

January 2012

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Hello, team!

The following letter is my attempt to address my issues with the new STAR program, but in a calmer, more coherent, better supported format than the angry rant that I sent you previously. Writing skills are not my strong suit (I am a much better mathematician than I am a writer), but I'll do my best to keep it organized and not to ramble. My hope is to help you better understand my point of view in a potentially constructive manner, with the goal of IMPROVING the methods that are currently in place. Please understand that I'm not deliberately trying to take an adversarial stance here; I believe that our interests and goals overlap considerably.

I am going to organize my thoughts as a list of assertions, supported by real-world examples taken from my direct, first-hand experience. I will make each example as specific as possible, although some details may be withheld due to a lack of memory or a desire to protect the innocent. Although the majority of my assertions below could (and should) be construed as criticism, I want it to be clear that they are meant to be CONSTRUCTIVE criticism. I have diagnosed, repaired, maintained and inspected vehicles for a living my entire adult life, and I'm not quite ready to change careers at this time. I realize that I am inviting scrutiny by including personal information and detail, but my hope is that by doing this my intentions will be seen as sincere.

I have some additional notes, analysis and examples regarding the false significance placed on 'fast pass' emission statistics in the evaluation of repair performance, but that discussion involves some higher math and diagrams, so I am saving it for a different time. Also, in the interest of keeping this document to a somewhat manageable size, I am going to use some abbreviations and jargon that may be unfamiliar to readers outside of my target audience; my apologies.

Well, on to the list.

Assertion 1: The current FPR scoring algorithm is seriously flawed.

I know this because its stated goal is to identify shops and/or technicians who are performing 'improper' inspections, and my personal FPR score of ZERO is a STUNNING INSULT to my experience, intelligence, and ethics. In my ten plus years as a smog technician, I calculate that I have performed at least 15,000 official inspections (no wonder my signature has deteriorated over the years). Now, to help illustrate my point and attempt to convince you of my sincerity, I am going to offer a confession: I can guarantee that I made far more mistakes during that time than just the one for which I was officially cited a couple of years ago, possibly dozens. These were all attributable to a combination of inexperience and distraction, not dishonesty, and I can recall several times when I realized my errors after it was too late to do anything to correct them.

Here are a couple of instances that jump to mind that I WAS able to correct. For

the others, I mentally filed them away, with a personal vow to myself to never repeat them (as much as humanly possible, of course).

>>>> Example 1: I failed an unfamiliar European vehicle for an inoperative MIL. When I explained the situation to the customer, he immediately showed me its non-intuitive, low-contrast location; I apologized and retested the vehicle a few minutes later, passing it as I should have done the first time.

>>>> Example 2: I certified a vehicle that arrived with no DMV paperwork by scanning the bar code on the driver's door without properly matching it to the VIN on the top of the dashboard (the driver's door came from a different car). When I was shown my error, I certified the correct VIN.

These were human mistakes, with no dishonest intent, just lack of experience or loss of concentration. I can't prove it, but I have a gut feeling that the total of my mistakes is evenly balanced between passing cars that should have failed and failing cars that should have passed.

Since all the licensed technicians of which I am aware are at least as human as I am, it seems reasonable to me to assume that the vast majority (perhaps close to 100%) of those with enough experience to possess an FPR score have unwittingly performed more than one 'improper' inspection.

This raises two questions: Is the STAR program trying to identify 'improper' inspections that are the result of dishonesty, incompetence, distraction, or some combination of these factors? Also, since human error is a fact of life, is the STAR program really able to reliably use the available data to imply malicious intent, if that is its goal?

Assertion 2: The current FPR scoring algorithm makes NO attempt to identify technicians who are 'improperly' failing vehicles that should pass. I'm even willing to take it a step further and assert that these technicians are 'rewarded' for their 'improper' behavior (the SVFR stat) at the expense of the previous technician's FPR score and, more importantly, at the expense of the consumer whose interests should be protected.

>>>> Example 3: In December 2011, an elderly gentleman brought a car for me to check. It had failed an EVAP functional test at another station, but he wanted a second opinion. As soon as I opened the hood, it was immediately and painfully obvious to me that the technician who failed it was a moron. He or she had clearly pinched the A/C condenser liquid line, likely damaging it, and had wasted the man's time and money in the process. In addition, the technician that had passed the vehicle correctly two years before received an FPR penalty. I told him to take his car back to the moron's shop and tell them to test it properly, and I sent him on his way at no charge. Of course, the damage had already been done to the A/C line and the previous technician's FPR score (I hope it wasn't mine).

>>>> Example 4: My wife's friend called me from Yuba City to see if he could bring his Honda to me for certification. A shop there had failed it for a cracked exhaust manifold, and I told him that I would take a look at it and see if it could be repaired. When I saw it, I was disgusted. There definitely was a crack, but it showed no evidence of leakage, and probably wasn't even deep enough to penetrate the exhaust stream. I certified it and told him to come back to me for future problems and not to give that shop any more of his hard-earned money.

>>>> Example 5: An early 90s Camaro came in for a diagnosis for high emissions. After performing a manual mode test, I could find nothing to indicate why it should fail. When I looked at the VIR from the shop that failed it, it was apparent that

the inspector had short-shifted it to third gear for the ASM 2525. I certified the vehicle in second gear and told the customer that if he saw her again to let her know (yes, it was a woman) that she needed to review and follow the correct procedures before she started pissing off more people.

>>>> Example 6: Before my shop became a Gold Shield station, I took my neighbor's truck to a nearby 'Test Only' center that was open on Sundays. The technician spent considerable time doing a thorough inspection, but when he showed me the results, I was annoyed at his insistence that the vacuum lines were mis-routed (he seemed to be dyslexic or something, not able to translate the under-hood label to the actual components, which were most definitely connected properly) and that a missing air filter (yes, FILTER) was a tamper. Luckily for him, the vehicle failed for emissions as well, or I would have most certainly given him a much heavier piece of my mind, and complained to the BAR if he had refused reason.

I could go on and on with many more examples, but by now you should get the idea that occurrences such as these are common.

My question is this: Why is the DCA so concerned about vehicles that are 'improperly' passed, but not vehicles that are 'improperly' failed? Both situations are undesirable and should be kept to a minimum, but I think that the latter is actually more grievous. When a vehicle passes that shouldn't, the environment is the ALLEGED victim. When a vehicle fails that shouldn't, the customer and the last shop/inspector that 'properly' passed it are the DIRECT victims. I like the birds and the fishes as much as the next fellow, but I don't think that they should receive ALL of the attention in situations such as this. This is especially true if the DCA is truly protecting the interests of the consumer (they are the 'C' in 'DCA', right?).

You may have noticed that I put quotes around every instance of 'properly' and 'improperly'. My reason is explained next.

Assertion 3: The Smog Check Inspection Procedure Manual (SCIP) and Smog Check Reference Guide (SCRG) go to some lengths to ensure that the inspection is objective and unbiased, but fall short in enough areas to be troublesome, especially when the SVFR and FPR factors are raised to undeniable significance.

I have a friend who is a Smog Technician in a poor neighborhood similar to mine, but his SVFR percentage is approximately twice what mine is (30%)! I have known him for many years, and I would never question his knowledge, experience, or ethics. I know that he follows the book as well as I do, and never purposely performs 'improper' inspections.

How can I explain the differences in our SVFRs? Easily: he is stricter than I am when performing visual and functional inspections, although we can both claim to be correctly following the same procedures described in the manual (see examples below). Additionally, he performs fewer partial pre-inspections and fewer pre-emission minor visual repairs than I do. Allow me to explain.

Of the 15,000 plus official inspections I have conducted, over 1,000 included partial pre-inspections. The reason for this is simple: some of my shop's most frequent (not necessarily best) customers are used car salesmen, and they all, without exception, specifically request them. I know that rejecting vehicles which I know are going to fail has a negative effect on my SVFR score, but it appears that this is not a STAR statistical issue in my case at this moment, and my refusal to perform these pre-inspections would almost certainly cause us to lose their business (even the customers with dubious intent are still customers, and deserve to be treated as such). In fact, I have been reprimanded numerous times by car

owners and parts store personnel for not extending this courtesy to every customer seeking certification. My answer to them is that 'big brother' is watching me, and isn't amused when my failure rate drops too low. I know I was being slightly melodramatic, but I was also being truthful.

Most service providers strive for and are rewarded for achieving 100% customer satisfaction; in my case a satisfied customer is a certified customer, but a 0% SVFR would most certainly spell disaster for my career (if it hasn't already been ruined by my FPR score of ZERO). I can easily see that a low SVFR (<10%) is an example of anomalous behavior and an invitation for scrutiny. It's difficult for me to do an exhaustive search, but are there technicians out there with SVFRs over 50%? If so, are they being subjected to a similar level of scrutiny, or are they just being automatically 'rewarded' with high SVFR scores, possibly at the expense of their customers and the FPR scores of others?

I have also performed many hundreds of pre-emission repairs to vehicles (at no charge) as a service to the customer. These include, but are not limited to, tightening spark plugs that are on the verge of falling out, reconnecting and rerouting spark plug wires (away from exhaust manifolds, drive belts and radiator fans), reconnecting loose vacuum lines, hot air tubes and wiring, replacing rotted and kinked hoses, adjusting idle speeds, and even correcting minor but obvious vacuum routing errors. This is my choice to do so, based on my interpretation of SCIP 1.8.3, and I don't think I'm breaking any laws, just 'hurting' my SVFR score. I always correct these problems before the emissions portion of the inspection, and our customers are generally appreciative of the effort. More recently, my pre-emission repair efforts have most certainly helped the FPR scores of many technicians, including myself (although my current FPR score of absolute ZERO may testify to the contrary). Customers are the reason that my shop exists, and to completely ignore their immediate interests (certification) for the sake of cold objectivity and impartiality is an unappealing concept to me.

Now, I'd like to briefly discuss the 'strictness' issue. The terms 'missing' and 'disconnected' are easily defined and not open for debate. However, I believe that 'modified' and 'defective' are subjective terms, and can never be defined in a complete and satisfactory manner for every instance. I am inclined to express leniency in many visual inspection matters, especially in the case of cosmetic 'defects'. These include, but are not limited to, superficial defects (cracks, warpage, partial kinks or deterioration), 'shade-tree repairs' (super-glued vacuum nipples, non-weatherproof repairs to wiring harnesses or connectors, duct-taped intake ducts and air cleaners, etc.) with undeniable functionality but possibly questionable durability, aftermarket catalysts that 'appear' to have been installed before 2009 with the numbers corroded beyond legibility or scraped off by speed bumps, and timing and idle fluctuations that average out to the correct range. Is this improper behavior on my part? Please let me know if it is, as soon as possible. Otherwise, I will continue giving the customer the 'benefit of the doubt' in gray areas such as these (please re-read the last line of the previous paragraph).

>>>> Example 7: SCIP 1.1.1 states that the technician must ensure that the "VIN shown on the registration document matches the VIN on the vehicle". I have encountered many dozens of situations with two obviously different numbers on the same vehicle. Usually, one of them matches the available documentation (if any), but there have been several instances when I was presented with THREE different VINs for a single inspection! I'm not even going to include the MANY dozens of times that the license plate was clearly from a different vehicle! In some cases such as these, the customer has been able to explain the reason for these discrepancies, but quite often the customer either doesn't know or lies straight to my face. I find the VIN that appears to be the most durably attached to the vehicle and proceed, with mixed reactions from the VID and the customer. This is

my interpretation of SCIP 1.1.1. Please tell me as soon as possible if I'm doing this incorrectly.

>>>> Example 8: SCIP 1.2.0 states that the vehicles engine hoses should be "hot and appropriately pressurized" before testing, presumably in the absence of other methods due to a missing or inoperative temperature gauge or a missing or malfunctioning radiator fan control mechanism (quite common in my personal experience). 'Hot and appropriately pressurized' smack of subjectivity, and can easily mean different things for different inspectors, vehicle makes, models, and levels of maintenance. I have used my own interpretation of SCIP 1.2.0, which is to begin the emission portion of the test when the coolant temperature appears to have leveled off, wherever that may be (otherwise, I would be rejecting and/or aborting a significant percentage of my inspections). Please tell me as soon as possible if I'm doing this incorrectly.

I think we can agree that coolant and catalyst temperatures can have a large influence on the outcome of an emissions test (more so than many of the currently prompted items of the inspection), so why can't they be included as a VIR entry to allow post-mortem analysis by repair technicians and/or bureau personnel?

>>>> Example 9: SCIP 1.2.1 states that, for manual transmissions, one should "conduct the ASM test in second gear", unless the RPM parameter falls outside the allowable range. In many instances, this is an easy choice. In many other instances, the choice is not so easy. First, does second gear mean the second lowest available forward gear or the gear labeled "2" on the gear shift? Many 3/4 ton trucks with 'granny' four-speeds are labeled "L-1-2-3", and may (depending on gear ratios) cause ambivalence during the ASM 2525 test segment. Next, (and this is a big one), at what specific speed is the RPM parameter to be measured and judged? In the past, I would select an alternate gear if the RPM was out-of-range at the MIDDLE of the speed window (15.0 mph or 25.0 mph). I did this because I assumed that the +/- 1.0 mph tolerance was there to lessen the abort rates caused by common speed fluctuations (automatic radiator fan cycling, air-fuel mixture and throttle-by-wire feedback hysteresis, EGR surges, automatic transmission gear and TCC controller indecision, etc.). I have been told by my smog licensing update instructor to try to "catch the edge" before selecting a different gear, but this technique adversely affects my restart and abort rates, so I reluctantly "play it by ear" in these situations, hoping that other technicians are encountering the same situation with that same type of vehicle, so as not to make my decision "stick out" in a statistical context. Please tell me as soon as possible if I'm doing this incorrectly.

As an aside, could this be an appropriate time to ask why automatic transmission vehicles MUST be allowed to up-shift or downshift freely to any gear other than overdrive (no matter how ridiculous the selection), but manual transmission vehicles MUST NOT deviate from second gear (no matter how ridiculous that selection) unless absolutely necessary? In the case of manual transmissions, the clue often comes from the customer, whose puzzled glance tells me that he or she has rarely heard the vehicle at that RPM for an extended time. This is puzzling to me as well, since ASM is alleged to simulate "real world" situations. Do manual transmission drivers in the "real world" really shift that much differently than automatic transmissions would under the same circumstances? Is anyone else puzzled at this inconsistency? I am.

As another aside, could this be an appropriate time to ask why I am OFTEN forced to pass vehicles, with tears running down my face (caused by the most truly revolting idle emissions) just because they somehow managed to pass all of the existing phases of a "fair and impartial" ASM-based inspection? My belief is that vehicles spend a statistically significant percentage of their time idling, so how hard could it be to "catch" these disgusting vehicles with an idle test immediately

following the ASM portion of the inspection? One might think, "these vehicles would likely set a DTC and fail the MIL functional portion of the ASM-based test". This is simply not universally true in my neighborhood, in which the current testable vehicle population is approximately 50% OBD-2, 45% OBD-1, and 5% OBD-0! Naturally, changing the emissions test now would decimate the FPR scores of many technicians, but with a personal FPR score of ABSOLUTE ZERO, what would I have to lose by recommending it?

>>>> Example 10: SCIP 1.3.1 and SCIP 1.5.6 refer to the visual and functional EVAP portions of the inspection. Both state that 'disassembly' or 'partial dismantling' of the vehicle is not required during these portions of the test, but these terms are not properly defined, and can mean much different things to different technicians. I am often required to raise vehicles or remove air cleaners, beauty covers and fluid reservoirs to perform EGR and ignition timing functional checks, because there is no caveat in SCIP for those portions of the test. Some of these tests can only be safely performed by two people, and some can be notably difficult, time-consuming and/or dangerous, but I perform the overwhelming majority of them because it's my job to do so. To me, these acts could easily be construed as 'disassembly' or 'partial dismantling', but I am required to do them anyway. It is indeed fortunate that the STAR EVAP functional deviation statistic provides some leniency here, because it is much needed, at least until 'disassembly' and 'partial dismantling' can be more clearly defined.

>>>> Example 11: SCIP 1.5.1 states that during the MIL functional test, "the MIL should illuminate in the KOER position and extinguish when the engine is started and in the KOER position ... intermittent illumination (flash) during the ASM tests does not constitute a MIL functional failure". Where do I begin with this mess...

A large majority of the 15,000 plus vehicles I have inspected over the years have been equipped with a MIL, but less than half were OBD-2. OBD-2 has standardized the interface and MIL functionality for the most part, and fits reasonably well with the above statement. The multitude of problems occur with OBD-1 systems, which make up a very significant percentage of the vehicles I test, even now. I have witnessed nearly every conceivable permutation of possible MIL activity, including, but not limited to:

- 1) MIL comes on during ASM (or TSI) and stays on solidly until the ignition is cycled.
- 2) MIL 'seems' to pass SCIP 1.5.1, but in a suspicious manner (won't blink during timing check, seems perfectly synchronized with the oil pressure or charging system warning lights, etc.)
- 3) MIL 'seems' to pass SCIP 1.5.1, but comes on instantly and stays on as soon as the RPM is raised or the drive wheels begin to move.
- 4) MIL 'seems' to pass SCIP 1.5.1, but comes back on at idle within 30 seconds of engine start with no other input from the driver.
- 5) MIL is on with the ignition off.
- 6) MIL is a true malfunction indicator for the California emissions version of a vehicle, but is a maintenance reminder indicator for the 49-state version of the same vehicle.
- 7) MIL 'seems' to pass SCIP 1.5.1, but only for a few minutes after sharply striking the dashboard.
- 8) MIL 'seems' to pass SCIP 1.5.1, but is not correctly labeled due to a missing or slipped bezel.
- 9) Vehicle is normally equipped with two MILs, but one seems to function normally and the other is inoperative.

These nine examples rolled easily from my memory in just a few minutes. Given more time, I could surely come up with more, but it should be clear that SCIP 1.5.1 is woefully inadequate in "covering all of the bases" when an OBD-1 vehicle starts to

act up. I rolled my eyes but kept my mouth shut in the past about this subject, but I'm bringing it up now because the SVFR and FPR statistics have suddenly been thrust to the forefront by the STAR program, and are DIRECTLY and significantly influenced by this inadequate specification. I have been forced to use my personal interpretation of SCIP 1.5.1 over the years, and I am 100% sure that my interpretation does not match everyone else's; in fact, my own interpretation has changed to some extent from time to time.

Even in the case of OBD-2 vehicles, I have lost count of the number of times the MIL has come on AFTER PASSING the completed test, but BEFORE returning the vehicle to the customer. I swear that I am not making this garbage up! I also swear that I did not give any advice to the customer regarding OBD-2 readiness; he or she was either very 'lucky' to pass, or 'craftier' than one might normally give credit. Of course, the OVERWHELMING majority of these instances ended with the customer driving away, satisfied solely with the ability to sell the vehicle or renew the registration for two more years! It is quite a rare treat for my shop to encounter a customer with enough concern to willingly spend money for maintenance, diagnosis, or repair; to most, these are unwelcome expenses, and their necessity provokes disgust, suspicion, and anger.

As an aside, why doesn't "intermittent illumination (flash) during the ASM tests" constitute a MIL functional failure? In my experience, a MIL has two possible reasons to illuminate: for a bulb check, and for the indication of a malfunction. A bulb check during ASM (or TSI) seems a little bit silly, so it MUST be coming on to indicate a malfunction in the powertrain management system. Aren't these malfunctions exactly the kinds of defects we are supposed to be "catching", failing, diagnosing, and/or repairing?

>>>> Example 12: SCRG 2.1.7 states that "owners of vehicles that fail a Smog Check inspection may repair their vehicles themselves". This seems perfectly reasonable at first glance, until it becomes painfully apparent that a vast majority of them are not qualified to properly diagnose or repair ANY faults related to the failure of their vehicles. A sensible professional knows that the key to a successful repair is a proper diagnosis. This knowledge does not translate well to owner repairs, at least in my experience. I have witnessed hundreds of examples of the most truly 'bone-headed' attempts to repair failing vehicles. Specific details of my experiences in this area could fill a medium-sized book, so I will refrain from any attempt to include them here and instead just explain their effect on the FPR score. To help illustrate my point, I am providing a generic example, synthesized from my direct personal experiences. It is by no means hypothetical; it is an accurate characterization of the type of garbage with which I deal on a weekly (and at times, daily) basis. Scenarios very similar to this have played out before me countless times over the years, with different cars and different owners, but similar results.

A used-car salesman brings in a fifteen-year-old Cadillac with about 180,000 miles on the odometer. The car has "already been sold", and the new owner is "waiting back at his shop" for it. I roll my eyes briefly and proceed with the obligatory pre-inspection. A look under the hood shows that everything is present and accounted for, but there is plenty of evidence to suggest that routine maintenance wasn't a priority for the previous owner. The engine oil and coolant are filthy, and the thick layers of crud on the engine suggest that many of the normal wear-and-tear items have been worn-and-torn. The EVAP and CATALYST monitors are incomplete, and there is a MODE 7 DTC for a misfire that hasn't matured to MODE 3 yet (prompting more eye rolling). The idle quality is poor, but the vehicle's traction control is dis-engageable, so I perform an ASM 5015 manual mode test. A quick glance at the idle emissions prompts yet more eye-rolling. The ASM results are marginal at best, but I begin the official inspection at his urging. It passes every phase except ASM 2525, where it misses by about 20 ppm for HC, with CO and

NOx above average but under the cut-points. "What do you think it needs?", he invariably asks me (he has asked me this same exact question many dozens of times over the years). "I would START by tracking down that misfire, but it's hard to say where it will lead, and it's clear to me that there could be other things going on here", I respond. "Let my service writer add a diagnosis to the smog, and leave it here for a couple of hours while I figure it out", I suggest. He reluctantly agrees, and I begin to disassemble it far enough to check the secondary ignition components and perform a compression test. I am almost immediately interrupted by a flurry of inspection requests, and an hour or so later, the salesman is back to check on my progress. "Sorry man, it looks like it could be one of those days ...", I tell him. "Never mind, I'll have Benito tune it up and bring it back later", he says. I apologize, shrug, re-assemble the car, and release it to him. He's back bright and early the next morning, and the car sounds worse than the day before. A quick check reveals that Benito forgot to reconnect a vacuum line during the "tune-up", so I do it for him, which brings the idle quality (and emissions) back to where they were before (poor). Naturally, the engine oil and coolant are still filthy. I perform an ASM 2525 manual mode test this time, and find that the HC and NOx are under the cut-points, but now the CO has strayed slightly above. "It needs an O2 sensor, doesn't it?", asks the salesman. "I wouldn't recommend throwing any more parts at that car until it's been properly checked out", I say. "I don't have the time or money to mess around with this, but Benito is gone today, so I'm going to walk over to the parts store to get a new O2 sensor and let you change it", he states. "The new owner is still waiting at your shop?", I quip with a grin. He smirks and leaves, returning a few minutes later with a 'universal' O2 sensor, the kind that needs to be spliced before use. I inform my service writer of the situation and change the sensor (the old one was original, and as filthy as the rest of the engine). The effect on the emissions is marginal, but noticeable. Right before retesting it, I check the readiness monitors again, because previous experience suggests that Benito might have disconnected the battery while working on it. The EVAP and CATALYST monitors are still incomplete, and the misfire DTC has been joined by an EVAP DTC in MODE 7. "The Check Engine light could come on at any moment, because the car is still messed up", I tell him. "Run it anyway, I'll worry about that later", he says. I do. Lo and behold, the car somehow manages to pass the retest (barely). I cringe at the EIS prompt "Did you perform the repairs?", because I know that my repair performance is going to take a vicious hit, but answer truthfully via SCIP 1.7.0, even though the repairs are clearly incomplete and NONE of them were recommended by me or by any other valid diagnostic technique. As I back the vehicle off the dyne, the "Service Engine Soon" light comes on. "Can you clear that for me?", the salesman asks. "Sorry, man, I have a lot on my plate today, and I'm already going against my principles passing this turd in the first place", I bluntly state. "Whatever, I'll just clear the battery when I get back to my shop", he says. I roll my eyes for the umpteenth time and continue my other work, secure in the knowledge that he'll be back soon with another fine specimen (he ALWAYS returns, even when his current vehicle fails or is rejected during the pre-inspection). Can anyone guess what this "fail / repair / barely pass / probably fail two years later" scenario looks like to someone viewing a list of STAR statistics on a computer terminal, far removed from the dialog just presented? I can.

Scenarios similar to the one I just described may have happened to many licensed inspectors from time to time, but are more the RULE rather than the EXCEPTION in my case. Did I (or the salesman) break any of the rules and/or regulations as laid out in SCIP or SCRG? If I did, please let me know as soon as possible; I will GLADLY change my behavior. If he did, please let me know as soon as possible; I will GLADLY relay that information to him. The STAR program literature seems to acknowledge the existence of situations such as these, but dismisses them as irrelevant, simply stating that they will be "balanced out" by a statistically equivalent number of concerned, responsible citizens who care enough about their vehicles to keep them properly maintained and repaired. Where the hell ARE all of

these people? In my experience, they are a rare and refreshing treat, and are VASTLY outnumbered by people with an attitude similar to the salesman. I never saw the new owner of the car described above, but I would be willing to bet that anyone interested in purchasing that 'pile' is going to fall into the same attitude group as the salesman. The likelihood of that vehicle passing an inspection at the beginning of its next renewal cycle is practically ZERO, just like my FPR score. Does anyone else see the correlation? I do.

As an aside, is the FPR scoring formula a linear function directly based on the pass/(pass+fail) ratio of the future performances of vehicles passed by a given inspector? If it is, does that mean that to receive an FPR score of ZERO, less than 1% of the vehicles that I passed were able to pass a future inspection? Even when I consider the frequency of the occurrences of scenarios similar to the above, I become puzzled; there must be an undisclosed variable, harsh non-linearity or discontinuity in the FPR scoring function. Otherwise, my score would most certainly be non-zero.

>>>> Example 13: SCRG Appendix G states that "all catalytic converters installed on or after January 1, 2009 must meet more stringent requirements". The BAR ET blast of June 11, 2009 clarifies the relationship between the installation date and the level of stringency that is to be applied during the visual portion of the inspection. Excellent. Now, would someone care to explain to me how the inspector is supposed to ascertain this crucial bit of information? Just as is the case with Examples 9 and 11, the answer to this question can usually be easily determined: the customer has a copy of the dated invoice showing when and where the part was installed. Unless they don't. The E.O. number and/or date of manufacture is clearly visible on the installed part. Unless it has been scraped off by a speed bump, or is obscured by an awkward location or orientation, or is completely blocked by a welded heat shield, cross member, or skid plate in such a way that no flashlight and/or mirror could reasonably be expected to succeed without "disassembling" or "partially dismantling" the vehicle. I will admit that these examples are somewhat rare, but so was the undercover Ford Explorer with the tampered PCV system that magically appeared at my shop for certification in the middle of THE busiest and THE MOST hectic day I can honestly remember in the full ten-plus years (3,000+ days) I have worked at my present shop. In the absence of incontrovertible numeric evidence that proves that the catalyst is correct or incorrect, I find myself forced to judge the age of the welds based on their level of oxidation in order to apply the appropriate level of stringency to the visual portion of the inspection; this is getting more and more difficult as time passes, and is impossible to do with any level of accuracy. Once again, I find myself mentally torn between protecting myself (and my shop) from a potential "set-up" and giving the customer the "benefit of the doubt" when crucial information isn't immediately forthcoming.

SCIP 1.3.2, 1.3.4, 1.5.3, 1.5.4, 1.5.5, 1.7.0 and SCRG 1.6.2, 2.1.4 have caused some stress and confusion for me as well from time to time, but I am stopping the examples here to try to keep this document from growing beyond a manageable size. Additional details are available upon request.

Assertion 4: The STAR program's FPR score falsely claims to accurately judge the inspection performance of technicians, when the burden of the responsibility must be shared with not just the condition of the vehicles inspected, but also the quality and attitude of the vehicle owner/operator.

The condition of the vehicle can be (somewhat inaccurately) inferred from year, make, model, ALLEGED mileage, and test history, but the quality of the maintenance or repairs performed before and after the inspection (if any) and the will or motives of the vehicle owner/operator simply CANNOT be determined from the

available data, and these are CRUCIAL ingredients in the ability of a vehicle to pass subsequent inspections. Since these issues are beyond the direct control of an un-prejudiced inspector, it is a GROSS injustice to hold him or her directly responsible for the future performances of the vehicle being presently inspected. Additionally, it seems obvious to me that the FPR is completely inadequate in identifying dishonesty, since a dishonest inspector with dishonest customers can easily escape detection for many renewal cycles, as long as no-one "rats them out". In the few weeks since the STAR scores have become available, I have noticed an increase in the volume of vehicles coming to my shop for certification after recently failing an inspection for such things as superficial hose blemishes and modifications that should be allowed under SCRG Appendices E and G (Category I); it seems to me that some inspectors are becoming unreasonably and improperly strict due to the STAR program influence. As I stated earlier, the direct victims are the consumer and the inspector who correctly passed it in the previous inspection cycle.

I will freely admit that occasionally my job can be a brutal struggle. I have endured chronic (and at times, excruciating) lower back and foot pain, from bending over vehicles constantly and walking and crawling on concrete floors untold thousands of miles. I have witnessed countless examples of outrageous ignorance, dishonesty, impatience, and poverty, sometimes all four at the same time. Dozens of customer vehicles have pushed my gag reflex to its ragged limit over the years. I have wallowed through unspeakable filth, odors, and many other biological, chemical, and mechanical health hazards during the normal course of my duties as an inspector, diagnostician, and repair technician. I have struggled many times to maintain my temper and sanity while trying to complete proper diagnostics through the chronic interruptions of inspection requests, impatient customers and managers, and equipment that seems to possess a supernatural tendency to malfunction at the most crucial moments (my LPPET machine currently holds that title). I have shaken my head and rolled my eyes numerous times at the NEEDLESS difficulties encountered in the inspection and repair of many makes and models of vehicles, including incomplete, incorrect, or highly proprietary reference material, and also including several factory designs and configurations that CLEARLY demonstrate either gross short-sightedness or the results of the proud work of an imbecile or a sadist. Specific examples are available on request (I decline to include them here, since a proper treatment of the subject would make an already long document that much longer), but please believe me when I say that my job can be a real 'drag' at times. Has anyone else awakened in the morning and briefly wondered if the rewards of the day are going to outweigh the penalties? I have.

So why do I still do it? What prevents me from choosing a different career or finding work in a 'better' neighborhood? The reason for the first part of the question is personal, and immaterial to this discussion. The reason for the second part of the question should be obvious by now. I have been effectively "black-listed" by the FPR; my current score of ZERO would easily prevent me from being hired by ANY self-respecting shop, regardless of the management, ownership, neighborhood, or clientele. The official STAR stance on this situation would be to "improve your score by performing proper, complete inspections". I am stating UNEQUIVOCALLY that I ALREADY AM performing proper, complete inspections; therefore, I have three logical choices: change careers, roll over and die, or fight to correct the flawed system. I have chosen the latter for now. If nothing changes, the shop where I work, where I have labored for more than ten years, where I have left untold amounts of blood, sweat, and tears, will struggle and very likely lose its battle to survive in 2013. I don't foresee myself still doing this job when I'm 60 years old, but I will be very angry and deeply resentful if I am forced to choose another career before I am ready to do so, especially by this present atrocity, propagated by the STAR program in its current configuration. Would anyone else feel obligated to respond to a direct attack on their professional reputation such as this? I would.

Summary:

Let me wrap it up. Below is the essence of my argument.

The current group of statistics and formulas used to evaluate the repair and inspection performance of technicians and shops DOES NOT provide an adequate 'picture' of what is actually going on during these inspections and repairs, and therefore CANNOT provide a reliable means of automatically depriving these technicians and shops of the ability/right/privilege to serve the needs of their customers with 'directed' vehicles (I just checked my EIS history file; more than 45% of my customers with completed inspections are 'directed'). Statistical analysis is an essential and valuable technique, but any reasonable person must admit that the quality of any derived conclusion can never be any better than the quality and completeness of the data used to derive it. Anomalous data points are just that. Whether we are in charge of monitoring a nuclear reactor or the inspection performance of a smog technician, my point remains. Investigation by a real human is warranted in cases such as these, not the automatic formulation of a conclusion that could directly affect the lives and/or careers of a large number of people. Of course I realize that budgets and manpower issues may interfere, but it must be done until better automated methods are developed to ACCURATELY determine what is REALLY going on during these inspections and repairs. The STAR FPR score is CLEARLY inadequate in this regard, and is in fact DIRECTLY BASED on a common logical fallacy (cum hoc, ergo propter hoc) that uses a false dependence on spatial and temporal associations to imply cause and effect (or guilt and innocence). The STAR program is defective, therefore it must be repaired. I am certainly not a lawyer (although I have immediate access to one if absolutely necessary), but I suspect that this situation may be a violation of rights. Whether or not I am correct, and whether or not it is an actionable offense is a future topic, one which I am not prepared to address in this document. Is anyone else willing to fight to protect their career against this injustice? I am.

Thank you for your time, patience, and consideration.

Sincerely,

Michael T. Barry
EA144107

External Links:

http://www.smogcheck.ca.gov/80_BARResources/03_Standards&Training/Star/pdf/AB_2289.pdf

<http://www.smogcheck.ca.gov/pubwebquery/star/tech.aspx?tech=144107>

http://www.smogcheck.ca.gov/PubWebQuery/STAR_demo/STAR_OA_7.pdf

http://www.smogcheck.ca.gov/80_BARResources/05_Legislative/RegulatoryActions/Smog%20Check%20Manual%20w-diesel%208-09%20V3.pdf

http://www.smogcheck.ca.gov/80_BARResources/ftp/pdffdocs/Reference%20Guide%20Final%2012-09%20V-2.pdf

<http://www.answers.com/topic/correlation-does-not-imply-causation>