
SENATE COMMITTEE ON ENVIRONMENTAL QUALITY

Senator Allen, Chair

2019 - 2020 Regular

Bill No: SB 210

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Urgency: No

Fiscal: Yes

Consultant: Eric Walters

SUBJECT: Heavy-Duty Vehicle Inspections and Maintenance Program

DIGEST: This bill directs the Air Resources Board (ARB) to work in coordination with multiple state agencies in order to develop and implement a Heavy-Duty Inspection and Maintenance Program for non-gasoline, heavy-duty, on-road trucks.

ANALYSIS:

Existing law:

- 1) Establishes ARB as the air pollution control agency in California and requires ARB, among other things, to control emissions from a wide array of mobile sources and coordinate, encourage, and review the efforts of all levels of government as they affect air quality. (Health and Safety Code (HSC) §39500 et seq.)
- 2) Establishes the Motor Vehicle Inspection Program, commonly known as the smog check program, to help the state meet federal air quality standards, for vehicles under 14,000 pounds. (HSC §44000 et seq.)
- 3) Establishes the Department of Motor Vehicles (DMV) to, among other things, register vehicles for operation in the state. (Vehicle Code §1500 et seq.)

This bill:

- 1) Requires ARB to adopt and implement a regulation for a Heavy-Duty Vehicle Inspection and Maintenance Program (HDVIMP) for non-gasoline, heavy-duty, on-road motor vehicles with a gross vehicle weight rating of more than 14,000 pounds, as specified.
- 2) Allows ARB to establish licensing standards for persons engaged in the business of the inspection, diagnosis, and repair of heavy-duty motor vehicles and qualification standards for approval, operational, or licensure standards for

testing vehicle equipment, as specified.

- 3) Requires ARB to develop a Heavy-Duty Vehicle Inspection and Maintenance Compliance Certificate with specified information.
- 4) Requires ARB to issue a Heavy-Duty Vehicle Inspection and Maintenance Compliance Certificate to vehicle owners and operators, and requires vehicle owners to keep that certificate of compliance with the vehicle and present it to a peace officer upon demand, as specified.
- 5) Requires ARB to request a permit to deploy equipment on the state highway system, as specified, and requires the Department of Transportation to provide ARB assistance in the permitting process when a permit request is denied, as specified.
- 6) Allows specified state agencies to provide any necessary information to help facilitate the installation of equipment necessary to implement HDVIMP, as well as develop initiatives for outreach and education to help ensure compliance with HDVIMP.
- 7) Applies existing practices to HDVIMP, allowing ARB to inspect vehicles in conjunction with the safety and weight enforcement activities of the Department of the California Highway Patrol or at other locations selected by ARB, as specified.
- 8) Allows ARB to (a) issue a citation to the owner of a vehicle not in compliance with HDVIMP, as specified, and (b) require the owner of a cited vehicle to correct every deficiency specified in the citation within a timeframe determined by ARB, with vehicles used solely for agricultural operations having a period no less than 75 days to do so.
- 9) Specifies that a cited vehicle shall not be prohibited from use while the deficiencies are being corrected unless it is determined that the vehicle's emission controls were willfully tampered with, including the vehicle's onboard diagnostics system.
- 10) Requires ARB to provide an owner cited as violating HDVIMP an opportunity for an administrative hearing, as specified, and allows ARB to apply to the Superior Court for the County of Sacramento for a judgment in the amount of the penalty determined at the administrative hearing, as specified.

- 11) Requires ARB to provide mechanisms for out-of-state owners of heavy-duty vehicles to establish and verify compliance prior to entering the state, as specified.
- 12) Requires ARB, to sunset requirements of the Periodic Smoke Inspection Program in Chapter 3.6 (commencing with Section 2190) of Division 3 of Title 13 of the California Code of Regulations, as specified.
- 13) Requires ARB, within four years following full implementation of the Heavy-Duty Vehicle Inspection and Maintenance Program, to provide two biennial reports on its internet website, as specified.
- 14) Requires ARB to assess a fee, not to exceed thirty dollars to fund HDVIMP and deposit those moneys into the Truck Emissions Check Fund (TECF) established by the bill, specifies that moneys in TECF are available to ARB upon appropriation by the Legislature, specifies that the fee must be limited to covering the costs of the program and equitably distributed among feepayers, specifies the fee and maximum amount allowable shall be adjusted based on the California Consumer Price Index annually, and requires ARB to submit any proposed schedule of fees to specified Legislative Committees 60 days prior to adopting any rule or regulation to implement HDVIMP.
- 15) Requires ARB to implement a pilot program that develops and demonstrates technologies that show potential for readily bringing vehicles into HDVIMP, as specified, with accompanying reporting requirements to the transportation and environmental committees of the Legislature, as specified.
- 16) Requires DMV, no later than one year after the effective date of a regulation implementing HDVIMP, to confirm, prior to the initial registration, the transfer of ownership, or the renewal of registration, that a vehicle is compliant with, or exempt from, HDVIMP, with specified and limited exceptions.
- 17) Requires ARB to notify DMV of the motor vehicles subject to HDVIMP that are allowed to be registered.
- 18) Allows DMV to issue a temporary permit to operate a vehicle for which registration may be refused due to being out of compliance with HDVIMP, as specified.
- 19) Prohibits DMV from issuing a temporary permit pursuant to operate a vehicle unless there is sufficient evidence that the vehicle has failed its most recent

inspection pursuant to HDVIMP.

- 20) Specifies that only one temporary permit may be issued for any vehicle, unless otherwise approved by ARB.
- 21) Specifies that a temporary permit is valid for either 60 days after the expiration of the registration of the vehicle or 60 days after the date that vehicle is removed from nonoperation, whichever is applicable at the time the temporary permit is issued.
- 22) Specifies that a fee of \$50, adjusted annually based on the California Consumer Price Index as compiled and reported by the Department of Industrial Relations, shall be paid for a temporary permit.
- 23) Requires DMV to deduct its administrative costs from the \$50 fee and then deposit the remainder in the TECF.
- 24) Prohibits the operation of a non-gasoline, heavy-duty, on-road motor vehicle with a gross vehicle weight rating of more than 14,000 pounds from being operated on a public road if that vehicle has an illuminated malfunction indicator light, as specified, and makes a violation of that prohibition subject to what is commonly referred to as a “fix-it ticket.”
- 25) Specifies that a vehicle found in violation of this section has 45 days to correct the violation and cannot be prohibited from use during this time, unless it is determined that the vehicle’s emission controls were willfully tampered with, including the vehicle’s onboard diagnostics system.
- 26) Specifies that a peace officer shall not stop a vehicle solely on the suspicion that it is being operated with an illuminated malfunction indicator light.
- 27) Prohibits a non-gasoline, heavy-duty, on-road motor vehicle with a gross vehicle weight rating of more than 14,000 pounds from being operated in a manner that results in the escape of visible smoke, as specified.

Background

- 1) *Health impacts of air pollution.* When not adequately controlled, air pollution has dire consequences on the health and safety of both people and the environment. Poor air quality causes the lungs to constrict, resulting in wheezing, shortness of breath and chest tightness, especially during exercise or physical activity.

It is well known that air pollution causes asthma. According to the Centers for Disease Control and Prevention, nationwide 7.4% of adults and 8.6% of children have been diagnosed with asthma. In California, the numbers are significantly higher: 13.1% of adults and 12.5% of children have been diagnosed with asthma. Lower income and minority groups are disproportionately affected by asthma due to their increased exposure to air pollution.

Depending on exposure, air pollution alone can cause an increased risk of cardiovascular and respiratory illness, lung disease, cancerous tumors, birth defects, premature births, developmental disorders, central nervous system damage, intellectual disability, persistent memory impairments, epilepsy, dementia, and premature death.

The Lancet, a U.K.-based medical journal, published that 9 million people died in 2015 from all sources of pollution, which cost \$4.6 trillion in economic damage. Air pollution accounted for approximately 6.5 million of the 9 million deaths.

A June 2017 study published by Harvard researchers in the New England Journal of Medicine found that there is no safe level of long-term exposure to Particulate Matter (PM) 2.5 (PM that is less than 2.5 micrometers in diameter) and ozone below which there is no risk of premature death. The study followed over 60 million Americans over 65 years old for seven years. Two studies from September and November of 2018 published in the journals Environmental Epidemiology and JAMA Pediatrics, respectively, suggest that rising autism rates might be connected at least in part to air pollution from traffic. They are not the first to show a link between exposure to pollutants during pregnancy and the diagnosis of autism spectrum disorders, but both studies looked at large populations and found a link with relatively low levels of pollutants. An April 2018 study published in PLOS ONE found that long-term exposure to ambient air pollution was a risk factor of a wide range of potential mental health disorders.

- 2) *Health effects of diesel exhaust.* Diesel exhaust is produced when an engine burns diesel fuel. It is a complex mixture of thousands of gases and fine particles (commonly known as soot) that contains more than 40 toxic air contaminants. These include many known or suspected cancer-causing substances, such as benzene, arsenic and formaldehyde. It also contains other harmful pollutants, including nitrogen oxides (a component of smog).

In 1998, the California Environmental Protection Agency's (CalEPA) Office of

Environmental Health Hazard Assessment (OEHHA) completed a comprehensive health assessment of diesel exhaust. This assessment formed the basis for a decision by ARB to formally identify particles in diesel exhaust as a toxic air contaminant that may pose a threat to human health.

Diesel engines are a major source of PM. The elderly and people with emphysema, asthma, and chronic heart and lung disease are especially sensitive to PM. Numerous studies have linked elevated particle levels in the air to increased hospital admissions, emergency room visits, asthma attacks and premature deaths among those suffering from respiratory problems. Because children's lungs and respiratory systems are still developing, they are also more susceptible than healthy adults to fine particles. Exposure to PM is associated with increased frequency of childhood illnesses and can also reduce lung function in children.

Diesel exhaust and many individual substances contained in it have the potential to contribute to mutations in cells that can lead to cancer. In fact, long-term exposure to diesel exhaust particles poses the highest cancer risk of any toxic air contaminant evaluated by OEHHA.

- 3) *California's Smog Check Program.* The purpose of the state's Smog Check Program is to reduce air pollution from vehicles by making sure that cars with excessive emissions are repaired in accordance with federal and state requirements. The program is a joint effort between ARB, the Bureau of Automotive Repair (BAR), and DMV.

With some exceptions, gasoline- and diesel-powered vehicles, hybrid vehicles, and alternative-fuel vehicles that are model year 1976 and newer require a smog check. A smog inspection consists of a tailpipe emission test and an inspection of a vehicle's on-board diagnostic II (OBD II). The tailpipe emission test is a visual inspection in which the technician checks for blue or black smoke emitting from the tailpipe. As long as there is no blue or black exhaust, the vehicle passes this part of the smog inspection. The OBD II test requires the inspector to attach vehicle components to a smog check machine and run the test for certain codes. An OBD II system independently monitors the performance of a vehicle's emission control system and relays that information to the smog check machine. If the vehicle components pass each code, then the vehicle passes this part of the smog inspection.

California's existing Smog Check Program does not apply to heavy-duty vehicles over 14,000 pounds.

Comments

- 1) *Purpose of Bill.* According to the author, “SB 210 is a critical next step to reduce pollution from the many big diesel trucks that travel on the roads and highways across California. Applying similar responsibilities to truck operators to maintain their emission controls, just like we already require for everyone else, is common sense.

“As new trucks with modern technology hit the roads, we have a unique opportunity to ensure long lasting air quality improvements and improve the competitiveness of the California trucking industry. SB 210 can be a real win-win for California residents and the air we breathe.

“The Los Angeles / Inland Empire, San Diego / Border, Bay Area and Central Valley trade corridors are vital transportation links to the rest of the nation and are impacted daily by truck congestion and rail traffic. An ongoing issue along these corridors is large truck congestion and particulate matter pollution from the constant truck traffic and idling on our streets and freeways. Current opacity tests are not enough to ensure that heavy-duty trucks are operating cleanly and efficiently.

“SB 210 acknowledges the investments made by the trucking industry to upgrade truck fleets and leverages this investment to create improved time and cost efficient compliance measures.”

- 2) *Changes since last Senate hearing.* Assembly amendments added exemptions for two more specified categories of vehicles, gave vehicles used solely for agricultural operations 75 days of continued use to correct deficiencies, capped the compliance fee at \$30 (to be adjusted annually based on the California Consumer Price Index) for at least one compliance option, and specified committees of the Legislature that would receive draft rules and regulations.

Heavy-duty trucks play an essential role in California commerce, but they also emit substantial criteria pollutants. Since introduction, SB 210 has confronted both sides of that delicate balance. The changes made since the measure was last heard in the Senate have addressed important concerns about the vital role of heavy-duty trucks in agriculture and military applications, and about the role fees must play in funding the program. With these changes, SB 210 still creates a first-of-its-kind system to address smog contributions by heavy-duty trucks.

SOURCE: Author

SUPPORT:

350 Bay Area Action

350 Riverside

Alliance of Nurses for Healthy Environments

American Cancer Society Cancer Action Network Inc.

American Heart Association

American Lung Association in California

Army, Navy, Air Force, and Marine Corps installations in the State of California

Bay Area Air Quality Management District

Breast Cancer Prevention Partners

Breathe California

Breathe California Sacramento Region

California Bicycle Coalition

California Conference of Directors of Environmental Health

California Council for Environmental and Economic Balance

California Environmental Justice Alliance

California Health Care Climate Alliance

California Interfaith Power & Light

California League of Conservation Voters

California Natural Gas Vehicle Coalition

California Public Health Association - North

CALSTART Inc.

Center for Climate Change & Health

Ceres, Inc.

City of West Hollywood

Clean Energy

Coalition for Clean Air

Community Action to Fight Asthma

Cummins Westport Inc.

Dignity Health

Diocese of California

Environment California

Environmental Defense Fund

Environmental Working Group

Family Allergy Asthma Clinic (Fresno)

Fossil Free California

Friends Committee on Legislation of California

Green the Church

Health Care Without Harm

Interfaith Climate Action Network of Contra Costa County
Long Beach Alliance for Children With Asthma
Lutheran Office of Public Policy
Lutherans Restoring Creation
Maternal and Child Health Access
Motiv Power Systems
National Parks Conservation Association
NextGen California
NRDC
Physicians for Social Responsibility - Sacramento Chapter
Physicians for Social Responsibility - San Francisco Bay Area Chapter
Prevention Institute
Public Health Institute
Regional Asthma Management & Prevention
San Bernardino County Transportation Authority
San Francisco Asthma Task Force
Sierra Club California
South Coast Air Quality Management District
St. John's Well Child & Family Center
Union of Concerned Scientists
Unitarian Universalist Ministry for Earth
Voices for Progress

OPPOSITION:

California Cattlemen's Association
California Farm Bureau Federation
California Fuels and Convenience Alliance
California Municipal Utilities Association
Sacramento Regional Builders Exchange
Western States Trucking Association

ARGUMENTS IN SUPPORT: Many environmental, public health, and air quality groups writing in support of this bill state, "SB 210 is a very important measure that is good for our air, climate and health and levels the playing field for owners and operators who take the time and spend the money to keep their trucks in compliance with state emission regulations. We believe this system would allow the vast majority of truckers to pass without difficulty, while it would require improvements from the small fraction of vehicles that generate most of the pollution."

ARGUMENTS IN OPPOSITION: The Farm Bureau states they are "concerned with the impacts this bill will have on trucks licensed as Special Equipment (SE) and trucks complying with the low-use compliance option. SE plated equipment is generally not legally allowed to operate on California roads except for very specific purposes and very short distances. Driving SE plated trucks to facilities to test that their emissions equipment is properly functioning would be in violation of their license and registration. Additionally, low-use trucks are only allowed to be driven 1,000 miles annually to remain in compliance with the Diesel Truck and Bus Rule. For trucks located in rural areas, they may use up to 25 percent of their annual miles driving to the nearest testing facility."

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