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

The Air Resources Board (ARB or Board) formally requests, under Government Code section 11343.4(b), that the Office of Administrative Law (OAL) prescribe an early effective date for the adopted amendments to the California Low-Emission Vehicle III Program Regulations (LEV III Regulations), title 13, California Code of Regulations, including amendments to Sections 1900, 1956.8, 1961.2, 1962.2, 1965, 1976, and 1978, that were considered by the Board on October 23, 2014 and subsequently adopted. Specifically, ARB requests that the regulations be effective on the date of OAL approval. ARB believes that "good cause" exists for OAL to grant ARB's request – i.e., that the amendments become effective with OAL's approval and filing of the regulations with the Secretary of State.

DEMONSTRATION OF GOOD CAUSE

In this rulemaking, the Board considered and subsequently adopted "Amendments to the LEV III Criteria Pollutant Requirements for Light- and Medium-Duty Vehicles, the Hybrid Electric Vehicle Test Procedures, and the Heavy-Duty Otto-Cycle and Heavy-Duty Diesel Test Procedures." The adopted amendments: align LEV III with a number of features of the federal Tier 3 program, some of which are more stringent than LEV III, to ensure that the cleanest vehicles continue to be sold in California; restructure and update California's test procedures to assure that manufacturers can use the same test procedures to certify both their federal and California vehicles; revise the manufacturer reporting procedures for their advanced technology vehicles; and modify the California Environmental Performance Label scores to incorporate the LEV III emission categories.

In addition, this rulemaking includes a number of modifications to the Hybrid Electric Vehicle Test Procedures to accommodate "real world" vehicles. Since the last update in 2009, manufacturers have developed and marketed a variety of plug-in hybrid electric vehicle (PHEV) configurations that have proven difficult to test using the existing test procedures. Accordingly, the changes to the Hybrid Electric Vehicle Test Procedures are critical to ensuring that the emission benefits attributed to these types of vehicles are real, while reducing unnecessary test burdens of the current procedure.

Regulated parties (i.e., vehicle manufacturers) have requested that they be allowed to use the versions of the regulations and test procedures as modified by this rulemaking as soon as possible. They feel that this regulatory package contains critical changes that need to be implemented immediately for California, since they are already being implemented for compliance with federal Tier 3 regulations. Accordingly, to allow automobile manufacturers to use the revised regulations and test procedures as soon as possible, ARB believes there is good cause for OAL to grant ARB's request for an early effective date that coincides with its approval of the amendments and filing of the amendments to the Secretary of State pursuant to Government Code section 11343.4(b).

Date: 8/28/15

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