

MS. MILLER: Okay. Is Mr. Allan Lind in the

4 audience? Allan Lind, followed by Chuck White. John
5 Fooks has withdrawn his name. After Chuck, it will be
6 John Paliwoda and then Tim Tutt.

7 MR. LIND: Thank you. I'm Allan Lind. I'm here
8 on behalf of the California Council for Environmental and
9 Economic Balance, or CCEEB.

10 I think some of you may know CCEEB is a nonprofit
11 association of business and labor and public officials
12 that seeks to achieve the state's environmental goals in a
13 manner consistent with a sound economy.

14 I just had a couple of questions for you, perhaps
15 a couple of suggestions.

16 The first question I have -- maybe you can tell
17 me -- there was supposed to be an AB 233 report by January
18 1st of 2009. And that report, for those of you in the
19 audience, was referred to as the strategic plan for
20 emission reductions due to diesel regulations. And I
21 understand that there is a lot of priorities that the
22 Board has to deal with, but maybe you can help us put it
23 in context. The Board had the opportunity to review the
24 plan twice, and both times they postponed it. And now
25 it's October of 2009, and that strategic plan still hasn't

1 seemed to surface yet, as far as I can tell. Maybe I'm
2 wrong.

3 And then I wanted to mention we have had a chance
4 to review your annual enforcement report. And I think
5 that is an excellent report for what it's intended to do.
6 But I think we'd like to think that there's more that can
7 be done with a document like that or another kind of a
8 document, a strategic plan for enforcement. The annual
9 report is very informative, but it's really all about
10 statistics and it's statistics on gotchas. How many cases
11 have been filed. How many citations have been issued.
12 How much penalty assessment has been achieved. It doesn't
13 get to the core mission of the Air Resources Board, which
14 is how much emission reductions have you achieved.

15 So I'm curious whether or not a strategic
16 enforcement plan could be cast in a way that takes -- that
17 its goal is to try to figure out what's the best way to
18 reduce emissions through our Enforcement Program, not just
19 catch people with paper cuts and create violations in that
20 manner.

21 It would be I think pretty interesting if we
22 could measure achievements in terms of compliance, for
23 example. There's really not a lot to be said in the
24 enforcement report about how effective ARB has been in
25 assisting parties who are subject to the regulations and

1 complying with it. I would consider that to be a really
2 high standard of achievement for the Board is how
3 effective the compliance programs are. And I'm sure
4 they're probably effective, but it's not described or
5 handled in the enforcement report very well.

6 And then, frankly, I'll get back to the earlier
7 point, the notion that enforcement should be measured just
8 possibly in terms of the cost effectiveness of your
9 emission reduction efforts or the results from on
10 enforcement. We can talk statistically about the
11 thousands of cases that you filed. It's not really clear
12 how much -- what emission reduction effectiveness is of
13 that enforcement. So we don't know how it compares to the
14 Carl Moyer program. I mean, gosh, if you're getting a ton
15 for \$16,000 of enforcement activity, maybe that's a good
16 thing. But there's no way of measuring that in your
17 report.

18 And ultimately, I think fair and balanced
19 enforcement really means the penalties are proportionate
20 to the violations. It's difficult to find that in your
21 overall enforcement report. And I think that would be
22 very helpful to the public to get a sense that these
23 penalties are, indeed, proportionate to the violation
24 whenever they are issued.

25 I think the last point that I'd like to leave you

1 with is I think you've heard a lot of excellent comments
2 from the audience here today. I think there's plenty of
3 room for improvement for our increased transparency. And
4 I think that supports the notion of having an ongoing
5 effort here.

6 And I know that your opening remarks you
7 suggested that we're not sure if there will be something
8 that goes beyond that. We would encourage you to give
9 serious consideration to establishing an ongoing working
10 group or advisory group to think through how to improve
11 the transparency of the process.

12 So that's I think the extent of our comments and
13 be happy to answer any questions if you had any.

14 Thank you.

15 MS. MILLER: Thank you.