

Addendum to the Final Statement of Reasons for Rulemaking

Public Hearing to Consider Proposed Amendments to the Small Off-Road Engine Regulations: Transition to Zero Emissions

Public Hearing Date: December 9, 2021
Agenda Item No.: 21-13-2
Addendum Prepared: September 14, 2022

I. General Background

On August 2, 2022, the California Air Resources Board (CARB or Board) submitted the Final Statement of Reasons for the rulemaking action entitled "Public Hearing to Consider Proposed Amendments to the Small Off-Road Engine Regulations: Transition to Zero Emissions" to the Office of Administrative Law (OAL) for its review and approval.

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 the California Air Resources Board (CARB) and approved by OAL. (See Cal. Code Regs., tit. 1, § 40)

After the August 2, 2022, submission of the rulemaking package to OAL for approval, the following non-substantial modifications were made to the following Final Regulation Orders:

Attachment 1: Final Regulation Order for Amendments to the Small Off-Road Engine Exhaust Emissions Regulations, Off-Road Vehicles and Engines Pollution Control Devices

§ 2407. New Engine Compliance and Production Line Testing- New Small Off-Road Engine Selection, Evaluation, and Enforcement Action.

In subsection (a): Added "As appropriate, Health and Safety Code section 43024(b) will inform CARB's requests." Added Health and Safety Code section 43024 as a reference citation. This language was added to make explicit the existing statutory criteria that the Executive Officer may consider, as appropriate, when evaluating the

need for a certain number of engines for testing and/or inspection.

§ 2408.2. Emission Reduction Credits – Zero-Emission Generator Credits Averaging, Banking, and Trading Provisions.

In subsections (g)(4) and (h)(6): Added “,after considering relevant factors, including, as appropriate, factors in Health and Safety code section 43024(b),”. Added Health and Safety Code section 43024 as a reference citation. This language was added to make explicit the existing statutory criteria that the Executive Officer may consider, as appropriate, when he or she makes a determination to void Executive Orders, ab initio.

Attachment 2: Final Regulation Order for Amendments to the Small Off-Road Engine Evaporative Emissions Regulation, Evaporative Emission Requirements for Off-Road Equipment

§ 2754. Diurnal and Hot Soak Plus Diurnal Emission and Design Standards.

In subsection (h): In the last sentence, added “receive Executive Officer approval, applicants shall” after “To” and before “demonstrate that running loss emissions are controlled from being emitted into the atmosphere.” Also, added “by following” and deleted “, an applicant shall” before “the procedure in section 2.4 of TP-902.” This change was added to better connect the existing showing that an applicant needs to make when seeking Executive Officer approval for the demonstration that running loss emissions are controlled from being emitted into the atmosphere.

§ 2754.1. Certification Averaging, ~~and Banking, and Trading.~~

In subsection (e)(5): Added “,after considering relevant factors, including, as appropriate, factors in Health and Safety code section 43024(b),”. Added Health and Safety Code section 43024 as a reference citation. This language was added to make explicit the existing statutory criteria that the Executive Officer may consider, as appropriate, when he or she makes a determination to void Executive Orders, ab initio.

§ 2754.3. Evaporative Emission Reduction Credits - Zero-Emission Generator Credits Averaging, Banking, and Trading Provisions

In subsections (g)(4) and (h)(6): Added “,after considering relevant factors, including, as appropriate, factors in Health and Safety code section 43024(b),”. Added Health and Safety Code section 43024 as a reference citation. This language was added to make explicit the existing statutory criteria that the Executive Officer may consider, as appropriate, when he or she makes a determination to void Executive Orders, ab initio.

Attachment 6: Final Regulation Order Test Procedures for the California Exhaust Emission Standards and Test Procedures for New 2013 and Later Small Off-Road Engines; Engine Testing Procedures (Part 1054)

§ 1054.125 What maintenance instructions must I give to buyers?

In subsection (a)(1): Added “will” in place of “may” to be consistent with the existing

language in title 40 Code of Federal Regulations section 1054.125.

§ 1054.825 What reporting and recordkeeping requirements apply under this part?

In subsection (b): Added “,after considering relevant factors, including, as appropriate, factors in Health and Safety code section 43024(b),”. This language was added to make explicit the existing statutory criteria that the Executive Officer may consider, as appropriate, when he or she makes a determination to void Executive Order, ab initio.