Alan C. Lloyd, Ph.D.
Agency Secretary

Air Resources Board

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Arnold Schwarzenegger
Governor

April 13, 2005

William M. Guerry, Counsel
Outdoor Power Equipment Institute
Collier Shannon Scott, PLLC
3050 K Street, NW
Washington, District of Columbia 20007-5108

Dear Mr. Guerry:

This letter is in response to your request for enforcement relief for 2006 Model Year (MY) equipment using 2005 MY and prior Class II small off-road engines (SORE).

As you noted in your request for enforcement relief, the adopted SORE regulations require equipment using Class II SORE to comply with a 15 grams/m^2/day fuel hose permeation standard beginning with the 2006 MY. The timing of the adopted regulations has created a problem for engine manufacturers that have already designed and produced 2005 MY and prior Class II engines to meet the exhaust emission requirements. Our understanding of the problem is that engine manufacturers included small segments of fuel hose, which connect the carburetor to the fuel pump or fuel filter, that do not comply with Air Resources Board's (ARB) 2006 MY fuel hose standard. Because 2006 MY equipment must comply with ARB's fuel hose permeation standards, in order to obtain an evaporative certification, equipment manufacturers would be required to replace these small segments of non compliant fuel line with fuel lines that meet ARB's requirements, on 2005 MY and prior Class II engines. This has raised serious cost issues.

In some situations equipment manufacturers have used previously certified engines in new equipment. This practice, combined with the timing of the regulations, requires action by the ARB to eliminate the potential costs and liabilities associated with retrofitting 2005 MY and prior Class II engines. Consequently, we will delay enforcement of the SORE evaporative standards, as they apply to the small segment of fuel line connecting the carburetor to the fuel pump or fuel filter on 2006 MY equipment using 2005 MY Class and prior II engines until the 2007 MY. However, we will enforce the evaporative standards on 2006 MY equipment using 2005 MY engines for the section of fuel line that connects the fuel pump or fuel filter to the fuel tank.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Website: http://www.arb.ca.gov.

California Environmental Protection Agency

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If you have any questions, please contact William V. Loscutoff, Chief of ARB's Monitoring and Laboratory Division at (916) 445-3742 or via email at wloscuto@arb.ca.gov.

Sincerely,

Catherine Witherspoon
Executive Officer