

December 6, 2006

Via Email, USPS and Facsimile

Chairman Sawyer and Members of the Board  
California Air Resources Board  
1001 I Street  
Sacramento, CA 95814

Re: SUPPORT—Proposed Amendments to Emission Warranty Information Reporting and Recall Regulations and Emission Test Procedures

Dear Chairman Sawyer and Members of the Board,

We write on behalf of the Natural Resources Defense Council, Union of Concerned Scientists, Environmental Defense, Sierra Club, American Lung Association of California, Coalition for Clean Air, and our more than 450,000 California members in strong support of the proposed amendments to California's Emission Warranty Information Reporting (EWIR) and Recall Regulations and Emission Test Procedures. We also encourage the Board to strengthen the proposed amendments with regard to heavy duty vehicles to ensure that manufacturers take corrective action to remedy emission control failures for the full useful life of these vehicles.

Emissions from mobile sources are a significant source of air pollution in California. Therefore, ensuring the proper functioning of emission control devices is essential to reducing pollution and ensuring that Californians breathe clean and healthy air. The proposed amendments will improve the repair rate of vehicles with failing or defective emission control devices, preventing many tons of additional pollution and protecting public health. For example, defective catalytic converters in Daimler-Chrysler light duty trucks from model year 1996 through 1999, were estimated to pollute up to 1780 extra tons of NOx per year.<sup>1</sup> Those vehicles accounted for only 0.04 percent of the on-road fleet of light duty vehicles at the time, raising the question of how many tons of extra pollution are emitted statewide from the failure of pollution controls originally designed to meet emission standards.

These amendments are necessary due to the documented failure of manufacturers to remedy emission control device defects under the current rules. Analysis by ARB staff revealed that for 2001 and 2002 model years corrective action was taken for less than one-third (28%) of emission components where a systemic defect was determined.<sup>2</sup> ARB testing through the EWIR program has provided evidence of substantial increases, three times the applicable standard in the case of some individual light trucks, in emissions of hydrocarbons and oxides of nitrogen (NOx) resulting from defects in emission control devices.<sup>3</sup> Current rules require an impractical and extremely expensive burden of proof on ARB for determination of when a corrective action is required, resulting in thousands of failing emissions control devices releasing countless tons of preventable pollution throughout California.

We support the extension of warranty coverage, as contained in the proposed amendments, as a mechanism for correcting emission control defects. Extensions to the warranty period will provide an effective means to ensure that the defective control equipment is remedied and also provide incentives for manufacturers to ensure the durability of the emission control devices.

We urge the Board to strengthen the proposed amendments by ensuring that failing emission control equipment is repaired throughout the useful life of all vehicles. Manufacturers must stand behind their products, ensuring that they meet original engine standard certifications throughout the useful life of each product. We are most concerned with heavy duty vehicles, as they will soon rely on complex emission control technology to meet standards and also tend to have much longer useful lives – roughly twice the 200,000 miles of the proposed warranty extension period. This proposal should be modified so that the extension to the emission warranty period for heavy duty vehicles encompasses their full useful lifetime.

We also urge the board not to adopt the proposal to raise the threshold for manufacturer submission of an Emission Warranty Information Report (EWIR) from a 1% emission control component replacement rate to 4%. This proposed amendment would reduce information available to ARB concerning durability of emission control devices, and could result in many failing or defective emission control systems remaining in use without detection and repair. We urge the Board to maintain the existing reporting threshold as it represents an important source of information regarding the performance of emission control devices in California.

Thank you for your consideration of these comments and recommendations. We appreciate the hard work of staff on this very important rule.

Sincerely,

Diane Bailey and Miriam Rotkin-Ellman  
Natural Resources Defense Council

Don Anair  
Union of Concerned Scientists

Kathryn Phillips  
Environmental Defense

Bill Magavern  
Sierra Club

Bonnie Holmes-Gen  
American Lung Association of California

Tom Plenys  
Coalition for Clean Air

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<sup>1</sup> CARB ISOR, 2006. Staff Report: Initial Statement of Reasons for Proposed Rulemaking: Public Hearing to Consider Amendments to California's Emission Warranty Information Reporting and Recall Regulations and Emission Test Procedures.

<sup>2</sup> CARB ISOR, 2006.

<sup>3</sup> CARB ISOR, 2006.