State of California
AIR RESOURCES BOARD

Resolution 07-26

June 21, 2007

Agenda Item No. 07-7-5

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the Board or ARB) 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 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, section 43200 of the Health and Safety Code authorizes the Board to adopt regulations to prohibit the sale of a new motor vehicle to which has not been affixed a label displaying true air pollution emissions information for consumers, with some flexibility on label placement;

WHEREAS, ARB's smog index label requirements adopted pursuant to section 43200 of the Health and Safety Code are contained in the "California Smog Index Label Specifications for 2004 and Subsequent Model Year Passenger Cars and Light Duty Trucks" as adopted September 5, 2003, which is incorporated by reference in title 13, California Code of Regulations (CCR), section 1965;

WHEREAS, section 43200.1 of the Health and Safety Code directs the Board to modify the existing smog index label requirements no later than July 1, 2007 to include a global warming index for 2009 and later model year vehicles, to require at least one color on the label, to include vehicle operation and upstream emissions in the greenhouse gas index, to have both indices quantitative and in a continuous, easy-to-read scale, to consult with others on label format, and to update labeling indices as the Board determines necessary,

WHEREAS, section 39667 of the Health and Safety Code directs the Board to achieve the maximum possible reduction in public exposure to toxic air contaminants by establishing emission standards for vehicular sources, including new and in-use motor vehicles and fuels;

WHEREAS, the Legislature has found that

1. The use of fossil fuels in motor vehicles is one of the primary human sources of greenhouse gases that trap heat in the Earth's atmosphere, leading to a warming effect on the planet;

2. Increasing concentrations of greenhouse gases in the atmosphere are likely to accelerate the rate of climate change in California;

3. Scientific research indicates that the impact of global warming on our environment will be profound. Global warming will significantly impact the state's air quality, water resources, forests, agricultural regions, coastal regions, and the health of the state's residents; and

4. It is the intent of the Legislature to inform residents of the state of the human activities that significantly contribute to global warming by requiring disclosure of emissions associated with those activities.

WHEREAS, the United States Environmental Protection Agency (U.S. EPA) has a web-based "Green Vehicle Guide" that scores new vehicles based on their criteria pollutant emissions and limited types of greenhouse gas emissions;

WHEREAS, ARB staff has worked closely with the U.S. EPA to build on and enhance the current development and public familiarity with EPA's existing voluntary web-based "Green Vehicle Guide" and scoring systems for both air pollution and greenhouse gas emissions;

WHEREAS, ARB staff has proposed amendments to the smog index vehicle emissions label requirements that include modifying the appearance and content of the existing Smog Index to include a green color, adding a new global warming index to the label for 2009 and later model year new vehicles, including vehicle operation and upstream emissions in the greenhouse gas index by using vehicles' total greenhouse gas emissions as certified pursuant to title 13, CCR, section 1961.1, and for each index using a simple 1 to 10 scale showing that vehicle's score in relation to the cleanest and average vehicle score for that model year;

WHEREAS, the amendments proposed by staff consist of the adoption of the proposed new "California Environmental Performance Label Specifications for 2009 and Subsequent Model Year Passenger Cars, Light Duty Trucks, and Medium-Duty Passenger Vehicles," amendments to the "California Smog Index Label Specifications For 2004 and Subsequent Model Year Passenger Cars and Light-Duty Trucks," amendments to title 13, CCR, section 1965 incorporating those documents, amendments to the "California Exhaust Emission Standards and Test Procedures for 2001 and subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," and amendments to title 13, CCR, section 1961(d) incorporating that document; the proposed text of all of these actions are set forth in Attachment A hereto;

WHEREAS, the global warming scoring system was developed based on a statistical average and normal distribution of 2007 model year global warming emissions data, and section 1961.1, CCR, requires the incremental reduction of global warming emission starting in the 2009 model year through the 2016 model year;

WHEREAS, ARB staff has reviewed the incremental greenhouse gas reductions required by title 13, CCR, section 1961.1, and has determined that as early as the 2012 model year, the overall reductions in greenhouse gas emissions will likely have skewed the current global warming scoring system to not give an accurate representation of the statistical average and the normal distribution of greenhouse gas emissions data;

WHEREAS, the use of alternative fuels continues to grow and offers reduced emissions for both smog and greenhouse gases;

WHEREAS, ARB staff conducted market research in March 2007 to evaluate various components of a new proposed label and the conclusions from the research have been incorporated into the label content and presentation, including the need for a label larger than the current smog index label;

WHEREAS, ARB staff conducted public workshops on February 15, 2007 and March 16, 2007, as well as public outreach meetings and several focused stakeholder meetings throughout the rulemaking process, in order to include the public and affected stakeholders in the process for regulatory development;

WHEREAS, while staff's proposed amendments appear on a single new environmental performance label, the proposal provides significant improvements to the smog index portion of the existing smog index label, including readability and harmonization with federal certification bins, that would be worth proposing and adopting on its own;

WHEREAS, ARB staff considered less prescriptive standards than those proposed but determined that these would be less effective in providing consumers with clear information to compare emissions against an average vehicle;

WHEREAS, a staff report and draft regulatory language were published and made available to the public for at least 45 days prior to this Board hearing;

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, the Board has considered the impact of this proposed regulatory action 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, based on the information in the public record, including the staff report and testimony provided at the hearing, the Board finds that:

1. Staff's proposal will best promote consumer awareness of a vehicle's environmental footprint and help consumers make the cleanest purchasing choice possible when selecting a new vehicle, and may independently result in lower emissions than from certification alone;

2. Staff's proposal implements each of the smog and greenhouse gas index and labeling requirements in Health and Safety Code section 43200.1, and labeling placement requirements of Health and Safety Code section 43200;

3. If the regulations adopted pursuant to Health and Safety Code section 43018.5 regarding greenhouse gas emissions do not remain in effect, the smog index amendments proposed herein can and should be implemented by deleting the greenhouse gas score and label depiction thereof and adjusting the label format accordingly; and

4. No alternative considered would be more effective, or equally effective and less costly, in achieving the regulatory objectives sought than the proposed amendments;

WHEREAS, pursuant to the requirements of the California Environmental Quality Act and the Board's regulations, the Board further finds that:

1. The proposed regulatory amendments will have no adverse impact on the environment;

2. The economic and cost impacts of the proposed regulatory amendments have been analyzed as required by California law and the conclusions and supporting documentation for their analyses are set forth the Initial Statement of Reasons; and

3. The cost of modifying the existing Smog Index Label and adding a global warming index to the label will have no impact on small business and little impact on affected manufacturers.

NOW, THEREFORE, BE IT RESOLVED, that the Board approves the amendments to sections 1961 and 1965, title 13, CCR, the adoption of "California Environmental Performance Label Specifications for 2009 and Subsequent Model Year Passenger Cars, Light Duty Trucks, and Medium-Duty Passenger Vehicles," and amendments to the "California Smog Index Label Specifications For 2004 and Subsequent Model Year Passenger Cars and Light-Duty Trucks," and 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 A hereto, with the modifications identified in Attachment B hereto, and with a further modification allowing as an option the use of a 2½ inch by 4½ inch or larger display as part of the Monroney label as long as the display is outlined by the contrasting green color specified with a font size large enough to make the information presented sufficiently noticeable and legible.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to incorporate the modifications approved herein into the regulatory text set forth in Attachment A hereto, with such other conforming modifications as may be appropriate, and then to adopt the modified amendments, after making the modified regulatory language available for supplemental public comment for a period of at least 15 days as required by Government Code section 11346.8, provided that the Executive Officer shall consider all written comments regarding the modifications 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 she determines that this is warranted.

BE IT FURTHER RESOLVED that the Board directs ARB staff to perform annual reviews of the smog and global warming scoring systems based on certification emissions data and encourages ARB staff to recommend adoption of new amendments to modify one or both scoring systems, if necessary, to reflect a true statistical representation of vehicle emissions as these emissions incrementally decrease due to regulatory requirements or increased use of alternative fuels, and to return to the Board with proposed regulatory amendments or a report on why those amendments are unnecessary no later than when needed to implement changes for the 2013 model year.

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, 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 federal Clean Air Act and raise no new issues affecting previous waiver determinations of the Administrator of U.S. EPA 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 confirmation that the amendments are within the scope of an existing waiver of federal preemption pursuant to section 209(b) of the Clean Air Act.

I hereby certify that the above is a true and correct copy of Resolution 07-26, as adopted by the Air Resources Board.

Lori Andreoni

Lori Andreoni, Clerk of the Board

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RESOURCES AGENCY OF CALIFORNIA

Resolution 07-26

June 21, 2007

Identification of Attachments to the Resolution

Attachment A: "Appendix A – Regulation Language" set forth in the Staff Report: Initial Statement of Reasons released May 4, 2007, containing proposed amendments to sections 1961 and 1965 of title 13, California Code of Regulations, adoption of the proposed new "California Environmental Performance Label Specifications for 2009 and Subsequent Model Year Passenger Cars, Light Duty Trucks, and Medium-Duty Passenger Vehicles," amendments to the "California Smog Index Label Specifications For 2004 and Subsequent Model Year Passenger Cars and Light-Duty Trucks," and amendments to the "California Exhaust Emission Standards and Test Procedures for 2001 and subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles."

Attachment B: Staff's Suggested Modifications to the Original Proposal Noticed May 4, 2007, as made available at the June 21, 2007 hearing.

PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE EMISSION CONTROL AND SMOG INDEX LABELS REGULATIONS

Staff Suggested Modifications to the Original Proposal

Presented at the June 21, 2007 Hearing of the Air Resources Board

All of the suggested modifications pertain to the proposed new "California Environmental Performance Label Specifications for 2009 and Subsequent Model Year Passenger Cars, Light Duty Trucks, and Medium-Duty Passenger Vehicles." The proposed modifications to this document are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions compared to the original text as presented in the ARB Staff Report: Initial Statement of Reasons released May 4, 2007.

State of California
AIR RESOURCES BOARD

CALIFORNIA ENVIRONMENTALPERFORMANCE LABEL SPECIFICATIONS FOR 2009 AND SUBSEQUENT MODEL YEAR PASSENGER CARS, LIGHT-DUTY TRUCKS, AND MEDIUM-DUTY PASSENGER VEHICLES

Adopted: {Insert Date}

Note: These specifications shall take effect for all vehicles manufactured on October 1, 2008 and thereafter. On October 1, 2008, the Environmental Performance Label will replace the Smog Index Label; therefore vehicles manufactured on October 1, 2008, and thereafter will no longer require a Smog Index Label. Replacing the Smog Index Label with the new Environmental Performance Label prior to October 1, 2008, is acceptable.

State of California
AIR RESOURCES BOARD

California Environmental Performance Label Specifications

1. **Prohibition**. The sale and registration in this state of any certified new 2009 and subsequent model passenger car, light-duty truck, and medium-duty passenger vehicle manufactured on or after October 1, 2008 to which an Environmental Performance label has not been affixed in accordance with these procedures is prohibited. Affixing the Environmental Performance label to a vehicle manufactured before October 1, 2008 in lieu of the Smog Index Label is optional, however, each such label optionally affixed and not meeting all specifications herein, is prohibited.

2. **Requirements**. An Environmental Performance label made of paper or plastic shall be securely affixed in a location specified in section 43200 of the Health and Safety Code. The Environmental Performance label shall display the global warming score for the vehicle, as specified in section 3 below. The Environmental Performance label shall display the smog score for the vehicle, as specified in section 4 below. The environmental performance label shall take the form set forth in section ~~7~~ 6 and Attachment A of this document.

3. **Global Warming Score**

   (a) The global warming emissions value used to determine a vehicle's score shall be the $CO_{2Equivalent}$ -equivalent value as calculated according to Title 13, California Code of Regulations § 1961.1(a)(1)(B) and certified pursuant thereto.

   (b) The average new vehicle $CO_{2Equivalent}$ -equivalent combined value is projected to be 360 grams per mile and shall be assigned a score of 5.

   (c) The scores in the following table shall apply to all passenger cars and light-duty trucks 0-8500 pounds GVW and medium-duty passenger vehicles 8,500-10,000 GVW for which a value is calculated per (a):

Grams per mile CO_2 ~~Equivalent~~ -equivalent combined	Global Warming Score
Less than 200	10
200-239	9
240-279	8
280-319	7
320-359	6
360-399	5
400-439	4
440-479	3
480-519	2
520 and up	1

4. Smog Score

(a) The average new vehicle is assigned an Ultra-Low-Emission Vehicle (ULEV) certification and is assigned a score of 5.

(b) The scores in the following table apply to 2009 and subsequent model-year passenger cars and light-duty trucks 0-8500 pounds GVW and medium-duty passenger vehicles 8,500-10,000 GVW:

California Emissions Category - Federal Bins	NMOG + NOx (g/mile)	Smog Score
ZEV – Bin 1	0.0	10
PZEV	0.030	9
SULEV – Bin 2	0.030	8
Bin 3	0.085	7
Bin 4	0.110	6
ULEV	0.125	5
LEV – Bin 5	0.160	4
[LEV (option 1) – Bin 6] and [SULEV (MDPV)]	0.190 – 0.200	3
Bin 7	0.240	2
ULEV (MDPV) – Bin 8a	0.325	1

5. Bi-Fuel, Fuel Flexible, and Dual-Fuel Vehicles. Notwithstanding Title 13, California Code of Regulations, Section 1961.1(a)(1)(B)(2)(a), the global warming score is based on exhaust mass emission tests when the vehicle is operating on gasoline or diesel.

6. **Environmental Performance Label format requirements.** Detailed printing ~~specifications~~ requirements and a sample label are given in Attachment A of this ~~part~~ specification and apply to the provisions in this section. Unless otherwise stated, a dimensional tolerance of plus or minus 0.039 inches (1.0 millimeter) shall apply to each individual dimension. Tolerance stacking, however, is not acceptable.

(a) Environmental performance labels:

(1) Must be rectangular in shape with a minimum size of 6 inches wide x 4 inches high.

(2) Must be outlined with a 1 point green line and have ~~exactly~~ a 0.5 inch section of green at the top and ~~exactly~~ a 1 inch section of green at the bottom.

(b) Label information. The information on each label must meet the following requirements:

(1) The color for the background as specified in Attachment A is PMS 347 C selected from the Pantone Matching System, solid coated swatch book. When printing in 4 color process the color build for the prescribed green is:

Cyan	100
Magenta	0
Yellow	86
Black	3

(2) "Environmental Performance" is the title of the label. This title must be centered in the top section of green. See Attachment A for font, size and color requirements.

(3) The phrase "Protect the environment, choose vehicles with higher scores:" must appear. This phrase must start ~~exactly~~ 2 picas (0.341 inches) from the left edge of label. See Attachment A for font, size and color requirements.

(4) "Global Warming Score" is a title that must always appear over its respective scale. This title must start ~~exactly~~ 2 picas (0.341 inches) from the left edge. See Attachment A for font, size and color requirements.

(5) The number for the Global Warming Score is variable and must appear over the block it represents on the global warming scale. Scores are determined in section 3. See Attachment A for font, size and color requirements.

(6) The number ~~0~~ 1 must appear on the left most side of the scale it is under. See Attachment A for font, size and color requirements.

(7) "Average ~~N~~new ~~V~~vehicle" must appear under both scales at the center point~~, which is~~ of the fifth block (or where the fifth block would normally be), and must be marked by a triangle (item 15 in the style guide). See Attachment A for font, size and color requirements.

(8) This statement must appear in the lower section of green on every label: "Vehicle emissions are a primary contributor to global warming and smog. Scores are determined by the California Air Resources Board based on this vehicle's measured emissions. Please visit **www.DriveClean.ca.gov** for more information." This statement must start ~~exactly~~ 2 picas (0.341 inches) from the left edge. The third row of text will end at the word "visit" and drop down to a fourth line of text to allow room for item 17, the ARB logotype. See Attachment A for font, size and color requirements.

(9) The words "higher scores:" must be bolded. See Attachment A for font, size and color requirements.

(10) "Smog Score" is a title that must always appear over its respective scale. ~~It~~ This title shall end ~~exactly~~ 1.5 inches away from the right edge, and shall be flush left with its scale. See Attachment A for font, size and color requirements.

(11) The number for the Smog Score is variable and must appear over the block it represents on the smog scale. Scores are determined in section 4. See Attachment A for font, size and color requirements.

(12) Squares on the scales. Each square represents a single point on the scale. If a vehicle scores a 5, on a given scale, there will be five squares to represent that score. The first square must be flush left with the scale line (Attachment A item 13) and the tenth square must be flush right with item 13, therefore maintaining a distance of exactly 0.042 inches between squares, even when not all ten squares are present. See Attachment A for size and color requirements.

(13) The scale line must appear on both scales and must be a consistent length. It must always be flush left with its respective title. See Attachment A for ~~font~~ length, stroke and color requirements.

(14) A number 10 must appear flush right with Attachment A item 13 of both scales. The number 10 represents the highest score a vehicle can get on each scale. See Attachment A for font, size and color requirements.

(15) An upright equilateral triangle must appear under both scales at the center point of the fifth block (or where the fifth block would normally be) on both scales representing where the average new vehicle falls on each scale. See Attachment A for ~~font~~ size and color requirements.

(16) The title "Cleanest" must appear flush right and underneath the 10 (Attachment A item 14) on both scales. ~~It~~ This title must always be bold. See Attachment A for font, size and color requirements.

(17) The California Environmental Protection Agency / Air Resources Board logotype must appear in the lower right hand corner, ending ~~exactly~~ 0.3 inches from the right edge. See Attachment A for font, size and color requirements.

(18) The Drive Clean website (**www.DriveClean.ca.gov**) ~~should~~ must always appear in the Myriad Semi-bold within Item 8. See ~~Appendix~~ Attachment A for font, ~~and~~ size and color requirements ~~specifications~~.

~~(19) This statement must appear for bi-fueled vehicles: "For bi-fuel vehicles, when using an alternative fuel, scores may improve. See **www.DriveClean.ca.gov**".~~

(19) Vehicles capable of operating on more than one fuel must display the following statement: "Using alternative fuels may improve scores. **See www.DriveClean.ca.gov**". This statement must be centered and appear just above the bottom section of green. See Attachment A for font, size and color requirements.

~~(20) This statement must appear for fuel-flexible vehicles: "For flex-fuel vehicles, when using an alternative fuel, scores may improve. See **www.DriveClean.ca.gov**".~~

~~(21) This statement must appear for dual-fuel vehicles: "For dual-fuel vehicles, when using an alternative fuel, scores may improve. See **www.DriveClean.ca.gov**".~~

7. **Severability**. Each provision of this section is severable, and in the event that any provision of this section is held to be invalid, the remainder of these specifications remains in full force and effect.

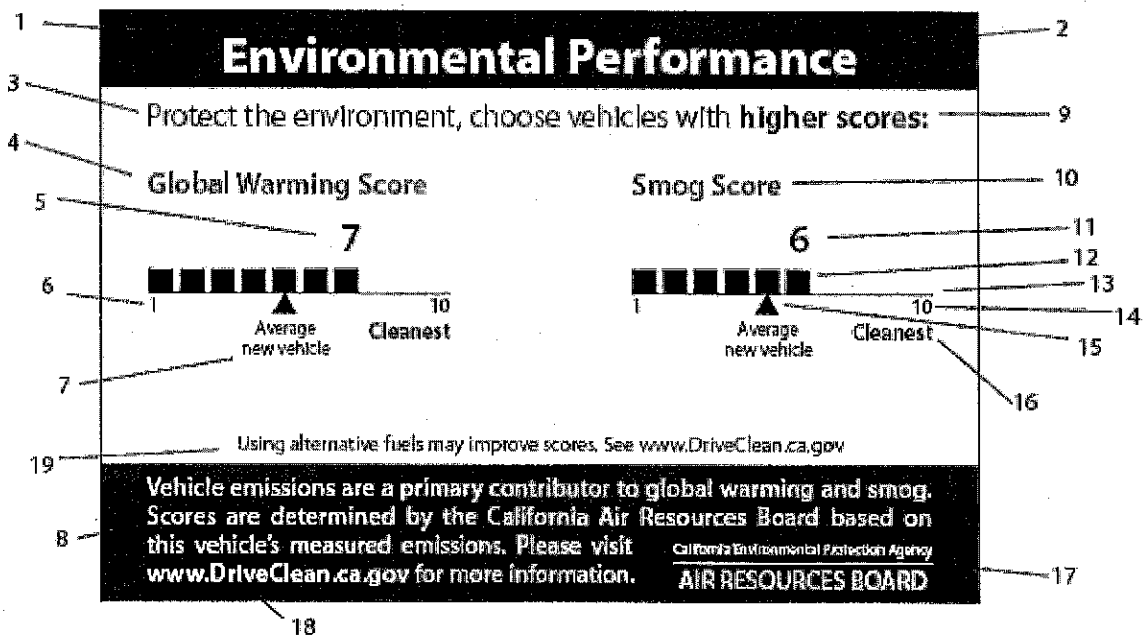
ATTACHMENT A

ENVIRONMENTAL PERFORMANCE LABEL STYLE REQUIREMENTS

1	Label Background 6 x 4 inches whole; top green: 6 x 0.5 inches; Bottom green: 6 x1 inches; green stroke: 1 point; Color: PMS 347 C
2	font: Myriad Pro Bold; size: 25 points; color: knocked out of green (appears white)
3	font: Myriad Pro Light; size: 15 points; color: Black
4, 10	font: Myriad Pro Semi-bold; size: 14.4 points; color: PMS 347 C
5, 11	font: Myriad Pro Semi-bold; size: 19.2 points; color: Black
6, 14	font: Myriad Pro Light; size: 9.6 points; color: Black
7	font: Myriad Pro Light; size/leading: 9/10.8 points; color: Black
8	font: Myriad Pro Regular; size/leading: 11.3/13.5 points; color: knocked out of green (appears white)
9	font: Myriad Pro Semi-bold; size: 15 points; color: Black
12	size: 0.167 x 0.167 inches; color: Black; distance: 0.042 inches apart
13	Scale Line: length: 2.05 inches; stroke: 1 point; color: Black
15	size: 0.167 ~~x 1.11~~ inches each side; color: Black
16	font: Myriad Pro Semi-bold; size: 10.5 points; color: Black
17	California Environmental Protection Agency / Air Resources Board logotype: Top Row: font: Myriad Pro Regular; size: 7 points (Title Case) Bottom Row: font Myriad Pro Regular; size: 12 points (All Caps) Line weight: 1 point; Color for all: knocked out of green (appears white)
18	**www.DriveClean.ca.gov**: Font: Myriad Pro Semi-bold Size: 12 points Color: knocked out of green (appears white)
19	~~Flex~~ Alternative-fuel phrase ~~(variable element)~~: font: Myriad Pro Light; size: ~~9~~10 points; color: Black

***Note**: For simplicity in viewing the proposed modifications, the entire label is reproduced here to provide a sample label reflecting the proposed modifications. However, the only items proposed for modification from the original proposal are the movement of the phrase "Average new vehicle" noted in 7, the movement of the triangle noted in 15 from just right of block 5 to the middle of block 5, the substitution of the number 1, noted in 6, in lieu of 0 below each scale, and the alternative fuel phrase as noted in 19. All other requirements as originally proposed remain unchanged.*

<u>Sample</u> Environmental Performance Label



Staff's Suggested Modifications to the Original Proposal

(continued)

Note: In addition to the above proposed modifications shown in underline and ~~strikeout~~, based on comments received since issuance of the Staff Report: Initial Statement of Reasons, staff proposes that the Board also direct it to modify the regulatory text in Appendix A as follows.

- Modify the environmental performance label requirements to require that vehicles exempted from greenhouse gas requirements pursuant to Title 13, California Code of Regulations, Section 1961.1(a) – commonly referred to as "work trucks" – need only display the smog index score on the label.

State of California
Environmental Protection Agency
AIR RESOURCES BOARD

Notice of Decision and Response to Significant Environmental Issues

Item:	Amendments to the Emission Control and Smog Index Labels
Approved By:	Resolution 07-26
Adopted by:	Executive Order R-08-004
Agenda Item:	07-7-5
Public Hearing Date:	June 21, 2007
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:	Trini Balcazar, Regulations Coordinator
Date:	May 2, 2008

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