

California Air Resources Board
In-Use Off-Road Diesel Vehicle Reporting Confidentiality Statement

In accordance with Title 17, California Code of Regulations (CCR), Sections 91000 to 91022, and the California Public Records Act (Government Code 6250 et seq.), proprietary and trade secret information that a company provides to the Air Resources Board (ARB) when reporting as required by the In-Use Off-Road Diesel Vehicle Regulation will, in general not be released to public, except emissions information. Air pollution emissions data, including data constituting trade secrets, however, are public records and may be disclosed (Government Code 6254.7(e)). Information used to calculate air pollution data is not “emission data” and will not be released to the public, except information which does not qualify as a trade secret as defined in Government Code 6254.7.

ARB will hold the following information as proprietary trade secrets and will not disclose this information to the public, except with the written consent of the fleet owner or other responsible official: fleet composition, vehicle or fleet age, fleet size, or other confidential data used to determine the estimated cost of compliance. If ARB receives a request for disclosure or seeks to disclose data assumed to be confidential, ARB may ask the fleet owner to provide written confirmation from that the information is indeed proprietary or a trade secret and may request prior permission to disclose the confidential data.

ARB may release fleet information to the Federal Environmental Protection Agency, which protects trade secrets as provided in Section 114(c) of the Clean Air Act and amendments thereto (42 USC 7401 et seq.) and in federal regulation, as well as other public agencies including, but not limited to, law enforcement and public health agencies, provided those agencies preserve the protections afforded the information which is identified as a trade secret or is otherwise exempt from disclosure by law (Section 39660(e)).

ARB may make information available to the public relating to 1) the annual Certificate of Compliance awarded to a fleet once the ARB has determined that it is in compliance with the regulation’s requirements for that reporting period, and 2) the make and model of a vehicle based on its Equipment Identification Number.