

To: Enforcement Division Staff  
From: Todd P. Sax, D.Env. *TPS*  
Chief, Enforcement Division  
Date: February 24, 2021  
Subject: Increase in Maximum Penalties Based on 2020 California Consumer Price Index

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 2020, as reported by the California Department of Industrial Relations (DIR) on February 11, 2021 is **285.315**.<sup>2</sup> This reflects an increase of:

- **8.6%** 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.
- **4.7%** 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.

Attachment

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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)	\$40,725 \$543
43154(a)(1)	\$40,725
43154(a)(2)	\$10,860
43211(a)	\$40,725
43211(b)	\$5,430
43212(a)(1)	\$40,725

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
42400(a)	\$5,235
42400(c)	\$15,705
42400.1(a)	\$26,175
42400.1(b)	\$104,700
42400.2(a)	\$41,880
42400.2(c)	\$261,750
42400.3(a)	\$78,525
42400.3(b)	\$130,875 \$523,500
42400.3(c)	\$261,750 \$1,047,000
42400.3.5(a)	\$10,470
42400.3.5(b)	\$36,645
42400.4(a)	\$10,470
42400.4(b)	\$10,470
42401	\$26,175

Penalty Statute (HSC §)	Maximum Penalty per Violation
42402(a)	\$5,235
42402(b)(1)	\$10,470
42402(c)	\$15,705
42402.1(a)	\$26,175
42402.1(b)	\$104,700
42402.2(a)	\$41,880
42402.2(b)	\$261,750
42402.3(a)	\$78,525
42402.3(b)	\$130,875 \$523,500
42402.3(c)	\$261,750 \$1,047,000
42402.4	\$36,645
42402.5	\$524
42410(a)	\$10,470 \$104,700