

To: **Enforcement Division Staff**

From: Heather Quiros, Division Chief *HQA*

Date: February 21, 2025

Subject: Increase in Maximum Penalties Based on 2024 California Consumer Price Index

Effective immediately, California Air Resources Board (CARB) staff should reference the maximum penalties in the tables on page 2 of this memorandum when settling violations that occurred 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 2024, as reported by the California Department of Industrial Relations (DIR) on February 14, 2025, is **341.951**.<sup>2</sup> This reflects a cumulative increase of:

- **30.1%** 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.
- **25.5%** 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.

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<sup>1</sup> 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 codified in HSC 42400, et seq.

<sup>2</sup> 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.

<b>Penalty Statute (HSC §)</b>	<b>Maximum Penalty per Violation</b>
43016(a)(1)	\$48,788 \$651
43154(a)(1)	\$48,788
43154(a)(2)	\$13,010
43211(a)	\$48,788
43211(b)	\$6,505
43212(a)(1)	\$48,788

**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.

<b>Penalty Statute (HSC §)</b>	<b>Maximum Penalty per Violation</b>
42400(a)	\$6,275
42400(c)	\$18,825
42400.1(a)	\$31,375
42400.1(b)	\$125,500
42400.2(a)	\$50,200
42400.2(c)	\$313,750
42400.3(a)	\$94,125
42400.3(b)	\$156,875 \$627,500
42400.3(c)	\$313,750 \$1,255,000
42400.3.5(a)	\$12,550
42400.3.5(b)	\$43,925
42400.4(a)	\$12,550
42400.4(b)	\$12,550
42401	\$31,375

<b>Penalty Statute (HSC §)</b>	<b>Maximum Penalty per Violation</b>
42402(a)	\$6,275
42402(b)(1)	\$12,550
42402(c)	\$18,825
42402.1(a)	\$31,375
42402.1(b)	\$125,500
42402.2(a)	\$50,200
42402.2(b)	\$313,750
42402.3(a)	\$94,125
42402.3(b)	\$156,875 \$627,500
42402.3(c)	\$313,750 \$1,255,000
42402.4	\$43,925
42402.5	\$628
42410(a)	\$12,550 \$125,500