

To: **Enforcement Division Staff**

From: Heather Quiros, Acting Division Chief, Enforcement Division

Date: February 16, 2023 *HLQ*

Subject: Increase in Maximum Penalties Based on 2022 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 2022, as reported by the California Department of Industrial Relations (DIR) on February 15, 2022 is **319.224**.² This reflects a cumulative increase of:

- **21.5%** 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.
- **17.1%** 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)	\$45,563 \$608
43154(a)(1)	\$45,563
43154(a)(2)	\$12,150
43211(a)	\$45,563
43211(b)	\$6,075
43212(a)(1)	\$45,563

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)	\$5,855	42402(a)	\$5,855
42400(c)	\$17,565	42402(b)(1)	\$11,710
42400.1(a)	\$29,275	42402(c)	\$17,565
42400.1(b)	\$117,100	42402.1(a)	\$29,275
42400.2(a)	\$46,840	42402.1(b)	\$117,100
42400.2(c)	\$292,750	42402.2(a)	\$46,840
42400.3(a)	\$87,825	42402.2(b)	\$292,750
42400.3(b)	\$146,375 \$585,500	42402.3(a)	\$87,825
42400.3(c)	\$292,750 \$1,171,000	42402.3(b)	\$146,375 \$585,500
42400.3.5(a)	\$11,710	42402.3(c)	\$292,750 \$1,171,000
42400.3.5(b)	\$40,985	42402.4	\$40,985
42400.4(a)	\$11,710	42402.5	\$586
42400.4(b)	\$11,710	42410(a)	\$11,710 \$117,100
42401	\$29,275		