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[FILL IN DATE]

Executive Officer – PM Filter Exemption Requests
California Air Resources Board
P.O. Box 2815
Sacramento, CA 95812

Re: Request for Exemption from DPF Requirement under 13 C.C.R. § 2025

To Whom It May Concern:

I am writing to request that the Executive Officer determine that no “highest level VDECS” is available for my vehicle under Title 13, Section 2025 of the California Code of Regulations. *See* Cal. Code Regs., tit. 13, § 2025(q)(5).¹ The highest level VDECS for my vehicle is a diesel particulate filter (“DPF”) device, and DPF devices are inherently unsafe. Ex. A-E. As a result, the highest level VDECS for my vehicle cannot safely be installed or operated in my vehicle. *See* Cal. Code Regs., tit. 13, § 2025(q)(5)(A). In addition, its use would make my compliance with other safety laws and regulations impossible. *See* 13 C.C.R. § 2025(q)(5)(B).

First, DPF devices cause vehicles to expel extremely hot gas and, in some instances, blazing hot particulate matter and even disintegrated fragments of the DPF itself. When functioning *normally*, DPF devices expel these high-temperature fumes during the regeneration process. Ex. A, E. When malfunctioning, DPFs have the potential to disintegrate and expel hot fragments from the vehicle’s exhaust system. Ex. B. Both of these issues are a serious safety concern and, under such circumstances, place the owner and the driver of a DPF-equipped vehicle in violation of various California and federal safety laws. 49 C.F.R. § 393.83(a) (“Every motor vehicle having a device (other than as part of its cargo) capable of expelling harmful combustion fumes shall have a system to direct the discharge of such fumes. No part shall be located where its location would likely result in burning, charring, or damaging the electrical wiring, the fuel supply, or any combustible part of the motor vehicle.”); Vehicle Code §§ 24002, 34500 *et seq.*; Lab. Code § 6400 *et seq.*; *see also People v. Chargualaf*, Case No. G050219, 2015 WL 4940631, at **1-3 (Cal. Ct. App. Aug. 8, 2015).

Second, DPF devices create an intolerable risk that the vehicles in which they are installed will spontaneously combust. DPF devices cause extremely high engine temperatures during regeneration. Exhs. A, C-E. Additionally, DPF devices create backpressure, which further increases the temperature in both the DPF system and the engine itself. Exhs. A, C-E. This creates a risk of fire in the engine compartment, and this risk escalates as DPF devices and engines age, causing serious safety problems and placing the owner and driver in violation of

¹ At a hearing on December 11, 2015 in *Alliance for California Business v. California Air Resources Board et al.*, Case No. 13CV1232, the California Air Resources Board represented that a letter like this one is the appropriate way to raise these concerns. Ex. G.

safety laws. Exhs. A, C-E; 49 C.F.R. § 393.83(a); Vehicle Code §§ 24002, 34500 *et seq.*; Lab. Code § 6400 *et seq.*

Third, DPF devices clog over time, which in turn creates backpressure in the engines to which they are attached. Exhs. A, C-E. This clogging and backpressure generation escalates as DPF devices and engines age, and if DPF devices remain attached to engines for a long enough time period they *will* cause engine damage. Exhs. A, C-E. That engine damage, in turn, can lead to vehicle “derating” or engine failure while the vehicle is in motion, causing serious safety problems. Exhs. A, C-E. This places the owner and the driver, again, in violation of safety laws. 49 C.F.R. § 393.83(a); Vehicle Code §§ 24002, 34500 *et seq.*; Lab. Code § 6400 *et seq.*

For the foregoing reasons, and based on the attached supporting documentation, labeled Exhibit A – Exhibit E, I request that the Executive Officer exempt [ME / MY ORGANIZATION] from the California Air Resource Board’s DPF requirement within the Truck and Bus Regulation, pursuant to the exemption procedure provided in California Code of Regulations, title 13, section 2025(q)(5).

Sincerely,

[NAME]
[TITLE / ORGANZIATION IF APPLICABLE]

SUPPORTING DOCUMENTATION ON ENCLOSED DISK

- Exhibit A – Declaration of David Merrion
- Exhibit B – Deposition of Richard Lopez (Excerpts)
- Exhibit C – CARB April 22, 2016 Staff Report (Excerpts)
- Exhibit D – CARB April 22, 2016 Appendix D (Excerpts)
- Exhibit E – CARB Publication Entitled “A Truck Driver’s Guide to Care and Maintenance of Diesel Particulate Filters” (Excerpts)
- Exhibit F – Text of 13 C.C.R. Section 2025(q)(5)
- Exhibit G – Reporter’s Transcript of Proceedings, December 11, 2015, *Alliance for California Business v. California Air Resources Board et al.*, Case No. 13CV1232 (Excerpts)