

State of California
AIR RESOURCES BOARD

Summary of Board Meeting
March 22, 2007

California Air Resources Board
Byron Sher Auditorium, Second Floor
1001 I Street
Sacramento, California

MEMBERS PRESENT: Barbara Riordan
Daniel Sperling
Dorene D'Adamo
Henry Gong, Jr., M.D.
Jerry Hill
Lydia H. Kennard
Sandra Berg
Robert F. Sawyer, Ph.D.
Ron Roberts

Agenda Item #

**07-3-1: Report to the Board on a Health Update: Health Effects
Associated with Traffic-Related Air Pollution**

SUMMARY OF AGENDA ITEM:

The ARB staff provides the Board with regular updates on recent research findings on the health effects of air pollution. This month, staff presented the findings of research recently published on the effects of living near freeways on 8 year lung function development in children in 12 Southern California communities (Gauderman WJ, Vora H, McConnell R, Berhane K, Gilliland F, Thomas D, Lurmann F, Avol E, Kunzli N, Jerrett M, Peters J. Effect of exposure to traffic on lung development from 10 to 18 years of age: a cohort study. Lancet. 2007 Feb 17;369(9561):571-7). Other studies detailing health effects associated with traffic pollution in California children were discussed.

Gauderman and colleagues found that children living within 500 meters of a freeway had about a 5% reduction in lung function growth between the age of 10 and 18 compared to children who had lived further than 1500 meters from a freeway. Eighteen year

olds living within 500 meters of the freeway also had over 6% reduced lung function growth than other 18 year olds living further away. Both of these results showed indications of dose response. Local traffic-related effects were independent of ambient regional effects. Results from other traffic-related studies of infants and children were presented as well as current ARB studies and methods used to mitigate the health effects of traffic-related pollution. The findings from these studies indicate the importance of considering traffic-related air pollution in future research, public health and regulatory efforts.

Board Member Supervisor Jerry Hill commented that it is important to get the information from the Land Use Guidelines to planners.

Board Member Dr. Henry Gong congratulated the Research Division on their ongoing traffic research and mentioned the results from the current study were striking because the children in the less exposed regions still showed negative effects. Branch Chief Richard Bode explained that the traffic effects observed occurred independently of regional air pollution.

ORAL TESTIMONY:

Joseph Bishop (Traffic Bulldog) submitted neutral comments.
Doug Korthof (general public) submitted neutral comments.

These comments were general in nature and did not specifically relate to the informational item presented.

FORMAL BOARD ACTION: None (Informational Item)

RESPONSIBLE DIVISION: Research Division

STAFF REPORT: No

07-3-2: Report to the Board on the 2007/2008 State Implementation Plan

SUMMARY OF AGENDA ITEM:

Federal clean air laws require areas with unhealthy levels of ozone and fine particulate matter (PM2.5) to develop plans, known as State Implementation Plans (SIP), describing how they will attain national ambient air quality standards. Plans for the 8-hour ozone standard

and the PM2.5 standard are due to the U.S. Environmental Protection Agency in June 2007 and April 2008 respectively.

ARB staff briefed the Board on the development of the SIP. The SIP is a comprehensive strategy that lays out the pathway to achieve federal air quality standards as quickly as possible through a combination of technologically feasible, cost effective, and far reaching measures. The presentation focused on the South Coast Air Basin and the San Joaquin Valley and highlighted the challenges these areas face meeting the federal air quality standards.

ORAL TESTIMONY:

Dr. Barry Wallerstein, South Coast Air Quality Management District
Dr. Elaine Chang, South Coast Air Quality Management District
Mr. Joseph Bishop, Traffic Bulldog
Ms. Bonne Holmes-Gen, American Lung Association
Mr. Bill Magavern, Sierra Club of California
Mr. Doug Korthof, Private Citizen

FORMAL BOARD ACTION: None

RESPONSIBLE DIVISION: Planning and Technical Support
Division

STAFF REPORT: No

06-11-5: Amendments to California's Emission Warranty Information Reporting and Recall Regulations and Emission Test Procedures

SUMMARY OF AGENDA ITEM:

After receiving oral testimony at the December 7, 2007 Board hearing, the Board decided to continue this item to allow conceptual changes proposed at the hearing to be finalized and provide additional time for outstanding issues to be resolved with industry. The staff was directed to return within six months with a final proposal for the Board to consider.

After the December hearing, staff conducted extensive outreach with industry through meetings, conference calls and the exchange of written material, including the January 23, 2007 release of a supplement to the original initial statement of reasons released on

October 20, 2006. Staff also conducted a second public workshop for this item on February 14, 2007. At the March 22, 2007 board hearing, staff presented specific modifications to the original proposal including setting the duration of all extended warranties to the useful life of the applicable vehicles or engines, and allowing manufacturers the ability to contest the decision to order extended warranties at an administrative hearing. Staff also proposed modifications to the test procedures eliminating a “demonstration” of durability as part of the certification process; only a statement that the emission related components will be durable for the vehicle’s or engine’s useful life would now be required. In total, staff made over 80 changes to the original proposal released on October 20, 2006, addressing many of industry’s concerns. However, these modifications did not gain industry’s acceptance of the proposal.

The Board again heard opposing testimony from the motor vehicle and engine manufacturers, as well as the aftermarket parts and service industries. While there was lengthy testimony, the five main points were: (1) the ARB’s legal authority to carry out the proposed amendments, including not linking corrective action to emission standard exceedances and the authority to mandate extended warranties as corrective action; (2) the proposal limiting the information that the manufacturer might present at an administrative hearing contesting an ARB corrective action order to only information linked to the determination of the valid failure rate of emission components as presented in the reports that were used to determine the violation; (3) the manufacturers wanting the component durability compliance statement completely eliminated from the test procedures; (4) a request for less stringent requirements for the heavy-duty engine manufacturers through 2013 along with a shorter extended warranty period for the heavy-heavy duty engine classification, and (5) the possible adverse financial impacts to the aftermarket parts and service businesses in California. After lengthy discussion, the Board agreed with staff that manufacturers must acknowledge responsibility for, and provide appropriate corrective action for emission components that fail at unacceptable rates. The Board voted unanimously to adopt the staff proposal with all proposed modifications.

ORAL TESTIMONY:

Steven Douglas, Alliance of Automobile Manufacturers
David Patterson, Mitsubishi Motors R&D of America
Sara Rudy, Ford Motor Company
Tony Martino, General Motors

Alan Prescott, Ford Motor Company
Jeffrey Bossert Clark, Kirkland & Ellis LLP
John Cabaniss, Association of International Automobile Manufacturers
Pamela Amette, Motorcycle Industry Council
Roger Gault, Engine Manufacturers Association
Aaron Lowe, AAIA
Allen Pennebaker, ASCCIA
Zarkis Martirosian, Automotive Services Council
Glenn Davis
Bud Rice
Jim O'Neil
Larry Nobriga, ASCCA
Paul Frech
Norman Plotkin, CAWA
Vaughn Burns, DaimlerChrysler Corporation
Doug Korthof, General Public
Henry Hogo, South Coast AQMD
Bill Magavern, Sierra Club of California

FORMAL BOARD ACTION: The Board approved Resolution number 06-44 with a unanimous vote.

RESPONSIBLE DIVISION: Mobile Source Operations Division

STAFF REPORT: Yes

07-3-3: Public Hearing to Consider Proposed Amendments to the Statewide PERP Regulation and the ATCM for Diesel-Fueled Portable Engines

SUMMARY OF AGENDA ITEM:

Staff presented the proposed amendments to the PERP regulation and the portable diesel-fueled engine ATCM. The proposed amendments are intended to make permanent the emergency amendments adopted at the December Board hearing; additional amendments will improve the implementation of PERP.

Staff proposed allowing the registration in PERP of certified nonroad diesel engines that were previously ineligible, as long as they were resident in California and back fees are paid. The local districts would also have the authority to permit previously unpermissible certified and uncertified resident diesel engines. Effective January 1, 2010, ARB and the districts would only be able to permit or register engines that meet the most stringent emission

standard in effect at the time of application. Compliance flexibility would be extended for times when engines that meet the current emission standard are not available, or immediately after an emission standard change, under certain circumstances. The daily recordkeeping of rental equipment units would be limited to material throughput only instead of hours. Military Tactical Support Equipment would be exempt from the identification placard requirement.

Staff also proposed the following 15-day changes which were incorporated into the Resolution. Annual reporting of rental equipment units would be limited to material throughput only instead of hours. Daily throughput would be required to be measured at the initial loading point of certain types of equipment units. Older uncertified spark-ignition engines would be removed from PERP effective January 1, 2010. Operating conditions would be required to be kept onsite with the registered engine or equipment unit at all times.

ORAL TESTIMONY:

The Board heard testimony from 18 witnesses, 6 of whom indicated support for the proposed amendments, 3 who took a neutral position, and 9 who opposed the amendments. It should be noted that many of those who testified in opposition were against existing provisions in the regulations that were not being amended.

Robert Wilder, Citizen
Patrick Hurley, Citizen
Mike Cusack, Congo Pumping
Christi Collins, American Concrete Pumping
Michael Lewis, Construction Industry Air Quality Coalition
Michael Graboski, American Rental Association
Bill Davis, SCCA, ACPA, EVCA
David Rudin, ACPA/Putzmeister, Inc.
Allan Lind, CCEEB
Linus Farias, CCEEB
Seth Hammond, Specialty Crane & Rigging
Howard Cooper, Cooper Crane & Rigging
Alvan Mangalindan, Crane Owners Association
Doug Korthof, Citizen
Dan Dresser, ARB, Inc.
Doug Van Allen, BJ Services Co.
James Thomas, Nabors Well Services, Inc.
Danny Luong, South Coast AQMD

FORMAL BOARD ACTION:

The Board approved resolution 07-9 which included the 15-day changes by a unanimous vote.

Based on oral testimony from the American Rental Association, the Board directed staff to investigate the possibility of allowing engine owners to operate the engines immediately upon submittal of an application to PERP. In response to testimony from the telecommunications industry, the Board also directed staff to evaluate the PERP eligibility of older non-resident emergency-use engines, and make 15-day changes if it is decided to allow these engines into PERP.

RESPONSIBLE DIVISION: Stationary Source Division

STAFF REPORT: Yes

07-3-4:

EMERGENCY AMENDMENTS:

Public Hearing to Consider Emergency Amendments to the Statewide Portable Equipment Registration Program (PERP) Regulation and the Airborne Toxic Control Measure (ATCM) for Diesel-Fueled Portable Engines

SUMMARY OF AGENDA ITEM:

Staff proposed amendments in agenda item 07-3-3 that would make permanent the December 7, 2006 emergency regulatory changes to the PERP Regulation and the Portable ATCM, but they will not become effective before the expiration of those emergency amendments. Therefore, staff also proposed that the Board once again adopt emergency amendments to the PERP Regulation and the Portable ATCM so there will be no loss of regulatory authority between the time the original emergency amendments expire and when the permanent amendments take effect. This second set of emergency amendments would include all the changes proposed in the permanent amendments proposed in agenda item 07-3-3.

ORAL TESTIMONY:

This was combined with item 07-3-3.

FORMAL BOARD ACTION:

The Board approved resolution 07-10 by a unanimous vote.

RESPONSIBLE DIVISION: Stationary Source Division

STAFF REPORT: No