

APPENDIX I

15-Day Modifications to the Original Proposal

Title 13 California Code of Regulations

CALIFORNIA REGULATIONS FOR SMALL OFF-ROAD ENGINES

Shown on the following pages are the proposed modifications to the originally proposed regulatory text set forth in Appendix A of the Staff Report: Initial Statement of Reasons, which was released October 26, 2011.

NOTE: This appendix shows staff's proposed modifications to the regulatory amendments adopted by the Air Resources Board on December 16, 2011, in accordance with Resolution 11-41. All existing regulatory language is indicated by plain type. Staff's originally proposed additions to the regulatory language, as specified in Appendix A of the Staff Report: Initial Statement of Reasons, are shown in underlined text and staff's originally proposed deletions are shown in ~~strikeout~~. Staff's incorporation of proposed modifications to the original proposal, as described in Attachment G of Resolution 11-41 and via conforming modifications thereof, and as directed by the Board on December 16, 2011, are shown in double underlined text to indicate additions and ~~double strikeout~~ text to indicate deletions. Only these double underlined and ~~double strikeout~~ 15-day modifications are subject to comment during this comment period. " * * * * " are provided for reference to indicate portions of the existing regulations for which amendments were not proposed in the original proposal and for which modifications are also not proposed with this Notice of Modified Text.

Amend sections 2403, 2404, and 2407, title 13 California Code of Regulations, to read as follows:

§ 2403. Exhaust Emission Standards and Test Procedures—Small Off-Road Engines

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(b)(2)(B) The following voluntary exhaust emission standards, which apply to all certification and compliance testing. Blue Sky Series engines shall not be included in the averaging, banking, and trading program. Zero-emission small off-road equipment may certify to the Blue Sky Series emission standards. Manufacturers of zero-emission small off-road equipment are not required to perform emissions testing, but must file an application of certification and comply with the administrative requirements outlined as applicable, in the “California Exhaust Emission Standards and Test Procedures for 2005-2012 and Later Small Off-Road Engines,” adopted July 26, 2004, and as last amended February 24, 2010 <insert date of amendment>; or, the collective “California Exhaust Emission Standards and Test Procedures for New 2013 and Later Small Off-Road Engines; Engine-Testing Procedures (Part 1054),” adopted <insert date of adoption>; and, the “California Exhaust Emission Standards and Test Procedures for New 2013 and Later Small Off-Road Engines; Engine-Testing Procedures (Part 1065),” adopted <insert date of adoption>, ~~“California Exhaust Emission Standards and Test Procedures for 2013 and Later Small Off-Road Engines,” adopted <insert date of adoption>~~, to certify their equipment for sale in California.

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(d) The test procedures for determining compliance with the standards for exhaust emissions from new small off-road engines are set forth as applicable, in the “California Exhaust Emission Standards and Test Procedures for 1995-2004 Small Off-Road Engines,” adopted March 20, 1992, and last amended July 26, 2004; ~~or the~~ “California Exhaust Emission Standards and Test Procedures for 2005-2012 and Later Small Off-Road Engines,” adopted July 26, 2004, and last amended February 24, 2010 <insert date of amendment>; or, the collective “California Exhaust Emission Standards and Test Procedures for New 2013 and Later Small Off-Road Engines; Engine-Testing Procedures (Part 1054),” adopted <insert date of adoption>; and, the “California Exhaust Emission Standards and Test Procedures for New 2013 and Later Small Off-Road Engines; Engine-Testing Procedures (Part 1065),” adopted <insert date of adoption>, ~~“California Exhaust Emission Standards and Test Procedures for 2013 and~~

~~Later Small Off-Road Engines,” adopted <insert date of adoption>,” which is~~are incorporated herein by reference.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43102 and 43104, Health and Safety Code. Reference: Sections 43013, 43017, 43018, 43101, 43102, 43104, 43150-43154, 43205.5 and 43210-43212, Health and Safety Code.

§2404. Emission Control Labels and Consumer Information - 1995 and Later Small Off-Road Engines.

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(c) Engine Label Content and Location.

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(4) The engine label must contain the following information:

(A) The label heading must read: “IMPORTANT ENGINE INFORMATION”; or “IMPORTANT EMISSION INFORMATION”; or “EMISSION CONTROL INFORMATION”.

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NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43102 and 43104, Health and Safety Code. Reference: Sections 43013, 43017, 43018, 43101, 43102, 43104, 43150-43154, 43205.5 and 43210-43212, Health and Safety Code.

§ 2407. New Engine Compliance and Production Line Testing–New Small Off-Road Engine Selection, Evaluation, and Enforcement Action.

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(a)(7) Engines randomly chosen from the selected engine family or subgroup. Each chosen engine must be tested as applicable, according to the “California Exhaust Emission Standards and Test Procedures for 1995-2004 Small Off-Road Engines” (“Emission Standards and Test Procedures”), adopted March 20, 1992, and last amended July 26, 2004; or the “California Exhaust Emission Standards and Test Procedures for 2005-2012 and Later Small Off-Road Engines,” adopted July 26, 2004, and last amended <insert date of amendment>; or, the collective “California Exhaust Emission Standards and Test Procedures for New 2013 and Later Small Off-Road Engines; Engine-Testing Procedures (Part 1054).” adopted <insert date of adoption>:

and, the “California Exhaust Emission Standards and Test Procedures for New 2013 and Later Small Off-Road Engines; Engine-Testing Procedures (Part 1065),” adopted <insert date of adoption> “California Exhaust Emission Standards and Test Procedures for 2013 and Later Small Off Road Engines,” adopted <insert date of adoption> as applicable, to determine its emissions. Unique specialty hardware and personnel normally necessary to prepare the engine for performance of the test as set forth in the Procedures must be supplied by the engine manufacturer within seven days after the request for such specialty hardware or personnel. Failure to supply this unique specialty hardware or personnel may not be used by the engine manufacturer as a cause for invalidation of the subsequent tests.

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NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43102 and 43104, Health and Safety Code. Reference: Sections 43013, 43017, 43018, 43101, 43102, 43104, 43150-43154, 43205.5 and 43210-43212, Health and Safety Code.