

State of California  
AIR RESOURCES BOARD

**Second Notice of Public Availability of Modified Text and  
Availability of Additional Documents**

**PROPOSED REVISIONS TO ON-BOARD DIAGNOSTIC SYSTEM REQUIREMENTS,  
INCLUDING THE INTRODUCTION OF REAL EMISSIONS ASSESSMENT LOGGING,  
FOR HEAVY-DUTY ENGINES, PASSENGER CARS, LIGHT-DUTY TRUCKS, AND  
MEDIUM-DUTY VEHICLES AND ENGINES**

Public Hearing Date: November 15, 2018  
First Public Availability Dates: June 4, 2019 – June 19, 2019  
Second Public Availability Date: July 19, 2019  
Deadline for Public Comment: August 5, 2019

At its November 15, 2018, public hearing, the California Air Resources Board (CARB or Board) approved for adoption proposed amendments to sections 1968.2, 1971.1, and 1971.5, Title 13 California Code of Regulations. The proposed amendments would update monitoring requirements for gasoline and diesel engines, incorporate new requirements to assist in the introduction of Real Emissions Assessment Logging (REAL) (e.g., adding more data parameters required to be tracked and reported by the engine/vehicle), modify manufacturer self-testing requirements to address manufacturers' workload issues, and clarify the regulations.

The Board directed the Executive Officer to determine if additional conforming modifications to the regulation were appropriate and to make any proposed modified regulatory language available for public comment, with any additional supporting documents and information, for a period of at least 15 days as required by Government Code section 11346.8. The Board further directed the Executive Officer to consider written comments submitted during the public review period and make any further modifications that are appropriate available for public comment for at least 15 days, and present the regulation to the Board for further consideration if warranted, or take final action to adopt the regulation after addressing all appropriate modifications.

The resolution and all other regulatory documents for this rulemaking are available online at the following CARB website:

<http://www.arb.ca.gov/regact/2018/hdobd18/hdobd18.htm>

This notice is an announcement of the opening of a second 15-day comment period in which the public may provide comments on proposed modifications. The text of the modified regulatory language for the heavy-duty on-board diagnostic (HD OBD) regulation, section 1971.1, is shown in Attachment A. The text of the modified

regulatory language for the light-duty and medium-duty on-board diagnostic (OBD II) regulation, section 1968.2, is shown in Attachment B. The originally proposed regulatory language that was made available by the 45-day notice on September 25, 2018, is shown in single underline to indicate additions and ~~single-strikeout~~ to indicate deletions. The proposed modifications to the regulatory language that were made available by the first 15-day notice on June 4, 2019, are shown in double underline to indicate additions and ~~double-strikeout~~ to indicate deletions. New additions and deletions to the proposed language that are made public with this notice are shown in **bold italic double underline** and ~~**bold italic double underline**~~, respectively.

In the Final Statement of Reasons, staff will respond to all comments received on the record during the comment periods. The Administrative Procedure Act requires that staff respond to comments received regarding all noticed changes. Therefore, staff will only address comments received during this 15-day comment period that are responsive to this notice, documents added to the record, or the changes detailed in the attachments.

### **Summary of Proposed Modifications**

The following summary does not include all modifications to correct typographical or grammatical errors, changes in numbering or formatting, nor does it include all of the non-substantive revisions made to improve clarity.

#### **Modifications to HD OBD Regulation (section 1971.1) and OBD II Regulation (section 1968.2)**

1. Sections 1971.1(c), 1971.1(j)(2.6.2), 1971.1(j)(2.26), 1968.2(d)(6.2), 1968.2(d)(6.4), and 1968.2(i)(2.32): The definitions of “auxiliary emission control device (AECD),” “engine family,” “FTP cycle,” “Not-To-Exceed (NTE) control area,” “manufacturer-specific NOx NTE carve-out area,” “manufacturer-specific PM NTE carve-out area,” “NTE deficiency,” and “Supplemental Emission Test (SET) cycle” in section 1971.1(c) and the other sections listed above were modified to include language indicating that the Code of Federal Regulations (CFR) sections mentioned in each section are incorporated by reference. These terms are not new to this regulation as they have been adopted previously in their respective sections of the CCR (as well as discussed in Chapter II of the Initial Statement of Reasons) but it is necessary to incorporate them now to ensure the correct definitions are being applied to this regulation.
2. Section 1971.1(j)(2.26) and 1968.2(i)(2.32): The reference to “40 CFR Part 86, Appendix I” has been modified to “40 CFR Part 86, Appendix I (d)” for more specificity and clarity and to match the section number stated in section 1971.1(j)(2.6.2).

### **Additional Documents Incorporated by Reference to be added to the Record**

There were several documents that were included in the originally proposed regulation text but were mistakenly not included in the list of documents incorporated by reference in the 45-day notice. Therefore, in the interest of completeness, staff is including these documents in the rulemaking record and invites comments on the following:

- 40 CFR 86.082-2, as it existed on January 25, 2018
- 40 CFR 86.094-2, as it existed on January 25, 2018
- 40 CFR 86.096-24, as it existed on January 25, 2018
- 40 CFR 86, Appendix I, section (f)(1), as it existed on January 25, 2018
- 40 CFR 86, Appendix I, section (f)(2), as it existed on January 25, 2018
- 40 CFR 86.1370, as it existed on January 25, 2018
- 40 CFR 86.1370(b)(7), as it existed on January 25, 2018
- 40 CFR 86.007-11(a)(4)(iv), as it existed on January 25, 2018
- 40 CFR 86.1360, as it existed on January 25, 2018
- 40 CFR 86.004-28(i), as it existed on January 25, 2018
- 40 CFR 1065.680, as it existed on January 25, 2018
- 40 CFR 86, Appendix I, section (d), as it existed on July 1, 2012
- SAE International (SAE) J2534-1 – “Recommended Practice for Pass-Thru Vehicle Programming,” December 2004

These documents are available for inspection by contacting Chris Hopkins, Regulations Coordinator, at (916) 445-9564.

### **Agency Contacts**

Inquiries concerning the substance of the proposed regulation may be directed to Jason Wong, Manager, On-Board Diagnostics Program Development Section, at (626) 575-6838 or (designated back-up contact) Adriane Chiu, Air Resources Engineer, On-Board Diagnostics Program Development Section, at (626) 350-6453.

### **Public Comments**

Written comments will only be accepted on the modifications identified in this Notice. Comments may be submitted by postal mail or by electronic submittal no later than the due date to the following:

Postal mail: Clerk of the Board, California Air Resources Board  
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code § 6250 et seq.), your written and verbal comments, attachments, and associated contact information

(e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

In order to be considered by the Executive Officer, comments must be directed to CARB in one of the two forms described above and received by CARB by the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations shall be considered by the Executive Officer.

If you need this document in an alternate format or another language, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 no later than five (5) business days from the release date of this notice. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Si necesita este documento en un formato alternativo u otro idioma, por favor llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de cinco (5) días laborales a partir de la fecha del lanzamiento de este aviso. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

CALIFORNIA AIR RESOURCES BOARD

  
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Richard W. Corey  
Executive Officer

Date: *July 19, 2019*

Attachments

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see CARB's website at [www.ARB.ca.gov](http://www.ARB.ca.gov).*