

Jun 17, 2020

Re: Public Comments from BEST Corp related to CARB's PROPOSED AMENDMENTS TO THE REGULATION ON THE COMERCIALIZATION OF ALTERNATIVE DIESEL FUELS" and associated ISOR and related documents.

1). In subsection (a)(2)(l), under the guise of public interest, CARB has proposed to replace the current clear, well defined, due process language required to modify or revoke an Executive Order (which currently includes meaningful in-use fuel performance as a basis for concern, specific ADF regulation testing procedures for the determination of in-use fuel quality, and required hearing, *i.e.*, opportunity to be heard), with language that eliminates due process and provides the Executive Officer with complete discretion to modify or revoke an Executive Order and/or to make the Executive Order inapplicable to specific stakeholders in a highly discretionary manner (*i.e.*, allowing the use of ambiguous discretionary criteria as a basis for concern and elimination of the mandated hearing process).

It is never in the public's interest to implement regulations that enable discretionary application of the law, discretionary access to regulatory programs, and/or that eliminate due process. In fact, it is particularly concerning when those that enforce a program are the same as those requesting undefined regulation. Indeed, under this scenario, CARB, particularly its Executive Officer, become judge and jury without check.

If we have learned anything within the past month, it is that caution must be exercised, discretion minimized, and procedures put in place to prevent abuses of power and discrimination. Unfortunately, this subsection of the proposed ADF amendments does just the opposite and should be quashed by CARB, and if not, disapproved by the OAL or the regulation petitioned afterward.

Is CARB going to rescind the suggested amendment within this subsection, and if not, please explain the justification for eliminating due process, eliminating clarity, and requiring stakeholders to be held to an unknown benchmark?

2). CARB has been allowing the use of 10% aromatic Reference Fuels that do not meet the CARB Reference Fuel definition or requirements, yet no amendments have been proposed.

Does this mean that CARB is going to require that 10% aromatic reference fuel shall be produced from straight-run California diesel fuel, or should that requirement be changed?

Thank You for the opportunity to present comments,
George Sturges
BEST Corp.