



## ***Clean Air Performance Professionals***

**Friday, June 22, 2012**

Assemblymember Mary Hayashi  
State Capitol  
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Sacramento, CA 94249-0018  
Tel: (916) 319-2018  
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### **RE: Smog Check design or oversight.**

Goodmorning Honorable Assemblymember Hayashi and interested parties,

Green small business jobs and government regulator value has been expanding public interest over this past decade. Is it time for expanded conversation? Thank you for your dedicated attention to the details of an improved California.

Can someone advise us who might provide an opinion on the interesting debate over fixing or changing Smog Check policy? Might Governor Pat Brown NGO CCEEB continue the advice role? Change might be to Systech, which was established in 1999, that provides remote sensing vehicle inspection program and management contract services to governmental agencies and individual inspection stations. It is part of the Opus Group, whose shares are listed on the Stockholm Stock Exchange.

Thank you for consideration.

CAPP an award winning coalition of motorists.

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"We support the implementation of a credible quality assurance program to protect the integrity of the (Smog Check) I/M program. It is our understanding that the BAR has participated in a pilot pro-active quality assurance enforcement program called "Partners in Clean Air". This new program is designed to set quality standards for the automotive technicians and the repair industry. Central to the success of this program is the recognition that each smog technician must be empowered and motivated to do reliable vehicle testing and repair. Based on the results of this pilot program which was presented to the I/M Review Committee in March 1995, the BAR may consider the need for your proposed study." John Dunlop Chair CARB board, December 28, 1995

"The committee will provide a comprehensive evaluation of the Governor's plan to reorganize the executive branch of California's government. The plan includes revising the structures of agencies such as the State and Consumer Services Agency, and transferring jurisdiction of certain state boards to different departments." -----

## **Assemblymember Mary Hayashi Appointed to Special Committee on Governor's Reorganization Plan**

*Contact: Ross Warren, (916) 319-2018, May 16 2012*

SACRAMENTO, CA – Assembly member Mary Hayashi (D-Hayward) has been appointed by Assembly Speaker John Perez to a special committee that will assess the Governor's Reorganization Plan No. 2 of 2012. This plan proposes a reorganization of several parts of the executive branch.

"I am pleased to have this opportunity to help improve our state government, and ensure that any reorganization best serves the needs of the people of California," stated Assembly member Mary Hayashi.

The special committee is composed of chairs and vice chairs of other Assembly committees, bringing together diverse expertise on state issues. The other members include Assembly members Katcho Achadjian (R-San Luis Obispo), Bill Berryhill (R-Stockton), Joan Buchanan (D-Alamo), Roger Dickinson (D-Sacramento), Linda Halderman (R-Fresno), Isadore Hall (D-Los Angeles), Alyson Huber (D-El Dorado Hills), Kevin Jeffries (R-Lake Elsinore), Bonnie Lowenthal (D-Long Beach), V. Manuel Pérez (D-Coachella) and Norma Torres (D-Chino).

The committee will provide a comprehensive evaluation of the Governor's plan to reorganize the executive branch of California's government. The plan includes revising the structures of agencies such as the State and Consumer Services Agency, and transferring jurisdiction of certain state boards to different departments.

*Assemblymember Hayashi is the Chair of the Business, Professions, and Consumer Protection Committee and serves the 18th Assembly District, which includes San Leandro, Hayward, Dublin, most of Castro Valley and Pleasanton, and a portion of Oakland, as well as the unincorporated areas of Ashland, Cherryland, San Lorenzo and Sunol.*

<http://asmdc.org/members/a18/news-room/press-releases/item/3107-assemblymember-mary-hayashi-appointed-to-special-committee-on-governors-reorganization-plan>

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Does John Wallauch, former Envirotest Executive, have a conflict of interest? Does Mr. Wallauch have a interest in Opus-Systex-Envirotest? Is Opus a NON US Corp?

"Systech, which was established in 1999, provides vehicle inspection program and management contract services to governmental agencies and individual inspection stations. It is part of the Opus Group, whose shares are listed on the Stockholm Stock Exchange." -----

## Utah company to develop vehicle inspection system for N.C.

*The Salt Lake Tribune, Wednesday, April 18, 2012*

A Utah company said it has signed a contract with the North Carolina Department of Transportation to develop a motor vehicle inspection and law enforcement system.

The Murray-based Systech International said work will begin immediately. It estimated the contract will generate over \$6 million in revenue in 2012 and 2013.

Systech, which employs 10 Utahns, said the data management system that it is developing will provide North Carolina with links to over 6,000 private stations that conduct some 7.7 million inspections per

year.

And, the company added, the system will provide over 300 officers and staff at the transportation department in North Carolina computerized tools allowing them to manage and enforce the inspection program, conduct audits and investigate motorist complaints.

Systech, which was established in 1999, provides vehicle inspection program and management contract services to governmental agencies and individual inspection stations. It is part of the Opus Group, whose shares are listed on the Stockholm Stock Exchange.

<http://www.sltrib.com/sltrib/money/53938686-79/inspection-system-carolina-company.html.csp>

Did Governor Brown choose a CA/DCA/BAR Chief who can find out if what is broken on a Smog Check failed car gets fixed? A Smog Check secret shopper audit would cut toxic car impact 1500 tons per day while reducing cost by \$billions. Chief Sherry Mehl, CA/DCA/BAR, never found out if what is broken on a Smog Check failed car gets fixed.

<http://www.youtube.com/watch?v=Zl-Nrep74qg>

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# Smog Cops to Look for Emissions of Guilt

*Sensors scattered along Southland roadways will monitor exhaust. The state will help pay to replace or repair fume-belching clunkers*

*By Miguel Bustillo, (Los Angeles) Times..., August 14, 2005*

For anyone who has ever been stuck behind a car belching thick black plumes of pollution, Southern California's smog cops have a message that some will find reassuring: They will soon be scanning the streets for smoky clunkers.

In the largest experiment of its kind in California, the South Coast Air Quality Management District plans to use remote sensors and video cameras to measure air pollution from 1 million vehicles as they enter freeways and navigate roads in the counties of Los Angeles, Orange, San Bernardino and Riverside.

If caught, the owners of the most environmentally offensive cars and trucks would receive letters informing them that the government would pay to fix or scrap their vehicles. The South Coast district estimates that 10,000 to 20,000 of the dirtiest vehicles would be detected. Smog regulators lack the authority to order drivers to dump dirty cars, but they can offer incentives.

California officials estimate that the dirtiest 10% of all cars and trucks -- mostly older vehicles -- spew out roughly 50% of the state's smog-forming emissions from vehicles. By the end of this decade, three-fourths of emissions from vehicles will be from older cars and trucks, state officials estimate.

Studies have shown that scrapping high-polluting vehicles is among the most cost-effective ways of cleaning the air -- far cheaper than additional controls

on power plants and refineries. Yet politicians and state officials have failed for years to get the dirtiest cars off the streets.

"You can't meet our air quality goals without addressing this problem," said Victor Weisser, chairman of California's Inspection and Maintenance Review Committee, which oversees the state's smog-check program.

"We have made great strides with cleaner gasoline and new engines, but you can't make bigger reductions until you get some of these cars off the road," he said. "And unless we do something, these cars from the 1980s are going to be on the road a long time."

Smog regulators are expected to give formal approval to the program next month, and enough sensors to scan a million cars -- one in 10 cars in Southern California -- would begin work early next year.

Air officials, fearing that motorists with dirty cars would try to avoid the sensors, won't disclose where they will be, other than saying most will be along freeway ramps. Perhaps as few as a dozen would be required, because each one can scan thousands of vehicles a day, and they will be moved from place to place, officials said.

Past efforts to focus on the dirtiest cars and trucks have been stalled by political opposition. Some opponents have complained that poor families who can least afford new cars

would be hurt most by any move to target high-polluting vehicles. Other opponents have raised concerns that sensors would invade people's privacy.

In an attempt to allay privacy concerns, air pollution officials plan to hire a nonprofit group to send the mailings and deal with vehicle owners. The information on whose cars turned up as high polluters will be maintained in a database separate from motorists' regular state records, officials said.

Even as local smog regulators are moving ahead with the remote-sensor idea, state air quality officials have doubts about it. Some have questioned the accuracy of remote-sensing equipment, fearing that it will finger the wrong drivers by mistake. Southern California air regulators, by contrast, say the technology, which is now being used in Texas and Maryland, has a good track record.

Some critics of California's smog-control tactics say the real reason the state has failed to address the problem of dirty, older cars is that doing so would require officials to acknowledge that the smog-check program is not working.

Ten million cars and trucks are tested every year in California to ensure that they do not emit excessive pollution. Cars built in 1976 or before are exempt, as are cars newer than six years old. All other cars must be tested every other year to have vehicle registrations renewed. In most cases, cars that fail must be

repaired so they will pass inspection.

A 2001 report by the National Academy of Sciences found smog-check programs generally failed to deliver the predicted pollution reductions, though it noted that they had made a positive impact.

In California, an evaluation of the state program found that in 1999 it was achieving only 36% of the reductions state regulators had predicted. Changes have produced marked improvements, but the program is still falling short of expectations.

"Smog check is like trying to stop drunk driving by giving everyone a sobriety test once a year at the DMV," said Joel Schwartz, a former executive officer of the committee that oversees the smog-check program and now a visiting scholar with the American Enterprise Institute, a free-market think tank.

"We have known for at least 20 years that these inspection programs do not work particularly well," Schwartz said. "The evidence has been overwhelming that they are failing to repair the high-polluting cars. There is fraud. And yet they have been popular with regulators and activists."

The smog-check program has been plagued by fraud since its inception in 1984. In the last decade, state investigations have uncovered dozens of private smog-check stations engaged in "clean piping," a practice in which emissions from a cleaner

vehicle are illegally used to substitute for one that could not pass the inspections. In many cases, investigators have found that smog station technicians charged extra money on the side without the knowledge of a shop's owners.

Outside reviews of the program, conducted by pulling over motorists after they have received smog checks, have also found evidence of what critics call the "clean for a day" problem: cars that have been rigged by technicians to get through the test, only to fall back into disrepair within days.

"There is a lot of suspicion that the repairs being done" on cars and trucks that fail the smog checks "are not lasting," said Dean Saito, the official in charge of the planned Southern California monitoring program.

That's what Douglas R. Lawson, a former scientist with the California Air Resources Board, discovered to his surprise a decade ago.

In 1995, Lawson used sensors to detect high polluters in Orange County and then radioed California Highway Patrol officers to pull over the vehicles and administer smog tests on the spot. More than 90% failed, including many that had recently passed the smog check.

The smog-check program has been reworked numerous times, but large-scale changes have proved politically difficult, in part because the 8,000 private smog-testing stations in the state have become political players in their own right, with lobbying

coalitions in Sacramento.

Last year, groups representing smog stations opposed a proposal to grant longer new-car exemptions from inspections, arguing that it would harm their businesses. The proposal involved raising smog-check fees and ultimately provided the money to help fund the new remote-sensing proposal.

Citing smog check's underperformance, Schwartz and other critics argue that the state should scrap the program or at least limit it to older cars and instead install a vast web of remote sensors to snare problem vehicles.

Most air pollution experts reject that suggestion, arguing that remote sensing alone could never replace smog checks.

But supporters of remote sensing maintain that some state officials have opposed the technology out of fear that the sensors will expose smog check's flaws.

Lawson is one of several experts who argue that a large-scale monitoring program in California is long overdue.

"I am a fan of getting the air clean at the lowest cost to society, period," Lawson said. "And I am convinced that if the high-emitter problem were solved, the Los Angeles region would" comply with clean-air standards.

"I am happy that the South Coast is moving forward, they are showing leadership. But this should have been done a decade ago."

<http://articles.latimes.com/2005/aug/14/local/me-smog14>

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## ***Clean Air Performance Professionals***

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### **Finding the dirtiest vehicles**

Southern California pollution fighters plan to set up mobile units to find fume-belching vehicles. Owners will be offered money to fix or scrap the cars and light trucks. Here's how the system will work:

- 1) Sensors record engine output data and trigger camera to identify license plate and kind of vehicle.
- 2) Laser beam checks concentration of hydrocarbons and other pollutants in exhaust.
- 3) Data are later retrieved and notices sent to owners of gross polluters.

### **Key points**

Program is expected to begin early next year in Los Angeles, Orange, Riverside and San Bernardino counties.

- Possibly as few as a dozen sensors would be needed to monitor tailpipe emissions, mostly on freeway access ramps.
- Drivers who get notices could go to one of 32 community colleges, where smog-check dispute referees and mechanics would do tests and up to \$500 in free repairs.
- Alternatively, the South Coast Air Quality Management District would offer owners \$1,000 to scrap clunkers.
- Low-income owners could get up to \$2,000 in additional aid to replace older cars with ones built after 1990.

\*

Sources: South Coast Air Quality Management District, Taschen.

Graphics reporting by Cheryl Brownstein-Santiago

<http://articles.latimes.com/2005/aug/14/local/me-smog14>

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Meeting of the California Inspection and Maintenance Review Committee (IMRC)

*Northern California Court Reporters, February 26, 2003*

Mr. Chairman (Victor Weiser), committee, I'm Charlie Peters, Clean Air Performance Professionals (CAPP), a coalition of motorists interested in automotive regulations...

... (IMRC member Dr.) Deakin brought to your attention something, (the National Academy "Evaluating Vehicle Emissions Inspection and Maintenance Programs") that you...should review. Well, I have a copy of it here. ... (Dr.) Elizabeth Deakin was a member of that committee for some time, I kind of feel that possibly this song and dance could be really cut to the chase real quickly by just reviewing what this says, and it basically says Smog Check increases emissions in California.

So for you to support the public to participate in Smog Check based upon what you're saying you want to review and follow, it probably would be best if you go over to the Governor's office as soon as you're done here and recommend that it be stopped immediately.

Do I agree with that? I absolutely do not agree with that, and I think it's appropriate to evaluate. As (Committee Member Dr.) ... Williams said, we've got to find out where we've been, where we're at and where we need to go, and I think that the committee has stated and I think what these reports that you

are suggesting to look at, ...the Fresno Bee basically suggests to immediately stop Smog Check, put remote sensors on the highway, crush the cars that you find and we'll have a great program.

I don't think that treats the public very well, I don't think that's appropriate policy and I don't think it's right. I think it's not true.

So ... (Dr.) Williams is indicating that we need to evaluate where we've been and where we're at, and that could be done very easily by creating an audit system that determines what is really going on in the marketplace, whether or not you determine what's broken on a car, determine whether or not it is getting fixed.

You can also determine whether or not you can change that, and I believe that that could generate 2,000 tons (per day) emissions reductions in the state of California that can create a great benefit, and also create a proud effective repair industry to supply ethical services to the public.

So if you want to just do what you've suggested here today, that's quite simple. Make it a point to go to the Governor and ask him to stop this. Or let's evaluate what's really going on and whether or not we can do something to benefit the public. Thank you.

# Clean Air Performance Professionals (CAPP)

SB 1301 (Kelley) - As Amended: June 1, 1999

California Council for Environmental and Economic Balance (sponsor)

<http://cal-access.ss.ca.gov/Lobbying/Firms/calaccess.asp?view=detail&id=1147319&session=2001>

"The sponsor of the measure, California Council for Environmental and Economic Balance (CCEEB), believes that this measure is needed to determine the accuracy and dependability of this equipment to clean screen vehicles."

CCEEB looks like the Envirotest representative to me.

Does this indicate Envirotest supporter is now Chair of the Inspection And Maintenance Review Committee?

Is this just the old game of replacing internal combustion with fuel cells?

Someone please help me figure this out. I'm confused.

Thank you, Charlie Peters

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# Money available to clean air and improve smog program

*By Charlie Peters, Daily Review / MY WORD, August 14, 2002*

The smog check issue has been under continuous legislative debate since 1993. AB 2637 by Dennis Cardoza is an opportunity to improve program performance and public support.

We at the Clean Air Performance Professionals propose "reasonably available control measures" to improve California Smog Check performance. Consider a Consumer Assistance Program (CAP) quality audit (secret shopper) to improve smog check performance.

We propose using the CAP cars and funds to provide random quality audit of smog check providers. Audits that result in the car's not being in compliance should be handled similarly to the former Consumer Repair and Education Workforce program. The Bureau of Automotive Repair program did not fine the licensees nor did it involve coercion. But when the question of "what would you like to do?" was asked, the shop took care of business and usually elected to fix the car.

The average smog check failure repair is about \$ 150.00 statewide. The motorist pays about the same at the average repair station and the CAP station. The average CAP repair is about \$350.00. Many cars are not brought into compliance.

To level the smog check failure repair playing field so more cars meet standards after repair, the whole smog check market should be subject to a CAP (secret shopper) random audit.

Around 1985, BAR started a "missing part" audit. In 1991 that program was stopped,

The difference was a 300 percent change in result in finding the missing part. When BAR ran fewer than on audit per station per year, the result was a change in behavior that started at more than an 80 percent rate, but moved to less than 20 percent rate of noncompliance.

The difference was a 300 percent change in result in finding the missing part. If the CAP audit was addressing the issue of repair compliance rather than just finding a missing part, the results may be the same or a 300 percent improvement in compliance.

With the missing part program, a follow-up audit with increasing demands lift the stations no options but to find the missing part or be removed from the game.

There are huge inconsistencies from smog check station to station and with BAR representatives. For BAR to decide a car is not in compliance, rules of smog check must be clarified. Money is available for the CAP program. It can be used for contracted scrap and repairs, or some of the funds can be used to evaluate and support improved Performance of licensed small business. The cars and funds are the same, but the results may be credit for 2,000 tons per day in pollution prevention credit in the State Implementation Plan, rather than our current credit of fewer than 100 tons per day.

The governor and state Legislature would get the credit for improved performance. Performance improvements would be accomplished at a cost of less than \$500.00 per ton. And program illusions would be reduced in 1 year.

*Charlie Peters is president of Clean Air Performance Professionals. 510.537.1796*

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## ***Clean Air Performance Professionals***

# **Smog shops have vested interest in clean air**

*By Charlie Peters, San Bernardino Sun, March 1996*

After reading the three part series "Consumer Nightmare?" by Steven Church (March 17 – 19). I find it amazing that more Californians are not aware of what is really happening with the state's Smog Check program.

For the past five years a poor economy has plagued California. The money starved California government and regulatory agencies have found their pot of gold at the end of the rainbow via the Smog Check program.

Financial relief for the poor economy will be generated by contracts such as the smog testing contract signed with the Parsons Co. (via Engineering Science) and Envirotest.

The Environmental Protection Agency's demands for clean air (through the 1990 Clean Air Act amendments) will generate the largest tax increase in history. Behind

the effort is Dr. Don Stedman, patent holder of the remote sensing technology to detect "gross polluters," the state's worst polluting vehicles. Stedman works out of the University of Denver.

A long list of international government and big business interests, led by the federal EPA, have provided funding for Stedman's work.

Pollution credit trading is at the core of this money tree.

Numerous buy back programs project that 50,000 cars a day will be scrapped to meet the state's clean-air standards, generating approximately \$1,000.00 a car. This moves money from small business and the public to government and big business.

Parsons (Engineering Science) is also the referee for Smog Check II, the latest

rendition of Smog Check, and Envirotest is the quality auditing service that takes all the information from the smog testing equipment in California. These two international companies are providing government and big business the opportunity for increased revenue.

At the heart of these efforts are monopoly contracts to inspect vehicles on the road and in "state" test stations. Remote sensing studies by California and Arizona are reported to "false fail" more than 50 percent of identified cars. State test stations in Colorado are reported by some to have false-failures in excess of 50 percent.

So the question is: Are clean-air mandates about clean air – or money?

If the goal of scrapping 50,000 vehicles per day is met, the incentives to provide privatized rapid transit may be next. An additional party to this tax increase strategy, some say, will be privatizing roads and charging for parking. This will help with incentives to make privatized rapid transit economically feasible.

Is the American love affair with the automobile at risk because of funding demands of government and big business's desire for profits (and thus its partnership with government)?

These policies are being questioned by an expanding group, including academics

from state universities and many groups across the country.

Money and power generated from command and control policies that have possibilities of changing the face of America are a raging debate in many quarters. One voice is demanding that responsible government "manage what it mandates."

Promotion of responsible government to promote competitive market inspection and quality maintenance is getting consideration as an option to the money trading strategy. The Clean Air Performance Professionals has requested a pilot study to change management techniques to improve mechanics' Smog Check performance. CAPP maintains that the study will demonstrate a reduction in mobile emissions in excess of 1 million tons per year. Such a result promotes continuation of America's love affair with the automobile.

The strategy of the proposed pilot study is that government and the private sector can work together toward common goals to provide the public with services that are superior to those provided by government monopoly efforts.

America is making big decisions that affect the very air we breathe. But only private citizens can decide the final direction and results by lobbying for improved performance.

*Peters of Loma Linda is President of Clean Air Performance Professionals. Point of view is an occasional column of commentary by local citizens. Sent opinion to point of view, The Sun, 339 N. D St., San Bernardino, Calif. 92401 Or fax it to (909) 885-8741*

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## URGENT NOTICE

### H.R. 3030: The "Centralized Program" Rumor

The Bureau of Automotive Repair (BAR) has become aware of a rumor that H.R. 3030 (the House version of the Federal Clean Air Act) contains a provision requiring a centralized inspection and maintenance program. (A centralized program is one where the state or private contractor conducts inspections for the Smog Check program.)

This is not correct.

We have contacted both the California Air Resources Board and the Federal Environmental Protection Administration (EPA). Well informed officials from both agencies have assured us that the language does not require a centralized program.

The exact phrase in question says that the Federal Government will require a centralized program "unless the State demonstrates...that a decentralized program will be equally effective."

Since 1984 the BAR has operated its decentralized, biennial program which has met Federal requirements. Other states have annual or centralized programs which are less rigorous than California's. Our "cut points" for failing vehicles are much more stringent than elsewhere and in other respects we are a leader in enforcement and emissions technology.

The language must still be adopted by a Congressional conference committee and signed by the President. The Senate version of the Clean Air Act does not require centralized programs. We can reasonably expect that the House language will be moderated by the Senate in the conference committee.

California will be able to demonstrate that its 1990 decentralized program would comfortably meet or exceed the requirements of the new Federal law. According to Bureau Chief John Warnas, "The EPA has looked to California as a leader in Inspection and Maintenance programs. The House version is designed to bring other states up to our level. It is inconceivable that the EPA would reject what they in fact regard as an exemplary program."

(5/25/90)

*Betty*

Important

*make sure this is stored  
somewhere where we can get at  
it. may need remedy*