

William Davis
10-1-2

SCCA Comments before the California Air Resources Board—January 28, 2010

Good Morning Chairman Nichols and members of the Board. I am William E. Davis, executive vice president of the Southern California Contractors Association and a board member with the Construction Industry Air Quality Coalition.

This morning I am here to discuss the idea of another William—William of Ockham, a 14th Century Franciscan friar and logician. It may interest you to know that the founder of William's order, St. Francis of Assisi, is the patron saint of the environment and environmentalists, someone for you to call on in your hour of need.

William of Ockham was a leading thinker in the Scholastic movement and made it his life-goal to strive for simplification—a very Franciscan precept—especially when the church bureaucracy debates of the day were over topics such as “How many angels can dance on the head of a pin.” While William of Ockham was a man of many parts, he is, in our day, most frequently associated with the principle known as “Ockham's razor,” a philosophy he used to cut through complexity to get at the heart of the matter before him.

In the 1330s William expressed this idea as *entia non sunt multiplicanda praeter necessitatem*, “entities must not be multiplied beyond necessity,” or as we say today, the simplest explanation or strategy tends to be the best one.

In the case before you, we believe the staff proposal unnecessarily complicates the issue of what to do about Tier 0 portable engines. The staff approach harkens back to the idea of angels dancing on the head of a pin. The simplest thing would be to extend the operation of all registered Tier 0 equipment for a one year period.

This simple thing would have virtually no effect on emissions as your staff estimates there are no more than 4300 of these machines in the state. The construction industry has declined dramatically over the past four years and is essentially operating at 50 percent of where it was in 2006, so only half these machines are operating, at most.

The rain falls on everyone and in the case of the construction economy small companies are no more virtuous or needy than medium or large companies.

We think this simple solution makes great sense for your agency as well—especially since you do not have the legal authority to enforce this requirement to abandon Tier 0 engines and won't until you receive a waiver from the federal Environmental Protection Agency. While we never bet against you getting a waiver when you ask for one, we must remind you that with regard to the EPA, you are dealing with a bureaucracy and, as we all know, bureaucrats have their own sense of time and urgency.

We applaud the staff acknowledgement that the recordkeeping requirements pose an unnecessary burden on both industry and your agency. Again, we think the simple solution of eliminating them for all parties, including rental companies, would provide the best answer.

We have a vision of dusty stacks of reports buried in the basement of this building—unread, unused—moldering away and a true waste of trees, very environmentally insensitive. The time and money (which your staff estimated at \$55 million a year) that industry wastes on these reports could be put to much more productive uses, like trying to improve their equipment fleet emissions to comply with your other rules.