93-50

STATE OF CALIFORNIA

PETE WILSON, Governor

AIR RESOURCES BOARD
2020 L STREET
P.O. BOX 2815
SACRAMENTO, CA 95812

State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: PUBLIC HEARING TO CONSIDER FORD MOTOR COMPANY'S PETITION FOR LIMITED RELIEF FROM 1994/1995 ON-BOARD DIAGNOSTIC II (OBD II) PROVISIONS

Agenda Item No.: 93-9-1

Public Hearing Date: July 9, 1993

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: August 16, 1993

State of California
AIR RESOURCES BOARD

Resolution 93-50

July 9, 1993

Agenda Item No.: 93-9-1

WHEREAS, sections 39002 and 39003 of the Health and Safety Code charge the Board 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 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, 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 found and declared that, despite significant reductions in vehicle emissions in recent years, continued growth in population and vehicle miles traveled throughout California have the potential not only to prevent attainment of the state standards, but in some cases, to result in worsening of air quality;

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, section 43018 of the Health and Safety Code directs the Board to achieve the maximum degree of emissions reductions possible from vehicular and other mobile sources in order to accomplish the attainment of state standards at the earliest possible date;

WHEREAS, sections 39515 and 39516 of the Health and Safety Code provide that the Board may delegate any duty to the Executive Officer which the Board deems appropriate and that any power, duty, purpose, function, or jurisdiction which the Board may lawfully delegate shall be conclusively presumed to have been delegated to the Executive Officer unless the Board has expressly reserved such authority onto itself;

WHEREAS, the Board adopted and the Office of Administrative Law has approved regulations regarding "Malfunction and Diagnostic System Requirements--1994 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines," Title 13, CCR, section 1968.1, for monitoring catalyst efficiency, engine misfire, evaporative system integrity, secondary air injection, and chlorofluorocarbon (CFC) containment; for improving current monitoring of the fuel system, oxygen sensor, EGR system, and other emission-related components of the on-board diagnostic system; and for

standardizing fault codes, diagnostic repair equipment, the vehicle connector used for attaching the repair equipment to the vehicle, and the protocol for downloading repair information in order to improve the effectiveness of emission control system repairs;

WHEREAS, on or about March 29, 1993, Ford Motor Company petitioned the Board and requested a hearing for the Board to consider exemption from specific monitoring requirements for the 1994 and 1995 model years, based on a demonstrated good faith effort to comply with the malfunction and diagnostic requirements within the time frame specified in section 1968.1.

WHEREAS, on April 29, 1993, the Executive Officer found that reasonable cause exists for granting of the petition;

WHEREAS, the staff has proposed adoption of amendments to Title 13, CCR, section 1968.1, which would give the Executive Officer authority to certify 1994 model year vehicles required to comply with the malfunction and diagnostic requirements of the section, but do not fully meet the minimum requirements in one or more areas;

WHEREAS, the staff has further proposed adoption of amendments to Title 13, CCR, section 1968.1, which would give the Executive Officer authority to conditionally certify 1995 model year vehicles required to comply with the malfunction and diagnostic requirements of the section, but do not fully meet the minimum requirements in one or more areas, provided that the manufacturers of such vehicles pay a fine for such nonconformance pursuant to section 43016 of the California Health and Safety Code;

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

WHEREAS, pursuant to section 43013(e) of the Health and Safety Code, the Board has considered the effects of the proposed standards on the economy of the state;

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:

> One or more vehicle manufacturers will be unable to comply fully with the requirements of section 1968.1, in the 1994, and possibly, the 1995 model years despite a good faith effort to develop and implement monitoring technology capable of satisfying the requirements;
>
> Such vehicles, even with the potential monitoring system deficiencies that have been identified, will be significantly more effective in reducing in-use vehicle emissions than malfunction and diagnostic systems complying with previous requirements;

The certification of such vehicles would help to maximize the effectiveness of Title 13, CCR, section 1968.1, during the permitted phase-in period for complying with the specified malfunction and diagnostic requirements;

The certification of such vehicles would also minimize economic hardship for vehicle manufacturers, and distributors of such vehicles within California;

The proposed fines to be implemented as a condition for certification of noncomplying 1995 vehicles is appropriate in that by the 1995 model year, technology for the enhanced monitoring system will have been demonstrated and noncompliance is likely to occur more as a result of manufacturers not devoting sufficient resources to the implementation of the system; the proposed fines should help assure that manufacturers who do not devote the necessary resources will not gain a competitive advantage over their competitors; and

The proposed amendments to Title 13, CCR, section 1968.1, do not affect the Board's earlier findings that the regulation will result in emission reductions that will help attain and maintain national and air quality standards for ozone, carbon monoxide and nitrogen dioxide.

WHEREAS, the Board has determined, in accordance with the California Environmental Quality Act and Board regulations, that the proposed amendments to Title 13, CCR, section 1968.1, will not have significant adverse environmental impacts.

NOW, THEREFORE, BE IT RESOLVED that the Board directs the Executive Officer to adopt Section 1968.1, Title 13, California Code of Regulations, after making the modified regulatory language and additional supporting documents and information available for public comment for a period of 15 days, provided that the Executive Officer shall consider such written comments regarding the modification and additional supporting documents and information 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.

BE IT FURTHER RESOLVED that the Board hereby approves the amendments to section 1968.1, Title 13, California Code of Regulations as set forth in Attachment A hereto.

BE IT FURTHER RESOLVED that the Board hereby determines that the regulations approved herein, in conjunction with the rest of the California motor vehicle emission regulations, will be, in the aggregate, at least as protective of public health and welfare as applicable federal standards, are

necessary to meet compelling and extraordinary conditions in California, and are not inconsistent with section 202(a) of the Clean Air Act.

BE IT FURTHER RESOLVED that the Executive Officer shall, upon adoption, forward the amended subsections to Title 13, CCR, section 1968.1, to the Administrator of the Environmental Protection Agency with a request for a waiver of federal preemption pursuant to section 209(b) of the Clean Air Act.

BE IT FURTHER RESOLVED that the Board directs the staff to closely monitor vehicle manufacturers' efforts to evaluate all credible misfire detection technologies which would be available at reasonable costs to ensure that every effort is made by manufacturers to comply fully with the 1997 and later model year misfire monitoring requirements specified in section 1968.1, Title 13, CCR.

I hereby certify that the above is a true and correct copy of Resolution 93-50, as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens
Board Secretary

RECEIVED BY
Office of the Secretary
AUG 16 1993
PROCEEDING SECTION