

**American Lung Association in California • Coalition for Clean Air •
Center for Energy Efficiency and Renewable Technology • Environment America •
Energy Independence Now • Natural Resources Defense Council •
Sierra Club California • Union of Concerned Scientists**

March 8, 2012

Chairman Mary Nichols and Board Members
California Air Resources Board
1001 "I" Street
Sacramento, CA 95814

Re: 2012 Low Emission Vehicle III particulate standard, 15-Day Changes

Dear Chairman Nichols and Members of the Board,

On behalf of the undersigned organizations, we are writing to comment on the 15-day changes related to the LEV III standard for particulate matter. We believe that the adopted LEV III standard for particulate matter is critically important to protecting the public from harmful emissions and we do applaud the California Air Resources Board for setting a goal for early implementation of the final target. However, we believe that revisions to the proposed 15-day changes are needed to ensure that the full intent and benefits of the standard are achieved.

The 15-day changes introduced a new section of the regulation that creates an alternative pathway for compliance specific to the adopted 100 percent implementation of a 3 milligram per mile (3 mg/mi) particulate standard for 2021 and 1 milligram per mile (1 mg/mi) particulate standard for 2028. The original pathway phased-in the standard in increasing increments over time to ensure ongoing deployment of stronger PM control technologies. However, the alternative pathway could allow for a slower overall deployment of PM control technologies, increasing emissions over the originally proposed phase-in and threatening to weaken the public health benefits of the program. We recommend that the Board accept the following recommendations to address these issues and ensure that the particulate standard is implemented as intended:

Prevent Net Increases in Emissions over Original Compliance Pathway

The Board should revise the alternative compliance pathway so that public health and air quality benefits are commensurate with the originally proposed pathway. At present, we believe that a net increase in particulate pollution can occur if manufacturers delay phase-in of PM control technologies while expanding the deployment of advanced gasoline technologies to control greenhouse gases. As advanced gasoline engines place upward pressure on particulate emissions, a delay in the deployment of PM control technologies as outlined in the originally proposed schedule could lead to an overall increase in particulates over the original proposal. Compliance flexibility must not allow for such net increases in particulate pollution.

Staff should also provide an analysis to ensure that the air quality and public health benefits of the original proposal are not diminished by an alternative compliance option. Evaluating the best, worst and likely scenarios would provide greater understanding of the range of possible positive and negative impacts associated with the inclusion of the 15-day change language.

Specify that 100 Percent Compliance is Required under an Alternative Pathway

The proposed new section (1961.2.D) does not specify that the alternate compliance pathway must also achieve 100 percent fleetwide achievement of the 3 mg/mi standard in 2021 or the 1 mg/mi standard in 2028. Given the clear explanation of the Board’s goal of “reaching the proposed 1 mg/mi PM standard before the 2025 timeframe” [*Resolution 12-11*, p. 21], a specific statement that a 100 percent phase-in in the final year should be included within this section.

In discussion with staff and in reviewing other areas of the LEV regulations that include alternate compliance pathways, we recommend that language similar to the example below be included in future changes to the regulation:

“Any alternative phase-in that results in an equal or larger cumulative total than the required cumulative total by the end of the last model year of the scheduled phase-in shall be considered acceptable by the Executive Officer only if all vehicles subject to the phase-in comply with the respective requirements in the last model year of the required phase-in schedule.” [Emphasis added].
(*California LEV Regulations with amendments effective 12/8/10*, Section 1976 (F)(3)(b), p. 129.).

We look forward to clarification of these issues and to working with the Board and staff in the future to ensure that the Advanced Clean Cars standards are fully implemented to the benefit of cleaner air and improved public health in California.

Sincerely,

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