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**Testimony of the Motorcycle Industry Council Regarding
Public Hearing to Consider Proposed Amendments to the Red sticker Program for Off-
Highway Recreational Vehicles**

April 25, 2019

The Initial Statement of Reasons suggests proposed amendments to the OHRV evaporative regulations, which are the result of a cooperative effort between ARB staff, the Motorcycle Industry Council (MIC), MIC's member companies, and other stakeholders. We thank the staff for working with the stakeholders on this important matter.

That said, the following issues still need to be addressed:

- Defining youth models
- Compliance with TP-933 and phase-in requirements
- OHRV manufacturer certification requirements
- Zero emission vehicle incentives and charging infrastructure
- Competition practice and training
- Reference errors in proposed regulation language
- Clarification on applicability of EPA regulations
- Implementation timing is critical

Youth Models

ARB staff's proposed amendments include alternate standards and requirements for 110 cc youth-oriented off-highway motorcycles (OFMC) and all-terrain vehicles (ATV). Current youth-oriented OFMC and ATV may be marketed as 110 cc, but have an actual engine displacement of 112 cc. MIC proposes that an actual maximum displacement of 112 cc be allowed for these alternate standards and requirements. The proposed regulatory language could be revised as follows, "This provision applies to youth off-highway motorcycles (OFMC) and ATV marketed as 110 cc that have an actual engine displacement of 112 cc or less." This revision would prevent the unintended exclusion of youth product marketed as 110 cc.

TP-933 Compliance and Phase-in Requirements

In MIC's testimony during the 2013 hearing to adopt OHRV evaporative emission requirements and standards, MIC noted the potential for continued depressed sales resulting in challenges to manufacturer's ability to adopt new evaporative controls required under the original OHRV evaporative regulation. Unfortunately, that is precisely what some industry members are confronting. Allowing manufacturers to include OHRV certified using the proposed alternate standards in the phase-in requirements of the original evaporative regulation would provide needed flexibility for manufacturers.

OHRV Manufacturer Certification Requirements

Section 2419.4(b)(1)(A) of the proposed regulation continues to set a hard requirement for compliance with sections 2418(a) and 2418(c), but it fails to acknowledge any of the alternative standards in 2418(e). We request revision of 2419.4(b)(1)(A) to include certification under the options included in 2418(e).

Zero Emission OHRV Incentives and Charging Infrastructure

The electric OHRV market is a small but important part of the powersport industry. MIC supports incentives directed towards the design, development, and production of electric OHRV. MIC encourages ARB to continue working on critical charging infrastructure and consumer incentive needs.

Currently, electric OHRV are most likely to be recharged at state OHRV parks by gasoline-powered generators brought to the park by consumers in pickup trucks, on trailers, or in RVs. The use of these generators prevents electric OHRV from truly being considered zero-emission OHRV. Indeed, the generator emissions may be greater than or equal to those of gasoline-powered OHRV. Installation of suitable charging infrastructure at CA OHRV parks will help electric OHRV to become truly zero-emission.

While the CVRP funding is not oriented towards electric OHRV, incentives for consumers of electric OHRV are important to the continued growth of the market. Incentive programs like CVRP have proven to be a valuable tool for consumers as they decide whether to purchase an electric motor vehicle. A similar result is likely to be observed in helping consumers choose to purchase an electric OHRV.

Competition Practice and Training

In addition to being important for the development of overall racecraft, the ability to practice and train for competition is critical for the safety of competitors, competition support staff, and spectators situated near closed course events. Participants of off-road competition events, such as Enduros, Grand Prix (GP), Hare Scrambles, and Observed Trials, that occur on public lands normally open for recreational use, have an ongoing need to train and practice on public lands.

In contrast, motocross and similar track-based forms of off-road closed course competition provide a defined, closed course where participants can practice and train to learn the course and develop general riding skills. Obviously, this is not the case for participants in off-road competition events occurring on public lands normally open for recreational use. It is important for ARB staff to continue working with CA DMV, CA State Parks, BLM, and other stakeholders to ensure off-road competitors have sufficient practice and training opportunities.

Reference errors in proposed regulation language

The proposed language continues to contain noted reference errors which could potentially lead to confusion. For example, 2418(c)(2) refers to subdivisions (A), (B), and (C) being below, however only subdivisions (i), (ii), and (iii) exist. Please review the proposed language and address incorrect references.

Clarification on applicability of EPA regulations

Applicability of EPA regulation in this proposal is not clear to all manufacturers. We request staff to improve the proposed language with respect to options related to applicability of EPA regulations, such as including both 40 CFR 1051 and 40 CFR 1060 in 2418(c)(2)(ii).

Implementation timing is critical

The proposed regulation contains items related to 2022 MY certification. Given the short lead time, manufacturers request one additional year in the event of delayed adoption of the proposed regulation beyond December 31, 2019.

Thank you for considering our comments. I would be pleased to answer any questions.