

# *The Communicator*

T H E C A L I F O R N I A M O V I N G &amp; S T O R A G E A S S O C I A T I O N

## **World's Largest Equipment Rental Company Fined \$166,800 for Emissions Violations Central Valley, Bay Area, Southern California Areas Affected**

SACRAMENTO - The California Air Resources Board fined United Rental Inc. \$166,800 this month for diesel emissions violations that occurred throughout the state in 2007 and 2008.

An ARB investigation found emissions violations occurred throughout United Rental's California facilities including Sacramento, San Jose, San Diego, Bakersfield, Fresno, Long Beach, Riverside, Oakland and San Francisco. United Rental is the largest equipment rental company in the world, with nearly 625 locations in the United States, Canada and Mexico.

"Everyone should do their part to keep California's air clean," said ARB Chairman Mary D. Nichols. "Meeting clean air standards is a requirement for businesses throughout the state."

The law requires annual smoke tests for diesel fleets and, in conjunction with ARB's roadside smoke inspection program, ensures that all vehicles are properly maintained, tamper-free and free from excessive smoke emissions.

United Rental is required to:

- Guarantee employees responsible for conducting the inspections attend a California Community College training class on diesel emissions compliance testing and provide certificates of completion within one year;
- Provide documentation to ARB that the inspections are being carried out for the next four years;

- Ensure all of the company's on-road heavy-duty diesel vehicles have their software updated with the latest Low-NOx (oxides of nitrogen emissions) programming;
- Instruct vehicle operators to comply with the state's idling regulations for on and off road diesel powered vehicles;
- Comply with all other applicable ARB regulations; and,
- Ensure that all diesel trucks are up to federal emissions standards for the vehicle model year and are properly labeled with the manufacturer's emissions control engine certification label.

United Rental will pay \$166,800 in penalties: \$125,100 will go to the California Air Pollution Fund that provides money for projects and research to improve California's air quality; \$20,850 will go to the Peralta Community College District to fund emissions education classes conducted by participating California community colleges; and, the remaining \$20,850 will go to the California Pollution Control Financing Authority that guarantees loans to off-road vehicle fleets that need to buy exhaust retrofits to comply with state regulations.

Diesel particulate emissions are associated with causing a variety of health effects including premature death and a number of heart and lung diseases. The Air Resources Board is a department of the California Environmental Protection Agency. ARB's mission is to promote and protect public health, welfare, and ecological resources through effective reduction of air pollutants while recognizing and considering effects on the economy. The ARB oversees all air pollution control efforts in California to attain and maintain health based air quality standards.

Source: California Air Resource Board

## Chairman's Corner

By: Tim McCarthy

Summer time is upon us now and with the declining economy and customer base, potential customers will be demanding even more for their dollar than ever before. *Consumer confidence* is key to your business this season. It is more important than ever to make sure your customer or potential customer has confidence in you as their mover of choice. There are many ways to achieve this.



- Their confidence in you will come from how much you educate them on your company, your crews, and hold to the promise that service failures will not happen.
- Take time to explain the difference in your company from the unlicensed, rogue movers.

- Invite the shipper to stop by and tour your physical facility and let them know that you will be there for them after the move is over. The move itself will be your chance to meet or exceed the shipper's expectations, giving you future moves.

It is so important to impress upon your crews that quality and service are at the top of the "do list" to insure future moves. We all know that moving creates high anxiety for the shipper. Taking the extra time up front to educate the customer will help to instill *consumer confidence* not only in *what* you do but *how* you do it, securing you the job.

I would like to take a few moments also to impress upon you how critical and important it is to submit your survey for the Tariff Simplification application. The CMSA staff, legal counsel and our PUC consultant have been working diligently on this project. They have put in many hours and effort to make this Tariff Simplification happen. This is one of the benefits of being an Association member and your participation

(Chairman's Corner continued on page 6)

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## **President's Comments**

By: Steve Weitekamp



Over the last several years CMSA and its membership has worked with officials from the City of San Francisco on the issue of safe worksite operation. The positive outcome of that effort was the reinforcement of safe parking and worksite operations and the education of our membership on vehicle code compliant double parking as described in the "Blue Book" and reviewed at SPOT workshops. This information remains available to members on the CMSA website "Member's Only" section and is a viable option when it is not possible to secure a parking permit.

The reason for the review above is that San Francisco continues to be a challenging city in which to operate. We were recently informed that the Department of Parking and Transportation (DPT), without input from industry or to the best of our knowledge even the San Francisco Police Department (SFPD), changed the posting requirement of parking permits. DPT increased the time frame for posting signage from three days (72 hrs.) to seven days (168 hrs.). It is our position that this unilateral change is capricious and of no benefit to the citizens or law enforcement community of San Francisco and will only create hardships for law abiding movers who continue to do their best to comply with an ever more challenging compliance regimen. As a result of this change, I have been in contact with officers from the SFPD SPOT program and am pleased to report that paperwork to resend this posting period change has already been filed and is awaiting action by the San Francisco Board of Supervisors.

A reminder for carriers wanting to bid on office moving for the State of California, the time to submit bids is getting short. In May, CMSA sent out an email notification of the Department of General Services (DGS) "Solicitation or Refresh

**(President's Comments continued on page 14)**



**Marisa Carcamo-Hosea**  
September 11, 1963 - May 23, 2009



Beloved wife of Ricky D. Hosea, treasured daughter of Clotilde Carcamo, loving sister of Elias, Gilda, Thelma, Aris, Edward, David, nurturing mother to Jessica, Amanda and Jonathan. Marisa joins her father Elias Carcamo and sister Amanda Arostegui.

Marisa was born in Managua, Nicaragua. She graduated from Mercy Burlingame High School

and received her AA from Skyline College. Marisa was a very strong supporter of the CMSA and donated many hours to make chapter events successful and enjoyable. In treatment or out, hair or no hair, ill or slightly ill, Marisa made the efforts to help the CMSA always.

She was an example of strength and commitment to living and giving 100% to all you do in life. Her smile, support and character will be truly missed. For those of us who had the pleasure to work and socialize with her, let us be grateful for the moments we spent with her and what she stood for.

Note: In lieu of flowers the family has requested to donations be made to:

UCSF Helen Diller Cancer Center, payable to:  
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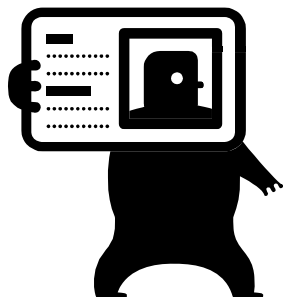
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## Identity Protection Tips



It is truly amazing how accessible information has become in recent years. We seldom stop to think how easily and quickly certain things can be done, like approving a credit card, transferring money, or filling a prescription. While this can be a big positive in many respects, one must also consider the potential downside to having certain data so readily available. The Federal Trade Commission (FTC) estimates that as many as 10 million Americans have their identities stolen each year.

This article contains information that will help you to take a proactive approach in securing your information and keeping your identity safe. Remember, education is the best defense against fraud and deception.

**Skimming** is the theft of credit card information used in an otherwise legitimate transaction. There are a number of different skimming techniques, but each involve a small, electronic storage device that traps information from the magnetic strip on a consumer's credit card when it is swiped during a transaction.

These devices have been found to be used by restaurant staff and even attached to gas pumps and ATMs. Some are now Bluetooth compatible, meaning the fraudster can simply drive by and download the information once the device is in place.

There are a variety of ways that consumers can minimize the threat of skimming. When dining out and cash is not readily available, try to use a major credit card to pay for the transaction. If you use a credit/debit card that's tied to your bank account, try to always use the "credit" option and avoid using your pin. Most credit issuing companies offer protection against fraudu-

lent charges but those charges aren't always covered when using the PIN feature on your debit card.

When using an ATM or paying for gas at the pump, examine the card reader thoroughly. If it appears loose or your card doesn't seem to slide smoothly, immediately notify the bank or gas station manager.

**Phishing** is a term used when scammers falsify their identity, normally by stating they represent a legitimate corporation or governmental agency. They try to entice the consumer into revealing their personal information such as bank account numbers, Social Security numbers, passwords, or other sensitive data.

Phishing attacks can happen through the internet, email, regular mail, or your telephone. A new twist on a phishing scam has been reported where the victim has a phony parking ticket placed on their car while shopping.

The ticket directs the person to a so-called "official" website that claims to have photos of the violation. Visiting the website can cause malware (malicious software) or a computer virus to be downloaded on to your computer. This software/virus may even allow the user's keystrokes to be captured, potentially giving the fraudster access to online passwords, account numbers, and any other sensitive data.

Help put a stop to this. If you do get a phishing email, forward it to [spam@uce.gov](mailto:spam@uce.gov), as well as to the company, bank, or organization being impersonated.

### **Additional Tips to Avoid ID Theft**

- Identity thieves desperate for data will also resort to digging in your trash (Dumpster Diving) or just plain stealing your wallet, purse, or mail. Shred all unwanted mail that contains any personal information and pay attention to your billing cycles. If a bill or financial statement is late, contact the sender as well as the post office.

(Identity Protection Tips continued on page 6)

**(Identity Protection Tips cont. from page 5)**

- Your personal information must be safeguarded, especially your Social Security number. This is the key that unlocks your personal identity. Don't give it to anyone unless it is truly necessary. Ask your health insurance provider and other companies that may use this number as an identifier if they can provide you with a substitute number to use instead.
- Put some extra thought into the passwords placed on your credit card, bank, and phone accounts. Avoid using easily available information like your mother's maiden name, birth date, and the last four digits of your SSN. Combinations of letters, numbers, and special characters make the strongest passwords.

The effects of identity theft can linger for months, or even years, but damage can be minimized by early detection. Consumers should go to [www.annualcreditreport.com](http://www.annualcreditreport.com) to access their one free credit report per year. As soon as you suspect that you've become a

victim: file a report with your local police, close any accounts that have been tampered with or opened fraudulently, place a "Fraud Alert" on your credit reports with each of the credit bureaus (Equifax, Experian, and TransUnion), and report the theft to the FTC at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft) or 1-877-ID-THEFT.

Source: Florida Consumer E-Newsletter

**(Chairman's Corner continued from page 2)**

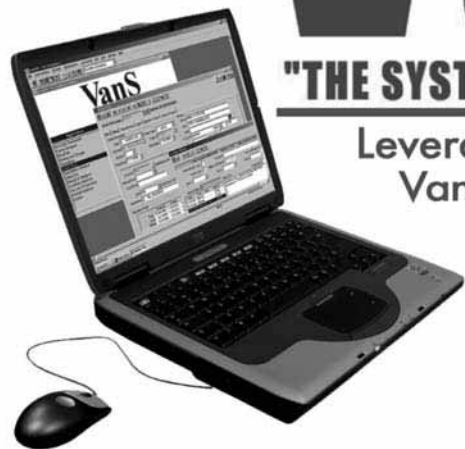
makes it even more viable and stronger than ever. So when you receive the request form from the CMSA, please take the 10 to 20 minutes to complete the form. They are requesting only two random days. Please note that this information will be held in confidence and not be shared with any enforcement agency. If you should have any questions or concerns, your CMSA staff is there to assist you. Feel free to give them a call.

I hope all of you, as CMSA members, have a busy and profitable summer.

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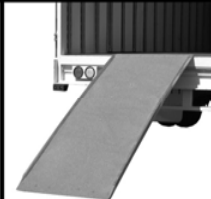
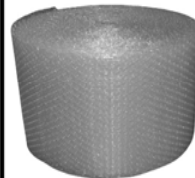
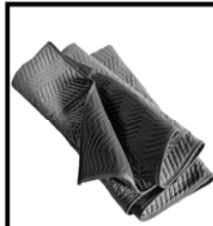
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## Employers Must Take Special Precautions to Prevent Heat Illness

### Question:

What can I do to protect my employees from the effects of working in high temperatures?

### Answer:

When employees work in hot conditions, employers must take special precautions in order to prevent heat illness. Heat illness can progress to heat stroke and be fatal, especially when emergency treatment is delayed.

Operations involving high air temperatures, radiant heat sources, high humidity, direct physical contact with hot objects or strenuous physical activities have a high potential for inducing heat stress in employees engaged in such operations.

During the summer, workers employed in outside jobs, such as construction and agriculture,



are subjected to many of these conditions, and those who ignore the signs and symptoms can become victims of a heat stress incident.

Heat illness contributed to six work-related deaths in 2008, five occurring in temperatures between 90 and 108 degrees Fahrenheit, with the sixth occurring when the temperature was 83 degrees, according to the California Division of Occupational Safety and Health (Cal/OSHA).

### **Outdoor Workers**

It has been well publicized that Cal/OSHA has adopted regulations for outdoor workers to address the employer's responsibility to ensure that employees are provided means to counter the effects of working in high temperatures. These requirements, "Heat Illness Prevention in Outdoor Places of Employment," are contained in Section 3395 of the General Industry Safety Orders.

Cal/OSHA has published several informational documents on its website ([www.dir.ca.gov](http://www.dir.ca.gov)). This information can be found by clicking on "Heat Illness Prevention Enforcement Q&A" under "What's New."



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Also included at this site are upcoming dates for seminars Cal/OSHA is offering for heat illness prevention training.

### 'Trigger Temperatures'

Recently, Cal/OSHA initiated an awareness campaign for heat illness prevention in anticipation of the state's hot weather season. In addition, Cal/OSHA has clarified its interpretation regarding "trigger temperatures" for providing shade for employees.

The "trigger temperatures" will now be based on the National Weather Service forecast as of 5 p.m. of the previous day.

When the temperature is predicted to exceed 85 degrees, Cal/OSHA states: "If the prediction on the previous day is for the temperature high for the area to exceed 85 degrees, shade must be up as of the beginning of the shift and present throughout the day."

In addition: "There must always be enough shade to accommodate those employees who seek it to cool off."

There must be enough shade to accommodate at least 25 percent of the employees on a shift and the shade must be reachable within one-quarter of a mile or a five-minute walk, whichever is shorter.


The full explanation regarding Cal/OSHA's shade interpretation can be found in question No. 7 on the "Heat Illness Prevention Enforcement Q&A."

### Procedures in Writing

Employers are required to put their heat illness prevention procedures, including employee training, in writing. It is recommended this document be incorporated into the employer's Injury and Illness Prevention Program (IIPP). Training, at a minimum should include:

- Why it is important to prevent heat illness;
- Procedures for acclimatization;
- The need to drink water frequently;
- The need to take breaks out of the heat;
- How to recognize the symptoms of heat illness;

(Heat Illness continued on page 10)



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(Heat Illness continued from page 9)

- How to contact emergency services and how to effectively report the work location to 911; and
- The importance of choosing water instead of soda or other caffeinated beverages and avoiding alcoholic beverages all together during high heat.

There are several "casual factors" that may affect a person's sensitivity to heat. Age, weight, degree of physical fitness, degree of acclimatization, metabolism, use of alcohol or drugs and a variety of medical conditions such as hypertension all affect a person's sensitivity to heat. Even the type of clothing worn must be considered. Prior heat injury predisposes an individual to additional injury.

#### Conditions to Watch

Supervisors of employees potentially exposed to heat stress must recognize four conditions: heat rash or prickly heat, heat cramps, heat exhaustion and heat stroke. Both the Cal/OSHA website and CalChamber booklet contain detailed descriptions and symptoms of heat stress-

related illnesses with intervention treatments.

Specific measures can be adopted to lessen the likelihood of a heat stress illness. Examples of these are:

- Administrative controls, such as work rotation, starting work early in the morning or in the evening;
- Providing plenty of fluids to drink, especially water; and
- Providing personal protective equipment in the form of cooling vests and light-colored and reflective clothing and/or shade.

There is no absolute cut-off temperature at which work in heat is not a risk. With heavy work at high relative humidity, or if workers are wearing protective clothing, even work at 70 degrees can present a risk.

In the relative humidity levels (20 percent to 40 percent) often found in hot areas of California, employers need to take some actions to effectively reduce heat illness risk when temperatures approach 80 degrees. It is especially important to be vigilant during periods of abnor-

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mally high heat.

Even though Section 3395 is specific to outdoor workers, the requirements can be useful to all employers who have employees subject to working in/at a worksite where the temperature/humidity can result in heat illness – poorly ventilated warehouses and work processes exposing employees to high temperatures and/or humidity, such as foundries or glass bottle manufacturers, construction sites, etc.

Heat illness is a foreseeable hazard as defined and enforced by Cal/OSHA.

Using Section 3395, employers can address the conditions within a building or permanent worksite and prevent the occurrence of heat illness. As stated previously, the steps taken should be included in the company's IIPP.

Source: California Chamber of Commerce Alert

## SAFE Truckers Act Advances

The full House Committee on Homeland Security unanimously approved an amendment to the Transportation Security Administration Authorization Act (H.R. 2200), which includes the SAFE Truckers Act.

The SAFE Truckers Act eliminates duplicative and costly background checks, pre-empts states from requiring separate background checks and credentials for drivers transporting hazardous materials, and requires that Canadian and Mexican truck drivers undergo the same security background checks as U.S. drivers.

The amendment was offered by Rep. Dan Lungen (R-Calif.) and Subcommittee Chairwoman Sheila Jackson Lee (D-Texas). The committee unanimously approved the TSA reauthorization and reported it to the House of Representatives for consideration.



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## ATA Tells Congress Cap-and-Trade Will Harm Trucking Industry

**Arlington, Va.** – On June 9, 2009, the American Trucking Associations (ATA) told a Congressional Committee that a cap-and-trade program would impose significant costs on the trucking industry and American consumers.

In his statement on behalf of ATA, Tommy Hodges, ATA First Vice Chairman said that the American Clean Energy and Security Act of 2009 (H.R. 2454) threatens to significantly increase fuel costs and jeopardizes the economic viability of trucking companies.

"Fleets are extremely sensitive to rapidly shifting operating costs given thin operating margins," said Hodges. "These margins continue to be chipped away, given the numerous and unprecedented costs being imposed upon the industry to reduce emissions from trucks."

Hodges explained that provisions in H.R. 2454's cap-and-trade program grant oil refiners 2 percent of the carbon allowances between 2014

and 2016 to help mitigate refinery Greenhouse Gas emissions.

"This amount is inadequate and will result in significant price increases for refined products," said Hodges. "The 2 percent allotment to refineries over a 2-year period covers the refineries' facility emissions, but totally ignores carbon emissions from the combustion of petroleum products, leaving downstream users, such as trucking companies, exposed to dramatic and sudden fuel price spikes."

The trucking industry believes that mobile sources, such as commercial trucks, should be addressed differently than traditional stationary sources under any proposed carbon reduction regulatory program.

In addition to serving as ATA First Vice Chairman, Hodges also serves as Chairman of ATA's Sustainability Task Force, which developed a progressive sustainability agenda that will reduce fuel consumption by 86 billion gallons and CO2 emissions by 900 million tons for all

(**Cap-and-Trade** continued on page 15)



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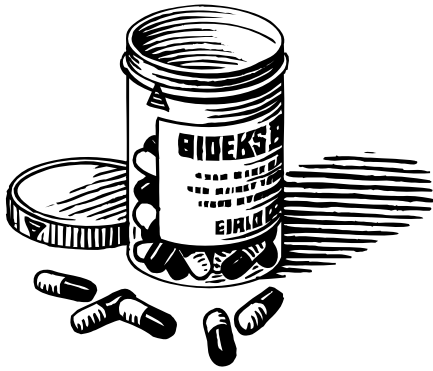


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## Are Drivers Required to Disclose Prescription Drug Information to Employers?



**Question:** As an employer with DOT drivers, can I request that our drivers disclose specific prescription information if they are on a medication that

could affect their driving ability? I believe we can have this written in our company drug policy, but is there anywhere in the DOT regulations that states whether a driver must disclose prescription information to the employer?

**Answer:** In DOT regulations, Part 382, specifically §382.213(a) it stated – No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, defined in §382.107, who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle. (c) An employer may require a driver to inform the employer of any therapeutic drug use.

So that being said, §382.213(a) states that it is the driver's responsibility to inform a licensed medical practitioner that they perform a safety-sensitive function as a profession prior to the medical practitioner prescribing medication. It would be wise of the driver to have the prescribing medical practitioner state in writing that when taking the medication as prescribed it will not have an adverse effect on the driver's ability to perform a safety sensitive function. Of course chances are most medical practitioners will be reluctant to do so.

In §382.213(c) as the employer, you can (employer's option) require a driver/employee to inform you of any prescription/therapeutic drug use provided the requirement is clearly stated in the employer's written policy and the driver/employee had previously been informed of the written policy. Should the driver/employee fail to report such usage, the employer could take action against the driver/employee as outlined in the employer's written policy.

As the employer, you may want to consider requiring a written statement from the driver/employee's prescribing medical practitioner that when taking the medication as prescribed it will not have an adverse effect on the driver's ability to perform a safety-sensitive function before considering letting the driver return to a safety-sensitive function.

Source: AADT - American Alliance Drug Testing  
*AADT offers complete consortium/third party administration (C/TPA) services for companies regulated by Federal and State government or Drug Free programs for non-regulated employees.*



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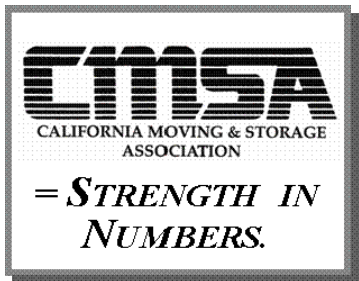




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# Calendar of Events

- |                   |   |
|-------------------|---|
| Oct. 2, Friday    | Monterey Bay Chapter<br>7th Annual Bocce & Golf<br>Tournament<br>Del Monte Golf Links<br>The Clement Monterey |
| Oct. 22, Thursday | OC/Beach Cities Chapter<br>20th Annual Golf<br>Tournament<br>Black Gold Golf Club                             |
| Apr. 20-25, 2010  | 92nd CMSA Annual<br>Convention<br>MontBleu Resort Casino<br>& Spa   |



(President's Comments cont. from page 3)

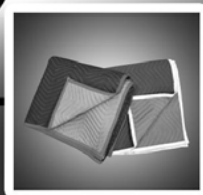
Opportunity for RFP MSA 55402 for Office Moving Services." June 24, 2009 by 3:00 P.M. PT is the final day for Response Submissions. The refresh package, which is a modified copy of the initial RFP, is available for download on the eProcurement site: [http://www.bidsync.com/DPX?ac=powersearch&srchoid\\_override=307818](http://www.bidsync.com/DPX?ac=powersearch&srchoid_override=307818). Viewers just type "office moving" in the search field and click on "search" at the bottom. The refresh RFP has all the information you will need to respond.

A positive note worth remembering is that even in times of economic and regulatory challenges, CMSA supports a membership that strives to operate in a safe and ethical manner. These tenets give the moving public the ability to make a good choice (CMSA Member Company) in selecting a mover. Consider adding information about your CMSA membership to your sales process and how your membership and participation in your Association differentiates you from those companies that do damage to the reputation of an honest and hard working industry.



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(Cap-and-Trade continued from page 12)

vehicles over the next 10 years by: setting governors on new trucks to limit speeds to no more than 65 mph; reducing the national speed limit to 65 mph for all vehicles; reducing engine idling; reducing congestion by improving highways; using more productive truck combinations; supporting national fuel economy standards for trucks; and increasing fuel efficiency by encouraging participation in the U.S. EPA SmartWaySM Transport Partnership Program.

These reasonable measures will bring real results for reducing the trucking industry's carbon footprint, while at the same time further reducing other regulated emissions, enhancing safety, helping to achieve energy independence, and keeping the nation's economic engine churning.

For ATA's entire sustainability report with detailed explanations, visit [www.trucksdeliver.org](http://www.trucksdeliver.org).

Source: American Trucking Association

## Bill Introduced to Maintain a National Database For Commercial Drivers

Sen. Mark Pryor (D-Ark) has submitted a bill to congress calling for a national drug clearinghouse database for commercial vehicle operators. The bipartisan bill would record positive drug and alcohol test results and records of refusals to test.

Called the Safe Roads Act, Senate bill S. 1113 directs the U.S. Dept. of Transportation to create the database and authorizes \$5 million for the Federal Motor Carrier Safety Administration (FMCSA) to develop and deploy the clearinghouse.

Also, it would require medical review officers, employers and other service agents to report positive drug or alcohol tests to the FMCSA; require employers to cross reference prospective employees with the database prior to hiring and protect employees' privacy and define employee's right to challenge the information in the database.

Source: AADT - American Alliance Drug Testing



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## Top 10 Facts About House Democrats' Health Care "Reform" Legislation

*Democrats' Bill Would Increase Taxes, Raise Health Care Costs & Ration Care; House Republicans Are Proposing Better Solutions*

**Washington, Jun 10** - House Democrats have begun rolling out their long-awaited health care "reform" legislation, and it turns out there's not much "reform" to it after all. Instead, it would increase taxes, raise health care costs, ration care, and leave key medical decisions to government bureaucrats, rather than patients and their doctors – a proposal that House Republican Leader John Boehner (R-OH) warned in an op-ed published on [Townhall.com](http://Townhall.com) could cause more than 100 million Americans to "**be forced out of their current health care plan and onto the government rolls.**" With a debate on health care reform slated to begin in Congress, here are the top 10 facts about the House Democrats' health care proposal:

### 1. **A Government Takeover of Health Care.**

The House Democrats' plan will create a new government-run program, will make health care more expensive, limit treatments and ration care, and put bureaucrats in charge of medical decisions rather than patients and doctors. Translation: higher costs, lower quality, and fewer choices for patients.

### 2. **Forcing More than 100 Million Out of their Health Care.**

The House Democrats' plan will force more than 100 million Americans out of their current health care plan and onto the government rolls. A Lewin Group [study](#) confirms that under a new government-run health plan millions will lose their current health care coverage.

3. **Rationing Health Care Treatments.** The House Democrats' plan establishes an "advisory committee" that will put bureaucrats and politicians in charge of deciding patient treatments and cures. Translation: The government will make health care treatment decisions rather than doctors and patients.

4. **A New Mandate on Individuals.** The House Democrats' plan mandates that every American

buy health insurance or pay a hefty tax to Washington. This would force more Americans into government-run system that will make health care more expensive, ration care, and put bureaucrats in charge of medical decisions.

5. **A New Mandate on Employers.** The House Democrats' plan would impose employer mandates and cost jobs by requiring some employers – especially small businesses – to pay a new tax to Washington. The plan would also slap employers that are unable to offer coverage the government deems adequate with another new tax to Washington. These two new taxes will make it more difficult than ever for small business owners to reinvest in their businesses and create and retain good paying jobs.

6. **Harming Small Businesses.** The House Democrats' plan doesn't yet define "small businesses," which is troubling news for millions of Americans who depend on these engines of economic growth. One Democratic draft plan revealed to date only provides assistance to ease employer mandates for small businesses with an average of 27 or fewer employees. This leaves a huge number of small businesses to



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deal with the onerous and expensive mandates of the Democrats' government defined health benefit plan ("small businesses" are traditionally defined as employing less than 500 people).

**7. Expanding Entitlements.** The House Democrats' plan expands the Medicare and Medicaid programs without reform, ignoring the pending insolvency of programs that millions of seniors and families rely upon. These policies will result in benefit cuts and premium increases for many Americans who depend on these programs.

**8. Unfunded Mandates on States.** The House Democrats' plan creates new unfunded mandates for already cash-strapped states by expanding Medicaid, forcing both the federal government and states to pay more to finance this entitlement expansion. This will leave states no choice but to raise taxes or reduce services for citizens of those states.

**9. How Many Taxes Will Democrats Raise?** The House Democrats' plan expands benefits and includes massive new subsidies and government-dictated benefits, but it doesn't identify any significant savings to help pay for the

new scheme, nor does it acknowledge the massive new costs it will impose on individuals, employers, and states. In the past, Democrats promised a series of new tax hikes to pay for their plan. How many will there be? When do Democrats plan to reveal them?

**10. Shifts Massive New Costs onto Taxpayers.** The House Democrats' plan represents a bait-and-switch that will make health care more expensive and hit the middle class particularly hard with higher taxes, rationed care, and new health costs. As millions of middle-class families are struggling to make ends meet while making responsible choices, this plan forces those that make responsible decisions to foot the bill for those who don't.

House Republicans believe there is a better way, and led by Rep. Roy Blunt (R-MO) and his [Health Care Reform Solutions Group](#), they are working at crafting better solutions. Middle-class families and small businesses are awaiting to see what will happen next.

Source: Barlocker Insurance Services

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## CARB: Where do we go from here?

By Sean Edgar, [www.CleanFleets.net](http://www.CleanFleets.net),  
Consultant to CMSA Members



The December 2009 hearings and the California Air Resources Board decision to mandate a clean truck plan will transform the moving and storage industry for the next decade. Despite the leadership of CMSA members and management in countless meetings and calls on the proposed rule, CARB is determined to "green"

any truck or 53-foot trailer serving the Golden State. The bottom line is that a time-bomb is set to go off in 18 or 52 months depending on your fleet size and you cannot plan for what you do not know.

### The Process

CMSA members and staff traveled from across the state and converged on Sacramento in mid-December for the CARB On-road Diesel Engine Rule Hearings. On behalf of the CMSA Steve spoke his mind and put a human face on what CARB's plan means to the moving and storage industry and especially the small local businesses that are the backbone of the CMSA. Those who could not attend should be encouraged, you were well represented.

The drumbeat of the "environmental movement" plus the long line of CARB rules affecting transit, trash, port and off-road vehicles have emboldened their staff and some board members to believe that industry will just "roll through" the new rule. In follow up meetings with CARB board members and CMSA, we have found support that the poor economy does not sustain the huge new costs. It does not appear at this time that either the governor or legislature will reverse the rule.



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Final technical changes to the rule will be completed before the rule goes final in September or October this year. The CARB board directed staff to hold workshops on the economy at the end of this year and CMSA will be poised to continue to relay your concerns.

The state Administrative Procedures Act requires additional justification, analysis, and stakeholder input before the rule is sent to the state Office of Administrative Law (OAL), which must occur by late September. Between now and September, the CARB staff is required to turn the hearing day modifications into clear language to which the public is entitled to review and comment. This package of modifications is referred to as "15-day changes" as that is the amount of time that CARB is required to allow for public review. This period is expected to begin in late February or early March.

There is a formal Final Statement of Reasons in which CARB is required to answer the hundreds of questions that industry asked. The OAL then reviews the final rule package for consistency, clarity, and non-duplication with state law. Finally a posting by the Secretary of State is required for the rule to become effective and enforceable. There have been a few rules that have been "bounced back" by the OAL over the years and it is pure speculation at this point to suggest that this could be one or what process dissatisfied parties could take to litigate this rule.

### **What Was Adopted**

First, an additional year of relief was given to fleets of three or less trucks "small fleets." Going into hearing this compliance extension was proposed by CARB staff as a two-year delay, and was expanded to a three-year delay by the Board. So while fleets of four or more trucks have the first compliance hurdle on January 1, 2011 the small fleet owner must take action by

January 1, 2014.

Second, the "economic downsizing" provision granted by the Board gives credit for diesel trucks retired after July 1, 2008. The direction of the Board is to give a fleet owner a one-year compliance extension on his active trucks for each one he or she retired. How CARB staff applies this compliance credit will be the subject of on-going interaction by CMSA and the DTCC industry coalition. Fleet owners should maintain documentation (i.e. bills of sale or scrap receipts) for any vehicles removed from their fleet. On the policy side, our goal is to ensure that the maximum credit is given across all the compliance options.

### **Compliance Planning**

As the rule process continues, your fleet planning process is just beginning. Effective planning means knowing your fleet's engine age, engine family name, horsepower and gross vehicle weight rating. On your own or with our help you can determine what is the likely cheapest path available to you to be compliant when and if the rule kicks in for your fleet size.

Drawing from the past eight years of fleet rule experience, the job isn't over til the paperwork is done. When the trash truck rule was passed in 2003, I did not imagine the need for a system to help price out the lowest cost option but also in avoiding penalties for multiple CARB programs being enforced simultaneously. However new laws in addition to the truck rule, such as one requiring an emission control label, result in unnecessary fines for truckers. In conjunction with our efforts to ensure that the concessions are not eroded, CleanFleets.net wants to be your resource to planning and compliance with the new rule.

*Sean Edgar is offering support services to CMSA member and may be contacted at (916) 718-7050 or [Sean@CleanFleets.net](mailto:Sean@CleanFleets.net)*

## **CLASSIFIED ADVERTISING**

CHARGES: 1-5 lines \$15; \$2 each additional line. CMSA box number \$5; Non-member charge: \$30 additional. Special heading/set up extra. Replies to ads noting box numbers to be sent to: CMSA Communicator, 10900 E. 183rd St., #300, Cerritos, CA 90703.

### **EMPLOYMENT OPPORTUNITY**

Looking for managers in L.A./Orange and Northern Bay Area. Must be extremely computer literate. Must be good with people and should have experience in the Moving and Storage Industry. Send resumes and letters of inquires to: CMSA Box J2, 10900 E. 183rd St., #300, Cerritos, CA 90703.

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# HISTORICAL PHOTOS

As the CMSA closes in on its 100th year, join us in looking back down memory lane at these wonderful historical pictures. If you have any pictures you would like to share, please email them in jpg format to: [rhifumi@thecmsa.org](mailto:rhifumi@thecmsa.org).



The photo on the left was sent in by **Linda Oakley of Oakley Relocation** in San Diego, Calif. It is a picture taken outside the El Mirador Hotel in Palm Springs during CMSA's 1965 Convention. It was a tradition back then for all Van Lines to have a truck on display if possible. The El Mirador Hotel closed in 1973.

Some further research, helped us to find the picture on the right. Former President Ronald Reagan, who was then an actor and successful businessman, was a keynote speaker during the 1965 CMSA Convention!



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