

## **Executive Order R-22-001**

### ***Relating to 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***

Whereas, on July 22, 2021, the California Air Resources Board (CARB or Board) conducted a public hearing to consider the 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, as set forth in Appendices A through D to the Initial Statement of Reasons released to the public on June 1, 2021;

Whereas, the environmental analysis prepared under CARB's regulatory program certified under Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA; California Code of Regulations, title 14, section 15251(d)) in the Initial Statement of Reasons concluded that the amendments are exempt from CEQA, as described in CEQA Guidelines section 15061, because the amendments are exempt from CEQA under California Code of Regulations, title 14, section 15308 ("Class 8" exemption: Actions Taken by Regulatory Agencies for Protection of the Environment) because the record evidence shows that the amendments will enhance the environment by better protecting the public from health impacts associated with exposure to hydrocarbon (HC), oxides of nitrogen (NOx), carbon monoxide (CO), and particulate matter (PM) emissions, the regulatory process involves procedures for protection of the environment, and the amendments will not result in any significant adverse environmental impacts as described in Chapter VI of the Initial Statement of Reasons;

Whereas, following the public hearing, the Board adopted Resolution 21-15 in which the Board approved for adoption amendments to sections 1968.2, 1968.5, 1971.1, and 1971.5, title 13 California Code of Regulations, as set forth in Appendices A through D of the Initial Statement of Reasons;

Whereas, Resolution 21-15, directed the Executive Officer to make any additional conforming modifications deemed appropriate available for public comment, with any additional supporting documents and information, for a period of at least 15 days. The Executive Officer was directed to consider written comments submitted during the public review period and make any additional appropriate conforming modifications available for public comment for at least 15 days, and to take final action to adopt the regulation after addressing all appropriate modifications or present the regulation to the Board for further consideration if warranted;

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Whereas, modified regulatory language and supporting documentation were circulated for two 15-day public comment periods, with the changes to the originally proposed text clearly indicated, according to provisions of California Code of Regulations, title 1, section 44 and Government Code section 11340.85, from February 15, 2022, through March 2, 2022, and from April 22, 2022, through May 9, 2022;

Whereas, a number of written comments were received during the initial 45-day comment period and supplemental 15-day comment periods, and those comments were considered by the Executive Officer;

Whereas, based on substantial evidence in the record there is no possibility the modifications to the regulation made available for 15-day public comment periods after the Board hearing could affect the conclusion of the environmental analysis included in the Initial Statement of Reasons, so no additional environmental analysis was required and no additional comments raising significant environmental issues were received;

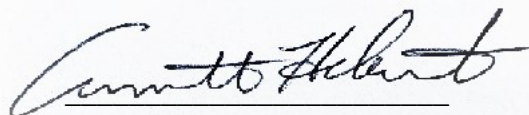
Whereas, the modifications to the regulation made available for the 15-day public comment periods do not affect the Board's determination in Resolution 21-15 that the proposed regulation, as set forth in Appendices A through D of the Initial Statement of Reasons, will not cause California motor vehicle emission standards, in the aggregate, to be less protective of public health and welfare than applicable federal standards.

Now, Therefore, It Is Ordered that the recitals and findings contained in Resolution 21-15 are incorporated herein.

It Is Further Ordered that sections 1968.2, 1968.5, 1971.1, and 1971.5, Title 13 California Code of Regulations and the incorporated documents are adopted as set forth in the Attachments to this Order.

It Is Further Ordered that the adopted regulatory text may be further revised with non-substantial or grammatical changes, which will be added to the rulemaking record and indicated as such.

Executed this 20th day of July at Riverside, California.



Annette Hebert  
Deputy Executive Officer

Attachment(s)

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Attachment 1: Final Regulatory Order: On-Board Diagnostic System Requirements and Associated Enforcement Provisions for Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles and Engines, and Heavy-Duty Engines, California Code of Regulations, Title 13, Sections 1968.2, 1968.5, 1971.1, and 1971.5