

**CITY COUNCIL MEETING  
TUESDAY, APRIL 26, 2016**

**DOCUMENTS RECEIVED AT MEETING**



# ACTION FOR ANIMALS

P.O. Box 20184  
Oakland, CA 94620  
tel. - 510/652-5603  
fax - 510/654-7432  
e-mail - [afa@mcn.org](mailto:afa@mcn.org)

"We need a boundless ethics which  
will include the animals also."  
--Dr. Albert Schweitzer

April 26, 2016

TO: Mayor Barbara Halliday, and Members of the Hayward City Council  
FROM: Eric Mills, coordinator, AFA  
RE: Animal and child welfare at the Rowell Ranch Rodeo, May 21-22

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Some about-to-be abused animals and children need your help. Please see the enclosed, then express your concerns to those who could put a stop to this nonsense, dangerous for children and animals alike.

*or call*

A letter of concern to HARD, the Rowell Ranch Rodeo Committee, and the members of the "Rowell Ranch Rangers" could help make the difference.

Thank you for your consideration.

*Eric Mills*

Attachments



# ACTION FOR ANIMALS

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*"We need a boundless ethics which will include the animals also."*

*—Dr. Albert Schweitzer*

## EAST BAY TIMES - Tuesday, April 26, 2016

(Contra Costa TIMES, Oakland TRIBUNE, Hayward DAILY REVIEW, Fremont ARGUS, et al.)

### Readers' letters

#### Park district should outlaw rodeo events

Despite receiving more than 300 letters of opposition, the Hayward Area Recreation and Park District has given its approval for the Rowell Ranch Rodeo Committee to feature the cruel and dangerous wild cow milking contest and the children's mutton-busting event at the Castro Valley arena on May 21-22.

A manhandled and panicky cow jumped the fence at the 2014 rodeo, breaking her neck and leaving an orphaned calf.

In the mutton busting event, kids have suffered comas, broken arms, bloody noses and knocked-out teeth. The sheep are terrified, the kids often in tears. What a terrible message to send to impressionable young children about the proper treatment of animals. Child protective agencies, where are you?

New Zealand outlawed mutton busting two years ago on the recommendation of the NZ Veterinary Association, which noted that sheep are not designed to carry the weight. HARD and California should follow suit.

They need to hear from us. Write to the Board of Directors, HARD, 1099 E St., Hayward, CA 94541 or email [mccp@haywardrec.org](mailto:mccp@haywardrec.org).

Eric Mills  
Coordinator  
Action for Animals  
Oakland

#### HAVE YOUR SAY

Letters of up to 175 words will be considered for publication. All letters must include a full name, address and daytime phone number, plus any affiliations that would place your opinion in context. Send letters for the East Bay Times to:

Email: [ebletters@bayareanewsgroup.com](mailto:ebletters@bayareanewsgroup.com)  
(no attachments)

Mail: 175 Lennon Lane,  
Suite 100, Walnut Creek,  
CA 94598

Fax: 925-943-8362

#### TALK BACK

This week's question is: **Do you believe the presidential primary nomination process is fair?**

Your letter must reach us by 3 p.m. Wednesday.

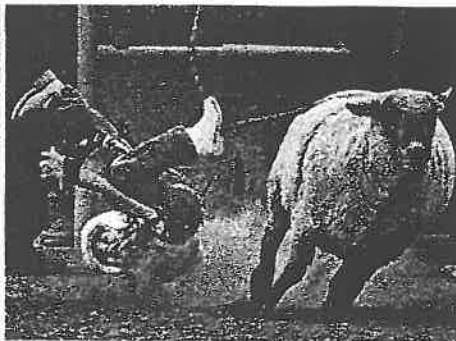
(PAID ADVERTISEMENT)

## HARD-headed & HARD-hearted

Animal Abuse Meets Child Endangerment  
at the Rowell Ranch Rodeo in Castro Valley, May 21-22



"Wild Cow Milking"



"Mutton Busting"

Despite near-unanimous opposition from Bay Area humane organizations and the general public (300+ letters), the Rowell Ranch Rodeo is forging ahead with the cruel and dangerous "wild cow milking contest" (in which a cow died at the 2014 rodeo), and the children's (age 4-7) "mutton busting" event at this year's rodeo. We need to change their minds.

The Rowell Ranch is owned and managed by the Hayward Area Recreation & Park District (HARD). The annual rodeo is organized by the Rowell Ranch Rodeo Committee (Russ Fields, pres.; Bud Critzer, former HARD Genl. Mgr.; Janet Lemmons, et al.)

In the "mutton busting" event, children have suffered comas, broken arms, knocked-out teeth and bloody noses. The sheep are terrified, the kids often in tears. No responsible parent would put his/her kid at such risk. The New Zealand Veterinary Association recently recommended a ban, noting that sheep, unlike horses and cattle, are not designed to carry the weight. The rodeo cowboys there agreed, and "mutton busting" is no more. HARD, are you listening?

Ironically, there's a well-meaning group of local politicians, the "Rowell Ranch Rangers," who unwittingly endorse the abuse. Members include Alameda County Sheriff Greg Ahern, County Supervisors Scott Haggerty and Nate Miley, Dublin Mayor David Haubert, State Senator Bob Wieckowski, et al. They all need to hear from us, as does HARD.

**HOW YOU CAN HELP:** Contact Paul McCreary, Genl. Mgr., and the Board of Directors, c/o HARD, 1099 "E" Street, Hayward, CA 94541; tel. 510/881-6700; email - [mccp@haywardrec.org](mailto:mccp@haywardrec.org). (Board members are Minane Jameson, Paul Hodges, Jr., Lou Andrade, Carol Pereira & Rick Hatcher.) The Board meets the 2nd & 4th Mondays, 7pm. Please attend and speak up on behalf of the animals and children. (Confirm date/time.)

**SUPPORT:** Eastbay SPCA, Hayward Friends of Animals, Ohlone Humane Society, H.S. of Silicon Valley, Marin H.S., In Defense of Animals, Humane Farming Association, Animal Legal Defense Fund, a Presbyterian minister, and various veterinarians.  
**INFO:** ACTION FOR ANIMALS, P.O. Box 20184, Oakland, CA 94620; email - [afa@mcn.org](mailto:afa@mcn.org) (Petitions available upon request.)

✓ **RELATED READING:** Remember Shirley Jackson's famous 1948 short story, "The Lottery"? It's available on-line. Give it another read, and think "rodeo" as you do. The parallels are troubling: As at the Rowell Ranch Rodeo, the entire community is complicit in the abuse.

✓ This half-page display ad will run in the Friday, April 29 issue of the EAST BAY TIMES (magazine insert) at a cost of \$615.00. Donations to help pay for this and future ads are much appreciated. NO AMOUNT TOO SMALL! Send to ACTION FOR ANIMALS, P.O. Box 20184, Oakland, CA 94620; email - [afa@mcn.org](mailto:afa@mcn.org)

5/16

## **ROWELL RANCH RODEO INFO: CALL! WRITE! SPEAK!**

### **HAYWARD CITY COUNCIL**

City Hall, 777 "B" Street, Hayward, CA 94541; Clerk - 510/583-4400. Members: Mayor Barbara Halliday (tel. 510/583-4340); Al Mendall, Elisa Marquez, Francisco Zermeno, Greg Jones, Marvin Peixoto, Sara Lamnin. **EMAIL PATTERN FOR ALL** - barbara.halliday@hayward-ca.gov. Council meets 1st, 2nd & 4th Tuesdays, 7pm (Public Comment up 1st)

### **HAYWARD AREA RECREATION & PARK DISTRICT (HARD)**

1099 "E" Street, Hayward, CA 94541; tel. 510/881-6700; fax 510/881-6763; meets 2nd & 4th Mondays, 7pm. (See website for agenda and date/time.) Paul McCreary, General Manager - email - mccp@haywardrec.org

Board members - Minane Jameson, pres.; Paul Hodges, Jr., Lou Andrade, Carol Pereira, Rick Hatcher. **EMAIL PATTERN FOR ALL** - first three letters of last name plus first letter of first name, e.g., for Minane Jameson: jamm@haywardrec.org. Board generally meets 2nd & 4th Mondays, 7pm. Public Comment is up early.

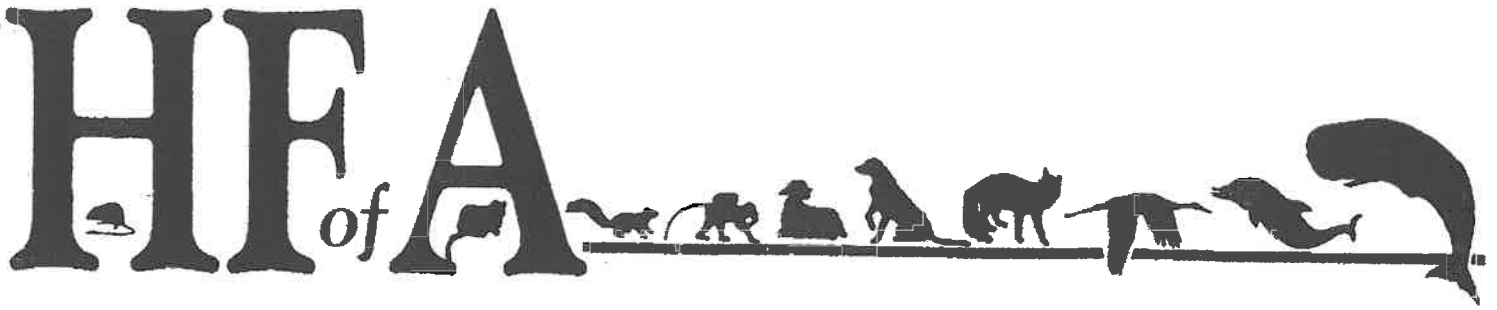
### **CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL (C.V. IS UNINCORPORATED)**

224 W. Winton, Room 111, Hayward, CA 94544; tel. 510/670-5400. Advisory to Alameda County Supervisor Nate Miley. Meets 2nd & 4th Mondays of each month, 6pm, at 4400 Alma Avenue, Castro Valley (confirm time/place.)

**MEMBERS:** Chuck Moore, Dave Sadoff, Janet Everson, Marc Crawford, Sheila Cunha. **EMAIL PATTERN FOR ALL:** chuck.moore@acgov.org. **NOTE:** Supervisor Miley is a member of the "Rowell Ranch Rangers," as is Supe. Scott Haggerty.

**Senator Bob Wieckowski (D-Fremont)** - also a member of the "Rowell Ranch Rangers" - c/o The State Capitol, Sacramento, CA 95814; tel. 916/651-4010; email - senator.wieckowski@senate.ca.gov. **DISTRICT OFFICE (Fremont)** - Rocky Fernandez, COS, email - rocky.fernandez@sen.ca.gov; tel. 510/794-3900.

**ALAMEDA COUNTY CHILD & FAMILY SERVICES** - Michelle Love, Director; tel. 510/667-7714; email - lovemi@acgov.org



August 25, 2015

**John Gouveia, General Manager  
Board of Directors  
HAYWARD AREA REC & PARK DISTRICT  
1099 "E" Street  
Hayward, CA 94541**

**Dear Mr. Gouveia:**

**I am writing, on behalf of the members of Hayward Friends of Animals, to encourage you and your Board to ban Wild Cow Milking and Mutton Bustin' events from all rodeos at Rowell Ranch.**

**Rodeos are supposed to honor and perpetuate the ranching tradition of the West. However, neither of these events is a standard ranching practice.**

**Banning these two events would not compromise rodeos held at Rowell Ranch, since neither one of them is a sanctioned rodeo event.**

**These events put both animals and contestants, including children, at risk gratuitously. Even when no one, human or otherwise, is hurt, the audience is encouraged to think of animals as objects whose well-being can be disregarded for a laugh. That is not an attitude that should be honored or perpetuated.**

**Sincerely,**

  
**Steve F. Sapontzis  
President**

9/17/14



HARD  
Hayward, CA

Dear Directors,

Thank you for your time last month, allowing us to voice our continued concern regarding rodeos occurring within your jurisdiction.

While HARD has been quite progressive instating some regulations, we do have a ways to go. I would like the directors to please consider formally adding a ban on "Mutton Bustin'" and "Wild Cow Milking".

Compelling, emotional arguments have been made by both sides of this issue. I hope that we can put the emotion aside and evaluate the basic ethics at the crux of this argument – it is simply inhumane to use and cause these animals pain for entertainment.

A couple of years back we took a step backwards and conceded, allowing for electric prods to be used "only in the case where the lives of a cowboy or animal" was at stake. Unfortunately, that allowance has been broadly interpreted and misused. Ideally this would come back up for argument, but that is for another day.

The argument of the rodeo being a proud north-American tradition is a tired one. We can all cite many old "traditions" that have gone away – and fortunately so. I doubt that our forefathers would take much pride in the new events that are created with little regard for anything other than entertainment. While the 4-H's may rationalize on one level, the general child in the audience witnesses what they believe to be appropriate treatment of animals. It is not.

Thank you for your time, and for considering formalizing a ban on the newer events of "Mutton Bustin'" and "Wild Cow Milking". I appreciate your willingness to hear both sides of this issue.

Kind regards,

Allison Lindquist  
President/CEO East Bay SPCA  
510-563-4607

Oakland Adoption Center  
8323 Baldwin Street  
Oakland, CA 94621  
510.569.0702  
fax 510 569 1608

Dublin Adoption Center  
4651 Gleason Drive  
Dublin, CA 94568  
925.479.9670  
fax 925 479 9680

Oakland Veterinary Clinic  
8323 Baldwin Street  
Oakland, CA 94621  
510.569.1606  
fax 510 569 1609

Oakland Spay & Neuter  
510.639.7097  
Dublin Spay & Neuter  
925 479 6674



# ACTION FOR ANIMALS

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*"We need a boundless ethics which  
will include the animals also."*  
--Dr. Albert Schweitzer

November 2014 letter to John Gouveia, General  
Manager, and the Board of Directors, Hayward Area  
Recreation & Park District, from Dr. Peggy Larson,  
regarding the "wild cow milking contest."

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"As a former large animal veterinarian, my ranchers  
would be appalled at such treatment of one of their  
cows. As a lawyer who works on animal abuse cases,  
treatment of this cow would be actionable as abuse.  
Furthermore, watching grown men abuse this poor cow  
reminds me of rape cases I have tried as a state  
prosecutor."

--Peggy W. Larson, DVM MS JD

NOTE: See the many on-line YouTube videos of the  
abuse.



April 2, 2016 - via email

TO: LORI A. COX, AGENCY DIRECTOR, ALAMEDA COUNTY CHILD PROTECTIVE SERVICES

FROM: DR. PEGGY LARSON, VETERINARIAN AND LAWYER

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## "MUTTON BUSTING"

Hi Lori,

Children participating in this event have broken bones, lost their teeth, suffered bruises and one child in Texas almost lost his life to an E. coli infection from the dirt in the arena.

<http://legacy.wfaa.com/story/news/health/2014/08/09/13605012/>

I am both a veterinarian and a lawyer and my husband is a neurologist. Both of us has looked at "mutton busting" from the points of view of our professions. He says it is a matter of time before some child is either killed or receives permanent injuries. Given the new studies on head injuries, neurologic damage is likely.

✓ As a lawyer, I believe it is only a matter of time until someone is likely to be sued for permitting this event to occur. When someone's child is injured or killed, the parents will forget they allowed the child to participate and will look for someone to sue. That's the way it works in this country.

You would be wise to consider this event as a child abuse or neglect issue and work to end it before some kid gets seriously hurt or killed.

Sincerely,

**Attachments:**  
untitled-[2]

1.8 k

[ text/html ]

[Download](#) | [View](#)

DOWNTOWN HAYWARD

# BIKE Festival



AND *cyclepath*

VINTAGE BMX SHOW  
& STREET JAM



SATURDAY 11AM - 4PM

MAY 14, 2016

B St & Main St

**F R E E** **BIKE REPAIRS**  
KIDS CHP OBSTACLE COURSE  
**FAMILY BIKE RODEO**  
**BMX**  **RAMPS** **AND RAILS**  
Downtown Exploration  
**BANDS, FOOD & MORE!**

Presented by: *St. Rose*  
HOSPITAL



**DBIA** Downtown Business  
Improvement Area



For more information contact the Hayward Chamber of Commerce  
510-537-2424 • [www.hayward.org](http://www.hayward.org)





## 'What Restaurants Need to Know in 2016'

### WHAT

A free workshop with the latest news for Hayward restaurants.

### WHEN

Tuesday, May  
10, 2016  
10 a.m. - Noon

### WHERE

Hayward  
City Hall  
777 B St.,  
Hayward, CA



### WHO

Jot Condie  
President,  
California  
Restaurant Association

Co-sponsored by Hayward's



This free workshop - featuring California Restaurant Association President/CEO Jot Condie - will address the 'top ten' issues facing restaurants in 2016, new regulations, a "state of the industry" update, and an incentive program for food waste disposal. Sponsored by the Hayward Chamber of Commerce, California Restaurant Association, and City of Hayward.

Register at the chamber website: [www.hayward.org](http://www.hayward.org)

If you are not affiliated with a restaurant, this will be an opportunity to learn the latest issues involving a fascinating and highly regulated industry. Plus, we'll have munchies and door prizes from Hayward's Costco Business Center.

Sincerely,

*Kim Huggett*  
President & CEO  
Hayward Chamber of Commerce



**Enjoy a piece of the “World’s Largest Taffy”**

**Guinness Book of World Records**

**Made April 15, 2016 in**

**Hayward, California! 520 Pounds, 1,000 Feet Long**



**Annabelle's**



**HAYWARD  
CHAMBER of  
COMMERCE**

# Hemmings Motor News

ANTIQUE AUTO PUBLICATIONS



ALSO FURNISHES OF  
Special Interest Autos  
Vintage Auto Almanac  
How to Get Started in  
The Old Car Hobby

Visitors Welcome  
Mon-Fri 9-5







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

**Monday, February 29, 2016**

**Ms. Alexis Podesta, Acting Secretary  
Business, Consumer Services and Housing Agency  
915 Capitol Mall 350 A  
Sacramento, California 95814  
(916-653-4090 / 3815.fax**

**RE: Health and Safety Article 6, Public information program 44070**

**Dear Acting Secretary Podesta,**

**Congratulations for the Appointment to serve the Governor in such a big way.**

**DCA / BAR Engineering is considering an interesting addition of the car emissions label information in the Smog Check Test data.**

**Also an addition of a flag to notice of a previous test fail result at another location in the previous 60 days.**

**Thank You for your interest in this consumer information program.**

**Clean Air Performance Professionals, an award winning coalition of motorists.**

**Charlie Peters  
510-537-1796 / fax: 9675  
[cappcharlie@earthlink.net](mailto:cappcharlie@earthlink.net)  
cc: interested parties**

**CAPP contact: Charlie Peters (510) 537-1796 [cappcharlie@earthlink.net](mailto:cappcharlie@earthlink.net)**

## **Acting Secretary of the Business, Consumer Services and Housing Agency**

**Alexis Podesta is the Acting Secretary of the Business, Consumer Services and Housing Agency. She was appointed Undersecretary in June 2015 and became Acting Secretary November 11, 2015. Ms. Podesta oversees departments charged with funding affordable housing, civil rights enforcement, banking and financial transactions, consumer protection, and the licensing of three-million working professionals.**

**Prior to coming to the Agency, Ms. Podesta served as the Director of External and International Affairs for the office of Governor Edmund G. "Jerry" Brown. As Director of External & International Affairs she led outreach, communication and partnerships with**

**stakeholder groups, as well as provided key support for the Governor's special projects. Additionally, Ms. Podesta was the lead on international affairs and served as the Chief of Protocol. Prior to joining the Brown Administration she worked for Pacific Gas & Electric in Sacramento as the Special Assistant to Senior Vice President Nancy McFadden. Before joining PG&E Ms. Podesta spent nearly a decade in Washington, DC, working first as the Director of Scheduling for US Senator Dianne Feinstein of California, and then as the Manager of Government Relations for The Walt Disney Company. She has a Bachelor's Degree from George Washington University.**

**<http://www.bcsb.ca.gov/about/podesta.shtml>**

## ***Trump Loves GMO Corn Mandate***

**CAPP contact: Charlie Peters (510) 537-1796 [cappcharlie@earthlink.net](mailto:cappcharlie@earthlink.net)**



## **Clean Air Performance Professionals**

**January 16, 2016**

Department of Consumer Affairs

DCA Director

Awet Kidane

1625 N. Market Blvd.

Sacramento, CA 95834

Awet.kidane@dca.ca.gov

(916) 574-8200 / fax: 8613

Lerae Quintana Director's Assistant

michelle.milke@dca.ca.gov

**RE: Health and Safety Article 6, Public information program 44070**

Dear Michelle Milke,

DCA/BAR engineering is considering an interesting addition of car label information for Smog Check that can improve consumer, BAR-ARB, data.

Also add a flag that will notify of a previous fail at another location in the last 60 days

Thank you for your interest in the public information program.

Clean Air Performance Professionals, an award winning coalition of motorists

**Charlie Peters**

(510) 537-1796 / fax: 9675

cappcharlie@earthlink.net

cc: interested parties

***CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net***







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

**Sunday, September 22, 2013**

Governor Jerry Brown & First Lady Ann

c/o State Capitol, Suite 1173, Sacramento, CA 95814

Phone: (916) 445-2841 = Fax: (916) 558-3160

# **RE: Environmental policy**

Honorable Jerry and Ann Brown;

Thank you for your lifetime of service to California.

Our proposal: "44036 (b) To achieve the goal of consumer protection and quality assurance, the department is directed to adopt in-field audits using known vehicle defects. The in-field audits will be used to determine if a technician does actually detect, diagnose and repair the designated audit vehicle defect.

(c) As there are no clear standards to see that emissions defects are being corrected, these audits are to be conducted without notification being provided to ensure accurate assessment. The improved methods generated by the audits will provide continuous improvements in the quality of vehicle repairs actually occurring.

Bureau of Automotive Repair (BAR) has said the above policy was supported by BAR leadership.

Your phone call might be the only action needed to start this fun project.

Respectfully,

Charlie Peters

Phone 510-537-1796---9675 fax

cc: interested parties

**CAPP contact: Charlie Peters (510) 537-1796 [cappcharlie@earthlink.net](mailto:cappcharlie@earthlink.net)**



STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.

**PROGRAM AND CONSUMER SERVICES DIVISION**  
**CONSUMER INFORMATION CENTER-CORRESPONDENCE**  
1625 North Market Boulevard, Suite N-112, Sacramento, CA 95834  
P 916.574.7500 F 916.574.8643 | [www.dca.ca.gov](http://www.dca.ca.gov)



January 17, 2012

**CU File Number: AR 2011 858**

Mr. Charlie Peters  
Clean Air Performance Professionals  
21860 Main Street, Suite A  
Hayward, CA 94541

Dear Mr. Peters:

Thank you for contacting Governor Brown's Office regarding the administration of the Smog Check Referee Centers. The Department of Consumer Affairs (DCA) was asked to respond since the Bureau of Automotive Repair (Bureau) is under the organizational umbrella of DCA.

A member of my staff contacted the Bureau and was informed that the Referee Centers are operated by the Foundation for California Community Colleges (FCCC) under contract with the Bureau. The Bureau's Engineering Unit manages the contract with FCCC. The Referee Centers are located throughout California and are primarily located within California Community Colleges.

Under this contract, the Referee Centers offer specialized inspection services that are beyond the scope of California's licensed Smog Check stations within the guidelines of California Health and Safety Code Section 44000 and California Code of Regulations Section 3340. FCCC administers the Referee program in accordance with the Bureau's requirements as described in the Bureau's "Smog Check Referee Program Procedures Manual." The Bureau provides written direction to the Contractor of any requirement changes as they occur. Requirements are also defined by Federal and State laws related to emission controls, California Air Resources Board (CARB) Executive Orders, Referee Directives, and vehicle manufacturers' requirements. The Contractor also uses the most current Smog Check program documents, including the Bureau's Procedures Manual. The Referee is responsible for providing accurate information to motorists on Smog Check Requirements.

The Referee inspects and tests vehicles and determines if the vehicle should be issued a smog certificate, be exempted, or is in need of repairs. The Referee inspects vehicles that have engine changes, are specially constructed or are Grey Market imports. Grey Market vehicles are vehicles that have been imported to the United States from other countries and were not designed to meet U. S. emission standards. In most cases, these vehicles are required to have emission components installed or modified before they can be registered in California.

Mr. Charlie Peters  
January 17, 2012  
Page 2

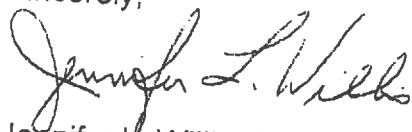
Once inspected and certified by a Referee Center, the vehicles are given a Bureau label. Any licensed Smog Check station may then perform inspections on them as long as the Bureau label remains in place and the vehicle's emissions equipment remains unaltered. The Referee Centers also certify vehicles with limited parts exemptions and issue Smog Check repair cost waivers.

The Bureau provides technical direction and equipment to Referee Centers which, in addition to their other functions, provide training and work experience opportunities to qualified students in a program called the Student Lane Technician Program. The Referee Centers and Referee Technicians are licensed to perform Smog Check inspections and must possess knowledge of how to deal with people, use point of sale devices and basic training techniques as they train students who work in their Student Training Programs.

If you have further concerns or questions regarding the Referee Centers, please contact the Bureau's Air Quality Engineer Dan Burnett at (916) 255-4242.

Again, thank you for contacting Governor Brown's Office and allowing DCA the opportunity to research your concerns.

Sincerely,



Jennifer L. Willis, Chief  
Consumer Information Center and  
Complaint Resolution Program

cc: Constituent Affairs, Office of the Governor

Ms. Anna M. Caballero, Secretary  
State and Consumer Services Agency

Bureau of Automotive Repair

**From:** "Triepke, Kristin@DCA" <Kristin.Triepke@dca.ca>

**To:** <cappcharlie@earthlink.net>

**Subject:** Meeting follow-up

**Date:** Jun 30, 2011 2:39 PM

Good afternoon Charlie - Thank you for taking time out of your day Tuesday to meet with members of BAR's Field Operations and Enforcement Division. I wanted to recap some of the key points and concerns you raised during this meeting as well as the conversation we had yesterday. BAR is always looking for ways to improve the smog check program, we appreciate your input and we are reviewing your suggestions.

Your key concern - ensuring that cars that have failed smog get properly repaired (subset of this is that they get properly tested).

Your suggestions on how to ensure cars get properly repaired:

1. Send BAR undercover cars into smog check test and repair stations with a documented failure (consistent with one a consumer would see as a reason for failing a smog test). If the station does not properly id and fix the documented failure the BAR representative would discuss this with the station owner and technician and afford them the opportunity to properly repair the car. If they do, no discipline would occur.
2. Ensure that only licensed smog check test and repair stations repair cars that fail a smog test.
3. Audits - (a) BAR audits (inspects) cars being publicly sold whether at a used car lot or auction. (b) When BAR becomes aware of an improper test and or repair behavior they would immediately bring this to the attention of the station owner and/or technician. This would be instead of taking disciplinary action against the licensee. You indicated that this wouldn't necessarily be appropriate in all instances and that it could possibly be done on a pilot and/or case by case basis.
4. Yesterday, you called me to discuss an additional suggestion. You suggested that BAR program the analyzer so that it informs the smog check technician at the end (rather than beginning) of the test whether the car being tested recently failed a smog test. You suggested that a portion of those cars (that recently failed and were now going to pass) not be issued a certificate and instead be referred to the referee. A BAR representative would meet the consumer at the referee to inspect the car. A process similar to #1 above could be triggered depending upon the Bar representative's findings.

PS I am not sure if you are following BARs proposed regulations for the STAR Program and Licensing Restructure. As both propose major program changes aimed at improving the testing and repair of cars I am curious how you think these 2 regulatory packages may address your key concern related to proper test/repairs.

Kristin Triepke,  
Deputy Chief  
Field Operations and Enforcement Division  
Bureau of Automotive Repair  
916-255-4300

**CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net**

# NO on AB118 (Logue) unless amended

"An ARB spokesman said this week that 'as for how sensitive this is, the findings are from the committee, not by us.' The Dec. 15 report 'requires further analysis and we are not ready to comment on the implications. As for the Sierra Research report, we are not authorized to release it, as it is still under review'."

## ***Inside Cal/EPA***

*An exclusive weekly report on environmental legislation, regulation and litigation from the publishers of Inside EPA*

Vol. 20, No. 50 — December 18, 2009

### **Report Reveals Major Flaws In Smog Check Program; ARB Response Unclear**

A panel overseeing the state's Smog Check program this week unveiled a report showing that the vehicle inspection maintenance system may be riddled with fraud, raising questions about whether major changes are needed to improve performance. The panel has become increasingly frustrated over the past year that the air board and the automotive repair bureau have ignored repeated requests to release details of an earlier report that reflected similar findings — primarily that the program suffers from a very high rate of "re-fail" for vehicles that were supposedly repaired to meet inspection standards, according to sources.

The new analysis indicates the program is likely not reducing tailpipe emissions nearly as expected, and therefore raises questions about how this impacts the air board's overall air quality plans and strategies, sources said. However, it is unclear how or if air board officials intend to address the reports and their findings.

Californians spend more than \$750 million annually on the Smog Check program, and the substantial amount of fraud described in the report cannot be taken lightly, the panel argues.

The controversy over the report's findings could have implications for the Smog Check program, including regulatory or legislative changes. The Air Resources Board has relied on Smog Check and assumed emission reductions from the program as one of many strategies in the state's overall efforts to meet air quality standards. While ARB has played a substantial role in setting emission-reduction standards for Smog Check over the years, the Bureau of Automotive Repair (BAR) is primarily responsible for ensuring the program is being carried out properly by the state's thousands of test-and-repair stations.

The Inspection & Maintenance Review Committee (IMRC), which oversees the program, Dec. 15 presented the results of its own analysis showing that 51% of cars that were repaired

to pass a Smog Check inspection failed random roadside tests within an average of six months.

The panel's Dec. 15 report replicates findings of an initial report done by the Sacramento-based consulting firm Sierra Research, Inc. more than two years ago. However, this report has never been formally released by ARB or BAR, an IMRC source said.

IMRC in August sent a letter to Gov. Arnold Schwarzenegger (R), Senate President Darrell Steinberg (D-Sacramento), and Assembly Speaker Karen Bass (D-Los Angeles), which ripped ARB and BAR for failing to release the report and essentially asked lawmakers and the governor to investigate why the report has not been released after several requests.

The letter says that the Sierra Research report apparently contains important findings relative to the Smog Check program and, based on information provided by ARB and BAR, it may point to a significant

amount of testing fraud within the Smog Check program.

The report was expected to verify that 49% of vehicles that failed a Smog Check inspection, fixed the problem, and then passed a subsequent check are failing roadside tests. "This re-fail rate is an alarming figure and it suggests that major program changes are needed," the IMRC letter said. "Of equal concern is the fact that this problem could be causing the loss of 70 tons per day of oxides of nitrogen and hydrocarbon emission reductions — reductions we can ill afford to incur and still maintain compliance with the California State Implementation Plan (SIP)."

A SIP is the state's blueprint for achieving state and federal air quality standards, which ARB oversees.

Since 2006, IMRC was promised this report by BAR and ARB, "but each time the release date approaches, another hold is placed on its release without an adequate explanation to this committee as to why," the August IMRC letter states. A copy of this letter is available at

InsideEPA. corn. See page 14 for details.

With ARB and BAR not responding to requests to release the report, IMRC conducted its own study of the problem based on roadside testing data it collected from BAR, an IMRC source said. The roadside data is from 30,000 cars, collected from road-testing lanes that are set up around the state. The California Highway Patrol directs vehicles into the lanes, where random smog testing is conducted on cars, the IMRC source said.

The findings from the study presented at the Dec. 15 IMRC meeting indicate that the "re-fail" rate is actually 51%, the source said. A copy of an IMRC presentation is available at InsideEPA. corn. See page 14 for details.

The IMRC source said the Dec. 15 report fairly well replicates the findings by Sierra Research. As for whether the 51% re-fail finding has implications for the state meeting air quality standards and its own SIP, the source said "pragmatically, I would say yes, but we have not

completed that part of the analysis."

The source said that the IMRC has characterized the 51% re-fail rate as the result of Smog Check stations giving cars "a generous pass" or "looking the other way" during testing. It is unclear what types of changes to the program are needed to alleviate the re-fail problems since "there's multiple behaviors and problems [at Smog Check stations] ... more analysis is needed," the IMRC source said.

The source noted that earlier this year BAR conducted a study ranking Smog Check stations, which revealed that many stations were showing poor performance, the IMRC source said. This seems to correlate well with the re-fail rate, the source said.

An ARB spokesman said this week that "as for how sensitive this is, the findings are from the committee, not by us." The Dec. 15 report "requires further analysis and we are not ready to comment on the implications. As for the Sierra Research report, we are not authorized to release it, as it is still under review."

<http://www.pacificaripride.com/files/untitled.pdf>

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*\*\* If an elected official would request a copy of the Sierra Research SR 2007-04-01 and all communication about the report from CARB, DCA/BAR, IMRC & Sierra Research it might help improve performance of Smog Check.*

<http://www.youtube.com/watch?v=TvB3em82Lkw>

*\*\* The Tom & Tom show: <http://cbs5.com/video/?id=61255>*

*\*\* <http://cbs5.com/local/smog.check.study.2.1468806.html>*

*\*\* A random 'Smog Check' inspection & repair 'secret shopper' audit, ethanol cap and elimination of dual fuel CAFE credit can cut California car impact over 50% in 2010. (Prevent Over 2000 tons per day of sulfur, PM, HC, O3, NOx, CO & CO2.) Improved performance of AB32 at reduced cost. (support H.R. 1207*

**CAPP contact: Charlie Peters (510) 537-1796 [cappcharlie@earthlink.net](mailto:cappcharlie@earthlink.net)**



----- Original Message -----

From: Bayne, Dolly (MAN Dallas-Fort Worth)

To: Charlie Peters

Sent: Friday, September 26, 2008 10:07 AM

Subject: Here it is - sorry for delay...

To Whom It May Concern:

I am writing this letter as a recommendation for Charlie Peters. He is an extraordinary individual who I have had the pleasure to know for more than 15 years.

Charlie Peters is somewhat of a savant when it comes to strategy, mitigating damages and maintaining positive relationships. He is thorough in his research, detailed oriented, self-motivated and amazingly optimistic even when the chips are down. This optimism and confidence Charlie maintains turns issues and events around.

I met Charlie first through his research and contacted him for additional guidance while I was the lead lobbyist in Arizona for the automobile industry. He spent a great deal of time with me during the legislative session in Arizona on Air Quality educating, coaching and developing legislation that successful brought all parties together and is still on the books in Arizona after nearly 15 years. He was paid with a "thank you"! Since then I have called upon Charlie many times and in different capacities during my career and he has always come through with the same dedication and guidance with no expectation for himself. I personally judge a persons character on how they treat people who cannot do anything for them and therefore, Charlie Peters has the highest character and integrity I know.

Should you have the opportunity to work with Charlie and bring him into your employ I can assure you it would be a powerful step in the right direction. In a challenging world where few stand out as extra special and truly gifted, Charlie Peters is still standing tall and dedicating himself to doing good and what is right with a great deal of intelligence to back him up.

Very Truly Yours,

**Dolly Bayne, Online Manager**

Manheim's Dallas Fort Worth

12101 Trinity Blvd. Ft. Worth, TX 76040

Main Office 817-399-4000

Tech. Support/Help 866-423-5678

CELL 817-538-4650



**Charlie Peters**

---

**From:** "Jerry Brown" <jb@jerrybrown.org>  
**To:** <cappcharlie@earthlink.net>  
**Sent:** Tuesday, August 08, 2006 12:47 PM  
**Subject:** Thank You

**Jerry Brown**  
for Attorney General

August 8, 2006

Dear Charlie,

I want to thank you for your contribution.

These are unusual political times in California. Yet, I know I can make a difference—with the help and advice of people like yourself. The breadth of my experience equips me to offer the kind of leadership that is not often found today in the partisan corridors of state government.

In Oakland, I have had great success revitalizing the downtown and reducing crime. My approach has been practical and down-to-earth. That's the spirit I will bring to the office of attorney general.

Thanks for believing in me and supporting my campaign.

Best regards,

*Jerry Brown*

STATE OF CALIFORNIA  
MEETING OF THE  
CALIFORNIA INSPECTION & MAINTENANCE REVIEW  
COMMITTEE

Tuesday, August 23, 2005  
California Air Resources Board  
1001 I Street, Coastal Hearing Room  
Sacramento, California

(snip) (Go to page 96 of transcript line 9)

MR. PETERS: Mr. Chairman and Committee, I'm Charlie Peters, Clean Air Performance Professionals (CAPP), and we're here because we're concerned with motorist issues.

Interesting comments by the Air Resources Board. I have some information for the Committee, and since I've been informed today that sexual harassment charges are being considered against me by your secretary, I guess I have to give this to the person who informed me, Mr. Rocky Carlisle. And in there is the *Sacramento Bee* article where Mr. Cackette is making the decisions by carrying them to the Air Resources Board on smoking cars, so it appears as though the Bureau of Automotive Repair is not allowed to be a part of the decision process, it's the Air Resources Board making the decisions.

There's the latest letter in response to a gentleman whose issues I've been bringing up for some time, Mr. Cruz, the current status.

You will find in there a response, apparently a memorandum from the Air Resources Board in regards to the U-Haul etcetera issue that the Committee, Mr. Rocky provided some information on, indicating 1.43 million cars in California not subject to Smog Check, which may be appropriate to consider.

And the last page inside is indicating that even the air districts are referring everything to the Air Resources Board on policy, and since I happen to be listed as an opponent to AB386 unless it's amended and put in some quality auditing to improve how the public's being treated, which the chair is very obviously opposed to, and the Committee, it makes the sexual harassment indicator very interesting.

Thank you, Mr. Chairman.

CHAIR WEISSER: Okay. Thank you.

CAPP contact: Charlie Peters (510) 537-1796, [cappcharlie@earthlink.net](mailto:cappcharlie@earthlink.net)

# Clean Air Performance Professionals

STATE OF CALIFORNIA, CALIFORNIA PERFORMANCE REVIEW COMMISSION  
RESOURCE CONSERVATION AND ENVIRONMENTAL PROTECTION  
CALIFORNIA STATE UNIVERSITY, FRESNO, FRIDAY, SEPTEMBER 17, 2004

Charlie Peters.

MR. PETERS: Mr. Chairman and Commission, my name is Charlie Peters. I'm probably confused, I'm probably in the wrong place, because I'm not here asking for money. I'm not here asking that anything actually be changed from what you're proposing.

I was hearing that one of the considerations that was being made has been rescinded and maybe my comments will help you understand that.

I'm here, today, representing motorists. I don't hear too many people representing that group. I have a little proposal that I perceive might economically impact the State of California, \$30 billion within a year, in a positive way, as well as remove 50 percent of the negative environmental impact of the car, particularly the ones that participate in smog check, within one year.

What I am proposing is, in one sentence, is that the smog check inspection and repair is audited by the State to see that

what is broken is, in fact, getting repaired.

That system is quite dysfunctional and the opportunities to improve it are immense. It is the best program in the world and California's done a better job than anybody, but the opportunities to improve it are immense.

That small business, who is coming under threat, and is being criminalized, and thrown out of business, instead of supported, and improve the behavior, and an audit can accomplish that.

I also believe that the issue of gasoline oxygenates, which virtually every important person in the State of California has agreed, that we need a waiver, we need relief from the oxygenate requirement, which is resulting in \$600 million a year in corporate welfare for the refiners, for putting ethanol in the gasoline, which is coming straight out of our Highway or Transportation funds.

In addition to that, we have an issue of credits, CAFE credits, which are giving significant increases in the amount of fuel that new cars use, by making cars operate where they can work on both gasoline and ethanol, and those credits are increasing the amount of gasoline, creating a shortfall in the available gasoline. Which relief from that, which would require petition of the fed to get, could significantly lower the amount of gasoline and improve the amount of gasoline that we're using.

So the combination of those three units, the smog check reductions, which we believe would generate credit for 2,000 tons a day in emissions reductions, which are currently selling in the competitive marketplace for approximately \$20,000 a ton, is approximately \$20 billion in positive economic impact to California, where businesses are not having to purchase those credits to do business.

Thank you.

COMMISSION CO-CHAIRPERSON HAUCK: Okay, thank you, Charlie.

(GAPP contact: Charlie Peters / (510) 537-1796 / [cappcharlie@earthlink.net](mailto:cappcharlie@earthlink.net))

# AutoNation

Corporate Offices  
Government Relations  
110 SE 6<sup>th</sup> Street, 20<sup>th</sup> Floor  
Ft. Lauderdale, FL 33301

Toll Free: (800) 837-0032  
Direct Dial: (954) 769-3059  
Direct Fax: (954) 769-6445

June 11, 1999

The Honorable Gray Davis  
Governor of California  
State House  
Sacramento, California 95814

Dear Governor Davis:

Many of us are asked to write letters of recommendations for people we know and we comply out of courtesy. This is not one of those letters. Rarely do we have the opportunity to make a real difference in a decision by sharing our personal opinions and experiences. I hope *this* will be one of those opportunities.

Charlie Peters has been a professional friend of mine for more than a half dozen years. We worked together for nearly six months before actually meeting. Charlie came to me via a recommendation to talk to him regarding I/M programs in California because he was the expert. Since then, he has proven this more over by his knowledge and love for the automobile. His enthusiasm for doing what is in the best interest of the citizens/driving public as well as what can realistically be done has had a positive ripple effect onto the many fortunate citizens in the State of Arizona and myself. He has been my teacher, a professional friend and an outstanding contributor to the business community. In all of my life I have never know anyone more dedicated to a cause he believed in than Charlie Peters.

Early in the 90's, I stepped into a new career as the Director of Public Affair and Legislation for the Arizona Automobile Dealers Association. My job as an advocate at the legislature was easy because of a dozen previous years of experience, however the client was new. As I am certain you are aware, franchised new car dealers also sell used vehicles and provide volumes of vehicles with maintenance and service. The issue we were faced with was the infamous IM-240 - the transient loaded inspection and maintenance program being mandated by the federal government and enforced via the states under the hammer of the EPA.

Charlie educated me on the internal combustion engine-- how it worked, the components and what it should or should not do. He took great pains, going over and over similar sections until I understood and more importantly, so that I could repeat it and educate the members of the Arizona Legislature and the general public. In the end, Charlie and I created and developed an emissions program in Arizona which had a very positive impact on dealer's businesses and in turn allowed them to provide a better service to the Arizona consumers. This program was presented and passed by the Arizona Legislature and supported by the Governor. Charlie Peters' influence and expertise are still working in Arizona today.

In the interest of brevity, Charlie's patience and complete understanding of the many details of the automobile and the industry came through for a very powerful cause. His sensitivity to the politics, the people and the process was admirable. He is unmatched in this field. He gained nothing material from this professional relationship and in fact, I am certain he spent his own resources many times to return calls and by providing information. Charlie's own interests drew him into a field of the automobile and repair and he has dedicated his life to it. He has sacrificed his personal gain for the greater good of the whole. In doing so, his satisfaction came from knowing that he helped provide the information and knowledge for other people to make informed, educated and hopefully the right decisions. His patriotism and theory of *doing what is right is not always popular* has earned him respect across the nation. I would welcome any opportunity to work with him again in the future.

Fortunately, you have the opportunity to do something that would be popular and right. The appointment of Charlie Peters as Chief of the Bureau of Automotive Repair would give California a dedicated public servant with an incredible wealth of knowledge in the automotive field and in the human field. He has earned a reputation for honesty and is respected by all that have met him. Charlie will be a positive addition and do an outstanding job thus keeping California on top as the envy of the rest of the nation. He is the best of the best and I highly recommend his appointment to the position of Chief of the Automotive Bureau of the State of California.

Sincerely,

Dolly M. Volini  
Senior Government Relations  
AutoNation, Inc.\*

Cc. Ms. Kathleen Hamilton, Director  
Department of Consumer Affairs  
400 R Street  
Sacramento, CA 95814

\* AutoNation, Inc., is the world's largest automotive retailer with more than 380 new vehicle franchises in 20 states and 45 AutoNation USA used vehicle Megastore in 13 states. Its automotive rental units include Alamo Rent-A-Car, Inc., National Car Rental Systems, Inc. and CarTemps USA, which combined have operations nationally and in more than 65 countries. The company is formerly known as Republic Industries, Inc.

# Smog shops have vested interest in clean air

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 Envirotech.

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 a car. This moves money from small businesses 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 Envirotech is the quality auditing service that takes all the information from the smog-testing equipment in California. These two international companies are providing govern-

ment 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

## Charlie Peters



### POINT OF VIEW

**T**he 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. Is the American love affair with the automobile at risk?

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. Send material to Point of View, The Sun, 399 N. D St., San Bernardino, Calif. 92401. Or fax it to (909) 885-8741.

From: QCSC / Dan Buckley 201-472-5020 (fax)

Please copy & re-transmit

# Metropolitan Section--



DECEMBER MEETING 1995

The Enhanced Motor Vehicle Inspection Program;  
Legal, Technical & Economic Implications / Part II

## SPEAKERS include:

NJDMV Director Richard Kamin

Steve Robbins

NJDEP Dave West (??)

Leonard P. Marshall (NJCP)

Stella Pyrtok-Blond (CAPP)

Nancy Eissing (NJCP)



Location; Quality Inn, Routes 17 & 3, Lyndhurst, NJ

Date; **Thursday, December 14, 1995**

Times; 6:30PM Harold's Famous Buffet Deli Dinner

7:30PM Presentations & Discussion

Cost per person; SAE Members \$20 Non-members \$22 Students \$11

Please pre-register, cost at the door is \$25 per person

Make checks payable to; **SAE Metropolitan Section**

Mail check & registration to; QCSC, 52 Ave E, Lodi, NJ 07644-1908

For directions or information, fax request to; 201-472-5020



NJ SCS-1700 (background)

Last December's Met Section activity meeting was a presentation by the NJDMV on plans for a new vehicle inspection system. This meeting will update developments in the legislation and rule-making that will affect NJ motorists and repair facilities for years to come. Hear the details of this legislation and what it means to you. (It hasn't gone away -- it may be late, but it's coming!)

Note: Director Kamin has requested that the press be invited!  
**PLEASE REGISTER EARLY, A FULL HOUSE IS EXPECTED!**

*Stella Pyrtex-Blond*  
*Clean Air Performance Professionals -*  
*Public Relations Manager*  
84 Hoy Avenue, Fords, New Jersey 08863-1938  
(908) 738-7859 Phone (908) 738-7625 Fax

Speech to the Society of Automotive Engineers  
New York, Metro Region

= December 14, 1995 =

What is a housewife who teaches crafts at night, have to do with this issue?

What are my credentials?

What is my vested interest?

What do I have to contribute?

That's in your mind right now. What is a housewife who teaches crafts at night have to do with emissions testing technology? You see, teaching crafts, or teaching anything, especially in the arts field, teaches people how to be creative. That's what I basically do - teach people how to be creative. It is "empowerment". And doing crafts is problem-solving. You see, I don't teach people what to think, I teach people how to think - to get from the beginning point to the end-result which you want. And many times, the way you go about it in-between is a little different for everyone.

You are probably thinking: "what are my credentials". Well, I grew up in an automotive household. My father worked at the General Motors plant in Linden for 32 years. He was always bringing home "junker" cars to fix up, and I would end up helping him with them. I have worked in foreign car garage and used car lots. I have been involved in the collector car hobby since the early 1980s with a 1937 Buick Century and a 1948 Packard Super Eight convertible. In 1985, I met Dick Teague, after he had retired as head of design at American Motors - but I didn't really know what his place had been in the industry. I told him of my plan to drive my Packard from New Jersey to Death Valley, on a Packard Club tour. He turned to my future husband and remarked: "I've never met a girl with so much gasoline in her blood. Marry her!"

For the past two years I have been working on the issue of scrappage and legislation that is affecting the old car hobby. This summer, I was awarded First Place by Hemmings Motor News in their annual "Benefit the Hobby Award". Automotive News even called me and said that they wanted to re-print the letter I wrote to California Governor Pete Wilson....

Which brings me to my vested interest - my letter expressed my concern about my personal freedom - freedom of choice in a competitive marketplace, freedom of travel, to drive the vehicle I want to drive wherever I want to go; and clean air as an end result.

What do I have to contribute? Well, first I would like you to watch this video, because we do have a window of opportunity right now. Senate Bill 440 was signed into law, and this gives us a window of opportunity to come up with a revised SIP. = SHOW VIDEO =

What do I have to contribute? Another perspective. After viewing the "American Journal" report, many of you may be gearing up for technical views and arguments. This is not a technical problem - it's a people problem. I have been watching a proud industry change. Great



technological advances on one end of the spectrum, yet our mechanics - I'm sorry to say, I do not use the word "technician". Mechanics are mechanically-minded; you cannot "make" them - they are born that way. I know, I'm one of them. As a child, my mom used to buy me little mechanical toys, and I would wind up taking them apart, because I wanted to see how they worked. So I have that mind-set, and I love it. That's why I will continue to use a mechanic. In the meantime, mechanics are being beat-up on the other end of the spectrum. They are called "stupid". Multi-regulations will not allow the empowerment of mechanics to do the job, and fix the cars, and serve the public in a proud competitive marketplace.

And that brings us to "TQM", Total Quality Management techniques. Some of the companies that have used some of these techniques, or used them in a little diversified way, would be Ford Motor Company and Xerox. The biggest one that most of you can relate to is using these techniques to bring about a re-birth of Harley-Davidson. Going back into history, I can relate with the Packard Motor Car Company, and what they called what went on how everyone was very important to everything that was done the "Packard Family Invisible". And that term was used basically as an index to show people how important everyone was in this proud industry. The salesmen were important, the consumer was important, everyone was important - from the people who made the seats, to the people who were on the assembly line, to the top management of the company. Everyone was important to the bottom line, and the Packard was the end result.

What do I have to contribute? Maybe my being asked to speak tonight is one of the best examples of empowerment. If you would have told me two years ago that I would be here talking to this group, I would have laughed in your face. But, by phone and by tremendous amount of faxes (in the last two years I have received over 10,000 pages of faxes on this issue alone), I have been empowered to be the best that I can be. I have been empowered with a network of people, with Clean Air Performance Professionals (I started in June, 1994, talking to Charlie Peters, the founder and President of CAPP), key people across the country, there, ready to support me with information in case I needed it. Everyone fed me information on this issue. And I have been empowered to be the best that I can be.

But I really believe the CAPP proposal on how to fix it, using "TQM" techniques - we can take what we have and using Yankee ingenuity and turn the existing decentralized program and turn it into one of the best programs in the nation - no - in the world.

But if I were to tell you that one year ago June, I did not even know what centralized vs. decentralized was, or I could not explain even what ozone was. But what CAPP has to offer has informed me to probably be one of the most informed people about this issue on the East Coast. And with a network of people that support, and empowerment, I have learned all of this about this issue and, in September 1994, I went to the Clean Air Conference and I was able to "dance" with Gene Terney on this issue. I am not a technology person - I don't go into VOC's - but, I can "dance" the issue and I understand it. I have talked to Bill Clemens from EPA on this issue; we had a debate for about one hour - and this has been taught to me by CAPP.

So - what do I have to contribute? Another perspective. We have been so busy dancing the technical issue that we forget that this problem is a people-problem. It is not technology, it is letting people be the best they can be. Empowering mechanics to be the best they can be. Empowering this country to be the best it can be.

Thank you.

# Quality Tune-Up Shops

Side B Corporation

286 E. Hamilton Ave.  
Suite A  
Campbell, CA 95008  
(408) 374-2001

Tuesday, February 08, 1994

To: Governor Pete Wilson  
To: All California Legislators

There has been much discussion about the future of smog check in California. Tremendous effort has been put forth by members of the California Legislature in an attempt to satisfy questionable demands set by the Federal EPA.

The Clean Air Act of 1990 states in pretty clear terms how states can comply with the intentions of the U.S. Congress, however "Rules" provided by the EPA have certainly clouded the issue.

A lot of effort has been expended attempting to negotiate with the Federal EPA. The EPA has a well published bias toward centralized contractor testing which would seem to have no scientific basis. Until EPA is told by someone to stop the bias and allow realistic alternative plans as described in the Clean Air Act of 1990 it would seem that meaningful negotiations would be impossible.

It would be very sad if California was somehow forced to compromise the quality of our air and the ability to better future improvements by attempting to appease the whims of some at EPA.

When I was about three years old I was in a department store with my mother and I was enticed by an escalator. I jumped on and rode down a floor which was a lot of fun - and then proceeded to exhaust myself trying to run back up the downside. Finally a stranger pointed out that if I walked around the corner and got on the one going up that the going would be a lot easier. I include this story because fifty years later it occurs to me that instead of trying to overcome the EPA's escalator we should be walking around to the route that takes us where we need to go.

My definition of where we need to go is based on the maybe naive notion that the goal is to detect vehicles that fail emission standards, get them repaired, and thereby clean up the air we breathe.

Factories have made many emission related improvements. Vehicle manufactures, prompted by government, produce cars that are almost environmentally neutral that are totally superior to vehicles made just twenty years ago. It is generally agreed

that the area that can provide additional improvement for reasonable cost is reduction of emissions from on road vehicles by causing them to be properly maintained.

How do we get closer to the clean air goal than we are today?

Most of the solutions won't appeal to those who advocate high-tech answers for simple problems. Most of the solution is derived from a monotonous statement heard hundreds of times from my Smog Check friend Charlie Peters - "People do what people gotta do."

Sort of like Aloha - same answer coming or going.

With six words are we now proposing to solve a multi-billion dollar problem?

Yep.

I will continue to advocate that California's smog check program is the best in the world, but since the start of this debate we have searched for ways to make it better. The customer does not always get a good smog check, a good repair, and the result is that the air is not as clean as it could be.

Let's go to the street to see what actually happens and maybe you will come to agree that the fix is as simple as, "people do what people gotta do."

A customer ventures into his local smog check station and the vehicle properly fails. Instead of getting the vehicle repaired he goes to another smog station and now gets a pass - gets a certificate on a vehicle that should be failed. Generally the customer, sometimes violently, returns to the shop that correctly failed his vehicle demanding that his failing smog check fee be refunded. Those customers who feel really offended might file a complaint against the person that failed their vehicle and that shop would often receive criticism for some minor procedure totally isolated from the reason that the vehicle was correctly failed in the first place. The guy that passed the car is the problem, but he escapes because no one complained about him.

**What just happened?**

In the practical application of a well intentioned plan the guys with the white hats and the ones with the black hats got reversed. The hard working, conscientious technician gets yelled at and criticized while the fellow that produced the certificate tends to become the local underground hero for consumers who would like to skirt responsibility for maintenance of their vehicle.

**How do you create demand for smog check and subsequent needed repairs to be done the right way?**

Create a system that demands a proper smog check and then support those who do it properly. Two separate, inexpensive systems will accomplish support of those who do it right and aid in identification of those who intend to do it wrong.

1.) The BAR has experimented with a proactive undercover car system with vehicles rigged to fail. Shops are allowed to diagnose problems and suggest repairs. For the first time techs were being tested to see if they knew how to fix the car. The program was appropriately named Partners In Clean Air which was shortened to P.I.C.A. Some critics did not like the concept, because a successful technician was patted on the back and given a hat or other small award. What was really happening was it started to put shops and technicians on notice that somebody cared if they did proper tests and repairs. No one had ever asked anyone to repair a vehicle.

**Would that actually work?**

For a long time the BAR ran fully documented - court ready - undercover cars with a "missing component". Over time the hit rate for failure to detect the missing part went from 73% wrong to 82% correct. It is fun to imagine the clean air results that could be had in P.I.C.A. test and repair efficiency, as history has shown was possible in the "find the missing part program". Another advantage with P.I.C.A. is that "documented" undercover cars are not needed so the expense is vastly reduced, which affords a lot more runs for the "buck".

"People do what people gotta do".

2.) Flag system: The D.M.V. and BAR published a paper in October 1992 "Electronic Transmission Project" stating they had concluded a study, with positive results, and were confident that they could implement a system for electronic transmission of data. (Spelled out in the Clean Air Act of 1990 as one of the possible enhancements for decentralized programs). Add to that a flag that would notify a tech that the same vehicle had failed a smog check at another location within the last 60 days. The flag would appear after the tech no longer had control over any test entries. By itself the flag would prove nothing. The vehicle could have been improperly failed at another shop, been repaired in the meantime or improperly passed. But the tech would want to know. He would want to know and he would also be aware that the BAR was now watching the same flag. A shop with lots of flags would probably interest regulators. And the tech would be the first to know.

The system would create for the first time a self policing program that would in effect turn every car tested into a possible undercover car. Properly supported it would become a constant reminder that the job is to do it right. The cost for such a flag system has been estimated at around a million dollars. Cost for regulator support - that's their job - just help them do it. An added enhancement could be direction of a percentage of flagged vehicles to a BAR referee for verification before a certificate was issued. The flag technology would be very similar to the quick approval you get when you use your Master Card at a store.

The public deserves a proper smog check and proper repairs that provide value and help clean air. The regulators deserve the tools that will enable them to do an effective job. The thousands of honest participants that have helped give California the best existing emission reduction program in the world deserve the help to stay the best.

Until the President instructs the EPA to quit soliciting business for the centralized contractors there can be no meaningful negotiations between any state and EPA. California can either fight the wrong way on the escalator, give up, or take the other escalator and adapt our program to something that really works.

**"People do what people gotta do!"**

Sincerely,

Larry Armstrong  
President  
Side B Corp.  
d.b.a Quality Tune-Up Shops

P.S. Senator Presley's SB1197 created the most comprehensive vehicle emission program in use anywhere today. Senator Russell has demanded that changes be based on good science, be sensible and effective in cleaning the air.

It is possible that the time is at hand for the creation of a Presley/Russell bill that could incorporate Total Quality Management concepts that would leave EPA with no possible reasonable objections.

**AIR RESOURCES BOARD**

John D. Dunlop III  
Chairman

December 28, 1995

Mr. Charlie Peters  
Clean Air Performance Professionals  
25694 Redlands Boulevard  
Loma Linda, California 92354

Dear Mr. Peters:

Thank you for your valuable participation in the California Environmental Protection Agency's Regulatory Improvement Initiative Public Meetings held on October 30 to November 3, 1995. We appreciate your comments and recognize your continuing interest to improve the effectiveness of California's Smog Check program.

The California Air Resources Board (ARB) reviewed your comments and provides the following response

**Comment: Regarding Inspection and Maintenance (I/M) issues. Believes stationary sources are carrying more burden than necessary**

The 1990 Clean Air Act Amendments call for emission reductions from mobile sources as well as stationary sources. Accordingly the 1994 California State Implementation Plan contains basically two elements, the ARB's comprehensive mobile source control plan and the District's attainment plan for stationary sources. We maintain that the solution to California's air pollution problem will require the cooperation of all segments of society and should address all sources of pollution. A major share of the pollution problem is due to mobile sources. Given this fact, the mobile source control plan includes a combination of advanced technology measures and aggressive market-based measures designed to optimize emission reductions from virtually every mobile source category. Our mobile source strategy and its component control measures, including the I/M program are exhaustive yet reasonable. Our new enhanced I/M program is designed to meet the federal I/M performance requirements and does not seek additional reductions from stationary sources to make up for any shortfall. The ARB's mobile source control strategy in combination with the District's plan ensures the only feasible way of complying with federal law and attaining State and federal air quality standards.

**Comment: Proposing quality management study by the Bureau of Automotive Repair (BAR) on what is expected of automotive technicians**

We support the implementation of a credible quality assurance program to protect the integrity of the 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

December 28, 1995

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.

**Comment: Better communication between the BAR and the ARB**

Without question, effective communication among the different collaborating agencies involved in the State's Smog Check program is key to its success. As we have demonstrated in the past, we will in good faith continue to coordinate with the BAR in carrying out our mandated responsibilities under the new I/M legislation. This is part of our shared commitment to comply with the Federal Clean Air Act's enhanced I/M performance requirements in a timely manner and in a way that reflects California's unique situation.

Thank you again for your efforts to help improve California's Smog Check program. Should you have any questions or further concerns, please contact Mr. Tom Cackette, Chief Deputy Executive Officer, at (916) 322-2892.

Sincerely,

John D. Dunlap, III  
Chairman

(Note: retyped from poor quality original)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

SEP 10 1993

THE ADMINISTRATOR

The Honorable David Roberti  
President Pro Tempore  
California State Senate  
Sacramento, CA 91731

Dear Senator Roberti:

As we discussed yesterday, I am willing to continue to work with the people of California and their elected representatives to develop an inspection and maintenance (I/M) program which will provide the basic protection of public health required by the Clean Air Act Amendments of 1990 (CAA). As I told you, based on our review of the latest draft of SB 629, EPA will be compelled to begin the process of imposing the sanctions provided by the CAA immediately upon passage of this legislation. The basis for this action will be the failure of California to enact legislation authorizing an enhanced I/M program that provides for separation of testing and repair of vehicle smog control systems beginning in 1995.

I appreciate your willingness to work with EPA to draft a bill that will meet the requirements of the Act to protect public health and also reflect California's unique situation. If the legislative session ends without enacting I/M legislation and in light of your commitment to work with us to meet the Clean Air Act requirements, I am committed to withhold the proposal of any sanctions until the November 15, 1993, deadline and to delay the imposition of sanctions for a period of time sufficient for my staff and the legislative leadership to craft an acceptable bill which can be enacted soon after the legislature reconvenes in January, 1994. I am confident that working together we can develop a program that will meet the basic requirements of the Act and at the same time allow maximum flexibility for California to provide consumer convenience, economic opportunity and clean air.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carol M. Browner".  
Carol M. Browner







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

### **HEALTH AND SAFETY CODE ARTICLE 6**

#### **Public Information**

#### **Section**

**44070. Public information program**

**44070.5. Public information program inclusions**

**44071. Funding**

#### **§ 44070. Public information program**

(a) The department shall develop within the bureau, with the advice and technical assistance of the state board, a public information program for the purpose of providing information designed to increase public awareness of the smog check program throughout the state and emissions warranty information to motor vehicle owners subject to an inspection and maintenance program required pursuant to this chapter. The department shall provide, upon request, either orally or in writing, information regarding emissions related warranties and available warranty dispute resolution procedures.

(b) The telephone number and business hours, and the address if appropriate, of the emissions warranty information program shall be noticed on the vehicle inspection report provided by the test analyzer system for any vehicle which fails the analyzer test.

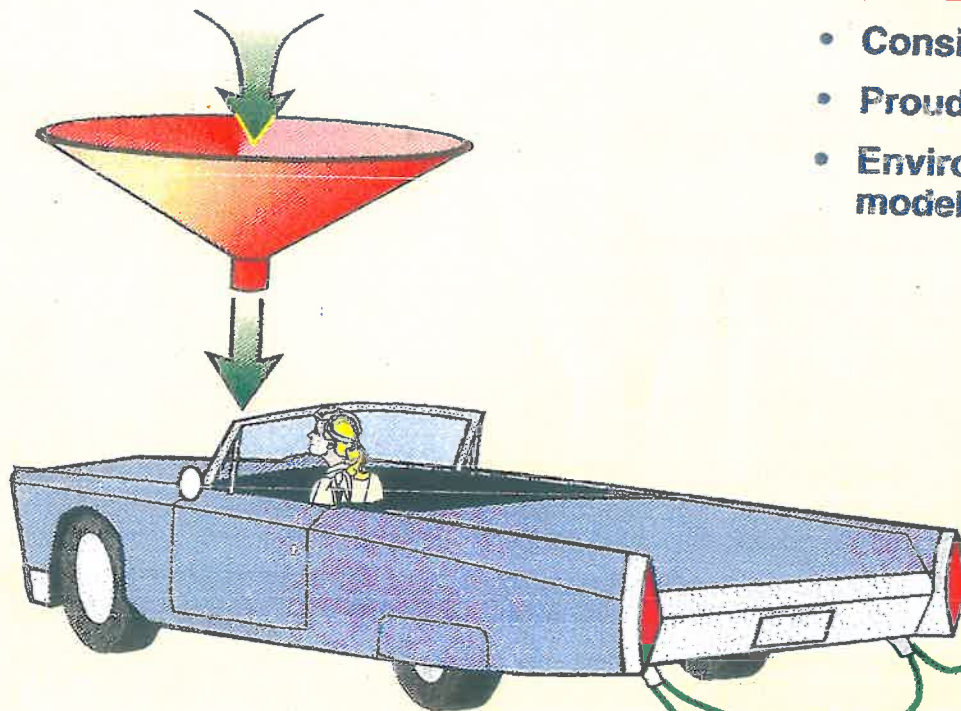
Added Stats 1984 ch 1591 § 3. Amended Stats 1988 ch 1544 § 57; Stats 1995 ch 91 § 93 (SB 975).

***CAPP contact: Charlie Peters (510) 537-1796 [cappcharlie@earthlink.net](mailto:cappcharlie@earthlink.net)***



## CAPP TQM/enhanced PICA Program

### Responsible Quality Management



### Outcome

Responsible State Government Management  
will result in:

- Effective government
- Consistent and effective consumer service
- Proud professional repair industry
- Environmental impact superior to the models





# A Smog Check battle is brewing

By THOMAS D. ELIAS  
Syndicated Columnist

## Southern California focus

A federal deadline that's less than three months off will soon make California's pioneering Smog Check program the center of bruising political conflict.

Unless the state does something to shape up the existing program that tests tail pipes of more than 10 million cars a year, California could lose as much as \$800 million a year in federal highway funds—a major hit for a state that's already deficit ridden. Other threatened federal sanctions would include a virtual ban on expansion by heavy industry.

One major question: Is the federal government a paper tiger as it makes these threats?

After all, the Environmental Protection Agency has threatened California with federal penalties before over its frequently polluted air. The EPA made noises similar to today's as early as the Richard Nixon administration of the early 1970s, and nothing came of them.

Another question: What changes are justified in the Smog Check program?

No one doubts that Smog Check has problems. One state survey last year found the tests fail less than three-fourths of cars that are defective. That's an important finding when coupled with the fact that more than half the state's automotive pollution comes from fewer than 10 percent of the cars on the road.

Today's program also manages to fix fewer than half the cars which fail, either because of the current limits on what owners of polluting cars can be forced to pay or because mechanics can't find the defect that's to blame.

There's also plenty of cheating, with test mechanics in pass-or-don't-pay shops frequently

manipulating engines to make them pass when they really shouldn't.

Even operators of the 9,000 current Smog Check stations don't dispute those flaws in today's biannual testing. But they also note that Smog Check has helped cut overall tailpipe emissions in half since it began in the early 1980s.

The EPA's proposed answer to Smog Check's admitted problems is a predictable big-government solution: a centralized system of massive test facilities.

These, the agency claims, would be "twice as effective at cleaning the air . . . and will save consumers time and money."

The problems: A centralized system was tried in Los Angeles in the late 1970s and was an abysmal flop, with motorists waiting in line for hours to get cars tested, then waiting in line again for retesting after having defective cars repaired.

What's more, centralized stations could make useless the \$30,000 or more that each of today's Smog Check operators has invested in equipment, figuring the current program would last. And Gov. Pete Wilson estimates a centralized system could cost as many as 3,000 jobs.

That doesn't daunt the EPA, which has given the state a Nov. 15 deadline for setting up a new program or facing sanctions.

But the EPA has backed off many times before, even after sounding tough. And President Clinton, in deep political trouble almost since he took office, can ill afford to alienate the nation's largest

state.

Which means that a compromise is likely. And the best proposed compromise comes from a group calling itself "Clean Air Performance Professionals," composed of Smog Check operators who want to straighten out the present program rather than scrap it.

To discourage cheating, the CAPP proposes a vastly expanded undercover investigation program by state inspectors, with shops given immediate praise or penalties depending on their performance.

The group wants cars tested annually, rather than every two years, as they are under today's plan, with new and more advanced autos exempted from most inspections until they're four years old.

The operators also want all cars tested at 2,500 rpms, approximating the speed at which engines run on the highway. And they want repairs to be conducted on the spot, with trained workers making the fix.

"A centralized station will have to work so fast to prevent cars from piling up that it would be impossible to inspect most of the 500 or so things we look at today," says Charlie Peters, president of the operators' group. "We can do this much better than any centralized station, if there's better supervision and more undercover scrutiny."

He's probably right. Massive Smog Check stations with long lines are likely to lead to non-compliance and large numbers of unchecked cars on the road, rather than cleaner air.

And since history shows the EPA almost never imposes the sanctions it so often threatens, California would be far better off cleaning up the current system and keeping its jobs, rather than switching to some new, untried potential bureaucratic nightmare.

**From:** Miriam Lens

**Sent:** Wednesday, April 27, 2016 11:12 AM

**To:** Al Mendall; Barbara Halliday; Elisa Marquez; Francisco Zermeno; Greg Jones; Marvin Peixoto; Sara Lamnin

**Cc:** Fran David; Kelly McAdoo; Yolanda Cruz; Colleen Kamai

**Subject:** FW: Item for public comment

Mayor and Council Members,

Citizen Sam has asked me to forward the email message below related to his public comment at the 4/26/16 Council meeting.

Thank you,

Miriam Lens, City Clerk

**From:** Sam [[mailto: \\_\\_\\_\\_\\_](mailto:sam@cityofhawaii.gov)]

**Sent:** Tuesday, April 26, 2016 11:26 PM

**To:** Miriam Lens

**Subject:** Item for public comment

Hello Miriam,

Please send copies to council.

The bus stop is located at 25157 soto rd. it needs to be relocated for safety reason as I mentioned in the public comments.

Thanks,

Citizen Sam



