State of California
AIR RESOURCES BOARD

Resolution 06-20

June 22, 2006

Agenda Item No.: 06-6-4

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (ARB or 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 found and declared that the emission of air pollutants from motor vehicles is the primary cause of air pollution in many parts of the state, and in sections 39002 and 39003 of the Health and Safety Code, has charged the Board with the responsibility of systematically addressing the serious air pollution problem caused by motor vehicles;

WHEREAS, sections 43013, 43101, and 43104 of the Health and Safety Code authorize the Board to adopt and implement motor vehicle emission standards, in-use performance standards, and test procedures, which it finds to be necessary, cost-effective, and technologically feasible;

WHEREAS, sections 43013 and 43018 of the Health and Safety Code direct the Board to endeavor to achieve the maximum degree of emission reduction possible from vehicular and other mobile sources in order to accomplish the attainment of the state standards for ambient air quality at the earliest practicable date;

WHEREAS, the Board administers enhanced evaporative emission requirements that were originally adopted in 1990 and have been phased in for 1995 and subsequent model-year passenger cars, light-duty trucks, medium-duty vehicles and heavy-duty vehicles; these enhanced test procedures are designed to ensure evaporative emissions are controlled under virtually all in-use conditions and are set forth in title 13, California Code of Regulations section 1976 and the incorporated "California Evaporative Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles";

WHEREAS, ARB and the United States Environmental Protection Agency (U.S. EPA) have endeavored to harmonize California and federal evaporative and refueling emissions test procedures, so that vehicle manufacturers can demonstrate compliance with both California and federal standards using one set of test results;

WHEREAS, since 1996, ARB staff has collaborated with U.S. EPA and the automobile industry on amending existing evaporative and refueling emissions test procedures to streamline and harmonize such procedures;

WHEREAS, on December 31, 2002, U.S. EPA published Guidance Letter CCD-02-20, which identified, based on ARB, U.S. EPA and automobile industry discussions, amendments to evaporative and refueling emissions test procedures that could be made via a direct final rulemaking;

WHEREAS, on December 8, 2005, U.S. EPA published a direct final rule incorporating the suggested modifications to the evaporative and refueling emission test procedures in Guidance Letter CCD-02-20, amendments to dynamometer test provisions regarding testing of four wheel and all-wheel drive vehicles, and amendments to vehicle labeling regulations (70 F.R. 72917);

WHEREAS, this U.S. EPA direct final rule became effective on February 6, 2006;

WHEREAS, U.S. EPA's direct final rule may create inconsistencies between California and federal evaporative and refueling emissions test procedures, dynamometer test provisions regarding testing of four wheel and all-wheel drive vehicles, and vehicle labeling requirements;

WHEREAS, ARB staff has proposed amendments to the California motor vehicle evaporative emission test procedures, the refueling emissions test procedures, and the exhaust test procedures to harmonize them with the U.S. EPA amendments adopted in the December 8, 2005 direct final rulemaking;

WHEREAS, the staff's regulatory proposal would be effected by proposed amendments to title 13 CCR sections 1961, 1976 and 1978, as set forth in Attachment A hereto; proposed amendments to the California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, as set forth in Attachment B hereto; proposed amendments to the California Evaporative Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles, as set forth in Attachment C hereto; and proposed amendments to the California Refueling Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles, Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, as set forth in Attachment D hereto;

WHEREAS, the Board has considered the effects of the proposed amendments on the economy of the State;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project that 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:

The federal motor vehicle certification program includes enhanced evaporative and refueling emission test procedures that are very similar to the corresponding California procedures;

U.S. EPA's December 8, 2005 direct final rule would result in inconsistencies between the California and federal evaporative and refueling emissions test procedures, dynamometer test provisions regarding testing of four wheel and all-wheel drive vehicles, and vehicle labeling requirements if the comparable ARB provisions are not harmonized with the amended federal provisions;

The amendments adopted herein would further align California's evaporative and refueling emissions test procedures, dynamometer test provisions regarding testing of four wheel and all-wheel drive vehicles, and vehicle labeling requirements with the corresponding federal test provisions contained in U.S. EPA's December 8, 2005 direct final rule;

The amendments adopted herein will reduce manufacturers' test burdens by providing them options to perform fewer tests to demonstrate compliance with applicable evaporative emissions standards and by further aligning federal and California test procedures;

The amendments adopted herein contain safeguards to ensure that the reduction in test burdens does not adversely impact the stringency of applicable exhaust, evaporative or refueling emission standards;

The amendments adopted herein provide manufacturers greater flexibility to utilize alternative test procedures, provided they obtain prior Executive Officer approval;

The amendments adopted herein will clarify the modes of operation used in dynamometer testing of four wheel and all-wheel drive vehicles;

The amendments adopted herein will provide manufacturers greater flexibility in vehicle label content and design, and should improve label clarity by appropriately eliminating information that has been outdated by advances in vehicle emission control technologies, provided they obtain prior Executive Officer approval;

The amendments adopted herein are necessary and appropriate in that they will inform parties of the manner in which ARB will determine compliance with the certification requirements;

The economic and fiscal impacts of the regulatory proposal have been analyzed as required by California law, and the conclusions and supporting documentation for this analysis are set forth in the Initial Statement of Reasons, as supplemented by staff's presentation at the hearing of this item;

The amendments adopted herein may result in cost savings to vehicle manufacturers by reducing the amount of tests performed or resources expended in performing tests;

The amendments adopted herein essentially align California and federal test evaporative and refueling emissions test procedures, and do not affect the stringency of any applicable exhaust, evaporative or refueling emission standard, or the associated test procedures.

WHEREAS, the Board further finds that:

The amendments adopted herein will not have a significant adverse environmental impact;

The amendments adopted herein will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or the elimination of existing businesses within California, the expansion of businesses currently doing businesses within California, or the ability California businesses to compete with businesses in other states;

No alternative considered by the Board would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts amendments to sections 1961, 1976 and 1978 of title 13, California Code Regulations, as set forth in Attachment A, and the amendments to the incorporated documents set forth in Attachments B through D hereto.

BE IT FURTHER RESOLVED that the Board hereby determines that the amendments adopted herein will not cause California motor vehicle emission standards, in the aggregate, to be less protective of public health and welfare than applicable federal standards.

BE IT FURTHER RESOLVED that the Board hereby finds that separate California emission standards and test procedures are necessary to meet compelling and extraordinary conditions.

BE IT FURTHER RESOLVED that the Board finds that the amendments adopted herein will not cause the California emission standards and test procedures for new motor vehicles and engines 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(b) of the Clean Air Act.

BE IT FURTHER RESOLVED that to the extent it is necessary, the Executive Officer shall, upon adoption, forward the amendments to U.S. EPA with a request for a waiver or confirmation that the amendments are within the scope of an existing waiver of federal preemption pursuant to section 209(b) of the federal Clean Air Act, as appropriate.

I hereby certify that the above is a true and correct copy of Resolution 06-20, as adopted by the Air Resources Board.

Lori Andreoni

Lori Andreoni, Clerk of the Board

Dec. 4, 2006

Resolution 06-20

June 22, 2006

Identification of Attachments to the Resolution

Attachment A: Amendments to title 13, California Code of Regulations, sections 1961, 1976 and 1978.

Attachment B: Amendments to California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles.

Attachment C: Amendments to the California Evaporative Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles.

Attachment D: Amendments to the California Refueling Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles, Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles.

State of California
Environmental Protection Agency
AIR RESOURCES BOARD

Notice of Decision and Response to Significant Environmental Issues

Item:	Public Hearing to Consider Technical Amendments to the Motor Vehicle Evaporative and Exhaust Emissions Test Procedure
Adopted by:	Resolution ~~03-17~~ 06-20
Agenda Item:	06-6-4
Public Hearing Date:	May 25, 2006
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:	A. Malik Alexa Malik, Regulations Coordinator
Date:	September 27, 2006

Dec. 4, 2006