



# New California Emission Rules Hit Contractors Hard

## Will Other States Adopt Similar Regulations?

by Jeff Griffin ■ Senior Editor

The State of California has adopted a regulation to reduce toxic emissions from diesel engines of off-road equipment used in construction, mining, airport ground support and other industries.

Ultimately, the rule will cover equipment powered by diesel engines of 25 horsepower and higher and will affect most utility contractors whose fleets include loader-backhoes, excavators, trenchers, directional drills and many other self-propelled machines.

"The regulation is the first of its kind in the nation and could serve as a model for other states to follow," said Mary Nichols, chairman of the California Air Resources Board (ARB), the department of the California Environmental Protection Agency that adopted the regulation.

Nichols said the regulation will prevent thousands of premature deaths and reduce healthcare costs for those suffering from respiratory disease such as asthma.

The regulation will require existing equipment still in use at the time provisions of the rule become effective to be retrofitted to re-

duce diesel particulate matter (PM) and oxides of nitrogen (NOx). New equipment put in service would be powered by engines that meet the new emission requirements. The rule does not apply to equipment operated for agricultural purposes, machines used at ports and inter-modal railroad yards, stationary equipment, or portable equipment such as generators.

Equipment owners and manufacturers have a period of time to prepare for implementation of the rule. Compliance requirements would be based on fleet "size" defined by total horsepower of covered vehicles in a fleet.

### Implementation stages

First to be affected are "large" fleets. ARB fleet size classifications and the years when the regulation becomes effective are:

- Large fleets, 5,001 horsepower and higher, 2010;
- Medium fleets, 1,501 to 5,000 horsepower, 2013; and
- Small fleets, 1,500 horsepower or less, 2015.

In the press release announcing adoption of the rule, the ARB noted that because many diesel engines lack emission controls and can remain in use for 30 years or longer, they will remain a major contributor to air pollution for years to come.

"The regulation," said the announcement, "will dramatically reduce emissions by installation of diesel soot filters and encouraging the replacement of older, dirtier engines with newer emission controlled models. By 2020, diesel particulate matter will be reduced by 74 percent and smog forming oxides of nitrogen by 32 percent, compared to what emissions would be without the regulation."

The ARB estimates that over its course the rule will prevent at least 4,000 premature deaths statewide and avoid \$18 to \$26 billion in premature death and health costs.

There was strong opposition to the proposed rule change with the costs for implementing equipment modifications the primary issue.

The ARB said it has performed a comprehensive economic analysis of the rule's impact on business, concluding that the regulation will cost industry up to \$3.5 billion over its lifetime.

"Staff reviewed individual companies' financial records and conducted numerous workshops to discuss the cost of the regulation as well as impacts on individual businesses," said the ARB press announcement. "ARB also gave special consideration to small businesses (small fleets have until 2015 to begin compliance, while large fleets must begin in 2010) to ensure that the regulation would not provide undue economic hardship."

However, some industry estimates place the cost between \$13 and \$16 billion. Some also question the availability of engineered solutions necessary to bring thousands of fleets containing hundreds of different models of machines into compliance during the time frame specified by the rule.

The new ARB regulation sets the stage for efforts next year to develop similar requirements for the hundreds of thousands of on-road trucks that travel on California's roads every day.

The ARB said that other sources of diesel particulate matter such as transit buses, trash trucks, cargo-handling equipment, ship auxiliary engines, along with diesel fuel, already have been addressed through other regulations.

To answer questions, the ARB maintains a toll-free diesel hotline, (866) 634-3735.

Complete information on the rule is available at [www.arb.ca.gov/msprog/ordiesel/ordiesel.htm](http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm) ■