

**STATE OF CALIFORNIA
AIR RESOURCES BOARD**

**Proposed Amendments to the Commercial) Board Hearing Dates: November 19, 2021
Harbor Craft Regulation; Initial) and March 24, 2022
Statement of Reason; Proposed 15-Day) Agenda Item: 21-12-6
Changes) Public Availability Date: May 19, 2022
) Comment Deadline: June 3, 2022**

**COMMENTS OF THE
TRUCK AND ENGINE MANUFACTURERS ASSOCIATION**

June 3, 2022

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The Truck and Engine Manufacturers Association (EMA) hereby submits its comments relating to the proposed “15-day” changes that the California Air Resources Board intends to make to the previously approved amendments to the regulations applicable to commercial harbor craft (CHCs) operating in California waters. EMA is the trade association that represents the world’s leading manufacturers of internal combustion engines, including the diesel-fueled marine engines used to power commercial harbor craft. Consequently, EMA has a direct and significant interest in the proposed amendments at issue.

On November 12, 2021, EMA submitted its initial comments on the pending amendments to the CHC regulations. EMA incorporates those prior comments by reference herein. As noted in those prior comments, CARB must obtain a waiver of federal preemption from U.S. EPA before attempting to enforce any aspect of CARB’s CHC amendments, since CARB is, in essence, proposing to adopt new hybrid “Tier 5” standards and other requirements relating to the control of emissions from new and non-new marine engines in California. See CAA Section 209(e). In that regard, it is now apparent that CARB will not be able to apply for and obtain a federal preemption waiver (which involves a full notice and comment rulemaking process) before the CHC amendments are scheduled to take effect — as early as next year. Indeed, given CARB’s failure to provide the requisite leadtime for the new standards and requirements at issue, and given the unavailability of compliant marine engine products, there is a distinct possibility that a preemption waiver might not be issued.

Accordingly, in light of the foregoing, EMA requests that CARB confirm in the Final Statement of Reasons (FSOR) for this rulemaking that CARB will not attempt to enforce the CHC amendments until after CARB has received a preemption waiver from U.S. EPA for those amendments, with time for notice of the new effective date that is at least 30 days after the date the waiver is granted.

Respectfully Submitted,

TRUCK AND ENGINE
MANUFACTURERS ASSOCIATION