

November 18, 2010

California Air Resources Board
1001 I Street
Sacramento, California

To: All Interested Parties

These comments are in regard to the proposed amendments to article 8, Off-Road Airborne Toxic Control Measures, section 2477, within division 3, chapter 9, title 13, California Code of Regulations Airborne Toxic Control Measure (ATCM) for In-Use Diesel-Fueled Transport Refrigeration Units (TRU) and TRU Generator Sets, and Facilities Where TRUs Operate.

The Refrigerated Carrier Conference (RCC) of the California Trucking Association (CTA) represents thousands of owners of TRU's operating in California. Our membership ranges from the small operator to Fortune 500 companies and includes a diverse range of carriers and suppliers based in California and beyond.

The TRU regulation has had a profound impact on refrigerated carrier and manufacturer operations nationwide. As one of the first ATCMs of its kind, this measure has suffered from serious deficiencies in overall initial estimates of cost and total impact. CTA is looking forward to revised estimates next year when staff revisits this measure and considers additional changes to the regulation.

The current amendments are simple, straightforward and necessary. However, the rationale for moving from Ultra-Low Emissions TRU (ULETRU) to Low Emissions TRU (LETRU) for 2003 units should not be buttressed by so-called cost savings. It should be explained in the context of carriers' ability to comply with the existing standards.

These amendments are necessary because there is little, if any available retrofit equipment to meet the ULETRU standards. Additionally, the costs of retrofits have significantly increased while the units have not undergone sufficient real world testing. In fact, many failures have infected the extremely limited number of units in use on 2002 and earlier engines.

All proposed changes are reflective of the serious challenges TRU operators face when making purchasing decisions for compliance and business survival. Although the amendments are needed because of these and other complicating factors, the RCC feels that they do not go far enough.

CTA is not opposing the proposed amendments. However, it is clear that serious consideration of a 10-year useful life provision is required to address the outstanding issues that will continue to plague this regulation through all upcoming implementation years.

These issues include:

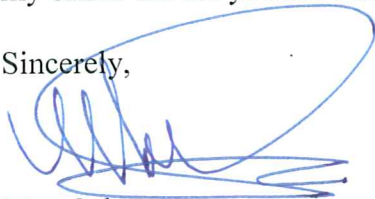
- The lack of complaint and or reliable equipment,
- The doubling of initial estimated costs, and
- The serious underestimation of overall economic impact
- A potentially flawed emissions inventory.

The second round of amendments will clearly have the most impact on the total overall regulation. CTA is looking forward to a continued dialogue on the issues described above and trusts that the proposal for a 10-year useful life requirement for equipment will be seriously considered.

The 10-year useful life requirement proposal has support from sitting California Air Resources Board Members and deserves fair and thoughtful consideration during development of the second round of amendments. Details of the proposal will not be outlined in these comments because they are not specifically relevant to the proposed amendments. Attachments to this letter have additional information.

Thank you for the opportunity to comment on this important regulation. CTA and the RCC envision a continued positive dialogue with staff and Board members. Please feel free to contact my office should you have any additional questions.

Sincerely,



Matt Schrap
Director, Environmental Affairs
California Trucking Association

Cc: Eric Sauer, Vice President Policy Development, California Trucking Association



CALIFORNIA TRUCKING ASSOCIATION

REFRIGERATED CARRIERS CONFERENCE

EXPAND USEFUL LIFE OF PURCHASED EQUIPMENT TO TEN YEARS BEFORE TURNOVER IS REQUIRED FOR BOTH RETROFITS AND ENGINES.

REFRIGERATED CARRIERS DESPERATELY NEED RELIEF.

THE RECESSION HAS SEVERELY IMPACTED THEIR ABILITY TO MANAGE ASSETS. THE CTA 10 YEAR TURNOVER CONCEPT WILL HELP CARRIERS REALIZE A LONGER USEFUL LIFE FOR PURCHASED EQUIPMENT, WHILE SIMULTANEOUSLY ALLOWING FOR NEW ENGINES THAT MEET THE STRICTEST ULETRU OR TIER IV STANDARDS TO ENTER THE MARKETPLACE WHEN COMPLIANCE IS REQUIRED.

SIMPLE SOLUTION FOR SECTOR SPECIFIC RECOVERY

THIS IS A SIMPLE, STRAIGHTFORWARD SOLUTION TO ASSIST REFRIGERATED CARRIERS IN ECONOMIC RECOVERY. MANY HAVE LAID OFF EMPLOYEES OR REDUCED BENEFITS TO COMPLY WITH THESE CARB REQUIREMENTS. TEN YEARS WILL ALSO HELP CARRIERS SECURE THE MOST EFFICIENT MEANS TO COMPLY WITH NEEDED REGULATIONS. THE INDUSTRY IS WILLING TO UPGRADE, HOWEVER, THE TIMING AND LACK OF VIABLE COMPLIANCE EQUIPMENT POINTS TO THE NEED FOR ADDITIONAL RELIEF.

NO MORE DIRTY, HARMFUL, UNCONTROLLED ENGINES

WITH CARB STAFF'S PROPOSED AMENDMENTS, AT THE END OF THIS YEAR, ALL OF THE OLDEST, DIRTIEST ENGINES WILL HAVE BEEN RETROFITTED, SCRAPPED OR REPLACED; NEVER TO ENTER CALIFORNIA SERVICE AGAIN. STEPS ALREADY TAKEN BY INDUSTRY HAVE RESULTED IN ADDITIONAL PUBLIC HEALTH PROTECTIONS, BUT ADDITIONAL RELIEF IS NEEDED IN ORDER FOR REFRIGERATED CARRIERS TO CONTINUE TO PROVIDE GOOD PAYING JOBS AND SAFE PERISHABLE COMMODITY TRANSPORT.

STEPPED UP ENFORCEMENT EFFORTS

BY ALLOWING FOR LONGER USEFUL LIFE AND A SHORT 3 YEAR RECOVERY PERIOD, CARB ENFORCEMENT OFFICERS CAN CONCENTRATE EFFORTS ON CITING THOSE CARRIERS WHO ARE BLATANTLY OUT OF COMPLIANCE. CTA AND OUR CONFERENCE MEMBERS PLEDGE TO ASSIST CARB ENFORCEMENT EFFORTS AND WILL MAKE EFFORTS TO EDUCATE TRUCKERS NATIONWIDE.

