

SF Targets Fraudulent Car Smog Tests

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San Francisco District Attorney Kamala Harris used Monday's record heat and a regional air quality advisory to note efforts to enforce laws against illegal smog certifications.

Harris was joined at a South of Market district gas station by state and local air quality officials to address what Harris called "environmental crime."

Such crimes include so-called "clean piping," when smog check station workers use one vehicle's clean emissions test to fraudulently hand out smog certificates for other cars that have not been tested.

"Our state has long been a leader on the issue of environmental protection," said Harris.

"We cannot afford any breakdown in the systems that keep high-polluting vehicles off our roadways and their dirty emissions from tainting the air we breathe," she said.

Harris highlighted the recently resolved

case of one San Francisco smog check station operator accused in 2008 of six clean-piping incidents.

Ivan Arturo Mendoza, 26, pleaded guilty in March to two felony counts of knowingly accessing a computer system with intent to defraud, according to prosecutors.

"Anyone caught issuing fraudulent smog certificates should know that they will be held to answer for these crimes that endanger our environment," said Harris.

Mendoza was sentenced Monday to five years of probation, according to the District Attorney's Office.

As part of the sentence, he was required to surrender his smog check licenses and will be banned for five years from re-applying for them. He also had to surrender two smog-testing machines—worth between \$8,000 and \$12,000 -- to be donated to local schools for vocational training.

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<http://cbs5.com/local/sf.smog.fraud.2.990190.html>

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

----- Original Message -----

From: Rocky Carlisle@dea.ca.gov

To: Charlie Peters

Sent: Monday, April 20, 2009 10:08 AM

Subject: Re: "Greenhouse gas rules could fuel oil dependence" / Los Angeles Times, April 16, 2009

Dear Charlie:

I am writing to request that you remove me from your email list. I already read newspapers, emails, news bulletins, etc. and really don't need the editorial that you add to the article. In addition, I think you need to rethink your question of "Is what's broken getting fixed"? If you've been following various reports since 2005, you should know that it is not a repair issue but a testing issue. Technicians are passing vehicles that should fail and they are do so at an alarming rate.

I truly appreciate your tenacity and desire to improve the Smog Check program and I think we share that ultimate goal. However, continually stating that IMRC members or staff have not found out if what is broken is getting repaired does nothing. It simply becomes insulting. We have not delved that deeply into the repair side because the inspection itself is suffering from behavioral inconsistencies that indicate almost half of the vehicles are not receiving a proper inspection. If they fail to find broken vehicles in the inspection process, how are we ever going to figure out what is broken? According to statistics, 49% of broken vehicles are not identified. That's a huge number.

If you recall, the 2004 ARB BAR report identified 40% were failing a Smog Check inspection within 6 months of failing and subsequently passing a test. In that report

they presumed that the vehicles received repairs. This is the data I used the other day when I stated that "they" already know the answer to your question. Again, the information you seek is already available but what is needed now is a solution. And, while your audit scheme is not a bad idea, it is not cost effective.

Finally, in last weeks meeting you felt compelled to refer to committee members as a "cancer". This is not the first time you have insulted the committee since on several occasions you have accused members of taking bribes from corporations etc. These committee members serve for no compensation and contribute many hours of their own time and resources to complete the best evaluation and subsequent recommendations possible to improve the Smog Check program. I, for one, am always offended when you decide it is acceptable to personally attack the membership. You are certainly welcome to agree or disagree with the findings and no one would complain however, you never provide any substance to support your opposition. It is always hearsay and innuendo.

Anyway Charlie, as always, I appreciate your participation but I grow tired of the insults toward committee members. I'll cease my diatribe and close by saying thank you for your concern over Smog Check.

Sincerely,

Rocky.

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net



Clean Air Performance Professionals

21860 Main Street Rear
Hayward, CA 94541
Thursday, April 16, 2009

Assemblymember Kevin de Leon - Chair
Committee on Appropriations
State Capitol
Sacramento, CA 94249
Tel: (916) 319-2081
Fax: (916) 319-2145
Assemblymember.deLeon@assembly.ca.gov

RE: NO on AB 859 (Jones) unless amended

Dear Chairman Kevin de Leon and Committee on Appropriations members

Good day

Clean Air Performance Professionals (CAPP) is an award winning international coalition interested in protecting personal property and the environment.

CAPP was created in 1991 to promote common sense (Smog Check) inspection and maintenance programs

California Smog Check program is the best in the world.

Smog Check performs better than it is given credit for.

During breakfast on April 12, 2009 the IHOP waitress was ask how compliance with IHOP rules was managed.

"A secret Shopper" system provides the performance evaluation.

The California motorists deserve the best Smog Check performance that can improve with a secret shopper audit support.

Please vote **NO on AB 859 (Jones) unless amended to provide a "Secret Shopper" performance audit for Smog Check.**

Proposed amendment is attached.

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

Clean Air Performance Professionals

Amendments to Section 44036 California Health and Safety Code

Consumer protection-oriented quality assurance portion of the motor vehicle inspection and maintenance program

Preamble - Under these amendments, an in-field vehicle repair audit program is added to Section 44036 of the California Health and Safety Code. These amendments, in conjunction with existing BAR legal responsibilities will create a program with the goal and procedures intended to create maximum vehicle owner satisfaction. The in-field vehicle repair audit program will provide a mechanism for continuous improvements in how vehicles are repaired so that customers will be better satisfied with the time and investment that they are making in California's Smog Check Program. By adopting a new philosophy of management we are acknowledging that motorists no longer need to live with vehicle repairs that might be characterized as insufficient or defective.

By identifying the actual quality of repairs through in-field audits of known defects, and feeding this information back to smog check technicians and BAR staff, there would be continual improvement of quality and opportunity to reduce waste in repair actions.

Presently fear of loss of license or legal sanctions is a barrier to improving the quality of vehicle repairs. This program will encourage effective two-way communication and other mechanisms that will enable technicians and regulators and consumers to be part of the new quality audit program.

A program will help remove the barriers that rob service technicians and managers of their pride in workmanship. The in-field vehicle repair audit program will institute a vigorous program of education and self-improvement for all participants in the Smog Check program. In summary, these amendments provide a permanent legislative and executive commitment, and the necessary audit procedures for ever-improving quality and productivity in the vehicle repairs (and emissions reductions), mandated under California's vehicle emissions inspection and maintenance program.

44036 (a) The consumer protection-oriented quality assurance portion of the motor vehicle inspection program shall ensure uniform and consistent tests and repairs by all qualified Smog Check technicians and licensed Smog Check stations throughout the state, and shall include a number of stations providing referee functions available to consumers.

(b) To achieve the goal of consumer protection and quality assurance, the department is directed to adopt in-field audits using known vehicle defects. The in-field audits will be used to determine if a technician does actually detect, diagnose and repair the designated audit vehicle defect.

(c) As there are no clear standards to see that emissions defects are being corrected, these audits are to be conducted without notification being provided to ensure accurate assessment. The improved methods generated by the audits will provide continuous improvements in the quality of vehicle repairs actually occurring.

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**CALIFORNIA INSPECTION & MAINTENANCE
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February 28, 2007

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Rocky Carlisle,
Executive Officer

The Honorable Dave Jones
Assemblyman, Ninth District
PO Box 942849
Sacramento, California 94249-0001

Dear Assemblyman Jones:

I am writing on behalf of the Inspection and Maintenance Review Committee (IMRC) to express our support for Assembly Bill 616 (AB616). This bill implements a recommendation made by IMRC in its 2006 report on Smog Check.

If AB616 becomes law, owners of older model-year vehicles will be required to have their vehicle inspected annually to ensure that vehicle emissions control systems are working as designed.

The joint report issued by the Bureau of Automotive Repair (BAR) and the Air Resources Board (ARB) entitled *April 2004 Evaluation of the California Enhanced Vehicle Inspection (Smog Check)* dated September 2005, clearly identifies the need for such a statutory change. The report indicates that the overall average failure rate for Smog Check was 16 percent in 2002 while vehicles 15 years old had approximately 30 percent failure rate. In addition, the failure rate increases to 40 percent for early-1980 model-year vehicles.

Another source of data that validates the need for this statutory change is analysis performed by Sierra Research Inc., under state contract. They conducted analysis on roadside Smog Check inspection data that indicates that 40 percent of vehicles that fail a Smog Check, receive repairs, and subsequently receive a Smog Check certification, fail the Smog Check again within 6 months of the original event. These failing vehicles are then driven for another 18 months with failing emission control systems which adds to smog problems in urbanized areas of the state.

Implementation of AB616 will reduce emissions of hydrocarbons and oxides of nitrogen by approximately 21 tons per day by 2014.

We look forward to supporting your efforts to gain legislative approval. Should you make any changes to the bill, we will reassess the bill as amended. Our endorsement applies to the bill as introduced. If we can assist you or your staff as this bill progresses through the Legislature, please contact our Executive Officer, Rocky Carlisle at (916) 322-8249. Thank you for your efforts to help clean the air and improve the environment for all Californians.

Sincerely,

A handwritten signature in cursive script that reads 'Judith Lamare'.

Judith Lamare
Acting Chair

California State Assembly

Committee on Appropriations

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Clean Air Performance Professionals

California Smog Check providers fail millions of cars but Dennis DeCota, as a member of the Inspection and Maintenance Review Committee (IMRC), has never found out if what is broken on a Smog Check failed car gets fixed

A random "Smog Check" inspection & repair audit, corn ethanol cap and elimination of dual fuel CAFE credit can cut CA car impact over 50% in 2010. (Over 2000 tons per day HC, NOx & CO2.) Improved performance of AB32

Should California consider a fee on corn fuel ethanol use?

*** * Lower price for food, gas, water, beer, cleaner air and funds for the budget from oil profit**

** Is Dr. Russell Long/ Brooke Coleman (REAP)/Pavley 2002 CA tailpipe bill for corn fuel ethanol?*

** Clean Air Performance Professionals (CAPP) supports a Smog Check inspection & repair audit, gasoline ethanol fuel cap and elimination of dual fuel CAFE credit to cut car impact over 50% in 1 year.*

** Some folks believe ethanol in gasoline increases oil use and oil profit*

** Ethanol uses lots of water*

** A Smog Check audit would cut toxic car impact 50% in 1 year. Dr. Jeffrey Williams, Acting Chair of the California Inspection and Maintenance Review Committee (IMRC), has never found out if what is broken on a Smog Check failed car gets fixed.*

** An ethanol waiver would stop a \$1 billion California oil refinery welfare program coming from the federal government*

** About 60,000 barrels per day of the oil used by cars is allowed by the "renewable fuel" CAFE credit*

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