

### TITLE 13. CALIFORNIA AIR RESOURCES BOARD

#### NOTICE OF PUBLIC HEARING TO CONSIDER FORD MOTOR COMPANY'S PETITION FOR LIMITED RELIEF FROM 1994/1995 ON-BOARD DIAGNOSTIC II (OBD II) PROVISIONS

The Air Resources Board (the "Board" or "ARB") will conduct a public hearing at the time and place noted below to consider regulatory amendments to California's On-Board Diagnostic II (OBD II) requirements regarding 1994 and 1995 model year compliance, based on a petition-request from Ford Motor Company (Ford).

DATE: July 8, 1993

TIME: 9:30 a.m.

PLACE: Air Resources Board  
Hearing Room, Lower Level  
2020 "L" Street  
Sacramento, CA 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:30 a.m., July 8, 1993, and will continue at 8:30 a.m., July 9, 1993. This item may not be considered until July 9, 1993. Please consult the agenda for the meeting, which will be available at least 10 days before July 8, 1993, to determine the day on which this item will be considered.

#### INFORMATIVE DIGEST OF PROPOSED ACTION

Sections Affected: Proposed amendments to section 1968.1, California Code of Regulations (CCR).

Section 1968.1, which sets forth the OBD II requirements, was originally adopted by the Board on September 14, 1989. The regulation requires manufacturers to implement new on-board diagnostic systems starting with the 1994 model year and replacing the diagnostic systems required by section 1968, known as OBD I. Applicability of the regulation extends to passenger cars, light-duty trucks, and medium-duty vehicles and engines. The regulation specifically requires monitoring for catalyst efficiency, misfire, air conditioning refrigerant leaks, and malfunctions in evaporative systems, exhaust gas recirculation (EGR) systems, fuel systems, oxygen sensors, secondary air systems, and electronic emission-related powertrain components. It further requires that diagnostic information be provided in a standardized format, and that the communication link used to transmit the information be standardized throughout the industry.

Section 1968.1 (m) provides that the Executive Officer may exempt manufacturers from having to implement the OBD II requirements for 1994 and 1995 model year vehicles. The section provides that exemptions may be granted to those vehicle and engine families utilizing an OBD I on-board computer design that is not capable of incorporating all of the OBD II requirements without significant modifications inconsistent with the manufacturer's production plans. Manufacturers, to varying degrees, have used this provision to exempt vehicle models from the OBD II requirements until the 1995 or 1996 model year.

Ford intended to implement OBD II on some models in 1994 and did not request an exemption from the requirements under subsection 1968.1 (m) for these models. After consultation with Ford, it has been determined that Ford's OBD II system design will not fully meet the minimum requirements of the regulation. Consequently, Ford filed a petition with the ARB, dated March 29, 1993, requesting that the Board conduct a public hearing to consider accepting OBD II system designs deficient with respect to one or more of the requirements for the 1994 and 1995 model years. On April 29, 1993, the Executive Officer issued a decision granting Ford's request for a hearing.

To address the difficulties encountered by Ford and potentially other manufacturers in attempting to fully comply with the OBD II requirements, an amendment is proposed to give the Executive Officer authority to certify 1994 OBD II systems that do not fully meet the minimum requirements in one or more areas. Executive Officer action would be based primarily on the extent to which the OBD II requirements were met overall, the effectiveness of the resultant diagnostic system design in comparison with current OBD I designs, and demonstration that a good-faith effort was made to meet the minimum requirements in full. The provision would extend to vehicle models for which production commences prior to April 1, 1994.

For 1995 models beginning production after March 31, 1994, it is proposed that the regulation be amended to provide that the Executive Officer may certify these vehicles, but manufacturers of such vehicles would be subject to a penalty for any vehicles with OBD II systems that do not fully meet the minimum requirements of section 1968.1, with the exception of 1995 models using 1994 carry over OBD II systems. Specifically, it is proposed that a \$50 per vehicle penalty be imposed per monitoring system deficiency with respect to the minimum requirements for catalyst efficiency, heated catalyst, misfire, evaporative system, secondary air system, air conditioning system refrigerant, fuel system, oxygen sensor, and EGR system monitoring (subsections (b)(1) through (b)(9) of section 1968.1). Further a \$25 per vehicle per deficiency fine is proposed for any electronic components that can affect emissions that are not monitored for proper function according to subsection (b)(10). Fines would be administered pursuant to section 43016 of the California Health and Safety Code.

#### AVAILABILITY OF DOCUMENTS AND CONTACT PERSON

The Board staff has prepared a Staff Report which includes the initial statement of reasons for the proposed action and a summary of the environmental impacts of the proposal. The full text of the proposed regulatory language, the Staff Report, and any other information on which the proposal is based will be available for inspection at the Board's Public Information Office, 2020 L Street, Sacramento, CA 95814, (916) 322-2990, at least 45 days prior to the scheduled hearing. Copies of the documents may be obtained at the Board's Public Information Office.

Further inquiries regarding this matter should be directed to Allen Lyons, Air Resources Engineer Associate, Advanced Engineering Section, at (818) 575-6833, 9528 Telstar Avenue, El Monte, CA 91731.

## COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred in reasonable compliance with the proposed regulations are presented below.

The Board's Executive Officer has determined that the proposed regulations will not create costs or savings, as defined in Government Code Section 11346.5(a)(6) to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to Part 7 (commencing with Section 17500), Division 4, Title 2 of the Government Code, or other nondiscretionary savings to local agencies.

The Executive Officer has also determined that adoption of the proposed regulatory action will not have a significant adverse economic impact on businesses.

Finally, the Executive Officer has determined that there will be no, or an insignificant, potential cost impact on private persons or businesses directly affected resulting from the proposed action. A potential cost savings could be realized in that the proposed action would allow for the certification of engine families that otherwise would not be certified because of non-compliance with the minimum requirements of section 1968.1. Without certification, the engine families in question could not be offered for sale, or distributed in California. It is expected that the cost impact of such consequences on vehicle manufacturers, suppliers, distributors, and retailers would far outweigh any costs associated with staff's proposed action (i.e., per vehicle fines for 1995 model year OBD II monitoring system deficiencies).

In addition, the Board must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

## SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing. To be considered by the Board, written submissions must be addressed to and received by the Board Secretary, Air Resources Board, P. O. Box 2815, Sacramento, CA 95812, no later than 12:00 noon, July 7, 1993, or received by the Board Secretary at the hearing.

The Board requests but does not require that 20 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

## STATUTORY AUTHORITY AND HEARING PROCEDURES

This regulatory action is proposed under that authority granted in Sections 39600, 39601, 43013, 43101, and 43104 of the Health and Safety Code. The

regulations are proposed to implement, interpret and make specific Sections 39002, 39003, 39667, 43000, 43013, 43100, 43101, 43101.5, 43102, 43104, 43106, and 43204 of the Health and Safety code.

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as proposed, or with nonsubstantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted. The public may request a copy of the modified regulatory text from the Board's Public Information Office, 2020 L Street, Sacramento, CA 95814, (916) 322-2990.

CALIFORNIA AIR RESOURCES BOARD



James D. Boyd  
Executive Officer

Date: May 11, 1993