October 29, 2026 *Sent via email*

Mr. James Zabel
jimzabel3@gmail.com

Re: Petition for Rulemaking Amendment Under Government Code Section 11340.6: Amendment of California Smog Check On-Board Diagnostic II (OBD-II) Testing Regulations for Non-Emissions Diagnostic Trouble Codes

Dear Mr. Zabel:

Thank you for submitting the August 1, 2026, petition for rulemaking entitled "Petition for Rulemaking Amendment Under Government Code Section 11340.6: Amendment of California Smog Check OBD-II Testing Regulations for Non-Emissions Diagnostic Trouble Codes" to the California Air Resources Board (CARB or Board), pursuant to Government Code section 11340.6. CARB staff acknowledged receipt of the petition on August 19, 2026. CARB appreciates that you agreed to extend the deadline for response to the petition to October 31, 2026, and now responds in this letter.

The petition expresses issues about the current Smog Check program's policy to enforce an automatic failure if a vehicle's on-board diagnostic (OBD) system illuminates the malfunction indicator light (MIL), regardless of the underlying diagnostic trouble code's (DTC) nature. Specifically, the petition indicates that this policy places an undue, unfair, and disproportionate financial burden on California motorists without providing any matching environmental or air quality benefits. The petition cited the following examples as failures that do not increase emissions or degrade the performance of the catalytic converter or oxygen sensors: malfunctions related to active grill shutters, transmission temperature sensors, ambient air temperature sensors, and internal instrument cluster.

Therefore, the petition requests CARB amend its OBD II system and Smog Check testing rules to eliminate the policy that requires an automatic Smog Check failure for an illuminated MIL when the underlying DTC is unrelated to vehicle emissions. The petition proposes that the following language be added to the regulation: "A vehicle shall not fail the California Smog Check inspection solely due to an illuminated Malfunction Indicator Light, if the stored diagnostic trouble codes (DTCs) are verified by the testing equipment to be purely auxiliary, safety, or convenience-related parameters that have no direct or measurable impact on tailpipe or evaporative vehicle emissions." The petition did not identify the specific section of the California Code of Regulations to be affected, but did specify amendments to OBD II, which only covers light- and medium-duty vehicles.

At the outset, CARB does not oversee the Smog Check program, and CARB's OBD II regulation (title 13, California Code of Regulations (CCR) section 1968.2) does not dictate any requirements for Smog Check, including the pass and fail criteria. CARB's OBD II regulation establishes requirements for how the OBD II system must operate; it does not control how other agencies use the OBD II system for their programs. The Bureau of

Automotive Repair (BAR), under the Department of Consumer Affairs, is the agency in charge of the Smog Check program[1], and title 16, CCR section 3340.42.2 "Test Methods and Standards for the On-Board Diagnostic Inspection," which BAR implements, is the regulation that dictates the criteria for when a Smog Check inspection would be considered failing.

However, CARB does want to comment on why malfunctions of certain components are required to illuminate the MIL. CARB's OBD II regulation requires the OBD II system to monitor the performance of virtually all emission-related components and systems like the catalyst and the fuel system to make sure they are working properly. (See, e.g., 13 CCR 1968.2, subd. (e) and (f).) The regulation requires the system to store a DTC and illuminate the MIL when it detects a malfunction of these components or systems. (13 CCR 1968.2, subd. (d)(2).) Some emission control devices have several purposes. For example, active grill shutters are used by some manufacturers to improve aerodynamics during high-speed driving and to more quickly warm up the engine during cold starts to help reduce emissions.

To ensure a robust OBD II system, the OBD II regulation also requires monitoring of any components that are used by OBD diagnostics to make sure a malfunction of any component does not cause errors in the OBD diagnostics system itself that can result in erroneous or incorrect decisions, such as falsely calling a working emission control component bad or, conversely, falsely calling a failing emission control component good. Either of these outcomes could impact the OBD system's ability to accurately inform operators and Smog Check inspectors of the vehicle condition. These other monitored components are required to be monitored by the OBD II regulation because they can indirectly impact emissions.

For example, an ambient temperature sensor may be used by other OBD diagnostics responsible for monitoring important emission controls like the fuel evaporative system. The evaporative system leak diagnostic (which checks for emission leaks in the evaporative system) may only run when the ambient temperature sensor shows a reading that is not too hot and not too cold in order to make correct decisions on whether the evaporative system is working properly. A malfunctioning ambient temperature sensor may prevent the evaporative system leak diagnostic from operating and thus prevent detection of a fuel vapor leak in the evaporative system. Virtually all vehicles use ambient temperature sensor information in the emission control system and OBD II system to adjust or correct for the effects of ambient temperatures to achieve both low emissions and correct diagnostic decisions.

As another example, transmission malfunctions may affect the way the vehicle runs such that certain OBD diagnostics may be prevented from running. Therefore, OBD II systems

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[1] Health and Safety Code section 44002: "The department shall have the sole and exclusive authority within the state for developing and implementing the motor vehicle inspection program in accordance with this chapter."

currently have diagnostics that monitor the transmission to make sure it is working properly. The transmission temperature sensor may be used by these transmission diagnostics to determine if the transmission is malfunctioning (or functioning properly), so a malfunctioning transmission temperature sensor may prevent the transmission diagnostics from running and detecting transmission malfunctions, or falsely reporting a malfunction.

The OBD II regulation also requires MIL illumination when internal instrument cluster malfunctions occur that prevent the cluster from receiving signals from the OBD II system, specifically signals telling the instrument panel to illuminate the MIL for a malfunction detected by the OBD II system. (13 CCR 1968.2, subd. (d)(2.2.4).) This requirement is important, considering the MIL is the primary indicator to the driver of an emission-related malfunction, which is intended to motivate the driver get the malfunction fixed quickly to keep emissions on the vehicles low for as long as possible, as well as to notify the driver that the vehicle is in a condition that will fail a Smog Check inspection.

Vehicle and engine manufacturers are required to follow the OBD II regulations and follow the regulation requirements when designing their OBD II systems. Since modern vehicles include a highly integrated network of computers, sensors and actuators, manufacturers often incorporate components into the emission control system or OBD system to fine tune emission control or improve the OBD system robustness. These relationships for how a component might affect emissions or be used as part of the OBD system may not be intuitive to the outsider looking in. Accordingly, when a vehicle manufacturer designs a compliant OBD system and illuminates the MIL and stores a DTC for a particular malfunctioning component, the manufacturer has concluded that the identified component either affects emissions directly or is needed to ensure the OBD system can reliably detect malfunctions of other components that do directly affect emissions. CARB believes it is appropriate that such malfunctions are flagged for repair in Smog Check—although, again, CARB itself does not make failure determinations for the Smog Check program.

Therefore, after careful consideration of the petition and the current context of OBD regulations, for the reasons described above, CARB denies the petition in whole, pursuant to paragraph (a) of Government Code section 11340.7.

The record upon which this decision is based includes the petition, this letter, and the technical content of the OBD II regulation. CARB appreciates and welcomes your continued engagement and information sharing within these ongoing public processes to improve our programs and the achievement of our shared important policy goals.

In accordance with Government Code section 11340.7(d), a copy of this letter is being transmitted to the Office of Administrative Law for publication in the California Regulatory Notice Register. The agency contact person in this matter is Randy Reck, Senior Attorney, available at (279) 208-7585 or randy.reck@arb.ca.gov. Interested parties may obtain a copy of the petition upon request to Jennifer Simpson, Supervisor, Board Administration and Regulator Coordination Unit, jennifer.simpson@arb.ca.gov. Upon request physical copies may be obtained from 1001 I Street, Sacramento, California, 95814.

Sincerely,



Steven S. Cliff, Ph.D., Executive Officer

cc:

(via email only)

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