

To: Enforcement Division Staff

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Chief, Enforcement Division

Date: April 8, 2020

Subject: INCREASE IN MAXIMUM PENALTIES BASED ON 2019 CALIFORNIA  
CONSUMER PRICE INDEX

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

The California Legislature enacted changes to State law<sup>1</sup> 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 2019, as reported by the California Department of Industrial Relations (DIR) on February 14, 2020 is **280.638**.<sup>2</sup> This reflects an increase of:

- **6.8%** 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.
- **3.0%** 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.

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<sup>1</sup> 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.

<sup>2</sup> 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.**

<b>Penalty Statute (HSC §)</b>	<b>Adjusted Maximum Penalty per Violation</b>
43016(a)(1)	\$40,050 \$534
43154(a)(1)	\$40,050
43154(a)(2)	\$10,680
43211(a)	\$40,050
43211(b)	\$5,340
43212(a)(1)	\$40,050

**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.**

<b>Penalty Statute (HSC §)</b>	<b>Maximum Penalty per Violation</b>	<b>Penalty Statute (HSC §)</b>	<b>Maximum Penalty per Violation</b>
42400(a)	\$5,150	42402(a)	\$5,150
42400(c)	\$15,450	42402(b)(1)	\$10,300
42400.1(a)	\$25,750	42402(c)	\$15,450
42400.1(b)	\$103,000	42402.1(a)	\$25,750
42400.2(a)	\$41,200	42402.1(b)	\$103,000
42400.2(c)	\$257,500	42402.2(a)	\$41,200
42400.3(a)	\$77,250	42402.2(b)	\$257,500
42400.3(b)	\$128,750 \$515,000	42402.3(a)	\$77,250
42400.3(c)	\$257,500 \$1,030,000	42402.3(b)	\$128,750 \$515,000
42400.3.5(a)	\$10,300	42402.3(c)	\$257,500 \$1,030,000
42400.3.5(b)	\$36,050	42402.4	\$36,050
42400.4(a)	\$10,300	42402.5	\$515
42400.4(b)	\$10,300	42410(a)	\$10,300
42401	\$25,750		\$103,000