

State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text and Availability of Additional Documents and Information

PUBLIC HEARING TO CONSIDER TECHNICAL STATUS AND PROPOSED REVISIONS TO MALFUNCTION AND DIAGNOSTIC SYSTEM REQUIREMENTS AND ASSOCIATED ENFORCEMENT PROVISIONS FOR PASSENGER CARS, LIGHT-DUTY TRUCKS, AND MEDIUM-DUTY VEHICLES AND ENGINES (OBD II) AND EMISSION WARRANTY REGULATIONS

Public Hearing Date: September 28, 2006
Public Availability Date: May 22, 2007
Deadline for Public Comment: June 19, 2007

At its September 28, 2006 public hearing, the Air Resources Board (ARB or the Board) approved for adoption amendments to sections 1968.2, 1968.5, 2035, 2037, and 2038, title 13, California Code of Regulations (CCR). Upon becoming operative, the amendments would update the OBD II requirements and the emission warranty regulations for light-duty and medium-duty vehicles and engines.

At the hearing, the staff presented, and the Board approved, suggested modifications to the originally proposed amendments to sections 1968.2 and 1968.5 that were included in the Staff Report released on August 11, 2006. Staff proposed the modifications in response to comments received since the Staff Report was initially published. The approved suggested modifications include:

1. Modifications to the definitions of "alternate phase-in" and "continuously" (section 1968.2(c)).
2. Modifications to the MIL illumination protocol involving default or "limp home" mode of operation (section 1968.2(d)(2)).
3. Modifications to the determination of adjustment factors for NMHC catalyst monitors (section 1968.2(d)(6)).
4. Modifications to the emission standard compliance testing requirements for 2007 through 2012 light-duty diesel vehicles (section 1968.2(d)(6)).
5. Revisions to the malfunction emission threshold levels for air-fuel ratio cylinder imbalance monitoring for SULEVs (section 1968.2(e)(6)).
6. Revisions to the phase-in schedule for the monitoring of primary exhaust gas sensor asymmetric malfunctions (section 1968.2(e)(7)).
7. Modifications to the "definition" of "to the extent feasible" (sections 1968.2(e)(17) and (f)(17)).
8. Revisions to the malfunction emission threshold levels for diesel EGR system and VVT system monitoring (sections 1968.2(f)(6) and (f)(13)).
9. Clarification of the acceptable criteria for medium-duty chassis dynamometer-based malfunction thresholds (section 1968.2(f)(17)).
10. Revisions to the phase-in schedules for the test result requirements for monitors with multiple pass/fail criteria, the CVN and CAL ID requirement, and the communication of the ECU name (section 1968.2(g)(4)).

11. Inclusion of medium-duty diesel vehicles to the three “free” deficiencies provision (section 1968.2(k)).
12. Modifications to the vehicles included in the finding of nonconformance for OBD II ratio testing (section 1968.5(b)(6)).

At the hearing, the Board adopted Resolution 06-26 (appended to this notice as Attachment I), which approves the proposed amendments with modifications. In the Resolution, the Board directed the Executive Officer to incorporate the approved modifications into the proposed regulatory text, along with such other conforming modifications as may be appropriate, and to make such modifications available for a supplemental comment period of at least 15 days. The suggested modifications presented at the hearing are appended to the Resolution as Attachment D.

Since the hearing, staff has made additional modifications to section 1968.2, consistent with the Board’s delegation to the Executive Officer in Resolution 06-26. The additional modifications being proposed include clarification of the permanent fault code erasure protocol, updating of the CVN and CAL ID requirements and the certification documentation requirements with the appropriate ARB Mail-Out reference number, which was recently published, and minor changes to several sections of the regulatory language to improve clarity. Excerpts of those sections of the regulations affected by the modifications being proposed with this notice, including these additional modifications and the suggested modifications made available at the hearing, are contained in Attachment II of this notice. The existing regulation, as last amended in 2003, is indicated in plain type. Proposed amendments that were initially published in the 45-day notice released on August 11, 2006 are denoted by single underline for additions to the text and ~~single strikeout~~ for deletions to the text. Additions to the text proposed with this notice are denoted by double underline and the deletions by ~~double strikeout~~. The rationale for the proposed modifications is set forth in the paragraph immediately following the affected sections.

Staff is also making available recently updated versions of the technical standards SAE J1979 “Draft SAE J1979 “E/E Diagnostic Test, April 2007” (SAE J1979) and SAE J1939-73 “Application Layers – Diagnostics,” September 2006. As is common practice with technical standards, industry periodically updates the standards to add specification or clarity and the references in the regulation have been updated to refer to the newer versions. Specifically, the regulation now incorporates the April 2007 draft version of SAE J1979, now referred to as “E/E Diagnostic Test Modes,” and the September 2006 version of SAE J1939-73. Staff has also added to the rulemaking record the following document, which is incorporated by reference in section 1968.2: Mail-Out #MSC 06-23, “Guidelines for On-Board Diagnostic II (OBD II) Certification Data,” December 21, 2006.

All of the documents referenced above are available for public inspection from Amy Whiting, Regulations Coordinator at (916) 322-6533, 1001 “I” Street, 23rd floor, Sacramento, California 95814.

Attachment I, with its attachments, and Attachment II are available online at the following ARB internet site¹:

<http://www.arb.ca.gov/regact/obdii06/obdii06.htm>

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt the amendments to sections 1968.2 and 1968.5, title 13, CCR, after making them available to the public for comment for a period of at least 15 days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

Written comments on the proposed modifications may be submitted by postal mail, electronic mail, or facsimile as follows:

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.), your written and oral comments, attachments, and associated contact information (e.g., your 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 any other search engines.

In order to be considered by the Executive Officer, comments must be directed to the ARB in one of the three forms described above and received by the ARB by 5:00 p.m. on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations shall be considered by the Executive Officer.

Attachments

¹ Through an understanding with SAE, ARB does not generally post SAE documents on the Internet. The full documents are instead available through SAE and are available for public inspection from the Clerk of the Board at 1001 "I" Street, 23rd floor, Sacramento, California 95814.