

Addendum to the Final Statement of Reasons for Rulemaking

Public Hearing to Consider Proposed Heavy-Duty Inspection and Maintenance Regulation

Public Hearing Date: December 9, 2021
Agenda Item No.: 21-13-3
Addendum Prepared: October 4, 2022

I. General Discussion

This addendum to the Final Statement of Reasons (FSOR) for the rulemaking action entitled "Public Hearing to Consider Proposed Heavy-Duty Inspection and Maintenance Regulation" updates the original FSOR that the California Air Resources Board (CARB) submitted to the Office of Administrative Law (OAL) on August 23, 2022.

II. Non-Substantial Modifications

The non-substantial modifications described below clarify and do not materially alter the requirements, rights, responsibilities, conditions, or prescriptions contained in the Proposed Amendments, as approved for adoption by CARB. (See Cal. Code Regs., tit. 1, § 40)

After the August 23, 2022, submittal of the FSOR to OAL, the following non-substantial modifications were made to the Final Regulation Order:

Attachment A-1 Final Regulation Order

- In section 2195(b)(4), added, "of this HD I/M Regulation" after "effective date" to specify that the effective date is that of this Regulation and not that of section 1956.8.
- In section 2195(b)(5), deleted the period after "purposes" and replaced with a semicolon for improved punctuation.
- In section 2195.1(a), "Emission control label," moved commas inside the closing quotation marks for improved punctuation.
- In section 2195.1(a), "Five-Day pass," deleted an erroneous space between "Regulation" and the period to improve punctuation/grammar.

- In section 2195.1(a), “On-Board Diagnostics (OBD) system,” subsection (3), added “, as last amended on June 29, 2021” after “section 86.010-18” to add a date for proper citation of the Code of Federal Regulations.
- In section 2195.1(a), “‘Smoke test’ or ‘smoke opacity test’” deleted, “document incorporated herein by reference” as the language is unnecessary since the document had been previously incorporated earlier in subsection (a).
- In section 2195.1(a), “Vehicle identification number (VIN),” added “on October 1, 2021,” between “571” and “which are incorporated herein by reference.” to add a date for proper incorporation of the Code of Federal Regulations.
- In section 2196.1(d)(3), deleted a period after “section 2196.2” for improved punctuation and added “than” between “vehicle other” and “those specified in (1)” to improve grammar/syntax.
- In section 2196.1(e)(1), changed the “i” in the first instance of “In” to lowercase for improved punctuation.
- In section 2196.1(f), deleted “to reflect the annual average” and replaced it with “based on the” so the provision in part now reads, “The Executive Officer shall adjust the compliance fee annually based on the California Consumer Price Index (CCPI).” While the Department of Industrial Relations calculates the CCPI to reflect the annual average, this change was made to reflect that CARB has no discretion in interpreting the CCPI and to align with statutory text of Senate Bill 210 (Chapter 298, Statutes of 2019). Deleted a comma after “Department of Industrial Relations” for improved punctuation.
- In section 2196.4(a), deleted “which is incorporated herein by reference,” as the language is unnecessary since the document had been previously incorporated earlier in section 2195.1(a).
- In section 2197.1(e), added a comma after “inspection” for improved punctuation.
- In section 2197.2(c)(2), added “(3)” after “2193(f)” to read “OBD data as specified in section 2193(f)(3)” to further specify the section referring to OBD data. The submission of data specified in section (f)(3) is the only tenable way to interpret the OBD submission requirements in section 2193(f) so “(3)” was added to improve clarity and provide ease of reference to the reader.
- In section 2197.3(d)(2), added “section” in front of “2197(c)(2)” for proper formatting and citation of the California Code of Regulations.
- In section 2197.3(d)(2)(A)5., added a comma after “load tender” for improved punctuation.
- In section 2199.1, added “, which is January 1, 2023” after “HD I/M Regulation” to specify the actual effective date. Deleted “the” between “from a violation of the sections” for improved grammar/syntax.

Attachment B - California Standards for Heavy-Duty Remote On-Board Diagnostic Devices

- In Table 4, Item 17, deleted "(h)(4.12)" from the "Corresponding Section in CARB HD OBD Regulation (CCR Title 13, Section 1971.1)" column and replaced with "N/A" as that amendment has not yet been approved by the Office of Administrative Law.

III. Documents Incorporated by Reference

In section 2195.1(a), CARB is formally incorporating three documents for the "Vehicle identification number (VIN)" definition:

- 49 Code of Federal Regulations (CFR) Part 565, October 1, 2021
- 49 CFR Part 566, October 1, 2021
- 49 CFR Part 571, October 1, 2021