

Frequently Asked Questions In-Use Off-Road Diesel Vehicle Regulation

Interim Visibility Policy

Q - What is the Interim Visibility Policy?

- A - The off-road diesel regulation will require many fleets to install exhaust retrofits on their vehicles to reduce emissions. These retrofits often come in the form of large cylinders, which can block an operator's view if installed in an unsuitable location (such as in directly in front of a cab window).

The Interim Visibility Policy is a joint agreement between the Air Resources Board (ARB) and the California Department of Industrial Relations Division of Occupational Safety and Health (Cal/OSHA) released on October 21, 2009. The Policy states that for the March 1, 2010, retrofit requirements for large fleets, vehicles will be exempt from retrofit requirements if they cannot be retrofit without impairing visibility (i.e. there is no location on the vehicle where a retrofit could be installed without creating visibility impairment to the front, sides, or rear).

Q - What does the Interim Visibility Policy mean for a large fleet that is required to retrofit vehicles to meet the March 1, 2010, compliance date?

- A - Fleets that are required to complete retrofits by March 1, 2010, must consider the impact on visibility that would be created by installing a retrofit. Such fleets should work with the retrofit manufacturers and installers to find suitable locations on a vehicle for a retrofit where the retrofit creates no visibility masking. A description of how to assess masking is available in the Visibility Exemption Guide at: <http://www.arb.ca.gov/msprog/ordiesel/vdecssafety.htm>

If no vehicles in the fleet can be retrofit without creating visibility masking, the fleet is exempt from the retrofit requirements. Alternatively, consider a fleet with 100 vehicles that was required to retrofit 20 vehicles for the March 1, 2010, requirements. Assuming that 50 of the fleet's vehicles could be retrofit without any masking and 50 could not due to the Interim Visibility Policy; the fleet would still have to retrofit 20 vehicles from among the 50 that could be retrofit without creating a visibility impairment.

To request an exemption for a vehicle, complete the instructions and application form, following the link shown above.

Q - What does the Interim Visibility Policy mean for fleets with retrofits currently installed?

A - The existing Cal/OSHA visibility standards in Title 8 section 1591 prohibit altering a vehicle such that the operator's view to the sides or front is impaired. For a retrofit that impairs visibility to the front or sides (when using the method described in the Visibility Exemption Guide on <http://www.arb.ca.gov/msprog/ordiesel/vdecssafety.htm>), ARB staff recommends that if the fleet owner believes that the retrofit poses a safety risk, the owner contact the retrofit manufacturer and/or installer to see if the retrofit can be moved to another location on the existing vehicle such that it would meet the policy. If it is not possible to move the retrofit to another location on the existing vehicle, check with the retrofit manufacturer and/or installer to see if the retrofit can be moved to another vehicle in your fleet. Keep in mind the device must be verified for any engine on which it is installed, and also that the retrofit manufacturer must have a procedure for device redesignation on file with ARB before moving devices from one vehicle to another is allowed. If moving the retrofit to another location or vehicle is not possible, then document your contact with the manufacturer from the previous steps, and remove the filter.

For existing retrofits that create masking to the rear of the vehicle, fleets should monitor the rulemaking process with Cal/OSHA for further information – when the standards for visibility impairment from retrofits is updated (expected in 2010 or 2011), the standard is expected to address retrofits to the rear of the vehicle.

Q – If I remove a retrofit because I cannot find a place for it on the existing vehicle that meets the Interim Visibility Policy and because it is not possible to move it to another vehicle in my fleet, will I still retain the credit I received?

A – If a fleet follows the steps outlined in the previous question and documents that they did so, then the fleet will maintain whatever credit they earned under the off-road regulation (single or double), even if they remove the retrofit.

Q – Why did ARB and the Division of Occupational Safety and Health (Cal/OSHA) release the Interim Visibility Policy?

A – Cal/OSHA is currently doing the groundwork needed to adopt a regulation that will address visibility impairment due to exhaust retrofits. Over the past year, ARB staff has been working with the staffs of the Occupational Safety and Health

Standards Board and Cal/OSHA to develop an objective, field friendly, and reproducible measurement protocol to measure the impacts of an exhaust retrofit on visibility and give fleets a method to make sure an installation will meet visibility requirements. However, work to develop this protocol, and to agree on what visibility masking an exhaust retrofit should be allowed to create, is still ongoing.

Because the first compliance date for large fleets, March 1, 2010, is rapidly approaching, and some fleets will be required to complete exhaust retrofits (i.e., a Verified Diesel Emission Control Strategy, or VDECS) by that date, ARB and Cal/OSHA staff agreed that fleets needed immediate guidance to proceed with their first-year retrofits. Hence, an Interim Visibility Policy was jointly developed.

Q – Will ARB offer any flexibility to fleets affected by the Interim Visibility Policy?

A - Yes, ARB staff are currently looking at several different options to provide flexibility to fleets due to the timeline of events. ARB understands the timing of this information being released and the retrofit requirements created uncertainty for fleets planning for the March 1, 2010, retrofit requirements. As described above, ARB will interpret the regulation to ensure that fleets that installed retrofits before the policy was issued will not lose the compliance credits they were counting on from those retrofits.

ARB staff also recognize that the release of the policy may have prevented some fleets that had retrofit orders placed but retrofits not yet installed from installing retrofits in time to get double credit, and may have prevented some fleets from placing orders for retrofits at all. Staff plans to propose amendments to the off-road regulation as soon as possible to add a grace period to provide additional time to order and install retrofits for fleets who were affected in this manner. The grace period (length to be determined) will need to be approved by the Air Resources Board.

Q – How do I report that I have moved or removed a retrofit due to the Interim Visibility Policy in the Diesel Off-Road Online Reporting System (DOORS) database?

A – Contact the DOORS hotline at 1 (877) 59-DOORS (or 1(877) 59-DOORS) or send an email to doors@arb.ca.gov for assistance in reporting this.