

The Governor's Office  
Phone 916-445-2841  
fax 916-558-3160

To Mr. Governor:

I am writing to you to express my opposition to Assembly Bill #2289. This bill represents diminishing return for California. Larger fines (\$5000/citation) and \$20,000 upgrade make little or no difference—they do not fix our broken system.

The Bureau of Automotive Repair (BAR) going it the wrong way. More equipment, more fine, more undercover enforcement do not address the real problems. Larger fines lead to more waste. More money for BAR to create even bigger bureaucracy that's under more pressure to justify it's existence. Enough is enough.

Bill 2289 is being sold as saving Californians time and money and decrease fraud. I beg the differ. I am a mechanical engineer who happens to work as a smog technician and as a shop owner. I see flaws with the system everyday and the BAR has done nothing to address the root causes. Bill 2289 is not even a bandage; it is putting salt on a big wound. For example: The BAR found that majority of smog checks are done improperly. I agree. But I disagree with the solution. As a mechanical engineer working down here in the trenches, I see simple solutions that will significantly improve smog check compliance results. Thus clean our air. The BAR must give us the TOOL and the TRAINING to do smog check properly. As a station owner, I am stuck with techs that can't do smog check. The BAR licensed these techs. The BAR approved their training regiments or their schoolings. Yet, most techs I have access to cannot do a basic timing check or find a dipstick. The BAR supposed to check backgrounds of these techs to make sure they are qualified to be a smog tech. The laws are in the book. The BAR just have to enforce it. One supposed to have 2 years experience in a repair shop to qualify to take ASE tests or to take classes to become a smog tech. What I see is anyone from the street can become a smog tech. I wonder why they can't perform smog check properly. When they can't do smog check properly, the owner gets a big fine. After 3 citations, we could lose everything. I spend 90% of my time showing techs how to do smog checks properly. I am doing the BAR's job.

The BAR is not set-up or providing tools to do smog check properly. One example is: we have to check catalytic converters (CAT). The BAR should require smog shops to put in a lift or some kind of camera system to check for CAT numbers and provide online tools to check those numbers. We can't check over 90% of CAT because we don't have the tools. A lot more cars would have failed and consequently forced to do proper repairs. Thus cars would not fail again 6 months later. I am talking about simple solutions here. Low tech, affordable, and they work. The BAR website allows some CAT research—it always tell us to call the manufacturer. It takes about 1 hour, if lucky, to get an answer

from the manufacturer. Does the BAR know time is money. One hour smog check equals bankruptcy. I have countless examples the BAR can do to help make smog check more efficient. Once again, the solutions are affordable, low tech, practical, and produce results. Techs want to do it right but the BAR needs to give them better training and better tools.

According to the latest BAR bulletin, it's hiring. I am glad to see my money at work: More fines, more undercover works, more equipment update, and more waste. Hiring in times when CA businesses are in distress. This escalation solves nothing except to drive smog shops out of business, costs Californians money and jobs, and increases bureaucracy. This is unsustainable.

If TEST ONLY is gone. One consumer watchdog is removed. For example: we provide consumers with an unbiased test. I see everyday, a consumer goes to a Test and Repair station and fails smog check and was given a quote for hundreds of dollars to fix it. She is given a fair test at our facility—pass. We just saved her from doing unnecessary repairs. If I have a nickel every time this happens...

Our existing smog equipments are state of the art. I am an engineer. These machines serve our needs years to come. My machine is the newest in Kearny Mesa and we already upgraded to accommodate newer CAN system. We just need better trained technicians and the BAR that is more in touch with what's happening in the field: Provide better leadership and better solutions. Shifting blame and burden onto shoulders of smog techs and owners are unfair.

Bill 2289 will increase bureaucracy, cost Californians millions, and do not solve anything. California has approximately 1500 test stations. The upgrade is about \$20000/each. Do the math. At least \$30,000,000 will be going to ESP and SPX in Connecticut and Wisconsin. Mr. Governor, charity starts at home. Economic stimulus starts at home.

My message to the BAR is—enough is enough. Own up to problems it created.

Sincerely,

Thao V. Nguyen