



# **California Smog Check Contingency Measure for the State Implementation Plan**

October 26, 2023

# SIP Contingency Measures

SIP measures held in reserve triggered if an area fails to attain or meet a milestone requirement

- Required by the Clean Air Act
- Already adopted and can take effect without further action
- Begin implementation within 60 days
- Reduce emissions within 1-2 years of being triggered



# Contingency Measure Requirements have Evolved



# CARB Opportunities for Contingency Measures are Limited

Staff evaluated CARB regulations for contingency measures opportunities



California's aggressive mobile source control programs driving to zero-emissions limit opportunities



Primarily federally regulated sources are more than half of statewide mobile source NOx emissions



California must implement measures to support expeditious attainment rather than hold them in reserve



# Contingency Measure Options Considered and Limitations

## Options

- Require more stringent standards
- Pull forward compliance deadlines
- Increase percentage sales/purchase requirements
- Enhanced testing/enforcement requirements

## Limitations

- Regulatory process takes up to five years
- Many regulations are technology forcing and most stringent in the country
- Industry/fleets need lead time to develop, manufacture, and deploy new technologies
- Going to zero is needed for attainment/climate and eliminates opportunities for contingency

# SIP Areas That Need Contingency Measures

Area	Ozone			PM2.5		
	70 ppb	75 ppb	80 ppb	12 µg/m <sup>3</sup>	15 µg/m <sup>3</sup>	35 µg/m <sup>3</sup>
Coachella Valley	✓	✓				
Eastern Kern County	✓	✓				
Mariposa County	✓					
Sacramento Metro Area	✓	✓				
San Diego County	✓	✓				
San Joaquin Valley	✓	✓	✓	✓	✓	✓
South Coast Air Basin	✓	✓		✓		
Ventura County	✓					
Western Mojave Desert	✓	✓				
Western Nevada	✓					

# California Smog Check Program

- Smog Check inspections required every two years
- Vehicles subject to Smog Check
  - 1976 and newer gas-powered vehicles
  - 1998 and newer diesel-powered vehicles 14,000 or less GVW
- 8 model-year-old and newer vehicles are currently exempt under Health and Safety Code section 44011(a)(4)(A) and (B) unless CARB finds removing the exemption is needed for the SIP
  - AB1274 amended the H&SC to include this provision in 2017
- Must pay an annual smog abatement fee, a portion of which goes to the Carl Moyer Program

# Smog Check Fees

- 7-8 model year old exempted vehicles must pay a Smog Abatement Fee of \$25
  - \$21 goes to Air Pollution Control Fund for Carl Moyer Program
  - \$4 to BAR for program administration
- Smog Check Inspection costs
  - Smog Check Certification fee - \$8.25
  - Smog inspection - \$55 on average
  - Average vehicle repairs - \$750





# Smog Check Contingency Measure

Smog Check inspection exemptions would change if triggered in an applicable nonattainment area

## First trigger

8 model years old and newer to  
7 model years old and newer

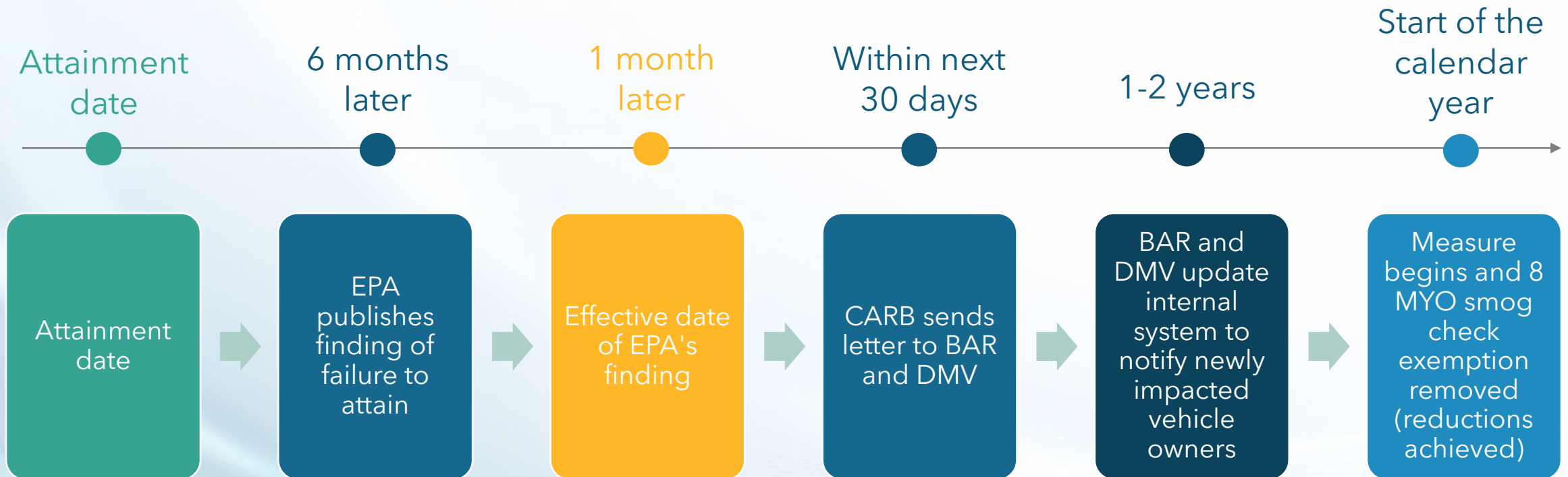
< 8 MYO → < 7 MYO

## Second trigger

7 model year old and newer to  
6 model year old and newer

< 7 MYO → < 6 MYO

# Measure Implementation





# Emissions Benefits

- Additional Smog Check inspections will identify new emissions control equipment failures and ensure they are repaired
- Reduces emissions from emissions control equipment that age over time that are repaired
- Provides benefits beyond current benefits of Smog Check program
- Real reductions from identifying additional failures providing ozone and pm benefits in communities
- Staff estimates can be found in staff report



# Environmental Justice

- Certain communities are disproportionately burdened by harmful air pollution
- CARB is committed to ensuring a healthy environment for all Californians
- Staff evaluated the proportion of impacted vehicle owners in Disadvantaged Communities (DAC) if this measure is triggered





# Equity Analysis

Analysis shows the proportion of vehicles impacted in DACs is equivalent or lower than in other areas; however, costs may place an additional burden on individual vehicle owners in DACs



Smog Check inspection cost (certification and test fees) - Relatively equivalent to two years of Smog Abatement Fee



Repair costs - Costs can be significant, though financial assistance is available for income eligible vehicle owners through the BAR Consumer Assistance program (up to \$1,200)

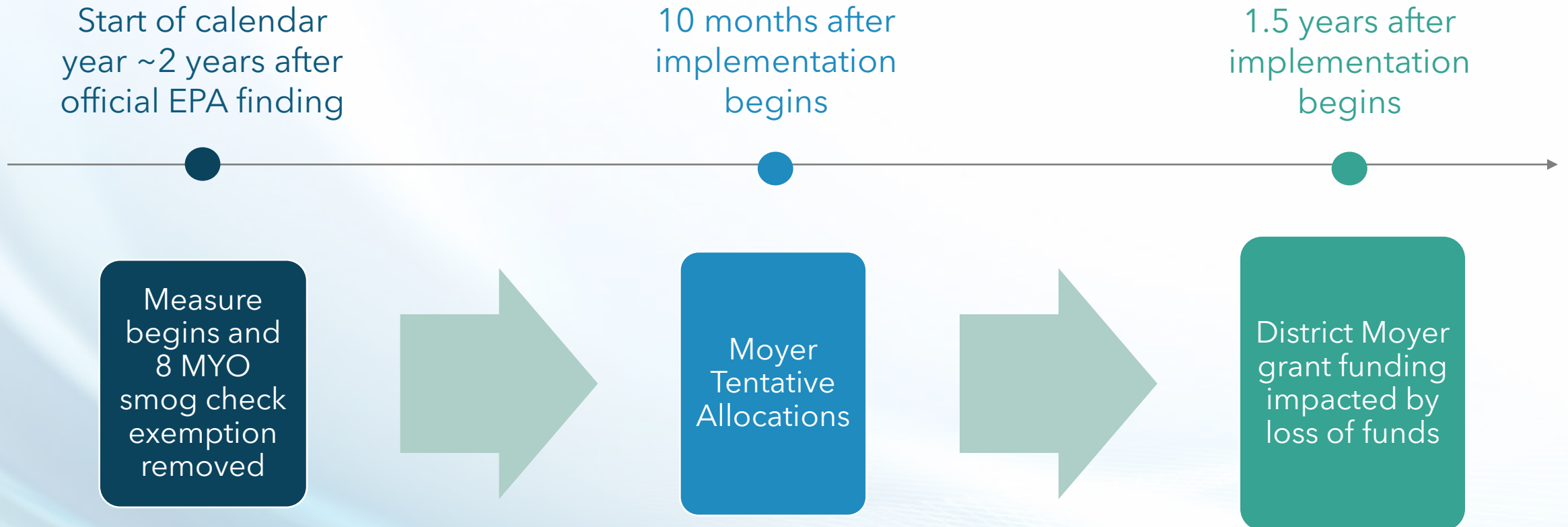


Additional time required to obtain Smog Check inspection may be difficult for those with inflexible work schedules

# Carl Moyer Program Impacts

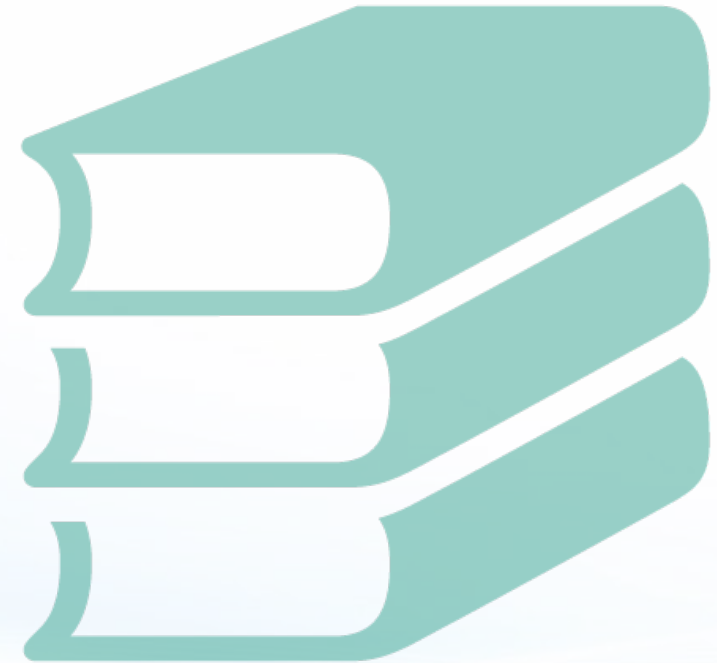
- Carl Moyer Program provides grant funding for cleaner-than-required engines, equipment, and other sources of air pollution
- Loss in Carl Moyer funding from a decrease in Smog Abatement fees collected if Contingency Measure is triggered
- Emission benefits of the Contingency Measure outweigh potential foregone emissions reductions from loss of Moyer funding

# Carl Moyer Program Impact Timeline



# Smog Check Program Approved by EPA

- EPA approved the Smog Check program in 2010
- H&SC section 44011(a)(4)(A) and (B) has not yet been submitted into the SIP
- CARB must now submit H&SC section 44011(a)(4)(A) and (B) to EPA for incorporation into the California SIP





# Public Process

- Released concept document for feedback and input on August 11, 2023
- Held a public workshop via Zoom on August 24, 2023 to present the concept and solicit comments in both English and Spanish
  - Comments were received in support of the measure, with one comment requesting examining the impacts to the Carl Moyer program more closely
- Released proposal for 30-day comment on September 15, 2023

# Public Comments

Two comments received during 30-day comment period:

- CAPCOA expressed concerns regarding the potential loss of Carl Moyer funding and impacts on disadvantaged communities and suggested that the state identify alternative funding sources to make up for any loss of Carl Moyer funding.
- The Valley Environmental Justice organizations submitted a comment requesting that the Board reject this measure and direct staff to seek a measure that would achieve more reductions.

# Staff Recommendation



Adopt the Contingency Measure for the applicable nonattainment areas and standards

Approve submittal into the California SIP of H&SC sections 44011(a)(4)(A) and (B)

Direct the Executive Officer to submit the Measure, and H&SC sections 44011(a)(4)(A) and (B), to U.S. EPA as a revision to the California SIP