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September 24, 1996

Ms. Pat Hutchens
Board Secretary
California Air Resources Board
2020 L Street
Sacramento, California 95814

Re: Amendments To CARB's Emission Standards

Dear Ms. Hutchens:

The Outdoor Power Equipment Institute ("OPEI") and the Engine Manufacturers Association ("EMA") submit these joint comments in support of the recommendation by the California Air Resources Board ("CARB") to amend California's utility and lawn and garden equipment regulations ("ULGE regulations") for engines used exclusively in snowthrowers and ice augers. *See* Amendments to Title 13, California Code of Regulations, Chapter 9, Article 1, Section 2403. CARB's recommendation was prompted by a joint petition from Tecumseh Products Company ("Tecumseh") and The Toro Company ("Toro") regarding CARB's regulation of snowthrowers and other wintertime products. OPEI and EMA also support CARB's proposal to modify the Carbon Monoxide ("CO") standard for specialty vehicle engines under 25 horsepower. *See* Amendments to Title 13, California Code of Regulations, Chapter 9, Article 3, Section 2412. CARB's proposal will eliminate the difference between the CO standards for engines used in specialty vehicles and utility equipment. This letter provides: (1) an overview of OPEI's and EMA's position in support of the amendments; (2) background on utility engine regulations; (3) comments in support of CARB's recommended amendments; and (4) OPEI's and EMA's concluding statement.

OVERVIEW

EMA is the national trade association that represents the manufacturers of common types of engines including small spark ignited "utility" engines. OPEI is the national trade association that represents both the manufacturers of utility engines and the manufacturers of equipment

powered by utility engines, such as snowthrowers, lawnmowers, and riding tractors. Most OPEI members purchase utility engines from separate engine manufacturers and incorporate the engines into equipment which are distributed and sold on a national basis. CARB's recommended amendments to the ULGE regulations will make the emission standards for hydrocarbons ("HC") and oxides of nitrogen ("NO_x") optional for engines used exclusively in snowthrowers and ice augers. The amendments will appropriately harmonize CARB's standards with the federal standards for these utility engines so the manufacturers do not have to maintain a separate line of engines, snowthrowers, and ice augers for the California market throughout a complex distribution chain. Without CARB's recommended amendments, the costs to accommodate special California products will be enormous without any commensurate benefit in air quality.

CARB has developed controls on the emissions of HC and NO_x to reduce the level of ozone pollution, or urban smog. Ozone, or urban smog, is only a problem at warm summertime temperatures, well above freezing levels. Obviously, snowthrowers and ice augers are only used in the wintertime at cold temperatures. This seasonal consideration combined with the minuscule amount of HC and NO_x emissions from snowthrowers and ice augers clearly justifies CARB's recommended amendments.

CARB also recommends changing the CO standard from 300 g/bhp-hr (grams per brake horsepower hour) to 350 g/bhp-hr for specialty vehicle engines under 25 horsepower, and produced through calendar year 1998. The CO standard for utility equipment engines is 350 g/bhp-hr. Engine manufacturers supply equipment manufacturers with utility engines that can be used in either specialty vehicles or utility equipment. An engine manufacturer may not know in which type of product the certified engine will be used. CARB's recommendation will eliminate this compliance problem because both utility equipment and specialty vehicles will be subject to the same CO standard. Consequently, OPEI and EMA support CARB's recommended amendments to the ULGE regulations.

BACKGROUND ON UTILITY ENGINE REGULATIONS

CARB formally adopted the ULGE regulations on March 20, 1992. The ULGE regulations establish exhaust emission standards for HC, NO_x, and CO emitted from new utility and lawn and garden equipment engines ("utility engines") that are sold in California, including snowthrowers and ice augers. In 1995, the U.S. Environmental Protection Agency ("EPA" or "the Agency") promulgated similar regulations to control emissions from new non-road spark ignition engines under 19 kilowatts (25 horsepower). *See* 40 CFR Parts 9 and 90, 60 Fed. Reg. 34,582 (July 3, 1995). These federal regulations exempt engines used in all wintertime products

from having to meet HC and NO_x standards applicable to all other utility engines.[1/] *See* 40 CFR § 90.103(a), and 60 Fed. Reg. 34,582, 34,592 (July 3, 1995). Under the federal regulations all wintertime products are still subject to a CO emission standard. *Id.*

On March 28, 1996, Tecumseh and Toro, along with several servicing dealers, petitioned CARB to exempt snowthrowers and ice augers from having to meet emission standards for HC and NO_x. In response to the petition, CARB has recommended making the HC and NO_x emission standards optional for engines used in snowthrowers and ice augers. Similar to EPA's regulations, these products would only be subject to emission standards for CO. CARB's recommendation will appropriately harmonize the CARB emission standards with the federal standards.

On January 25, 1996, CARB relaxed the CO standard for Class I and Class II utility engines rated at less than 25 horsepower. For these engines manufactured in the 1996-1998 calendar years, the standard was changed from 300 g/bhp-hr to 350 g/bhp-hr. CARB now proposes to make a similar amendment to the CO standard for specialty vehicle engines, under 25 horsepower, produced through calendar year 1998.

EPA does not have a classification for specialty vehicles. Engines used in specialty vehicles are regulated under the federal emission standards for new non-road spark ignition engines under 19 kilowatts. EPA is presently considering amendments similar to CARB's proposed change in the CO emissions standard for new non-road spark ignition engines. *See* 61 Fed. Reg. 34,778, 34,780 (July 3, 1996).

COMMENTS IN SUPPORT OF AMENDMENTS

1. CARB's current HC and NO_x emission standards for snowthrowers and ice augers do not provide any benefit for the environment.

EPA exempted utility engines used in snowthrowers and ice augers from HC and NO_x standards because these products are used exclusively in the winter and their emissions do not contribute to ozone which is exclusively a problem in warm, summertime climates. Moreover, snowthrowers and ice augers are typically used in California in only rural areas, and not in the urban areas that are in non-attainment with the federal ozone standard.

1/ EPA plans to issue a technical amendment to the utility engine regulations to clarify that snowthrowers and ice augers are exempt from the NO_x standard as well as the HC standard.

CARB has previously recognized that regulating wintertime products for HC and NO_x does not provide any environmental benefit. For example, CARB thus far has chosen not to regulate snowmobiles, most likely because the wintertime use of snowmobiles does not impact summertime ozone non-attainment. *See* Transcript of CARB Meeting (May 14, 1992) at 24. CARB has estimated the HC and NO_x emissions from snowmobiles to be 34 tons per day. *See* CARB Notice of Public Meeting, Mail-out #92-22, Figure 4, 1990 Baseline Inventory of HC + NO_x, at 10. In stark contrast, snowthrowers emit about one-sixth of one ton per day. *See* Technical Support Document ("TSD") for California Exhaust Emission Standards and Test Procedures for 1994 and Subsequent Model Year ULGE Engines, Exhibit 2-19, at 32. Therefore, snowthrowers emit less than one-half of one percent of the total amount of HC and NO_x that are emitted from snowmobiles. In fact, emissions from snowthrowers and ice augers in California are so minuscule that providing the proposed exemption for these products will have virtually no impact on the environment. The document supporting CARB's ULGE regulations contains information revealing snowthrowers in California account for only about .0023 (or 0.23 percent) of the HC and NO_x emissions for the utility and lawn and garden sector.[2/] Since regulation of these emissions does not provide any environmental benefit, EPA chose (and CARB now recommends) to make the HC and NO_x emission standards optional for snowthrowers and ice augers. OPEI and EMA support CARB's recommendation.

2. <u>Amending the HC and NO_x emission standards for snowthrowers and ice augers will appropriately harmonize CARB's and EPA's regulations.</u>

As discussed above, California's separate HC and NO_x emission standards for snowthrowers and ice augers are inconsistent with the exemption for these products provided in similar federal regulations. If federal and state regulations are not appropriately harmonized, new snowthrowers and ice augers may be forced out of the California marketplace. The vast majority of snowthrowers and ice augers are produced for markets outside of California. Less than two percent of the total national production of snowthrowers and ice augers are sold in California.

The increased costs of maintaining two product lines to accommodate the divergent federal and state emission standards for HC and NO_x will make it economically infeasible to produce and distribute special snowthrowers and ice augers for the California market. Although California is an extremely significant market for all types of lawn and garden and utility equipment, California is a relatively minor market for snowthrowers and ice augers. Sales of special California snowthrowers and ice augers will not justify separate design, production, distribution,

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2/ According to Exhibit 2-19 of the TSD, total annual California emissions of HC and NO_x from the lawn and garden sector are 24 million kilograms. Snowthrowers collectively represent only 54,406 kilograms, or .0023 of the total.

and marketing operations. Thus, unique California emission requirements will simply eliminate new snowthrowers and ice augers from the California market.

Elimination of new snowthrower and ice auger inventories in California will severely harm dealers who rely on snowthrower and ice auger sales for their economic livelihood. Snowthrowers are generally sold by service dealers, who are typically family businesses. Sales of snowthrowers and ice augers are the foundation of some of these dealers' wintertime livelihood. As indicated in the joint petition by Tecumseh and Toro, some of these dealers could not be expected to survive without the snowthrower and ice auger sales.

California's customers also depend on the continued availability of new snowthrowers and ice augers. If new snowthrowers or ice augers are not available in California, customers may be forced to seek "federally regulated" replacement units from outside California. In the alternative, current owners will rebuild and repair their older, "unregulated" units. Repairing and rebuilding units beyond customary practice will extend the service life of unregulated units. Consequently, consumers will continue to use older, unregulated units instead of purchasing new units subject to a CO emissions standard. Slower turnover of unregulated snowthrower engines could ultimately hurt CARB's air quality control efforts regarding CO emissions. The result will be a short-term loss of CO-reduction benefits from new units without a long-term gain for California's summertime ozone goals.

CARB's proposal will harmonize California's regulations with the federal regulations and avoid an unnecessary disruption of the markets for snowthrowers and ice augers. OPEI and EMA support CARB's efforts to avoid this market disruption and adverse impact on the environment.

3. **CARB will minimize compliance problems by amending the CO standard to eliminate the difference between the emission standards for specialty vehicles and utility equipment engines.**

CARB previously amended the CO standard for Class I and Class II utility engines rated at less than 25 horsepower, from 300 g/bhp-hr to 350 g/bhp-hr for engines produced during the 1996-1998 calendar years. CARB is proposing to similarly modify the standards for specialty vehicle engines, under 25 horsepower, produced through calendar year 1998. This modification is necessary because manufacturers use the same engines for both specialty vehicles and utility equipment. By changing the standard for specialty vehicle engines, CARB will minimize the compliance problems associated with an engine destined for utility equipment being inadvertently placed in a specialty vehicle. OPEI and EMA support CARB's proposal to minimize these compliance problems.

CONCLUSION

For the reasons set forth in these comments, OPEI and EMA strongly support CARB's proposed amendments to the ULGE regulations. OPEI and EMA agree with CARB that amending the regulations will be beneficial to engine and equipment manufacturers, distributors, and retailers. The current emission standards for HC and NO_x from snowthrowers and ice augers have a negligible air quality impact. With CARB's proposed amendments, economic hardship will be avoided because national manufacturers will not be required to supply special snowthrowers and ice augers exclusively for the California market. In addition, changing the CO standard for specialty vehicle engines will eliminate compliance problems associated with the inadvertent use of utility engines in specialty vehicles.

OPEI and EMA appreciate the opportunity to submit these comments. Please contact us directly if you have any questions or concerns.

Sincerely,

Bill Guerry

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Counsel to the Outdoor Power Equipment Institute

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