



December 5, 2006

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*Via e-mail:* [bokamoto@arb.ca.gov](mailto:bokamoto@arb.ca.gov)

Re: Comments on the California ARB Draft Advisory on Biodiesel Use

To Whom It May Concern:

The American Trucking Associations, Inc.<sup>1</sup> (“ATA”) submits these comments in response to the California Air Resources Board (“ARB”) draft advisory on biodiesel use, as revised on November 14, 2006 (hereinafter the “revised draft biodiesel policy”).<sup>2</sup> As the national representative of the trucking industry, ATA is vitally interested in matters affecting truck fleets, including the supply, price and specifications of diesel fuel. ATA’s membership is directly affected by the diesel fuel specifications enacted by various states and has a substantial interest in the ARB’s biodiesel policy.

In June 2006, ATA submitted comments on ARB’s original draft biodiesel policy.<sup>3</sup> These comments discussed the trucking industry’s concerns with biodiesel use, including the cost of biodiesel, the need to ensure biodiesel quality, the impact of biodiesel use on nitrogen oxide emissions, and the operational challenges for on-road use of biodiesel in blends exceeding five percent. These comments are still relevant in the context of the revised draft biodiesel policy. Although we do not repeat the concerns raised in our June 2006 comments, we do incorporate them by reference hereto. We offer specific comments on the revised draft biodiesel policy; however, we believe that the

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<sup>1</sup> ATA is a united federation of motor carriers, state trucking associations, and national trucking conferences created to promote and protect the interests of the trucking industry. Directly and through its affiliated organizations, ATA encompasses over 37,000 companies and every type and class of motor carrier operation.

<sup>2</sup> The comments set forth herein are based upon a 4-page document posted on the ARB website, and accessible through the following link: <http://www.arb.ca.gov/fuels/diesel/altdiesel/altdiesel.htm>

<sup>3</sup> ATA’s original comments responded to a 7-slide presentation posted on the CARB website. See [http://www.arb.ca.gov/fuels/diesel/altdiesel/052406arb\\_prsntn.pdf](http://www.arb.ca.gov/fuels/diesel/altdiesel/052406arb_prsntn.pdf)

issues raised in these comments and in our earlier comments would be better addressed through a formal rulemaking process.

The revised draft biodiesel policy specifies that the “biodiesel portion of the blend complies with the American Society for Testing and Materials (ASTM) specification D6751. . . .”<sup>4</sup> We support this reference to an accepted biodiesel quality specification. We are concerned, however, that a substantial amount of biodiesel in the marketplace does not meet this quality specification and believe that the ARB policy should contain a much stronger statement concerning biodiesel quality and ensure that California will have a role in policing and enforcing biodiesel quality.

Although biodiesel is relatively easy to make, high quality biodiesel is difficult to consistently produce. Last winter, the trucking industry experienced problems in Minnesota caused by poor quality biodiesel. More recently, the National Biodiesel Board conducted a survey of 40 biodiesel producers and found that one-third of the samples taken did not meet the ASTM quality specifications. If ARB is seeking to promote the increased use of biodiesel, then ARB bears some responsibility for ensuring that biodiesel entering the marketplace meets minimum quality standards. A statement that biodiesel meets ASTM specifications, in and of itself, is a step in the right direction, but does not go far enough to ensure that end-users will be protected from poor quality biodiesel.

The revised draft biodiesel policy also states that biodiesel blends should not exceed 20 percent biodiesel by volume. As our original comments point out, biodiesel blends that exceed five percent biodiesel by volume create operational challenges for the over-the-road trucking industry. We will not repeat the discussion of these challenges, but will reiterate that the ARB should distinguish off-road biodiesel use from on-road biodiesel use and enact a cap of five percent biodiesel for on-road diesel blends. Many of the challenges presented by biodiesel use in an on-road application are more easily overcome in off-road applications.

The revised draft biodiesel policy also acknowledges the potential for biodiesel in blends of more than five percent to have an adverse impact on engine warranties. We believe that until each of the individual engine manufacturers specifically embrace biodiesel blends that exceed five percent for existing on-road heavy duty diesel engines, ARB should refrain from promoting higher percentage blends for use in these engines. It is unreasonable to encourage the sale of high percentage biodiesel blends and place the onus on the end-user to determine whether its use will jeopardize potential warranty claims. This warranty issue becomes even more complex in the context of diesel engine retrofit technologies.

On the issue of air emissions, the revised draft biodiesel policy states that “ARB is beginning to develop the technical information to support setting specifications to ensure that the emissions benefits of California diesel fuel are retained.” While it is clear that biodiesel will reduce particulate matter emissions and reduce green house gasses, its

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<sup>4</sup> Revised Draft Biodiesel Policy at 3.

impact on ozone formation is less clear. The trucking industry has spent billions of dollars on engine technologies that reduce nitrogen oxide emissions and has borne additional costs in the mandated use of California's boutique diesel fuel. It seems irrational to promote the use of 20 percent biodiesel blends, prior to quantifying the positive and negative impacts this will have on ambient air quality.

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ARB's adoption of a biodiesel policy is an opportunity to expand the use of biodiesel within California, while ensuring that the trucking industry does not suffer the harmful effects that often accompany fuel changes. To accomplish this, ARB's biodiesel policy must ensure that only high quality biodiesel finds its way into the marketplace and ensure that on-road biodiesel blends are limited to no more than **five percent** biodiesel.

The blending of biodiesel into CARB-diesel is a critical issue for end-users and the issue would benefit from a more formal rulemaking process. If you have any questions concerning these comments, please contact the undersigned at 703-838-1910.

Respectfully submitted,



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American Trucking Associations