U.S. Environmental Protection Agency
Office of Transportation and Air Quality
Washington, D.C. 20460

California Air Resources Board
1001 I Street, P.O. Box 2815
Sacramento, California 95812

MEMORANDUM OF AGREEMENT

between the

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF TRANSPORTATION AND AIR QUALITY

and the

STATE OF CALIFORNIA
AIR RESOURCES BOARD

for

COORDINATION AND RECIPROCITY IN
DIESEL RETROFIT DEVICE VERIFICATION

Preamble

United States Environmental Protection Agency, Office of Transportation and Air Quality (EPA-OTAQ) and California Air Resources Board (ARB) are committed to cooperation on the evaluation of retrofit technologies to reduce mobile source emissions. A principal goal of this framework is to improve air quality by reducing emissions from the existing fleet of diesel fueled vehicles and engines. Important aspects of this goal involve evaluating innovative emission reduction technologies to provide various stakeholders with confidence that the application of these technologies will result in "real world" emission reductions. Each agency has expertise of value to the other, and each has developed a base of stakeholders and customers that could benefit from relationships from the other agency.

Framework for Cooperation

While each agency will maintain independence in its specific mission in the manner most consistent with its legislative authorization, resources and overall objectives, substantial opportunity exists for the agencies to work cooperatively where interests overlap. This ***Framework for Cooperation*** between EPA-OTAQ and ARB represents recognition of these overlapping interests and the intent of these agencies to develop a strong cooperative relationship regarding the evaluation of diesel retrofit device technologies. The organizations see this

Framework for Cooperation as flexible and expect that, as experience in working together grows, the ***Framework for Cooperation*** will evolve.

Responsibilities and Actions

1. Because ARB's Retrofit Assessment procedures are regulatory and changes must follow appropriate rule making procedures, ARB staff will propose and ARB will consider regulatory changes and criteria to accept particulate matter (PM) and oxides of nitrogen (NOx) verification levels assigned by the EPA's Voluntary Diesel Retrofit Program for retrofit devices.

2. EPA's Voluntary Diesel Retrofit Program agrees to accept, with necessary program changes and criteria, PM and NOx verification levels assigned by the ARB's Diesel Risk Reduction Program for retrofit devices.

3. In accepting one another's verified levels, neither Agency is prohibited from requiring compliance with other retrofit program elements or criteria. Such program elements may include, but are not limited to, reporting requirements, warranty requirements, specific levels for verification, additional emission measurements or thresholds, limits on emission increases or other program elements or criteria deemed appropriate by the individual Agency.

4. To the extent reasonably and legally possible, EPA and ARB agree to coordinate technical evaluations of applicant technologies and in assigning reduction levels.

5. Where there is no existing technology evaluation protocol available for the specific technology, EPA and ARB agree to determine an acceptable approach to evaluate those technologies.

6. EPA and ARB agree to post notices on their respective Websites that a verification reciprocity agreement has been reached.

7. As retrofit technology manufacturers initiate and conduct in-use testing, EPA and ARB agree to coordinate so data may be useful for each program.

8. Either Agency may remove a technology from it's list of verified products. The basis for removing technologies is solely the discretion of each individual Agency.

The objective of this joint effort is to encourage the verification of innovative emission control technologies and promote their use in retrofitting diesel vehicles and engines. This joint action will directly assist EPA, ARB and other States in meeting air quality objectives.

Implementation of the Agreement

The Director of EPA's Office of Transportation and Air Quality and the Executive Officer of the California Air Resources Board, may each appoint a liaison to serve as an ongoing point of contact for their respective agencies. These liaisons will create the objectives to be accomplished through this Memorandum of Agreement, and will discuss progress at teleconference calls/meetings established by those representatives. These liaisons will serve only

in an advisory capacity. Progress on the agreement will be reviewed annually in a meeting of signatory agencies. This voluntary Memorandum of Agreement does not imply a commitment of funds or other resources from one agency to another. EPA's participation in this Memorandum of Agreement is subject to the availability of appropriated funds. The activities undertaken in connection with this Memorandum of Agreement are not intended to provide services to the Federal government and ARB agrees that it will not seek compensation from a federal agency for this work. This Memorandum of Agreement does not negate any existing legal right or requirements, nor does it create any new legal rights, benefits, obligations, or requirements, substantive or procedural, under state or federal law, or equity.

This Memorandum of Agreement may be revised upon the mutual consent of the signatories to this agreement. Any signatory can terminate this Memorandum of Agreement at any time without penalty or other damages and without further obligation.

We agree with the provisions outlined in this Memorandum of Agreement and commit our agencies to implement them in a spirit of cooperation and mutual support.

For the Environmental Protection Agency, Office of Transportation and Air Quality

Margo T. Oge

Margo T. Oge
Director

6-01-04
Date

For the Air Resources Board

Catherine Witherspoon
Executive Officer

5/27/04
Date