



ENGINEERING CONTRACTORS' ASSOCIATION

07-5-6
May 25, 2007

May 23, 2007

Dr. Robert Sawyer, Chairman
California Air Resources Board
1001 I Street
Sacramento, California 95812

Re: Proposed In-Use Off-Road Diesel Regulation

Dear Dr. Sawyer:

Since 1976, the Engineering Contractors' Association (ECA) has been a recognized leader representing the public utilities construction industry and collaborating with our members in building their respective businesses. The ECA's membership is comprised of Union and Non-Union Contractors, along with Affiliate members who service our contracting community. The ECA assists over 232 members with Labor Relations, Legislative Advocacy, Safety and Risk Management, and more. The ECA draws its membership from the 11 Counties in Southern California and represents its members' most important interests before State and Local agencies, as well as Legislative and Regulatory entities.

ECA members are committed to improving the air quality in California. Many of our members have been proactive in re-powering, retrofitting, and replacing equipment in their fleets. While the ECA wants to do its part in reducing emissions, the pending regulation will devastate our industry.

We realize that the California Air Resources Board (CARB) staff has worked very hard in preparing this regulation. However, it appears that CARB staff has little knowledge of what it takes to "Get the Job Done" in the Construction Industry. Would you want a sewer contractor creating a regulation for the Health Care Industry? NO! Simply put, a ruling cannot be crafted properly by individuals whom have little knowledge of an industry they are trying to regulate. The ECA believes that

(562) 861-0929 (800) 293-2240 Fax (562) 923-6179 Email: info.eca@verizon.net
8310 Florence Avenue, Downey, California 90240

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creating a task force comprised of CARB and Industry members would reach mutually agreeable goals towards air quality without demolishing the Construction Industry.

The pending regulation will result in devastation or closure of many contractors, many of whom are minorities. This in turn will result in dramatic increases in unemployment, reduce the availability of contractors to perform private and public works projects and most of all, ruin the economy of the state.

What ECA is asking for?

The ECA requests that the regulation be pushed back a minimum of five years. The current regulation does not take into account that technology will not be available (Tier 4 engines) until 2014/2015. When these new Tiered engines are available for purchase, it will still take time for the manufacturers to fill the needs of all the equipment requests that will come forth. This cannot happen over night.

Contractors can only purchase the engine technology that is available. According to the proposed regulation, contractors who purchase an engine today would be required to replace it within ten years. This is an engine that can last over thirty years. This turnover is unacceptable.

On another note, Verified Diesel Emission Control Devices (VDECS) are not available for most equipment at this time. And, there are safety issues with the installation of these devices. With the addition of the oxides of nitrogen (Nox) requirement, even fewer VDECS are available for retrofitting. Additionally, the certification process of VDECS will need to be expedited.

Financial incentive programs should be made available, in addition to time credits, to contractors who have been proactive with updating their equipment before the regulation requires. Small and large companies alike will face difficulties in meeting the financial demands of the regulation.

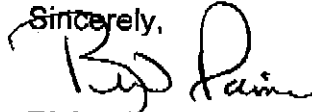
In short, the Construction Industry needs: Time, Technology, and Tender.

The ECA would also request that the CARB Board realize that this regulation is only one of three or more regulations that are facing the construction industry. The Portable Equipment

Registration Program (PERP) regulation, the On-Road regulation, and Off-Road regulation are costly on their own. The financial ramifications of these regulations combined will, without a doubt, kill the construction industry in California.

We look forward to the meeting on May 25, 2007 in San Diego, we ask that the CARB Board listen to our industry's concerns and hopefully we can improve California's air quality and maintain the economy of our fine state.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Paine". The signature is written in a cursive style with a large initial "R".

Richard Paine
Executive Director