

2024 State Implementation Plan Adoption and Submittal of Five California Air Resources Board Regulations

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Executive Summary

This staff report presents the California Air Resources Board (CARB or Board) staff's proposed action to adopt as a revision to the California State Implementation Plan (SIP) and submit to U.S. Environmental Protection Agency (U.S. EPA) the following previously adopted or amended regulations and relevant documents:

- Regulation to Provide Certification Flexibility for Innovative Heavy-Duty Engines and California Certification and Installation Procedures for Medium- and Heavy-Duty Vehicle Hybrid Conversion Systems (Innovative Technology Regulation)¹;
- Alternative Certification Requirements and Test Procedures for Heavy-Duty Electric and Fuel-Cell Vehicles and Proposed Standards and Test Procedures for Zero Emission Powertrains (Zero-Emission Powertrain Certification Regulation)²;
- Clean Miles Standard³;
- California Greenhouse Gas Emissions Standards for Medium- and Heavy-Duty Engines and Vehicles and Proposed Amendments to the Tractor-Trailer GHG Regulation (Phase 2 Tractor-Trailer Amendments Regulation)⁴; and
- Amendments to the Antiperspirants and Deodorants Regulation, the Consumer Products Regulation, the Aerosol Coating Products Regulation, the Alternative Control Plan Regulation, the Tables of Maximum Incremental Reactivity Values, and Test Method 310 (Consumer Products Amendments)⁵.

These five CARB regulations fulfill or support other regulations that fulfill various SIP commitments and therefore need to be submitted to U.S. EPA as revisions to the California SIP. During the rulemaking process for each CARB regulation, there are certain administrative requirements that must be met in order to submit a regulation into the California SIP. Unfortunately, the hearing notices for these five regulations did not include the necessary language noticing the adoption and submittal of each regulation to U.S. EPA as a revision to the SIP. Further, the Board resolutions adopting some of these regulatory actions did not include the necessary language adopting and directing submittal of each to U.S. EPA as a revision to the SIP. Therefore, an additional 30-day public notice and CARB

¹ California Air Resources Board, Innovative Technology Regulation rulemaking page (web link: <https://www.arb.ca.gov/regact/2016/itr2016/itr2016.htm>, last reviewed November 2017).

² California Air Resources Board, Zero-Emission Powertrain Certification Regulation rulemaking page (web link: <https://ww2.arb.ca.gov/rulemaking/2019/zeperc2019>, last reviewed January 2020).

³ California Air Resources Board, Clean Miles Standard rulemaking page (web link: <https://ww2.arb.ca.gov/rulemaking/2021/cleanmilesstandard>, last reviewed August 2022).

⁴ California Air Resources Board, Phase 2 Tractor-Trailer Amendments Regulation rulemaking page (web link: <https://ww2.arb.ca.gov/rulemaking/2018/phase-2-and-tractor-trailer-amendments-regulation>, last reviewed December 2018).

⁵ California Air Resources Board, Consumer Products Amendments rulemaking page (web link: <https://ww2.arb.ca.gov/rulemaking/2021/consumerproducts2021>, August 2022).

action is needed to meet these federal requirements in order to submit these regulations to U.S. EPA as a revision to the SIP. This proposed action is exclusive to revision of the SIP and has no impact on the regulatory language or other aspects of the rulemakings already adopted by the Board.

Background

CARB develops the State Strategy for the State Implementation Plan (State SIP Strategy) to identify the proposed control measures and emissions reductions necessary from State-regulated sources to support attainment of the National Ambient Air Quality Standards (NAAQS) for nonattainment areas in California. As required under the federal Clean Air Act (Act), after a new NAAQS is set, local air districts must develop SIPs for the nonattainment areas to demonstrate attainment of NAAQS that identify both the magnitude of emission reductions needed by the required attainment deadline, and the actions necessary to achieve those reductions. Additionally, section 110(l)⁶ of the Act and Title 40 of the Code of Federal Regulations, section 51.102, requires that opportunity for one or more public hearings be made available, preceded by at least 30 days' notice and opportunity for public review, prior to adopting and submitting to U.S. EPA any SIP revision. The hearing notices for the following five CARB regulations did not include language noticing the adoption and submittal of these regulations to U.S. EPA as a revision to the SIP.

In 2008, the U.S. Environmental Protection Agency (U.S. EPA) strengthened the 8-hour ozone standard to 75 parts per billion (ppb). In March 2017, CARB adopted the 2016 State SIP Strategy, describing the commitments to achieve the reductions necessary from mobile sources, fuels, and consumer products to support attainment of the 75 ppb 8-hour ozone standard across the State. As part of the 2016 State SIP Strategy suite of regulatory commitments, CARB committed to bring to the Board for consideration various measures including the Innovative Technology Certification Flexibility, Medium and Heavy-Duty GHG Phase 2, Consumer Products Program, and Last Mile Delivery.

In 2015, U.S. EPA further strengthened the 8-hour ozone standard to 70 ppb. In September 2022, CARB adopted the 2022 State SIP Strategy which identifies the control measures under State authority that are needed to reduce emissions to support attainment of the 70 ppb 8-hour ozone standard across the State. As part of the 2022 State SIP Strategy suite of regulatory commitments, CARB committed to pursue or otherwise address each measure identified, including the Clean Miles Standard.

The Regulation to Provide Certification Flexibility for Innovative Heavy-Duty Engines and California Certification and Installation Procedures for Medium- and Heavy-Duty Vehicle Hybrid Conversion Systems (Innovative Technology Regulation) was adopted by CARB on October 20, 2016, and fulfilled CARB's commitment for an Innovative Technology Certification Technology measure. The Innovative Technology Regulation provides a more

⁶ 42 U.S.C. § 4701 (l).

flexible short-term certification pathway for innovative heavy-duty engine and bus technologies.

The California Greenhouse Gas Emissions Standards for Medium- and Heavy-Duty Engines and Vehicles and Proposed Amendments to the Tractor-Trailer GHG Regulation (Phase 2 Tractor-Trailer Amendments Regulation) was adopted by CARB on September 27, 2018, and fulfilled CARB's commitment for a Medium Heavy-Duty GHG Phase 2 measure. The Phase 2 Tractor-Trailer Amendments Regulation set new, more stringent California Phase 2 greenhouse gas emission standards that largely harmonize with the federal Phase 2 standards and harmonize California's Tractor-Trailer GHG regulation with Phase 2 trailer standards.

The Amendments to the Antiperspirants and Deodorants Regulation, the Consumer Products Regulation, the Aerosol Coating Products Regulation, the Alternative Control Plan Regulation, the Tables of Maximum Incremental Reactivity Values, and Test Method 310 (Consumer Products Amendments) were adopted by CARB on March 25, 2021, and fulfilled CARB's commitments for a Consumer Products Program measure. The Consumer Products Amendments lowered volatile organic compounds (VOC) standards for existing categories of consumer products and added VOC standards for some new categories of products and clarified a number of definitions. On April 3, 2023, CARB submitted the Consumer Products Amendments to U.S. EPA as a revision to the California SIP. During U.S. EPA's review, U.S. EPA determined California Code Regulation section 94512, Administrative Requirements, is needed to support the April 3, 2023, Consumer Products Amendments SIP submittal. CARB did not submit CCR section 94512 in the April 3, 2023, submittal because it was not included in the 30-day public notice.

The Advanced Clean Trucks Regulation was adopted by CARB on June 25, 2020, and fulfilled CARB's commitment for a Last Mile Delivery measure. The Advanced Clean Trucks Regulation was submitted to U.S. EPA as revision to the California SIP on August 8, 2023. The Zero-Emission Powertrain Certification Regulation was adopted by CARB on June 27, 2019, and supports the emissions reductions and goals of other CARB regulations including the Advanced Clean Trucks Regulation.

The Clean Miles Standard was adopted by CARB on May 20, 2021, and reduces emissions from passenger ride-hailing services operated by transportation network companies (TNC) by establishing an annual increase in the percent of zero-emission passenger miles traveled and greenhouse gas emission reductions targets that TNCs are required to meet. While the Clean Miles Standard sets greenhouse gas reduction targets, criteria pollutant emissions reductions are also achieved as co-benefits of this regulation.

State Implementation Plan Submission

This proposed action is to adopt and submit to U.S. EPA as a revision to the California SIP the Innovative Technology Regulation, Zero-Emission Powertrain Certification Regulation, Clean Miles Standard, Phase 2 Tractor-Trailer Amendments Regulation, and Consumer

Products Amendments. Section 110(I)⁷ of the Act and Title 40 of the Code of Federal Regulations, section 51.102, requires that the opportunity for one or more public hearings, preceded by at least 30 days' notice and opportunity for public review, must be made available prior to adopting and submitting to U.S. EPA any SIP revision. The hearing notices for the Innovative Technology Regulation, Zero-Emission Powertrain Certification Regulation, Clean Miles Standard, Phase 2 Tractor-Trailer Amendments Regulation, and Consumer Products Amendments did not include language noticing the adoption and submittal of these regulations to U.S. EPA as a revision to the SIP. Further, the Board resolutions adopting some of these rulemakings did not include the necessary language adopting and directing submittal of each to U.S. EPA as a revision to the SIP. Therefore, an additional 30-day notice and CARB action is needed to meet these federal requirements in order to adopt and submit these regulations to U.S. EPA as a revision to the SIP. This proposed action is exclusive to revision of the SIP and has no impact on the regulatory language or other aspects of the rulemakings already adopted by the Board. This action only fulfills the Act requirements so that CARB can submit these regulations to U.S. EPA as revisions to the SIP.

Table 1 below summarizes each of the sections of the California Code of Regulations (CCR) affected by these regulations and reflects the sections that will be submitted to U.S. EPA as revisions to the California SIP.

Table 1 - CARB Regulation California Code of Regulations Sections Affected

Regulation Name	Sections Affected
Innovative Technology Regulation	Amended CCR, title 13, section 1956.8, and adopted CCR, title 13 sections 2208, 2208.1, and 2208.2
Zero-Emission Powertrain Certification Regulation	Amended CCR, title 13, section 1956.8; amended CCR, title 17, 95663
Clean Miles Standard	Adopted CCR, title 13, sections 2490, 2490.1, 2490.2, 2490.3, and 2490.4
Phase 2 Tractor-Trailer Amendments Regulation	Amended CCR, title 13, sections 1956.8, 1961.2, 1965, 2036, 2037, 2065, 2112, and 2141, and amended CCR, title 17 sections 95300, 95301, 95302, 95303, 95304, 95305, 95306, 95307, 95311, 95662, and 95663
Consumer Products Amendments	Amended CCR, title 17, section 94512

⁷ 42 U.S.C. § 4701 (I).

Regulatory Authority

CARB has been granted both broad and extensive authority under the Health and Safety Code. CARB is responsible for preparing a SIP for attaining and maintaining the NAAQS as required by the Act (42 U.S.C. section 7401 et seq.), and to this end is directed by Health and Safety Code section 39602 to coordinate the activities of all local and regional air pollution control and air quality management districts (districts) necessary to comply with the Act.

The California Legislature has placed the responsibility of controlling vehicular air pollution on CARB, and has designated CARB as the state agency that is “charged with coordinating efforts to attain and maintain ambient air quality standards, to conduct research into the causes of and solution to air pollution, and to systematically attack the serious problems caused by motor vehicles, which is the major source of air pollution in many areas of the State” (Health and Safety Code sections 39002 and 39003). CARB is authorized to adopt standards, rules and regulations needed to properly execute the powers and duties granted to and imposed on CARB by law (Health and Safety Code sections 39600 and 39601). Health and Safety Code sections 43013 and 43018 broadly authorize and require CARB to achieve the maximum feasible and cost-effective emission reductions from motor vehicles, including the adoption and implementation of vehicle emission standards and in-use performance standards (Health and Safety Code section 43013(a)) and by improving emission system durability and performance (Health and Safety Code section 43018(c)(2)), resulting in an expeditious reduction of NO_x emissions from diesel vehicles, “which significantly contribute to air pollution problems” (Health and Safety Code section 43013(h)).

CARB is further authorized to adopt and implement emission standards for new motor vehicles and new motor vehicle engines that are necessary and technologically feasible (Health and Safety Code section 43101), to adopt test procedures and any other procedures necessary to determine whether vehicles and engines are in compliance with the emissions standards established under Part 5 of the Health and Safety Code (Health and Safety Code section 43104), and to not certify a new motor vehicle or motor vehicle engine unless the vehicle or engine meets the emission standards adopted by CARB pursuant to Part 5 of the Health and Safety Code under test procedures adopted pursuant to section 43104 (Health and Safety Code section 43102).

Environmental Analysis

Introduction

This section provides the basis for CARB’s determination that the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA). A brief explanation of this determination is provided in the analysis section below. CARB’s regulatory program, which involves the adoption, approval, amendment, or repeal of standards, rules, regulations, or plans for the protection and enhancement of the State’s

ambient air quality, has been certified by the California Secretary for Natural Resources under Public Resources Code section 21080.5 of CEQA (14 CCR 15251(d)). Public agencies with certified regulatory programs are exempt from certain CEQA requirements, including, but not limited to, preparing environmental impact reports, negative declarations, and initial studies. CARB, as a lead agency, prepares a substitute environmental document (referred to as an "Environmental Analysis" or "EA") as part of the Staff Report prepared for a proposed action to comply with CEQA (17 CCR 60000-60008). If the proposed action is finalized, a Notice of Exemption will be filed with the Office of the Secretary for the Natural Resources Agency for public inspection.

Analysis

CARB has determined that the proposal is exempt from CEQA under the "general rule" or "common sense" exemption (14 CCR 15061(b)(3)). The "common sense" exemption states a project is exempt from CEQA if "the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

As discussed in more detail in the previous section, CARB staff is proposing to submit the Innovative Technology Regulation⁸, Zero-Emission Powertrain Certification Regulation⁹, Clean Miles Standard¹⁰, Phase 2 Tractor-Trailer Amendments Regulation¹¹, and Consumer Products Amendments¹² to U.S. EPA as revision to the SIP. Each of these adopted rulemakings already complied with the appropriate CEQA requirements during their development process prior to being adopted by the Board. This proposed action is exclusively procedural to revise the SIP and does not amend or otherwise change the regulatory language or other aspects of the rulemakings already adopted by the Board. This action only fulfills the Act requirements for CARB to submit these regulations to U.S. EPA as revisions to the SIP. Submitting to U.S. EPA as a revision to the SIP fulfills CARB's requirements of the Act, and these regulations become federally enforceable once approved by U.S. EPA into the SIP. Once federally enforceable, U.S. EPA can take enforcement action against violators of the approved regulations, and members of the public can also file citizen suits under the Act to address violations of the approved regulations.

⁸ <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2016/itr2016/isor.pdf>

⁹ https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2019/zepcert/isor.pdf?_ga=2.252300943.764176338.1708449543-2035342442.1701986815

¹⁰ <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2021/cleanmilesstandard/isor.pdf>

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https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2018/phase2/isor.pdf?_ga=2.251920783.764176338.1708449543-2035342442.1701986815

¹² <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2021/consumerproducts2021/isor.pdf>

In summary, based on CARB's review, the proposed action, submittal of the previously adopted rulemakings to the SIP would not result in any direct or indirect physical changes on the environment. It can therefore be seen with certainty that there is no possibility that the proposed action may result in a significant adverse impact on the environment; therefore, this activity is exempt from CEQA.

Civil Rights and Environmental Justice

Title VI of the U.S. Civil Rights Act of 1964 (Title VI) provides that no person in the United States shall, on the basis of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. Additional federal civil rights laws protect other categories such as sex and gender, among others. In addition, state law under Government Code section 11135 provide that state funds may not be used to unlawfully deny full and equal access to the benefits of, or unlawfully subject to discrimination under any program or activity that is conducted, operated, or administered by the state or by any state agency on the basis of specific protected categories, including race, national origin, ethnic group identification, ancestry, religion, age, sex, sexual orientation, gender identity, gender expression, marital status, color, genetic information, medical condition, and mental or physical disability. As a recipient of federal and state funds, CARB must ensure it complies with U.S. civil rights laws, U.S. EPA's Title VI implementation regulations, state civil rights laws, and the California Civil Rights Department implementation regulations in its relevant programs and policies. CARB implements its Civil Rights Policy to meet these obligations as described further below.

Additionally, state law defines environmental justice as the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies (Government Code, § 65040.12, subd. (e)(1)). Environmental justice includes, but is not limited to, all of the following: (A) The availability of a healthy environment for all people. (B) The deterrence, reduction, and elimination of pollution burdens for populations and communities experiencing the adverse effects of that pollution, so that the effects of the pollution are not disproportionately borne by those populations and communities. (C) Governmental entities engaging and providing technical assistance to populations and communities most impacted by pollution to promote their meaningful participation in all phases of the environmental and land use decision making process. (D) At a minimum, the meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions (Government Code, section 65040.12, subd. (e)(2)). The Board approved its Environmental Justice Policies and Actions (Policies) on December 13, 2001, to establish a framework for incorporating environmental justice into CARB's programs consistent with the directives of State law. These policies apply to all communities in California but are intended to address the disproportionate environmental exposure burden borne by low-income communities

and communities of color. Environmental justice is one of CARB's core values and fundamental to achieving its mission.

Over the past 30 years, CARB, local air districts, and federal air pollution control programs have made substantial progress towards improving air quality in California. Despite this progress, some areas in California still exceed health-based air quality standards for ozone and PM. One of the most important factors for identifying disadvantaged communities is disproportionate effects of environmental pollution and other hazards that can lead to negative public health effects, exposure, or environmental degradation.

Central to CARB's mission is the commitment to racial equity and environmental justice and ensuring a clean and healthy environment for all Californians. Many low-income and overburdened communities within the nonattainment areas, and across the State, continue to experience disproportionately high levels of air pollution and the resulting detrimental impacts to their health. To address longstanding environmental and health inequities from Elevated levels of criteria pollutants (and toxic air contaminants), CARB prioritizes environmental justice, incorporating racial equity, and conducting meaningful community engagement in its policy and planning efforts and programs. It is imperative to optimize California's control programs to maximize emissions reductions and provide targeted near-term benefits in those communities that continue to bear the brunt of poor air quality.

Across the agency, CARB is engaged in specific localized efforts include development of community air monitoring networks to learn about local exposures, development of a racial equity assessment lens to consider benefits and burdens of CARB programmatic work in the planning stages, continuously increasing and improving community engagement efforts, and implementation of Assembly Bill (AB) 617 (C. Garcia, Chapter 136, Statutes of 2017), known as the Community Air Protection Program. Significant progress has been made to address air pollution statewide and in local communities, and it is imperative to also ensure all Californians have access to healthy air quality.

Although this proposed action is exclusive to revision of the SIP and has no impact on the regulatory language or other aspects of the rulemakings already adopted by the Board, it is important to note that the Innovative Technology Regulation, Zero-Emission Powertrain Certification Regulation, Clean Miles Standard, Phase 2 Tractor-Trailer Amendments Regulation, and Consumer Products Amendments were designed to result in emission reductions contributing to the overall reduction of public exposure to criteria air pollutants from heavy-duty vehicles, light-duty vehicles, and consumer products throughout the state. These regulations are projected to provide air quality benefits to communities located in proximity to major freight corridors such as ports and railyards, distribution centers, truck stops, and other places where a high density of trucks operate. Many such communities are environmental justice areas that are already affected by the cumulative impact of air pollution from multiple mobile, commercial, industrial, area-wide, and other sources.

Civil Rights Policy and Discrimination Complaint Process

Under CARB's written Civil Rights Policy and Discrimination Complaint process (Civil Rights Policy), CARB has a policy of nondiscrimination in its programs and activities and implements a process for discrimination complaints filed with CARB, which is available on CARB's website. The Civil Rights Officer coordinates implementation of CARB's nondiscrimination activities, including as the Equal Employment Opportunity (EEO) Officer for employment purposes, and who can be reached at *EEOP@arb.ca.gov*, or (279) 208-7110.¹³

The Civil Rights Policy and Discrimination Complaint Process provides the following information about the nondiscrimination policy and its applicability:

It is CARB policy to provide fair and equal access to the benefits of a program or activity administered by CARB. CARB will not tolerate discrimination against any person(s) seeking to participate in, or receive the benefits of, any program or activity offered or conducted by CARB. Members of the public who believe they were unlawfully denied full and equal access to a CARB program or activity may file a civil rights complaint with CARB under this policy. This non-discrimination policy also applies to people or entities, including contractors, subcontractors, or grantees that CARB utilizes to provide benefits and services to members of the public. [. . .]

As described in the Civil Rights Policy and Discrimination Complaint Process, the Civil Rights Officer coordinates implementation of nondiscrimination activities:

CARB's Executive Officer will have final authority and responsibility for compliance with this policy. CARB's Civil Rights Officer, on behalf of the Executive Officer, will coordinate this policy's implementation within CARB, including work with the Ombudsman's Office, Office of Communications, and the staff and managers within a program or activity offered by CARB. The Civil Rights Officer coordinates compliance efforts, receives inquiries concerning non-discrimination requirements, and ensures CARB is complying with state and federal reporting and record retention requirements, including those required by Code of Federal Regulations, title 40, section 7.10 et seq.

The Civil Rights Policy and Discrimination Complaint Process also describes in detail the complaint procedure, as follows:

A Civil rights complaint may be filed against CARB or other people or entities affiliated with CARB, including contractors, subcontractors, or grantees that CARB utilizes to provide benefits and services to members of the public. The

¹³ CARB. California Air Resources Board and Civil Rights. <https://ww2.arb.ca.gov/california-air-resources-board-and-civil-rights>; Civil Rights Policy and Discrimination Compliant Process. November 1, 2016. <https://ww2.arb.ca.gov/sites/default/files/2023-01/2016-11-03%20CARB%20Civil%20Rights%20Policy%20Revised%20Final.pdf>

complainant must file his or her complaint within one year of the alleged discrimination. This one-year time limit may be extended up to, but no more than, an additional 90 days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of the one-year time limit. [. . .]

The Civil Rights Officer will review the facts presented and collected and reach a determination on the merits of the complaint based on a preponderance of the evidence. The Civil Rights Officer will inform the complainant in writing when CARB has reached a determination on the merits of the discrimination complaint. Where the complainant has articulated facts that do not appear discriminatory but warrants further review, the Civil Rights Officer, in his or her discretion, may forward the complaint to a party within CARB for action. The Civil Rights Officer will inform the complainant, either verbally or in writing, before facilitating the transfer. [. . .]

CARB will not tolerate retaliation against a complainant or a participant in the complaint process. Anyone who believes that they have been subject to retaliation in violation of this policy may file a complaint of retaliation with CARB following the procedures outlined in this policy.

There is a Civil Rights Complaint Form available¹⁴ on the webpage, which should be used by members of the public to file a complaint of discrimination against CARB that an individual believes occurred during the administration of its programs and services offered to the public. As described on CARB's webpage, for all complaints submitted, the Civil Rights Officer will review the complaint to determine if there is a prima facie complaint (which means, if all facts alleged were true, would a violation of the applicable policy exist). If the Civil Rights Officer identifies a prima facie complaint in the jurisdiction of the Civil Rights Office, the Civil Rights Office will investigate and determine whether there is a violation of the policy.

The laws and regulations that CARB implements through this policy include:

- Code of Federal Regulations, Title 40 Parts 5 and 7;
- Title VI of the U.S. Civil Rights Act of 1964, as amended;
- Section 504 of the Rehabilitation Act of 1973;
- Age Discrimination Act of 1975;
- Title IX of the Education Amendments of 1972;
- California Government Code, title 2, Division 3, Part 1, Chapter 2, Article 9.5, *Discrimination*, section 11135 et seq.; and
- California Code of Regulations, title 2, section 10000 et seq.

¹⁴ CARB. Civil Rights Complaint Form. July 2019. https://ww2.arb.ca.gov/sites/default/files/2023-01/eo_eeo_033_civil_rights_complaints_form.pdf

As part of its overarching civil rights and environmental justice efforts, CARB is in the process of updating its Civil Rights Policy and will make those publicly available once complete. These updates will reflect available U.S. EPA and U.S. Department of Justice resources for Title VI and environmental justice policies. CARB encourages U.S. EPA to issue additional guidance to further clarify Title VI requirements and expectations to assist state implementation efforts.

Staff Recommendation

CARB staff recommends the Board:

1. Adopt as a revision to the California SIP the Innovative Technology Regulation, Zero-Emission Powertrain Certification Regulation, Clean Miles Standard, Phase 2 Tractor-Trailer Amendments Regulation, and Consumer Products Amendments; and
2. Direct the Executive Officer to submit the Innovative Technology Regulation, Zero-Emission Powertrain Certification Regulation, Clean Miles Standard, Phase 2 Tractor-Trailer Amendments Regulation, and Consumer Products Amendments to U.S. EPA as a revision to the California SIP.

Appendix A - Regulatory Sections Affected

Table 2 - CARB Regulation Sections Affected

Regulation Name	CARB Regulatory Hearing Date	Sections Affected
Regulation to Provide Certification Flexibility for Innovative Heavy-Duty Engines and California Certification and Installation Procedures for Medium-and Heavy-Duty Vehicle Hybrid Conversion Systems (Innovative Technology Regulation)	10/20/2016	Amended California Code of Regulations (CCR), title 13, section 1956.8, and adopted CCR, title 13 sections 2208, 2208.1, and 2208.2.
Alternative Certification Requirements and Test Procedures for Heavy-Duty Electric and Fuel-Cell Vehicles and Proposed Standards and Test Procedures for Zero-Emission Powertrains (Zero-Emission Powertrain Certification Regulation)	6/27/2019	<p>Amended CCR, title 13, section 1956.8; amended CCR, title 17, section 95663; and documents incorporated by reference therein, as reflected in:</p> <p>“California Greenhouse Gas Exhaust Emission Standards and Test Procedures for 2014 and Subsequent Model Heavy-Duty Vehicles,” as last amended on June 27, 2019; and</p> <p>“California Standards and Test Procedures for New 2021 and Subsequent Model Heavy-Duty Zero-Emission Powertrains,” as last adopted June 27, 2019.</p>
Clean Miles Standard	5/20/2021	Adopted CCR, title 13, sections 2490, 2490.1, 2490.2, 2490.3, and 2490.4

Regulation Name	CARB Regulatory Hearing Date	Sections Affected
California Greenhouse Gas Emissions Standards for Medium- and Heavy-Duty Engines and Vehicles and Proposed Amendments to the Tractor-Trailer GHG Regulation (Phase 2 and Tractor-Trailer Amendments Regulation)	9/27/2018	Amended CCR, title 13, sections 1956.8, 1961.2, 1965, 2036, 2037, 2065, 2112, and 2141; amended CCR, title 17 sections 95300, 95301, 95302, 95303, 95304, 95305, 95306, 95307, 95311, 95662, and 95663.
Amendments to the Antiperspirants and Deodorants Regulation, the Consumer Products Regulation, the Aerosol Coating Products Regulation, the Alternative Control Plan Regulation, the Tables of Maximum Incremental Reactivity Values, and Test Method 310 (Consumer Products Amendments)	03/25/2021	Amended CCR, title 17, section 94512