STATE OF CALIFORNIA

MEETING OF THE

CALIFORNIA INSPECTION & MAINTENANCE REVIEW

COMMITTEE

Tuesday, September 26, 2006

California Department of Consumer Affairs

1625 N. Market Blvd., Hearing Room, First Floor

Sacramento, California

MEMBERS PRESENT:

VICTOR WEISSER, Chairman

DENNIS DECOTA

JEFFREY WILLIAMS

ROGER NICKEY

BRUCE HOTCHKISS

ELDON HEASTON

JUDE LAMARE

ROBERT PEARMAN

MEMBERS ABSENT:

GIDEON KRACOV

JOHN HISSERICH

PAUL ARNEY

TYRONE BUCKLEY

ALSO PRESENT:

ROCKY CARLISLE, Executive Officer

JANET BAKER, Administrative Staff

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P R O C E E D I N G S

CHAIR WEISSER: Okay, ladies and gentlemen, I'd like you to take your seats. I've got to follow my own admonition, please set your cell phones on stun. And I want to welcome you today to our Tuesday, the September 26, 2006, meeting of the Inspection and Maintenance Review Committee. I want to thank the Department of Consumer Affairs for allowing us to utilize this hearing room. It's a little bit dark, but I'm sure that has to do with our Flex Your Power campaign, our attempt to try to keep our energy utilization as reasonable as possible. Can you hear my voice okay? There's an indication from the audience, Rocky, that the sound system is not -

MR. CARLISLE: There's a button on the microphone. You have to push it and it turns on a little green light.

CHAIR WEISSER: Outside of that, how was the play, Mrs. Lincoln? I'm very sorry. This is okay, now? This is first time in my 17 years that someone has complained that they couldn't hear my voice. I'd like first to have the individual Committee Members introduce themselves. I'll start, I'm Vic Weisser. I'm the Chair of the Committee. And we'll start from the far left, Roger?

MEMBER NICKEY: I'm Roger Nickey.

MEMBER WILLIAMS: I'm Jeffrey Williams.

MEMBER LAMARE: I'm Jude Lamare.

MEMBER DECOTA: Dennis DeCota.

MEMBER PEARMAN: Robert Pearman.

MEMBER HEASTON: Eldon Heaston.

MEMBER HOTCHKISS: Bruce Hotchkiss.

CHAIR WEISSER: Thank you. I'd like to acknowledge that Sherry Mehl, the Chief Deputy Director of the Department of Consumer Affairs is here with us today. Sherry, I wonder if there's anything you'd like to share with us and the members of the public who are participating?

MS. MEHL: Yes, just very quickly I wanted to, on behalf of Charlene Zettel, the Director, who couldn't be here today, I wanted to come and welcome you to Department of Consumer Affairs and to our new hearing room. Also to let you know that we are very much interested in working with the IMRC and with ARB on issues that continue to include all of us but somehow have gotten a little bit fractured and I think my role and Charlene's role is to make sure that we are moving forward, that we have a big job ahead of us. We've got a lot of pollution out there in the air that we want to clean up and that we want to be a part of and I think we're all on the same team. I think we want to move together and to resolve some of these issues as quickly as possible. I hope that I can facilitate information that you need out of the Bureau of Automotive Repair, as well as working side-by-side on projects that we can all benefit from. So, with

that, I appreciate the opportunity to come here before you today.

CHAIR WEISSER: Well, Sherry, we really appreciate the gesture of you coming down and chatting with us. It has never been a doubt in the part of mind and I believe the minds of each and every Member on the Committee of the commitment the Department of Consumer Affairs has toward serving the public in this regard. While at times we have disagreed with some issues of program emphasis, it’s not based on any personal issues. I’ve known Charlene for longer than she or I would like to admit and I have great respect for her and for the work of the Department of Consumer Affairs and in particular for the work of the Bureau of Automotive Repair. That being said, one thing that you might want to update the Committee on are the efforts DCA is making associated with management positions, filling management positions within the Bureau of Automotive Repair. Is there anything you could share with us today?

MS. MEHL: Well, what I can share with you is that the Governor’s Office is working on an appointment of the BAR Chief. There is nothing to report at this time. I know that they have done some interviews for some of the positions. The Staff Manager II position was filled by Andrew Colotta (phonetic). I think many of you know or have heard of Andrew. He has been working on BAR budget and BAR

issues for many, many years and I think brings a great administrative background. We have the CEA position that we are also getting ready to interview for so we are moving very quickly to fill those leadership positions. And this is an opportunity to really look at that leadership and put together an excellent team. So that’s our goal and that’s where we’re going with it.

CHAIR WEISSER: What a terrific attitude. I might mention - I think I mentioned it at our last meeting, Jude and I are participants in a effort called the California Environmental Dialogue. That effort spent quite a bit of time looking at vehicle retirement programs. And I send a letter to the Secretary of the California Environmental Protection Agency and the Director of the Department of Consumer Affairs, and I think we also sent it to the Chair and Executive Officer of the Air Resources Board, calling for an effort to come - to bring various stakeholders together. This program is not only run - there’s not only a scrappage program here at BAR, every - many, many districts also have their own scrappage programs and we thought it would be very helpful to all the participants if there was some State-led effort to bring all stakeholders together so that they could share experiences, share what works, share data, and have an opportunity to coordinate their efforts. Charlene was the first of the State officials out of the box in terms of a constructive

response to that. I'm pleased to say that I heard this morning from the Air Resources Board and they are anxious to partner with DCA/BAR, also Cap COA and begin a process to provide a regular forum to stakeholders to deal with issues associated with accelerated vehicle retirement. I'm very appreciative of the leadership that DCA has shown in this regard; I think it's excellent.

MS. MEHL: Thank you.

CHAIR WEISSER: Any comments or questions from any other Members of the Committee? Well, I want to thank you very much for joining us and hosting us here in this hearing room. Thank you.

MS. MEHL: Thank you.

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CHAIR WEISSER: With that, we will move to our regular order of business, the first task of which is the review and approval of the minutes from our meeting of August 22nd. Has every Member of the Committee had an opportunity to review the minutes? Are there any suggested revisions to the minutes? Hearing none, is there a motion to adopt the minutes?

MEMBER DECOTA: I move to adopt the minutes.

MEMBER HOTCHKISS: Second.

CHAIR WEISSER: And it's seconded by Mr. Hotchkiss. Any discussion? Hearing none, all in favor, please signify by saying aye.

ALL MEMBERS: Aye.

CHAIR WEISSER: Aye. Any opposed? Hearing none, the minutes are unanimously adopted. We will not turn to our Executive Officer's Activity Report and the legislative update from Rocky Carlisle. Rocky?

-oOo-

MR. CARLISLE: Thank you, Mr. Chairman. This last month - at the last meeting, actually, the Chair had asked that we kind of form some kind of ad hoc group, if you will, and discuss a method or incentives to hopefully align the goals of the program with the goals of the stakeholders. For example, industry, the consumer, and technicians and shop owners. And so we've had two meetings to date. We've discussed a number of different issues. It's no easy task when you talk about, for example, the industry. Certainly the industry's heavily involved in the Smog Check program and they have a goal and you might say it's two goals; one is to clean the air, but they've got to make a profit to do. Otherwise they're out of business. We've looked at ways to incentivize the consumer, we've tried to figure out ways to incentivize also the technicians and again, align those three entities with the goals. So we're gonna continue to meet so that at some point in the near future we can bring something before this Committee that makes sense. I also discussed a data request with Dean Sato at South Coast Air

Quality Management District and we've requested that they have a remote sensing program they're going to launch in the not-to-distant future, so we've requested the emissions data from vehicles registered under the International Registration Plan so we can see if there is a problem with those vehicles. We've discussed this before. Currently there's about 1.7 million vehicles in the IRP, about ten percent of those DMV figures are gasoline powered and none of them, whether they're plated in California or whether they're plated in another state, are subject to the Smog Check program. And so we're going to be looking at that. We do have a request in to DMV to get the IRP data so we'll be able to look at those vehicles. I also arranged to purchase two months' worth of data that missing from the VID data. BAR didn't have a copy. I was able to get a copy through Sierra Research. And BAR assisted me in that endeavor and I've got to tell you, in the last three weeks, the retrieval of data and information has been fabulous with the Bureau of Automotive Repair. My compliments to Marty Gunn and Alan Coppage. And finally, I completed the draft of the IMRC report. I sent out part of it early last week and then the rest of it late last week or this current week, I guess. And everybody, I hope, has had a chance to at least read the Executive Summary. There was a significant rewrite on the program avoidance, but there were edits that

I got from both Jude and yourself, Mr. Chairman, that I've incorporated in this current draft. So hopefully we're getting close to sending this out for comment.

CHAIR WEISSER: Well, thank you for making my weekend, Rocky.

MR. CARLISLE: With regard to legislation, the only piece of legislation that's still somewhat alive is the AB1870. It went to the Governor's desk last Monday, a week ago yesterday. And as of last night it hadn't been signed. I don't know if it's been signed since we started this meeting today, but I do know that BAR is looking at a regulatory package to begin adopting that, so maybe it will actually be signed or maybe it'll just become law and he won't sign it at all. It can go either way. If he just ignores it, it becomes law automatically and I'm not sure exactly how long it has to sit on his desk before that happens, but I do know it becomes law.

CHAIR WEISSER: I believe the deadline for signing bills is the 30th, but I'm not certain; is that correct?

MR. CARLISLE: Yes, it is. That is the deadline.

CHAIR WEISSER: Well, we're getting close to the time, we'll find out pretty soon.

MR. CARLISLE: Right.

CHAIR WEISSER: Anything further on legislation?

MR. CARLISLE: That concludes the report. Everything else is -

CHAIR WEISSER: Are there any questions from any of the

Committee Members to Rocky? We'll now ask if the audience - if members of the audience have any comments or questions they'd like to ask. Mr. Peters? Rocky, am I accurate, as Mr. Peters approaches in saying this is not being webcast, I'm assuming?

MR. CARLISLE: That is correct.

CHAIR WEISSER: Is it - is there any way for public outside of the public in this room to get involved in this not -

MR. CARLISLE: Unless they're clairvoyant, no.

CHAIR WEISSER: Okay, thank you. Mr. Peters?

MR. PETERS: Mr. Chairman, Charlie Peters, Clean Air Performance Professionals representing motorists. A couple things; the Deputy Director was here and the issues of having meetings concerning - with stakeholders and scrappage was brought up and I - speaking for myself - I would very much like for that to be an open process and like to be invited to attend any of those kinds of meetings.

MR. CARLISLE: I'm assured that it will be a public process.

MR. PETERS: So I would - the way the presentation that this was seed (phonetic) that was doing this and so on and I think this is I/M Review Committee meeting business location not seed or other side interests of lobbying set up, but I - whatever, I would very much like to be informed and to be invited to be a part of that process. Second issue; I have been - had some interest in some of the vehicles in -

possibly available for Smog Check not participating with an example of U-Haul for decades and we have been addressing that issue, as I said, for decades and information provided that I received indicated a significant percentage of those subject to possibility of Smog Check. We're continuing to hear that this is just an extremely small percentage but no evidence provided, and I have provided evidence to the Committee that is different from what is being continuously spoken here and would certainly appreciate it if that would be looked into as to what potentially we're looking at here, as well as if there are other vehicles that meet similar criteria that could significantly improve the air in California. Thank you.

CHAIR WEISSER: Thank you. And I assume that is the intention of the staff is to continue their investigation and development of data on this issue; is that correct, Rocky?

MR. CARLISLE: Yes, we've requested the entire DMV database on IRP and -

CHAIR WEISSER: Thank you very much.

MR. CARLISLE: - so that will give us some of that information.

CHAIR WEISSER: Any other comments from the public? Okay. We'll move to the next item of business which is for an update from our BAR and ARB friends and we'll hear first from BAR.

-oOo-

MR. COPPAGE: Good morning, Mr. Chair, Committee. Alan Coppage, Bureau of Automotive Repair. It's kind of nice to sit down. This is kind of a unique presentation.

CHAIR WEISSER: You do have the electric buzzer on, Rocky, don't you?

MR. COPPAGE: Please take it easy with that thing.

CHAIR WEISSER: It's the ejection pod we were trying to arm right then.

MR. COPPAGE: Well, it's nice to be at the Department of Consumer Affairs. It was nice to see Chief Deputy Director Mehl in here welcoming all of us. I had looked at the optimum seating position with a few of our hidden spots. I saw Dr. Williams looking for an advantageous spot back there this morning. As I mentioned last month, there have been a number of vacancies at BAR. I just wanted to give you a quick update. Chief Deputy Director Mehl has been out at BAR splitting time between here and there trying to do - sitting in for Dick Ross, who is gone and many of you know that. We have Dennis Kennealy (phonetic), the Assistant Chief of the Bureau of Automotive Repair, who was at this meeting two months ago, maybe three months ago, and introduced himself to the Members. So we are still, as the Deputy Director mentioned, we're kind of in transition looking at filling some of those positions so I don't need to expound on that. My presentation will be relatively

brief this morning on the activities of BAR within the last month. Two weeks ago today, the Bureau of Automotive Repair held our Bureau Advisory Group, the BAG meeting that we have often, down in San Diego, a very nice hotel in hotel circle, the Hanalei. It felt like we'd all gone to Hawaii, very nice. And at the meeting, the DCA Director, Charlene Zettel, was there, spent a considerable amount of time at the meeting, along with Assistant Chief, Dennis Kennealy. I number of BAR staff were there. Marty Gunn and I were there as well. And I just wanted to share a little bit about what happened at that meeting. The opening for the BAR Ombudsman position that's now vacant was shared. The duty statement was shared with those in the know and Dennis Kennealy was very open and very articulate with sharing the need to have input from those in attendance in a couple of different topics. One of those topics was on the BAR web page. He wanted to have a subcommittee created to input BAR about the layout and construction of the BAR web page to make it user-friendly. I think we have crossed this topic a number of times with the Committee in the past and the huge amount of information that's available through BAR, it takes quite a craftsman to make it user-friendly. So we are seeking to do that with input from the industry. Sometimes just finding a test record is difficult because the way it looked a month ago isn't the way it looks today. Sometimes those changes

are necessary. So an invitation again was offered to be on a committee to advise the executive staff at BAR on how best to present the information that's needed there. We had a very good presentation from a gentleman with San Diego APCD, his name was Rob Reider (phonetic). He shared with them - or shared with the membership the efforts that San Diego is undertaking with their clean-air issues. He primarily focused on diesel emissions with border issues. It was very interesting. I would encourage you to possibly contact him if you'd like to hear further about what his presentation was on and it just specifically dealt with some demographics of the way the coastal issues down there are. It was very interesting how many people live within a certain amount of coastal area between San Diego County and how that attributes to some of the air issues that they have as well as their proximity to the border with Mexico, just some of those dynamics. That was a very good presentation. Marty Gunn shared some updates on some regulations and some things that are changing administratively with BAR. And I made a presentation to the group on the Dragnet Program. Some of you have heard through the news as well what's happened here, the street racing abatement program that was originally instituted by San Diego Police Department in response to too many street-racing-related deaths. I did a presentation on BAR's participation in that program and how

we partner with law enforcement now statewide to kind of put the brakes on the potential for street racing through the emissions-testing portion of those vehicles. It is a very dynamic program. It's having significant impact, not only from the Smog Check side, but also from the law enforcement side in really diminishing, and in some cases, eliminating street-racing related fatalities across the state. San Diego has enjoyed a significant decrease in their street-racing related deaths since 2004. They've had none in San Diego County and they had had 16 in the year 2004. So since then, we've had a significant impact. And it is a two-headed coin from the law enforcement, as well as from the clean air. So I shared with them what we were doing on that. As I said, it was a - Director Zettel and Assistant Chief Dennis Kennealy did a really good job in this and I think echoing what the Chief Deputy Director said trying to establish a cooperative tone, a collaborative tone, with the industry and with the membership to try to work together on moving forward with some of these issues in concert. That's a little bit about that BAG meeting and it's an outreach program. We had a fairly well-attended meeting, good comments from -

CHAIR WEISSER: What does fairly well-attended mean? Give me a sense of -

MR. COPPAGE: We had about 35 people in the room that night.

CHAIR WEISSER: Okay, thank you.

MR. COPPAGE: It wasn't overflowing, but there weren't three people there either, so that was good. Low pressure fuel evap, I haven't talked about that in a little while. Just really a status update for the benefit of the Members. We are proceeding with the regulatory package. It is not ready to submit at this point, but it's getting close. The questions that were compiled as a result of the workshops that BAR held in four areas of the state a few months ago now, we had shared with the Committee that those questions and answers would be shared with you as soon as they were available. I met with Sherry Mehl this morning, we went over that. Those questions are at the agency right now. They are very close to being let out and you will be among the first ones to have them when they come out. And the regulatory package, as I said, is being compiled for submission to the Office of Administrative Law for that. And that's pretty much it for BAR. Not a whole lot has transpired since the last time we met, but that's a quick update. Any questions?

CHAIR WEISSER: Are there any questions from Committee Members at this point? Not yet, but would you stay for a second? I'd like to invite the ARB up and then maybe address a question at both of you. Is ARB represented - here he is. Welcome to the IMRC.

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MR. KATO: Thank you, Mr. Chairman, Committee Members. Obviously I'm not James Goldstene. Probably a better looking individual if I may say so myself.

CHAIR WEISSER: Damning would fane praise, I think.

MR. KATO: That's right. John Kato, representing James today. No relation to the individuals from Toyota from CD meetings. James gives his condolences - not condolences, but his hello from Colorado and he regrets not being here, but he will definitely fill in more detail as I'm sure I will be lacking in some areas here. So he'll cover for that at the next IMRC meeting. Definitely I'll give him a load of his shoes to further elaborate on. But I have four areas to update you on that James and I had discussed to inform you on. First of all, I'll start off with the letter that CD gave to ARB and I'm glad that I'm seeing Victor is not going to give me the wrath of God against me so then some communication has been relayed ahead of time before a official response back.

CHAIR WEISSER: Five minutes before the meeting.

MR. KATO: Okay. But just to reiterate, we are definitely very supportive of a continued dialogue, a forum, and I believe James reiterated that BAR and ARB has definitely agreed to a joint venture, including the public, and that endeavor is definitely a positive and a needed dialogue. And we would

probably be more committing to this once our current regulatory process is completed. Then we'll probably jump more into that because my staff is currently focused on getting to the board with the VAVR regulations, but that's definitely coming down and a response should be coming down very shortly. The other things are we have SIP symposium, ARB's holding a SIP symposium October 12th at the Air Resources Board headquarters in Sacramento. This symposium provides a forum for ARB to present air quality goals, including I/M strategies and the information about the symposium is on our website. Some of the topics that aren't considered in the SIP, I think our rehash from last year's or previous ones, but low-pressure evap tests, more stringent cut-points, annual inspections for older vehicles, inspections for light and medium-duty diesel vehicles, broad spectrum of topics or considerations are mentioned in this round of SIP, so I don't necessarily have the details for each of those components and the complete list, but this year seems to be quite broad, or a lot of lists and a lot of ideas.

CHAIR WEISSER: And the date of that is October 12th?

MR. KATO: Yes.

CHAIR WEISSER: And the location of that is Sacramento?

MR. KATO: ARB headquarters, Sacramento.

CHAIR WEISSER: At ARB headquarters and people who are

interested in participating can find that on your website?

MR. KATO: Yes. And if there's difficulty, let myself or James know and we'll definitely provide you with a direct link.

CHAIR WEISSER: I would urge people who have an interest in this program to find the time to participate in this symposium. I suspect we're going to see some mention made of the Smog Check program -

MR. KATO: Yes.

CHAIR WEISSER: - and perhaps vehicle scrappage and other related issues and this is a crucial step in the building of the new SIP and I would truly urge those of you with an interest in the program to be at this symposium. Will there be an opportunity for the public to participate -

MR. KATO: I believe so.

CHAIR WEISSER: - and provide reaction and input?

MR. KATO: Should.

CHAIR WEISSER: And is BAR planning to participate?

MR. COPPAGE: Yes.

CHAIR WEISSER: Thank you. Please continue.

MR. KATO: Next, James wanted me to related to you the program evaluation update. BAR and ARB will be meeting in October to discuss the Smog Check program evaluation plan, which the Sierra Research folks are the contractors, and James promised to provide an update to the IMRC in October, so I'm sure that'll be full of detail and -

CHAIR WEISSER: But we are, I guess, expecting the report to be submitted on time since we've not been informed that it would be late; is that correct?

MR. KATO: I'm - I'm, yeah.

CHAIR WEISSER: Yes?

MR. KATO: I'm not - not positive.

CHAIR WEISSER: You're not sure.

MR. KATO: Not sure, not sure on that one.

CHAIR WEISSER: Well, we'd be very much interested in finding out what the timetable is for the development and submittal of the joint report. Thank you. Please continue.

MR. KATO: And then lastly, the RS3 report from ERG. Last week, James had indicated to me that we received the most recent draft from them, from our contractor ERG. Unfortunately, I haven't had a chance to review the data and I'm not sure if James had a chance to look at it before he went off to Colorado, but we do have the report and we're beginning the process of evaluating what it says and the data in there. I will commit James to providing you a more elaborate and detailed report on what it comprises of in October. So I'll put James on the hook for that.

CHAIR WEISSER: In my conversation with Tom Cackett prior to the meeting, he indicated much to my joy that you've committed a couple of topnotch staff to translate the report into a fashion where it will be optimally useful for the public and

for this Committee and we're grateful for that and Tom indicated the deadline - they're trying to maintain the existing deadline, which I think is the end of next month.

MR. KATO: Outstanding. And that essentially is the conclusion of my update.

CHAIR WEISSER: Thanks very much. Hang on for a second. Do we have any questions from Committee Members? Dennis?

MEMBER DECOTA: Well, my actual question is for you, Mr. Chairman, are we going to have our Executive Office at that SIP hearing?

CHAIR WEISSER: Yes, unless he's going away on vacation. Yes, he will be there. And we'll go first to Mr. Pearman.

MEMBER PEARMAN: On that same vein, do you know if that SIP conference will be webcast?

MEMBER DECOTA: Yes.

CHAIR WEISSER: The response from Dennis is yes, it will.

MR. KATO: I would say yes.

CHAIR WEISSER: ARB is really probably the agency with the foremost record of attempting to webcast its proceedings. It's really quite a leader in that regard. Mr. Williams?

MEMBER WILLIAMS: Since the report on remote sensing looks like it will emerge into the light of day within the next month, could we not (tape ends) -

Tape 1 of 3 - Side B

MEMBER WILLIAMS: … next meeting a presentation about its

results?

CHAIR WEISSER: We could consider doing that, but I would urge at this point that we leave the discretion to Rocky and myself to have conversations with ARB to see what stage they're in. Despite their best efforts on reports in the past, we've notice that at times they're unable to meet deadlines and I wouldn't want to commit to having them make a report until they are satisfied this report is ready for public view. We certainly will get an update on the progress to date on their development of their report, but I don't know if today is the right time to try to get them to try to commit to giving us the report because I don't know if it's going to be done.

MR. KATO: Thank you.

CHAIR WEISSER: Am I letting him off the hook too easy?

MEMBER WILLIAMS: Yes, you are, but why don't we say that if they - come on, we all want to hear this sooner rather than later and it would be a great thing to hear in October if it's ready, why not? Nothing works like a deadline.

MR. KATO: I'm sure James will make every effort to commit to the needs of this Committee, so I'll relay that to James.

CHAIR WEISSER: And their deadlines haven't changed. It's always next month. No, he's quite good. Any further questions or comments from Members of the Committee? I want to thank you very much. If you could hang around, there may

be questions coming from the audience that you might be helpful in responding to. Are there questions or comments from members of the audience? Mr. Peters?

MR. PETERS: Yes, thank you, Mr. Chairman. Charlie Peters, Clean Air Performance Professionals here representing motorists. I heard the Air Resources Board indicate quite a list of things being considered for the SIP as to ways of improving the program performance, possible things to add to the SIP. I would like to share with you Mr. Chairman, that I would like very much to see some consideration to find out if what's broken on a car gets fixed and to use that as the basis for improving program performance. I do not see any evidence whatsoever with us spending hundreds of millions of the public's money on the issue of Smog Check per year that the regulatory agency has ever found out if what's broken on the car gets repaired. I think that could be a significant improvement in program performance and would like for that to be added to the Committee's list of things, to the Air Resources Board and the Bureau of Automotive Repair's list of things to consider on improving program performance in California.

CHAIR WEISSER: Thank you, Mr. Peters. I note both ARB and BAR have taken those comments seriously and we'll attempt to be responsive to your interest. Thank you, Mr. Peters. Any other comments from members of the public? I want to thank

representatives from BAR and ARB. A pleasure as always.

MR. KATO: Thank you, Mr. Chairman.

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CHAIR WEISSER: And now, without any further adieu, we move to - okay, I guess that's our DCA high tech - very cool. What show are we going to be seeing and is there popcorn? We're going to hear now from Emily Wimberger who has joined us off and on now for quite a number of months and years as an associate of Dr. Williams. Emily, as each of you might want to consider, is availing herself to the disinfectants and the hand sanitizers and we're going to be getting a report from Emily on some Smog Check station stats.

MR. CARLISLE: If I might add, Mr. Chairman, you may want to - some of you may want to sit in the audience so you can see the presentation. It might be difficult from here. We got this late yesterday, so we don't have copies of this in your packet.

MS. WIMBERGER: Yes, I apologize.

CHAIR WEISSER: Yes, I can -

MS. WIMBERGER: I take it some people get the joke in the title. So today I'm going to talk about something that basically came out of the last presentation I made which was regarding station competition in Fresno. And something I really took away from that presentation was that before we get into really sophisticated analysis of station competition, we

talk about test-only versus test-and-repair. I think we tend to overlook some of the basic ideas. Specifically, I think that something that's really important is that we need to all come to an agreement, a concrete definition, of actually constitutes a Smog Check station. Sorry, this is really awkward talking like this. Then I can't see the projector, sorry. Anyways, going on. So it is really important, I think that, you know, we always talk about a Smog Check station, but how do we actually define a Smog Check station? And this is something I know I've totally taken for granted. You see a Smog Check station and that's how I define it. I see it, I see a location, I see a name, but how really is a Smog Check station defined? Is it by the station number, the station name, the location, is it by the owner, the technician? So I think it's a lot more complication that at least I was led to believe initially. So, as I was saying, I think we really tend to look at just the bare cross-section of Smog Check stations. And at least I tend to assume that it's a static thing, that a station exists and then it might not exist, but that it doesn't really go through any dynamic changes. And this is something I really think that we need to address and really look at the time series of Smog Check stations. I'm sorry, I'm not feeling too well today. So my goal is to obtain data on all the Smog Check stations that have been

registered from June of 1998 to May of 2006. And this corresponds to the cache of VID that Dr. Williams and I currently have been working on. To that end, I have parceled together some information, a lot thanks to Rocky and his fortitude. I've also gotten some information from the BAR website, as well as the VID. And I don't have information yet on all the station license numbers, but any help that BAR could give in that regard would be greatly, greatly appreciated. Some of the collected information includes license number, the address, station name, registration status, as well as station owner information. So how do we define a Smog Check station and does this definition differ by viewpoint? Do consumers have one definition of what constitutes a Smog Check station? Does industry have another? Let's look at some statistics. If we use the station license number as our unit of measure, there are at least 22,870 unique station license numbers. I say at least because I'm not really sure that I have the comprehensive list of all station numbers during this time period. Of those stations, almost 20,000 are registered as test-and-repair and 2,588 are test-only licenses. Looking at station addresses, station addresses have been associated with over 10,000 of these license numbers, but I think this is the more surprising statistic is that we did not find address information for 12,662 of the license numbers. So

over half of the stations we just did not have any information; 6329 of the addresses that we did find are unique. That means that 3,800 addresses are associated with more than one license number. If we look at inspections conducted by locations over the time series of the data, we see that the blue represents the addresses that we found and the red are the unknown addresses. So really prior to May of 03, there's quite a bit of unknown station addresses and names. So this is really something that kind of alarms me. You figure that if a station number is in a database somewhere then there should be some more information about that station. And right here, this does not go to zero, but the scale's a little off. So this represents a much smaller proportion as of 2003, but it still is a significant number of stations. And some people might question, well, why do you need to go back all the way to 1998 when we have great data right here? Well, if the data exists, it's hard to just throw it away, there has to be some value and Dr. Williams is specifically interested in this data right here in order to solve the Sample D problem, to try to construct the original Sample D. But the question remains, why are there any station numbers where we do not know the addresses? Well, what happens if we define a Smog Check by its name? There's 10,208 station license numbers that are associated with a station name. And 7,311 of these are

unique. So this means that almost 3,000 station names are shared by more than one license number. And this could be a chain, these do include chains. But if the name of the station is Pep Boys No. 477 and there's another Pep Boys No. 478, those are considered different station names. So it really seems to matter how we define a Smog Check station even to compute a really basic statistic, like how many Smog Check stations are there and have there been since June of 1998. The numbers really do vary. There are a few complications in the definition aside from the ones that we just looked at. The fact that there are almost 13,000 station licenses that show up in the BAR website, BAR data and the VID, but we don't have any real information about them is really puzzlesome. It seems that if the license number exists that surely there must be some more information out there. I think it's really helpful to look at some examples. Sometimes statistics get a little boring, so we're going to focus on a county that I have grown to love, which is Fresno County. So there's 274 station license numbers that have addresses located in Fresno County; 213 of these of these address are unique. That means that 61 addresses in Fresno County are associated with more than one license number, but what does this really mean? Let's look at some examples. So here we have two distinct addresses; 736 Clovis Avenue. This one address is

associated with two different license numbers, RL224705 and RJ212857, both of which have the name of Speedy Oil and are owned by the same individual. So this kind of begs the question, while it's the same address, the same name, the same owner, is it considered one shop or this two shops? So do we go by the address, the name, or do we go by the license numbers. There's another example; two different shops with two different station numbers share the same address over the time series of the data. These are owned by two different individuals. So again, is this one station, is it two? Do we go by the location, the station numbers, the names of the station? It seems like it's kind of a complicated issue. Talking about stations switching license numbers, there's nine stations in Fresno County over this time period that have actually switched classification from test-only to test-and-repair or test-and-repair to test-only. And as we see, it's not all one-sided as people might have thought previously, that actually about an even number of stations switched from test-only to test-and-repair. Just to put that in context, in LA County, 80 stations switched - 80 station addresses switched classifications out of a total of 2,623 total addresses in LA County. So this means that basically there were ten times more addresses in LA County and about ten times more stations switched classifications. Let's look at another

specific example. This is one address, 2597 North Blackstone Avenue in Fresno, and it has quite a crazy history. Four different station numbers have existed at this one location, there have been two or three different names, depending on how you classify that. So first it was a test-and-repair station, Payless Smog, that was cited for clean-piping and its license was revoked in April of 95. Next it existed as Cost-Less Smog, also a test-and-repair station. Its license was also revoked for clean-piping on January 20th of 2000. Then we see it now becomes a test-only station under the same name, Cost-Less Smog. This license expired in May of 05 and then a new station license number was issued to Cost-Low Smog, which is currently in operation. So again, how many stations do we have in this little diagram. It's one address, there's three different names, two different classifications of stations, all owned by different individuals. Here's another example on West Shaw Avenue. Three different station names have existed at this location, three different station license numbers, and there's been two different owners. So first it was a P&B Gasoline, a test-and-repair station, which the license expired in 05. Next it was a test-and-repair, Shaw Arco, which expired in 05. And then it changed classifications to test-only and it is actually still conducting Smog Checks. The license expired, but I called and they're still - they

still wanted to make me an appointment. But these two Shaw Arco's right here, this is owned by the same individual. So again, how many different stations does this constitute? Is Shaw Arco one station even though it changed classifications and station numbers? But it's got the same location, the same name, the same owner. I think it's a very complicated issue. If we look at the time series of Shaw Arco and the address at 1785 West Shaw, we see that it conducted an average number of tests for Fresno, which was about 150 per month over the time period. This kind of leads to another question; can looking at the time series of a specific address tell us anything about the stations and how we define those stations? We found a very interesting time series right here, this is at 1835 North Blackstone Avenue in Fresno, which I've labeled address code 6558. And you see there are some lulls. There's lots of activity and then no activity and then lots of activity. So we thought it would be interesting to try to go back and look at the data, look at the information we have about the station and see if we could reconstruct what was going on at this location. So we took a different approach to this. We said what if actually we define a station by the machine that's used at the shop? So if one machine is used at more than one location, we consider that one shop. Machines seem to be somewhat difficult to move. They don't appear to be swapped

between stations very often. So looking at the address code 6558, we found that the station at this address used machine WP391188. Well, we also found that there was some other station - there was another station number that had utilized that same machine for which we were missing an address code. So in an attempt to figure out the address code, we went to BAR's website. The first thing we did, I plugged in the license number into BAR's search engine and that yielded no results. So the next step was we had realized that the station number TK202127 had conducted a test in 99 and 2000 on two different VINs. So we thought, hey, we'll take the VIN number and we will plug the VIN into BAR's query for vehicle history. So here we have the VIN right here that the test was conducted on February 8th of 2000 and we find that it was conducted at Witness Smog in Fresno. So great. Then we thought, hey, let's plus Witness Smog into BAR's search engine. You plug Witness Smog as a name into BAR's search engine and what you come up with is a different license number, TM208481, at 1835, which corresponds to the address of our time series. So basically we were looking for information regarding the station number. We couldn't find any using the station number, so went and used the VIN. Plugging in the VIN, we found out that it was conducted at Witness Smog. This test was conducted at Witness Smog. Plugging Witness Smog into the BAR database gave us

information about this station number. So we could find really no record of this station ever existing aside from the VID. This is all VID data. So that begs the question; are these the same stations? They appear to have the same station name, maybe the same address, they share the same machine, but we're just not sure. So it really does seem that coming up with a clear-cut definition of what a Smog Check station is, is really not easy, nor is navigating the information on BAR's website, so I think it's a good idea to kind of go back and examine how to make that more user-friendly. A lot more analysis really does need to be conducted and I think we really need to work on a definition of what is a Smog Check station. And the reason I think this is very important and Dr. Williams would agree, is that we know vehicle history is really important. It only makes sense that station history would also play a role in pass-fail rates, in the comparison of test-only and test-and-repair classifications, so it really seems that obtaining more information about stations will help us to compare classifications and really analyze them more accurately. So again, I think our biggest - this is just very preliminary, but the biggest step I see going forward is that we really need to find some more station history data. It has to be out there. If a station was registered, it only makes sense that there should be at least some information regarding

it’s existence and I think that will really help us to accurately talk about test-only and test-and-repair stations, different classifications, and really lead to more accurate analyses.

MR. CARLISLE: It’ll take 90 seconds for that bulb to relight.

CHAIR WEISSER: Okay, we’re on. Jeffrey, could you speak into the mic, I’m sorry.

MEMBER WILLIAMS: The Witness Smog example had several other things interesting about it. When it looks like the ownership changed in that period in February 2000, but the previous tech stayed until April doing tests and the new owner didn’t start doing tests until late March. It looked like there was a two-week overlap. Perhaps there was something going on, I don’t know what. So when do you say the ownership even changed? That’s not clear, is it? And you notice there was another gap where there was about nine months of no tests done. There’s no evidence anywhere in the data that that machine or that tech did any tests?

MS. WIMBERGER: I think it was a very long vacation.

MEMBER WILLIAMS: Or maybe he was a guest of the state someplace, who knows, right? It’s still the same station, though. And interestingly, the other tech that used to be at that shop is now working at another Fresno station on the same street.

CHAIR WEISSER: On the same street.

MEMBER WILLIAMS: So did he take business, who knows? It makes it even more complicated.

CHAIR WEISSER: So -

MEMBER WILLIAMS: A final thing to show on that VIN that I used which was the last - the first VIN of the new owner - or the last VIN of the old owner, right?

MS. WIMBERGER: Yes.

MEMBER WILLIAMS: Let’s look at that one again.

CHAIR WEISSER: This is on the Colt?

MS. WIMBERGER: Yes.

MEMBER WILLIAMS: These are picked at random. But you ought to look at this test history itself, it’s fascinating.

CHAIR WEISSER: Well, my question is which one of you is Sherlock Holmes and which one is Watson. I mean, Emily, your presentation is so interesting because you do cast it in sort of this is kind of an interesting mystery, a little puzzle.

MS. WIMBERGER: Well, we just spent so much time just looking at all these little anomalies that I didn’t know existed.

CHAIR WEISSER: And your fundamental question - what’s Smog Check - what is a station, it’s a very fundamental question necessary to do a lot of data analyses. I’d love to see a data analysis run of failure rates between stations that have switched from test-only to test-and-repair and test-and-repair to test-only. Wouldn’t that be interesting?

MS. WIMBERGER: I'm very interested to see if we did a failure rate by technician if that would be radically different.

CHAIR WEISSER: We're going to open this up for questions and comments from the Committee in a moment.

MEMBER WILLIAMS: The last test was March 10th, 2003, at Witness Smog, which is the one we were finding, so it went back to shop -

CHAIR WEISSER: To the original one.

MEMBER WILLIAMS: - the original shop, but it did a lot of other things. If we start really at the beginning, in its cycle in 2000, what's in red is the end of - at Crown Shell, it was found to be tampered. A week later, it just fails at Witness Smog, it goes back to Crown Shell that same afternoon and fails. It is back at Witness Smog two weeks later, fails. Then it tries Budget Smog, fails.

MS. WIMBERGER: This motorist seems somewhat desperate.

MEMBER WILLIAMS: And they're at Budget Smog the next day and it passes.

CHAIR WEISSER: Oh, God.

MEMBER WILLIAMS: And a year later - I don't know why it's a year, maybe this was a change of ownership, I didn't look at all that. It then fails and then an hour later passes.

MS. WIMBERGER: Something I think is very interesting as well is that -

MEMBER WILLIAMS: And another year after it's back to where it

started tampered, so -

MS. WIMBERGER: And this vehicle -

MEMBER WILLIAMS: - it's a little disconcerting.

MS. WIMBERGER: - this vehicle goes back to Witness Smog in 2003, so I think it's kind of interesting to look at it. So did this consumer think that he was going back to the same station? It was a different owner, a different license number, but from a motorist standpoint, it's the same location, it's the same name; is it the same station?

MEMBER WILLIAMS: I'm saying the tech that did the red is now at another shop.

CHAIR WEISSER: Are you still driving this Colt, Emily?

MS. WIMBERGER: That's why I don't have a car. My Colt killed me.

MEMBER WILLIAMS: But there's one last point on the - so look at the Belmont Smog Center, the last one, the 11th of December of 2000, a tamper, it finally passes on the 10th of March. I haven't looked at the dates when these are due, but that car (tape ends) -

Tape 2 of 3 - Side A

MEMBER WILLIAMS: It looks like it's met its demise somehow because there isn't one in 2005.

MS. WIMBERGER: Luckily.

MEMBER WILLIAMS: But that history has to make us really worried. And I just picked that VIN at random.

MS. WIMBERGER: In going back to the VID data right here, the last two inspections were conducted by the same technician. These two, who then just moved up the street to a different Smog Check station on North Blackstone. And then this technician continued to conduct tests until April 10th when the new owner started conducting tests. So even though the license number changed, it doesn't look like the new owner actually started working until April. So that is also slightly interesting.

CHAIR WEISSER: Lots of good, interesting information.

MS. WIMBERGER: Really interesting.

CHAIR WEISSER: More questions, more questions, more questions. Dennis, you said you had something you wanted to toss out regarding the station -

MEMBER DECOTA: I was just wondering, were you able to decipher the automotive repair dealer Smog Check as a license?

MS. WIMBERGER: Yes.

MEMBER DECOTA: And the Smog Check station also has a license.

MS. WIMBERGER: Yes.

MEMBER DECOTA: Each station would have at least two licenses.

MS. WIMBERGER: Yes, they come up differently. If you query for a Smog Check license, the other one comes up, but we didn't use that in the presentation.

CHAIR WEISSER: Mr. Pearman?

MEMBER DECOTA: It seemed like you hold the station count way

above what there is out there, in the 19,000s.

MS. WIMBERGER: Yes, and that's over the - that's what has existed over the entire data period from 98 to 2006. so we were going for the total number.

CHAIR WEISSER: Okay. Mr. Pearman?

MEMBER PEARMAN: There was a chart, I think it was called inspectors conducting inspections, where you had the blue line and the red line that you showed in terms of the - where you had number of addressed that you had found?

MS. WIMBERGER: Yes.

MEMBER PEARMAN: Yes, just where it comes to almost zero after 2002, does that mean at that point in time you basically knew or the system knew all the addresses of stations existing after that or what exactly does that mean?

MS. WIMBERGER: The records got a lot better. The proportion of unknown addresses went way, way down.

MEMBER PEARMAN: Is there any explanation that you were given as to why things got so accurate?

MS. WIMBERGER: No, we didn't really ask, but we didn't really get anything.

MEMBER PEARMAN: Thank you.

CHAIR WEISSER: Mr. Hotchkiss?

MEMBER HOTCHKISS: I'm just wondering you do all your queries through the website query system?

MS. WIMBERGER: We collected information kind of piece meal.

Rocky had some station information, some lists of addresses and station numbers. We also went into the VID and tried to locate to - we tried to make a master list. Dr. Williams did of all the station numbers that had conducted tests over this time period and then to try to find more information, we did go and just used the query search on the website.

MEMBER HOTCHKISS: And I'm just wondering if the internal query system might be more accurate than the external. I mean, you could go in through the VID, the NGET, or you could go in through the TIEL (phonetic) system, which gives all kinds of license information that probably isn't available through the website.

MS. WIMBERGER: That's a good point.

CHAIR WEISSER: Will there be differences actually in the data that's available through the website versus what you could get through TIEL or -

MEMBER HOTCHKISS: I don't know. I've never actually done a comparison so I don't know.

CHAIR WEISSER: That would be something -

MS. WIMBERGER: That would.

CHAIR WEISSER: - reasonable to find out. We'll start with Mr. Nickey.

MEMBER NICKEY: Just a couple comments to address the fail/pass within an hour or even within a few minutes. Sometimes you can get a fail, the customer was out in the parking lot and

fixes it. Idle speed's a good example of that. They'll reset it, come back in, and retest it. Another one is a technician makes a wrong entry, accidentally fails the vehicle, we retest it without it ever leaving the machine and that could be just a few minutes later. The part-time tech thing, one tech showing up at two or three different locations, that's not unusual. There are several techs that I can think of right offhand that work in two or maybe even three different locations. They work in a repair shop all week and come work test-only on Saturday, so they show up in two different places, two different kind of shops.

CHAIR WEISSER: That makes sense. Jude?

MEMBER LAMARE: Thank you, Mr. Chairman. I guess number one is that looking at the history and the history of the data seems to show that there's a shift in May 2003 in terms of the clarity of the data or the completeness of the data. And I took from that something about the historic data being really kind of dirty, and so we know that policies about performance have been made based on data analysis that was done on 2000, 2001, 2002, so I'm assuming then that we might want to question those policies that - simply because they have been made based on historic data that now looks to be pretty unclear. Would you agree; is that one of your thoughts about this?

MS. WIMBERGER: I would definitely agree. I think - and it's

not so much that the data is dirty per se, it's just that we didn't find it, that we couldn't really find much information before May of 2003. But I definitely think given that a lot of policies that are very important to the current Smog Check program are based on analysis that was conducted in 2000 and prior to May of 2003. I think it is really important that we try to get complete data and try to analyze - to try to look at the complete history of a station. I think that's very important as far as how it fits in a classification, how it fits when we talk about top performers, bottom performers. I think you need to know what that station's been doing if that's what we're going to use as our unit of measure. We need to know what that station's been doing for the existence of the station.

MEMBER LAMARE: Would it be useful to just sort the stations into those that have clear histories versus those that have muddy histories and start there or have several different classifications with clearly identifying those stations that have sort of a transparent history?

MS. WIMBERGER: I think that's a good idea. I think first, though, we need to come to a consensus about what is - if there's a change in license number, is that a new station. I think we really need to come to a definition of what we are going to look at as a station.

MEMBER LAMARE: But could we get a sort just on stations that

have consistent - only one license number, one address, one owner?

MS. WIMBERGER: Yes, that could be done.

MEMBER LAMARE: And find out how many stations that is and how many of them are test-only and how many of them are test-and-repair and how many of them are Gold Shield and sort of understand the group that doesn't have any of these problems?

MS. WIMBERGER: Yes, that would - we didn't look at that, but that would be very interesting.

MEMBER LAMARE: Because we don't - from what you're telling us, we don't - we get a picture that there's quite a few stations out there that prior to 2003 didn't have addresses that we can't find address associated with them.

MS. WIMBERGER: Yes.

MEMBER LAMARE: And I can see your concern about the Bureau not be able to share with you information about those stations. But still, it would be helpful to IMRC to get a picture of what are the stable, kind of transparent category, how many are in there and how are they distributed and so on versus those that aren't clear. And then it sounds to me like you're saying that the history to understand station performance or technician performance or owner performance that you need to know the history back to however long this person or station or location has been involved in the Smog

Check process or program. But I'm not sure that I'm clear on why it is we need to know the history or that we need to know the detailed history if we're asking people to perform a job. Can't we just say in the last two years they have done a good job or a bad job? How do we - why do we need to know the history in order to do that?

MS. WIMBERGER: I think something - a bigger reason for me is looking at it from the station definition as the industry sees it and as the consumer sees it. So if there is a significant portion of stations that are switching classifications, in Fresno and LA County it's about three percent, if the station has changed classifications but it still has the same location and the same name, if I'm a consumer and two years ago I went to Shaw Arco test-and-repair station and I go back to Shaw Arco test-only station, I think that is a different sort of maybe volunteer and there's maybe going to be a different sort of fleet that is going to that station than say a test-only station that has always been a test-only station. I think something else - you know, a technician who has worked at a test-only station for many years and then it switches classification or changes shop, I think that's important to look at.

CHAIR WEISSER: One of the things that struck me was the data bit associated with the station whose license had expired but was still conducting at least one test, which leads me

to believe that there's no integration of the licensing system with the testing system; is that accurate?

MS. WIMBERGER: It could be, I'm not really sure. The license for that station had expired on August 31st and I called on September 20th, so it might have been that the site hadn't been updated yet, but I'm not really sure if there's a delay and that sort of thing.

CHAIR WEISSER: Well, I'd be interested in hearing from Bruce or anybody else who can illuminate me in that regard. I can tell you that when I was at the Public Utilities Commission doing trucking regulation, we had that same challenge integrating licensing with the actual performance of the work.

MEMBER HOTCHKISS: I think part of it may come - and BAR can correct me if I'm wrong, from the fact that there are different databases.

CHAIR WEISSER: Right, and they're not integrated.

MEMBER HOTCHKISS: And they're not integrated, but I don't think it means that they were operating without a license. Generally in the VID, the NGET system and the old system that - that was updated relatively quickly so if a shop was late getting their license renewed, especially with a Smog Station, that'll be the first one that's updated because if the license isn't current, it automatically locks them out. So in order to avoid that, it shuts the machine down,

basically.

CHAIR WEISSER: That's what I would have thought.

MEMBER HOTCHKISS: Right. So in order to avoid that, it's like as soon as the payment is made, somebody will go in and update that information whereas some of the other licensing data might not be updated that quickly.

CHAIR WEISSER: Okay. Thank you.

MS. WIMBERGER: And I think in my dreams, there's a huge master spread sheet that has every station license number that has ever been registered in California and the address and the name and the owner. And so I think this, if nothing else, has really shown me that that's not reality and that there are many different pieces that you have to put together in order to come up with this Holy Grail of spreadsheets, but that's the goal.

CHAIR WEISSER: You're working way too much on this stuff, Emily. This is so interesting. It really does raise some fundamental issues that we're going to have to wrestle with actually in the future in terms of being able to come up with a methodology - not just us, but BAR and ARB are, in terms of evaluating station-type performance. You certainly do need to define what's a station.

MS. WIMBERGER: And it's very interesting, I think, that one of these stations, the Shaw Arco, I actually highlighted that in my last presentation. And the only Shaw Arco that I had

in that presentation was the last test-only Shaw Arco and I was showing how many inspections had been conducted per month. And so I showed it began business in 2003, so it kind of showed me how much I had relied on a certain definition that totally could have altered that presentation. So I thought that was pretty interesting.

CHAIR WEISSER: Roger?

MR. NICKEY: Well, as a shop owner, I am just stunned that the all-seeing eye of the BAR isn't right on top of this stuff and knows every station at every location and the information is right up to date.

CHAIR WEISSER: Yes, it's shocking. I'd like to entertain questions at this time from our Executive Director or from the public. Rocky, is there anything you'd like to add to this discussion at this time?

MR. CARLISLE: I was just going to mention, Mr. Chairman, that with retrieving the data, we got data from the VID, we got it from TIEL, we got it from a number of sources and I had suggested to Emily before the meeting that maybe after this meeting would be a good time to meet with Bureau engineering and operations staff to see exactly what it is we're missing and if it is retrievable. Because some of the records are simply over-written, and therefore you would have no historical data.

CHAIR WEISSER: Thank you. I didn't -

MS. WIMBERGER: And it was very hard. A lot of the data, there was no contacts. Rocky would work really hard to get these Excel spreadsheets, but there was no date, no - it was really hard to kind of put it all together and come up with a big master list.

CHAIR WEISSER: Give them advance warning when you're coming.

MS. WIMBERGER: I give Rocky a lot of credit. He really worked really hard getting a lot of this data.

CHAIR WEISSER: Okay. Questions from the public. We'll start with Mr. Rice.

MR. RICE: Good morning, Bud Rice with Quality Tune-Up Shops. Emily, if you'll do me a favor.

MS. WIMBERGER: Yes.

MR. RICE: You had a slide that had an address code.

MS. WIMBERGER: Oh, the - where was that. Oh, I'm going backwards, sorry.

MR. RICE: There it was.

MS. WIMBERGER: Oh, this one?

MR. RICE: Now here you're showing the station number and I think during your presentation you were kind of pointing to the fact that the station numbers were changing. That station number that's in there, though, that's not something that the end user would have any control over. In my mind, it would only be the BAR and the service personnel of the particular piece of equipment that would have access to be

able to put that number in.

MS. WIMBERGER: To put the station number?

MR. RICE: Into this machine, right? I guess my question is, how does that number get there?

MS. WIMBERGER: Into the VID?

MR. RICE: Yes.

MS. WIMBERGER: I have no idea.

MR. RICE: I think it’s only going to come from the BAR and a service technician that’s working on that piece of equipment. It’s the only way that number’s going in there.

MS. WIMBERGER: That’s what I was under the assumption that this was plugged in at the time of the test.

MR. RICE: So if it’s switching - not at the time of the test -

MS. WIMBERGER: Oh.

MR. RICE: - when the machine is set up or modified by a service tech - and I’m not talk about the smog tech, I’m talking about SPX or one of those kinds of people, are in setting up the equipment for use at the station or a BAR guy comes in and makes modifications to the licenses because there’s been a change of ownership or there’s been - so if those numbers are changing, it could only come from those two places. Repair of the manufacturer or the BAR, I would think. So that was my only comment. Thank you.

CHAIR WEISSER: Thanks, Bud. Randy?

MR. WARD: Good morning. Randy Ward representing SAISHA

(phonetic). Emily must really want this graduate degree. I've spent a lot of time with these numbers and it can cause your mind to boggle. I've got to believe the BAR has a consolidated list and knows what licenses are up to date, but I will say in terms of convenience on the website search, you cannot find in one place, the license number, address, business owner address, and contact information in one place. You have to go to two different places and it's a time-consuming step. Because our association has attempted to use it to contact owners with regard to meetings and important events and things like that and it's very, very time consuming. So there are other people out there that have played this game, Emily, so you have some sympathy. Also, something that I think is particularly important that I think needs to be mentioned here is that ownership change may not mean ownership change. And those that are in the industry clearly understand that in many cases, it's precipitated by some type of a BAR enforcement action. That station reopens and it's essentially the same owner, but the license is under a different name. And it could be nepotism or whatever. The BAR's aware of this, certainly the competitors in the area are aware of it. I get the complaints all the time, the Bureau gets the complaints all the time, and in fairness to the Bureau, their hands are tied because they cannot ask for certain

financial information, bank statements, tax records. And of course if you look at the statute, it specifically states that there can't be any financial relationship between a test-only and a test-and-repair, but it would also give that information if the owner was still operating under his mother-in-law's name or some other name and he was in fact operating it if his financials had to be disclosed to the Bureau. So that may be something that the IMRC wants to think about within the context of giving the Bureau some additional authority so that they can look at those things. It is a big issue. When you hear it from the marketplace, it's hard to measure how big it is, but when I hear it and I'm sure Dennis hears it, it's very, very, loud.

CHAIR WEISSER: Well, I'm not even sure how big you need to be for this to be a big problem. That sort of opportunity to flaunt the system and to undermine the impact of enforcement and the credibility of enforcement, you don't need many instances of sham behavior in terms of re-licensing under a relative or relative's name for the credibility of the program to just plummet. I think it's a serious issue, but I have no idea how you solve it.

MR. RICE: The BAR has a very difficult time with it and I know that on licensing, they do their level best within the context of that investigation to ensure it doesn't happen, but they have limited authority and limited information. As

a piece of anecdotal information, I had one that was particularly interesting. I got a phone call asking for advise on an attorney and I said, well, what's the problem? And they said, well, we own a used-car lot, but we also own a Smog Check station and the Smog Check station's in our daughter's name. Well, she's just about ready to graduate from law school and if she gets convicted of a felony because the station was under violation, she won't be able to take the BAR.

CHAIR WEISSER: True. Mr. Peters?

MR. PETERS: Yes, Mr. Chairman, I am Charlie Peters, Clean Air Performance Professionals here representing the motorist issues. We seem to talk an awful lot about trying to figure out who these station owners are, but we don't seem to have any interest in this car that's being inspected, whether that's consistent, whether the car that's broken is actually found, whether what's broken on the car actually gets repaired, and it doesn't seem to me as though any of this other discussion matters at all unless that matters. You may evaluate a station according to whether or not it's results on the VID meet the criteria that is set up, that's appropriate, and they may have a huge number of inappropriate activities. Or visa versa, you may end up showing a station that has a huge amount of discrepancies from the acceptable VID behavior and they're doing every car

right. So unless you actually go out and determine whether what is wrong with the car, take it out and get it inspected, get it certified and find out whether or not what was broken was identified, whether or not what was identified was repaired, all of this rhetoric has nothing to do with evaluating the program, it has nothing to do with air quality in the state of California, it is bogus information, it is a waste of everybody here's time unless we do something to find out if these cars are broken and whether or not they get what is specifically is wrong with them get fixed, this meeting is a fraud and a sham.

CHAIR WEISSER: Thank you, Mr. Peters. Is there any further public comment? Mr. Williams?

MEMBER WILLIAMS: I'd like to reiterate that in evaluating station performance or the entire program, it's the history of the vehicles that seems to matter, that is if a car that failed two years ago passes this time that's good news, and if it fails again, that's bad news. And precisely to trace the history, we need to identify where the technician who did it and the station where it was done to see if there was a pattern in that. So using the VID data itself will get at the very issues that Mr. Peters wants. It's essential to have more accurate information about the histories then. I disagree strongly with his suggestion that there's nothing to be learned from the data themselves.

CHAIR WEISSER: Thank you, Mr. Williams. Mr. DeCota?

MEMBER DECOTA: I thought that the VID data on the Dodge and the tamper rate and the pass/fail rate was amazing. I really think that something can be learned from that situation and that's the type of thing that would be a very proactive industry tool if we did develop some type of criteria and out of these types of things we get to understand. Because I've looked at that list, too, and it is confusing. I know I have numbers that are on there six and seven times and I know that they don't have six or seven locations. I know what Emily is looking at. I see it also. But it's confusing and they may have an interest in other business, too. I don't know if that's what's causing it, but we do need to come up something that we can all follow and I think this is a good start.

MS. WIMBERGER: I think in response to Mr. Peters as well, I would say I think understanding just what Mr. DeCota was saying, understanding this sequence of events and figuring out a way to identify the stations that are misdiagnosing broken cars. I think that's really important to actually figuring out what has been broken and what needs to be fixed.

CHAIR WEISSER: Thank you. Any further public comment? Hearing and seeing none, we will now take a ten-minute break. We will come back in ten minutes and start with our review of

the report. Emily, I want to thank you on behalf of the Committee. The nature of the work that you're doing is asking questions that if they're not asked, we'll walk into walls.

-oOo-

CHAIR WEISSER: Okay, we're going to come back into session and we're now going to move toward focusing on our review of the Smog Check program. And I'd like to kick that off by asking our Executive Officer, Rocky Carlisle to kind of give us a brief overview of where we stand, a context for the changes that have been made since the last public review that we've had of the program, and then we'll start marching through the report. Rocky?

MR. CARLISLE: Thank you, Mr. Chairman. Since our last meeting, I've done some edits to this report and I think I mentioned earlier that I took your edits, as well as Jude's, and incorporated them into this report. In addition, the topic on Smog Check program avoidance I completely rewrote that piece simply because the original one was a little convoluted. It had a little bit too much in it and it wasn't really clear on its face. So that's been rewritten. I've also gone through the introduction, or the Executive Summary, and made sure that the Executive Summary did state what we're stating in the detail report. I've added two additional components to the previous recommendation at

Jude's request. One was incorporating a smoke test into the Smog Check inspection, but I figured at the 11th hour we can pull that out if the legislation is signed or goes into law. And also quantifying the emissions reductions. That was in our 2004 report and Jude had specifically requested that put that back in as a review of this report as well.

CHAIR WEISSER: How do you propose that we conduct our business right now and then this afternoon, Rocky? Do you want to go through this first, through the Executive Summary, to try to capture broader issues that may arise and then move into the details of the report?

MR. CARLISLE: Yes, I thought we could go through the recommendations. The recommendations in the Executive Summary obviously are identical to those in the detail report, but my thought was if we can get consensus on the recommendation, it might expedite moving this forward.

CHAIR WEISSER: Okay. So what we'll do then is ask for editorial comments to be submitted to Rocky by individual Committee Members and let's not spend a lot of time on those unless they're issues of import in terms of public understanding of the report. And I guess we should start at the beginning.

MR. CARLISLE: That would be a good place.

CHAIR WEISSER: So let's start at the first page. In the introduction, are there any comments that any cares to make

at this point? How about in the Smog Check program avoidance section?

MR. NICKEY: You said introduction.

CHAIR WEISSER: I'm looking from the Executive Summary on.

MEMBER LAMARE: The first thing is improve station performance by implementing vehicle model specifically -

CHAIR WEISSER: I'm sorry. You're right - I'm wrong. Okay. We're going to start over. We'll start at the section entitled improved station performance by implementing vehicle model specific emission cut-points. Sorry. Jude?

MEMBER LAMARE: On the recommendation for administrative action, we're discussing here tightening or relaxing based on more complete information and based on the report completed by Sierra Research. So I don't recall us ever discussing relaxing and I recall specifically that Sierra Research did not consider relaxing and I'm wondering why we're putting this in our recommendation.

MR. CARLISLE: Jude, that was my oversight because I had originally edited that out of the detailed version. I missed it on the recommendation. (tape ends)

Tape 2 of 3 - Side B

MR. CARLISLE: I would agree, I think that ought to be taken out as well.

CHAIR WEISSER: But I do remember seeing relaxing before in this draft and I thought I also remember seeing it in the Sierra

Report, that in fact they indicated that some of their data sets showed that there were particular models you would actually relax if you broke it down more finely. Could you illuminate me?

MR. CARLISLE: I would have to go back through their report. I think there was mention of it, but I don't think it was recommended in the report.

CHAIR WEISSER: Okay. Well, I'd ask you to do that, to check it out.

MR. CARLISLE: Okay.

CHAIR WEISSER: And if it was not mentioned in the report, I'm fine with making the recommendation changes as stated; however, if it was in the report, then I would have a problem -

MEMBER LAMARE: Well, it was definitely not recommended in the report.

CHAIR WEISSER: I'd like for you to just check that out, Rocky.

MR. CARLISLE: I will check it, yes.

CHAIR WEISSER: Thank you. Mr. Pearman?

MEMBER PEARMAN: And Rocky, just refresh my recollection again about the software upgrades, because this looks like the language has changed, because I thought before there was some concept that -

MR. CARLISLE: It has changed. There is a work-around, if you will, because it is - the cut-points are in the vehicle

look-up table and currently the vehicle look-up table consists of some 21,000 records, so that could easily accommodate the recommended model-specific cut-points.

CHAIR WEISSER: And that would be accomplished without a software upgrade?

MR. CARLISLE: Yes.

CHAIR WEISSER: Okay. Any further comments on this section at this point? Then let's move on to the next section, Smog Check program avoidance. Jude?

MEMBER LAMARE: This section begins, the large number of vehicles seen on the road that do not have correct Department of Motor Vehicle, DMV, registration tags. I wasn't aware this was a large number. I was told it was quite small and I think you mean current registration tags, rather than correct? If we're going to say the large number of vehicles seen on the road, I think at least we ought to say what that large number is, but I would be more comfortable with the number - there are a number of vehicles or there are vehicles on the road that are not current in their registration and it does concern IMRC.

MEMBER DECOTA: Could you put an estimated percentage in?

MEMBER LAMARE: An estimated - what was it, 1.3 percent -

MEMBER DECOTA: Right.

CHAIR WEISSER: Dennis, I agree. That should be amended so it -

MR. CARLISLE: Well, it's time-sensitive, too, because initially

it’s quite large, but it diminishes quite rapidly the first 90 days and then it gets to the point where there’s .03 percent after two years, so yes.

CHAIR WEISSER: Well, and we describe that in the details of the report, but I think what the Committee is suggesting is that a number up here wouldn’t be a bad idea.

MR. CARLISLE: I agree.

CHAIR WEISSER: Any other -

MEMBER LAMARE: Now on Page 1-2 at the top is says, some vehicles that undergo a change-of-ownership Smog Check inspection and fail the test are not -

CHAIR WEISSER: Yes, I would question that.

MEMBER LAMARE: I think we need to say are not sold and continue to be driven.

CHAIR WEISSER: Right.

MEMBER LAMARE: Because it’s obvious to you guys, but it was not obvious to me for a very long time what this was about. And all we have to do is just say, are not sold and continue to be driven.

MR. CARLISLE: Got it.

MEMBER LAMARE: Isn’t that more clear, Bruce?

MEMBER HOTCHKISS: But some of them are sold and continue - if it’s -

MEMBER LAMARE: But if they’re sold, then they have to get registered and pass smog.

MEMBER HOTCHKISS: Says who?

CHAIR WEISSER: Well -

MEMBER HOTCHKISS: Who enforces it; that's the problem. If I go out and by a car right now, the tags are good until, say next March, and then I go and Smog it and it fails, I can continue to drive that. It's got a tag on it. Yes, it's illegal because it isn't in my name, but unless I go out and do something stupid, nobody's going to pull me over and I will continue to drive that failing vehicle until the tags expire and -

MEMBER LAMARE: You're not required to - you are required to re-register it, but you're not going to.

CHAIR WEISSER: Right.

MEMBER LAMARE: But how do they send you the registration at the correct address?

MEMBER HOTCHKISS: They don't. But it's done a lot.

MEMBER LAMARE: Okay.

MEMBER HOTCHKISS: When people buy - especially on the low end of the economic scale, you go out and buy a car - you look specifically for a car that has six months left on it at least. You pay a minimal amount of money for that car and you just continue to drive it. You're not insured, it's not really legally registered, but it has a tag on it and unless you do something dumb, you know, speed, whatever, you're not going to get pulled over.

MEMBER LAMARE: Okay. So there's two ways this happens. One is that the vehicle isn't sold because the owner can't convince someone to buy it and continues to drive it even though it didn't pass the change-of-ownership and there's nothing that requires him to repair even though it failed change-of-ownership. That's not illegal, so that's probably - but we're uncomfortable. But the second is where it actually is sold, but it is not repaired and doesn't have a valid registration. And that is an illegally driven vehicle.

MEMBER HOTCHKISS: Well, it is, but I would say that it happens. And I don't have numbers, I haven't gone to DMV to check on it, but I would say it happens a fair amount of time.

MEMBER LAMARE: But it is potentially - that you're saying is a car that maybe didn't even have a change-of-ownership smog, or maybe it did.

MEMBER HOTCHKISS: Right, it may or may not have.

MEMBER LAMARE: If it did have a change-of-ownership smog and it failed and it's got a record in there and it isn't re-registered -

MEMBER HOTCHKISS: Correct.

MEMBER LAMARE: - there's some potential for enforcement action.

MEMBER HOTCHKISS: Right. And you have to understand, although it is supposed to be the seller's responsibility to get the vehicle smogged, in a lot of private party sales, it doesn't

work that way. The buyer is the one who gets the smog. And there's no enforcement of that.

CHAIR WEISSER: Rocky?

MR. CARLISLE: I think I have a simpler solution. Our recommendation doesn't even deal with change-of-ownership smogs at this point in time, so what I might suggest is we just delete that entire paragraph because we talk about it in the detail report the fact that there's a number of reasons for program avoidance, but the recommendation, we're not even going on with the change-of-ownership recommendation at this point in time.

CHAIR WEISSER: My recommendation was going to be to focus on clarifying this Executive Summary. That may be a good way to do it. But I do think we're probably going to have to clarify the meat of the report, too, in this regard, to more specifically delineate the sorts of loopholes, some of which may not be feasible to close just to keep the record straight. But I agree with Rocky's suggestion to just eliminate this paragraph since our recommendation does not focus on change-of-ownership issues. Any disagreement there? Okay. Let's move on to the next section, which is comparison to test-only, Gold Shield, and test-and-repair smog stations. Jude?

MEMBER LAMARE: Here I see in the first paragraph, it says Smog Check test-and-repair station owners have long complained

that they have been unfairly treated since a significant percentage of vehicles requiring a Smog Check are directed to test-only. I just don't see the role of the this sentence in this section or this paragraph. I just think it can be edited out, it doesn't affect our analysis and we don't really need it, so we could pare it out. And then later on it says, Assemblywoman Horton poised a number of questions. I think that's just a typo.

MR. CARLISLE: It is.

CHAIR WEISSER: Yes, I concur with Jude's recommendation. Did anyone object to that? Okay. Rocky, in that same beginning - I should say the second paragraph, I think it would be helpful to the reader at the end of the second full sentence, the sentence that goes on that's talking about the relative failure rates to - at the end of that sentence to actually put in the failure rates, X percent versus Y percent versus Z percent, so readers will understand the relatively modest difference between the types of stations.

MR. CARLISLE: Okay.

CHAIR WEISSER: Are there other comments on this? This is a key aspect of the report and I guess my question to the Committee and Rocky is the recommendation says no action and I ain't comfortable with that. My sense is that at the least, we should be recommending that the agencies undertake the sort of analyses that would lead to addressing this

issue.

MR. CARLISLE: We can actually make the last couple of sentences of the third paragraph the recommendation.

CHAIR WEISSER: Jude?

MEMBER LAMARE: As I recall in reading the minutes from the last meeting that the IMRC actually adopted a resolution asking the agencies to revisit this issue and I think that might be a better way to go. I'm a little uncomfortable with the notion on the end of Page 1-2 that it requires a rationale particularly considering that there are volunteers to test-only.

CHAIR WEISSER: Well, that kind of leads to -

MEMBER LAMARE: I'm not sure that's -

CHAIR WEISSER: It's not explanatory enough, Jude. I agree with you that the reader, unless they were an aficionado of the program will not understand based just upon what's in the Executive Summary what's meant by that, Rocky. And I'm not sure you need it for this to stand on its own.

MEMBER LAMARE: Our motion was make a recommendation to the ARB that they study the issue of directing vehicles to test-only stations and present a report to the Committee. Is that adequate?

CHAIR WEISSER: No and what I would recommend is that we ask the agencies to conduct a study building upon the work that's been done so far by IMRC to present a recommendation to the

- an analysis and a recommendation to the legislature as to whether - and how - the directed vehicle program should be modified. That is what I would recommend that this Committee adopt. Mr. DeCota?

MEMBER DECOTA: You know, I - what's the matter with just stating the fact that the fundamental rationale and basis for the percentage of vehicles directed to test-only requires re-evaluation?

CHAIR WEISSER: That's what I'm suggesting and I'm suggesting that you move that last sentence to the recommendation and add on something that's more specific in terms of recommending that the agencies develop an analysis and a report to the legislature recommending appropriate action if the analysis so supports it. We'll go to Mr. Pearman.

MEMBER PEARMAN: This section we're discussing is under comparison of test-only, Gold Shield, and test-and-repair smog stations and it begins by talking about Dr. Williams' studies and that we're continuing with that statistical comparison. So I'm just wondering whether this issue about our recommendation to look at the direct-vehicles is appropriate under the comparison standpoint. To me it's slightly different and should stand on its own because it's a different request. We're still doing a comparison, but meanwhile we want you to look at this 36 percent question or are they being combined somehow? I don't see that. To me

it’s two different things partially triggered by Horton’s letter and we should just call that out as a specific recommendation because we don’t have a recommendation in terms of the comparison. If you read the first two paragraphs, we’re continuing the evaluation. So I agree with your substantive comment on the recommendation, but I think we should call it what it is and call it out specifically as a recommendation and a stand-alone topic so to speak.

CHAIR WEISSER: They seem somewhat linked to me, though. Jude?

MEMBER LAMARE: I think it goes like this. The agencies, on the basis of a conclusion that test-only and test-and-repair performed differently in conducting Smog Check tests determined that it would be better for the air quality benefits of the program to direct more vehicles to test-only and that was their policy, they adopted it. Through the research that Jeffrey has conducted and our review of it and contemplation of it, we doubt the voracity of those conclusions that underlie that policy. We still don’t know how to evaluate station performance and compare test-only and test-and-repair stations. In fact, we think there’s a group in there called dealers that are obviously a little bit different than everybody else and that may really confound the conclusions that have been drawn in the past. And so I think they are linked in that we can’t make a

recommendation about how to evaluate performance of test-only and test-and-repair stations as the basis for directing vehicles, but we have concluded that the past analysis is flawed, that can't be replicated, and that we don't have faith in that conclusion that the basis for directing to test-only is that they perform Smog Checks more reliably than Gold Shield and test-only. Maybe I'm overstating this case, but that's kind of where I think we've been. We've gone through looking at the data and we cannot replicate that result that underlies the recommendation for directing to test-only. So we're asking the agencies to reconsider how they're directing vehicles and we don't have any recommendation at this time about how to do performance evaluation.

CHAIR WEISSER: Roger?

MEMBER NICKEY: I think Jude said what I'm trying to say, is that I thought we had agreed that we weren't going to use fail rate as a sole judge of performance.

CHAIR WEISSER: That's what we - what we had said is that that is a metric, a way to judge. We've also said in our past discussions that that is - because of the nature of direction of vehicles that can be a somewhat potentially misleading indicator of actual station performance in - just in terms of the testing of vehicles. I'm not even talking about repair. So I guess my response is yes, you're

correct, Roger that -

MEMBER NICKEY: It’s a factor, but there are other things that need to be considered.

CHAIR WEISSER: That’s correct. Jude?

MEMBER LAMARE: May I answer that?

CHAIR WEISSER: You bet.

MEMBER LAMARE: You know, we can imagine that there are a number of reasons why the ARB wanted to have more vehicles directed to test-only. For one thing, if you fail, you have to come back and your repairs have to be tested at a test-only station and that separates the repair from the test on the test of the repair. That’s pretty important and I think that is important. I would like to see all failed vehicles go to test-only for testing after they’re repaired, but lots of complaints about ping pong and people having to travel too much and so on and so forth, so I don’t expect to be supported in that by everybody in the Committee. But there are reasons why vehicles are referred to test-only, but the fact that the agencies have justified this by saying they have a better performance on testing isn’t upheld in this Committee, so we need to hear more from the agencies.

CHAIR WEISSER: And I think that’s what the nature of this recommendation is. Mr. Pearman, do you have anything you want to chip in at this time before I recognize Mr. DeCota?

MEMBER PEARMAN: Just to understand then where you’re headed in

the third paragraph you would basically say we respond to Assemblywoman Horton period. And then you would be proposing some modification of the resolution we adopted last time that would be a recommendation here. Are we going to vote on that in connection with this section presumably or -

CHAIR WEISSER: Yes, I think we should.

MEMBER PEARMAN: Okay.

CHAIR WEISSER: And perhaps during lunch the Executive Officer will actually draft some wording so I don't have to make it up on the spot. But that wording could be comprised of the last sentence in the third paragraph plus a rewrite of the resolution that we passed at our last meeting. Mr. DeCota?

MEMBER DECOTA: I think I understand what Mr. Pearman's saying and the title is somewhat deceptive, it could be, to the reader the way it's listed.

CHAIR WEISSER: Do you have a suggested alternative? I -

MEMBER DECOTA: I might just suggest that program re-evaluation needs to occur as to regards to testing-type stations. Something very generic like that, quote your actual percentages in the body of your text and try to take and come up with the recommendation as stated in that section. I think that's what we're trying to accomplish here. We're not there yet. We need to understand more about the make-up and what Professor Williams' student showed us today.

CHAIR WEISSER: I'm sorry to interrupt you.

MEMBER DECOTA: That's all right, go ahead.

CHAIR WEISSER: I'm sorry. Maybe if the title were changed to something along the lines of comparison to test-only, Gold Shield, and test-and-repair Smog Check stations in terms of station performance and direction of vehicles, and we can say we don't know enough yet about station performance but we know that what has been used is not a particularly effective metric and that in terms of direction of vehicles, we're saying we know enough to know the rationale doesn't hold water. There may be other rationales, but the one that's used doesn't hold water. So enjoy your bean sandwich, Rocky, while you're drafting that. The next section is vehicle preconditioning prior to Smog Check inspection. I'm sure this is something that could be cleared up very - okay. I have no comments. Are there are comments by the Committee in terms of vehicle preconditioning, that section, the recommendation that's put in there? That seems pretty - Roger?

MEMBER NICKEY: I think it ought to be standardized. There is a lot of misconception about whether you can precondition at all. Just a general thing is that preconditioning is less of an issue in test-only because the cars are usually tested right away after they drive in. Many times in test-and-repair, a car has sat so that becomes more of an issue for

test-and-repair, so I don't see so much of it. But normally, if we get one that's been left overnight, we just let it idle for five, ten minutes until the upper hose is warm and it's acting warmed up and we run it.

CHAIR WEISSER: But this seems to you to be a pretty rationale recommendation; doesn't it, Roger?

MEMBER NICKEY: Well, there should be some standardization and there's a lot of misconception about what - if you were to ask me, I'd would say there is no preconditioning. All you do is take the car as it comes, and if it's been driven, that's good enough, and run it in. If the upper hose is warm and warm air is coming through the radiator, that's good enough. So there's no procedure that you go through to bring it up to warmed up. You just verify that it's warmed up. You're not going through a procedure.

CHAIR WEISSER: Okay. Let me ask my question a different way. The recommendation that we have in here would lead to greater standardization of the approach taken by different stations?

MEMBER NICKEY: I agree.

CHAIR WEISSER: Okay. Thank you. Any other comments on this section? Tire pressure. The first paragraph, Rocky, I don't understand one thing; the last sentence, we project that could save 102.1 dollars. Is that 102.1 million dollars?

MR. CARLISLE: Oh, yeah.

CHAIR WEISSER: Oh, yeah.

MR. CARLISLE: That's kind of important, isn't it?

CHAIR WEISSER: So it's not saving the average motorist 102 dollars, it's just kind of an overall -

MR. CARLISLE: No.

CHAIR WEISSER: All right. Number five of the savings list you identify $2 million worth of CO2 emissions. My question is where did you pluck that number out of?

MR. CARLISLE: That we worked with ARB. Steve is out of the state right now and I was going to confirm that with him. He'll be back the end of this week, but he's the one that discussed this number with ARB, so I'll confirm that and get the documentation.

CHAIR WEISSER: Yes, I'd like to see the documentation and just in editorializing, since you used Arabic numerals for all the other numbers, you'll probably want to do the same here.

MR. CARLISLE: Do what?

CHAIR WEISSER: I'll write in my little note here.

MEMBER DECOTA: Roman numerals.

CHAIR WEISSER: They're Arabic numerals. Get me in trouble. Do people have any questions associated with the recommendation that's in this regard?

MR. CARLISLE: I think the issue here was because we really couldn't identify significant emissions reduction benefits.

We're just recommending that BAR and ARB take a brief look at this. It doesn't have to be a two or three year study but it may be worthwhile, even without the emission reduction benefits, it's got significant other savings, you know, for a simple tire pressure test.

CHAIR WEISSER: Very good.

MEMBER DECOTA: I can put you on to the executive director of the International Tire Dealers Association and he may have some solid numbers for you.

MR. CARLISLE: Do you have that contact?

MEMBER DECOTA: Yes, Roy Littlefield and it's in Maryland. I'll get you his number.

CHAIR WEISSER: I will say, Rocky, that unless the data shows some issues that undermine what we're recommending, I wouldn't want you to be held up in moving this report forward; is that okay, Dennis?

MEMBER DECOTA: Yes.

CHAIR WEISSER: Okay. Then we'll move to the consumer information survey. Rocky worked hard to try to incorporate many of the comments that you put forward, Jude. Are there any comments that people have on this section now? Mr. Williams?

MEMBER WILLIAMS: As an Executive summary, it seems a little out of proportion to the rest.

CHAIR WEISSER: That's Jude's fault.

MEMBER WILLIAMS: I'm not saying it's -

CHAIR WEISSER: It's kind of a full discussion.

MEMBER WILLIAMS: A full discussion and I don't think that's helpful to us.

CHAIR WEISSER: Jude, would you like to work with Rocky to attempt to make it proportionate to the larger of the other recommendations?

MEMBER LAMARE: Yes, it can be pared.

CHAIR WEISSER: Thank you. Are there any questions or concerns by Committee Members associated with the recommendation? I don't see any. Then can we just kind of delegate to you two to work that out? I would urge that the very last sentence in the body of the discussion, the sentence that reads the IMRC recommends that a consumer survey continue to be a regular part of the Smog Check evaluation process, that should be moved to be the first sentence of the conclusion? That's the key thing it seems to me. In the next paragraph, we say under conclusions, Page 1-5, more work is required to evaluate and gain a clearer understanding of several issues; vehicle maintenance appears to be either misunderstood by respondents or ineffective at ensuring the vehicle passes Smog Check inspection. And I'm truly confused by that sentence.

MEMBER LAMARE: Where are you?

CHAIR WEISSER: In the section labeled conclusions.

MEMBER LAMARE: Conclusions.

CHAIR WEISSER: The second paragraph, more work is required.

MEMBER LAMARE: Now remember, this is all from the original report that's already been submitted. Vehicle maintenance appears to be either misunderstood by the respondents or ineffective that ensuring the vehicle passes Smog Check. Remember this is a survey of people who failed Smog Check and they were asked about the status of the maintenance of their vehicle. I don't recall the exact numbers. It was something like half the people said they maintain their vehicle very well.

CHAIR WEISSER: So this is -

MEMBER LAMARE: So, the conclusion that we reached on this and we don't have to do it this way, especially in the Executive Report, but the conclusion was either people don't understand what maintenance is or maintenance is ineffective of making sure that Smog Check inspection is passed. So we really need to dig deeper into the whole issue of what does it mean to maintain a vehicle, we have this image that if we maintain our vehicles that we will be able to pass Smog Check and so we teach consumers to maintain their vehicles. Obviously, some consumers don't get the messages, don't understand what maintenance. That's a big job for the Bureau and they claim that they're working on that. They want people to understand better how to maintain their

vehicles in order to pass smog. But we also need to know if there - is there a group of vehicles that's failing smog even though they're well-maintained? If so, why?

CHAIR WEISSER: My confusion was that I misunderstood this (tape ends) -

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CHAIR WEISSER: … of the question that was asked to the respondents that they might have misunderstood what was meant by vehicle maintenance. Not that they didn't understand what vehicle maintenance was. I thought you might have been saying here that the question might have been misunderstood by the vehicle - by the respondents in the survey and that's not correct. The people understood the question, they may not actually understand what vehicle maintenance is. Maybe they think it's -

MEMBER LAMARE: What maintenance is. Like maybe we should look at the gender distribution on this question.

CHAIR WEISSER: You can raise that, I won't. Roger?

MEMBER NICKEY: Roger Nickey. My impression is this - if you ask somebody about maintenance of their vehicle, they're going to tell you one or two things; either change the oil or get a tune-up. Okay, with today's vehicles, tune-ups as they used to be considered are not the same anymore. A tune-up consists pretty much of replacing the sparks plugs and maybe changing the oil and filter. And most cars today

don’t require spark plug changes except between 75,000 and 100,000 miles, so you’re not going to see too many of those. Most people consider if they’ve got their oil and filter changed, they’ve maintained their vehicle. Half of all smog failures are visual and functional. None of those items are addressed in an oil and filter change. Cracked hoses, ignition timing, idle speed, EGR functional, none of that is addressed under what most people would consider correct vehicle maintenance. Those guys open the hood, they put in the oil, they fill up your wipers, they do the little things like that. They don’t look at hoses, they don’t look at anything else that could possibly affect emissions. So that’s why you’re going to have people say, well, yes, I’ve maintained my vehicle, but it failed the Smog Check. It may have failed for a cracked hose, it may have failed because the idle speed is up, may have failed because of ignition timing.

CHAIR WEISSER: Thank you. Okay, so you two are going to take a job at hacking this. It’s two minutes to 12:00. We have perhaps have an opportunity to march through the Executive Summary and then take a lunch break or take a lunch break now? What would be the Committee’s pleasure? Let’s march. Okay, so we’re into the organizational placement of the Smog Check program and while I deeply respect what we heard from the Deputy Director this morning of DCA, I would still

recommend that we continue to put forward this item, a continuation of a report recommendation that we made last time. Eldon?

MEMBER HEASTON: I think I made my feelings on this issue clear, previously I was somewhat against it because it seems like the grass is greener on the other side and maybe you think it's going to get better, from my perspective still - because I report to ARB on a whole lot of stuff and watch them on their programs and I'm just as equally frustrated with some of their programs that we have trouble getting them to move on or to administer correctly, so I just wonder if there was - I know I wasn't around when you guys discussed it, but was there some compelling thing or is it one of these things we're just going from the gut that it just seems better to do it that way? I mean, this is really one of the only real problems I have with the report, just being new coming on, so I'm - and I hope everybody realizes that it's taken - I'm up to my third meeting now so I'm catching up with you, but this one I have - the only thing I have strong feelings on.

CHAIR WEISSER: Let me take a shot at trying to respond. First, did you get a chance to read the full account of the background of this recommendation that was in the last report?

MEMBER HEASTON: Are you talking about ARB's 2000 -

CHAIR WEISSER: No, in our report to the legislature.

MEMBER HEASTON: I'm sure I read it, but it wasn't all of it.

CHAIR WEISSER: Rocky, make sure - could you send that to Eldon so he - it is in the entirety. This recommendation came out of what I'd characterize as a repeated series of statements from the former management of BAR, not just one cycle of former management, a series of former management that gave this Committee every reason to understand, clearly understand, our assessment of what their priorities were. And I for one, and I think the Committee as a whole, disagreed with those priorities. I think they clearly were placing consumer convenience as their number one focus. Air quality, well, you know, whatever we can get that doesn't upset the consumer. That's kind of the attitude that I had been hearing. And in fact, one of the managers, one of the BAR chiefs in one of our meetings indicated that they felt we were getting enough emission reductions from mobile sources and we don't need to do anything more. Which to me is reflective of an attitude that shows a complete lack of understanding of the air quality challenge in front of us all. I don't attribute that to this person's particular perspective. I think it's bound to be present in an agency who's not responsible for air quality, but are responsible for consumer services. And I think that view was shared by the rest of the Committee that we have a problem of

organizational placement. That doesn't mean that this recommendation is perfect because quite frankly, I don't it's perfect. I think we're - the recommendation comes forward of trying to move the policy determinations to ARB while keeping the program implementation here, because here is where the expertise, in terms of dealing with the public and dealing - it's here. BAR are the pros in terms of interaction with stations and interaction with the public. ARB is not the pros in that regard. So we try to divide the baby and give the policy to the folks that are responsible for the achievement of the air quality goals and the program for the people who have the greatest amount of expertise. Dividing the program from policy direction is not a perfect way to go about it, I'll be the first one to say it, but we looked at a series of alternatives and this seemed to be the best way to deal with it. I still believe that that's true. I don't have a single doubt in my mind regarding the goodwill of the top managers at DCA and BAR. I think it's the nature of organizational placement that impacts their priorities, which to me is troubling.

MEMBER HEASTON: One follow-up point would be like for instance, talking about these cut-points. If CARB sets the emissions standards for vehicles, why don't have the legislative ability to also adopt those things without having to come beg us or some group similar to us to come up with those

things? If those are the appropriate cut-points and the find that we need changes to how we do the testing, why wouldn't they have the ability to adopt those things? I mean, that would be something that if we could give them the priority to do, then maybe that would allow them - because they're going to be the ones that are going to be cutting - I mean, they already do it for new vehicle emission standards, so I don't know why we wouldn't be having them adopt the cut-points and those kinds of - at least from the numerical numbers of where you're going to get to drive those testing facilities to get them through the system with the lowest possible emission cut-points. So I don't know, that would be possibly an angle it could go at and I wonder why they're not more actively involved with that process.

CHAIR WEISSER: Dennis?

MEMBER DECOTA: Well, I think that there's been a need - and that's what this Committee's all about - for oversight on these issues and I think that through the natural development of a better Smog Check program that the oversight such as IMRC gives is very important. The problem is that we haven't got a very clear path all the time to those people to have that conversation with the way it's currently set up. And this would allow enforcement to be Consumer Affairs, Bureau of Automotive Repairs, Air Quality, to be under the Air Resources Board. And I thought when I

voted for this, and I did, that that would be a clearer and easier path and it needs strong oversight in my opinion. It’s got to work with a public-private partnership here so to speak with industry and consumers and all of this type of thing and I thought that that would make a much clearer path for the understandability and communication of these programs. And I think you’re right. CARB is setting that stuff, but it doesn’t mean that they don’t make errors and they don’t have issues. And we don’t need to go and have one conversation with the BAR and another conversation with that and let it sit around for two years before action is taken. And I think that’s the whole - one of the whole ideas behind this.

CHAIR WEISSER: Jude?

MEMBER LAMARE: I don’t know if I can add anything here, but what I hear Eldon saying is getting close to proposing something that might help make things work a little better in that my concern was not that ARB and BAR don’t cooperate, which they do at staff level and they work together very well and they move things along together and also I don’t have any illusions about ARB being more punctual and on-target than Eldon does, but my concern was that the ARB board never looks at Smog Check, never sees Smog Check except in a SIP and you’ll have some vague language about well, we’re gonna do something like evaporative emissions

testing in Smog Check and it's adopted in the SIP, but it just languishes for years and there's no report back to the ARB board about progress with Smog Check. And the ARB board really, that's a public process, a public hearing, and all of the major air quality programs at some point are blessed or evaluated by the board and there's opportunities for public participation. Having spent a lot of time in the Moyer program, for example, which on the heavy duty side, there's a lot of board participation in how that program has been conducted and how it's shaped and it's disturbing for me that that doesn't happen at the ARB board on Smog Check which is essentially our largest NOx reduction program and certainly on the light duty side, that's our NOx reduction program. So in-use vehicles are very, very big part of our air quality problems and it's conceivable to me that the ARB board never looks at that, never evaluates it. We're sort of over here on the side kind of getting a glimpse and our wisdom is ARB should be more involved at a policy level with this program than they are. How do we make that happen? Well, we had this report, maybe we should try more for another report, but I was very discouraged that the legislation that was carried, there was no attempt to make any compromise, there was no attempt to have plan B, there were no discussions that I was aware of between the author of the legislation and the administration on how can we make

progress here. It was just dropped, so I'm very discouraged by this.

CHAIR WEISSER: Okay. Well, I think we discussed it thoroughly and Eldon, you'll have to look deep inside your heart and your conscience to determine what you want to do in this regard, whether or not this is a recommend you want to support or not.

MEMBER HEASTON: Well, the Committee as a whole is going to make that decision. I think I understand better now what the intent of the Committee is in terms of - and some of those are shared by me. I think I'm a little more comfortable with the recommendation, but it still - I'm just more worrisome, but that's okay. I'll deal with that.

CHAIR WEISSER: Your specific suggestion, why doesn't ARB deal with having the policy on the cut-points, you know to me is kind of subsumed in this overall recommendation to move the policy for those - move the authority for those policy decisions to ARB. Clearly, let's make it an air quality decision. Okay. Moving on, any other comments on this section? Okay. Authorize annual Smog Check inspections for older model year vehicles, Mr. Williams - Dr. Williams? How do you prefer being addressed? Jeffrey.

MEMBER WILLIAMS: (inaudible - mic not on)

CHAIR WEISSER: That would be rather difficult.

MEMBER WILLIAMS: (inaudible - mic not on)

CHAIR WEISSER: That was raised earlier in the day by Rocky and we certainly could do a last minute either modification or excise of this. Jude?

MEMBER LAMARE: Just reviewing that smoke test recommendation, it's really quite different than the bill, 1870, as I read it. We start off here saying that require the referee to perform a Smog Check on any motorist's vehicle that receives a citation for violation of 27153, subsequent to repairs, and prior to resolution of the citation. That's certainly not what 1870 does as I recall.

CHAIR WEISSER: So you're suggesting that even if - when 1870 is signed, there are still other aspects of our approach on smoking vehicles that would deserve further attention; is that correct?

MEMBER LAMARE: Yes.

CHAIR WEISSER: Okay. I agree. Okay. Thank you, Jude. Back to these - authorize annual Smog Check for older-model vehicles, authorize annual Smog Check inspections, BAR budget and funding. This is where we're saying show me the money. The smoke test Jude just discussed quantified the emission reductions and that concludes the Executive Summary. Are there any further comments anyone on the Committee would like to make regarding the Executive Summary? Now the question that I have to the Committee is are there - is it desirable for us to spend a great deal of

time together as a Committee to go through the body of the report or is that something that's an editing exercise, in essence, where we should be responsible for getting our individual comments into Rocky and have the editing done off-line? What do you think, off-line? Then my question, if that's the Committee's will, my question is should we now then proceed to public comments on the report and on any other issues the public would care to address to us and conclude the meeting prior to us breaking for lunch because I think frankly we can do that? Okay, so we're going to open this up to two rounds of public comments. The first round I'd appreciate specific comments on the recommendations that you've just heard discussed by the Committee and then when we finish that, we will have an opportunity for public comments on any other issues associated with the IMRC's responsibilities that you care to raise, okay? So first comments on the report. We'll start in the rear with Mr. Ward.

-oOo-

MR. WARD: Mr. Chair and Members, Randy Ward representing SAISHA. It's very difficult to comment on a draft, a working draft, that I haven't been privy to and had the opportunity to massage as you all are doing diligently and while I appreciate the effort in trying to go through this and produce a working draft, I'm going to withhold my

comments until a later date, which I assume you're going to have substantial opportunity for stakeholders to participate and that your mind as a group is still open for potential reconsideration of items and issues.

CHAIR WEISSER: Well, I would urge you - if you could put a hold on his time for a second? I would urge you on the policy recommendations that you've heard put forward, Randy, where we try to identify what the issues were just now and say here's kind of the view of the Committee. If there are issues associated with that that you want to address, you have in the past and I would urge you to address them.

MR. WARD: And, Mr. Chair, I appreciate that, but there a lot of subtleties in the verbiage, the changes and how it reads and what the actual intent is that without being able to actually see what you have there - and I may be comfortable with 99 percent of it, it may be a change of one or two words, so I think I'm that point.

CHAIR WEISSER: All right.

MR. WARD: I've already testified in the past on the recommendation relative to test-only and I think you've clarified to a great extent that the issue of fail rate is one measure. There are a whole lot of factors associated with fail rate and you've heard a variety of those factors, you've discussed this issue with performance measures which, up to this point, is like trying to nail Jell-O to a wall,

so with all due respect, I think I will wait until I have that in hand. If you want to provide that to me with Rocky's edits from today's meeting, then I can probably do something sooner rather later, but I assume you're going to have a working draft that I can respond to.

CHAIR WEISSER: And I certainly understand, respect, and will honor everyone's need for a working draft and the ability for everyone to comment on that final working draft. I merely wanted to say I wouldn't constrain your desire to comment on the policy perspective that you heard put forward today based upon the absence of any specific wording. I want to make sure you understand the direction the Committee's seeming to be going in at this point in time.

MR. WARD: And I've made comment on that direction in the past.

CHAIR WEISSER: And we've heard that.

MR. WARD: One comment that I would like to make and think this is in the larger sense, possibly in the introduction without having seen the body of the report. I don't know the appropriate place, but I think the Committee should be much stronger in its description of the basis for the program, that's it's a health-based program and there are significant problems associated with public health and that you take your jobs particularly seriously in that regard and that all the elements of this program you view as really health-based.

CHAIR WEISSER: I think that's a very constructive suggestion and, frankly, what I'd like to do is ask Jude to work with Rocky in the development of that. I think that's an outstanding suggestion, thank you.

MR. WARD: I've mentioned before the USC ARB cradle to grave, which has pretty good statistics. I think it's been in existence about ten years and so they have statistics and they've used sampling from areas that do have air quality problems and those that don't with school-age children.

CHAIR WEISSER: Yes, I would be very careful about which of the epi studies - epidemenioligical studies one cites and uses.

MR. WARD: I'm saying only to indicate it is the logical conclusion that we would all have that someone who is ingesting air quality that is less desirable than another location is more likely to have the kinds of maladies associated with that ingestation that I think that's something that you ought to point out, that it's a health-based issues.

CHAIR WEISSER: No question, you're correct. No question. Other comments, Bud? Bud, before you start - Rocky maybe you could give some special thought of the best way to generate the next draft in a way that the public can get to see it and think about how we can take comments if we should continue with the process we're using or is there a better way for us to get public comment.

MEMBER DECOTA: Put it on our web page.

CHAIR WEISSER: Put the report on the web page as a draft. I want to give people as much opportunity before our next meeting, which I think is the meeting that we're likely to adopt the report, as much time as possible to review the draft and to think of a good way at the meeting to get their meaningful input and then for us to make a decision. Thank you. Bud, I'm sorry.

MR. RICE: Bud Rice, Quality Tune-Up Shops. As one of the attending members of the public, I, too, would like to request - I'm lining up with Randy Ward and just wanted to put my two cents in and I would appreciate a copy of the draft as well as soon as possible.

CHAIR WEISSER: Yes, it would drive me nuts to be out there and hearing us talk without the report. I'm completely sympathetic to that. Mr. Peters?

MR. PETERS: Yes, Mr. Chairman, Committee, my name is Charlie Peters, Clean Air Performance Professionals. I'm here representing the motorists. There was a Member of your Committee that brought up the protocols of the relationship of different folks in this process, Mr. Eldon Heaston from Southern California, who deals with them in a tight relationship with things such as fuel quality. And as an Air District, I would assume they probably do period evaluations of fuel to see if it's within spec. And I

believe that how that gets handle is if there is a problem that people that have a problem are informed of that and the purpose is to correct the problem. In this process, we don't ever even find out if there is a problem and if we do, it's a secret. And so we base all of our policy based on maybes and innuendos and I think in maybes rather than ever find out - ever finding out if what's broken is identified and/or repaired. So I think your Member's comments about how things work with the ARB needs some further look and, as an example, the 1,100 car study done in 1991, there were 1,100 failed cars put into the program and evaluated in a very comprehensive, very expensive program, the number of people involved in the Smog Check program that ever found out that they didn't do their job was none. And we probably I would guess spent $10,000, $20,000 a car evaluating those cars and this Committee has no interest in any of that data or information which has been brought to you continuously for some time. So I will say to you that the comment of your Member and how things are handled there probably is a lot different than it is here and this Committee, just being a directing fire on the Bureau of Automotive Repair and support to moving this program is not your job. That's somebody else's job. It's fine for you to recommend it, but you are not in charge, not yet. You've got a lot of power, you've got a lot of juice, but I think the Governor's the

one who makes those decisions and elected officials and not hired lobbyists. Thank you.

CHAIR WEISSER: Thank you, Mr. Peters. Sadly, this Committee has no power. The only power we have is to advise. Are there any other comments from the public? Okay. Now we're going to open - that was comments on the report itself. Now we'll open it up for any comments from the public for any issues associated with the IMRC's sphere of responsibility. Mr. Rice?

MR. RICE: Bud Rice, Quality Tune-Up Shops. Mr. Chair, I think you tried to make an attempt - perhaps it was at the last meeting, kind of laying out what you thought the IMRC was going to look like in the future and what its tasks might be. I wondering if you could maybe go through that one more time for getting-older ears. If I could hear it again, I would appreciate that. Where are we going and what do you see us doing as we move forward? Thank you.

CHAIR WEISSER: Wow, I, for one, am not prepared to do that, to talk about that, Bud. But you know, it is a great question and one that I would ask our Executive Officer to think about how - all right, let me back up. I'm going to be resigning from this Committee effective the end of the year. My term is already up. I'm serving because they haven't found somebody to replace me with. I serve now at the Governor's pleasure, but I am retiring and I do think it's

important that the person who chairs this Committee is hopefully fulltime in the interest of clean air. That said, I do think that it is the time for us to step back, for you to step back, and really assess where you want to put your energies next year and I doubt we're going to have time to do that at the November meeting. It is often the case during my few years of association with you that we have a December meeting; is that correct, Rocky? We usually end up canceling the December meeting.

MR. CARLISLE: Yes, because it's so close to the Christmas holidays, but we could have an early December meeting if you want to.

CHAIR WEISSER: You could, but I'd poke your eyes out. And what you might want to do is have your first January meeting, at least a portion of it, be directed at just that question. Step back, get input from stakeholders, and assess where you want to focus your efforts. That's what I would recommend to you. And Bud, you've got your eyes on the ball, I appreciate that. Thank you. Any other public comments? Mr. Peters?

MR. PETERS: Mr. Chairman and Committee, my name is Charlie Peters, Clean Air Performance Professionals. We're here representing the people who drive cars in the state of California. I just would like to say, whether it's obvious or not, I'd like to say, responding to the immediate past

comments and supporting what I have said here over the (tape ends) -

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MR. PETERS: … that I support Smog Check, I support this Committee, I support a better process in California and I think your comments, Mr. Chairman, that a good, thorough look at this might be quite refreshing and so whether that's obviously where my head is at or not, I'm going to say that I think this Committee is of the utmost importance and this process has potential of being a real blessing to the people of California if so empowered. So I will salute you for comments and say that I support this Committee, I support the Bureau of Automotive Repair, I support us fixing what we have, and I thank you.

CHAIR WEISSER: Thank you, Mr. Peters. Does anyone else care to make any public comments? Anybody else on the Committee have anything they'd like to offer? Is there a motion to adjourn? It's being made by Mr. DeCota, seconded by Mr. Hotchkiss. All in favor signify by saying aye.

ALL MEMBERS: Aye.

CHAIR WEISSER: Any opposed? Hearing none, this meeting is adjourned. Thank you very much.

- MEETING ADJOURNED -

TRANSCRIBER'S CERTIFICATION

This is to certify that I, TERRI O'BRIEN, transcribed the tape-recorded public meeting of the Bureau of Automotive Repair dated September 26, 2006; that the pages numbered 1 through 97 constitute said transcript; that the same is a complete and accurate transcription of the aforesaid to the best of my ability.

Dated October 5, 2006.

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Terri O'Brien, Transcriber
Foothill Transcription