Comment 1 for Transport Refrigeration Units (tru2011) - 45 Day.

First Name: jim
Last Name: clabaugh
Email Address: iamracing0@aol.com
Affiliation:

Subject: in-basin or port Diesel fuel usage
Comment:

Hello ARB;

A simple question that has always baffled me when i hear discussions about the air quality in the basin and particularly at the ports.

The talk has been around converting the trucks to natural gas to the tune of thousands of dollars per truck.
California has already performed air quality tests for the use of bio-diesel and reports a 95% cleaner burn than Diesel.
So why is it not suggested that all trucks use bio-diesel or at the least 50% bio-diesel when in the basin or port vacinity?
No modifications have to be made to use it.
Thanks for your time and any info. you can offer.
Jim.

Attachment: "

Original File Name:

Date and Time Comment Was Submitted: 2011-09-28 11:49:46

No Duplicates.

Comment 2 for Transport Refrigeration Units (tru2011) - 45 Day.

First Name: Kenneth
Last Name: Lund
Email Address: ken.lund@allenund.com
Affiliation: Allen Lund Company

Subject: Oposition to TRU Act Amendments
Comment:

BEFORE THE
California Environmental Protection Agency - Air Resources Board
Notice of Public Hearing to Consider Proposed Amendments to the Airborne Toxic Control Measure for In-Use Diesel-Fueled Transport Refrigeration Units (TRU) and TRU Generator Sets, and Facilities Where TRUs Operate

COMMENTS
SUBMITTED BY

ALLEN LUND COMPANY, INC.
KENNY LUND – VP SUPPORT OPERATIONS

The proposed amendments to the TRU-Act to extend beyond trucking companies, the parties who will be fined when a refrigerated trailer is not in compliance on its Transportation Refrigeration Unit(TRU) is unfair, unworkable, will most certainly result in increased transportation costs, and will lead to more businesses leaving California.

Currently, the carrier can be fined $1,000 if it is not in compliance. Under the new proposal, anyone involved in the transaction including the carrier, the driver, the shipper, the receiver, the transportation broker, and the warehouse can be fined $1,000 each, or be sentenced up to six months in jail. These penalties cannot be extended to any parties other than the trucking company or carrier.

Clearly, a non-asset based transportation broker is not a carrier, it has no trucks, and is not an employer of drivers. A broker cannot exercise control over the carrier or its trucks or operations. A broker’s role is not to select certain trucks or drivers when tendering loads to a carrier. Allen Lund Company (“ALC”) is most concerned that the present proposal includes provisions to fine ALC, and all transportation brokers, if their independently-contracted carrier is not in compliance. This is the equivalent of fining a travel agent if an airline is out of compliance on an aircraft. ALC works with 22,000 carriers in a given year and it is impossible to monitor the 100,000+ trailers owned and operated by these companies.

It will be an impossible burden, in practice, for brokers to assure carrier compliance. ALC is not a law enforcement agency, it does not have access to the documents the state retains, and it must rely upon the carrier’s business practices to ensure compliance.

It is physically impossible for brokers or shippers to travel to each trucking company or owner/operator to inspect the entity's records and examine each trailer. If ALC books a load on a truck with assurances from the carrier that the truck is compliant (and even if ALC were to procure the VIN), the carrier can still switch the truck to be used on the ALC-booked load. In such a case, how can an innocent party such as ALC be fined or warned? What if the carrier provides ALC with the VIN belonging to a different, but compliant, truck? What if carrier paperwork is forged by the carrier? If a carrier's truck is retrofitted, what proof will ALC need to produce to avoid a fine? Given these significant issues, what mechanisms are in place for carriers to prove compliance sufficient to insulate ALC, and other California-based brokers, from fines and possible jail time?

At the time the trucker is fined, ALC will not be with the trucker. How does ALC prove its lack of wrongdoing when a delay in receiving its own fine may compromise its ability to determine the true facts from the carrier? ALC is not an enforcement branch of the state government, and cannot be asked to act as a policing agency for the thousands of carriers which operate in California.

Produce loads, moved in refrigerated trailers, are very different from other loads. With produce the freight is moved when the produce is ready, and this cannot be timed with certainty. As such, when ALC is advised of a load, it must move quickly to ensure that the produce is delivered in a timely manner. Adding a new requirement for verifying carrier compliance, especially where there is no fool-proof, and fine-proof, method for doing so, will not allow brokers to move the same number of loads, nor will loads move for a reasonable and acceptable cost. Of course, this will negatively affect the transportation of such loads, increasing the consumer's final cost of the produce.

The CARB staff on TRU compliance has indicated that a first offense will result in a letter of non-compliance being sent to the shipper, transportation broker, and receiver. There is no process to appeal such a letter, no way to verify the allegations, nor any due process afforded to the warned party. Such a warning letter from a state agency, indicating the broker's use of a non-compliant truck, will tarnish the broker's standing with its customers, jeopardize future business dealings, and cause continuing economic damage to California companies. ALC, and any California-based broker, will be thrust into a no-win situation caused by unnecessary over-regulation which is impossible to comply with. This proposed extension of liability for compliance to parties other than solely the carrier, which parties cannot physically ensure compliance, is unfair, unworkable, and an economic blow to already struggling California businesses. The revision cannot and must not be implemented.

It must be noted that the TRU Act itself is in question based upon CARB's own letter to the lead author of the 2008 study that overstated issues with diesel exhaust. The NOTICE OF ADVERSE ACTION to Hien T. Tran dated April 9, 2009 from Linda Smith, Chief of the Health and Exposure Assessment Branch, , in the 'Statement of Facts' section states, "Your dishonesty regarding your education has called into question the validity of the report 'Methodology for Estimating Premature Deaths Associated with Long-term Exposure to Fine Particulate Matter in California' in which you were the project coordinator and lead author. This report in turn supports other controversial and critical regulation adopted by Air

Resources Board (ARB). Your actions could create long lasting and damaging reflection on ARB and the California Environmental Protection Agency." The report, authored by Mr. Tran, has been problematic and has been called into question several times by other properly credentialed scientists. To use and rely upon such a problematic report to extend the enforcement of this act to those who do not own the trucks is unwise and unjust. Additional scientific study must be conducted before expanding the TRU Act to parties other than truckers and trucking companies.

At a time of tremendous over-regulation, this proposed amendment adds yet another reason for shippers and brokers to cease operations in this great state. ALC employs more than 100 people in high paying jobs in California. These are service jobs that can be moved to other states. ALC currently chooses to remain in California, however there continues to be pressure to move part or all of this company to a state that works with business, rather than California which oftentimes makes working in this state a burden.

We respectfully request that the TRU Act not be expanded, as proposed, as such a course of action will unfairly punish companies such as Allen Lund Company, Inc.

Attachment: 'www.arb.ca.gov/lists/tru2011/2-comments_for_california_air_resources_board_2011.docx'

Original File Name: Comments for California Air Resources Board 2011.docx

Date and Time Comment Was Submitted: 2011-10-13 13:37:24

No Duplicates.

Comment 3 for Transport Refrigeration Units (tru2011) - 45 Day.

First Name: Robert
Last Name: Voltmann
Email Address: burroughs@tianet.org
Affiliation:

Subject: TIA Comments Regarding Proposed TRU Amendments to the ATCM
Comment:

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See formal comments
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Attachment: 'www.arb.ca.gov/lists/tru2011/3-tia_carb_comments__notice_.doc'

Original File Name: TIA CARB Comments (Notice).doc

Date and Time Comment Was Submitted: 2011-10-14 10:31:44

No Duplicates.

Comment 4 for Transport Refrigeration Units (tru2011) - 45 Day.

First Name: Rasto
Last Name: Brezny
Email Address: rbrezny@meca.org
Affiliation: MECA

Subject: MECA Comments on TRU Regulatory Amendments
Comment:

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Please find attached the comments of the Manufacturers of Emission
Controls Association to ARB's Proposed Amendments to the ATCM for
In-Use Diesel-Fueled Transportation Refrigeration Units (TRUs) and
TRU Gensets and Facilities where TRUs Operate.  If you have any
questions please let me know.

Best regards,

Rasto Brezny
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Attachment: 'www.arb.ca.gov/lists/tru2011/4-meca_comments_on_arb_tru_atcm_102011.pdf'

Original File Name: MECA comments on ARB TRU ATCM 102011.pdf

Date and Time Comment Was Submitted: 2011-10-17 12:02:14

No Duplicates.

Comment 5 for Transport Refrigeration Units (tru2011) - 45 Day.

First Name: Kenneth
Last Name: Gilliland
Email Address: kgilliland@wga.com
Affiliation: Western Growers

Subject: TRU Act Amendments - California Based Shippers
Comment:

October 19, 2011

Clerk of the Board
Air Resources Board
1011 I Street
Sacramento, CA 95814

The Airborne Toxic Control Measure for In-Use Diesel-Fueled Transport Refrigeration Units (TRU) and TRU Generator Sets, and Facilities Where TRUs Operate

We, the undersigned organizations, representing the California agricultural industry, offer the following comments with respect to: Proposed Amendments to The Airborne Toxic Control Measure for In-Use Diesel-Fueled Transport Refrigeration Units (TRU) and TRU Generator Sets, and Facilities Where TRUs Operate.

First, we wish to express our appreciation to ARB staff for working with our produce shipper industry in an effort to develop a workable solution to concerns over the interpretation of certain requirements for California-Based Shippers.

We appreciate the ARB staff's efforts in acknowledging the financial and resource burden that would be imposed by Section 2477.10 of the staff's proposed rulemaking on California fresh produce shippers not engaged in the arrangement or contracting of transportation. While we are confident that the shipper industry will make every reasonable attempt to ensure compliance with these regulations, as expressed to ARB staff, since the majority of shipping transactions are arranged by the consignee (buyer), either directly or through broker arrangements, we do not believe that the ultimate responsibility for enforcement-related information rests with the California-based shipper, but rather the consignee, broker, or the actual carrier for which this regulation is designed. California produce industry shippers need assurance that they can exercise due diligence to the best of their ability and not be held liable or otherwise penalized if the equipment is subsequently found to be non-compliant.

The proposed rule states:

2477.10 Requirements for California-Based Shippers.

(a) Beginning January 1, 2013, California-based shippers that

arrange, hire, contract for, or dispatch the transport of perishable goods in TRU-equipped trucks, trailers, shipping containers, or railcars, or TRU gen sets on California highways or railways must:

(1) Dispatch TRUs or TRU gen sets that comply with section 2477.5(a) if they travel on California highways or railways; or
(2) Require the carriers they hire or contract with for transport of perishable goods, to only dispatch TRUs or TRU gen sets that comply with section 2477.5(a) if they travel on California highways or railways; and
(3) Provide the following information to the carrier or a dispatched driver who will be traveling on a highway within California:
(A) Shipper's business name and address.
(B) Receiver's business name and address.
(C) Freight broker or forwarder business name and address (if any).
(D) Contact person's name, and phone number at the shipper, broker, or receiver with knowledge of the transport arrangements.

As has been expressed in several meetings and conference calls with ARB staff, the only time the terms "arrange", "hire", "contract for", or "dispatch" should have application to a California shipper is when that shipper directly contacts and negotiates with the asset based carrier for the transportation of its commodity on a delivered sale. In all other circumstances it is a third party which takes on the role of arranging, hiring, contracting or dispatching.

ARB staff concurs with industry that the vast majority of refrigerated trailers used to transport perishable agricultural commodities are domiciled outside the state of California. Under the regulations, an out-of-state registered refrigerated trailer is not required to register through the ARBER system, and is not required to provide identification on the refrigeration unit. Therefore, the California shipper must rely on the representation of the carrier or its representative that its equipment is compliant with the TRU regulations. Requiring California shippers to perform activities beyond requesting, or self attestation, that the carrier is compliant would place them in an untenable position. An inquiry by a California shipper should be defined as meeting due diligence.

As we understand from ARB staff, the requirements of section 2477.10 would only apply to a shipper if the shipper is the business entity that hires or contracts with the carrier to transport perishable goods on California highways.

It is our further understanding that due diligence by a California based shipper would be met if it conspicuously inserts the following language on the bill of lading: "Carrier or its agent certifies that any TRU equipment furnished will be in compliance with California Regulations"

A typical bill of lading will have the shipper name, origin, receiver name and destination; however, individual names and their telephone numbers are rarely available. In many instances, most shipments are less than truckload and have multiple drops and destinations. The information currently contained on the bill of lading provides adequate information to enable ARB staff to contact any of the involved parties. For this reason we are requesting

that 2477.10 (a) (3) (D) be deleted.

We believe that ARB staff understands our concerns and that industry would receive the necessary assurances expressed herein through ARB's issuance of guidelines that would more fully explain due diligence through a certification statement on the bill of lading.

Again, we wish to express our appreciation to ARB staff in taking into consideration industry concerns.

Very truly yours,

Agricultural Council of California
California Association of Winegrape Growers
California Citrus Mutual
California Farm Bureau Federation
California Grape & Tree Fruit League
California Pear Growers Association
California Poultry Federation
California State Floral Association
Grower Shipper Association of Central California
Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties
Nisei Farmers League
Pacific Egg and Poultry Association
Ventura County Agricultural Association
Western Agricultural Processors Association
Western Growers

Attachment: 'www.arb.ca.gov/lists/tru2011/5-ag_industry_tru_statement.doc'

Original File Name: Ag Industry TRU Statement.doc

Date and Time Comment Was Submitted: 2011-10-19 08:41:33

No Duplicates.

Comment 6 for Transport Refrigeration Units (tru2011) - 45 Day.

First Name: James
Last Name: Lyons
Email Address: jlyons@sierraresearch.com
Affiliation: Sierra Research

Subject: Comments on revised TRU Inventory
Comment:

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Comments on revised TRU Inventory
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Attachment: 'www.arb.ca.gov/lists/tru2011/6-trucomments_sierraresearch_10192011.pdf'

Original File Name: TRUComments SierraResearch 10192011.pdf

Date and Time Comment Was Submitted: 2011-10-19 10:35:17

No Duplicates.

Comment 7 for Transport Refrigeration Units (tru2011) - 45 Day.

First Name: Kathleen
Last Name: Yip
Email Address: kyip@nrdc.org
Affiliation: NRDC

Subject: Support for Staff Proposal on TRUs
Comment:

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Please find comments attached from environmental, health and
justice groups.
- Diane Bailey and Kathleen Yip, NRDC
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Attachment: 'www.arb.ca.gov/lists/tru2011/7-tru_comments_october_2011_enviros.docx'

Original File Name: TRU Comments October 2011 Enviros.docx

Date and Time Comment Was Submitted: 2011-10-19 10:49:43

No Duplicates.

Comment 8 for Transport Refrigeration Units (tru2011) - 45 Day.

First Name: Chris
Last Name: Shimoda
Email Address: cshimoda@caltrux.org
Affiliation:

Subject: TRU ATCM Amendments
Comment:

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Comments Attached. Thank You.
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Attachment: 'www.arb.ca.gov/lists/tru2011/8-tru_atcm_comments_10192011.pdf'

Original File Name: TRU ATCM Comments 10192011.pdf

Date and Time Comment Was Submitted: 2011-10-19 11:04:45

No Duplicates.

Comment 9 for Transport Refrigeration Units (tru2011) - 45 Day.

First Name: Michael
Last Name: Tunnell
Email Address: mtunnell@trucking.org
Affiliation: American Trucking Associations

Subject: 2011 TRU Amendments
Comment:

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Comments attached
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Attachment: 'www.arb.ca.gov/lists/tru2011/9-2011.ata-carb.tru-comments.pdf'

Original File Name: 2011.ATA-CARB.TRU-Comments.pdf

Date and Time Comment Was Submitted: 2011-10-19 11:51:20

No Duplicates.

Comment 10 for Transport Refrigeration Units (tru2011) - 45 Day.

First Name: Bill
Last Name: Maddox
Email Address: William.Maddox@carrier.utc.com
Affiliation:

Subject: Carrier Transicold comments on 2011 TRU ATCM amendments
Comment:

From: Maddox, William CAR [mailto:William.Maddox@carrier.utc.com]
Sent: Monday, October 03, 2011 10:52 AM
To: Hill, Rodney@ARB
Subject: Carrier Transicold comments on 2011 TRU ATCM amendments

Dear Rod,

Thank you for the opportunity to comment on the proposed amendments for the TRU ATCM that are being presented to the Air Resource Board on October 20th. Carrier Transicold has comments on two of the proposed amendments and respectfully request staff consider minor modifications to the language, which we believe still maintain the intent.

• For the proposed 2477.13(a)(4), as an OEM whose products are sold by an independent dealer network, Carrier Transicold generally does not have visibility of or contact with the ultimate purchaser prior to sale. Carrier Transicold would suggest that the language state that the OEM update their owner and/or operators manual if the unit is equipped with a flexibility engine & it is the responsibility of the TRU dealer to notify the ultimate purchaser prior to sale.
• For the proposed 2477.13(c)(2), Carrier Transicold would like to suggest an alternative means of providing the registration information. Instead of requiring a printed registration document, Carrier Transicold would like to pursue an on-line lookup system as an alternative. This alternative would prevent the need to provide paper documents and save on natural resources. And as previously discussed, this would ultimately provide the purchaser more direct and accurate access to the information since the written documents have a great potential to get lost during installation at a third party, such as a trailer body OEM.

If you have any questions on our proposals, please do not hesitate to contact me.

Regards.

Bill Maddox
Service Manager
Carrier Transicold
Athens, GA 30601

Attachment: "

Original File Name:

Date and Time Comment Was Submitted: 2011-12-06 09:55:18

No Duplicates.

Comment 1 for Transport Refrigeration Units (tru2011). (At Hearing)

First Name: Kathleen
Last Name: Yip
Email Address: kyip@nrdc.org
Affiliation:

Subject: Natural Resources Defense Council
Comment:

Please see attached.

Attachment: www.arb.ca.gov/lists/tru2011/11-kathleen_yip.pdf

Original File Name: Kathleen Yip.pdf

Date and Time Comment Was Submitted: 2011-10-25 14:13:40

No Duplicates.

Comment 2 for Transport Refrigeration Units (tru2011). (At Hearing)

First Name: Chris
Last Name: Shimoda
Email Address: cshimoda@caltrux.org
Affiliation:

Subject: California Trucking Association
Comment:

Please see attached.

Attachment: www.arb.ca.gov/lists/tru2011/12-chris_shimoda.pdf

Original File Name: Chris Shimoda.pdf

Date and Time Comment Was Submitted: 2011-10-25 14:13:40

No Duplicates.

Comment 3 for Transport Refrigeration Units (tru2011). (At Hearing)

First Name: James
Last Name: Lyons
Email Address: jlyons@sierraresearch.com
Affiliation:

Subject: Sierra Research & CTA
Comment:

Please see attached.

Attachment: www.arb.ca.gov/lists/tru2011/13-jim_lyons.pdf

Original File Name: Jim Lyons.pdf

Date and Time Comment Was Submitted: 2011-10-25 14:13:40

No Duplicates.

Comment 1 for Transport Refrigeration Units (tru2011) - 15-1.

First Name: sean
Last Name: galleher
Email Address: sgalleher@miramartruck.com
Affiliation: NationaLease Affiliate

Subject: tru's
Comment:

Since smaller units like Carrier 550's have no retrofit filter, it seems like a waste to force repower with temporary units only good for 7 years. These units are generally low hour users, and the harm to the environment by forcing more units to be manufactured vs the gain of re-power (minimal) is acutally a step backward. Not to mention throwing 6k to 7k dollars down the drain. This makes no sense, please reconsider this unnecessary burden being placed on California Business. Waivers should be granted on this class until either a true clean burning unit is available or a filter.

Attachment:

Original File Name:

Date and Time Comment Was Submitted: 2012-03-05 08:34:02

No Duplicates.

Comment 2 for Transport Refrigeration Units (tru2011) - 15-1.

First Name: Kirk
Last Name: Marckwald
Email Address: Kirk@ceaconsulting.com
Affiliation:

Subject: California Class I Railroad Comments on 15-day Modification
Comment:

BNSF Railway Company and the Union Pacific Railroad Company (the Railroads) appreciate the opportunity to comment on the proposed amendments to the TRU Rule and to continue to work with ARB staff to resolve several outstanding issues.

We look forward to continuing to discuss these issues as the staff considers what changes to propose as a part of the second 15-day change process. If you have any questions, please call me any time.

Please contact me at 415-421-4213 x 12 if you have any questions.
Sincerely yours,

Kirk Marckwald
Principal, California Environmental Associates
On behalf of Union Pacific Railroad Company and BNSF Railway Company.

Attachment: www.arb.ca.gov/lists/tru2011/16-rr_15_day_tru_comments_final_2012_03_14.pdf

Original File Name: RR_15 day TRU Comments Final_2012_03_14.pdf

Date and Time Comment Was Submitted: 2012-03-14 15:59:29

No Duplicates.

Comment 3 for Transport Refrigeration Units (tru2011) - 15-1.

First Name: Chris
Last Name: Shimoda
Email Address: cshimoda@caltrux.org
Affiliation: California Trucking Association

Subject: TRU ATCM 15 Day Comments
Comment:

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Please see attached. Thank You.
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Attachment: www.arb.ca.gov/lists/tru2011/17-15day_tru_atcm_comments_03142012.pdf

Original File Name: 15day TRU ATCM Comments 03142012.pdf

Date and Time Comment Was Submitted: 2012-03-14 16:27:32

No Duplicates.

Comment 1 for Transport Refrigeration Units (tru2011) - 15-2.

First Name: Robert
Last Name: Voltmann
Email Address: burroughs@tianet.org
Affiliation: Transportation Intermediaries Associatio

Subject: TIA Comments Regarding Proposed TRU Amendments to the ATCM
Comment:

Comments attached.

Attachment: www.arb.ca.gov/lists/tru2011/18-tia_carb_comments_second_notice.pdf

Original File Name: TIA CARB Comments Second Notice.pdf

Date and Time Comment Was Submitted: 2012-06-29 10:54:25

No Duplicates.