



Union of Concerned Scientists
Citizens and Scientists for Environmental Solutions

May 22, 2009

Mary Nichols and Board Members
James Goldstene, Executive Officer
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Re: Proposed rulemaking of aftermarket parts certification requirements for plug-in hybrid-electric vehicles, Agenda Item # 09-05-4

Dear Ms. Nichols, Mr. Goldstene and Board Members:

The undersigned organizations would like to thank the board and the staff developing the plug-in hybrid-electric vehicles (PHEV) aftermarket certification requirements for their dedication and hard work. In general, our organizations support the flexibility that the ARB staff has proposed in the Supplemental Initial Statement of Reasons (SISOR).

We note that the PHEV conversions on the road today and the companies that produce them have demonstrated to regulators, the media, and the public the exciting potential of the next generation of hybrid technology and have succeeded in invigorating the EV industry. These conversion companies have produced innovative aftermarket products that could also provide cleaner modes of transportation.

However, we ask that the ARB, while providing flexibility for PHEV conversion companies also preserve its strong aftermarket regulations. ARB should ensure that conversion vehicles are safe and do not result in additional emissions, consistent with the requirements for other aftermarket conversions and products. CARB should therefore require emissions testing and appropriate safety tests for all plug-in hybrid conversion kits. While staff has proposed a three-tiered system that offers flexibility to the manufacturers, we believe that the Tier 1 requirements proposed in the SISOR set an unacceptably low standard for the following reasons:

- **The Tier 1 exemption could set a bad precedent which may result in other aftermarket industries asking for similar emissions exclusions.**

For example, companies converting compressed natural gas trucks or manufacturing turbochargers could be the next industry to ask for a tiered approach (with a similarly lenient Tier 1) to their aftermarket emissions requirements.

- **Not requiring an emissions test for Tier 1 vehicles may result in gross polluting and poorly engineered vehicles.**

If a company is not able to pay for and pass an emission test, then it may not have the financial and engineering resources to warranty and modify these vehicles in a clean and safe manner. There has been at least one example of a fire in a converted PHEV due to poor basic workmanship and engineering. More safety incidents could harm the image of PHEVs which may set back consumer acceptance of these vehicles by several years.

- **The process of converting the vehicle will likely void the original equipment manufacturer emissions warranty of 15 years or 150,000 miles.**

The lack of a warranty may result in gross polluting vehicles that are exempt from the Smog Check Program, so there is no way to monitor their emissions performance over time.

For these reasons, we believe that the Tier 1 option should be eliminated or made more stringent. We ask that the Board consider one of the following options for Tier 1:

1. Eliminating Tier 1 altogether
2. Increasing the requirements for Tier 1, including an emissions test
3. Eliminating Tier 1 after a total of 1,000 PHEV conversions (of any tier) are on California roads

In addition, we hope that the Board makes a clear statement that this tiered approach is not an option for other aftermarket components.

Once again, our organizations believe that the proposal put forth by ARB staff provides flexibility to the PHEV conversion manufacturers while protecting California's environment. However, we ask that the board strengthen the regulation to ensure that this program does not set a bad precedent for other aftermarket components or result in gross polluting hybrid vehicles on the road.

Sincerely,



Bonnie Holmes-Gen
Senior Policy Director
American Lung Association in California



Tim Carmichael
Senior Policy Director
Coalition for Clean Air



John Shears
Research Coordinator
CEERT



Spencer Quong
Senior Vehicles Analyst
Union of Concerned Scientists