

December 18, 2006

Clerk of the Board
Air Resources Board
101 I Street
Sacramento, California 95814

(VIA EMAIL & FAX)
(<http://www.arb.ca.gov/lispub/comm/bclist.php>)
(Fax: 916-322-3928)

RE: New Emission Standards, Fleet Requirements, and Test Procedures for Forklifts and other Industrial Equipment – Notice of Public Availability of Modified Text

Clerk of the Board:

Thank you for the opportunity to provide comments on the proposed modifications to the original proposed Off-Road Large Spark-Ignition Engines and Fleet Requirements.

EMA has worked extensively with Staff and has previously submitted comments on this rulemaking. EMA presented testimony at the May 25, 2006, hearing of the Air Resources Board during which amendments to the Off-Road Large Spark-Ignition Engine requirements were adopted. We are submitting comments on the 15-day notice and regulatory language posted on December 1, 2006 focused on spark ignition engines that are equal to or less than one liter in displacement.

Throughout the rulemaking process, EMA and its members have identified and explained the special circumstances associated with the market segment of spark ignition engines greater than 25 horsepower and less than or equal to one liter in displacement. Most significantly, EMA and its members have explained why engine families that fall into this narrow sub-category (which are derived from similar small SI engine families) are most appropriately regulated through the Small Spark Ignition Exhaust and Evaporative emission requirements as identified in Title 13 Chapter 9 of the California Code of Regulations. ARB Staff appear to grasp the special circumstance of this narrow segment and the need to exclude it from the LSI Rule, but have failed to properly do so.

The modifications proposed in the December 1, 2006 regulatory text specifically preclude engine manufacturers that produce engines with power levels greater than 19 kilowatts and displacements less than or equal to one liter from being considered as small spark ignition engines for purposes of certification and compliance. The proposed modifications to the regulatory language are not in accordance with the specific action and direction approved by the Board. See Board Resolution 06-11 adopted at the May 25, 2006 public hearing. Resolution 06-11 specifically states that the LSI Rule must: (i) harmonize with federal programs; (ii) provide simplified certification procedures through alignment with U.S. EPA's program; and (iii) have no adverse impact on the environment.

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The proposed 15-day notice language fails to follow the Board's clear directive. Essentially, the staff's proposal requires the narrow segment of engines greater than 25 hp and less than or equal to 1 liter in displacement to be certified and labeled as LSI engines, but nevertheless exempts them from the LSI evaporative emissions standards. The net result is that there is no harmonization with, or simplified certification based on, EPA's program. Worse, because of the staff's approach, the emissions from this narrow segment is exempted from the LSI evaporative emission standards and subject to a LSI exhaust emission standard less stringent than the standards that will be applicable to SORE engines of this general size. This narrow engine segment should be subject to ARB's new, stringent SORE Tier III exhaust and evaporative emission regulations recently authorized by EPA.

The 15-day notice changes simply miss the mark. Rather than implement the changes proposed in the 15-day notice, ARB should adopt the regulatory text as proposed in the May 25, 2006 Board hearing notice for sections 1048.101(f) and 1048.615. To do otherwise fails to provide industry with the needed alignment with EPA; creates an adverse impact on the environment; and fails to implement the Board's specific direction.

If you have any questions about EMA's comments, or would like to discuss this matter further, please do not hesitate to call.

Respectfully submitted,

Handwritten signature of Roger T. Gault, mgw

Roger T. Gault

EMADOCS: 29191.3