

REQUEST FOR AN EARLY EFFECTIVE DATE

Pursuant to Government Code section 11343.4(c), the Air Resources Board (ARB or Board) requests that the Office of Administrative Law (OAL) prescribe an "earlier effective date" for the amendments to the "California Exhaust Emission Standards and Test Procedures for 2009 through 2017 Model Zero-Emission Vehicles and Hybrid Electric Vehicles, in the Passenger Car, Light-Duty Truck, and Medium-Duty Vehicle Classes," as last amended December 6, 2012, and "California Exhaust Emission Standards and Test Procedures for 2018 and Subsequent Model Zero-Emission Vehicles and Hybrid Electric Vehicles, in the Passenger Car, Light-Duty Truck, and Medium-Duty Vehicle Classes," as last amended December 6, 2012, that were considered by the Board at a October 24, 2013 public hearing (ZEV Regulation). 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 amendments with the Secretary of State.

DEMONSTRATION OF GOOD CAUSE

In this rulemaking, pursuant to the Board's direction, the Executive Officer ultimately adopted amendments to the ZEV Regulation following two publicly noticed revisions of the initially proposed amendments based upon stakeholder input. A significant portion of these amendments deal with the "optional Section 177 state compliance path" (Optional Compliance Path) that will be available to regulated automobile manufacturers. Manufacturers who elect to pursue the Optional Compliance Path must provide a small number of ZEVs to Section 177 states (i.e. those states that have adopted California's ZEV regulation as allowed under federal Clean Air Act section 177) prior to the 2018 model year. In exchange for doing so, manufacturers secure a limited reduction of their ZEV obligation and the ability to pool their credits amongst the Section 177 states.

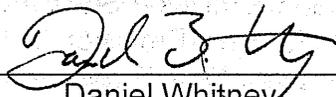
The adopted amendments include the deadline of September 1, 2014 by which time manufacturers must decide whether to opt into the Optional Compliance Path. A number of manufacturers have indicated to ARB staff that they plan to opt into the Optional Compliance Path. Assuming that these amendments will be filed with the Secretary of State on July 11, 2014, the amendments would not become effective until October 1, 2014 (per the standard timing for effective dates set out in Government Code section 11343.4(a)). Accordingly, ARB believes that good cause exists for an early effective date - that coincides with the filing of the amendments with the Secretary of State - as it will allow manufacturers to opt into the Optional Compliance Path by the September 1, 2014 deadline.

Beyond the hard deadline of September 1, 2014 for the Optional Compliance Path, an early effective date would be useful in providing additional lead time to regulated manufacturers. Specially, the adopted amendments change how a

manufacturer may earn fast refueling credits. These changes to the regulation's fast refueling provisions take effect with the 2015 model year, and the 2015 model year may begin as early as January 2, 2014 for some manufacturers. Considering manufacturers' need for lead time in developing their products, an early effective date will increase the likelihood of manufacturers satisfying the new fast refueling requirements for a greater portion of the 2015 model year.

For these reasons, ARB hereby requests that OAL approve an earlier effective date, coinciding with submittal to the Secretary of State.

Date: May 29, 2014


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