

## TITLE 17. CALIFORNIA AIR RESOURCES BOARD

### NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE PROPOSED REGULATION TO REDUCE GREENHOUSE GAS EMISSIONS FROM VEHICLES OPERATING WITH UNDER INFLATED TIRES

The Air Resources Board (ARB or the Board) will conduct a public hearing at the time and place noted below to consider the adoption of a regulation to reduce greenhouse gas emissions (GHG) from vehicles operating with under inflated tires.

DATE: March 26, 2009

TIME: 9:00 a.m.

PLACE: California Environmental Protection Agency  
Air Resources Board  
Byron Sher Auditorium, Second Floor  
1001 I Street  
Sacramento, California 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., March 26, 2009, and may continue at 8:30 a.m., March 27, 2009. This item may not be considered until March 27, 2009. Please consult the agenda for the meeting, which will be available at least 10 days before March 26, 2009, to determine the day on which this item will be considered.

If you require special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by Fax at (916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

### **INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW**

**Section Affected:** Proposed adoption to California Code of Regulations, title 17, article 1, chapter 1, subchapter 10, division 3, new section 95550.

### **Background**

In 2006, the Legislature passed and Governor Schwarzenegger signed the California Global Warming Solutions Act of 2006 (AB 32). In AB 32, the Legislature declared that global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. The Legislature further declared that global warming will have detrimental effects on some of California's largest industries, including agriculture and tourism, and will increase the strain on electricity supplies. While national and international actions are necessary to fully address the issue of

global warming, the Legislature recognized that action taken by California to reduce emissions of GHG will have far reaching effects by encouraging other states, the federal government, and other countries to act. By requiring in law a reduction of GHG emissions to 1990 levels by 2020, California set the stage for its transition to a sustainable, clean energy future.

The ARB is the lead agency for implementing AB 32, which set the major milestones for establishing the program. ARB has met a number of the milestones including: developing a list of discrete early actions to begin reducing GHG emissions, adopting a Scoping Plan outlining the State's strategy to achieve the 2020 GHG emissions limit, assembling an inventory of historic emissions, establishing GHG emission reporting requirements, and setting the 2020 emissions limit.

In 2007, the Board approved a list of nine discrete early action measures. The list includes the "Tire Inflation Program" (Proposed Regulation). The Proposed Regulation is designed to implement this discrete early action measure.

### **Description of the Proposed Regulatory Action**

The Proposed Regulation would reduce GHG emissions from vehicles operating with under inflated tires. Properly inflated tires reduce the rolling resistance of a vehicle resulting in the vehicle's engine having to do less work to move the vehicle at roadway speeds. The end result is a fuel savings that staff estimates will reduce GHG emissions by an estimated 1.4 million metric tons in 2020. Since the vehicle's engine has to do less work, Californians can also expect minor reductions in exhaust emissions for both particulate matter and oxides of nitrogen, as well as prolonged tire life, and the associated health and environmental benefits. The Proposed Regulation applies to all automotive service providers performing or offering to perform automotive maintenance or repair services in California. Examples of automotive service providers include but are not limited to automotive dealerships, maintenance garages, oil change facilities, tire centers, and smog check or test only facilities.

The Proposed Regulation requires that beginning July 1, 2010, all automotive service providers will perform a tire inflation service (check and inflate) on all passenger vehicles that are brought in to a facility for service or repair. The automotive service providers would be required to indicate on the vehicle service invoice that the tire pressure service was performed and what the tire pressures were after the service was completed to verify compliance with the regulation. The regulation also requires that the automotive service providers use and maintain an American National Standards Institute grade tire gauge and a tire inflation reference manual to ensure the highest level accuracy.

The Proposed Regulation does not apply to auto body and paint facilities, auto glass installers, auto parts distributors and retailers, auto wreckers or dismantlers, unless automotive repair and maintenance services are also offered, or any vehicle with a gross vehicle weight rating of 10,000 pounds or more. In addition, an automotive

service provider is not required to perform a check and inflate service on any tire deemed to be unsafe. Further, it is only required to perform a tire pressure check on tires inflated with pure nitrogen. Inflation would not be required unless the facility had pure nitrogen inflation capabilities onsite.

### **COMPARABLE FEDERAL REGULATIONS**

There are no comparable mandatory federal regulations to control GHG emissions from vehicles operating with under inflated tires.

### **AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS**

ARB staff has prepared a comprehensive Staff Report supporting the proposed regulatory action. The Staff Report includes a summary of the economic and environmental impacts of the proposal and the proposed regulatory language. The Staff Report is entitled, "Staff Report: Initial Statement of Reasons for the Proposed Rulemaking – Proposed Regulation for Under Inflated Vehicle Tires."

Copies of the Staff Report with the full text of the proposed regulatory language can be accessed on the ARB's Web site listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California 95814, (916) 322-2990, at least 45 days prior to the scheduled hearing on March 26, 2009.

Following the Board hearing and upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the ARB's Web site listed below.

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons, Michael Miguel, Manager of the Project Support Section, at (916) 445-4236, or Jesica Johnston, Air Pollution Specialist, at (916) 327-5608.

Further, the agency representative and designated back-up contact persons, to whom non-substantive inquiries concerning the proposed administrative action may be directed, are Lori Andreoni, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-4011, or Amy Whiting, Regulations Coordinator, (916) 322-6533. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the Staff Report, and all subsequent regulatory documents, including the FSOR, when completed, are also available on the ARB Web site for this rulemaking at [www.arb.ca.gov/regact/2009/tirepres09/tirepres09.htm](http://www.arb.ca.gov/regact/2009/tirepres09/tirepres09.htm).

## **IMPACTS TO PUBLIC AGENCIES AND TO REPRESENTATIVE BUSINESSES AND PRIVATE PERSONS**

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the Proposed Regulation are presented below.

### *Costs*

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulation will not create: costs or savings in federal funding to the State; or costs or mandates to any local agency or school district whether or not reimbursable by the State pursuant to Government Code, title 2, division 4, part 7 (commencing with section 17500); or other nondiscretionary costs or savings to State or local agencies

The Executive Officer has determined that the Proposed Regulation would create costs to a State agency in the form of costs to ARB to implement and enforce the regulation. Staff estimates that the annual costs to implement and enforce the Proposed Regulation would be about \$167,000 (2008 dollars). No costs or savings affecting other State agencies were identified.

The Executive Officer has also determined, pursuant to California Code of Regulations, title 1, section 4, that the proposed regulatory action would affect small businesses. Automotive service providers may be affected to the extent that implementation may require an initial capital investment and annual labor compensation. Staff expects labor costs to be approximately \$4 per vehicle per year which would likely be passed on to the consumer. Additionally, staff expects annual capital and operating costs to be approximately \$125. With an estimated vehicle population of 25 million, the total annual cost of the Proposed Regulation is estimated to be \$96 million (2008 dollars). A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Staff Report.

### *Benefits*

Staff estimates that the Proposed Regulation will generate a net benefit for California. Staff expects California consumers to realize benefits from the Proposed Regulation from increased fuel savings and prolonged vehicle tire life as a result of proper tire inflation. Staff expects that California consumers will see a net savings of approximately \$20 per vehicle per year for a total annual net savings of approximately \$534 million (2008 dollars). These benefits are in addition to any resulting health benefits for Californians. A detailed assessment of the economic impacts and benefits of the proposed regulatory action can be found in the Staff Report.

## *Requirements*

In accordance with Government Code sections 11346.3 and 11346.5(a)(10), the Executive Officer has determined that the proposed regulatory action may affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. Staff expects the Proposed Regulation to have a marginal positive impact on job creation by creating a demand for tire service specialists.

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the Executive Officer has found that the reporting requirements of the regulation which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

In accordance with Health and Safety Code sections 43013(a) and (b), the Executive Officer has determined that the standards and other requirements in the Proposed Regulation are necessary, cost-effective, and technologically feasible.

Before taking final action on the proposed regulatory action, the Board must determine, pursuant to Government Code section 11346.5(a)(13), that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

## **SUBMITTAL OF COMMENTS**

Interested members of the public may also present comments orally or in writing at the meeting, and in writing or by e-mail before the meeting. To be considered by the Board, written comment submissions not physically submitted at the meeting must be received **no later than 12:00 noon, Pacific Standard Time, March 25, 2009**, and addressed to the following:

- Postal mail: Clerk of the Board, Air Resources Board  
1001 I Street, Sacramento, California 95814
- Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>
- Facsimile submittal: (916) 322-3928

Please note that under the California Public Records Act (Government Code section 6250 et seq.), written and oral comments, attachments, and associated contact information (e.g., address, phone, email, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and other search engines.

The Board requests, but does not require, that 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. 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 REFERENCES**

This regulatory action is proposed under the authority granted to ARB in Health and Safety Code sections 38510, 38560, 39600, and 39601. This action is proposed to implement, interpret and make specific Health and Safety Code sections 38510, 38560, 39600.

### **HEARING PROCEDURES**

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 originally proposed, or with non substantial 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 and 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 ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California 95814, (916) 322-2990.

CALIFORNIA AIR RESOURCES BOARD

/s/

James N. Goldstene  
Executive Officer

Date: January 27, 2009

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs see our Web site at [www.arb.ca.gov](http://www.arb.ca.gov)*