

From: Kitowski, Jack@ARB <Jack.Kitowski@arb.ca.gov>
Sent: Friday, December 15, 2023 5:09 PM
To: Jed R. Mandel <JMandel@clpchicago.com>
Cc: Heroy-Rogalski, Kim@ARB <kim.heroy-rogalski@arb.ca.gov>
Subject: Re: Request for confirmation

Jed, thank you for your December 15 letter seeking clarity on several potential scenarios impacting the ability of California based dealers and bodybuilders (collectively referred to as “a CA Dealer”) to sell outside of California engines/vehicles that are not subject to the caps and/or offsets associated with the California Air Resources Board (CARB) Omnibus rule as in Title 13, California Code of Regulations, section 1956.8. You asked regarding “non-CA products,” defined as products with U.S. EPA only certified engines or with CARB certified engines not labeled for sale in California (i.e., legacy engines where credit offset is not required per Manufacturer Advisory Correspondence (MAC) 2022-04.)

I would like to confirm that the following three scenarios are consistent with CARB’s regulations and the California Health and Safety Code and would not create a noncompliance liability for either the original equipment manufacturer or the CA Dealer:

1. A CA Dealer sells a non-CA product to a customer out of state and never takes possession of the product in California;
2. A CA Dealer takes possession of a non-CA product in California and either transports or drives it for delivery to an out of state customer (who never takes possession of it in California); and
3. A CA Dealer takes possession of a non-CA product in California and sells it to an out of state customer who themselves takes possession of it in California and directly drives or transports it out of state.

CARB staff is still evaluating scenario 4 (the same scenario as #3 except the customer picks up a load or otherwise puts the product in service in the process of taking the non-CA product out of state).

I am hopeful this clarification is useful, and I look forward to working with you in resolving any remaining issues resulting from the implementation of CARB’s truck rules.

- Jack Kitowski, Chief

Mobile Source Control Division

From: Jed R. Mandel <JMandel@clpchicago.com>
Sent: Friday, December 15, 2023 11:11 AM
To: Kitowski, Jack@ARB <Jack.Kitowski@arb.ca.gov>
Subject: Request for confirmation

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Jack:

Please see the attached letter. Let me know if you have any questions or would like to discuss. Thanks.

Jed

Jed R. Mandel

President

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