

ATTACHMENT A

Modifications to the Proposed Regulation Order

Off-Highway Recreational Vehicles:

Exhaust Emission Control

Title 13, California Code of Regulations

§§ 2411, 2412, 2415, 2416, 2418, and 2419.4

**California Air Resources Board
Monitoring and Laboratory Division**

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MODIFICATIONS TO THE PROPOSED REGULATION ORDER

Note: The pre-existing regulation text is set forth below in normal type. The amendments that were initially proposed on March 5, 2019, for a 45-day public comment period are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions from the existing regulatory text. Additional proposed amendments are shown in double underline to indicate additions and ~~double-strikeout~~ to indicate deletions from the existing regulatory text.

PROPOSED AMENDMENTS TO TITLE 13, CALIFORNIA CODE OF REGULATIONS SECTIONS 2411, 2412, 2415, 2416, 2418, and 2419.4 REGARDING OFF-HIGHWAY RECREATIONAL VEHICLES AND ENGINES

Amend sections 2411, 2412, 2415, 2416, 2418, and 2419.4 in Article 3, Chapter 9, Division 3, Title 13, California Code of Regulations, to read as follows:

§ 2411. Definitions.

- (a) The definitions in Section 1900(b), Chapter 1, Division 3, Title 13 of the California Code of Regulations, apply with the following additions:
- (1) "All-Terrain Vehicle (ATV)" means any off-highway motor vehicle 50 inches (1270 mm) or less in overall width that has all of the following features and characteristics: designed to travel on four or more low pressure tires, having a single seat designed to be straddled by the operator or a single seat designed to be straddled by the operator and a seat for no more than one passenger, having handlebars for steering control, and is powered by an internal combustion engine. Width shall be exclusive of accessories and optional equipment. A golf cart, off-road sport vehicle, off-road utility vehicle, or sand car is not, for purposes of this regulation, to be classified as an all-terrain vehicle.
 - (2) "ARB Enforcement Officer" means any employee of the Air Resources Board so designated in writing by the Executive Officer of the Air Resources Board or by the Executive Officer's designee.
 - (3) "Assembly-Line Tests" are those tests or inspections which are performed on or at the end of the assembly-line.
 - (4) "Confirmatory testing" means an ARB directed follow-up emissions test and inspection of the test engine or test vehicle that had been used by the manufacturer to obtain test data for submittal with the certification application. The emissions tests can be conducted at ARB or contracted-out facilities or at the manufacturer's facility.

(5) "Crankcase Emissions" means airborne substances emitted into the atmosphere from any portion of the engine crankcase ventilation or lubrication system.

(6) "Emission Control System" includes any component, group of components, or engine modification which controls or causes the reduction of substances emitted from an engine.

(7) "End of Assembly-Line" is defined as that place where the final inspection test or quality-audit test is performed by the manufacturer.

(8) "Exhaust Emissions" means substances emitted into the atmosphere from any opening downstream from the exhaust port of an engine.

(9) "Final Calendar Quarter Production" is defined as the calendar quarter in which the production of an engine family ends.

(10) "Fuel System" means the combination of any of the following components: fuel tank, fuel pump, fuel lines, oil injection metering system, carburetor or fuel injection components, evaporative controls and all fuel system vents.

(11) "Golf Cart" means a vehicle used to convey equipment and no more than two persons, including the driver, to play the game of golf in an area designated as a golf course. Golf carts are designed to have an unladen weight of less than 1,300 pounds and carry not more than 100 pounds, excluding passengers, accessories and optional equipment. A golf cart is not used for grounds keeping or maintenance purposes.

(12) "Manufacturer" means the engine or vehicle manufacturer that applies to have the vehicle or engine certified.

(13) "Off-Highway Recreational Vehicle Engines" or "Engines" are identified as: two-stroke or four-stroke, air-cooled, liquid-cooled, gasoline, diesel, or alternate fuel powered engines or electric motors that are designed for powering off-road recreational vehicles and engines included in the following: off-road motorcycles, all-terrain vehicles, off-road sport vehicles, off-road utility vehicles, sand cars, and golf carts. All engines and equipment that fall within the scope of the preemption of Section 209(e)(1)(A) of the Federal Clean Air Act, as amended, and as defined by regulation of the Environmental Protection Agency, are specifically not included within this category.

(14) "Off-Highway Vehicle (OHV) Area" is defined as a public land area in which the riding of off-highway recreational vehicles is allowed. These areas are managed by public land agencies, such as the California Department of Parks and Recreation, the Bureau of Land Management, the United States Forest Service, cities, counties, and other jurisdictions.

(15) "Off-Road Equipment and Vehicle" means any non-stationary device, powered by an internal combustion engine or electric motor, used primarily off the highways, to propel, move, or draw persons or property including any device propelled, moved, or drawn exclusively by human power, and used in, but not limited to the following applications: Marine Vessels, Construction/Farm Equipment, Locomotives, Utility engines and Lawn and Garden Equipment, Off-Road Motorcycles, and Off-Highway Vehicles.

(16) "Off-Road Motorcycle" means any two- or three-wheeled vehicle equipped with an internal combustion engine and weighing less than 1,499 pounds. An off-road motorcycle is primarily designed for use off highways. These vehicles are mainly used for recreational riding on dirt trails but are not limited to this purpose.

(17) "Off-Road Sport Vehicle" means any off-highway motor vehicle that has all of the following features and characteristics: designed to travel on four wheels, having bench or bucket seating for one or more persons, having a steering wheel for steering control, designed for operation over rough terrain, having a rear payload not exceeding 600 pounds, having an internal combustion engine with a displacement less than or equal to one liter, and is capable of speeds 25 miles per hour or more. Vehicles otherwise meeting the definition for sand cars but powered by an engine with a displacement less than or equal to one liter are considered off-road sport vehicles.

(18) "Off-Road Utility Vehicle" means any off-highway motor vehicle that has all of the following features and characteristics: designed to travel on four or more wheels, having bench or bucket seating for two or more persons, having a steering wheel for steering control, designed for operation over rough terrain, having an internal combustion engine with a displacement less than or equal to one liter, having a maximum brake power less than or equal to 30 kilowatts, capable of speeds 25 miles per hour or more, and having either 1) a rear payload of 350 pounds or more, or 2) seating for six or more passengers.

(19) "Sand Car" means any off-highway motor vehicle that has all of the following features and characteristics: designed to travel on four wheels, having bench or bucket seating for one or more persons, having a steering wheel for steering control, designed primarily for operation over sand dunes, and is powered by an internal combustion engine with a displacement greater than one liter. Vehicles otherwise meeting the criteria in the previous sentence that are powered by an engine with a displacement less than or equal to one liter are considered off-road sport vehicles.

(20) "Scheduled Maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of components or systems required by the manufacturer which is performed on a periodic basis to prevent part failure or equipment or engine malfunction, or anticipated as necessary to correct an overt indication of malfunction or failure for which periodic maintenance is not appropriate.

(21) "Ultimate Purchaser" means the first person who in good faith purchases or leases a new engine, vehicle, or piece of equipment for purposes other than resale.

(22) "Unscheduled Maintenance" means any inspection, adjustment, repair, removal, disassembly, cleaning, or replacement of components or systems which is performed to correct or diagnose a part failure which was not anticipated.

(23) "Vehicle Identification Number (VIN)" means an alpha numeric code which has been permanently assigned by the manufacturer to a vehicle. The VIN is unique to each vehicle and may contain information deemed necessary by governing agencies. If a manufacturer cannot obtain a federal VIN from the National Highway Traffic Safety Administration for their vehicles, an alternative VIN approved by the Executive Officer of the Air Resources Board may be used. Unless otherwise noted, the VIN and alternate VIN will follow formats specified in the Code of Federal Regulations 49, Chapter V, Parts 565, 566, and 571, which are incorporated herein by reference.

(24) "Zero Emission Off-Road Vehicle" means any vehicle which produces zero exhaust emissions of any criteria pollutant under any and all possible operational modes. Zero emission off-road vehicles shall have performance characteristics that are similar to an internal combustion engine off-highway recreational vehicle of comparable size and intended application, and shall not include golf carts, bicycles, or children's toys.

Note: Authority cited: Sections 39600, 39601, 43013, 43018, 43101 and 43107, Health and Safety Code. Reference: Sections 43013, 43018, 43101 and 43107, Health and Safety Code.

§ 2412. Emission Standards and Test Procedures – New Off-Highway Recreational Vehicles and Engines.

(a) This section applies to all off-highway recreational vehicles and engines used in such vehicles produced on or after January 1, 1997.

(b) For purposes of certification in California, manufacturers must comply with the following exhaust and evaporative emissions from new off-highway recreational vehicles and engines that are sold, leased, used, or introduced into commerce in California.

(1) Exhaust emissions must not exceed:

Exhaust Emission Standards Based on Chassis-Based Testing

<i>Vehicle & Model Year</i>	<i>Model Year</i>	<i>Hydro-carbon (HC)</i>	<i>Oxides of Nitrogen (NO_x)</i>	<i>Carbon Monoxide (CO)</i>	<i>Particulate Matter⁽⁴⁾</i>
Off-Road Motorcycles and All-Terrain Vehicles with Engines Greater Than 90 cc ⁽¹⁾	<u>1997 and Later through 2021 (g/km)⁽²⁾</u>	1.2 ⁽³⁾	-	15.0	-
<u>Off-Road Motorcycles 2022 and later (g/km)</u>	<u>2022 through 2027 (g/km)⁽²⁾</u>	<u>2.0 HC + NO_x⁽³⁾</u>		<u>25.0</u>	
	<u>2028 and later (g/km)⁽²⁾</u>	<u>1.2⁽³⁾</u>		<u>15.0</u>	
Off-Road motorcycles and All-Terrain Vehicles with Engines 90 cc ⁽¹⁾ or Less <u>1999 and Later (g/km)</u>	<u>1999 through 2021 (g/km)</u>	1.2 ⁽³⁾	-	15.0	-
Off-Road Motorcycles and All-Terrain Vehicle Option: 1997 and Later Vehicles with Engines Greater Than 90 cc ⁽¹⁾ , and 1999 and Later Vehicles with Engines 90 cc ⁽¹⁾ or Less		Vehicles and engines that do not meet the emissions standards noted above may be certified subject to the use restrictions described in subsection (f) below.			
Off-Road Sport Vehicles and Off-Road Utility Vehicles <u>2007 and Later (g/km)</u>	<u>2007 through 2021 (g/km)</u>	1.2 ⁽³⁾	-	15.0	-
<u>All-Terrain Vehicles, Off-Road Sport Vehicles, Off-Road Utility Vehicles</u>	<u>2022 through 2024 (g/km)⁽²⁾</u>	<u>1.1⁽³⁾</u>		<u>15.0</u>	
	<u>2025 through 2027 (g/km)⁽²⁾</u>	<u>1.0⁽³⁾</u>		<u>15.0</u>	
	<u>2028 and later (g/km)⁽²⁾</u>	<u>0.9⁽³⁾</u>		<u>15.0</u>	
Sand Cars <u>2007 and Later (g/km)</u>		1.2 ⁽³⁾	-	15.0	-

1. Cubic centimeters.
2. Grams per kilometer.
3. Compliance with the applicable 1.2 grams per kilometer HC and 2.0 grams per kilometer HC + NO_x standards to be applied as "corporate average" shall be determined as provided in subsections (d). Each engine family shall have only one applicable standard.
4. Applicable to diesel and two-stroke spark ignited engines only.

Emission Standards Based on Optional Engine-Based Testing⁽¹⁾

<i>Vehicle & Model Year</i>	<i>Hydrocarbon plus Oxides of Nitrogen (HC + NO_x)</i>	<i>Carbon Monoxide (CO)</i>	<i>Particulate Matter⁽⁵⁾</i>
All-Terrain Vehicles with engines less than 225 cc⁽²⁾ 1997 and Later (g/kW-hr)⁽³⁾	16.1 ⁽⁴⁾	400	-
All Terrain Vehicles with engines greater than or equal to 225 cc 1997 and Later (g/kW-hr)	13.4 ⁽⁴⁾	400	-
Off-Road Sport Vehicles and Off-Road Utility Vehicles 2007 and Later (g/kW-hr)	12.0 ⁽⁴⁾	400	-
Sand Cars 2007 and Later (g/kW-hr)	13.4 ⁽⁴⁾	400	-

1. All-Terrain Vehicles, Off-Road Sport Vehicles, Off-Road Utility Vehicles, and Sand Cars may use the utility test procedures set forth in the "California Exhaust Emission Standards and Test Procedures for 1995-2004 Small Off-Road Engines," as incorporated by reference in CCR, title 13, section 2403(d). The test cycle is limited to the 6-mode Test Cycle A only.
2. Cubic centimeters.
3. Grams per kilowatt-hour.
4. Compliance with the optional HC+NO_x standard to be applied as a "corporate average" shall be determined as provided in subsection (d). Each engine family shall have only one applicable standard.
5. Applicable to diesel and two-stroke spark ignited engines only.

(2) Evaporative emissions. With the exception of vehicles certified solely with compression-ignition engines, evaporative emissions must not exceed:

Evaporative Emissions			
<i>Vehicle & Model Year</i>	<i>Emission Component</i>	<i>Permeation Standard</i>	<i>Test Temperature</i>
ALL Off-Highway Recreational Vehicles 2008 and Later g/m²/day⁽¹⁾	Fuel Tank Permeation	1.5	28 °C (82 °F)
	Hose Permeation	15.0	23 °C (73 °F)

1. Grams per square meter per day.

(c)(1) The test procedures for determining certification and compliance with the standards for exhaust and evaporative emissions from new off-highway recreational vehicles are set forth in "California Exhaust Emission Standards and Test Procedures for 1997 and Later Off-Highway Recreational Vehicles and Engines," adopted November 22, 1994, and last amended ~~October 25, 2012~~ [Insert Amended Date], which are hereby incorporated by reference and which in turn incorporate by

reference Subparts E and F of Part 86, and Subparts A, B, C, F and I of Part 1051, Title 40, Code of Federal Regulations. Manufacturers of the following are not required to perform emissions testing, but must file an application of certification and comply with the administrative requirements outlined in the procedures to certify their vehicles for sale in California:

- (A) Golf carts,
- (B) Off-road motorcycles and all-terrain vehicles, and engines used in such vehicles, for model years 2021 or earlier, as described in subsection (f) below.

(2) The test procedures for determining certification and compliance with the standards for exhaust emissions from all-terrain vehicle, off-road sport vehicle, off-road utility vehicle, and sand car engines (those engines utilizing the engine-based optional standards noted in (b) above) are set forth in “California Exhaust Emission Standards and Tests Procedures for 1995-2004 Small Off-Road Engines,” adopted March 20, 1992, and as last amended July 26, 2004, which is hereby incorporated by reference. For 2013 and later model years, the test fuel requirements for engines utilizing such optional standards are specified in s1065.701, of the “California Exhaust Emission Standards and Test Procedures for New 2013 and Later Small Off-Road Engines; Engine-Testing Procedures (Part 1065),” adopted October 25, 2012, which is hereby incorporated by reference.

(d)(1) For chassis-based testing, compliance with a standard to be applied as a “corporate average” shall be determined as follows:

$$\frac{\sum_{j=1}^n (PROD)_{jx} (STD)_{jx}}{\sum_{j=1}^n (PROD)_{jx}} = STD_{ca}$$

- n = Off-highway recreational vehicle engine families.
- $PROD_{jx}$ = Number of units in engine family j produced for sale in California in model year x
- STD_{jx} = The manufacturer designated HC exhaust emission standard for engine family j in model year x , which shall be determined by the manufacturer subject to the following conditions: (1) no individual engine family exhaust emissions standard shall exceed 2.510 g/km HC or 20 g/km HC+NOx, and (2) no engine family designation or engine family exhaust emission standard shall be amended in a model year after the engine family is certified for the model year, and (3) prior to sale or offering for sale in California, each engine family shall be certified in accordance with “California Exhaust Emissions Standards and Test Procedures for 1997 and Later Off-Highway Recreational Vehicles and Engines” adopted November 22, 1994 and as last amended ~~October 25, 2012~~ [Insert Amended Date], and emission standard as a condition of the certification Executive Order. Prior to certification the manufacturer shall also submit estimated production volumes for each engine family to be offered for sale in California.
- STD_{ca} = A manufacturer’s corporate average HC exhaust emissions from those California off-highway recreational vehicles subject to the California corporate average HC exhaust emissions standard, as established by an Executive Order certifying the California production for the model year. This order must be obtained prior to the issuance of certification Executive Orders for individual engine families for the model year and shall include but not be limited to the following requirements in subsection (e) below:

(A) For purposes of calculating the “corporate average,” zero emission off-road vehicles shall be assigned an HC or HC + NOx exhaust emission standard of negative 1 (-1).

(2) For the optional engine-based testing, compliance with a standard to be applied as a “corporate average” shall be determined as follows:

$$\sum_{j=1}^n \frac{(FEL_j)(Sales_j)(Power_j)(Load Factor)(EDP_j)}{(Sales_j)(Power_j)(Load Factor)(EDP_j)} = STD_{ca}$$

where

- n = the number of small off-road engine families.
- FEL = the Family Emission Level for an engine family.
- Sales_j = the eligible sales of engine family j.
- Power_j = the sales-weighted maximum modal power (in kilowatts) of engine family j, or an alternative approved by the Executive Officer.
- EDP_j = the Emissions Durability Period of engine family j.
- Load Factor = the Load Factor is 47% (i.e., 0.47).
- STD_{ca} = A manufacturer's corporate average HC+NO_x exhaust emissions from those California off-highway recreational vehicles subject to the California corporate average HC+NO_x exhaust emissions standard, as established by an Executive Order certifying the California production for the model year. This order must be obtained prior to the issuance of certification Executive Orders for individual engine families for the model year and shall include but not be limited to the following requirements in subsection (e) below:

(e)(1) During the manufacturer's production year, for each vehicle produced for sale in California, the manufacturer must provide the following information to the Executive Officer within 30 days after the last day in each calendar quarter:

- (A) vehicle identification numbers and an explanation of the identification code if applicable;
- (B) model number and engine size of vehicle;
- (C) the total number of vehicles marketed and produced for sale in California and their applicable designated emissions standards.

(2) The manufacturer's average HC or HC+NO_x exhaust emissions, as applicable, shall meet the corporate average standard at the end of the manufacturer's production for the model year.

(3) Production and sale of vehicles which result in non-compliance with the California standard for the model year shall cause a manufacturer to be subject to civil penalties, according to applicable provisions of the Health and Safety Code. All excess emissions resulting from non-compliance with the California standard shall be made up in the following model year.

(4) For a period of up to one year following the end of the model year, for each model the manufacturer shall submit California sales and registration data as it becomes available.

(f) Off-road motorcycles and ATVs of model years 2003 through 2021, and engines used in such vehicles, that do not meet the emissions standards in subsection (b) above may operate only during certain periods of time at certain off-highway vehicle (OHV) riding areas until January 1, 2025. Section 2415 of this Article lists these California OHV

riding areas and their associated riding seasons for off-highway recreational vehicles that are subject to use restrictions.

(g)(1) On or after January 1, 1997, no new engines greater than 90 cc may be produced for sale to replace off-road motorcycles, all-terrain vehicles and engines used in such vehicles, unless those engines comply with the emission control standards in effect at the time of replacement.

(2) On or after January 1, 1997, manufacturers may not produce for sale in federal ozone non-attainment areas of California new, non-zero emission engines for golf carts.

(3) On or after January 1, 1999, no new engines 90 cc or less may be produced for sale to replace off-road motorcycle and all-terrain vehicle engines, unless those engines comply with the emission control standards in effect at the time of replacement.

(4) On or after January 1, 2007, no new engines may be produced for sale to replace engines in off-road sport vehicles, off-road utility vehicles, or sand cars, unless those engines comply with the emission control standards in effect at the time of replacement.

(h) The Executive Officer may find that any off-highway recreational vehicles or engines used in such vehicles certified to comply with California emission standards and test procedures for on-road or other off-road applications are in compliance with these regulations.

(i) No crankcase emissions shall be discharged into the ambient atmosphere from the following vehicles, or from engines used in such vehicles:

- (1) 1997 and later off-road motorcycles, all-terrain vehicles, golf carts;
- (2) 2007 and later off-road sport vehicles, off-road utility vehicles, and sand cars.

Note: Authority cited: Sections 39600, 39601, 43013, 43018 and 43107, Health and Safety Code. Reference: Sections 43013, 43018, 43102, 43104 and 43107, Health and Safety Code.

§ 2415. California Off-Highway Vehicle Areas and Riding Season for Off-Highway Recreational Vehicles with Use Restrictions.

(a) The following table lists public off-highway vehicle (OHV) areas in California that are designated for off-highway recreational vehicle operation. Although not every type of off-highway recreational vehicle may be eligible to operate at every OHV area due to restrictions by the designated Public Land Management Agency other than this section, vehicles that meet the emission standards in section 2412(b) are not subject to the riding season restrictions noted below. Model year 2003 ~~and later~~ through 2021 off-road motorcycles and ATVs that are certified pursuant to section 2412(c)(1)(B) are permitted to operate in the public areas designated for OHV use noted below, only during the applicable riding seasons noted. This table contains the following information: Public Land Management entities, OHV riding area names, and the applicable riding seasons. The OHV areas are listed in order of location, from north to south.

Table 1
OHV Areas and Their Riding Seasons for Vehicles With Use Restrictions

Public Land Management Ranger District: United States Forest Service Field Office: Bureau of Land Management State Vehicular Recreation Area (SVRA); California State Parks	<i>Riding Areas</i> OHV Area Name	<i>Beginning</i>	<i>Riding Seasons</i>	<i>End</i>
Mc Cloud Ranger District	McCloud OHV Area		Year round	
Arcata Field Office	Samoa Dunes		Year round	
Hayfork Ranger District	Hayfork OHV Area		Year round	
Redding Field Office	Chappie-Shasta ORV Area	1-Oct		30-June
Eagle Lake Field Office	Fort Sage OHV Area		Year round	
Mt. Hough Ranger District	Mt. Hough OHV Area		Year round	
Feather River Ranger District	Feather River OHV Area		Year round	
Downieville Ranger District	Downieville OHV Area		Year round	
Beckworth Ranger District	Beckworth OHV Area		Year round	
Army Corps of Engineers	Black Butte Lake		Year round	
Upper Lake Ranger District	Upper Lake OHV Areas		Year round	
Grindstone Ranger District	Grindstone OHV Areas		Year round	
Ukiah Field Office	South Cow Mountain Recreation Area		Year round	
Ukiah Field Office	Knoxville Recreation Area		Year round	
SVRA	Clay Pit	1-Sep		30-Jun
City of Marysville	Eugene Chappie OHV Park		Year round	
SVRA	Mammoth Bar		Year round	
Nevada City Ranger District	Nevada City OHV Areas		Year round	
Truckee Ranger District	Truckee OHV Areas		Year round	
Lake Tahoe Basin Management Unit	Lake Tahoe OHV Area		Year round	
American River Ranger District	American River OHV Areas		Year round	
Georgetown Ranger District	Georgetown OHV Areas		Year round	
Placerville Ranger District	Placerville OHV Areas		Year round	
Amador Ranger District	Amador OHV Areas		Year round	
Pacific Ranger District	Pacific OHV Areas		Year round	
SVRA	Prairie City	1-Oct		30-Apr
Calaveras Ranger District	Calaveras OHV Areas		Year round	
Summit Ranger District	Summit OHV Areas		Year round	
Mi-Wuk Ranger District	Mi-Wuk OHV Areas	1-Oct		31-May
SVRA	Carnegie	1-Oct		30-Apr
Santa Clara County	Metcalf Motorcycle Park	1-Oct		30-Apr
Stanislaus County	Stanislaus OHV Areas	1-Oct		30-Apr
Groveland Ranger District	Groveland OHV Areas	1-Oct		31-May
Bass Lake Ranger District	Bass Lake OHV Areas	1-Oct		31-May
SVRA	Hollister Hills	1-Oct		31-May
Hollister Field Office	Clear Creek Management. Area	1-Oct		31-May
High Sierra Ranger District	High Sierra OHV Areas	1-Oct		31-May
Bishop Field Office	Bishop Resource Area		Year round	

Public Land Management

Ranger District:

United States Forest Service

Field Office:

Bureau of Land Management

State Vehicular Recreation Area (SVRA):

California State Parks

	<i>Riding Areas</i>		<i>Riding Seasons</i>
	<i>OHV Area Name</i>	<i>Beginning</i>	<i>End</i>
Hume Lake Ranger District	Hume Lake OHV Areas	1-Oct	31-May
SVRA	Oceano Dunes		Year round
Santa Lucia Ranger District	Santa Lucia OHV Areas		Year round
Kern River Ranger District	Kern River OHV Areas	1-Oct	31-May
Tule River/Hot Springs Ranger District	Tule River/Hot Springs OHV Areas	1-Oct	31-May
Ridgecrest Field Office	Olancha Dunes		Year round
Ridgecrest Field Office	Jawbone Canyon, Dove Springs	1-Sep	31-May
Ridgecrest Field Office	Spangler Hill	1-Sep	31-May
White Mountain Ranger District	White Mountain OHV Areas		Year round
Mt. Pinos Ranger District	Mt. Pinos OHV Areas	1-Oct	30-Apr
SVRA	Hungry Valley	1-Oct	30-Apr
Santa Barbara Ranger District	Santa Barbara OHV Areas	1-Oct	30-Apr
Ojai Ranger District	Ojai OHV Areas	1-Oct	30-Apr
Santa Clara/Mojave Rivers Ranger District	Santa Clara/Mojave Rivers OHV Areas	1-Oct	30-Apr
San Gabriel River Ranger District	San Gabriel River OHV Areas	1-Oct	30-Apr
Front Country Ranger District	Front Country OHV Areas	1-Oct	30-Apr
Mountain Top Ranger District	Mountain Top OHV Areas	1-Oct	30-Apr
San Jacinto Ranger District	San Jacinto OHV Areas	1-Oct	31-May
Barstow Field Office	Dumont Dunes		Year round
Barstow Field Office	El Mirage	1-Oct	30-Apr
Barstow Field Office	Stoddard Valley	1-Sep	31-May
Barstow Field Office	Rasor	1-Sep	31-May
Barstow Field Office	Johnson Valley	1-Sep	31-May
Needles Field Office	Eastern Mojave Desert Areas		Year round
San Bernardino County	Park Moabi		Year round
Lake Havasu Field Office	Parker Strip		Year round
Palm Springs Field Office	Colorado Desert Areas	1-Oct	30-Apr
Trabuco Ranger District	Trabuco OHV Areas	1-Oct	30-Apr
Descanso Ranger District	Descanso OHV Areas	1-Oct	30-Apr
El Centro Field Office	Lark Canyon	1-Oct	30-Apr
SVRA	Ocatillo Wells	1-Oct	31-May
SVRA	Heber Dunes		Year round
El Centro Field Office	Arroyo Salado	1-Oct	31-May
El Centro Field Office	Superstition Mountain	1-Oct	31-May
El Centro Field Office	Plaster City	1-Oct	31-May
El Centro Field Office	Imperial Dunes-Mammoth Wash		Year round
El Centro Field Office	Imperial Dunes-Glamis/Gecko		Year round
El Centro Field Office	Imperial Dunes-Buttercup Valley		Year round

(b) The Executive Officer shall publish in the California Regulatory Notice Register and notify potentially affected OHV Area Managing Entities regarding revisions to Table 1 in subsection (a) at least 30 days before the revisions take effect, in the following situations:

(1) The Executive Officer may revise Table 1 in subsection (a) where there is a change in the designation (with respect to California Ambient Air Quality Standards), from zone nonattainment to attainment, of an area in which an OHV area is located, provided that the attainment area is not identified as an upwind contributor to significant impacts to transport of ozone or ozone precursors as identified and defined in Section 70500, Title 17, California Code of Regulations.

(2) The Executive Officer may revise Table 1 in subsection (a) to reflect changes in the physical characteristics or identity of OHV Areas, including but not limited to changes in ownership or control of listed areas, addition or deletion of areas, or changes in the geographic domain of listed areas.

(c) Section 2415 shall only apply through December 31, 2024. Effective January 1, 2025, off-road motorcycles and ATVs that were certified pursuant to section 2412(c)(1)(B) are permitted to operate year round in public areas designated for OHV use unless otherwise restricted by the designated Public Land Management Agency.

Note: Authority cited: Sections 39600, 39601, 43013, 43018 and 43107, Health and Safety Code; and Sections 38020 and 38390, Vehicle Code. Reference: Sections 43013, 43018 and 43107, Health and Safety Code.

§ 2416. Applicability.

(a) (1) This Article applies to all new model year 2018 or later off-highway recreational vehicles (OHRV) for sale, lease, use, or offered for sale, lease or use, or otherwise introduced into commerce in California (hereinafter collectively referred to as “sold or offered for sale”).

(2) New OHRVs, subject to any of the standards set forth in Article 3, must be certified by the Air Resources Board and covered by an Executive Order of Certification pursuant to section 2419.4 of this Article before being sold or offered for sale in California.

(b) The following OHRVs are exempt from the requirements of this regulation:

(1) OHRVs certified solely to operate on diesel fuel,

(2) Snowmobiles,

(3) Zero emission off-road vehicles, except when optionally certified to generate

advanced fuel system credits, pursuant to section 2419.4, and

(4) OHRVs of model year 2003 – 2021 that are certified as meeting Cal. Code Reg., tit. 13 § 2412(c)(1)(B).

(c) Each part of this Article is severable, and in the event that any part of this chapter or Article is held to be invalid the remainder of this Article continues in full force and effect.

(d) This Article includes provisions for certification, labeling requirements, emissions standard enforcement, recall, and use restrictions.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43105, 43107, 43205.5, 43210, and 43824, Health and Safety Code. Reference: Sections 43013, 43018, 43105, 43106, 43107, 43205, 43205.5, 43210, and 43824, Health and Safety Code. Section 27156, California Vehicle Code.

§ 2418. Evaporative Emission Standards and Test Procedures.

(a) Manufacturers of OHRVs must comply with the following evaporative emission standards for new OHRVs sold or offered for sale in California.

(1) Evaporative emissions from an OHRV may not exceed the following limitations:

(A) The applicable emission standards outlined in Table 1 for either the 72 hour diurnal standard or the steady state diurnal standard. All OHRVs certified to the emission standards below are presumed to demonstrate compliance with federal permeation standards specified in Cal. Code Regs., tit.13, § 2412(b)(2).

Table 1

<i>Vehicle and Model Year</i>	<i>Required Tests</i>	<i>72-Hour Diurnal Standard⁽¹⁾</i>	<i>Steady State Diurnal Standard⁽²⁾</i>
OHRVs 2018 and later model years	Diurnal	1 gram TOG/day	1 gram TOG/day
	Fuel System Leakage Tip Test	No visible liquid leakage	

⁽¹⁾ Highest 24-hour diurnal test result over three consecutive 24-hour diurnal test periods.

⁽²⁾ 24-hour diurnal test result plus calculated vented emissions.

(B) All-Terrain Vehicle (ATV) Filler Neck Compatibility Standard.

Beginning with model year 2018, ATVs with fuel tanks that are redesigned to be geometrically different from fuel tanks of 2017 and earlier model years, and have a nominal capacity of greater than 3.5 gallons, must meet the filler pipe sealing surface requirements of Figure 1 of the International Standards Organization 13331:1995(E), published June 1, 1995, which is incorporated by reference herein. Perpendicularly down from the mating surface there must be a minimum of 120 mm (90 mm for nozzle, 5 mm for bellows compression, and 25 mm for extra space fuel flow) to the bottom of the tank.

(2) Zero emission off-road vehicles must produce zero fuel evaporative emissions under any and all possible operational modes and conditions and are, therefore, not required to perform evaporative emissions testing to certify in accordance with section 2419.4.

(b) Small Volume OHRV Manufacturer Design-Based Standard.

(1) In lieu of certifying to the emission standards in subdivision (a), a small volume OHRV manufacturer may certify OHRVs to the design-based standards set out in Table 2. If a Small Volume OHRV Manufacturer elects to certify under this subdivision, they must perform a tip-test as specified in subdivision (a)(1).

Table 2

<i>Effective Date Model Year</i>	<i>Fuel Tank Permeation Grams/m²/day</i>	<i>Fuel Hose Permeation Grams/m²/day</i>	<i>Carbon Canister Working Capacity Grams/Liter of Nominal Fuel Tank Volume</i>	<i>Fuel Injection</i>
2018 and later model years	1.5 @ 28°C (82°F) ⁽¹⁾	5.0 @ 35°C (95°F) 15.0 @ 23°C (74°F)	1.0 ⁽²⁾	Required

(1) Fuel tank permeation standards specified in Cal. Code Regs., tit.13, § 2412(b)(2).

(2) The carbon canister must be actively purged during engine operation.

(c) The test procedures for determining compliance with the standards in subdivision (a) and (b) are as follows:

(1) The test procedure used for subdivision (a) is TP-933.

(2) The test procedures used for subdivision (b) and (e) are specified in subdivisions (A), (B), and (C) below:

(A) (i) (A) Fuel hose permeation, as set forth in SAE J1737, as amended May 14, 2013, using the test fuel specified in TP-933 or fuel CE10 as described in Title 40, Part 1060, section 1060.515(a)(1), Code of Federal Regulations, last amended on February 19, 2015, and incorporated by reference herein, which includes ASTM D471-06, Standard Test Method for Rubber Property – Effect of Liquids (ASTM D471), last amended October 1, 2006 and incorporated by reference herein. Alternatively, fuel hose permeation may be tested in accordance with section 2412(c)(1).

(B) (ii) (B) Fuel tank permeation, as set forth in Part 1060.520, Title 40, Code of Federal Regulations, as amended on April 30, 2010, or Title 40 Part 1051, section 1051.515, Code of Federal Regulations, last amended on July 13, 2005, and incorporated by reference herein.

(C) (iii) (C) The carbon canister, as set forth in TP-902.

(3) Compliance with the fuel tank permeation, hose permeation, and carbon canister working capacity standards in subdivision (b) and subdivision (e) shall be determined in accordance with section 2856(a)(3) 2419.4(b)(3).

(d) Phase-in Schedule.

- (1) For model years 2018 through 2021, OHRV manufacturers may phase-in evaporative emission standards specified in subdivision (a) so that 75 percent of all OHRVs sold in model years 2018 through 2021 are compliant with the requirements in section 2419.4, or;
- (2) The weighted average of compliant OHRVs must be greater than 75 percent and can include early compliant model year 2017 OHRVs in the model year (MY) 2018 calculation so that: $(MY2017\%control + MY2018\%control) \times 0.4 + MY2019\%control \times 0.3 + MY2020\%control \times 0.2 + MY2021\%control \times 0.1 > 75\%$ and percent compliance cannot decrease.
- (3) All 2018 through 2021 model year OHRVs that are not subject to these standards pursuant to the phase-in schedule must comply with the evaporative permeation requirements for 2008 and later model year OHRVs, as described in Cal. Code Regs., tit.13, § 2412(b)(2).

- (4) The percentage of OHRV fleet averaged across model years 2018 through 2021 must be used to determine compliance with this requirement.
- (5) For the purpose of calculating the fleet average, an OHRV manufacturer must use the percentage of OHRVs sold or offered for sale in California for model years 2018 through 2021. An OHRV manufacturer may calculate this average percentage using the projected sales for these model years in lieu of actual sales.
- (6) Any OHRV manufacturer that participates in the phase-in period must comply with the administrative requirements in section 2419.4(d).
- (7) For model years 2020 and 2021, off-road motorcycles and ATVs that are certified in accordance with the alternative evaporative standards set forth in section 2418(e) shall not be included in the phase-in calculation.

(e) Beginning in model year 2020, off-road motorcycle and ATV manufacturers may comply with the alternative evaporative standards shown in Table 3 or Table 4 in lieu of the emission standards set forth in subdivision (a). The controls specified in Table 3 or Table 4 shall be implemented following the schedule in Table 5:

Table 3 – Alternative Standards for Off-Road Motorcycles

<u>Tier</u>	<u>Fuel Tank Permeation Grams/m²/day</u>	<u>Fuel Hose Permeation Grams/m²/day</u>	<u>Fuel Injection or Automatic Fuel Shutoff⁽³⁾</u>	<u>Carbon Canister Working Capacity Grams/Liter of Nominal Fuel Tank Volume</u>
I	<u>Certified per Cal. Code Regs., tit.13, § 2418(a) or 1976(b)(2)</u>			
II	<u>1.5 @ 28°C (82°F)⁽¹⁾</u>	<u>15.0 @ 23°C (74°F) 40°C (104°F)⁽¹⁾</u>	<u>Required</u>	<u>1.0⁽¹⁾⁽²⁾</u>
III	<u>1.5 @ 28°C (82°F)⁽¹⁾</u>	<u>15.0 @ 23°C (74°F)⁽¹⁾</u>	<u>None</u>	<u>None</u>

(1) Certification and test procedures specified in Cal. Code Regs., tit.13, § 2418(c)(2) and (3)

(2) For motorcycles with engines greater than ~~440 cc~~ 112 cc displacement, the carbon canister must be actively purged during engine operation. Motorcycles with engines less than or equal to ~~440 cc~~ 112 cc displacement may use either actively purged or passively purged canisters. Active purge refers to ambient air being drawn through a carbon canister by a vacuum created by the intake system. Passive purge refers to ambient air being

drawn through a carbon canister by the vacuum created by normal diurnal variations of the fuel tank temperature.

- (3) Automatic fuel shutoff is a valve or similar mechanism that completely stops the flow of fuel to the carburetor automatically whenever the vehicle is turned off.

Table 4 – Alternative Standards for ATVs

<u>Tier</u>	<u>Fuel Tank Permeation Grams/m²/day</u>	<u>Fuel Hose Permeation Grams/m²/day</u>	<u>Fuel Injection or Automatic Fuel Shutoff⁽³⁾</u>	<u>Carbon Canister Working Capacity Grams/Liter of Nominal Fuel Tank Volume</u>
<u>I</u>	<u>Certified per Cal. Code Regs., tit.13, § 2418(a)</u>			
<u>II</u>	<u>1.5 @ 28°C (82°F)⁽¹⁾</u>	<u>MY 2020-2026: 15.0 @ 23°C (74°F) MY 2027 and later: 15.0 @ 40°C (104°F)⁽¹⁾</u>	<u>Required</u>	<u>1.0⁽¹⁾⁽²⁾</u>
<u>III</u>	<u>1.5 @ 28°C (82°F)⁽¹⁾</u>	<u>15.0 @ 23°C (74°F)⁽¹⁾</u>	<u>None</u>	<u>None</u>

- (1) Certification and test procedures specified in Cal. Code Regs., tit.13, § 2418(c)(2) and (3).
- (2) For ATVs with engines greater than ~~440 cc~~ 112 cc displacement, the carbon canister must be actively purged during engine operation. ATVs with engines less than or equal to ~~440 cc~~ 112 cc displacement may use either actively purged or passively purged canisters. Active purge refers to ambient air being drawn through a carbon canister by a vacuum created by the intake system. Passive purge refers to ambient air being drawn through a carbon canister by the vacuum created by normal diurnal variations of the fuel tank temperature.
- (3) Automatic fuel shutoff is a valve or similar mechanism that completely stops the flow of fuel to the carburetor automatically whenever the vehicle is turned off.

Table 5 – Phase-In Schedule

<u>Type</u>	<u>Tier</u>	<u>2020-2021</u>	<u>2022-2026</u>	<u>2027+</u>
<u>Off-Road Motorcycles w/ Engines > 440 cc 112 cc</u>	<u>I</u>	<u>0%</u>	<u>0%</u>	<u>> 50%</u>
	<u>II</u>	<u>0%</u>	<u>0%</u>	<u>≤ 50%</u>
	<u>III</u>	<u>100%</u>	<u>100%</u>	<u>0%</u>
<u>Off-Road Motorcycles w/ Engines ≤ 440 cc 112 cc</u>	<u>II</u>	<u>0%</u>	<u>0%</u>	<u>100%</u>
	<u>III</u>	<u>100%</u>	<u>100%</u>	<u>0%</u>
<u>ATV w/ Engines > 440 cc 112 cc</u>	<u>I</u>	<u>0%</u>	<u>> 80%</u>	<u>> 80%</u>
	<u>II</u>	<u>0%</u>	<u>≤ 20%</u>	<u>≤ 20%</u>
	<u>III</u>	<u>100%</u>	<u>0%</u>	<u>0%</u>
<u>ATV w/ Engines ≤ 440 cc 112 cc</u>	<u>II</u>	<u>0%</u>	<u>0%</u>	<u>100%</u>
	<u>III</u>	<u>100%</u>	<u>100%</u>	<u>0%</u>

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43105, 43107, 43205.5, 43210, and 43824, Health and Safety Code. Reference: Sections 43013, 43018, 43105, 43106, 43107, 43205, 43205.5, 43210, and 43824, Health and Safety Code. Section 27156, California Vehicle Code.

§ 2419.4. Evaporative Emissions Control System Testing and Certification Requirement.

(a) Requirement to Comply with All Other Applicable Codes and Regulations.

Certification or approval of any equipment or evaporative emissions control system by the Executive Officer does not exempt the equipment or evaporative emissions control system from compliance with other laws, rules or regulations including state and federal safety codes and regulations.

(b) Certification Requirements.

(1) OHRV Manufacturer Certification Requirements.

For model years 2018 and later, OHRVs must be tested with the entire evaporative emissions control system as a complete vehicle or be certified in compliance with the alternative standards in section 2418(e). To obtain an Executive Order of Certification, an OHRV manufacturer must demonstrate compliance with one of the following two options: option one—comply with subparagraph (A) and subparagraphs (C) through (F) below, option two—comply with subparagraph (B) and subparagraphs (C) through (F) below.

- (A) Perform OHRV testing in accordance with section 2418(c). Measured emissions must be at or below the applicable evaporative emissions standards listed in section 2418(a) or section 2418(e) unless certifying as a zero emissions off-road vehicle.
- (B) Evaporative families that are certified in accordance with section 2418(c) and do not meet the evaporative emissions standards outlined above must comply by offsetting any shortfall with evaporative emissions credits generated with the same model year as specified in subdivision (c).
- (C) Comply with all administrative requirements in subdivision (d).
- (D) Meet the applicable warranty requirements of sections 2419.1 and 2419.2.
- (E) Meet the evaporative emissions control labeling requirements of section 2419.
- (F) Submit an Executive Order of Certification application as described in subdivision (4) to the Emissions Compliance, Automotive Regulations and Science Division Chief, Air Resources Board.

(2) Small Volume OHRV Manufacturer Design-Based Certification Requirements.

In order to facilitate OHRV design-based certification, small volume OHRV manufacturers may reference Component Executive Order of Certification numbers in their design-based Executive Order of Certification application or provide test results. The Air Resources Board (ARB) will certify emissions related parts relating to fuel hoses, fuel tanks, and venting control devices to the emission standards in section 2418(b) by issuing Component Executive Orders of Certification. Evaporative emissions control component manufacturers may obtain a Component Executive Order of Certification through the process outlined in subdivision (3). To obtain an OHRV Executive Order of Certification for the design-based evaporative emissions standard a small volume OHRV manufacturer must demonstrate compliance with paragraphs (A) through (F) below.

- (A) Have measured emissions at or below the emission standards listed in section 2418(b) in accordance with the testing requirements in section 2418(c) or reference Component Executive Order of Certification numbers of approved evaporative emissions control components.
- (B) Comply with all administrative requirements in subdivision (d).
- (C) Meet the applicable warranty requirements of sections 2419.1 and 2419.2.
- (D) Meet the evaporative emissions control labeling requirements of section 2419.
- (E) Complete the installation as directed by the fuel hose, fuel tank, and carbon canister component or other venting evaporative emissions control component manufacturer and verify adherence to specifications contained within the referenced Component Executive Order of Certification.
- (F) Submit a design-based Executive Order of Certification application, as described in subdivision (4) to the Emissions Compliance, Automotive Regulations and Science Division Chief, Air Resources Board.

(3) Evaporative Emissions Control Component Manufacturer Certification Requirements.

To obtain a Component Executive Order of Certification, an evaporative emissions control component manufacturer must demonstrate compliance with paragraphs (A) through (D) below:

- (A) Have measured evaporative emissions at or below the emission standards listed in section 2418(b) or (e) in accordance with the testing requirements in section 2418(c).
- (B) Comply with all administrative requirements in subdivision (d)(2).
- (C) Meet the evaporative emissions control component labeling requirements of section 2419(e).
- (D) Submit a Component Executive Order of Certification application in writing as described in subdivision (5) to: Chief, Monitoring and Laboratory Division, Air Resources Board, P.O. Box 2815, Sacramento, California 95812.

(4) Application for an Executive Order of Certification.

An application for an evaporative emissions control Executive Order of Certification must be submitted in the English language by the OHRV manufacturer. Where possible, an OHRV manufacturer may submit a combined application for both exhaust emissions control certification, as set forth in Cal. Code Regs., tit.13, § 2412, and evaporative emissions control certification, as set forth in this section, as long as the requirements for both are fulfilled. The application for an evaporative emissions control Executive Order of Certification must describe all OHRVs in each evaporative family for which the certification is requested. Any changes to the Executive Order of Certification application must be updated and corrected by amendment. The Executive Order of Certification application must be signed under penalty of perjury by an authorized representative of the OHRV manufacturer. The Executive Order of Certification application submitted by the OHRV manufacturer must include items described in paragraphs (A) through (H) and paragraphs (I) or (J) below:

- (A) Identification and description of the OHRVs covered by the Executive Order of Certification application and a description of the engine, evaporative emission control system, and fuel system components. This must include a detailed description of each auxiliary emission control device. Transmission gear ratios, overall drive ratios, and vehicle mass (or masses) must also be included.
- (B) The range of available fuel and ignition system adjustments.
- (C) Projected California sales data sufficient to enable the Executive Officer to select a test fleet representative of the OHRVs for which certification is requested.
- (D) A statement attesting that the test equipment meets the requirements set forth in TP-933, or if different, a description of the test equipment used for determining compliance with the applicable emission standards and the

test fuel and engine lubricant proposed to be used in the test OHRVs for certification.

(E) A statement specifying the service accumulation procedures used follows subdivision 1 or 2 below:

1. The service accumulation procedure is the same as used for exhaust emissions testing set forth in Cal. Code Regs., tit.13, § 2410 et seq., and the requirements in TP-933; or,
2. A description of the proposed service accumulation procedure used to age the test OHRV or evaporative emission control system to its useful life and a description of the proposed scheduled maintenance.

(F) A statement of recommended periodic and anticipated maintenance and procedures necessary to assure that, in operation, the OHRVs covered by an Executive Order of Certification conform to the regulation. The statement must include the fuels and lubricants recommended for use by the ultimate purchaser, a description of the program for training of personnel on maintenance requirements, and the equipment required to perform this maintenance.

(G) A statement attesting that the evaporative emissions control label is designed to withstand the OHRV's total useful life and a description of the label as specified in section 2419. The description may be a scaled copy or blueprint of the label. The Executive Order of Certification application must specify the location where the label is to be affixed on the OHRV.

(H) A copy of the evaporative emissions control warranty that is provided to the ultimate purchaser as specified in sections 2419.1 and 2419.2.

(I) For complete OHRV certification to the standards specified in section 2418(a) the Executive Order of Certification application must include a description of the evaporative emission controls and applicable test data and a statement declaring that all test OHRVs for which data was submitted were tested using the appropriate test procedure and conform to the provisions of this Article. If such statements cannot be made with respect to any test OHRV, the OHRV must be identified, and all pertinent test data relating thereto must be supplied.

1. The test data must include laboratory test reports, name and address of test laboratory, a description of the test, test dates and mileages, test fuel specification, and test results. The test data must include invalid and/or voided tests and the reason such tests are invalid or void.
2. Include a statement that the deterioration factors are determined in the same manner as the exhaust emissions deterioration factors with the

exception that evaporative emissions deterioration factors are additive or include a description of the deterioration factor calculation. Additive deterioration factors computed to be less than 0.000 must be 0.000.

3. The certification level may be equal to or greater than the emissions level of the certification test. The certification level must be specified.

4. Calculations showing any over compliance or under compliance. For evaporative families that under comply, calculations must be submitted showing how the shortfall will be made up using credits as specified in subdivision (c).

(J) For ~~small volume~~ OHRV manufacturer design-based certification as specified in section 2418(b) or 2418(e) the Executive Order of Certification application must include the approved Component Executive Order of Certification number(s) for the fuel tank, fuel hose, and carbon canister evaporative emissions control components certified to the emissions standards listed in ~~Table 2 of section 2418(b) or 2418(e)~~. Optionally, ~~small volume~~ OHRV manufacturers can supply compliant test results for the fuel tank, fuel hose, and carbon canister evaporative emissions control components showing that they meet the requirements listed in ~~Table 2 of section 2418(b) or 2418(e)~~ when tested following the test procedures listed in section 2418(c)(2) or (3). The ~~small volume~~ OHRV manufacturer must document all evaporative emissions control-related parts installed on the OHRV. If the evaporative emissions control design-based standards are amended in ~~Table 2 of section 2418(b) or 2418(e)~~, only Component Executive Orders of Certification that comply with the amended standard(s) may be used by ~~small volume~~ OHRV manufacturers after the amended standards become effective.

(5) Application for a Component Executive Order of Certification.

An application for a Component Executive Order of Certification must be submitted in the English language by the evaporative emissions control component manufacturer. Any changes to the Component Executive Order of Certification application must be updated and corrected by amendment.

The Component Executive Order of Certification application must be signed under penalty of perjury by an authorized representative of the evaporative emissions control component manufacturer. The Component Executive Order of Certification application submitted by the evaporative emissions control component manufacturer must include items described in paragraphs (A) through (F) below:

(A) The Executive Order of Certification application must include data demonstrating that the evaporative emissions component meets the applicable standards in ~~Table 2 of~~ section 2418(b) or 2418(e).

(B) A statement attesting that the test equipment meets the requirements set forth in section 2418(c) and a description of the test equipment used for determining compliance with applicable emission standards.

(C) The applicant must include the data ~~generated by an independent laboratory~~ from at least five representative samples of the evaporative emissions control component. All five representative samples of the evaporative emissions control components must be tested using the approved test procedures as specified in section 2418(c)(2). Alternately, for model years 2020 through 2026, the applicant may submit data required for evaporative emissions control system component approval by the U.S. EPA in accordance with Title 40, Part 1060, Code of Federal Regulations, last amended September 16, 2010, or on the date otherwise specified by each of the aforementioned provisions of Title 40, incorporated by reference herein, and Title 40, Part 1051, Code of Federal Regulations, last amended April 30, 2010, or on the date otherwise specified by each of the aforementioned provisions of Title 40, incorporated by reference herein. All information, including proprietary data submitted by an evaporative emission control component manufacturer pursuant to this section, will be handled in accordance with the disclosure of public records procedures specified in Cal. Code Regs., tit.17, § 91000-§ 91022.

(D) The test data must include laboratory test reports, the name and address of the test laboratory, test dates, a description of the evaporative emission control technology, and test fuel specification. The test data must include invalid and/or voided tests and the reason such tests are invalid or void.

(E) A statement attesting that the evaporative emissions control label is designed to withstand the component's total useful life and a description of the label as specified in section 2419(e). The description may be a scaled copy or blueprint of the label.

(F) The evaporative emissions control component manufacturer must submit a sample of the evaporative emission control component for which the certification application has been submitted.

(6) Approval and Disapproval of Executive Orders of Certification.

(A) Within 30 days of receipt of the Executive Order of Certification application the Executive Officer must determine whether an application is complete. If no determination is made the Executive Order of Certification application is deemed to be incomplete. If an application is deemed incomplete the Executive Officer will notify the applicant of the determination, and the basis therefore, in writing within 30 days of the application being deemed incomplete.

(B) Within 90 days after an application has been deemed complete, the Executive Officer will notify the applicant of his or her intent to approve or disapprove an Executive Order of Certification. The Executive Officer will review the test reports and data submitted, including data from tests requested or conducted by the Executive Officer, data obtained during an inspection, and any other pertinent data or information. If the Executive Officer determines that a test OHRV does not meet the requirements of sections 2416, 2417, 2418, 2419, 2419.1, 2419.2, 2419.3, or 2419.4, or any of the incorporated test procedures, the Executive Officer will notify the applicant in writing and set forth the reason(s) for the determination. If approved, an Executive Order of Certification will be issued by the Executive Officer. The applicant and the Executive Officer may mutually agree to a longer time for reaching a decision. An applicant may submit additional supporting documentation before a decision has been reached.

(C) The Executive Officer may disapprove in whole or in part an Executive Order of Certification application for any failure to meet regulatory requirements including, but not limited to, emission results exceeding the applicable standards, incompleteness, inaccuracy, inappropriate proposed mileage accumulation procedures, maintenance, test equipment, label content or location, fuel or lubricant, and incorporation of defeat devices in OHRV(s) described by the application. Within 30 days of a decision to disapprove, the Executive Officer will notify the applicant in writing and set forth the reasons for such disapproval.

(D) Within 30 days of receiving the notice of intent to disapprove, the OHRV manufacturer may choose to proceed with option 1 or 2 below. If no communication is received from the OHRV manufacturer within 30 days, the Executive Officer will formally disapprove the Executive Order of Certification application.

1. Option 1-Request a hearing.
2. Option 2-Repair the test OHRV and demonstrate by retesting that it meets applicable evaporative emissions standards.

3. Option 3-Replace the test OHRV and demonstrate by testing, in accordance with the requirements of this regulation, that it meets applicable evaporative emissions standards.

(E) An Executive Order of Certification will be issued for a period not to exceed one model year. The Executive Order of Certification will set forth such terms and conditions, as necessary, to assure that any new OHRV(s) covered by the Executive Order of Certification will meet the provisions of this Article.

(F) If the Executive Officer determines that an evaporative emissions control component for which a Component Executive Order of Certification has been issued no longer meets the applicable emission standard the Executive Officer may suspend or revoke the Component Executive Order of Certification in accordance with subdivision (g). In such a case any preexisting Executive Order of Certification for an OHRV that references the suspended or revoked Component Executive Order of Certification will remain valid.

(7) Approval and Disapproval of Component Executive Orders of Certification.

(A) Within 30 days of receipt of the Component Executive Order of Certification application the Executive Officer must determine whether the application is complete. If no determination is made the Component Executive Order of Certification application is deemed to be incomplete. If an application is deemed incomplete, the Executive Officer will notify the applicant of the determination, and the basis therefore, in writing within 30 days.

(B) Within 90 days after an application has been deemed complete the Executive Officer will notify the applicant of his or her intent to approve or disapprove the Component Executive Order of Certification. The Executive Officer will review the test reports and data submitted by the evaporative emissions control component manufacturer, including data from tests requested or conducted by the Executive Officer, data obtained during an inspection, and any other pertinent data or information. If the Executive Officer determines that an evaporative emissions control component does not meet the requirements of sections 2416, 2417, 2418, 2419, 2419.3, or 2419.4, or any of the incorporated test procedures, the Executive Officer will notify the applicant in writing and set forth the reason(s) for the determination. If approved, a Component Executive Order of Certification will be issued by the Executive Officer. The applicant and the Executive Officer may mutually agree to a longer time for reaching a decision. An applicant may submit additional supporting documentation before a decision has been reached.

(C) The Executive Officer may disapprove in whole or in part an application for a Component Executive Order of Certification for any failure to meet regulatory requirements including, but not limited to, evaporative emissions results exceeding the applicable standards, incompleteness, inaccuracy, inappropriate preconditioning, test equipment, label content or location, and test fuel described by the application. Within 30 days of a decision to disapprove, the Executive Officer will notify the applicant in writing and set forth the reasons for such disapproval.

(D) Within 30 days upon receipt of a disapproval notice, the evaporative emissions control component manufacturer may request a hearing with the Executive Officer.

(E) A Component Executive Order of Certification is valid until suspended or revoked by the Executive Officer or upon request of the evaporative emissions control component manufacturer.

(F) If the Executive Officer determines that an evaporative emissions control component for which an approval has been issued no longer meets the applicable standards, the Executive Officer may suspend or revoke the Component Executive Order of Certification following provisions in subdivision (g).

(c) Advanced Fuel System Credits.

(1) An OHRV manufacturer is eligible to use advanced fuel system credits to certify OHRV evaporative families subject to section 2418(a) with the following requirements:

(A) OHRV(s) must be tested to the diurnal standards in section 2418(a) or must be certified as a zero-emissions off-road vehicle.

(B) In order to generate credits, zero emission off-road vehicles must follow the administrative requirements in subdivision (d) to obtain an Executive Order of Certification.

(C) Certified zero emission off-road vehicles will be awarded a ~~0.75~~ 1.5 TOG diurnal credit by the Air Resources Board.

(D) Advanced fuel system credits may only be applied to emissions families of the same model year.

(E) An OHRV manufacturer may not sell or trade advanced fuel system credits.

~~(F) No evaporative family can be certified for sale in California that emits over 300 percent of the diurnal standard in section 2418(a).~~

~~(G)~~ (F) Results are to be calculated with consistent arithmetic units and rounded to the nearest tenth of a gram.

~~(H)~~ (G) Zero emission golf carts are not eligible to participate.

(H) (H) An OHRV manufacturer must offset TOG debits with TOG credits for each model year, so that the sum of total TOG credits is greater than or equal to the sum of TOG debits.

(2) For each model year, an OHRV manufacturer electing to certify with credits must calculate TOG credits and debits separately for each evaporative family. For each evaporative family the OHRV manufacturer must subtract the diurnal EFEL from the diurnal standard in section 2418(a). A negative result is a TOG debit. A positive result is a TOG credit. For certified zero emission off-road vehicles the TOG credit is ~~0.75~~ 1.5 g TOG/day for each vehicle certified. The result, or per zero emission off-road vehicle credit, is multiplied by the number of projected sales for each evaporative family for the model year to calculate the total TOG credits or debits.

(3) The OHRV manufacturer bears the burden of establishing, to the satisfaction of the Executive Officer, that the conditions upon which the Executive Order of Certification was issued were satisfied. Evaporative family certification based on credits may be revoked based on review of end-of-year reports, follow-up audits, actual sales volumes, and any other verification steps considered appropriate by the Executive Officer. If any evaporative family is found to exceed the OHRV EFEL all vehicles sold under that Executive Order of Certification will be considered non-compliant with this regulation.

(d) Administrative Requirements.

(1) Maintenance of Records for OHRV Manufacturers.

(A) The OHRV manufacturer must establish, maintain, and retain the following organized records for each evaporative family:

1. ARB evaporative family identification code,
2. Model number and engine size,
3. Make and model name,
4. Projected sales volume for the model year,
5. Certification test results,

6. Actual sales volume for the model year,
7. Phase-in calculation, and
8. Advanced fuel system credit calculations.

(B) For the purpose of this Article, actual sales are defined as shipments to distributors of OHRV(s) sold or offered for sale in California. The OHRV manufacturer must submit California actual sales data as it becomes available for each model sold or offered for sale in California, but no later than 90 days after the end of the model year.

(C) The OHRV manufacturer must retain all records required to be maintained under this section for a period of eight years from the due date for the end-of-model year report. Records may be retained as a hard copy, on CD-ROM, diskettes, and on other electronic storage media depending on the OHRV manufacturer's record retention procedure provided that in every case all information contained in the hard copy is retained. An OHRV manufacturer must submit all information requested by the Executive Officer within 30 days of the date of such request.

(D) The Executive Officer may revoke or suspend the Executive Order of Certification for an evaporative family for which the OHRV manufacturer fails to retain the records required in this section or fails to provide such information to the Executive Officer upon request. No new Executive Orders of Certification will be issued to the OHRV manufacturer until the requested records are made available, or the Executive Officer approves an OHRV manufacturer's or evaporative emissions control component manufacturer's submitted plan addressing why the records were unavailable and steps being taken to ensure future records will be available upon request.

(2) Maintenance of Records for Evaporative Emissions Control Component Manufacturers.

(A) The evaporative emissions control component manufacturer must establish, maintain, and retain the following organized records for each evaporative emissions control component certified:

1. Certification test results,
2. List of OHRV manufacturers that reference the evaporative emissions control component in their certification application, and
3. A copy of all the information and documents provided with the application for Component Executive Order of Certification.

(B) The evaporative emissions control component manufacturer must retain all evaporative emission control components used for testing to generate certification or durability data for as long as the Component Executive Order of Certification remains valid.

(C) Records may be retained as a hard copy, on CD-ROM, diskettes, and on other electronic storage media depending on the evaporative emissions control component manufacturer's record retention procedure provided that in every case all information contained in the hard copy is retained. An evaporative emissions control component manufacturer must submit all information requested by the Executive Officer within 30 days of the date of such request.

(D) The Executive Officer may revoke or suspend the Component Executive Order of Certification for an evaporative emission control component for which the manufacturer fails to retain the records required in this section or fails to provide such information to the Executive Officer upon request. No new Executive Orders of Certification will be issued to the evaporative emissions control component manufacturer until the requested records are made available and/or the Executive Officer approves an evaporative emissions control component manufacturer submitted plan addressing why the records were unavailable and steps being taken to ensure future records will be available upon request.

(e) Final Report.

(1) All manufacturers that certify OHRV(s) to subdivision (c) must generate a final report for each evaporative family that includes the OHRV projected sales volume, actual sales volume, and EFELs. Additionally, the following items must be included in the final report:

(A) Manufacturers that certify OHRV(s) using advanced fuel system credits, described in subdivision (c), must include a calculation to show that the total TOG credits are equal to or greater than the TOG debits.

(B) At the end of the four year phase-in period OHRV manufacturers must submit a calculation to show at least 75 percent compliance with evaporative emissions standards over the 4-year period as described in section 2418(d).

(2) Unless otherwise approved by the Executive Officer, final reports must be submitted within 90 days of the end of the model year to: Chief, Emissions Compliance, Automotive Regulations and Science Division, Air Resources Board, 9528 Telstar Avenue, El Monte, CA 91731.

(3) Failure by an OHRV manufacturer to submit any final reports in the specified time for any OHRV(s) subject to regulation under this section is a violation.

(f) Evaporative Testing Requirements.

(1) Compliance Test Procedures.

(A) The Executive Officer may order an OHRV manufacturer or evaporative emissions control component manufacturer to make available for compliance testing and/or inspection one OHRV or evaporative emission component. Unless otherwise directed by the Executive Officer, the OHRV or evaporative emissions control component must be delivered to: Chief, Emissions Compliance, Automotive Regulations and Science Division, Haagen-Smit Laboratory, Air Resources Board, 9528 Telstar Avenue, El Monte, CA 91731. The OHRV or evaporative emissions control component must be selected at random from sources specified by the Executive Officer according to a method approved by the Executive Officer which, insofar as practical, must exclude an OHRV or evaporative emissions control component that would result in an unreasonable disruption of the manufacturer's distribution system.

(B) Air Resources Board personnel must have access to OHRV or evaporative emissions control component assembly plants or distribution facilities for the purposes of OHRV selection and testing. Scheduling of access must be arranged with the representative designated in the application for an Executive Order of Certification or a Component Executive Order of Certification.

(C) All testing must be conducted in accordance with the applicable model year evaporative emission test procedures or evaporative emissions control component test procedures. Any evaporative emission control system parameters must be set to values or positions that are within the range available to the ultimate purchaser as determined by the Executive Officer. No break-in or modifications, adjustments, or special preparation or maintenance will be allowed on OHRV(s) chosen for compliance testing.

(D) Correction of damage or maladjustment that may reasonably be found to have resulted from shipment of the OHRV(s) is permitted only after an initial test of the OHRV(s) unless the damage prevents the test from being completed safely. The OHRV manufacturer may then make a request to the Executive Officer that the shipping damage be repaired, and if the Executive Officer concurs the OHRV(s) may be retested, and the original test results may be replaced by the after-repair test results.

(E) The OHRV(s) must be randomly chosen from the selected evaporative families according to the criteria specified herein.

1. The OHRV(s) must be representative of the OHRV manufacturer's California sales.

2. The OHRV(s) will be selected from the end of the assembly line.
3. The selected OHRV(s) must pass a visual inspection test to verify the OHRV has the appropriate evaporative emissions control systems as documented in the approved Executive Order of Certification for the evaporative family.

(F) Any OHRV(s) scheduled for compliance testing must be selected, tested, and evaluated in accordance with TP-933, adopted November 5, 2014. The evaporative family will be deemed to have failed the compliance testing if the measured evaporative emissions are above the applicable EFEL. Any evaporative emissions control component(s) subject to compliance testing must be selected, tested, and evaluated in accordance with the test procedure found in 2418(c)(2). The evaporative emissions control component will be deemed to have failed the compliance testing if the measured evaporative emissions are above the applicable standard.

(G) If the OHRV(s) selected for inspection fails the requirements of this section, or fails to conform to the labeling requirements of section 2419, the Executive Officer will notify the OHRV manufacturer or evaporative emissions control component manufacturer in accordance with subdivision (f)(2).

(2) Notification of Failure.

If compliance testing identifies an OHRV or evaporative emissions control component that does not meet the evaporative emissions standards set out in section 2418, or that does not conform to the certification requirements in subdivision (b), the Executive Officer will notify the OHRV manufacturer or evaporative emissions control component manufacturer. The Executive Officer will also notify the OHRV manufacturer or evaporative emissions control component manufacturer that the Executive Order of Certification may be suspended or revoked. The OHRV manufacturer or evaporative emissions control component manufacturer has 30 calendar days in which to notify the Executive Officer of their intent to provide additional information and/or independent test results for five tanks, engines, or equipment that document compliance of the evaporative family or evaporative emissions control component. The Executive Officer will consider all relevant information provided by the OHRV manufacturer or evaporative emissions control component manufacturer and other interested parties, including, but not limited to, corrective actions applied to the noncompliant evaporative family or evaporative emissions control component.

- (g) Suspension and Revocation of Executive Orders of Certification and Component Executive Orders of Certification.

- (1) The Executive Officer may not revoke or suspend the Executive Order of Certification or Component Executive Order of Certification without considering any information provided by the OHRV manufacturer or evaporative emissions control component manufacturer related to the certification requirements contained in subdivision (b).
- (2) If the results of the compliance testing indicate that the failed OHRV(s) of a particular evaporative family or the failed evaporative emissions control component is produced at one plant, the Executive Officer may suspend the Executive Order of Certification or Component Executive Order of Certification with respect to the OHRV(s) or evaporative emissions control components manufactured at that plant only.
- (3) Notwithstanding the foregoing, the Executive Officer may suspend an OHRV's Executive Order of Certification or Component Executive Order of Certification effective upon written notice to the OHRV manufacturer or evaporative emissions control component manufacturer if the Executive Officer finds that:
 - (A) The OHRV manufacturer or evaporative emission control component manufacturer has refused to comply with any of the applicable requirements for certification of this section; or
 - (B) The OHRV manufacturer or evaporative emissions control component manufacturer has submitted false or incomplete information in any report or information provided to the Executive Officer under this section; or
 - (C) The OHRV manufacturer or evaporative emissions control component manufacturer has rendered inaccurate any test data submitted under this section; or
 - (D) ARB personnel have been denied the opportunity to conduct activities authorized under this section by the OHRV manufacturer or evaporative emissions control component manufacturer.
- (4) The Executive Officer may revoke an Executive Order of Certification for an evaporative family after the Executive Order of Certification has been suspended pursuant to subdivision (f)(1) or (f)(2) if the proposed remedy for the nonconformity, as reported by the OHRV manufacturer to the Executive Officer, is one requiring a design change or changes to the evaporative emission control system as described in the Executive Order of Certification application of the affected evaporative family.
- (5) Once an Executive Order of Certification or Component Executive Order of Certification has been suspended pursuant to subdivision (f), the OHRV

manufacturer or evaporative emissions control component manufacturer must take the following actions before the Executive Officer will consider reinstating the Executive Order of Certification:

(A) Submit a written report to the Executive Officer that identifies the reason for the noncompliance of the OHRV(s) or evaporative emissions control component, describes the proposed remedy, including a description of any proposed quality control and/or quality assurance measures to be taken by the OHRV manufacturer or evaporative emissions control component manufacturer to prevent future occurrences of the problem, and states the date on which the remedies will be implemented; and

(B) Demonstrate that the evaporative family for which the Executive Order of Certification, or the evaporative emissions control component for which a Component Executive Order of Certification has been issued, has been suspended does in fact comply with the regulations of this part by testing an OHRV. The results must meet the criteria required for certification in subdivision (b).

(6) Once the Executive Order of Certification has been revoked for an evaporative family or evaporative emissions control component, and if the OHRV manufacturer or evaporative emissions control component manufacturer desires to continue introduction into commerce of a modified version of that evaporative family or evaporative emissions control component then the OHRV manufacturer or evaporative emissions control component manufacturer must, after implementing the change or changes intended to remedy the nonconformity, demonstrate that the modified evaporative family or evaporative emissions control component does in fact conform to the applicable evaporative emissions standards of section 2418. Conformity can be demonstrated by having five OHRVs from the modified evaporative family or five evaporative emissions control components tested following the test procedures in section 2418(c). Testing may be waived by the Executive Officer based on an OHRV manufacturer-submitted engineering evaluation that shows the change or changes do not affect evaporative emissions.

(h) Tampering/Tamper Resistance.

(1) Manufacturers must design OHRV evaporative emissions control systems in such a way that they are resistant to tampering or removal.

(2) Any canister used to capture evaporative emissions from an off-road motorcycle must be mounted so it does not protrude from the OHRV such that it is prone to damage in a tip over.

(3) If the canister installed on an off-road motorcycle is outside what would otherwise be the cross-sectional profile of the OHRV (with the hoods closed and cargo boxes in the position required for operation), or if the canister installed on an OHRV, except off-road motorcycles, is visible to someone standing next to the OHRV when the OHRV is completely assembled then the canister must be mounted such that non-conventional tools are required to remove it and the vapor line connections to the canister. Otherwise, fasteners requiring conventional tools may be used.

(4) The evaporative system must be designed in such a way that tampering/disassembling is not needed to conduct normal functions. Normal functions include routine maintenance and refueling of the OHRV.

(5) OHRV owners are responsible for confirming all add-on or modified parts installed on OHRVs are compliant with evaporative emissions standards.

(6) OHRV manufacturers must publish the following statement in the owner's manual to inform OHRV owners of California regulations that prohibit tampering with emission control systems: "An add-on or modified part must be compliant with applicable ARB evaporative emission control standards. A violation of this requirement is punishable by civil and/or criminal punishment."

(7) OHRV manufacturers must include an OHRV tampering statement for all new OHRVs certified to the provisions of this Article informing OHRV owners of laws that prohibit tampering. This may be accomplished by including the appropriate tampering statement on a tag attached to the OHRV or by printing the appropriate tampering statement on the front cover of the owner's manual.

(A) The OHRV tampering statement text must be printed in the English language and use block letters and numerals, which must be of a color that contrasts with the background.

(B) The OHRV tampering statement text must be large enough to be clearly legible.

(C) The OHRV tampering statement must include a warning statement that reads "The removal or modification of evaporative emission-related parts on this OHRV is illegal. Violators may be subject to civil and/or criminal penalties as provided under California and federal law."

(D) If a removable tag is used, the OHRV tampering statement must be fastened in a way that it is destroyed upon removal. The tag must also include an additional statement that reads "This tag may not be removed under penalty of law except by the vehicle owner."

(8) Any tampering, removal or modifications of the evaporative emissions control system is prohibited under Part 1068.101(b)(1), Title 40, Code of Federal Regulations.

(A) Peace officers are given the authority to enforce illegal vehicle tampering by section 27156 of the California Vehicle Code.

(B) Section 27156 of the California Vehicle Code prohibits the installation of any add-on or modified emission-related part on any pollution-controlled OHRV unless the part has been exempted by the Executive Officer. The Executive Officer will exempt an OHRV part from the prohibition of

California Vehicle Code section 27156 if the part is found to do either of the following:

1. Not reduce the effectiveness of any required evaporative emissions control device on the OHRV, or
2. Demonstrate that the applicable evaporative emissions standards are being met when the part(s) are properly installed on the OHRV. Sale or installation of any aftermarket part or parts which could potentially affect the evaporative emissions control system is prohibited in California without an ARB approved Anti-Tampering Exemption as stated in Cal. Code Regs., tit.13, § 2470 through 2476.

(i) Inspection.

Subject to the provision of this Article the Executive Officer or an authorized representative of the Executive Officer, may, as deemed necessary to ensure compliance with this Article, periodically inspect any facility which sells or offers for sale or manufactures OHRVs, sells or offers for sale or manufactures engines or sells or offers for sale or manufactures evaporative emissions control components, technology, or systems. Failure of an OHRV manufacturer or evaporative emissions control component manufacturer, distributor, retailer or other person subject to this Article to allow access for inspection purposes may be grounds for suspension or revocation of an Executive Order of Certification.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43105, 43107, 43205.5, 43210, and 43824, Health and Safety Code. Reference: Section 43013, 43018, 43105, 43106, 43106, 43205, 43205.5, 43210, and 43824, Health and Safety Code. Section 27156, California Vehicle Code.