

REQUEST FOR AN EARLY EFFECTIVE DATE
Pursuant To Government Code Section 11343.4(c)

The Air Resources Board (ARB or Board) requests, pursuant to Government Code section 11343.4(c), that the Office of Administrative Law (OAL) prescribe an "earlier effective date" for the Proposed Revisions to Malfunction and Diagnostic System Requirements for Heavy-Duty Engines (HD OBD) and Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines (OBD II) that was adopted on June 26, 2013. ARB believes the following demonstrates "good cause" for OAL to prescribe an earlier effective date – i.e., an effective date to coincide with the filing of the regulations with the Secretary of State.

DEMONSTRATION OF GOOD CAUSE

In this rulemaking, the Board adopted amendments that include provisions providing manufacturers extensions from existing requirements to monitor certain engine components and that relax the stringency of existing monitoring criteria. The current requirements apply to model year 2013 HD OBD systems and OBD II systems, and the early effective date is needed to accommodate engine and vehicle manufacturer timelines needed to implement the amendments for 2013 model-year heavy-duty and medium-duty engines and vehicles, for which production has started or is imminent for many models. [Manufacturers generally produce and sell model-year engines and vehicles much earlier in the previous calendar year (e.g., manufacturers generally sell model-year 2013 engines beginning in July 2012)]. This in turn will benefit Californians who will be assured of a timely and available supply of new engines and vehicles that are equipped with HD OBD and OBD II systems that will quickly and accurately identify malfunctions resulting in emissions increases. Such provisions include:

Amendments providing 2013 model year heavy-duty hybrid vehicles the option to meet less stringent requirements in lieu of existing HD OBD requirements, to accommodate manufacturers' concerns regarding complying with the existing requirements. (Title 13, California Code of Regulations section 1971.1(d)(7.6)).

Amendments relaxing the malfunction criteria for misfire detection in diesel engines (by requiring misfire detection when misfire exceeds five percent instead of existing requirement to detect misfire when emissions exceed a specified threshold level) and that allow detection of misfire under more restricted conditions than currently specified. ((Title 13, California Code of Regulations section 1971.1(e)(2.1.1), 1971.1(e)(2.2), 1971.1(e)(2.3.3.), 1968.2(f)(3.1.1), 1968.2(f)(3.2), and 1968.2(f)(3.3.3)).

Amendments relaxing the malfunction criteria for diesel particulate matter filters for 2013-2015 model year HD OBD and OBD II systems by allowing use of higher interim failure thresholds and/or exclusion of specific failure modes.

(Title 13, California Code of Regulations sections 1971.1(e)(8.2.1) and 1968.2(f)(9.2.1)).

Amendments relaxing the malfunction criteria for diesel NOx catalyst systems for 2013-2015 model year HD OBD and OBD II systems by allowing use of higher interim failure thresholds.

(Title 13, California Code of Regulations sections 1971.1(e)(6.2.1), 1971.1(e)(6.2.2)(A), and 1968.2(f)(2.2.2)(A)(ii)).

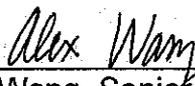
Amendments relaxing the malfunction criteria for diesel NOx sensors for 2013-2015 model year HD OBD and OBD II systems by allowing use of higher interim failure thresholds.

(Title 13, California Code of Regulations sections 1971.1(e)(9.2.2)(A) and 1968.2(f)(5.2.2)(A)(ii)).

Amendments delaying the monitoring requirements applicable to 2013 model year diesel catalyzed particulate matter filters, diesel non methane hydrocarbon catalysts and fuel control system components until 2015 model year HD OBD systems. (Title 13, California Code of Regulations sections 1971.1(e)(8.2.4)(A), 1971.1(e)(5.2.3)(B), and 1971.1(g)(3.2.2)(F)).

For the reasons set forth above, ARB believes there is good cause for OAL to prescribe an earlier effective date and hereby requests that OAL approve an earlier effective date, coinciding with OAL's submittal of its approval of this rulemaking action to their Secretary of State pursuant to Government Code section 11343.4(c).

Date: June 27, 2013


Alex Wang, Senior Staff Counsel