

THIS WEEK



GATHERING FACTS

How to conduct a workplace investigation | Small Biz 14



REACHING OUT

Kings offer season-ticket deal to smaller firms | 2

BIG FOOTPRINTS

Two pension funds influence the local economy | Focus 16



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Proposal worries 'test-only' smog centers

State might end tailpipe emission tests

MICHAEL SHAW | STAFF WRITER

A proposal to streamline the state's smog system has operators of California's 2,500 "test-only" garages crying foul, saying the proposed regulations will force many of them out of business.

The state's Bureau of Automotive Repair is proposing to end tailpipe

emission tests for most cars manufactured after 2000, testing them instead by plugging into their on-board computers. The proposed rules could mean cheaper smog checks for consumers, but some say the move threatens garages that do not perform emission repairs.

Smog centers and technicians also will be rated for their accuracy.

"It's going to put a lot of us out of business," said one station owner who declined to give his name, fearing the bureau would retaliate against him for speaking out. "I would say 75 percent (of test-only centers) don't have the room or knowledge to convert to repair centers."

Dan Lao, owner of the test-only Smog Champs on Power Inn Road, said he's concerned that proposed new procedures — which allow only

highly rated garages to test the dirtiest vehicles — won't be fair.

"Nobody is perfect and everybody makes mistakes," said Lao, who worries that he'll lose much of his business if the regulations are adopted. "If I can't get the directed vehicles, I have to change my career, move on to something else. Everybody has a family to take care of."

Test-only centers were created

SMOG | PAGE 30

SMOG | Rules would end guaranteed stream of business for some 'test-only' stations

FROM PAGE 1

by the Legislature in 1994 to prevent unscrupulous mechanics from deliberately causing a failed emission test in order to perform unnecessary repairs. Granted exclusive rights to test the state's dirtiest vehicles, these centers comprise about 38 percent of 6,500 smog stations statewide.

Later on, repair stations that earned a "gold shield" standard also were allowed to test vehicles known to have the highest emissions — so-called "gross polluters."

The proposed changes would scrap the gold shield standard and replace it with the STAR program, which would allow any shop that has earned top grades from a complicated ranking system to test gross-polluting vehicles. A test-only station that does not earn such a rating could lose a large segment of its customer base — the dirtiest vehicles that previously were tested only by them or a gold shield station.

"A test-only station only exists because the law is set up that way," said William Gausewitz, an attorney who represents

the California Emissions Testing Industries Association, which advocates on behalf of test-only centers. "I don't think you can make the argument that all test-only stations will immediately go out of business, but I believe many of them will. And you're going to disrupt the whole industry."

If adopted, the new rules would go into effect Jan. 1, 2013.

The changes follow legislation sponsored by the bureau that created a performance-based standard for smog shops while initiating the switch away from tailpipe testing to save consumers money and improve air quality.

At least two-thirds of vehicles that must be tested have on-board computers and don't need to be tested at the tailpipe, according to a legislative analysis. All states with smog-check requirements except California and Colorado already switched to the newer method.

The bill, passed last year, also imposed more stringent fines on technicians who perform improper and incomplete

inspections — a measure that seeks to prevent the kind of cheating that led to creation of test-only centers.

It was the second attempt at such reform; earlier efforts failed to create consensus among air quality regulators, the bureau, the smog check industry, and environmental organizations.

State officials say the bureau's new regulations are still evolving, and comments still are being sought.

"They've held more than 20 workshops, and they're still in the process of hammering out a performance standard," said Glenn Mason, spokesman for the Department of Consumer Affairs. Mason said the ranking system will weed out shops that are failing to perform adequately.

"For consumers, that only seems fair," he said.

But industry groups are not appeased.

The California Emissions Testing Industries Association continues to argue its case. The association sent letters to the bureau stating that performance standards under the STAR program "unwisely"

rely on statistics to gauge a shop's performance, meaning a garage could fail to qualify for a STAR rating if enough vehicles that passed inspection one year failed emissions tests in subsequent years. The organization also claims the new testing procedure won't make the air cleaner.

Likewise, the Automotive Service Councils of California objected to many features of the STAR program.

"It is anticipated that many technicians will lose jobs, and smog facilities will not participate in the program due to costs and requirements," the association wrote in a comment letter to the bureau.

Gausewitz, former director of the state's Office of Administrative Law, said the Legislature's intent was not to change the basic structure already in place, but to establish standards to distinguish good stations from bad ones.

He and others said there are still unanswered questions, such as the cost and source of new testing equipment.