

January 27, 2009

Subject: U.S. EPA authorizes California Air Toxic Control Measures (ATCM) for Transport Refrigeration Units (TRU)

The below-published release by the California Air Resource Board (CARB) states the U.S. EPA has authorized California to enforce the in-use performance standards of all Transport Refrigeration Units operating in CA. Furthermore, California has updated its timetable when enforcement will begin.

January 9, 2009	U.S. EPA granted authorization to enforce the requirements of California Air Resource Board Air Toxic Control Measures.
January 16, 2009	U.S. EPA Decision published in the Federal Registry
July 17, 2009	Six-month, from time of U.S. EPA authorization, grace period ends. CARB will begin enforcing the in-use performance standards of all TRU's operating in California.

Press Release:

California Air Resource Board (ARB) has recently received U.S. Environmental Protection Agency (EPA) authorization to enforce the Transport Refrigeration (TRU) Airborne Toxic Control Measure (ATCM).

On January 9, 2009, U.S. EPA approved CARB's request for authorization to enforce the TRU ATCM, also known as a waiver from preemption. This decision was published in the Federal Register on January 16, 2009 (see Federal Register, Vol. 74, No. 11, Friday January 16, 2009, Notices, pages 3030 - 3033). This decision affects not only persons in California, but also persons outside the State who would need to comply with California's TRU ATCM regulations to enter California with TRU engines. Therefore, this action has national applicability. ARB has delayed the enforcement of the first phase of the TRU ATCM's in-use performance standards for six months after this waiver approval. Therefore, the six-month enforcement grace period for TRU engine model years 2001 and older will end on July 16, 2009, and enforcement of the in-use performance standards for these model years will begin on July 17, 2009. Further compliance information is available at the TRU website at: <http://www.arb.ca.gov/diesel/tru.htm>. Call the TRU Helpline at 1-888-878-2826 (1-888-TRU-ATCM) for compliance assistance.

Thermo King of Delphos remains committed to assist our customers with this venture. Feel free to call if you have any questions on the requirements of the California in-use performance standards. We can also help you prepare information for the Air Resource Board Identification Number needed for TRU's operating in California. We might have some of the TRU information required in our customer database.

For additional information on CARB requirements on Transport Refrigeration Units, See our website www.tkofohio.com, the CARB website www.arb.ca.gov/diesel/tru.htm or simply contact us and we will be happy to discuss alternatives that might assist in complying with this initiative.