

Alliance for California Business
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Alliance for California Business Zeroes in on CARB's Diesel Particulate Filter Requirement

The Alliance for California Business, a non-profit organization whose purpose is to protect and promote business growth throughout California, has struck again at the heart of the California Air Resources Board's ("CARB") requirement that diesel-powered trucks and buses statewide be equipped with Diesel Particulate Filters ("DPFs"). On Tuesday morning, the Alliance, whose members include truck owners and operators who haul goods throughout the state, filed a Motion for Preliminary Injunction in the Glenn County Superior Court in hopes to enjoin CARB's enforcement of this requirement under its Truck and Bus Regulation. As diesel repair shops fill with DPF-equipped trucks awaiting repair, this regulation has proven itself to be an enormous financial burden to Californians, and one which is quickly proving to be dangerous to California's motorists.

Even in the face of evidence showing that these devices are technologically flawed, pose a health and safety risk to Californians, and have the potential to hobble California's economy at a time when many small businesses are still trying to recover from the Great Recession of 2008, CARB continues to enforce the DPF requirement for those who have already installed DPFs on their vehicles or have purchased newer vehicles on which the DPF comes standard.

"Once you factor in high maintenance and repair costs, and possible replacement costs, the nearly \$20,000 for the aftermarket DPF is just the beginning," said Alliance member Betty Plowman. "At upwards of \$180,000 for the purchase of a new truck, it's no wonder small trucking companies are staring bankruptcy in the eye as they struggle to make payments."

In its motion, the Alliance attached the personal testimony of more than a dozen people who detail the nightmarish consequences of DPF use, both from health and safety standpoints, to mechanical and financial ones. "Small California businesses are being smothered under the costs of this regulation, and it's time CARB is forced to go back to the drawing board to prove that these products can be built to last and built with user safety in mind," said Alliance Chairman Bud Caldwell.

The witness testimony also describes in detail a chronic problem plaguing the DPF device which causes temperatures in the engine and the exhaust system to reach dangerously high levels, increasing the chances of spontaneous fire near the cab. Also, as mechanics describe in their testimony, the ways in which CARB's method of verifying certain DPF devices for certain truck activities, or "duty cycles" is a recipe for constant performance problems.

“The one-size-fits-all approach CARB has tried with these devices didn’t work when they first rolled out the DPFs, and it doesn’t work now,” explained Alliance member Tony Hobbs. “The DPF design doesn’t consider that trucks are very often used for different things throughout the year, so the right DPF for a long haul to Southern California in February will be the wrong DPF if that truck is hauling fruit ten miles during harvest season.”

This action by the Alliance comes on the heels of the Alliance’s pending lawsuit against CARB, in which it alleges that CARB executive officers failed to disclose to the public vital information that it had about the defective design of the DPFs required under the Truck and Bus Rule. The lawsuit also alleges that CARB’s Verification Regulation, which sets forth the requirements of DPF manufacturers before their products are verified by CARB, fails to test for safety in the context of normal operation, overheating or collision.

According to Alliance member Hank de Carbonel, CARB’s responses to questions of safety are anything but reassuring. “We have been told repeatedly by CARB that these DPFs have been ‘tested’,” lamented de Carbonel, “but nobody at CARB can point to a single field test that has been done for longevity and to show these devices are proven to be safe.”

CARB approved amendments to the Truck and Bus Regulation in 2011 and again in April of this year which have very temporarily delayed the compliance deadlines for truck and bus owners. The motion filed by the Alliance would prohibit CARB from requiring trucks to have a DPF device, pending a study and report on the mechanical reliability and safety issues.

The hearing will take place on November 7th at 1:00pm at the Glenn County courthouse in Willows.

Any persons having problems or questions regarding DPF devices should please contact Steve Caldwell, allianceforca@gmail.com or at (530) 342-6511.