

WESTERN UNITED DAIRIES

November 29, 2021

Liane Randolph
Chair
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Regarding: **Small Off-Road Engine (SORE) Regulation**

Dear Ms. Randolph:

Western United Dairies (WUD) appreciates the opportunity to provide comments regarding the Small Off-Road Engine (SORE) Regulation. WUD is the largest dairy farmer trade association in California, with members located throughout the state from Del Norte County to Southern California. Our members operate farms in remote parts of the State where, in some cases, electric power is limited to a small portion of the property. Our members, especially those on the northern coast of California operating small organic dairies, have expressed concern about how this regulation might affect their ability to farm and provide high quality dairy products to Californians who need these nutritious products.

SORE are used for many reasons on our member farms and it is important to continue to be able to access new SORE engines and equipment where Zero Emissions Equipment (ZEE) is not feasible or available to provide the work and duty cycles demanded by our member farms. SORE provide vital power to water pumps to protect property from flooding and provide water quality protection, air compressors and welders to service equipment in the field and many other vital roles on our farms.

We recognize that ARB acknowledges the Federal Preemption on emission controls from SORE in construction and farms in the regulation:

Under section 209, subsection (e)(1) of the federal Clean Air Act, “New engines which are used in construction equipment or vehicles or used in farm equipment or vehicles and which are smaller than 175 horsepower” are preempt from CARB’s emission standards and only subject to emission standards from the U.S. Environmental Protection Agency (U.S. EPA).

However, our interest is in how this regulation and the Federal preemption get implemented such that retailers selling SORE equipment to farms have a straightforward means of accessing, stocking, and distributing this equipment for farmers in California after the regulation goes into

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effect. Likewise, it is important that farmers be able purchase SORE that is preempted from this regulation in a timely manner. That process should be straightforward and uncomplicated. It is important that ARB consider this before regulations are adopted that may impede access to SORE that is preempted from this regulation by federal Clean Air Act. If farmers are inhibited from accessing SORE equipment because of impediments created by this regulation, then ARB is not following the intent of the Federal preemption.

WUD offers to work with ARB to develop a mechanism to ensure that the intent of the Federal preemption is being followed while providing farms reasonable access to SORE. We look forward to working with you as you craft regulations to protect air quality in California, while ensuring that farms that provide open space and healthy, nutritious local products continue to have access to the equipment they need to continue to be sustainable into the future.

Sincerely,

A handwritten signature in blue ink that reads "Paul Sousa". The signature is written in a cursive style with a large initial "P" and "S".

Paul Sousa, Director of Environmental & Regulatory Affairs
Western United Dairies