

State regulations require that this notice be mailed to all persons
who submitted comments during the Spark-Ignition Marine Engine public comment period
* * No action by the public is necessary unless persons wish to comment on the additional modifications. * *

Mailout MSC 99-39

State of California
AIR RESOURCES BOARD

Third Notice of Public Availability of Modified Text

**PUBLIC HEARING TO CONSIDER ADOPTION OF EMISSION STANDARDS AND
TEST PROCEDURES FOR NEW 2001 AND LATER SPARK-IGNITION MARINE
ENGINES**

Public Hearing Date:	December 10, 1998
First Internet Posting Date:	June 21, 1999
First Public Availability Date:	June 28, 1999
Deadline for first Public Comment:	July 15, 1999
Second Internet Posting Date:	July 30, 1999
Second Public Availability Date:	August 02, 1999
Second Deadline for Public Comment:	August 17, 1999
Third Internet Posting Date:	December 22, 1999
Third Public Availability Date:	December 22, 1999
Third Deadline for Public Comment:	January 17, 2000

This notice announces a third supplemental period in which the public may comment on additional modifications being proposed for the "Spark-Ignition Marine Engines Regulations". No action by the public is necessary unless persons wish to comment on the additional modifications.

At a public hearing held December 10, 1998, the Air Resources Board (ARB or the Board) considered adopting sections 2440 through 2448, Title 13, California Code of Regulations ("CCR") and the "California Exhaust Emission Standards and Test Procedures for 2001 Model Year and Later Spark-Ignition Marine Engines" ("Test Procedures"). The purpose of the regulations and test procedures is to reduce emissions of hydrocarbons and oxides of nitrogen from spark-ignition marine engines, specifically outboard marine and personal watercraft engines. The proposed regulatory action is described in detail in the Staff Report, released October 23, 1998, and available at the ARB's website at www.arb.ca.gov/carbis/regact/marine/isor.wpd.

The Board's Action. At the conclusion of the hearing, the Board adopted Resolution 98-63, in which it approved the originally proposed regulations with several modifications. The resolution directed the Executive Officer to incorporate the modifications into the proposed regulatory texts, with such other conforming modifications as may be appropriate, and to make the modified text available for a supplemental comment period. The proposed modifications were made available through two notices of modified text with supplemental comment deadlines of July 15, 1999 and August 17, 1999, respectively. Several additional written comments were received that specifically addressed the proposed modifications. The ARB responded to these comments, proposed further modifications as appropriate, adopted the final regulations by Executive Order on October 20, 1999, and submitted them to California's Office of Administrative Law on October 22, 1999.

Office of Administrative Law. On December 8, 1999, the OAL approved all of the proposed regulatory sections with the exception of section 2443.3. Section 2443.3 describes the requirements for the environmental label/consumer notification portion of the regulations (hang-tag). OAL determined that the period of applicability was not clear in this section and that it would need to be clarified to obtain OAL approval. Specifically, OAL was concerned that 2004 might be the year intended for subdivision (b)(2), and that the criteria for moving the 2004 date forward must be more clearly defined.

Additional Modifications. Although it was staff's intent that the year in section 2443.3(b)(2) be 2004, because the 2001 date had been publicly noticed and the change from the 2001 to 2004 date would be considered a substantive change in the rule, a 15-day period for public comment is now required. To address OAL's concerns, staff is proposing additional clarifying modifications to the regulatory text consistent with the Board's intent in approving the regulations. Section 2443.3, with the additional modifications shown, is set forth in Attachment I. All enclosures and regulatory documents, including the proposed additional modifications, are available online at the ARB's Internet site for the Spark-Ignition Marine Engines — <http://www.arb.ca.gov/regact/marine/marine.htm>. Printed copies are also available and may be obtained from Ms. Joyce Stephanik, Mobile Source Control Division, at telephone (626) 575-6632 or fax (626) 575-6686.

Comments and subsequent action. The additional modifications are being made available for a third supplemental comment period in accordance with section 11346.8 of the Government Code. In Resolution 98-63, the Board directed the Executive Officer to adopt sections 2440 through 2448, as approved, after making the modified regulatory language available to the public for comment for a period of at least 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make further modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if the Executive Officer determines that this is warranted.

Written comments on the proposed additional modifications must be submitted to the Clerk of the Board, Air Resources Board, P.O. Box 2815, Sacramento, California 95812, no later than the deadline for public comment identified above, for consideration by the Executive Officer prior to final action. Only comments relating to the additional modifications made available with this notice will be considered by the Executive Officer.

Robert H. Cross, Chief
Mobile Source Control Division

Attachment

ATTACHMENT I

Proposed Additional Modifications to the Text of the “Spark-Ignition Marine Engine Regulations” Amendments

NOTE: The following text shows modifications to the text of the section that the Air Resources Board (ARB) submitted to California’s Office of Administrative Law (OAL) on October 22, 1999, which OAL rejected December 8, 1999. Consequently, and for simplicity, the text as modified through the two prior comment periods ending July 15 and August 17, 1999, appear here as plain text. The proposed modifications are shown in *italics* to indicate proposed additional text, and in *italicized-strikeout* to show proposed deleted text. Only comments relating to the modifications described in this third notice can be considered by the Executive Officer. The text “[Continued on Next Page]” has been shown for clarification purposes only and will not appear in the final regulatory document.

Modify section 2443.3, Title 13, California Code of Regulations ("CCR") and the “California Exhaust Emission Standards and Test Procedures for 2001 Model Year and Later Spark-Ignition Marine Engines as follows:

[Continued on Next Page]

§2443.3 Environmental Label/Consumer Notification Requirements

- (a) Applicability. This section applies to model year 2001 and later spark-ignition marine engines, which have been certified to the applicable emission standards pursuant to Health and Safety Code section 43013.
- (b) A nonpermanent label (i.e., hang tag) must be attached to each engine or watercraft, as applicable, at time of sale that includes a copy of the following:

Front of Hang Tag:

“

The Star Label means Cleaner Marine Engines

This engine has been certified as a:







(<Check appropriate box.>)

The Symbol for Cleaner Marine Engines:

Cleaner Air and Water - for a healthier lifestyle and environment.

Better Fuel Economy - burns up to 30 - 40 percent less gas and oil than conventional carbureted two-stroke engines, saving money and resources.

Longer Emission Warranty - protects consumer for worry free operation.

”

Back of Hang Tag:

<facsimile of the one star label>

One Star - Low-Emission
The one-star label identifies engines that meet the Air Resources Board's 2001 exhaust emission standards. Engines meeting these standards have 75% lower emissions than conventional carbureted two-stroke engines. These engines are equivalent to the U.S. EPA's 2006 standards for marine engines.

<facsimile of the two star label>

Two Stars - Very Low Emission
The two-star label identifies engines that meet the Air Resources Board's 2004 exhaust emission standards. Engines meeting these standards have 20% lower emissions than One Star - Low-Emission engines.

<facsimile of the three star label>

Three Stars - Ultra Low Emission
The three-star label identifies engines that meet the Air Resources Board's 2008 exhaust emission standards. Engines meeting these standards have 65% lower emissions than One Star - Low Emission engines.

<White Space for dealer or manufacturer identification or additional information>

Cleaner Watercraft - Get the Facts
1-800-END-SMOG
www.arb.ca.gov

“

- (1) Facsimiles of the three environmental labels, as described in section 2443.2(c)(1), with the appropriate label circled or otherwise identified as being applicable to the spark-ignition marine engine, must be displayed on the nonpermanent label. Each facsimile must have dimensions no less than one inch by four-fifths inch.

~~(2) For outboard engines greater than 130 horsepower (97 kilowatts) and all personal watercraft, facsimiles of only the "Low Emission Engine" and "Very Low Emission Engine" labels described in sections 2443.2(c)(1)(B)Ii and (ii) need to be displayed on the nonpermanent label until the 2001 model year, or until such time that the Executive Officer deems necessary.~~

(2) For outboard engines greater than 130 horsepower, facsimiles of only the "Low Emission Engine" and "Very Low Emission Engine" labels described in sections 2443.2(c)(1)(B)Ii and (ii) need to be displayed on the nonpermanent label until the earlier of:

(A) the 2004 model year; or

(B) the date the ARB certifies the first outboard engine family greater than 130 horsepower to the 2008 model year standards.

(3) For personal watercraft, facsimiles of only the "Low Emission Engine" and "Very Low Emission Engine" labels described in sections 2443.2(c)(1)(B)Ii and (ii) need to be displayed on the nonpermanent label until the earlier of:

(A) the 2004 model year; or

(B) the date the ARB certifies the first personal watercraft engine family to the 2008 model year standards.

(34) All textual information (i.e., characters and/or lettering) required by this section must be no smaller than two (2) millimeters in height.

(c) The information required by paragraph (b) must also be provided in the owner's manual and in the engine manufacturer's application for certification.

(d) Samples of all labels produced pursuant to this section must be submitted to the Executive Officer with the applicable certification application.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43102 and 43104, Health and Safety Code.

Reference: Sections 43013, 43017, 43018, 43101, 43102, 43104, 43105, 43150-43154, 43205.5 and 43210-43212, Health and Safety Code.