

09-10-8
Dan Logue

CARB Hearing
Talking points

Introduction:

I am Assemblyman Dan Logue and represent the 3rd Assembly District.

I am grateful for the opportunity to voice my opinion in this important hearing, on one of the most important issues facing California.

I do not disagree that we should work collectively to improve the state's air quality and provide a healthy environment for our families and all Californians. However, in its current form, the Board's regulation places a significant economic risk on business today, and jeopardizes the future viability of the trucking industry, which is already reeling from unprecedented financial turmoil and a drastic decline in business, which has brought about a naturally correlating decline in emissions.

There are several claims used to support the implementation of the highly restrictive diesel regulations, one of which is that diesel particulate matter (PM) causes about 4,000 premature deaths per year in CA. There is substantial epidemiologic evidence from six independent sources that there is **no current relationship between fine particulate matter (PM2.5) and premature deaths in CA**. The evidence CARB relies on is not sufficient to establish a true causal relationship in CA.

Also, serious doubts have been raised about the professional qualifications of the CARB staff members who prepared the key report on PM2.5 and premature deaths.

Further, the final version of this report and relevant public comments were never shown to outside peer reviewers as required by state law. Diesel toxicity and PM pollution in CA are at record low levels. CA has the fourth lowest total age-adjusted death rate among US states and

few “premature” deaths. Modifying diesel engines in the way proposed by CARB may be of little value because of the “particulate mass fallacy” and the chemical composition of PM in CA vs. other states. These scientific issues should be fully addressed by CARB before enacting regulations which will cost upwards of \$10 billion to implement.*

On a legal note, after historical review of the CARB Scientific Review Panel (SRP) on Toxic Air Contaminants, there was found substantial evidence that the appointments of the nine members of the SRP as of 1998 were not made in accord with all relevant provisions in Sections 39670-39671 of the California Health and Safety Code and with the intent of the original legislative bills that created the SRP: AB1807 (Tanner, 1983) and AB 3792 (La Follette, 1986). These legal issues should be fully addressed by CARB *before* implementing costly regulations on the people of the State of California.*

Nevin Nyswonger who lives in Truckee, a city in my district, wrote me and commented on the impact of diesel regulations on the business climate by asking: *Please find out the unintended consequences of diesel regulations first. Just look at the California business climate.*

“Just look at the CA business climate” Unemployment at an all time high, and thousands of Californian’s out of work, more stringent economic regulations will not liberate the economy.

While I support efforts to improve air quality the current CARB regulations regarding diesel emissions is too much at the wrong time.

In passing its December 12, 2008 regulations, CARB effectively ignored the economic arguments and pleas presented in about 500 written and/or verbal public comments. One California contractor gave particularly telling comments: “The affect on my company is 100 percent of my portable equipment will be illegal to use or sell in the state of California: 100 percent of my trucks, 90 percent of my off-highway. Three regulations all at once. This is a destruction of my capital. I have spent 44 years in this business gaining this equity, and

these regulations have destroyed it all at once. Destroys a business model of the entrepreneur who saves money and invests it and provides employment and a tax base for the economy.”*

When the dust settles, and all of the “offending” equipment and trucks are taken off of the construction projects and highways, the result will be the most regressive tax on the residents of this state ever conceived. The cost of all goods will accelerate dramatically, from building roads to producing widgets to delivering bread. Businesses that survive pass the cost along.

To Conclude:

I believe that there is scientific, legal, and economic justification for suspension of the diesel regulations at this time.

I ask for a delay of all requirements by one year and then provide a one year stay of enforcement for the first year of compliance requirements from 2012-2013.

Thank you

*(See letter from Feb 17, 2009 letter to CARB from Asm. Chuck DeVore and Mike Villines and Sen. Lou Correa. Detailed documentation for these scientific, legal, and economic justifications are available in posted CARB public comments. These are the written comments submitted as of December 11, 2008 (<http://www.arb.ca.gov/lispub/comm/bccommprt.php?listname=truckbus08>) and verbal testimony delivered directly to the Board on December 11, 2008 (<http://www.arb.ca.gov/board/mt/2008/mt1211208.pdf>) and on December 12, 2008 (<http://www.arb.ca.gov/board/mt/2008/mt121208.pdf>).