

December 8, 2009 

California Air Resources Board

RE: Public Comment on Agenda Item for December 9, 2009
Update the Board on the Truck and Bus Regulation and the In-Use Off-Road Diesel-Fueled Fleet Regulation.

Dear Board Members:

The on road diesel rules will decimate my and thousands of businesses like mine.

Before the Board moves forward with this rule the dire economic consequences need to be more fully understood and studied.

I also support Board Member Telles and Board Member Roberts request to set-aside the on-road diesel rule until a full investigation regarding their accusations of deception can be fully vetted.

Diesel PM 2.5 is already down significantly:

Attached please find a report of diesel fuel sales from the CA State Board of Equalization. In it you will note that

- 1) 2nd qtr 2009 is off 18% from 2 years prior - thus less miles driven, PM 2.5 is already down in tonnage as a result. 2nd qtr 2009 is lowest 2nd qtr in diesel gas sales in 10 years!
- 2) 1st quarter off by 15% from 2 years prior, thus trend is worsening thus tonnage is dropping each month.
- 3) August 2009 is off 30% from 2 years prior!

This is empirical evidence that PM2.5 must be down significantly and the trend is downward as well. All without any rule, just the horrible economic situation causing large drops in demand for trucking services.

The science is still in question according to prominent experts

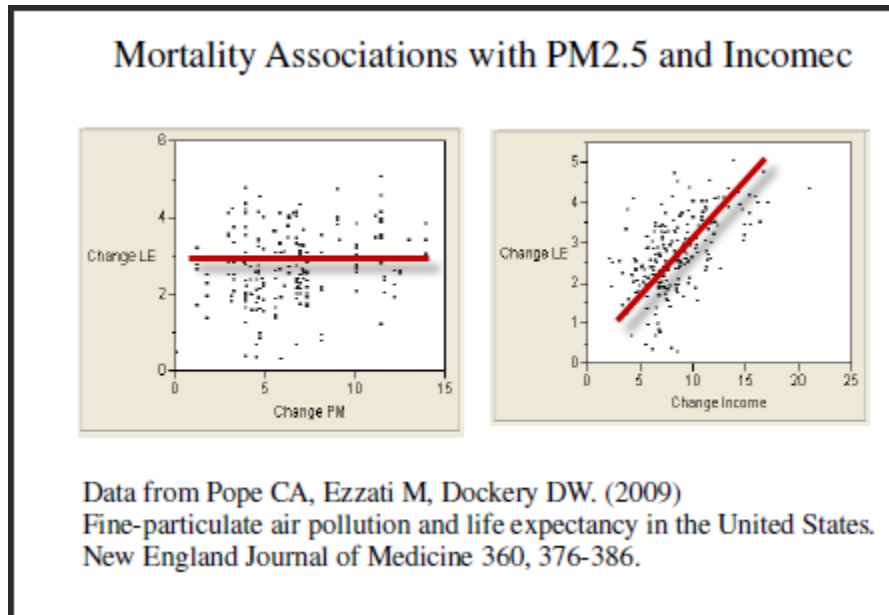
As you may know, Stan Young, Ph.D. of the National Institute of Statistical Sciences <http://www.niss.org/> was on the forefront of having issues with the Tran report as much of the data was to be analyzed by a professional statistician and he noticed "irregularities".

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Pope & Dockery published an article in the New England Journal of Medicine <http://content.nejm.org/cgi/content/full/360/4/376> and the pdf of this article is available at www.box.net/carb for download. This article linked an increase in PM2.5 to health risks. 1) it lumps all PM2.5 into one category (thus diesel and diesel specific PM2.5 data is not separated), 2) there are 2,000 counties in the data sets but only 211 were used in the actual paper.

Dr. Young used the data to come up with the following graphs... (the trend lines in red were added by me).



What the above says is that there is little or no change in life expectancy for changes in PM2.5 BUT there is a large trend in life expectancy for changes of income (the wealth effect). This supports the widely held view that loss of jobs directly impacts life expectancy in a much greater trend than an increase in PM2.5.

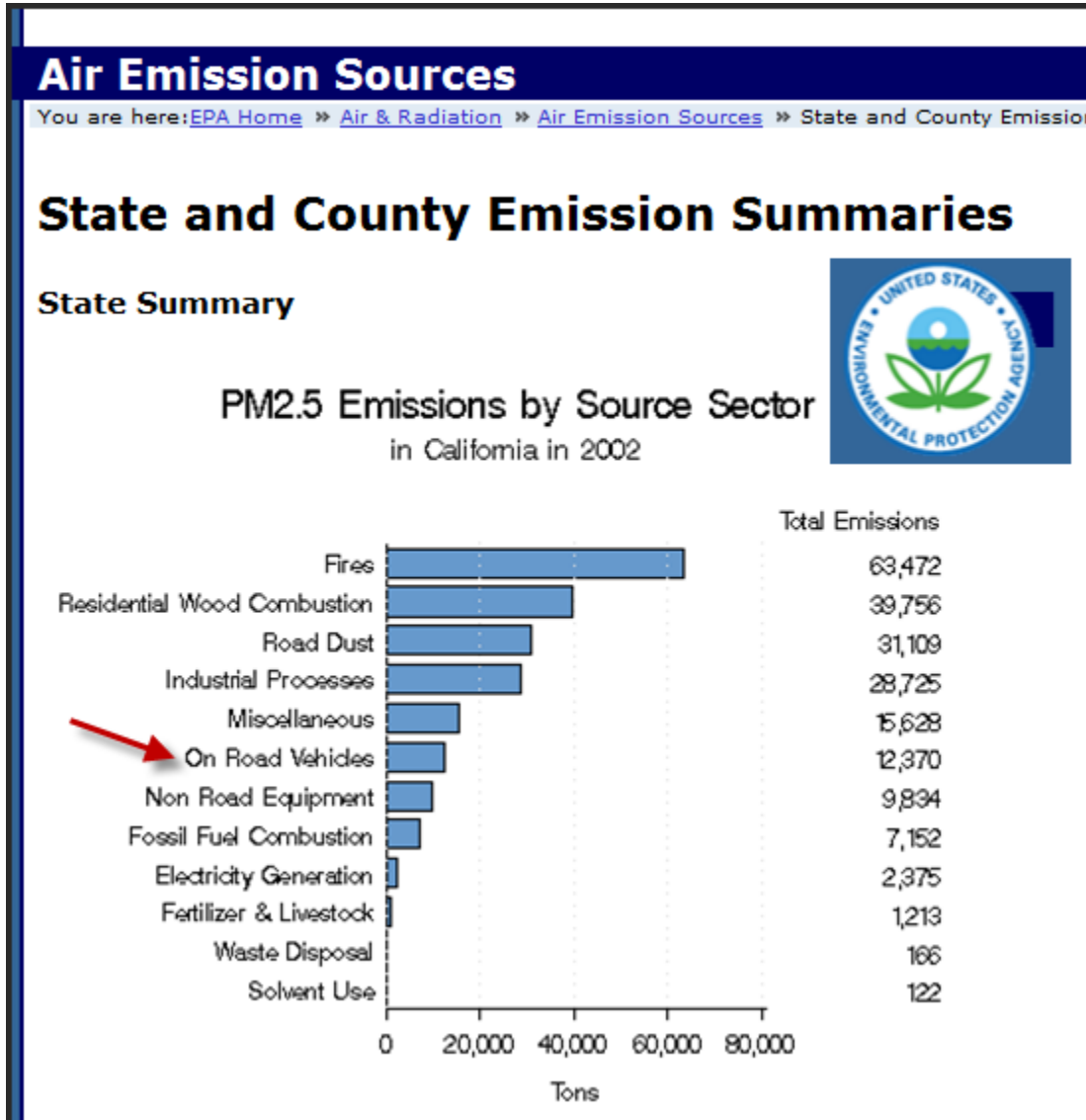
Please also keep in mind that in Pope's study he discusses ALL PM2.5 (does not separate PM2.5 by source)

The EPA has on their website the data for PM2.5 in the Nation and for each state by SOURCE. This is important because CARB has targeted only PM2.5 from diesel trucks with the on diesel rules.

The study can be found at [http://www.epa.gov/cgi-bin/broker?service=data&debug=0&program=dataprog.dw do all emis 2005.sas&pol=231&stfips=06](http://www.epa.gov/cgi-bin/broker?service=data&debug=0&program=dataprog.dw%20do%20all%20emis%202005.sas&pol=231&stfips=06)

The EPA study indicates PM2.5 from On Road Vehicles makes up only 6% of all PM2.5 in the air. Also, if you look at the EPA study, On Road Vehicles includes Trucks AND Cars... so the on road diesel truck portion can be assumed less.

The point of this data is that the NEJM study focused on ALL PM2.5 and as you can see below, trucks and thus the truck rule can only affect a very small portion of this supposed health risk. However I am not sure the Board has been advised of these numbers which are verifiable by going to the EPA site or looking at Pope's article and description of data sets and analysis.



PM 2.5 By Source - California		
Source	Tons	%
Fires	63,472	30.0%
Residential Wood Combustion	39,756	18.8%
Road Dust	31,109	14.7%
Industrial Processes	28,725	13.6%
Miscellaneous	15,628	7.4%
On Road Vehicles	12,370	5.8%
Non Road Equipment	9,834	4.6%
Fossil Fuel Combustion	7,152	3.4%
Electricity Generation	2,375	1.1%
Fertilizer & Livestock	1,213	0.6%
Waste Disposal	166	0.1%
Solvent Use	122	0.1%
	211,922	100.0%
	5.84%	

WHAT CARB CAN DO

Our state's economy today is bleak with unemployment at 12.2% as of September, the highest level since the Great Depression.

I cannot purchase over \$1M in new trucks to replace perfectly good trucks that I have finally paid off. In today's liquidity crunch, the loans to purchase trucks is not available and even if it was I couldn't afford the debt service in today's economic climate.

Retrofitting is not an option due to the high cost, the unavailability of a retrofit solution and the fact that even if we retrofit we are only delaying the retiring of our trucks for a few more years which is not a good business decision. Small businesses like mine have already been told that there will be no grant money available for us.

Thus this leaves me looking at losing my business, leaving my 50 employees without jobs and removing my hundreds of thousands of dollars per year we contribute towards the tax base. Multiply that by thousands upon thousands of similar businesses and you are looking at the economic impact of these rules. Please understand that the current regulations lump all diesel trucks by engine year.

In reality there are 2 distinct truck uses, high mileage and low mileage. The high mileage users are the fleets that are on the road all day putting in over 100K+ miles per year.

The low mileage trucks essentially go to the jobsite, park until the job is done and then drive back to home base. This includes moving companies, many construction companies and similar industries. These trucks put in 30K or less miles per year.

Clearly even though they may have the same engine year, the amount of particulate emitted is FAR less in the low mileage fleets.

Moreover, a secondary market exists where high mileage trucks are sold to low mileage users who then drive them less miles and get more years of use out of them. The high mileage users use the proceeds to buy new trucks and the low mileage users replace older trucks in their fleet constantly making their fleets younger.

There is just released study by two Sacramento State professors that puts a \$492 Billion cost on dealing with regulations in California that is born almost entirely by small businesses like mine.

We need the Board's help to ensure that the thousands of businesses like mine are not decimated along with their employees' jobs.

We need CARB to support 1) an exemption of trucks driving 30,000 miles or less (low mileage) from the on-road diesel rules, 2) Based on the State's current economy we need the rules delayed, and 3) we need the entire scientific basis for the diesel rules to be independently reassessed.

This is the only way the thousands of impacted industries and the many thousands they employ have a chance of surviving while still accomplishing CARB's goals.

Cordially,



Bryan Bloom
Priority Moving, Inc.

**TAXABLE DIESEL GALLONS 10 YEAR REPORT
NET OF REFUNDS**

PERIOD	2000	2001	2002	2003	2004
JANUARY	170,207,751	215,341,108	217,858,239	206,564,142	209,394,132
FEBRUARY	223,442,683	156,858,546	188,848,691	183,682,701	183,476,603
MARCH	237,723,872	243,284,099	219,505,887	196,063,015	261,486,638
APRIL	217,373,347	209,051,825	233,367,231	228,519,713	252,810,617
MAY	231,288,948	217,223,818	240,789,649	225,923,408	227,500,213
JUNE	244,718,369	252,630,426	230,067,755	226,785,744	271,998,138
JULY	213,709,273	222,755,765	236,536,743	255,585,863	251,519,845
AUGUST	234,015,374	224,008,967	212,449,201	230,957,142	242,702,165
SEPTEMBER	225,579,679	241,790,380	243,826,715	233,926,547	279,633,524
OCTOBER	218,908,370	231,541,332	245,274,808	257,895,277	212,723,964
NOVEMBER	202,559,906	186,314,545	220,872,044	200,494,214	205,784,931
DECEMBER	213,232,526	226,564,880	210,725,576	221,535,870	243,301,276
1ST QTR.	631,374,306	615,483,753	626,212,817	586,309,858	654,357,373
2ND QTR.	693,380,664	678,906,069	704,224,635	681,228,865	752,308,968
3RD QTR.	673,304,326	688,555,112	692,812,659	720,469,552	773,855,534
4TH QTR.	634,700,802	644,420,757	676,872,428	679,925,361	661,810,171
TOTAL	2,632,760,098	2,627,365,691	2,700,122,539	2,667,933,636	2,842,332,046
Fiscal Year	2,593,744,570	2,602,394,950	2,663,413,321	2,637,223,810	2,807,061,254

PERIOD	2005	2006⁽³⁾	2007⁽³⁾	2008⁽⁴⁾	2009⁽⁵⁾
JANUARY	214,983,978	230,632,114	244,873,915	234,700,260	197,283,143
FEBRUARY	201,534,490	210,697,066	206,728,016	223,985,934	181,765,826
MARCH	259,929,246	245,235,573	275,550,478	241,439,734	240,173,563
APRIL	244,793,310	236,650,287	249,509,391	230,152,121	219,920,756
MAY	245,217,440	253,686,919	253,117,796	225,272,249	209,471,285
JUNE	285,657,928	255,514,957	284,171,511	260,434,744	223,555,180
JULY	262,358,240	245,994,379	263,867,265	243,095,395	215,772,974
AUGUST	261,564,348	279,070,073	273,394,950	234,022,307	193,949,828
SEPTEMBER	248,991,544	276,289,706	278,961,920	254,394,579	
OCTOBER	256,140,348	264,953,476	276,167,807	252,471,983	
NOVEMBER	232,780,652	245,345,768	230,407,370	204,150,018	
DECEMBER	249,782,148	249,978,816	245,989,862	223,406,881	
1ST QTR.	676,447,714	686,564,753	727,152,409	700,125,928	619,222,532
2ND QTR.	775,668,678	745,852,163	786,798,698	715,859,114	652,947,221
3RD QTR.	772,914,132	801,354,158	816,224,135	731,512,281	409,722,802
4TH QTR.	738,703,148	760,278,060	752,565,039	680,028,882	0
TOTAL	2,963,733,672	2,994,049,134	3,082,740,281	2,827,526,205	1,681,892,555
Fiscal Year	2,887,782,097	2,944,034,196	3,075,583,325	2,984,774,216	2,683,710,916

Notes:

- (1) Fiscal year reports year ending in column year. Example, FY03/04 is reported in the column for 2004.
- (2) Above figures reported net of BOE audit assessments, refunds and amended/late returns.
- (3) The September 2006 and September 2007 figures have been revised to include all late or amended returns that remained unaccounted for when the September 2006 reports were prepared. This is a one time adjustment due to the material difference of a late return. In addition, the May 2006 and March 2007 figures have been revised due to incorrect postings.
- (4) The February 2008 figures include 10.7 million gallons in billed assessments.
- (5) The June 2009 figures include 18.4 million gallons in refunds.
The July 2009 figures include 9.6 million gallons in refunds.
The August 2009 figures include a 19.3 million gallon non-recurring credit.