



**Jezowski & Markel**  
CONTRACTORS, INC.

*"Making Concrete Better"*

May 22, 2007

Clerk of the Board  
California Air Resources Board  
1001 "I" Street  
P.O. Box 2815  
Sacramento, CA 95812

Fax: 916 322-3928

RE: Proposed in-use off-road diesel regulation

Dear Board,

I would like to comment on CARB's proposed in-use off-road diesel regulations. It is apparent that the proposed regulations will severely affect our business. There are 3 areas of concern that I have:

1.) Outreach

I remember the PERP program and how poorly it was communicated to us, and I fear that this is going to happen again. Huge demands will be made on construction companies throughout the state. They will be difficult to understand, difficult to implement and poorly communicated. Responsible companies will step up and try to comply. Irresponsible companies will evade the issue, and a large number of uninformed or under-informed companies will either take incorrect (and expensive) actions, or face stiff penalties. You have not demonstrated the will, or the ability to communicate these types of regulations to construction companies like ours.

2.) Economic Loss

I feel that you have not taken an adequate look at the damage this regulation will cause economically. We have a small fleet of less than 1000 Hp. Since we are not a small business according to California law, we are subject to the medium size fleet regulation. Even at that, the direct impact to our company although significant, is not insurmountable, but what we do is down stream from the larger companies. As they struggle with compliance, the effects will trickle down to us. I foresee a significant slowing in the construction industry, significantly higher costs and almost certain job losses. As usual, the government has not fully studied the impact their decisions will have on ordinary Californians.

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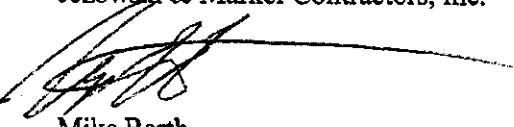
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**3.) Cost VS Benefit**


According to the Fact Sheet entitled "Emissions and health benefits of proposed regulations for the in-use off-road diesel vehicles" on the ARB's website, PM and NOX levels are projected to decline significantly even without this regulation. As written, the proposed regulations will severely cripple California's construction industry. A more measured approach to this problem is in order. It is true that diesel pollutions should be addressed. But it certainly can be done at significantly lower costs and without inflicting such destructive demands on the Construction industry.

Thank you for taking the time to review my concerns.

Jezowski & Markel Contractors, Inc.



Mike Barth  
President



Bob Baldwin  
Yard Superintendant