

State of California
California Environmental Protection Agency
AIR RESOURCES BOARD

Addendum to the Final Statement of Reasons for Rulemaking, Including Summary of Comments and Agency Response for the Technical Status and Revisions to On-Board Diagnostic System Requirements for Heavy-Duty Engines, Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles and Engines

Public Hearing Date: August 23, 2012
Agenda Item No.: 12-5-2

I. Background

On June 27, 2013, the Air Resources Board (ARB) submitted a Final Rulemaking Package, amending sections 1968.2, 1968.5, 1971.1, and 1971.5, title 13, California Code of Regulations (CCR), to California's Office of Administrative Law (OAL) for its review and approval, OAL Regulatory Action No. 2013-0627-02S. In the course of its review, OAL requested additional information and clarification of some points.

II. Alternatives Analysis

ARB determined, based on supporting information in the file, that no alternative considered by the agency would be more effective in carrying out the purpose for which the regulation was proposed, would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

III. Summary of 45-Day Comment

ARB inadvertently failed to completely respond to Comment Number 21, on page 19 of the Final Statement of Reasons from EMA.

Comment: First, it based its cost estimates on manufacturers' nationwide sales of engines and vehicles, which is misleading and improper since this is a California rule.

Response: Staff based the cost estimates on nationwide sales of engines and vehicle because it is assumed that heavy-duty engine manufacturers will produce an engine that will be sold nationwide and that complies with both California and federal regulations. The U.S. EPA's regulation directly allows acceptance of HD OBD systems that have been certified to California's HD OBD regulation, and generally all heavy-duty manufacturers have chosen this path for certification. The manufacturer will most likely not produce engines that will apply only to California and then produce other engines that will apply to the rest of the states, since it is not cost effective. So staff believes it is reasonable to calculate the incremental costs per engine based on nationwide sales.