

# GOVERNMENT AFFAIRS WATCHDOG

## NEW SCAQMD FEE DELAYED

The South Coast Air Quality Management District (SCAQMD) is proposing a new fee (Rule 317-clean Air Nonattainment Fees) for major stationary sources. A major source is defined as a source with the potential to emit 10 or more tons per year of VOC and/or NOx.

The proposed rule has come before the Governing Board three times only having been delayed each time by testimony from PIC and other business groups. The rule has now been put over until the December board meeting, giving time for the U.S. EPA to evaluate businesses alternative approaches to the proposed rule.

Around 500 companies, including 40 printers, are targeted for this fee, which will exist until the south Coast Air Basin reaches clean air attainment status with the federal 1 hour ozone standard. Since attainment will not be reached anytime soon, these fees could likely be applied in perpetuity.

The fee is \$5,000 a ton for emissions in excess of 80 percent of baseline emissions. Moreover, the fee is assessed at a Consumer Price Index (CPI) adjustment factor based on the cumulative increase in the CPI from 1990 through the assessment year. The current adjusted per ton fee is in excess of \$9,000.

If you have questions or comments, please contact Gerry Bonetto at (323) 728-9500 or [gerry@piasc.org](mailto:gerry@piasc.org).

## NEW EMISSION REQUIREMENTS FOR FORKLIFTS

On May 25, 2006, the California Air Resources Board (CARB), adopted regulations that require users of gasoline, propane, or compressed natural gas-fueled off road large spark-ignition (LSI) forklifts to meet specific fleet-averaged emission levels and record-keeping requirements.

The regulations were scheduled to go into effect January 1, 2009, but CARB delayed enforcement until April 1, 2009, giving users an additional 90 days to come into compliance with the new requirements.

Prior LSI regulations have already required that forklift owners keep detailed fleet records at the business' "central location" and be ready to show to CARB for each forklift or other type of covered LSI equipment. The information that must be kept includes serial numbers, model, year, and the factory emission rate or the emission rate of a retrofitted "controlled" lift.

Any owner or operator of a fleet of LSI forklifts with 25 horsepower (19 kilowatt) or greater must meet specific emission levels for hydrocarbons (H) and oxides of nitrogen (NOx). The regulation divides fleets into three groupings:

- Small Fleet – 3 forklifts or fewer
- Medium Fleet – 4 to 24 forklifts
- Large Fleet – 25 or more forklifts

Small fleets only have to meet the recordkeeping requirements. Medium and large fleets must meet specified fleet-averaged emissions levels for each lift that runs more than 251 hours/year.

Medium and large fleets must meet a grams per kilowatt-hour (or grams per brake horsepower-hour) fleet average emissions level requirements as follows:

Fleet Type	Fleet Average Emission Level		
	1/1/2009	1/1/2011	1/1/2012
Medium forklift fleet	3.5 (2.6)	2.7 (2.0)	1.9 (1.4)
Large forklift fleet	3.2 (2.4)	2.3 (1.7)	1.5 (1.1)

Forklifts are required to have a data plate; you can use it to determine your forklift's emissions rate. If your fleet average emission rate is above the values shown in the table above, you must reduce it by replacing, re-powering (new engine), or retrofitting (adding an aftermarket conversion system).

Two manufacturers sell CARB-approved retrofits: Nett Technologies in Canada at (800) 361-6388 ([www.nett.ca](http://www.nett.ca)), and Engine Control systems in Reno at (775) 376-2664 ([www.enginecontrolsystems.com/terminox](http://www.enginecontrolsystems.com/terminox)).



**Affiliated  
Associations:**

**Printing Industries of California**

Printing Industries of Northern California [www.pinc.org](http://www.pinc.org)

Printing Industries Assn. of Southern California [www.piasc.org](http://www.piasc.org)

Printing Industries Assn. of San Diego, Inc. [www.piasd.org](http://www.piasd.org)

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## "CARD CHECK" VETOED

**S**B 798 (Darrell Steinberg, President pro tempore, D-Sacramento) sat on the Governor's desk for only a few days before it was vetoed. It would have allowed unions to form by replacing the secret ballot process with a scheme called "card check" that allows a union to organize the employees if a majority of them simply sign a card. The measure, sponsored by the United Farm Workers (UFW), passed both houses on party lines.

SB 798 would have undermined the current process for unionization, which is private and fair. The "card check" process would have had the union organizers themselves oversee the process. Individual employee votes could have been made public to the employer, the union organizers and other co-workers.

Labor unions in California have been experiencing a decline in membership and have been advocating for a new process to reverse this trend. Bolstering membership should occur because workers see a need, not by adulterating the election process. Undermining the secret-ballot process sends the wrong message to new or growing businesses that could create jobs. Governor Schwarzenegger's veto of SB 798 reminds businesses that the secret ballot election is democratic, fair and should continue to be protected.

## VALUATION FACTORS FOR PRESSES

**P**IC continues to work on the project to change the "life table" and "valuation factors good" for printing presses. The tables serve as the basis for the assessment of county property tax.

By changing these tables, to more adequately reflect the market value of presses, individual companies' property tax will decrease significantly.

Last month, representatives from the Board of Equalization (BOE) provided us with a draft letter asking for further information from press manufacturers. We edited the letter, but still thought it required too much information (work) from the press manufacturers.

Since then we have spoken with press manufacturers and identified what we think

## CONSUMER PRODUCT SAFETY IMPROVEMENT ACT

On August 14, 2008, President Bush signed into law the Consumer Product Safety Improvement Act of 2008. The Act establishes lead and phthalate (e.g. plasticizers that could be found in inks, coatings and adhesives) content limits and requires testing and certifying of products to ensure they do not exceed these limits.

Over the past year, Printing Industries of America has been working with allies in the publishing industry to make the case for the safety of printed materials before the Consumer Product Safety Commission (CPSC) and Congress.

Here is where we are today, according to Gary Jones, Director of Environmental Health and Safety Affairs, Printing Industries of America.

On August 19, 2009, the CPSC issued the first in what is hoped to be a series of "determinations" regarding book components and other printed matter exemptions from the lead limits. When CPSC makes a determination, it is declaring that a material does not inherently contain lead or contains lead that does not exceed the lead content limits. As such, any material that is covered by a determination is thus exempt from the lead limits and does not require testing and certification.

In the determination, the CPSC addressed some components of books and other printed materials. The components of books that are now exempt include the following:

- Paper
- Any product printed with four color process inks (CMYK)
- Any product coated with varnish, water-based, or UV-cured coatings
- Threads used for book binding
- Animal based glues
- Adhesives that are not accessible
- Binding materials that are not accessible

Despite the best efforts of the Printing Industries of America, other trade associations, printer members, and suppliers, the CPSC did not include all of the components of books and other printed matter in this determination. The materials that are NOT covered by the current determination are:

- Spot or PMS inks
- Saddle stitching wire
- Non-animal based glues that are accessible
- Metal coils both coated and uncoated for coil bound materials
- Plastic coils for coil bound materials
- Foils used in foil stamping
- Laminates

If a material not covered by the current determination is used in a children's product, then it must be tested and certified to prove that it does not exceed the lead limit.

Printing industries of America will continue to work with the CPSC on obtaining additional determinations for the materials not covered under the one of August 19, 2009. In addition, CPSC will be issuing a guidance document for the printing and publishing industry that will address what the determination means and what will be necessary for the industry to demonstrate compliance for the materials not covered by the initial determination.

is a more reasonable set of information. We have received the requested information from one manufacturer. The information from others has been promised by the end of the month. If we can get the information

by the end of September, which BOE staff is willing to immediately evaluate, then we have a chance to change the 2010 personal property tax assessment on printing presses.

