State of California

AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Public Hearing to Consider Adoption of Amendments to Regulations Regarding Procedures for Exemption of Add-on and Modified Parts from the Prohibitions of Sections 27156 and 38391 of the California Vehicle Code

Agenda Item No.: 90-2-1

Public Hearing Date: February 8, 1990

Issuing Authority: Air Resources Board

Comment: No comments were received identifying any significant environmental issues pertaining to this item. The staff report identified no adverse environmental effects.

Response: N/A

CERTIFIED: Pat Hutchens for
Board Secretary

Date: 5/24/90

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RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Resolution 90-10

February 8, 1990

Agenda Item No.: 90-2-1

WHEREAS, Sections 39002 and 39003 of the Health and Safety Code charge the Air Resources Board (the "Board" or "ARB") with the responsibility for systematically attacking the serious air pollution problem caused by motor vehicles;

WHEREAS, Sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board to adopt standards, rules and regulations necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, in Section 43000 of the Health and Safety Code the Legislature has declared that the emission of air pollutants from motor vehicles is the primary cause of air pollution in many parts of the state;

WHEREAS, in Section 43000.5 of the Health and Safety Code the Legislature has declared that while significant reductions in vehicle emissions have been achieved in recent years, continued growth in population and vehicle miles traveled throughout the state have the potential not only of preventing attainment of state standards, but in some cases resulting in worsening of air quality;

WHEREAS, Sections 43000 and 43011 of the Health and Safety Code authorize the Board to establish criteria for the evaluation of the effectiveness of motor vehicle pollution control devices;

WHEREAS, Section 43013 of the Health and Safety Code authorizes the Board to adopt motor vehicle emission standards and in-use performance standards which it finds to be necessary, cost-effective, and technologically feasible;

WHEREAS, Sections 27156 and 38391 of the California Vehicle Code prohibit the installation, sale, offering for sale or advertisement of any motor vehicle pollution control device or system which alters or modifies the original design or performance of any such motor vehicle pollution control device or system unless found by resolution of the Air Resources Board either to not reduce the effectiveness of any motor vehicle pollution control device or to result in emissions from a modified vehicle which comply with existing state or federal standards;

WHEREAS, Section 39515 of the Health and Safety Code states that the Board may delegate to the Executive Officer any duty which it deems appropriate;

WHEREAS, in Section 43008.6 of the Health and Safety Code the Legislature has given the Board expressed authority to issue penalties under the Vehicle Code;

WHEREAS, the Board adopted on November 4, 1977, and amended on May 19, 1981, generic evaluation procedures for aftermarket parts to be exempted from the prohibitions of Vehicle Code Sections 27156 and 38391 (the "Criteria for Evaluation of Add-On Parts and Modified Parts");

WHEREAS, the California Environmental Quality Act and Board regulations require that no project having significant adverse environmental impacts be adopted if feasible alternatives or mitigation measures to the proposed action are available to reduce and avoid such impacts;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with Section 11340), Part 1, Division 3, Title 2 of the Government Code;

WHEREAS, the Board finds that:

The overall air quality will be improved by increased participation of add-on and modified aftermarket parts manufacturers in the ARB exemption process, and that such participation will be increased by streamlining of the exemption granting process;

Compliance Criteria add-on and modified aftermarket parts do not require emission testing, because they present a low risk of increased emissions;

There is good correlation between the CVS-75 test procedure, and the test known as the "Cold 505," and the use of the "Cold 505" test will decrease testing costs to the manufacturers of General Criteria parts, and will increase the likelihood of participation in the testing program;

The proposed regulations will result in a cost savings to and a decreased burden on aftermarket parts manufacturers;

The proposed regulations will allow the staff to focus their efforts on more potentially polluting add-on and modified aftermarket parts; and

The attached amendments will not result in any significant adverse environmental impacts.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby amends Sections 1900(b)(2), 2222(e), and 2224(b) in Chapter 3 of Title 13, California Code of Regulations, and the procedures incorporated therein, as set forth in Attachment A hereto.

BE IT FURTHER RESOLVED that the Executive Officer shall be delegated the authority to incorporate additional aftermarket parts into the Compliance Criteria list, or to modify the incorporated Compliance Criteria, following public hearings and approval of the Office of Administrative Law.

BE IT FURTHER RESOLVED that the Board hereby determines that the amendments approved herein will not cause the California emission standards, in the aggregate, to be less protective of public health and welfare than applicable federal standards, will not cause the California requirements to be inconsistent with Section 202(a) of the Clean Air Act and raise no new issues affecting previous waiver determinations of the Administrator of the Environmental Protection Agency pursuant to Section 209 of the Clean Air Act.

BE IT FURTHER RESOLVED that the Executive Officer shall, if necessary, forward the amended regulation to the Environmental Protection Agency with a request either for confirmation that the amendments are within the scope of the existing waiver or for issuance of a new waiver, pursuant to Section 209(b)(1) of the Clean Air Act.

I hereby certify that the above is a true and correct copy of Resolution 90-10, as adopted by the Air Resources Board.

Judith M. Lounsbury

Judith M. Lounsbury, Board Secretary