

**STATE OF CALIFORNIA
AIR RESOURCES BOARD**

Proposed Amendments To The)	Agenda Item: 06-6-2
Regulation Governing The Statewide)	
Portable Equipment Registration)	Hearing Date: June 22, 2006
Program)	

**COMMENTS OF THE
ENGINE MANUFACTURERS ASSOCIATION**

June 20, 2006

**Timothy A. French
Engine Manufacturers Association
Two North LaSalle Street
Suite 2200
Chicago, IL 60602
(312) 269-5670**

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The Engine Manufacturers Association (“EMA”) hereby submits these comments in support of the proposed amendment to the regulation governing the statewide portable equipment registration program (“PERP”), which amendment will allow for an extended registration period for new engines installed in new pieces of portable equipment that were sold to the ultimate user between July 1, 2005, and December 31, 2005. EMA is the trade association that represents the world’s leading manufacturers of internal combustion engines, including those engines utilized in portable applications and equipment. EMA has worked extensively with ARB staff over the years to develop, implement and, where necessary, amend the PERP regulation. In that regard, ARB staff should be commended for their prompt recognition and effective handling of the issue that spawned the PERP amendment here at issue.

The specific PERP amendment at issue is necessary to accommodate the legitimate concerns and needs of those purchasers of new portable equipment who, due to long leadtimes for the ordering and delivery of their equipment, and due to the interim finalization of amended PERP requirements (which only became fully effective on September 1, 2005), were unable to obtain registration of their new portable equipment prior to December 31, 2005, when the underlying PERP emission requirements were reduced to lower-tier emission standards. The proposed amendment to allow for an extended registration period (to November 1, 2006) for that limited number of new portable engines (new portable engines sold between July 1, 2005, and December 31, 2005) is fair and equitable, allowing for the registration of otherwise duly-certified new portable engines and equipment that became “caught in the switch,” while also being sufficiently tailored in scope and duration to protect against any material delay in the deployment of next-tier emission standards under the PERP regulation.

As noted above, EMA is very appreciative of the efforts that ARB staff undertook to address this issue, which efforts included the timely release on May 3, 2006, of Advisory Number 348 notifying affected new portable equipment owners of the provisional relief that is being allowed under this amendment. Collaborative regulatory efforts such as this typically yield very positive and productive results for industry and the environment, and this instance is no exception. Again, ARB staff should be commended for their actions in moving this amendment forward.

Despite the good efforts of all of the stakeholders in this matter, EMA wishes to note that the underlying issue that is being addressed by this amendment -- extending the PERP registration period for new portable engines that are acquired shortly before a change in the applicable PERP emission limits -- is likely to arise again as additional next-tier standards are phased-in over the ensuing years for the various horsepower ratings of impacted portable engines. This likelihood stems from the fact that the PERP emission limits are not tied to engine-build date, as is typically the case for engine emission regulations, but instead to equipment-purchase date -- a date which inherently cannot be managed and accounted for by engine manufacturers as they implement next-tier emission limits. Thus, whenever the underlying standards change in this context, the regulatory disconnect between engine-build date and portable equipment-purchase date will occasion the potential for newly-purchased portable equipment to be "caught in the switch" as that equipment works its way through the manufacturer, assembly, distribution and delivery networks to the ultimate purchaser of that equipment.

In recognition of that reality, EMA has urged ARB to amend the PERP regulation so that its emission requirements are aligned with engine-build date. Faced with ARB's reluctance to do so at this time, EMA encourages ARB staff, at a minimum, to undertake an aggressive outreach program to inform the regulated community of: (i) the effective dates of any new emission requirements under the PERP regulation well in advance of those requirements taking effect; and (ii) the proactive steps that can be taken by portable equipment purchasers to initiate registration of portable equipment even before delivery of that equipment has been made. EMA also encourages ARB staff to remain attentive to the future needs of the regulated community as it pertains to potential further PERP amendments, as staff has done in this case. For its part, EMA will continue to work with ARB staff to facilitate the necessary outreach that hopefully will help to avert this type of issue in the future.

Dated: June 20, 2006

Respectfully submitted,

ENGINE MANUFACTURERS ASSOCIATION