UPDATED INFORMATIVE DIGEST OF APPROVED ACTION

Sections Affected: Amendments to Part II, section 11(a)(1)(i) and Part III, section 4(a)(1)(i) of the "California Exhaust Emission Standards and Test Procedures for 1995 and Later Utility and Lawn and Garden Equipment Engines" (Test Procedures), adopted March 20, 1992, last amended on April 8, 1993, and incorporated by reference into Title 13, California Code of Regulations (CCR), Chapter 9, section 2400 et seq., Off-Road Vehicles and Engines Pollution Control Devices (utility engine regulations).

Background: The ARB was granted the authority to regulate off-road mobile sources of emissions in the California Clean Air Act (CCAA) of 1988 as codified in the Health and Safety Code (HSC) Sections 43013 and 43018. Included in the off-road category are construction and farm equipment, marine vessels, locomotives, utility engines, off-road motorcycles, and off-highway vehicles.

The utility engine regulations were originally approved by the ARB on December 14, 1990, and became effective on May 31, 1992. The utility engine regulations include exhaust emission standards, and provisions for emission test procedures, labels, warranty and compliance programs. The utility engine regulations, as initially adopted, applied to engines produced on or after January 1, 1994. However, upon consideration of a petition filed by industry, the ARB, in April 1993, delayed implementation for one year, making the regulations applicable to engines produced on or after January 1, 1995.

Amendments: At a July 28, 1994 public hearing, the ARB considered general amendments to the utility engine regulations that would permit more efficient implementation. In working with the regulations since adoption, the need to incorporate improvements and clarify provisions became apparent. Also, modifications were necessary to make the regulations as consistent as possible with proposed federal test procedures and with industry practices for similar types of engines.

Included among the proposed amendments considered at the hearing were Part II, section 11(a)(1)(i) and Part III, section 4(a)(1)(i) of the Test Procedures. These sections pertain to the test fuel specifications that are used for utility engines certification. The sections provide that the certification fuel for petroleum based fuels shall be consistent with the fuel specifications as set forth in the test procedures for on-road motor vehicles, Title 13, CCR, section 1960.1, "California Exhaust Emission Standards and Test Procedures for 1988 and Subsequent Model Passenger Cars, Light-Duty Truck, and Medium-Duty Vehicles," adopted May 20, 1987 and amended July 12, 1991. At the time of adoption of the utility engine regulation, the on-road test procedures provided for indolene as the required certification test fuel for on-road motor vehicles. Since the adoption of the utility engine regulations, the motor vehicle test procedures have been updated to allow certification using cleaner fuels, such as reformulated Phase II gasoline. However, utility engines were not allowed to certify using clean fuels because the July 1991 motor vehicle test procedure did not contain specifications for such fuels. The ARB proposed amendments address industry's concerns about this test fuel

inconsistency. At the public hearing on July 28, 1994, the ARB approved an amendment to make the utility engine test fuel specifications consistent with the on-road motor vehicle fuel specifications as outlined in the CCR.

Although the ARB at the hearing approved for adoption all of the proposed amendments for adoption, it proposed that several of the amendments be adopted with modifications. However, the amendments pertaining to certification test fuels were approved without modifications. In response to concerns from industry that the amendments become effective as quickly as possible so that industry may certify utility engines in time for the January 1, 1995 implementation date, the Executive Officer has expedited final action on the certification test fuel sections pertaining to petroleum-based fuels. This Updated Informative Digest covers only the amendments specifically addressing the petroleum-based certification test fuels. The ARB will adopt the remaining amendments at a later date, and they will be covered by a separate Updated Informative Digest.

No federal requirement for certification test fuels exists at this time. Accordingly, there is no conflict or duplication between the approved amendment and current federal regulations. However, federal regulations have been proposed and are currently under consideration (see 59 Fed.Reg. 25399, May 16, 1994). The proposed applicable federal regulations do not conflict with the amendment approved by the ARB.