



California Air Resources Board  
Sacramento, California

November 4, 2010

Re: Policy statement

I would like to address the issues before the Board on the Process or Means of this recommendation by your staff. I am not in disagreement with the Goals or End of what we are all trying to do. Why I am here today is this technology has had a profound history of mechanical failure from the beginning. The diesel users have experienced numerous breakdowns from the premature failures of the added pollution control devices placed on diesel engines since 2004 through 2009 (Current 2010 engine statistics are not readily available). As has been testified before this Board in December 2009, The Tow Truck Association stated they were towing more NEW trucks than OLD trucks which are counter to the historical norm. Our own history shows in the last 2 years verses the previous 20 years combined, our tow bills were exceedingly more. In September of this year alone, for our fleet of 33 trucks, there were \$5,400.00 in towing costs due to EGR pollution control devices. All of the manufactures have been involved, some having more issues than others. In the case of Caterpillar, they have stopped producing engines for trucks.

These problems have resulted from the dispute between the EPA and the Diesel Manufacturers over the engines testing criteria used for the 2004 year models. The result of this dispute was a rush to market to meet further government mandated requirements without the prudent historical testing of past practices we have experienced from the diesel manufacturers. Our repairs to EGR pollution control devices were more than \$25,000.00 in September. The average truck age of this repair history has been between 2 1/2 and 4 years. The average mileage bracket for the start of the failure rates has been between 200,000 and 370,000 miles. To help you relate to this; that would be similar to you having to do similar repairs to your personal vehicle between 40,000 and 60,000 miles at your expense. In the automobile industry there is a standard that EGR pollution control devices must last a minimum of 5 years, or they are replaced at the manufacturers cost. Our industry has become the Guinea Pigs for the real world test results.

The basis for the above scenario described beforehand rests in the realm of policy which this board is charged with verses your staff that is charged with implementing your policies. I wish to ask from the real demonstrated history of the technology promulgated by the EPA and its allowance to be continued unabated, has this course been GOOD Public Policy. I ask if the standards and the real technical performance history of what we have experienced and arduously endured were applied to Airline, Bus and Automobile manufactures; Engineering, Building, Pharmaceutical, Medical and Surgical Standards, would this Board be so tolerant? Could you like to be flying at 35,000 feet when the aircraft is approaching the 40,000 mile mark? Your car suffers a \$2000 repair at 40,000 miles. Your laser eye surgery fails 40% after 2 years. Your new vaccine produces such adverse side effects that it reduces the body's immune system! Your new building materials applied to your home has a similar failure rate suffered as we have with the history of this new diesel pollution technology. I believe we deserve better than what we have been compromised to. This history is not acceptable nor would be in these other chosen fields. With this terrible record of dubious diesel technology promulgated by ignoring the real life performance feedback is Bad Public Policy. What would be the Public reaction if these same standards would be allowed to continue in these other areas of our lives? Would the public be so tolerant? This Board needs to remember the disastrous consequences suffered by California's experiment with the diesel reformulation project several years ago. There too, the same policy and implementation was RIFELED with mistakes with the outcome to be retracted with much embarrassment and financial loss. For the advocated plans as proposed by the CARB staff for the continued allowance to the diesel using public is irresponsible to our society as a whole understanding that diesel is the economic life blood of this economy. The CARB staff proposal for compliance is far to complicated to meet, much less to understand and more complicated to enforce. Far be it with both the known mechanical and economic impact these plans will have to have been so lightly treated or discarded, we need to take a second look at the pace to meet our long term societal goal of clean air. I am not dismissing the goal we as a society have set. However, from what the actual real history has proven in real performance we are demanding and need better. This industry needs to be treated fairly with the same expectations we have demanded from others. We deserve no more, but we deserve no less as we have been subjected to. The continuance of allowing the same course of outcome is a disservice to the public. We need to trust that the technology is viable and durable to do what it is intended to do. A different course of action to correct the shortfalls needs to be corrected before it is allowed to continue to go on.

I have presented a case in which this Board will understand at its level of expertise. I do not know if any of you have a mechanical engineering background in diesel technology nor do I. I do know that your arena is the setting of policy and guidelines for the Public Common Good, remembering we are part of the public too. Contrary from the rhetoric that has been promulgated these past few years from all sides of this issue before us, we are not against the goals of your endeavors. For how can one be against Clean Air just as Motherhood, Apple Pie, The Flag, and Country. Humor aside, there are some solutions I wish to offer for your consideration that may not have been considered with serious

thought from your staff; bearing in mind there will never be 100% acceptance by any and all parties involved:

- 1.) Diesels be given a 20 year life from date of service introduction if not compliant to 2007 standards or an alternate compromise of 1.2 million miles or equivalent engine hours.
- 2.) Diesel EPA requirements would be covered the same as the warranty life of the engine block of 500,000 miles or equivalent engine hours, including all of the electrical relays. This will enhance the manufactures to insure quality technology in durability. Tow bills to be included in this warranty.
- 3.) Financial incentives:
  - A.) No sales tax on retro fitting costs or new truck sales.
  - B.) Fuel taxes to be reimbursed for retro fitted and new trucks for 5 years. This feature alone will enhance the economy and clean the air faster because more units will be bought with an immediate cash savings to the buyer.
- 4.) An extension of 2 years until 2016 for the time allowances for real field testing to ensure the reliability and durability of the products being introduced and the current problems to be corrected.

Please feel free to contact me for any assistance, guidance or feedback you may want to attain a reasonable compromise.

Thank you for your consideration.

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