STATE OF CALIFORNIA
AIR RESOURCES BOARD
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PETE WILSON, Governor

State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Public Hearing to Consider the Adoption of Regulations to Phase-Out the Use of CFC Refrigerants in New Motor Vehicle Air Conditioning Systems

Agenda Item No.: 92-15-1

Public Hearing Date: September 10, 1992

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
Pat Hutchens
Board Secretary

Date: 4/22/93

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RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Resolution 92-68

September 10, 1992

Agenda Item No.: 92-15-1

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board") to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, the Legislature in 1991 enacted Assembly Bill 859 (AB 859; Stats. 1991, ch. 874; Health and Safety Code sections 44470-44474) to address the problem of stratospheric ozone depletion from the use of chlorofluorocarbons (CFCs) in motor vehicle air conditioning systems;

WHEREAS, in AB 859 the Legislature declared that CFCs have begun to deplete the stratospheric ozone layer which protects human and other life forms from ultraviolet radiation, and that CFC emissions from motor vehicle air conditioning systems account for a significant percentage of California's CFC emissions;

WHEREAS, in AB 859 the Legislature further declared that it is essential to the health and safety of all Californians to take such steps as are necessary to to further decrease and halt the destruction of the ozone layer by CFCs;

WHEREAS, AB 859 established a schedule for phasing out the use of CFC refrigerants in new motor vehicle air conditioning systems, and directed the ARB to enforce these provisions;

WHEREAS, in order to implement and enforce the provisions of AB 859 the staff has proposed a new section 2500 of Title 13, California Code of Regulations;

WHEREAS, the proposed regulations require motor vehicle manufacturers to phase out the use of CFC refrigerants (CFC-11 and CFC-12) in air-conditioner-equipped new motor vehicles that are sold, supplied, or offered for sale in California, in accordance with the following schedule:

(1) During the 1993 calendar year, no more than 90 percent of a manufacturer's total production of air-conditioner-equipped new

1993 and 1994 model-year motor vehicles may use CFC refrigerants for air conditioning;

(2) During the 1994 calendar year, no more than 75 percent of air-conditioner-equipped new 1994 and 1995 model-year motor vehicles may use CFC refrigerants;

(3) During the period from September 1 to December 31, 1994, no more than 10 percent of air-conditioner-equipped new 1995 model-year vehicles may use CFC refrigerants;

(4) Effective January 1, 1995, no new 1995 or later model-year vehicle using any CFC refrigerant for vehicle air conditioning may be sold, supplied, or offered for sale in California;

WHEREAS, in consideration of the technical and economic burdens faced by small-volume manufacturers (manufacturers which sell less than 3000 vehicles per year in California), the staff has proposed that small-volume manufacturers be exempt from the phase-out requirements that are imposed from January 1, 1993 to December 31, 1994;

WHEREAS, the staff has proposed record-keeping requirements that would require manufacturers to submit quarterly and annual reports detailing the number of motor vehicles sold with CFC-based and non CFC-based air conditioning systems;

WHEREAS, the staff has proposed that manufacturers be required to verify that installations of air-conditioning systems by dealerships are not used to circumvent the phase-out requirements, and that manufacturers be responsible for reporting on these installations in cases where the manufacturer's percentage of vehicles with factory-installed air conditioning systems is found to decrease significantly during the years 1993, 1994, and 1995;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate 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:

It is widely recognized in the scientific community that CFC emissions are resulting in the destruction of the

stratospheric ozone layer, a protective shield without which human life cannot continue to exist;

Motor vehicle air-conditioning systems in California emit approximately 4.3 million kilograms of CFC-12 annually, and contribute emissions that comprise approximately 12.4 percent of California's annual ozone depletion potential, thereby contributing to the destruction of the stratospheric ozone layer;

Reducing CFC emissions from motor vehicle air-conditioning systems will implement the provisions of AB 859 and result in a reduction in global ozone depletion;

The proposed phase-out schedule is feasible for motor vehicle manufacturers;

The proposed exemption for small volume manufacturers is necessary in order to avoid imposing a severe economic hardship on these manufacturers;

The proposed reporting requirements are necessary to effectively monitor and enforce the phase-out requirements;

In order to ensure that air-conditioning system installations by dealerships are not used to circumvent the proposed phase-out requirements, it is necessary that manufacturers be responsible for reporting on dealership installations as specified in the proposed regulations;

Adoption of the proposed regulations will aid in reducing California's vehicular CFC emissions and will help stop the destruction of the stratospheric ozone layer.

The Board has determined, pursuant to the requirements of the California Environmental Quality Act and the Board's regulations, that this regulatory action will not have any significant adverse impact on the environment.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves section 2500, Title 13, California Code of Regulations, as set forth in Attachment A hereto;

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt section 2500, Title 13, California Code of Regulations, after making the modified regulatory language available for public comment for a period of 15 days, provided that the Executive Officer shall consider such written comments regarding the modification as may be submitted during this period, shall make modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted.

I hereby certify that the above is a true and correct copy of Resolution 92-68, as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens, Board Secretary

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