



September 9, 2021

The Honorable Gavin Newsom
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

RE: Assembly Bill 1346 (Berman) – REQUEST FOR VETO

Dear Governor Newsom:

The Rural County Representatives of California (RCRC) respectfully urges your veto of Assembly Bill 1346. AB 1346, authored by Assembly Member Marc Berman, would accelerate the adoption of regulations by the California Air Resources Board (CARB) to prohibit engine exhaust and evaporative emissions from new small off-road engines (SORE). RCRC is an association of thirty-seven rural California counties, and our Board of Directors is comprised of one elected county supervisor from each member county.

RCRC member counties comprise the vast majority of the state's forested lands and high-fire hazard severity zones. As such, our communities have borne the majority of destruction caused by high severity wildfires and experienced most of the state's Public Safety Power Shut-off (PSPS) events. In a May 20, 2021 letter to the California Public Utilities Commission, Pacific Gas & Electric Company (PG&E) detailed the threefold increase of de-energization events in rural counties as a result of broadened decision-making criteria based on the risk of trees or limbs that could fall on distribution lines in high-fire threat communities.

While we do not dispute the significant smog-forming emissions produced by small, spark-ignition engines, it is very unfortunate that unreliable electricity in rural areas would greatly complicate the use of zero-emission SORE equipment. A premature transition to zero-emission SORE equipment may impede residential and commercial efforts to create and maintain fuel breaks and defensible space in forested communities. Furthermore, during PSPS events, rural residents, including the elderly and medically vulnerable on fixed incomes, rely on affordable back-up power procured through portable generators to keep mobile phones powered to receive emergency notifications, keep medication refrigerated, and/or keep breathing apparatuses charged for use during overnight hours when PSPS community resource centers are closed. Without available

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and affordable portable back-up generators, PSPS events externalize more pressure on local emergency responders that are increasingly spread too thin.

Additionally, AB 1346 would give CARB only six months from the effective date of the legislation to formally adopt a set of complex regulations to set emission standards on SORE equipment. By contrast, the regular rulemaking process under the Administrative Procedures Act provides guarantees more robust public noticing and public participation measures by allowing state agencies one year to complete a formal rulemaking. Should CARB ultimately pursue emergency rulemaking to satisfy the July 1, 2022 deadline pursuant to the bill, stakeholders would have only five calendar days to provide written comments with no guarantees of a response.

For these reasons, we respectfully request your veto of AB 1346, thus preserving CARB's ability to continue down their current path of regulating SORE, which proposes deferring the transition to zero-emission portable generators beginning with Model Year 2028 when it is expected to be more technologically feasible.

Sincerely,

A handwritten signature in purple ink that reads "Mary-Ann Warmerdam". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

MARY-ANN WARMERDAM
Senior Vice President Governmental Affairs

cc: The Honorable Marc Berman, Member of the State Assembly