



RURAL COUNTY REPRESENTATIVES  
OF CALIFORNIA

November 29, 2021

Mr. Richard Corey  
Executive Officer  
California Air Resources Board  
1001 I Street  
Sacramento, CA 95814

Submitted electronically to <https://www.arb.ca.gov/lispub/comm/bclist.php>

**RE: Proposed Amendments to the Small Off-Road Engine (SORE) Regulations,  
Transition to Zero Emissions**

Dear Mr. Corey:

On behalf of the Rural County Representatives of California (RCRC), I write to raise several concerns with the Proposed Amendments to the Small Off-Road Engine (SORE) Regulations, Transition to Zero Emissions. RCRC is an association of thirty-seven rural California counties, and our Board of Directors is comprised of one elected county supervisor from each member county.

RCRC member counties have unique landscapes and our communities and workforce needs differ greatly from those found in many urban and suburban areas where the discussion of gas-powered SORE, primarily leaf-blowers, is reduced to an abatable nuisance. RCRC member counties historically are considered among the more compliant areas in the state for meeting air quality standards.

While we do not dispute the significant smog-forming emissions produced by small, spark-ignition engines, it is very unfortunate that unreliable electricity in rural areas would greatly complicate the use of zero-emission SORE equipment in rural counties. A premature transition to zero-emission SORE equipment may impede residential and commercial efforts to create and maintain fuel breaks and defensible space in forested communities, as well as impede timber operations.

RCRC strongly believes the California Air Resources Board (CARB) must create a pathway for the use of spark-ignition SORE in rural communities, especially in High or

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Very High Fire Hazard Severity Zones and State Responsibility Areas.<sup>1</sup> While the Governor's September 2020 Executive Order (EO) N-79-20 is cited as one of the driving factors in this rulemaking<sup>2</sup>, the EO's goal to transition off-road vehicles and equipment to zero-emission by 2035 includes an important caveat of *where feasible* (and cost-effective). At the least, an exemption should be implemented in places that meet air quality attainment status so important vegetation management work with chainsaws and other small, portable equipment can continue into the future without disrupting the pace and scale of work needed to sustain healthy forests.

### **The Proposed Amendments Do Not Account for Rural Challenges**

RCRC member counties contain the majority of California's forested lands, including more than 70 percent of the state's national forest system lands. These areas are more prone to wildfires due to a combination of inadequate vegetation management practices on public lands to maintain the resiliency and health of California's forested and heavily vegetated lands, exacerbated by climate change.

In the wake of the devastating fires of 2017 and 2018, including the Thomas Fire, the Tubbs Fire, and the Camp Fire, electric investor-owned utilities (IOUs) have begun using Public Safety Power Shut-off (PSPS) events as a means of preventing wildfire ignitions, which can last several days. Furthermore, the installation and calibration of new fast-trip mechanisms instantly stop the flow of electricity when an object comes in contact with a power line; in some instances, light rain or small wildlife have triggered unplanned power outages which require time-consuming inspections prior to re-energization.

We disagree with the generalization that PSPS events are becoming shorter in duration and less frequent.<sup>3</sup> In a May 20, 2021 letter to the California Public Utilities Commission, Pacific Gas & Electric Company (PG&E) detailed the threefold increase of de-energization events in rural counties as a result of broadened decision-making criteria based on the risk of trees or limbs that could fall on distribution lines in high-fire threat communities.<sup>4</sup> Furthermore, in late July 2021 PG&E initiated what is now called "Enhanced Powerline Safety Settings" which have triggered hundreds of unplanned power outages in fire-prone areas.<sup>5</sup> These outages can be triggered by light rain or

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<sup>1</sup> Office of the State Fire Marshall, Fire Hazard Severity Zones <https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildfire-prevention-engineering/fire-hazard-severity-zones/#:~:text=What%20is%20E2%80%9CState%20Responsibility%20Area,for%20fire%20prevention%20and%20suppression>.

<sup>2</sup> The SORE Pre-Rulemaking Schedule began with its first workshop in September 2019, one year prior to the Governors EO N-79-20.

<sup>3</sup> ISOR, page 26. Moreover, we would also note that microgrids have been underutilized as a greater resiliency tool.

<sup>4</sup> [https://www.rcrcnet.org/sites/default/files/useruploads/Documents/Barbed Wire/May 21 2021/PG%26E%20Overstrike%20Workshop%20Followup%20Response Attachment 5-20-21.pdf](https://www.rcrcnet.org/sites/default/files/useruploads/Documents/Barbed%20Wire/May%2021/PG%26E%20Overstrike%20Workshop%20Followup%20Response%20Attachment%205-20-21.pdf)

<sup>5</sup> [https://www.pge.com/en\\_US/residential/outages/enhance-powerline-safety-settings/enhance-powerline-safety-settings.page?](https://www.pge.com/en_US/residential/outages/enhance-powerline-safety-settings/enhance-powerline-safety-settings.page?)

contact with wildlife, and do not come with the benefit of advanced notice. De-energization events—planned or programmed—to prevent wildfires is an activity that certainly will not be going away in the near future and we urge CARB to recognize that unfortunate reality and adjust the proposed regulations to account for PSPS events.

### **Exemptions Are Not Adequate**

As noted by the Initial Statement of Reasons (ISOR),<sup>6</sup> the federal Clean Air Act preempts chainsaws with displacement 45 cc and above, pumps with displacement 40 cc and above, as well as cutoff saws. While certain emergency responders (police and firefighters) are allowed to submit a request to the Executive Officer for approval to procure equipment by non-California certified engines—*only* if they are unavailable otherwise—this type of equipment is used by a broader range of operators than first responders. County Agricultural Commissioners<sup>7</sup> and County Departments of Public Works for example, can undertake forest health projects along with other community-based organizations or fire safe community alliances that can help prevent high severity wildfire conditions should a disaster ignite. As a foundational issue, the state of California has more to gain in air quality benefits from the transition away from expertly extinguishing fires to preventing high severity wildfire conditions from accumulating through fuels treatment and thinning of small diameter trees. Furthermore, the fact that CARB has not received any request from an emergency response entity to use equipment powered by a non-California certified engine should indicate a flaw in the current design of the exemption itself.<sup>8</sup>

CARB must exempt chainsaws and other equipment—such as portable water pumps and air compressors—used to conduct fuel hazard reduction projects and to conduct timber operations pursuant to the Public Resources Code.<sup>9</sup> Zero-emission chainsaws are not practical for licensed timber operators to use in the course of their work. While CARB quantified the benefits from the anticipated regulatory action to include (for example) occupational exposure to sounds, it did not account for other occupational trade-offs including how to safely carry—and use—prohibitively heavy zero-emission chainsaws with enough battery packs (at an added expense, no less) in remote, densely forested areas. Not only could the Proposed Amendments impede the pace and scale of this work, but it will also come at an extra cost in equipment and worker fatigue.

Additionally, portable generators must be continuously available and affordable. RCRC is concerned with the proposed phase-in of more stringent emissions standards beginning with model year (MY) 2024, and zero-emission standards being implemented

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<sup>6</sup> Initial Statement of Reasons (ISOR), page 12.

<sup>7</sup> Placer County, for example, has multi-disciplinary strategies to preserve natural resources and achieve forest health goals under the direction of the County Agricultural Commissioner.  
<https://www.placer.ca.gov/7293/New-forest-coordinator-position>

<sup>8</sup> ISOR, page 12.

<sup>9</sup> See Public Resources Code Section 4526 and 4527, respectively.

in MY 2028. In rural communities where de-energization events and other unplanned power outages are common, many health and safety risks arise when residents are without power, and is exacerbated for the elderly, medically vulnerable, or others on low- and fixed incomes including:

- Life support equipment, including breathing apparatuses and oxygen, dialysis machines, asthma nebulizers, or electric wheelchairs are rendered inaccessible;
- Chronic illnesses are threatened, such as the inability to refrigerate medications like insulin;
- Hunger is exacerbated by the loss of frozen and perishable foods; and
- Households dependent on groundwater wells cannot pump drinking water for consumption and personal hygiene.

While rural Californians would prefer continuous power without service interruptions, many are left with no choice but to use portable gas-powered generators, which are far more financially viable than stationary whole-house generators and do not require electricity to recharge. As acknowledged in the ISOR, the current supply of existing zero-emission generators may not meet the market demand.<sup>10</sup> We caution against proceeding with the MY 2028 phase-in until manufacturers can demonstrate it is technologically feasible and CARB can analyze whether it is comparatively affordable to both purchase and keep zero-emission generators charged.<sup>11</sup>

### **CARB Must Balance Competing State Directives and Priorities**

In January 2021, the Governor's Forest Management Task Force—now the Wildfire and Forest Resilience Task Force—released a comprehensive strategy and call to action to mitigate the state's growing forest health and wildfire crisis. The state has entered into Memorandums of Understanding (MOUs) with the USDA Forest Service to implement fuels reduction projects, amidst a myriad of other comprehensive tactics, that would address the drivers of catastrophic wildfires that put communities and ecosystems at risk.<sup>12</sup>

RCRC has repeatedly urged CARB to address the escalating wildfire problem as part of the Scoping Plan since the very first iteration of the document in 2008 and has continued to request the inclusion of wildfire emissions as climate change has amplified the need for better forest management practices on both state and federal lands. Now that CARB has begun modeling annual greenhouse gas emissions (GHG) from wildfires, we are disappointed that these emissions continue to be excluded from the analysis of the state's overall SLCP emissions inventory, and that CARB may hinder the ability for large and small landowners to manage healthy forests in the future. A statewide transition

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<sup>10</sup> ISOR, page 25.

<sup>11</sup> ISOR, page 25 discusses costly, non-grid recharging options for zero-emission generators.

<sup>12</sup> *California's Wildfire and Forest Resilience Action Plan*, January 2021.

<https://fmtf.fire.ca.gov/media/cjwfpckz/californiawildfireandforestresilienceactionplan.pdf>

of SORE to zero-emission is another disjointed effort that is neither practical nor feasible. Improving air quality and reducing emissions must be done holistically.

### **Evaluation of Regulatory Alternatives**

Given that Alternative 2 meets the 2016 State Strategy for the State Implementation Plan for Federal Ozone and PM 2.5 Standards (State SIP Strategy) as required by the federal Clean Air Act, in the interim we urge CARB to reconsider an alternative that would employ a more gradual zero-emission equipment (ZEE) adoption, which is a more technologically feasible pathway. However, we strongly urge CARB to explore a third regulatory alternative that would account for the differences in use and application of SORE in rural settings. As discussed above, RCRC strongly believes there must be a pathway for the use of spark-ignition SORE in rural communities that would account for our unique challenges and circumstances. At the very least, specific SORE equipment such as chainsaws, pumps, air compressors and generators should be exempted from the Proposed Amendments.

### **Economic Analysis**

Cost of living increases on rural homeowners continue to escalate. If rural homeowners cannot keep up with defensible space because of the high cost of new ZEE or perform the completion of necessary work on the battery life of the ZEE, homeowners can expect home insurance costs and cancellations to continue to surge. Since 2010, the number of residential insurance policy non-renewals has increased dramatically in high wildfire risk areas. Moreover, given the functional limitations that exist with ZEE, such as battery life, local agencies and other commercial operators may need to procure more equipment or back-up batteries at an additional cost to complete jobs in a timely manner. We urge the Economic Analysis to include these additional consequences in its calculations.

### **Environmental Analysis**

According to the final Environmental Analysis, taken together, “there could be potentially significant and unavoidable adverse impacts to aesthetics, agriculture and forest resources, short-term air quality, biological resources, cultural resources, geology and soils, short-term hazards and hazardous materials, hydrology and water quality, noise, transportation/traffic, and utilities and service systems.”<sup>13</sup> RCRC would note that many of these “unavoidable adverse impacts” will be concentrated in rural settings.

For these reasons, we respectfully urge CARB to consider the unique circumstances of rural communities and create a tailored solution that would not preclude

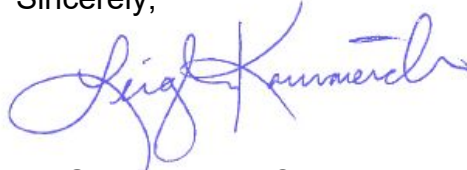
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<sup>13</sup> ISOR, page 85.

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the use of traditional, spark-ignition SORE in a rural application or setting. As currently proposed, the Proposed Amendments would infringe on the progress of a suite of wildfire preparedness activities and put rural residents in a practical, logistical, and financially precarious situation in comparison to their urban neighbors. As a whole, sustainable timber harvest not only reduces wildfire risk, it also helps rural economies, reduces emissions associated with importing lumber, limits forestland conversion to development, enables carbon sequestration thereby improving air quality, as well as improves water quality and conserves biodiversity.<sup>14</sup> We appreciate your consideration of our concerns. Should you have any questions, please do not hesitate to contact me at [lkammerich@rcrcnet.org](mailto:lkammerich@rcrcnet.org) or (916) 447-4806.

Sincerely,



LEIGH KAMMERICH  
Regulatory Affairs Advocate

cc: Jared Blumenfeld, Secretary, California Environmental Protection Agency  
Liane M. Randolph, Chair, California Air Resources Board  
Sandra Berg, Vice Chair, California Air Resources Board  
John Eisenhut, Member, California Air Resources Board  
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<sup>14</sup> California's Wildfire and Forest Resilience Action Plan, page 15.