

TITLE 13. CALIFORNIA AIR RESOURCES BOARD

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

UPDATED INFORMATIVE DIGEST OF ADOPTED ACTION

Sections Affected: 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 and amended on September 12, 1991. 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.

To address the difficulties encountered by Ford and potentially other manufacturers in attempting to fully comply with the OBD II requirements, the Board approved an amendment giving 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 applies to vehicle models for which production commences prior to April 1, 1994.

For 1995 models beginning production after March 31, 1994, the Board approved an amendment giving the Executive Officer authority to certify vehicles pursuant to the same criteria applicable to the 1994 models. However, manufacturers of noncomplying 1995 models would also be subject to fines for each deficiency, after the second, that is identified in a specific vehicle model. Specifically, for the third deficiency and every deficiency thereafter identified, manufacturers would be subject to a fine of \$50 per vehicle per deficiency for failing to meet the minimum requirements specified in subsections (b)(1) through (b)(9) of section 1968.1, and a \$25 per vehicle per deficiency fine for failing to properly monitor any other requirement of section 1968.1. In determining the order of deficiencies, deficiencies of subsection (b)(1) through (b)(9) shall be counted first. Total fines per vehicle shall not exceed \$500. Exempt from the penalty provisions are small volume manufacturers choosing to comply with the requirement of 1968.1 in the 1995 model year and 1995 models using 1994 model year carryover OBD II systems.