

**DCA'S STATE SUMMIT:**

The State of California held its first annual summit on consumer protection last month in Los Angeles. The event lasted for more than five days and covered a very concise overview of the need to protect California consumers against unlicensed and dishonest business practices.

The goal of the Department of Consumer Affairs (DCA) was to enhance the knowledge base of its board's bureaus and advisory committee members, by offering them training as well as the means to network and share best practices with one another. Consumer advocate groups, deputy district attorneys dealing mainly with consumer protection, law enforcement agencies, regulators and the DCA board's bureaus and commission members along with stakeholders were all present under one roof discussing consumer protection. Close to forty different boards, bureaus and commissions met in an open and transparent effort to serve California's consumers.

Two of the forty have oversight directly over the automotive repair industry, they being the Bureau of Automotive Repair (BAR) and the Inspection and Maintenance Review Committee (IMRC) that deals with Smog Check; both groups held public meetings during the summit.

**BAR'S WORKSHOP:**

The Bureau of Automotive Repair's focus was on three issues:

**Green Station Presentation:**

BAR has partnered with the Department of Toxic Substance Control (DTCS) in the development of a green station recognition program. The program will recognize the bureaus registered shops that are doing their part to reduce and better control hazardous materials.

**Station Performance Workshop:**

BAR will discuss possible regulatory enhancements' that may change existing performance standards for both Goldshield and Test-Only stations. The bureau has contracted with a firm known as Comira as a consultant to evaluate BAR's current training and examination programs. Comira will provide BAR a written report of recommendations. This is somewhat driven by the inability of technicians to properly diagnosis and repair smog failures yet still pass the departments exams.

**IMRC COMMITTEE MEETING:**

The Inspection and Maintenance Review Committee (IMRC) also had its monthly meeting at the DCA Summit. Its main purpose was to obtain committee approval of its final report for 2008 to the Governor and the states Legislature on the Smog Check program enhancements. On a vote of 5 to 2 the committee voted to send its report to the Governor and Legislature. A controversy arose over the recommendation that the Legislature authorize BAR to implement OBD only testing on newer model year vehicles, as determined appropriate by BAR and the Air Resources Board (ARB). After presentations by Mr. Gene Tierney of the US EPA and Mr. Mike McCarthy of the California Air Resources Board on the performance of OBD only testing and its advantages, only two members of the IMRC committee were left unconvinced. Dennis DeCota recommended that a pilot program be run as to evaluate such a strong recommendation before implementation. Member Bud Rice emphasized that OBD testing only may remove the checks and balances offered to the public in today's Smog Check process, by removing the human element and interaction both members warned this could be equivalent to throwing the baby out with the bathwater concept.

Others not in agreement with this recommendation were:

- Automotive Service Council of California (ASCCA)
- Environmental Systems Products (ESP)
- California Emission Testing Industries Association (CETIA)
- Coalition for Clean Air/American Lung Association
- Tom Wenzel from Lawrence Berkeley National Laboratory.

If the Governor and Legislature act on this IMRC recommendation it will severely impact the current Smog Check program "much like the 2004 Test Only directed vehicle mandate did". BAR's mandate to update and upgrade equipment in 2010 will be a joke! The Smog Check program as industry knows it is changing and industry needs to be involved in its evolution not a victim of bureaucratic bungling.