

# **A. L. MacIntosh Company**

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February 28, 2008

Mrs. Mary Nichols, Chairperson and Members of the Board  
California Air Resources Board  
1001 "I" Street  
P.O. Box 2815  
Sacramento, CA 95812

Re: 15 Day Comment on In-Use Off-Road Diesel Vehicle Rule

Dear Chairperson Nichols and Board Members:

This rule as presently written is confusing and extremely difficult for the average industry person to comprehend. I feel a majority of the affected owners will be in violation of some portion of the rule due to the difficulty understanding the convoluted language.

As an example, I have several machines in the 100-174 horsepower range. According to the rule my Tier 1 machines are dirtier than my Tier 0 machines in the PM category, but by actual emissions data from the CARB database my Tier 1 machines are actually 58% cleaner than the standard used. I can not understand how this can be just.

I question Staff's economic analysis. Not only are the costs understated, but nowhere in their analysis did they address the cumulative economic effect of multiple rules (i.e. PERP, Off-Road, On-Road, etc.) on our industry's ability to comply and survive.

Finally, there is no "safety valve" language to cover our present or future economic downturns. Many will have no choice but to discontinue operations because of financial constraints caused by the effects of the rule and current economic conditions. I recently, with great regret, had to turn down a SCAQMD contract for four engine repowers because our hours of operation have been so severely curtailed (40% decrease) that I could not meet the contract requirements in the present or near future marketplace. Our 40% decrease in use equates to a 40% decrease in emissions and revenues!!

Thank you,

Don MacIntosh