

Request for Early Effective Date

Pursuant to Government Code Section 11343.4, subdivision (b)(3)

Proposed Revisions to the On-Board Diagnostic System Requirements and Associated Enforcement Provisions for Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles and Engines, and Heavy-Duty Engines

Pursuant to Government Code section 11343.4(b)(3), the California Air Resources Board (CARB or Board) requests that the Office of Administrative Law (OAL) prescribe an "earlier effective date" for the proposed amendments to the "On-Board Diagnostic System Requirements and Associated Enforcement Provisions for Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles and Engines, and Heavy-Duty Engines" regulation (Cal. Code Regs., tit. 13, §§ 1968.2, 1968.5, 1971.1, and 1971.5) (Proposed Amendments) that were approved for adoption by the Board at the July 22, 2021, public hearing and are submitted to OAL for review and approval on July 20, 2022. The following demonstrates "good cause" for OAL to allow the Proposed Amendments to be effective upon filing with the Secretary of State.

Demonstration of Good Cause

On-Board Diagnostic (OBD) systems serve an important role in helping to ensure that engines and vehicles maintain low emissions throughout their full lives. OBD systems monitor virtually all emission controls on engines and vehicles, including catalyts, particulate matter (PM) filters, exhaust gas recirculation systems, oxygen sensors, evaporative systems, fuel systems, and electronic powertrain components, and other components and systems that can affect emissions when malfunctioning. The use and operation of OBD systems ensure reductions of in-use motor vehicle and motor vehicle engine emissions through improvements in emission system durability and performance.

The Proposed Amendments would require manufacturers to implement Unified Diagnostic Services (UDS) features on their vehicles and engines, which would significantly increase the number of available fault codes for manufacturers to use, provide more information related to emissions-related malfunctions that are detected by OBD systems, improve the usefulness of the generic scan tool to repair vehicles, and provide needed information on in-use monitoring performance. The Proposed Amendments would also update the cold start emission reduction strategy monitoring requirements, revise the supporting data requirements for diesel catalyts/adsorbers, revise the PM filter monitoring requirements and diesel feedgas generation monitoring requirements to address manufacturers' implementation issues, modify the production vehicle testing requirements to address manufacturers' workload issues, and clarify the regulations. The Proposed Amendments will also provide manufacturers with greater compliance flexibility and strengthen as well as clarify the performance requirements manufacturers are expected to meet in designing and developing robust OBD systems. This will encourage manufacturers to design and build more durable engines and emission related components, all of which will help ensure that forecasted emission reduction benefits from adopted light-, medium-, and heavy-duty vehicle and engine emission control programs are achieved in-use.

Good cause exists for an early effective date as it will address manufacturers' implementation and workload issues, as well as clarify the regulations and provide manufacturers with more compliance flexibility. This will help manufacturers begin planning earlier to design compliant OBD systems, and result in more durable engines and emission components. It will also assist in ensuring forecasted emissions reductions. An early effective date for the proposed amendments will benefit manufacturers, CARB, and the public, without serving a detriment on any affected party.

Since the proposal would allow manufacturers to implement the UDS features starting with the 2023 model year, an early effective date will provide manufacturers with certainty, flexibility, and allow manufacturers to benefit from these enhanced features as early as possible. Manufacturers will also benefit from the relaxed production vehicle testing requirements, which include reducing the number of monitors to test. (see section 1968.2(j)(2) of title 13, California Code of Regulations). These manufacturers are currently conducting testing on 2021 and 2022 model year vehicles and would immediately benefit from the proposed amendments. Manufacturers will also immediately benefit from the relaxations to the PM filter monitoring requirements and diesel feedgas generation monitoring requirements, which will allow manufacturers to certify their 2023 model year OBD systems without compliance and enforcement issues. Further, manufacturers are currently designing 2024 model year OBD systems and would benefit by having stable, predictable requirements.

CARB will benefit from an early effective date because certain data submission requirements will be incorporated into the vehicle and engine OBD system certification application, whereas currently CARB staff must request this information separately—this will reduce agency staff workload without materially increasing manufacturer requirements. The public will benefit from more robust emission system durability and performance, and the relaxed manufacturer requirements will not have an effect on air quality or pollution produced by the affected engines or vehicles. Finally, an early effective date is needed to accommodate the amendments concurrently being proposed in the OBD II regulation (section 1968.2 of title 13, California Code of Regulations) for the Advanced Clean Cars II rulemaking (Board hearing date: June 9, 2022). Specifically, the Advanced Clean Cars II rulemaking will propose more stringent emission standards (the Low Emission Vehicle IV standards) and consequently revised OBD II emission thresholds that will apply to vehicles certified to these standards. The Advanced Clean Cars II proposal will require the revised PM filter monitor PM thresholds to be the same as the amended PM filter monitor PM thresholds that were proposed with this OBD rulemaking update. Therefore, an early effective for the OBD rulemaking proposal (including the amended PM filter monitor PM thresholds) is needed to accommodate this.

For these reasons, CARB believes good cause exists for an early effective date and hereby requests that OAL approve an early effective date for the amendments to be effective upon filing with the Secretary of State.



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07/07/2022

Date