

March 11, 2010

James Goldstene  
Executive Officer  
California Air Resources Board  
1001 I Street  
Sacramento, CA 95814

**Re: Off-Road Diesel Vehicle Regulation Comments**

Dear Mr. Goldstene:

The following organizations, including the Union of Concerned Scientists, Natural Resources Defense Council, Environmental Defense Fund, Sierra Club California, American Lung Association of California, Rose Foundation for Communities and the Environment, East Yard Communities for Environmental Justice, Regional Asthma Management and Prevention, Community Action to Fight Asthma, Breathe California, and Coalition for Clean Air urge you to maintain the health protections provided by the Air Resources Board's Off-Road Diesel Vehicle Regulation. The economic recession has reduced some emissions from off-road diesel equipment, but Californians continue to suffer from poor air quality and the state remains far from achieving either federal or state clean air standards. In addition, emissions reductions from reduced economic activity are only temporary, while investing in cleaner engines and exhaust retrofit technologies ensure long-term emissions reductions. ARB should fully evaluate the public health impacts of existing credits and compliance extensions, as well as delayed enforcement, before considering any further modifications. As ARB continues responding to calls for rolling-back clean air regulations, we ask you not to ignore the human and economic impact from breathing polluted air.

California continues to suffer from some of the worst air quality in the nation, and is paying the price for it. Failure to meet air quality standards in the San Joaquin Valley and South Coast carries an estimated annual 28 billion dollar price tag according to research by California State Fullerton. A recent analysis by RAND on air pollution related emergency room visits and hospital admissions estimates that Californians spent \$200 million in direct medical costs over a three year period as a result of failure to meet air quality standards.

The burden of air pollution is not shared equally across California. Those who live near freeways, ports, rail yards, and construction sites breathe air with pollution levels many times higher than others living away from diesel pollution sources. These communities face higher risks for cancer, asthma attacks, heart and lung disease and premature death. These communities need dramatic reductions in diesel emissions to breathe clean air, far more than the economic downturn has provided.

ARB has taken multiple steps to provide relief to the construction industry over the past year, resulting in a major reduction in compliance obligations for 2010 and 2011. ARB,

under the direction of AB 8 2X, provided credits for reduced activity and vehicle retirements. These credits last for two years and help large construction companies that have been severely impacted by the downturn. In addition, ARB has announced its intention to delay enforcement of the regulation until at least 6 months after US EPA issues a waiver. This in effect has postponed the regulation for a minimum of at least 6 months and likely substantially longer given that EPA has not indicated when the waiver will be granted.

We urge the Air Resources Board to continue the implementation of the Off-Road Diesel Vehicle Regulation and to avoid further modifications that would erode public health benefits. Modifications already made to the rule should be allowed to take effect, and their public health and economic impact evaluated, before other modifications are considered.

Sincerely,

Don Anair  
Union of Concerned Scientists

Diane Bailey  
Natural Resources Defense Council

Camille Kustin  
Environmental Defense Fund

Bill Magavern  
Sierra Club California

Bonnie Holmes-Gen  
American Lung Association of  
California

Jill Ratner  
Rose Foundation for Communities and  
the Environment

Jocelyn Vivar  
East Yard Communities for  
Environmental Justice

Joel Ervice  
Regional Asthma Management and  
Prevention &  
Community Action to Fight Asthma

Andy Katz  
Breathe California

Nidia Bautista  
Coalition for Clean Air