generally applicable across CARB fleet rules:

- **Coordination across divisions on rules improves outcomes.** CCEEB appreciated being able to engage with staffs from the Mobile Source Control Division and the Enforcement Division as a coordinated team. Both brought unique expertise and understanding to the issues, and the unified approach was efficient and transparent for stakeholders. In particular, we find this cross-divisional, collaborative approach valuable for CARB fleet rules, as CARB compliance and enforcement affects millions of vehicles, and having Enforcement Division contribute to rule design greatly reduces compliance problems later during implementation.
- **Streamlining compliance verification and certification across all CARB rules and programs is increasingly important.** CARB has begun stacking multiple, complex rules on the same facilities, freight contractors, and fleets, making compliance requirements increasingly difficult to interpret and administer. For example, a small private fleet depoted at a facility could soon be regulated under the Advanced Clean Trucks, Advanced Clean Fleets, HD I/M, and Truck and Bus rules, with reporting and recordkeeping requirements for both its own and third-party vehicles entering the facility. Larger freight facilities likely would also need to comply with the Transportation Refrigeration Unit, Drayage, and Off-Road Diesel rules. CCEEB encourages CARB to streamline its compliance and enforcement databases and requirements to the fullest extent possible to avoid confusion and minimize what is increasingly becoming a complicated patchwork of regulations, especially as CARB expands the point of regulation beyond fleets to facilities and freight contractors regardless of vehicle ownership. In general, CCEEB continues to question the efficacy and practicality of holding one entity responsible for another’s compliance obligations – or as one person

² CARB, 2020 Enforcement Report, June 2021, Page 13: “With the new law requiring a compliance demonstration with the Truck and Bus Regulation prior to vehicle registration in California, compliance rates for California-registered heavy vehicles have reached 98% as of December 31, 2020. Staff will target enforcement action on the remaining 2%, or 5,891 noncompliant heavy vehicles this year. Throughout 2021, there will be an additional 4,953 California heavy vehicles that will have their registrations blocked, or will be targeted for enforcement action.”

³ For example, data from a vehicle equipped with a CC-ROBD device would be maintained and transmitted automatically by the OBD vendor to CARB for each compliance period, with nothing else needed on the part of the vehicle owner or operator.

put it, seemingly deputizing every facility to serve as CARB inspectors, especially given the high compliance rates for California-based fleets.

- **CARB must ensure enforcement notifications reach the responsible party in a timely manner.** For example, CARB rules generally require fleets to report the physical and mailing addresses, as well as the party responsible for fleet compliance within an organization. However, our understanding is that enforcement notifications are not sent to either the mailing address or responsible party on record, and are only sent (via US Postal Service) to the registered owner based on Department of Motor Vehicle records. This poses a significant paperwork challenge for “priority” fleets and larger or more structurally complex organizations that could face penalties simply because the responsible person did not receive CARB notices in time to respond. CCEEB believes a simple solution would be for CARB to send notifications to the mailing address and responsible party on record in addition to the DMV registered owner, and that it send email alerts in addition to its “snail mail” paper trail. At the very least, it should explain and make clear to fleets and other regulated parties where notices will be sent, as most would presume the reported mailing address.

CCEEB appreciates the opportunity to communicate these final comments on the proposed HD I/M Regulation, and believes that CARB’s overall approach to incorporating roadside emissions monitoring and vehicle OBD testing is both technically sound and timely, and will result in significant and much needed clean air benefits for the state.

Sincerely,



Janet Whittick
CCEEB Vice President

cc: Dr. Todd Sax, CARB Enforcement Division Chief
Dr. Sydney Vergis, CARB Mobile Source Division Chief
Mr. Bill Quinn, CCEEB President and CEO
Ms. Kendra Daijogo, The Gualco Group, Inc. and CCEEB Air Project Manager
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