

**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 proposed California Evaluation Procedure for New Aftermarket Diesel Particulate Filters Intended As Modified Parts for 2007 through 2009 On-Road Heavy-Duty Diesel Engines, title 13, California Code of Regulations, including amendments to Section 2222, that were considered by the Board on April 22, 2016 and subsequently adopted. Specifically, ARB requests that the regulation 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 "California Evaluation Procedure for New Aftermarket Diesel Particulate Filters Intended As Modified Parts for 2007 through 2009 On-Road Heavy-Duty Diesel Engines," which will provide a path for approval of aftermarket diesel particulate filters (DPFs), as currently there is no approval path for sale of these aftermarket DPFs in California. Currently, end-users wishing to purchase a DPF for 2007 through 2009 on-road heavy-duty diesel engines can only legally buy a replacement part DPF from the OEM. This procedure allows for a new category of DPFs in the California market place (aftermarket DPFs) and allows more options to the consumer with a potential cost savings to the consumer over the lifetime of the regulation of 15 million dollars. DPFs are significantly different in design and operation than other types of emission control devices used on light-duty gasoline engines and, as such, the existing regulation (Aftermarket Parts Exemption process) is not sufficient for addressing the unique technical considerations that aftermarket DPFs present. This procedure establishes criteria to demonstrate that an aftermarket DPF is durable, compatible with the OEM engine such that it does not negatively impact the OEM engine or system operations, and maintains the emissions compliance of the engine, while minimizing costs to the manufacturers of aftermarket DPFs so savings can be passed onto the consumer.

End users have expressed interest in purchasing less expensive aftermarket DPFs to replace the original equipment manufacturer DPFs once they have reached the end of useful life and/or warranty period. Industry (i.e., DPF manufacturers) has also expressed interest in this program and requested that they be permitted to use the new evaluation procedure adopted by this rulemaking as soon as possible, allowing them to more quickly market and sell their aftermarket DPFs in California. As the 2007-2009 population of engines ages, the potential aftermarket DPF market diminishes each year thereby limiting the opportunity for an applicant to sell a sufficient number of DPFs to justify the cost of participation. Since early implementation of this regulation would benefit both end-users and industry manufacturers, 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: *September 30, 2016*

Alex Wang

Alex Wang
Senior Staff Counsel