

07-7-7

September 26, 2007

Mary Nichols, Chair
California Air Resources Board
1001 I Street
Sacramento, CA 95812

Dear Ms. Nichols:

The California Trucking Association (CTA) cannot support California Air Resources Board's (CARB) recently proposed changes (released 9/21/2007) to the State Implementation Plan (SIP) which rely on achieving significant emission reductions from in-use heavy-duty diesel trucks to demonstrate attainment.

By adopting a SIP which relies upon measures which CARB characterized less than five months ago as ones which "cannot be included in an approvable SIP" (Draft SIP, 4/26/2007, p.82), CARB appears prepared to submit an impractical plan which will not deliver on its promise of clean air while exacting unreasonable costs from an industry which is already making significant investments in clean air technologies.

CARB's decision to release the proposed changes just days prior to the SIP adoption hearing, without discussing these significant changes with the trucking industry, raises serious questions regarding the state's intentions and public process. CTA has made efforts to meet with CARB staff throughout this process, but was not informed of nor consulted with regarding the proposed adoption of measures the state's previously deemed "only feasible if subsidized."

It is clear the state does not have the financial resources to subsidize a proposed measure that will reduce the state's truck fleet from a group of vehicles, based on CARB estimates, currently covering at least 45 model years to a fleet consisting of only eight-year-old or newer vehicles. Consequently, CARB's proposed adoption of such a SIP can only be interpreted as the first step in a regulatory process which will incur billions of dollars of additional costs to the state's trucking industry in order to achieve emission reductions which the industry is already making strives to achieve.

Given the magnitude of these impacts on the state's trucking industry, one would expect CARB to provide some assessment of compliance technologies and/or the availability of trucks to meet an additional reduction of 60 percent by 2014. However, these important facts have not been included the revised proposal.

While from a practical standpoint, CARB's proposed SIP is deficient due to its reliance on infeasible technologies and inadequate funding, CARB's actions also fail to conform to state law. California state law requires CARB to receive statutory approval prior to implementing emission standards on used vehicles. Because CARB has not received this

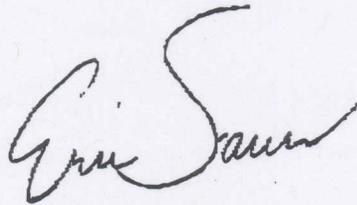
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approval, inclusion of emission reductions associated with retrofitting the legacy fleet are speculative and, therefore, untenable. In addition, as the first step in the regulatory process, the procedural steps required under the state's Administrative Procedures Act (APA), specifically related to notice and comment, have not been followed. Even absent the state's APA process, it is unimaginable that the state is limiting the public review and comment period to less than one week.

In total, the state's actions, which have resulted in the development of a technologically and financially infeasible SIP through a closed public process, raises serious concerns. CTA respectfully requests that CARB correct the deficiencies highlighted above before taking action on the proposed SIP. In addition, CTA would like the opportunity to continue our work with CARB staff to develop sensible programs dealing with in-use on-road private truck fleets and port drayage trucks, rather than being forced into the numerically-driven regulations being proposed in the SIP.

CTA appreciates your serious consideration of these concerns and hopes we can work together to reach a consensus on a practical emissions reduction strategy. Please contact me or Mr. Matthew Schrap at 916-373-3514 should you have questions.

Sincerely,



Eric Sauer
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California Trucking Association
916-373-3562

Cc: Robert D. Fletcher
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