

To: Enforcement Division Staff
From: Heather L. Quiros, Chief, Enforcement Division *HLQ*
Date: February 15, 2024
Subject: Increase in Maximum Penalties Based on 2023 California Consumer Price Index

Effective immediately, California Air Resources Board (CARB) staff should reference the maximum penalties in the attached tables when settling violations that occurred on or after the date of this memorandum.

The California Legislature enacted changes to State law¹ increasing certain maximum penalties from the levels established in the mid-1970s. The Legislature also established that those maximum penalties be adjusted annually based on changes in the California Consumer Price Index (California CPI).

The California CPI for 2023, as reported by the California Department of Industrial Relations (DIR) on February 15, 2024 is **331.804**.² This reflects a cumulative increase of:

- **26.3%** since January 1, 2017, when changes to HSC §§ 43016, 43154, 43211, and 43212, became effective. The maximum penalties for specified **vehicular source violations** in Table 1 reflect that increase.
- **21.8%** since January 1, 2018, when HSC § 42411 became effective. The maximum penalties for **non-vehicular source violations** in Table 2 reflect that increase.

Maximum penalties are one factor CARB staff use when establishing penalties for air quality regulations enforced by CARB. As required by State law and described in CARB's Enforcement Policy, CARB staff should continue to consider all relevant factors when establishing penalties on a case-by-case basis.

¹ Assembly Bill (AB) 1685 (Gomez, 2016) revised HSC 43016, 43154, 43211, and 43212, establishing changes to maximum per-violation penalties for violations of vehicular air pollution control laws and regulations; AB 617 (Garcia, 2017) enacted similar changes applicable to violations of non-vehicular air pollution control laws and regulations.

² DIR publishes the California CPI online at: <https://www.dir.ca.gov/OPRL/CAPriceIndex.htm>.

Table 1.
 Maximum Penalties for **Vehicular** Source Violations Enforced by the California Air Resources Board Subject to Specified Health and Safety Code (HSC) Part 5 Penalty Provisions.

Penalty Statute (HSC §)	Maximum Penalty per Violation
43016(a)(1)	\$47,363 \$632
43154(a)(1)	\$47,363
43154(a)(2)	\$12,630
43211(a)	\$47,363
43211(b)	\$6,315
43212(a)(1)	\$47,363

Table 2.
 Maximum Penalties for **Non-Vehicular** Source Violations Enforced by the California Air Resources Board Subject to Specified Health and Safety Code (HSC) Part 4 Penalty Provisions.

Penalty Statute (HSC §)	Maximum Penalty per Violation	Penalty Statute (HSC §)	Maximum Penalty per Violation
42400(a)	\$6,090	42402(a)	\$6,090
42400(c)	\$18,270	42402(b)(1)	\$12,180
42400.1(a)	\$30,450	42402(c)	\$18,270
42400.1(b)	\$121,800	42402.1(a)	\$30,450
42400.2(a)	\$48,720	42402.1(b)	\$121,800
42400.2(c)	\$304,500	42402.2(a)	\$48,720
42400.3(a)	\$91,350	42402.2(b)	\$304,500
42400.3(b)	\$152,250 609,000	42402.3(a)	\$91,350
42400.3(c)	\$304,500 \$1,218,000	42402.3(b)	\$152,250 \$609,000
42400.3.5(a)	\$12,180	42402.3(c)	\$304,500 \$1,218,000
42400.3.5(b)	\$42,630	42402.4	\$42,630
42400.4(a)	\$12,180	42402.5	\$609
42400.4(b)	\$12,180	42410(a)	\$12,180 \$121,800
42401	\$30,450		