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Clerk of the Board
Air Resources Board
1001 I Street
Sacramento, California 95814

Subject: Comments on Amendments to the LEV III Criteria Pollutant Requirements for Light- and Medium-Duty Vehicles, the Hybrid Electric Vehicle Test Procedures, and the Heavy-Duty Otto-Cycle and Heavy-Duty Diesel Test Procedures ("Second 15-Day Notice" of 9-Jun-2015)

Air Resources Board:

The Alliance of Automobile Manufacturers (Alliance)¹ and Association of Global Automakers, Inc. (Global Automakers),² representing nearly every car and light-truck manufacturer and nearly 99% of the new vehicle market in California, supports the amendments in the LEV III Second 15-Day Notice (2nd Notice) with the exceptions noted below.

First, we would once again thank the Air Resources Board's (ARB) staff for its ongoing willingness to work with industry throughout this (and many other) regulatory process. This 2nd Notice further improves the regulations (particularly, the plug-in hybrid electric vehicle (PHEV) test procedures) while continuing to achieve important and significant reductions of criteria pollutants to near-zero levels.

Second, we are also providing an attachment with suggested additional amendments to Enclosure A, Amendments to the LEV III Criteria Pollutant requirements for Light- and Medium-Duty Vehicles, the Hybrid Electric Vehicle Test Procedures, and the Heavy-Duty Otto-Cycle and Heavy-Duty Diesel Test Procedures. These recommended changes improve and clarify the requirements.

Finally, there are two areas where we suggest additional attention from ARB: including interim approval for use of the updated regulations; and inclusion of additional regulatory items in a new, near term rulemaking effort.

¹ Alliance members are BMW Group, FCA US LLC, Ford Motor Company, General Motors, Jaguar Land Rover, Mazda, Mercedes-Benz USA, Mitsubishi Motors, Porsche, Toyota, Volkswagen, and Volvo.

² Global Automakers' automobile manufacturer members include Aston Martin, Ferrari, Honda, Hyundai, Isuzu, Kia, Maserati, McLaren, Nissan, Subaru, Suzuki, and Toyota. For more information, please visit www.globalautomakers.org.

Interim Approval for Use of Updated Regulations

Changes to the PHEV test procedures represent the overwhelming majority of changes in the 2nd Notice. We have detailed comments and recommendations on the PHEV Test Procedures in the attachment to this letter. In addition to the PHEV test procedures, this regulatory package contains other critical changes (e.g., LEV III/Tier 3 harmonization) that industry needs to implement immediately. In fact, industry is already moving quickly to implement key laboratory and testing requirements in the Tier 3 regulations and submitting certification applications to ARB for Executive Orders that are contingent on the LEV III revisions that were approved by the Board at the October 23, 2014 hearing and that are included in the first 15-Day Notice. EPA adopted the Tier 3 emission standards and laboratory and testing requirements after ARB originally adopted LEV III; these new requirements are incorporated in this LEV III regulatory package and are important to implementation of the LEV III program.

For example, industry is implementing the new PM measurement procedures, NMOG calculations, and driver energy reporting on some initial test sites in order to meet the fast approaching 2017 model year (MY) requirements. In addition, manufacturers are submitting 50-state certification applications to ARB that are contingent on ARB's revisions to title 13, CCR, Section 1961.2(a)(12), "When a Federally-Certified Vehicle Model is Required in California." These revisions incorporate Table 2 of 40 CFR §86.1811.17(b), accept transitional Tier 3 emission Bins 85 and 110 and exclude 50°F exhaust emission requirements on these Bins. The 2nd Notice aligns with these test site changes, specifically with the migration provisions of 40 CFR Part 86.101. However, these LEV III migration provisions (and by inclusion LEV II) will not be finalized nor effective for several months. Because of the time required for hardware modifications to laboratories, manufacturers have already had to modify test sites and begin conducting certification tests using the new test procedures.

Industry request the Executive Officer grant interim approval to optionally use the LEV III/Tier 3 harmonized emission standards, test procedures, and equipment in this LEV III package (i.e., the draft regulatory text contained in the Initial Statement of Reasons released 2-Sep-2014 as modified by the 1st and 2nd 15-Day Notice) prior to the effective date of these regulations. Additionally, we request a similar allowance for the current 2009-2017 HEV & PHEV test procedures, as these still require LEV 2 & Tier 2 test procedures to be utilized (for example, PM measurements).

The alternative of either delaying certification or testing using the old procedures and equipment is in no one's best interest since the new procedures encompass significant improvements including yielding more accurate test results compared to the old procedures.

Additional Items for Future Consideration

ARB staff and industry agree that several items should be corrected but are beyond the scope of the current rulemaking. These requirements add significant burden, as well as cost, to manufacturer testing and certification but provide no environmental benefit. We provide a brief summary of these items here, and request that ARB staff include these in the next light-duty vehicle (LDV) regulatory package before the Board (for instance, in the OBD regulatory package).

1. Cold CO Testing for Flex Fuel Vehicles (FFVs): The current LEV regulations require manufacturers to conduct Cold CO tests on FFVs using E85 fuel. This is burdensome since it requires additional tests with a fuel that is not readily available. Moreover, this testing is unnecessary for a number of reasons – virtually no FFVs operate at 20°F on E85 in California; California is in attainment for CO and the current LEV III requirements will further reduce CO from LDVs. Even though these requirements have been in the Low Emission Vehicle regulations for some time, most manufacturers certified their FFVs to cleaner Federal standards, where this requirement doesn't exist, and then brought those vehicles into California under the Cleaner Federal Vehicle provisions of the regulations.

Based on our discussions with ARB staff, they agree that this requirement is unnecessary. We would ask that this change be included as soon as possible for Board consideration.

2. Ethanol Retention Test: For the past several decades automakers have conducted an ethanol retention calibration of the Sealed Housing for Evaporative Determination (SHED).³ The ethanol retention calibration is required monthly (or quarterly) in addition to when the SHED is initially commissioned and after major maintenance. This calibration places a high-volume SHED out of commission for at a minimum of a day and sometimes several days. The purpose of this test is to ensure that materials in the SHED are not adsorbing ethanol from the fuel (or E85). Automakers have performed thousands of ethanol retention calibrations and never has it resulted in any corrective action. As a result, EPA eliminated the periodic ethanol retention calibrations but retained the requirement for SHED commissioning and major maintenance. Based on our discussions with ARB staff, they would also support this approach with minor modifications. However, they are unable to make the change in the current rulemaking.

Thank you for your consideration of our comments. If you have any questions or need additional information, please feel free to contact us. As always, we look forward to continuing to work with you.

Sincerely,



Steven Douglas
Senior Director, Environmental Affairs



Julia Rege
Director, Environment & Energy

³ A SHED is similar to a garage. The vehicle to be tested is driven into the SHED, the SHED is then sealed and the evaporative emissions are measured over a period of several days as the temperature in the SHED is varied according to a specified schedule.

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Attachment