TITLE 13. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF EMISSION CONTROL REGULATIONS FOR OFF-HIGHWAY RECREATIONAL VEHICLES AND ENGINES

The Air Resources Board (the "Board" or "ARB") will conduct a public hearing at the time and place noted below to consider the adoption of regulations regarding exhaust emission standards and test procedures for off-highway recreational vehicles.

DATE: January 13, 1994

TIME: 9:30 a.m.

PLACE: Auditorium
2020 L Street
Sacramento, California

This item will be considered at a two-day meeting of the Board, which will commence at 9:30 a.m., January 13, 1994, and will continue at 8:30 a.m., January 14, 1994. This item may not be considered until January 14, 1994. Please consult the agenda for the meeting, which will be available at least 10 days prior to January 13, 1994, to determine the day on which this item will be considered.

INFORMATIVE DIGEST OF PROPOSED ACTION

Sections Affected: Adoption of the following chapters and sections of Title 13, California Code of Regulations (CCR), and the documents incorporated by reference therein: Chapter 9, Article 3, Off-Highway Recreational Vehicles; Section 2410, Applicability; Section 2411, Definitions; Section 2412, Emission Standards and Test Procedures - New Off-Highway Recreational Vehicles and Engines and the incorporated "California Exhaust Emission Standards and Test Procedures for 1995 and Later Off-Highway Recreational Vehicles and Engines" and the "California Exhaust Emission Standards and Test Procedures for 1995 and Later Lawn and Garden and Utility Equipment Engines; Section 2413, Emission Control Labels - New Off-Road Motorcycles and All-Terrain Vehicles and the incorporated "California Motor Vehicle Emission Control Label Specifications"; Section 2414, New Off-Road Motorcycle and All-Terrain Vehicle Engine Emission Standard Enforcement and Recall Provisions, which incorporates by reference Title 13, Chapter 2, Article 2.1, Procedures for In-Use Vehicle Voluntary and Influenced Recalls; Section 2111, Applicability; Section 2112, Definitions; Appendix A and the incorporated "1982 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles, Heavy-Duty Vehicles and Engines, and Motorcycles"; Section 2117, Proof of Correction Certificate; Section 2118, Notification; Section 2127, Notification of Owners; Section 2139, Testing; Section 2140, Notification and Use of Test Results; and Title 13, Sections 2400 to 2407. Amend Sections 2111 et seq. to make such provisions consistent with the proposed adoption of sections 2410 et seq.

The California Clean Air Act (CCAA) as codified in the Health and Safety Code (HSC) Sections 43013 and 43018 requires the ARB to adopt emission control regulations for off-road engines and other non-vehicular sources in order to help achieve an overall five percent per year reduction of carbon monoxide and ozone precursor emissions. This legislation specifically mandates ARB consider measures to reduce emissions from off-highway vehicles, including off-road motorcycles, all-terrain vehicles and similar vehicles.

The off-highway recreational vehicle subcategory, as defined at the May 13, 1992, Board meeting, will be the subject of this hearing. This subcategory includes off-road motorcycles, all-terrain vehicles, go-karts, golf carts and specialty vehicles. To date, these vehicles have not been required to comply with emissions-related regulations in California. As a result, engines have been optimized primarily for performance rather than emissions. Because of this, emission levels from some off-highway vehicles can be as high as 100 times that of other vehicles which may be equipped with emission controls.

Staff is proposing a traditional regulatory approach similar to emission control regulations adopted for other on- and off-road vehicles and engines. Staff will recommend that the Board adopt for off-highway recreational vehicles, regulations that include new emission standards, test procedures, certification procedures, labeling and registration requirements, and recall provisions. The proposed regulations would require off-road motorcycles, all-terrain vehicles, specialty vehicles, and go-karts to use existing emission control technology and engine modifications similar to those used for other on- and off-road engines. As proposed, only zero emission golf carts produced after December 31, 1996 would be available for sale in federal ozone non-attainment areas in the state.

AVAILABILITY OF DOCUMENT AND CONTACT PERSON

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

Further inquiries regarding this matter should be directed to Ms. Jackie Lourenco, Manager, Off-Road Controls Section at (818) 575-6632 or Air Resources Board, Mobile Source Division, 9528 Telstar Avenue, El Monte, CA 91731.

COST TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSON AFFECTED

The Board's Executive Officer has determined that the regulation will not create costs or savings, as defined in Government Code Section 11346.5(a)(6), to any state 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 nondiscriminatory savings to local agencies.

The Air Resources Board finds that the adoption of this regulation may have a short term adverse economic impact on California businesses (such as golf courses).

The Air Resources Board has considered proposed alternatives that would lessen any adverse economic impact on California businesses and invites you to submit proposals. Submissions may include the following considerations:

i) The establishment of differing compliance requirements or timetables which take into account the resources available to small businesses.

ii) Consolidation or simplification of compliance requirements for small businesses.

iii) The use of performance standards rather than prescriptive standards.

iv) Exemption or partial exemption from the regulatory requirements for small businesses.

The Executive Officer has also determined that there may be a potential cost impact on private persons or businesses directly affected resulting from the proposed action. However, a cost impact analysis has shown that the proposed action is cost-effective, as compared to other regulations recently adopted by the Board. In addition, before taking action on the proposed regulations, 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, January 12, 1994 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 modifications of the proposed regulations.

STATUTORY AUTHORITY AND HEARING PROCEDURES

These regulations are proposed under that authority granted in Health and Safety Code Sections 39600, 39601, 43013, 43018, 43101, 43104, and 43105. The regulations are proposed to implement, interpret and make specific Health and Safety Code Section 43013 and 43018.

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340) 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 regulations with other modifications if the regulations as modified are sufficiently related to the originally proposed text of the regulations with the modifications clearly indicated will be made available to the public, for written comment, at least 15 days before they are adopted. The public may request the text of the modified regulations from the Board's Public Information Office, 2020 L Street, Sacramento, California 95814, (916) 322-2990.

CALIFORNIA AIR RESOURCES BOARD

James D. Boyd
Executive Officer

Date: November 16, 1993