
♦ California Communities Against Toxics ♦ California Environmental Rights Alliance ♦ California Safe Schools ♦ Center of Race, Poverty & the Environment ♦ Communities for a Better Environment ♦ Del Amo Action Committee ♦ Physicians for Social Responsibility Los Angeles ♦ Society for Positive Action ♦

May 18, 2007

VIA ELECTRONIC MAIL

Dr. Robert F. Sawyer, Chair
Members of the Board
Attn.: Clerk of the Board
California Air Resources Board
1001 I Street
Sacramento, California 95814

Re: Comments on Proposed Regulation of In-Use Off-Road Diesel Equipment

Dear Chairman Sawyer and Members of the Board:

On behalf of the undersigned environmental health and justice organizations, we write to express our concern that the proposed regulation of in-use off-road diesel equipment will not go far enough to protect public health and meet air quality standards required by law. We strongly support the adoption of regulations to reduce diesel exhaust emissions from off-road equipment. We believe, however, that the California Air Resources Board (ARB) can and must do more than that proposed by agency staff. We hope and trust that you have the determination and courage necessary to make this difficult decision.

We ask that you direct staff to revise the in-use off-road diesel regulation to (1) set more stringent NOx emission limits for the largest off-road fleets sufficient to assure compliance with federal air quality attainment deadlines, (2) increase the annual large fleet turnover requirement rate from 8% to 15%, (3) adopt a Tier 3 or higher repower and pre-owned purchase requirement for large fleets, (4) remove the exemption for Tier 1 or higher engines from turnover requirements, (5) create a sunset clause for the low-use exemption, and (6) provide added protections for children, the elderly, and other sensitive populations.

ARB staff has put a tremendous amount of effort into the development of this regulation. We thank them for their efforts. We agree with their statement of facts. We disagree with a judgment they made. They have decided that it will cost the owners of the largest fleets too much to move more quickly to retrofit, repower, or replace the oldest, dirtiest, and deadliest diesel engines. We do not agree. The decision now rests with you.

Dr. Robert Sawyer

May 18, 2007

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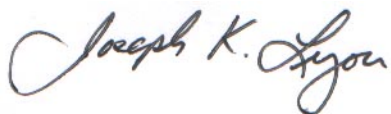
The real issue here boils down to the fundamental question of, "Who pays?" Will it be those who own and operate the largest off-road diesel fleets? Or will it be the public, who will pay with their health, their wallets, and their lives? Is it fair to burden the public with these costs? We think not.

Even if you ignore the moral dilemma of making a decision that would sacrifice the lives of innocent people for the sole purpose of protecting the profits of large companies, you must still face the fact that strengthening this regulation makes economic sense. The current proposal has a benefit-to-cost ratio of approximately seven to one. Staff estimates the total cost of the proposed regulation to be between \$3.0 and \$3.4 billion dollars. (*Initial Statement of Reasons*, p. 39) They estimate the economic savings from health benefits to be between \$18 and \$26 billion. (*ISR*, p. 36) Thus, the benefits of strengthening this regulation will still far outweigh the costs.

We ask also that you consider that children, the elderly, people of color, and those who can least afford proper health care assume the greatest public health costs associated with diesel exhaust exposure. Foregoing a more protective regulation will hurt these disadvantaged populations the most.

We urge you to direct your staff to develop a more protective, more economically sensible proposal to reduce in-use off-road diesel emissions. Please direct any correspondence to Dr. Joseph K. Lyou, Executive Director, California Environmental Rights Alliance, P.O. Box 116, El Segundo, California, 90245-0116, or jlyou@EnviroRights.org. Thank you for considering our comments.

Sincerely,

 for

Joseph K. Lyou, Ph.D.
Executive Director
California Environmental Rights Alliance

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cc: Ms. Catherine Witherspoon
Mr. Tom Cackette