

To: Enforcement Division Staff
From: Todd P. Sax, D.Env., Chief, Enforcement Division **TPS**
Date: March 4, 2022
Subject: Increase in Maximum Penalties Based on 2021 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 2021, as reported by the California Department of Industrial Relations (DIR) on February 10, 2022 is **297.371**.² This reflects an increase of:

- **13.2%** 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.
- **9.1%** 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)	\$42,450 \$566
43154(a)(1)	\$42,450
43154(a)(2)	\$11,320
43211(a)	\$42,450
43211(b)	\$5,660
43212(a)(1)	\$42,450

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)	\$5,455	42402(a)	\$5,455
42400(c)	\$16,365	42402(b)(1)	\$10,910
42400.1(a)	\$27,275	42402(c)	\$16,365
42400.1(b)	\$109,100	42402.1(a)	\$27,275
42400.2(a)	\$43,640	42402.1(b)	\$109,100
42400.2(c)	\$272,750	42402.2(a)	\$43,640
42400.3(a)	\$81,825	42402.2(b)	\$272,750
42400.3(b)	\$136,375 \$545,500	42402.3(a)	\$81,825
42400.3(c)	\$272,750 \$1,091,000	42402.3(b)	\$136,375 \$545,500
42400.3.5(a)	\$10,910	42402.3(c)	\$272,750 \$1,091,000
42400.3.5(b)	\$38,185	42402.4	\$38,185
42400.4(a)	\$10,910	42402.5	\$546
42400.4(b)	\$10,910	42410(a)	\$10,910
42401	\$27,275		\$109,100