

State of California
AIR RESOURCES BOARD

Addendum to the Final Statement of Reasons for Rulemaking

PUBLIC HEARING TO CONSIDER THE PROPOSED AMENDMENTS TO THE
EVAPORATIVE EMISSION REQUIREMENTS FOR SMALL OFF-ROAD ENGINES

Public Hearing Date: November 17, 2016

Agenda Item No.: 16-10-2

Addendum Prepared: November 9, 2017

I. GENERAL

A. Background

On September 29, 2017, the Air Resources Board (ARB or Board) submitted the Final Statement of Reasons (FSOR) for the rulemaking action entitled “Public Hearing to Consider the Proposed Amendments to the Evaporative Emission Requirements For Small Off-Road Engines,” to the Office of Administrative Law (OAL) for its review and approval.

In the course of its review, OAL noted that several non-substantial modifications were required to correct errors in cross-references to the Code of Federal Regulations (CFR), improve readability of sentences, and correct grammar and punctuation. Those modifications are described below.

B. Non-Substantial Modifications

The following non-substantial modifications were made to the regulation order:

- Corrections to punctuation, capitalization and grammar were made throughout the regulation order.
- Corrections to terminology (e.g., the use of “subsection” instead of “paragraph,” “evaporative emission standards” instead of “performance standards,” “Article” instead of “part”) were made throughout the regulation order.
- Corrections to underlining and strikethrough notation of the text were made throughout the regulation order.
- Where the phrases “this section” and “this subsection” occur, the section or subsection number was deleted if it had been included after “this section” or “this subsection.”
- The definition of “equivalent fuel line” in section 2752(a)(5) was modified to refer to the fuel defined in 40 CFR Part 1060.515(a)(2) rather than the fuel defined in 40 CFR Part 1065.710(b). A similar modification was made in section 2754(b)(2). These modifications were made to correct a cross-reference error, as ARB’s intent was to allow the fuel required by the United States Environmental Protection

Agency (U.S. EPA) to be used for fuel line testing to meet ARB's requirements. See, e.g., Staff Report: Initial Statement of Reasons, September 27, 2016, p. 28 ["allowing CE10 and the fuel defined [in the erroneous citation to the Code of Federal Regulations] as test fuels provides flexibility for manufacturers who have historically used these fuels or who are seeking certification with U.S. EPA for their fuel lines"].

- The word "figures" was replaced with the word "digits" in Footnote 2 to Table 1 in section 2754(a). This change was made to be consistent with other occurrences of the phrase "significant digits" throughout the regulation order.
- A reference to section 2766 was corrected to refer to section 2767 in Footnote 3 to Table 1 in section 2754(a).
- The word "manufacturers" was replaced with the word "applicants" in section 2754(b)(2) for consistency with the usage of "applicants" when referring to entities applying for certification.
- The phrase "for each model in an evaporative family" was deleted in the first sentence of section 2754.1(b)(5). This phrase was removed in 15-day changes but inadvertently was not shown as deleted in the final regulation order submitted to OAL.
- The word "sales" was deleted in the first sentence of section 2754.1(h)(1). This word was removed in 15-day changes but inadvertently was not shown as deleted in the final regulation order submitted to OAL.
- Section 2754.2 was removed from the list of sections to amend and from final regulation order because no modifications were made to that section in this rulemaking.
- The table in section 2756 was modified to clarify that fuel caps for all small off-road engines > 80 cc must meet the requirements of subsections (a), (b), and (c) effective beginning model year 2020. This modification is consistent with the intent of the amendments to section 2756 as described in the "Notice of Public Availability of Modified Text and Availability of Additional Documents" published on May 23, 2017, p. 5.
- The clause "but (Holder's name) cannot deny warranty solely for the lack of receipts," was modified to read "but (Holder's name) cannot deny warranty coverage solely for the lack of receipts," to increase clarity.
- The word "manufacturer" was replaced with the word "Holder" in section 2765(a)(10) for consistency with the usage of "Holder" as defined in section 2752(a)(13) when referring to the person to whom an Executive Order of Certification is issued.
- The last sentence of section 2765(b) was reworded for readability to increase clarity without changing its meaning.
- The list of actions required for reinstatement of an Executive Order of Certification under section 2765(c)(5) was reordered to clarify that appealing a suspension is an alternative to taking the other actions

listed. This is consistent with the intention described in the “Notice of Public Availability of Modified Text and Availability of Additional Documents” published on May 23, 2017, p. 6.

- “Product” was replaced with “innovative product” in Section 2767(e) to be consistent with the usage of “innovative product” throughout section 2767.
- The numbering of the citation to hearing procedures in section 2767(g) was corrected.
- Section 2771(c)(2)(B) was modified to clarify which documents must be provided in a request for review of the Executive Officer’s decision to deny, suspend or revoke an Executive Order, since no Executive Order could be provided if certification were denied.
- Section 2774(j)(2) was modified to refer to “warranty requirements in section 2760” rather than “repair network provisions of section 2760” because repair network provisions are not described in section 2760.
- The authority and reference citations for section 2774 were added to the regulation order.

The following non-substantial modifications were made to TP-901:

- The reference to the fuel specified in section 6 as an alternative to LEV III Certification Gasoline was modified to read “the gasoline defined in 40 CFR Part 1060.520(e)” instead of “the fuel defined in 40 CFR Part 1065.710(b) for general testing.” This modification was made to correct a cross-reference error, as ARB’s intent was to allow the fuel required by U.S. EPA to be used for fuel tank testing to meet ARB’s requirements.