



August 21, 2023
Clerks' Office
California Air Resources Board
1001 "I" Street
Sacramento, CA 95814

<https://www.arb.ca.gov/lispub/comm/bclist.php>

Coalition Members

Re: Comments on Second Notice of Public Availability of Modified Text for ADVANCED CLEAN FLEETS REGULATION.



The Construction Industry Air Quality Coalition would like to submit comments on three topics of concern with the latest proposed changes to the Advanced Clean Fleets Regulation.

First, is the concern about the need to index the \$50 million in gross revenues to inflation to prevent the inclusion of smaller businesses into this regulation over time.



Associated General Contractors America-San Diego Chapter, Inc.

For example, a company with gross annual revenues of \$40 million this year would get drawn into the regulation in five years at an inflation rate of 5%, all other things being equal. In ten years a company with \$30 million in current gross revenues will get drawn into the regulation. We do not believe that this was the intent of the Board when they adopted the \$50 million trigger.



Building Industry Association of Southern California

The impact on small businesses is especially relevant to OAL approval. One provision of the administrative procedure act requires:

A description of reasonable alternatives to the regulation that would lessen any adverse impact on small business and the agency's reasons for rejecting those alternatives.



California Construction Trucking Association

An inflation adjustment factor would accomplish exactly that.

Second, we believe that the definition of useful life is unclear and needs to be modified to eliminate any uncertainty about how useful life is calculated. Attached is an analysis prepared by one of our members to illustrate the uncertainty and the need for clarification.



Southern California Contractors Association

Third, we believe that the change in the definition of an eligible fleet as described the attached memo to the Office of Administrative Law is a significant change in the rule which has not been supported by the public comments of CARB, the discussions, or actions of the Board or the Initial or Final Statement of Reasons. It significantly broadens the number of fleets subject to the rule, which was not the intent of the Board.

We appreciate your review of these concerns and are available to discuss them further at your convenience.

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