

State of California
AIR RESOURCES BOARD

**Second 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
First Public Availability Date: May 22, 2007
Second Public Availability Date: July 23, 2007
Second Deadline for Public Comment: August 7, 2007

The Board's Action. 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 Board adopted Resolution 06-26, approving the amendments with modifications. The resolution was appended to the First Notice of Public Availability of Modified Text (First 15-Day Notice) and is available on the ARB Internet site referenced below. In approving the amendments, the Board specifically included staff's suggested modifications to the initially noticed text, which were made available at the hearing. The suggested modifications were appended to the Resolution as Attachment D. In the Resolution, the Board directed the Executive Officer to incorporate the approved modifications into the 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 proposed modifications were made available in the First 15-Day Notice.

Additional Modifications. Based on comments received during the First 15-Day Notice, staff is proposing additional substantive, clarifying, and technical modifications to the regulatory text that are needed to better reflect the underlying intent of the regulations. The following identifies and explains the modifications by section number:

Section 1968.2(d)(2.5): Staff is proposing further changes to the permanent fault code erasure requirements. Currently, the proposed amendments would require manufacturers to use two separate permanent fault code erasure protocols, with use of a specific protocol determined by the monitor that stored the permanent fault code. Manufacturers have expressed concern that this would be burdensome, requiring the redesign of the system's software structure. Staff is now proposing to amend the regulation to allow monitors that are subject to the rate-based requirements (e.g., once-per-trip monitors) to use the same erasure protocol as that required for monitors that are not subject to rate-based requirements (e.g., monitors required to be continuous).

Additionally, in response to manufacturer comments, staff is proposing additional clarifications to enhance understandability of the requirements. This includes changes to make it clear that to meet the criteria to erase the permanent fault code, certain criteria can be met on a different driving cycle than that in which other criteria are met.

Section 1968.2(f)(16): Staff mistakenly left out language in the diesel “Other Emission Control or Source System Monitoring” requirements. Specifically, for systems that utilize valves/flaps to alter intake air flow or cylinder charge characteristics, the section did not include language that would allow manufacturers to monitor the shaft to which all the valves/flaps are physically attached to in lieu of monitoring each individual valve/flap for proper functional response. Staff’s intent was to have the same monitoring requirements for diesel vehicles as for gasoline vehicles under section 1968.2(e)(16.3) as well as be consistent with the same language that exists for diesel and gasoline vehicles in the heavy-duty OBD regulation (section 1971.1 of title 13, CCR). To correct this omission, staff is proposing to add identical language used in section 1968.2(e)(16.3) to section 1968.2(f)(16).

Section 1968.2(g)(1.4): Staff is making available a recently updated version of the technical standard Society of Automotive Engineers (SAE) J1979 “E/E Diagnostic Test Modes.” As is common practice with technical standards, industry periodically updates the standards to add specification or clarity and the reference in the regulation has been updated to refer to the latest version. Specifically, the regulation would now incorporate the May 2007 version of SAE J1979. The document referenced above is available for public inspection from the Regulations Coordinator, Amy Whiting, (916) 322-6533, at 1001 “I” Street, 23rd floor, Sacramento, California 95814.

Section 1968.2(g)(4.8): Staff is proposing additional amendments to the regulation’s vehicle identification number (VIN) requirements based on manufacturers’ comments that the requirements should be consistent for medium-duty engines used in both medium-duty and heavy-duty applications. Specifically, the heavy-duty OBD regulation requires that when the VIN is reprogrammed, specific emission-related diagnostic information are required to be erased. With the modifications, a VIN reprogramming event on 2012 and subsequent model year light- and medium-duty vehicles will now be required to erase the same information as a fault code erasure command from a scan tool, allowing technicians and inspection personnel to identify such an event has recently occurred.

Section 1968.2(g)(6.3.1): As a manufacturer correctly pointed out in its comments, the engine run time tracking requirements in this section that apply to the resolution of the counters were not consistent with the recently updated version of SAE J1979. Staff’s intent was to have manufacturers meet the specifications of SAE J1979. Thus, staff is proposing to delete the language regarding some of the numerical value specifications in this section and add language to require manufacturers to make the counters consistent with the requirements of SAE J1979.

Section 1968.2(j)(3.2): In proposing amendments to this section, staff failed to update the reference to the recently published ARB Mail-Out. Staff has modified this section to clarify that the standardized format required in this section is detailed in Attachment D: Rate-Based Data of ARB Mail-Out #06-23, December 21, 2006.

Section 1968.5(b)(6)(B): Staff is proposing to modify the enforcement regulations based on manufacturers' comments. Specifically, in the first 15-day modifications to this section, the amendments inadvertently did not identify the applicable in-use performance ratio when determining nonconformance during enforcement testing for a few model years of vehicles. Staff is proposing to modify the language to eliminate this gap and to clarify that monitors certified to the final ratios are still linked to the intermediate 0.100 ratios for enforcement in the first three model years the monitor is required under section 1968.2(d)(3.2.1) to meet the final ratios. For example, under section 1968.2(d)(3.2.1), diesel monitors under section 1968.2(f) are required to be certified to the final ratios starting in the 2013 model year; however, for the first three model years, 2013 through 2015, all vehicles would be held to the 0.100 ratio in-use.

Attachment I contains excerpts of those sections of the regulations affected by the modifications being proposed with 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. Modifications that were made in the first 15-day notice are denoted by double underline for additions to the text and by ~~double-strikeout~~ for deletions. Additions to the text proposed with this notice are denoted by highlighted double underline and the deletions by ~~highlighted double strikeout~~. Attachment I is available online at the ARB's Internet site for the regulatory documents in this rulemaking:

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

Comments and Subsequent Action. In accordance with section 11346.8 of the Government Code, the additional modifications are being made available to the public for a second supplemental comment period of at least 15 days. The Board 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