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Descriptions of the proposed changes to the regulations and the reasons for making them. This discussion does not address non-substantive modifications to correct typographical or grammatical errors, changes in numbering or formatting, addition of or edits to internal regulatory cross-references, or similar revisions that improve clarity.

Proposed Modifications to Section 1961.4, Exhaust Emission Standards and Test Procedures - 2026 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles

The primary change to section 1961.4 is a restructure of the proposed regulation for improved clarity in the requirements. For the Low-Emission Vehicle (LEV) II regulation in title 13, California Code of Regulations (CCR), section 1961 and the LEV III regulation in title 13, CCR, section 1961.2, the regulatory structure set forth new exhaust emission standards for both light-duty vehicles and medium-duty vehicles in subsection (a), phase-in schedules for the new standards in subsection (b), methodology for calculation of non-methane organic gas plus oxides of nitrogen (NMOG+NO_x) credits and debits in subsection (c), identification and incorporation of test procedures for determining compliance with the applicable emission standards in subsection (d), definition of abbreviations used in the section in subsection (e), and (for section 1961.2) a severability provision in subsection (f).

The structure of section 1961.4 that was proposed as part of the initial 45-day proposal mirrored the structure of prior sections 1961 and 1961.2. However, section 1961.4 has been reorganized as part of these 15-day changes. The reorganization of section 1961.4 sets forth the applicability, definitions, and general provisions in subsections (a) through (c), respectively and then groups all light-duty vehicle standards into subsection (d) and all medium-duty vehicle standards into subsection (e). Within each of those subsections, requirements for fleet averages and individual test cycle emission standards are presented in a consistent order to make comparison and reference easier. Lastly, subsections (f) through (h) cover some less frequently used additional provisions, disclosure of records, and a severability provision. All of these restructuring provisions are necessary to improve clarity because they provide a more logical order to the regulation that follows a consistent pattern for the requirements. This consistency facilitates comprehension and application of the requirements by minimizing repetitious statements by consolidating the requirements for light- and medium-duty vehicles. The changes are necessary for these reasons, in addition to the reasons the underlying provisions that were proposed for adoption are necessary to reduce emissions for the reasons explained in the ISOR, Appendix F-1.

In addition to the restructuring of section 1961.4, a number of substantive modifications to the regulatory requirements that were included in the originally proposed 45-day

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notice version section 1961.4 are being proposed as 15-day changes. These substantive changes are discussed below.

1. Restructured Subsection 1961.4(a)

The title of this subsection is being changed from "Introduction" to "Purpose and Applicability," which is necessary to more clearly state the intent of this subsection.

2. Restructured Subsection 1961.4(a)(1)

This subsection is a modified version of the 45-day version of subsection 1961.4(a)(1). In the restructured version of this subsection, new language is being added to note that wherever the term "light-duty vehicle(s)" or "LDV(s)" are used in section 1961.4, the term is meant to also include medium-duty passenger vehicles (MDPV). Consistent with the current light-duty vehicle emission standards, MDPVs consist of vehicles that are used in an identical manner as light-duty vehicles despite their larger weight or size and as such, are subject to the same emission standards as light-duty vehicles. The inclusion of MDPVs in the references to light-duty vehicles is limited to this section for ease and simplicity in denoting applicable standards. A sentence is also being added to this subsection that states that unless otherwise noted, terms in this section shall have the definitions provided in Part I, sections B.1 and B.2 of the "California 2026 and Subsequent Model Criteria Pollutant Emission Standards and Test Procedures." This statement is being added for clarity and is necessary for ease of comprehension by the regulated community, and to point where virtually all the relevant terms of this section are defined. Referencing the definitions contained in Part I, sections B.1 and B.2 is necessary because the defined terms between them are lengthy.

3. Restructured Subsection 1961.4(a)(2)

The 45-day notice version of subsection 1961.4(a)(2) contains a provision that allows a manufacturer to certify its vehicle fleet to section 1961.4 rather than to section 1961.2 in model year 2025. The original language stated, "In the 2025 model year, a manufacturer that produces vehicles that meet the standards in subsection (c) has the option of certifying the vehicles to those standards, in which case the vehicles must be certified to this section 1961.4 in its entirety rather than to the standards in section 1961.2." Two changes are being made to this subsection. The first change explicitly allows a manufacturer to certify a portion of its fleet under section 1961.4, while continuing to certify the remainder of its fleet under section 1961.2 in the 2025 model year. This change is necessary to provide manufacturers with additional compliance flexibility and is responsive to feedback that manufacturers may not be prepared to certify all test groups to LEV IV in model year 2025. The second change to this subsection is to expand it to be more explicit (e.g., the restructured version of section 1961.4(a)(2) lists the applicable emission standards contained in section 1961.4), although the substantive requirements in the 45-day notice version of subsection 1961.4(a)(2)

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are not being changed. Changes that appear in the restructured version of subsection 1961.4(a)(2) include a subsection title, "Optional 2025 model year compliance," and subsection (a)(2)(A), including (a)(2)(A)1. and (a)(2)(A)2., which pertain to light-duty vehicle certification, and subsection (a)(2)(B), including (a)(2)(B)1. and (a)(2)(B)2., which pertain to medium-duty vehicle certification.

4. Restructured Subsection 1961.4 (a)(3)

The restructured subsection 1961.4 (a)(3) has been given a title, "Optional engine standards for MDVs." Restructured subsection 1961.4(a)(3)(A) is unchanged from the 45-day notice version of subsection 1961.4(a)(3). Restructured subsection 1961.4(a)(3)(B) is an expanded version of the 45-day notice version of subsection 1961.4(d)(2)(A)2. This provision requires that engines used in incomplete medium-duty vehicles that use Otto-cycle engines and diesel engines used in medium-duty vehicles certify to applicable engine standards in title 13, CCR, section 1956.8. Title 13, CCR, section 1956.8 specifies and incorporates by reference the test procedures that must be used to demonstrate compliance with that section. Consequently, the 45-day notice version of subsection 1961.4(d)(2)(A)2. did not reiterate the test procedures that must be used to certify engines to title 13, CCR, section 1956.8. The new language includes mention of these test procedures. Restructured subsection 1961.4(d)(3)(B) also includes new language that states that medium-duty vehicles using engines that are certified to title 13, CCR, section 1956.8 requirements do not also have to certify to the requirements in section 1961.4. Since certain medium-duty vehicles can be certified under either 1956.8 or 1961.4, it is necessary to delineate when and how such vehicles can be included under either section; certifying under both would be unduly burdensome.

5. Restructured Subsection 1961.4(b)

The "Abbreviations" subsection is being moved from subsection (g) in the 45-day notice version of section 1961.4 to subsection (b) in the restructured version of section 1961.4 and modified as necessary to reflect the terms being used. The abbreviations "ASTM," "GVW," "HEV," "LDT1," "LDT2," and "LPG" are being deleted, since they are not used in the restructured version of section 1961.4. The abbreviations "GCWR," "HCHO," "LDV," "MAW," and "UC" are being added to this subsection, as these terms are now frequently used in this section and abbreviated for convenience. The abbreviations for "NMOG" and "ZEV" are being modified to remove the definitions that are included as part of the 45-day notice version of these abbreviations, because these terms are defined in Part I, section B.2 in the "California 2026 and Subsequent Model Criteria Pollutant Emission Standards and Test Procedures" and thus unnecessary to define here.

6. Restructured Subsection 1961.4(c)(1)-(3)

Restructured subsection 1961.4(c) is a newly created umbrella section, titled "General Provisions," that compiles general provisions that apply to section 1961.4. Subsection 1961.4(c)(1) is identical to the 45-day notice version of

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subsection 1961.4(f). Subsection 1961.4(c)(2) is new but consolidates several sentences throughout the 45-day notice version of the regulation that imposed the same requirement that a vehicle that is certified to a specific Federal Test Procedure (FTP) emission category must also be certified to the same emission category for all other sets of standards in section 1961.4, which are necessary to ensure emission standards are met. The standards are necessary to ensure a consistent level of emission control across the various test cycles and test conditions and as such, a vehicle must be designed to meet the full complement of standards applicable to a single emission category. Subsection 1961.4(c)(3), including subsections (c)(3)(A) and (c)(3)(B) is the same as the 45-day notice version of subsection 1961.4(b), including subsections (b)(1)(A) and (b)(1)(B). Subsection 1961.4(c)(3)(B)1. is the same as the 45-day notice version of subsection 1961.4(b)(2). Subsection 1961.4(c)(3)(B)2. is the same as the 45-day notice version of subsection 1961.4(b)(3). Subsection 1961.4(c)(3)(B)3. is the same as the section under the table in the 45-day notice version of subsection 1961.4(d)(1)(A), with a cross-reference to the "California 2026 and Subsequent Model Criteria Pollutant Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles" for additional clarity on the end-of-the-model-year compliance report.

7. Restructured Subsection 1961.4(c)(4)

Restructured subsection 1961.4(c)(4) is a newly created umbrella section for small volume manufacturer provisions. The requirements in restructured subsection 1961.4(c)(4) include the following. Subsection 1961.4(c)(4)(A), including subsections (c)(4)(A)1., (c)(4)(A)2., and (c)(4)(A)3., is the same as the 45-day notice version of subsection 1961.4(d)(1)(C)2., except that the provisions in 45-day notice version of subsection 1961.4(d)(1)(C)2. are being divided into four separate sections to improve clarity. Subsection 1961.4(c)(4)(B) is the same as the 45-day notice version of subsection 1961.4(d)(1)(C)3.

8. Restructured Subsection 1961.4(c)(5)

Restructured subsection 1961.4(c)(5) is a newly created umbrella section for certifying fuel-flexible, bi-fuel, and dual-fuel vehicles. The requirements in restructured subsection 1961.4(c)(5) include the following. Subsection 1961.4(c)(5)(A) is new. In the 45-day notice version of section 1961.4, the applicability of specific emission standards to fuel-flexible, bi-fuel, and dual-fuel vehicles when operating on the alcohol fuel and when operating on gasoline or diesel, as applicable, is shown in the subsection applicable to each emission standard. Restructured subsection 1961.4(c)(5)(A) states up front that all emission standards apply to fuel-flexible, bi-fuel, and dual-fuel vehicles when operating on the alcohol fuel and when operating on gasoline or diesel, as applicable, unless otherwise noted. The requirements in the 45-day notice version of subsection 1961.4(c)(3)(A) are also being moved into restructured subsection 1961.4(c)(5)(A). Restructured subsection 1961.4(c)(5)(B) is the same as the 45-day notice version of subsection 1961.4(c)(3)(B). Restructured subsection 1961.4(c)(5)(C) contains

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requirements that are included in subsection 1961.4(c)(4) of the 45-day notice version of section 1961.4. As stated above, this reorganization is necessary to promote compliance and the standards are necessary to meet CARB's statutory obligations to reduce emissions.

9. Restructured Subsection 1961.4(c)(6)

The 45-day notice version of subsection 1961.4(c)(15), including subsections (c)(15)(A) and (c)(15)(B), are being renumbered as restructured subsection 1961.4(c)(6), including subsections (c)(6)(A) and (c)(6)(B). The requirements contained in the restructured version of this subsection are the same as in the 45-day notice version of this subsection, except as follows. In the 45-day notice version of subsection 1961.4(c)(15)(A), only the federal emission bins contained in Table 2 of the Code of Federal Regulations (CFR), title 40, section 86.1811.17(b), as amended June 29, 2021, were required to be used to determine equivalence with federal standards. Restructured subsection 1961.4(c)(6)(A) is being revised to also require a comparison to Tables 2 and 3 of CFR, title 40, section 86.1816-18(b), as amended October 25, 2016, in the determination of equivalence with federal standards. This revision is necessary for completeness because subsection 1961.4(c)(6) applies to both light-duty vehicles and medium-duty vehicles. CFR, title 40, section 86.1811.17 contains the federal emission standards for light-duty vehicles and medium-duty passenger vehicles, and CFR, title 40, section 86.1816-18 contains the federal Tier 3 emission standards for medium-duty vehicles other than medium-duty passenger vehicles.

10. Restructured Subsection 1961.4(c)(7)

This subsection is being added to section 1961.4 because it is necessary to provide specificity as to how a manufacturer must submit information that is required to demonstrate compliance with this section. Specifically, restructured subsection 1961.4(c)(7) states that unless otherwise specified, reports, documentation, notices, and requests under this section 1961.4 must be provided to the California Air Resources Board through the electronic Document Management System available through the website: <https://arb.ca.gov.certification-document-management-system>. Staff is proposing an electronic submittal method as opposed to a physical address because staff anticipates stakeholders prefer electronic submittal for convenience and congruency, as electronic submittal is the current method by which manufacturers submit data and documentation. An electronic method is also necessary to facilitate compliance and prompt compliance review under modern business practices.

11. Restructured to Add Subsection 1961.4(c)(8)

A number of provisions in section 1961.4 allow a manufacturer to submit an attestation to CARB under penalty of perjury attesting to the accuracy and truthfulness to demonstrate compliance with applicable standards rather than submitting vehicle emission test data (subsections (c)(5)(C), (d)(2)(B)1., (d)(2)(D)2.,

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(d)(4), (e)(2)(B)2., and (e)(4)). Subsection 1961.4(c)(8) is being added to section 1961.4 to define the meaning of "attestation" within the context of section 1961.4. The attestation requirement and definition are necessary to ensure information is accurate and truthful and that there is a consequence for submitting inaccurate or untruthful information.

12. Restructured Subsection 1961.4(d)

Restructured section 1961.4 moves all of the exhaust emission standards for light-duty vehicles and medium-duty passenger vehicles that are contained in subsection (c) of the 45-day notice version of section 1961.4, all of the phase-in requirements for light-duty vehicles and medium-duty passenger vehicles that are contained in subsection (d) of the 45-day notice version of section 1961.4, and all of the "Calculation of NMOG + NO_x Credits/Debits" for light-duty vehicles and medium-duty passenger vehicles that are contained in subsection (e) of the 45-day notice version of section 1961.4 into restructured subsection 1961.4(d). The first introductory sentence for restructured subsection 1961.4(d) adds new language that specifies that LDVs for purposes of this section include passenger cars (PCs), light-duty trucks (LDTs), or medium-duty passenger vehicles (MDPVs) that are produced and delivered for sale in California, in accordance with the applicability in subsection (a). The second introductory sentence specifies that LDVs are tested at their loaded vehicle weight (LVW) for these standards. This second sentence is not a change from the 45-day notice version of section 1961.4. Rather, this provision regarding test weight for light-duty vehicles and medium-duty passenger vehicles is included in the 45-day notice version of section 1961.4 either in a standards table (e.g., 1961.4(c)(1)(A)) or in a footnote below a standards table (e.g., table footnote 2 in 1961.4(c)(9)(B)1.), and is relocated to the introductory paragraph, which is necessary for simplicity.

13. Restructured Subsection 1961.4(d)(1)

Restructured subsection 1961.4(d)(1) is an umbrella section for fleet average requirements. Because subsection (d) is now a consolidation of all exhaust standards, phase-in requirements, and NMOG+NO_x debit/credit calculation for LDVs, it is titled "Fleet Average Requirement" instead "Fleet Average NMOG+NO_x Requirements for Passenger Cars, Light-Duty Trucks, and Medium-Duty Passenger Vehicles." This is necessary to promote clarity and simplicity.

14. Restructured Subsection 1961.4(d)(1)(A)

Restructured subsection 1961.4(d)(1)(A) is essentially the same as subsection 1961.4(d)(1)(A) in the 45-day notice version of section 1961.4, except that the introductory sentence has been simplified and the statement that these fleet average requirements do not apply to small volume manufacturers has been removed. The table headings have also been simplified. As previously mentioned, the paragraph under the table in the 45-day notice version of section 1961.4 is being moved to restructured subsection 1961.4(c)(3)(B)3. This change is necessary to effectuate the reordered format of the regulation, including, for

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example, the changes that consolidated the requirements for small volume manufacturers in subsection (d)(1)(C).

15. Restructured Subsection 1961.4(d)(1)(B)

Restructured subsection 1961.4(d)(1)(B) is a renamed and reorganized version of the 45-day notice version of section 1961.4(d)(1)(B). The substance is virtually identical, but changes are made for improved organization, clarity, and simplicity.

16. Restructured Subsections 1961.4(d)(1)(B)1. and 1961.4(d)(1)(B)2.

The 45-day notice version of subsection 1961.4(d)(1)(B)1, titled "Basic Calculation", establishes an equation and criteria for calculating a manufacturer's fleet average NMOG+NO_x value for its combined fleet of passenger cars, light-duty trucks, and medium-duty passenger vehicles. For each model year, the value calculated in accordance with subsection must be used to comply with the required fleet average NMOG+NO_x value in the 45-day notice version of subsection 1961.4(d)(1)(A). The first paragraph and equation in the 45-day notice version of subsection 1961.4(d)(1)(B)1 applies to the 2025 through 2028 model years, and the second paragraph and equation in the 45-day notice version of subsection 1961.4(d)(1)(B)1 applies to the 2029 and subsequent model years.

The 45-day notice version of subsection 1961.4(d)(1)(B)1 is being split into restructured subsection 1961.4(d)(1)(B)1, which applies to the 2025 through 2028 model years, and restructured subsection 1961.4(d)(1)(B)2, which applies to the 2029 and subsequent model years. For each of these new subsections, the terms used in the applicable equations are being changed to use abbreviations rather than descriptive words. Definitions for the abbreviations are being added below the equations. This more formulaic version is necessary to promote clarity and facilitate comprehension, to be easier to follow.

17. Restructured Subsection 1961.4(d)(1)(B)1.a.

The language in subsection 1961.4(d)(1)(B)1.a was moved from the first paragraph of the 45-day notice version of subsection 1961.4(d)(1)(B)1. This change is necessary to promote clarity because it facilitate use of the formula given in 1961.4(d)(1)(B)1.

18. Restructured Subsection 1961.4(d)(1)(B)1.b.

The first sentence in subsection 1961.4(d)(1)(B)1.b was also moved from the first paragraph of the 45-day notice version of subsection 1961.4(d)(1)(B)1, with the additional requirement that the calculated maximum allowable "ZEVs + emission-adjusted PHEVs" to be included in the fleet average shall be "rounded to the nearest whole vehicle." The second, third, and fourth sentences in subsection 1961.4(d)(1)(B)1.b. are new. The second sentence requires a manufacturer to designate in its end-of-model-year compliance report which of its ZEV and PHEV test groups that it will include in the fleet average to ensure compliance is appropriately demonstrated. The third sentence specifies that

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PHEVs that are included in the fleet average as shall be emission adjusted (i.e., "emission-adjusted PHEVs," as per the formula). The fourth sentence reiterates that the total number of designated ZEVs + emission-adjusted PHEVs may not exceed the calculated maximum allowable value. These four changes are necessary to improve clarity regarding the use of ZEVs and PHEVs to calculate a regulated party's fleet average emissions, which will help ensure compliance with the fleet average requirements in subsection (d)(1)(A)

19. Restructured Subsection 1961.4(d)(1)(B)1.c.

The language in subsection 1961.4(d)(1)(B)1.c. was moved from the first paragraph of the 45-day notice version of subsection 1961.4(d)(1)(B)1. This change is necessary to effectuate the reordered format.

20. Restructured Subsection 1961.4(d)(1)(B)1.d.

The language in subsection 1961.4(d)(1)(B)1.d. is added to clarify the intent of the language in the denominator of the first equation regarding ZEVs in the 45-day notice version of subsection 1961.4(d)(1)(B)1. This change is necessary to ensure the intended emission reductions are achieved from conventional vehicles.

21. Restructured Subsections 1961.4(d)(1)(B)2.a. and 1961.4(d)(1)(B)2.b.

The language in subsections 1961.4(d)(1)(B)2.a. and 1961.4(d)(1)(B)2.b. was moved from the second paragraph of the 45-day notice version of subsection 1961.4(d)(1)(B)1. This change is necessary to effectuate the reordered format.

22. Restructured Subsection 1961.4(d)(1)(B)3.

Restructured subsection 1961.4(d)(1)(B)3. is the same as the 45-day notice version of subsection 1961.4(d)(1)(B)2., except for two changes. First, the emission standard values for federally certified vehicles have been removed. This modification is necessary, since federally certified vehicles will not be allowed to be sold in California in the 2026 and subsequent model years. Second, emission standard values for "LEV III" vehicles, which certify to title 13, CCR, section 1961.2, have been added to this table. This change is necessary because for the 2025 model year, these proposed 15-day changes will allow automakers to certify part of their fleet to the standards in section 1961.2 and part of their fleet to the standards in section 1961.4. In the 45-day notice version of section 1961.4, an automaker is required to certify all of its fleet to either the standards in 1961.2 or to the standards in section 1961.4, but not to both.

23. Restructured Subsection 1961.4(d)(1)(B)4.

The 45-day notice version of subsection 1961.4(d)(1)(B)3. establishes an equation and criteria for calculating PHEV NMOG+NO_x contribution factors for the 2025 through 2028 model years. Restructured subsection 1961.4(d)(1)(B)4. is the same as the 45-day notice version of subsection 1961.4(d)(1)(B)3., except as follows. In restructured subsection 1961.4(d)(1)(B)4., the terms used in the applicable equations are being changed to use abbreviations rather than descriptive words.

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Definitions for the abbreviations are being added below the equations. This more formulaic version is necessary for clarity, to be easier to follow.

24. Restructured Subsection 1961.4(d)(1)(C)

Restructured subsection 1961.4(d)(1)(C), including subsection 1961.4(d)(1)(C)1., is the same as the 45-day notice version of subsection 1961.4(d)(1)(C)1. Subsection 1961.4(d)(1)(C)2. is a new provision that allows a small volume manufacturer to emission-adjust 100 percent of its PHEVs that are produced and delivered for sale in California in its fleet average calculation for 2026 and subsequent model years by using the PHEV contribution factor of subsection (d)(1)(B)4. This new provision is necessary to help ease the compliance burden for these manufacturers that have limited product offerings and significantly fewer resources available to design and produce multiple powertrain offerings simultaneously. These manufacturers are also not subject to the ZEV standards until 2035 and consistent with that, this change incentivizes them to continue to develop electrified powertrains and ease their compliance burden for the tailpipe standards in section 1961.4 as a result by averaging in the benefits of those electrified powertrains in pure ZEVs or as a portion of their PHEVs.

25. Restructured Subsection 1961.4(d)(1)(D)

Restructured subsection 1961.4(d)(1)(D) is an umbrella section that corresponds with umbrella subsection 1961.4(e)(1) in the 45-day notice version of subsection 1961.4. This change is necessary to align with the restructured format and is necessary to provide the means for a manufacturer to calculate credits to determine compliance with the emission standards.

26. Restructured Subsection 1961.4(d)(1)(D)1.

Restructured subsection 1961.4(d)(1)(D)1., which establishes an equation and criteria for calculating a manufacturer's NMOG+NO_x credits and debits for its combined fleet of passenger cars, light-duty trucks, and medium-duty passenger vehicles, is the same as in the 45-day notice version of subsection 1961.4(e)(1)(A), except as follows. First, the terms used in the applicable equation is being changed to use abbreviations rather than descriptive words. Second, definitions for the abbreviations are being added below the equations. This more formulaic version is necessary for clarity, to be easier to follow.

27. Restructured Subsections 1961.4(d)(1)(D)2. and 1961.4(d)(1)(D)3.

Restructured subsection 1961.4(d)(1)(D)2. is the same as the 45-day notice version of subsection 1961.4(e)(1)(B). Restructured subsection 1961.4(d)(1)(D)3. is the same as the 45-day notice version of subsection 1961.4(e)(3)(B). This change is necessary to align with the restructured format and is necessary to define the outcome of a manufacturer's performance against the standards as a credit or a debit, which is a predicate of determining compliance..

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28. Restructured Subsection 1961.4(d)(1)(E)
Restructured subsection 1961.4(d)(1)(E) is an umbrella section that corresponds with umbrella subsection 1961.4(e)(3) in the 45-day notice version of subsection 1961.4. This change is necessary to effectuate the restructured format of the regulation that presents the emission standards in a consolidated format.
29. Restructured Subsections 1961.4(d)(1)(E)1. and 1961.4(d)(1)(E)2.
Restructured subsection 1961.4(d)(1)(E)1. is the same as the language in the first paragraph of 45-day notice version of subsection 1961.4(e)(3)(A) that pertains to passenger cars, light-duty trucks, and medium-duty passenger vehicles.
Restructured subsection 1961.4(d)(1)(E)2. is the same as the language in the second paragraph of 45-day notice version of subsection 1961.4(e)(3)(A) that pertains to passenger cars, light-duty trucks, and medium-duty passenger vehicles. This change is necessary to effectuate the restructured format and for clarity to succinctly state a manufacturer's obligations to meet the standards and reduce emissions as intended.
30. Restructured Subsection 1961.4(d)(1)(E)3.
Restructured subsection 1961.4(d)(1)(E)3. is a new provision that states that, "A manufacturer may be subject to additional penalties under the Health and Safety Code for any other violation of this section other than the failure to equalize debits within the specified time period under this subsection." This language is necessary to provide additional notice to manufacturers and other stakeholders and further clarifies that failure to equalize debits does not absolve or override other violations of this section. This provision does not create any new enforcement or penalty risks for violations of this section.
31. Restructured Subsection 1961.4(d)(1)(F)
Restructured subsection 1961.4(d)(1)(F) is an expanded version of the provisions in the 45-day notice version of subsection 1961.4(e)(4), but the substance of the original subsection is not changing. The additional language is necessary to improve clarity.
32. Restructured Subsection 1961.4(d)(2)
Restructured subsection 1961.4(d)(2) is an umbrella section that contains portions of the language in the 45-day notice version of subsections 1961.4(c)(1)(A), 1961.4(c)(2), 1961.4(c)(4), 1961.4(c)(5), 1961.4(c)(6), 1961.4(c)(7), and 1961.4(c)(11)(A) that pertain to passenger cars, light-duty trucks, and medium-duty passenger vehicles. This change is necessary to effectuate the restructured format and to consolidate all FTP emission test standards under one subsection, which provides additional clarity to regulated parties regarding their FTP emission testing obligations.

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33. Restructured Subsection 1961.4(d)(2)(A)

Restructured subsection 1961.4(d)(2)(A) contains the LEV IV standards that are in the 45-day notice version of subsections 1961.4(c)(1)(A), 1961.4(c)(2), and 1961.4(c)(11)(A). This change is necessary to effectuate the restructured format and for clarity to succinctly state a manufacturer's obligations to meet the standards and reduce emissions as intended.

34. Restructured Subsection 1961.4(d)(2)(A)1.

Restructured Subsection 1961.4(d)(2)(A)1. contains the same LEV IV standards that are in the 45-day notice version of subsections 1961.4(c)(1)(A), except as follows. First, the first column in the original table has been removed. The first column in the 45-day notice version of this table shows that the standards apply to "all PCs; LDTs 8500 lbs. gross vehicle weight rating (GVWR) or less; and MDPVs." This statement is no longer needed, because revised subsection 1961.4(d) in its entirety applies to all PCs; LDTs 8500 lbs. GVWR or less; and MDPVs. The first column in the 45-day notice version of this table also states that "Vehicles in this category are tested at their loaded vehicle weight." This statement is no longer needed because it has been moved to the beginning of restructured subsection 1961.4(d). Another change to this table is to the column that shows the particulate matter standards. In the 45-day notice version of the table, the column heading is "Particulates (g/mi)" with a footnote that says, "The particulate standards and phase-in schedule set forth in subsection (c)(2) shall apply." No standards are shown in the table. In the restructured table, the column heading is changed to "PM (mg/mi)." The standard is shown as 1 mg/mi, and the footnote is changed to say, "See subsection (d)(2)(A)2. for details of 1 mg/mi particulate standard phase-in." Another change to this table is that the high altitude NMOG+NO_x standards that are shown in footnote 2 of the 45-day notice version of the table are being added in a sixth column to the table. The high altitude NMOG+NO_x standard for the SULEV20 vehicle emission category is being changed from 0.050 grams per mile to 0.030 grams per mile. This change is necessary to maintain consistency with the corresponding federal Bin 20 vehicle emission category. Finally, footnote 1 of the 45-day notice version of the table is being deleted because that statement has been moved to the beginning of restructured subsection 1961.4(d). These changes are necessary to effectuate and conform to the restructured format, and for clarity to succinctly state a manufacturer's obligations to meet the standards and reduce emissions as intended.

35. Restructured Subsection 1961.4(d)(2)(A)2.

Restructured subsection 1961.4(d)(2)(A)2. is an umbrella section that is the same as the 45-day notice version of subsection 1961.4(c)(2). This change is necessary to effectuate and conform to the restructured format and establish the requirements for manufacturers to meet the emission standards to ensure emissions are reduced as intended.

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36. Restructured Subsection 1961.4(d)(2)(A)2.a.

Restructured Subsection 1961.4(d)(2)(A)2.a. is almost the same as the 45-day notice version of subsection 1961.4(c)(2)(A), except that the statement that “ZEVs may not be included in the phase-in of these particulate standards” has been removed. This change is necessary since the removed statement is no longer needed because a general prohibition on including ZEVs in the phase-in of standards in section 1961.4 is included in restructured subsection 1961.4(a)(1).

37. Restructured Subsection 1961.4(d)(2)(A)2.b.

Restructured subsection 1961.4(d)(2)(A)2.b. establishes an alternative phase-in schedule for the 1 mg/mi particulate matter (PM) standard for passenger cars, light-duty trucks, and medium-duty passenger vehicles. This alternative phase-in schedule primarily applies for model years 2025 through 2028 and is contained in both this section 1961.4 and in title 13, CCR, section 1961.2. Under the current version of title 13, CCR, section 1961.2, a manufacturer may include vehicles that are certified to the 1 mg/mi PM standard prior to model year 2025 as part of its alternative phase-in.

The 45-day notice version of restructured subsection 1961.4(d)(2)(A)2.b., which is subsection 1961.4(c)(2)(C), would have newly prohibited manufacturers from including vehicles that certify to the 1 mg/mi PM standard prior to model year 2024 from in the alternative phase-in. Staff is proposing as part of the 15-day changes to remove that restriction. This change is necessary, because some manufacturers have already begun certifying 2023 model year vehicles and have included 2023 model year vehicles as part of their alternative phase-in plan. Accommodating those early emission reductions is necessary to reduce emissions as originally intended in section 1961.2.

38. Restructured Subsections 1961.4(d)(2)(A)2.c. and 1961.4(d)(2)(A)3.

Restructured Subsection 1961.4(d)(2)(A)2.c. is the same as the 45-day notice version of subsection 1961.4(c)(2)(B). Restructured subsection 1961.4(d)(2)(A)3. is the same as the 45-day notice version of subsection 1961.4(c)(11)(A). This change is necessary to effectuate the restructured format of the regulations.

39. Restructured Subsection 1961.4(d)(2)(B)

Restructured subsection 1961.4(d)(2)(B) is an umbrella section that contains the same requirements as the 45-day notice version of subsection 1961.4(c)(6). This change is necessary to effectuate the restructured format of the regulations.

40. Restructured Subsection 1961.4(d)(2)(B)1.

Restructured subsection 1961.4(d)(2)(B)1. is the same as the initial paragraph of the 45-day notice version of subsection 1961.4(c)(6), except that new language is added to restate the test procedure that must used to comply with the partial soak requirements. This is a restatement, since restructured subsection 1961.4(c)(1) specifies the test procedure that must used to comply with section

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1961.4. The statement that Partial Soak emission standards only apply at low altitude is also being moved from the table footnote in the 45-day notice version of subsection 1961.4(c)(6)(A) into this subsection. This change is necessary to effectuate the restructured format of the regulation.

41. Restructured Subsection 1961.4(d)(2)(B)1.a.

Restructured subsection 1961.4(d)(2)(B)1.a. is the same as the 45-day notice version of subsection 1961.4(c)(6)(A), except that the statement that these standards apply to any soak times greater than or equal to three hours and less than twelve hours has been moved from a sentence preceding the table into a table footnote. The original footnote, which says that these standards only apply at low altitudes has also been deleted. This change is necessary to effectuate the restructured format of the regulation and reduce emissions as intended.

42. Restructured Subsections 1961.4(d)(2)(B)1.b. and 1961.4(d)(2)(B)1.c.

Restructured subsections 1961.4(d)(2)(B)1.b. and 1961.4(d)(2)(B)1.c. are the same as the 45-day notice versions of subsections 1961.4(c)(6)(B) and 1961.4(c)(6)(C), respectively, except that the titles of the subsections are being changed. This change is necessary to effectuate the restructured format of the regulation.

43. Restructured Subsection 1961.4(d)(2)(B)2.

Restructured subsection 1961.4(d)(2)(B)2., including the subsections to this subsection, is the same as the 45-day notice versions of subsection 1961.4(d)(4), and its subsections, except as follows. The small volume manufacturer provisions that are in the 45-day notice versions of subsection 1961.4(d)(4)(A) is being moved to restructured subsection 1961.4(d)(2)(B)2.c. This change is necessary to effectuate the restructured format of the regulation.

44. Restructured Subsection 1961.4(d)(2)(C)

Restructured subsection 1961.4(d)(2)(C) is a new umbrella section for Quick Drive-Away Requirements. This change is necessary to effectuate the restructured format of the regulation, including to consolidate the FTP emission standards under one subsection, which provides additional clarity to regulated parties regarding their FTP emission testing obligations.

45. Restructured Subsection 1961.4(d)(2)(C)1.

The requirements in restructured subsection 1961.4(d)(2)(C)1., including its subsections, are the same as the 45-day notice version of subsection 1961.4(c)(7), except that new language is added to restate the test procedure that must used to comply with the Quick Drive-Away requirements. This is a restatement, since restructured subsection 1961.4(c)(1) specifies the test procedure that must used to comply with section 1961.4. The statement that Quick Drive-Away emission standards only apply at low altitude is also being moved from the table footnote in the 45-day notice version of subsection 1961.4(c)(7) into restructured subsection 1961.4(d)(2)(C)1.a. This change is necessary to effectuate the

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restructured format of the regulation and to provide additional clarity for how emissions are measured, which is necessary to ensure emissions are reduced as intended.

46. Restructured Subsection 1961.4(d)(2)(C)2.
Restructured subsection 1961.4(d)(2)(C)2., including its subsections, is the same as the 45-day notice version of subsection 1961.4(d)(5), except as follows. First, the small volume manufacturer provisions that are in the 45-day notice version of subsection 1961.4(d)(5)(A) are being moved to restructured subsection 1961.4(d)(2)(C)2.c. Second, the language in the 45-day notice version of subsection 1961.4(d)(5)(A) that says ZEVs may not be included in the phase-in is being deleted, because a general prohibition on including ZEVs in the phase-in of standards in section 1961.4 is included in restructured subsection 1961.4(a)(1). This change is necessary for simplicity and to effectuate the restructured format of the regulation.
47. Restructured Subsection 1961.4(d)(2)(C)3.
Restructured subsection 1961.4(d)(2)(C)3. is the same as the 45-day notice version of subsection 1961.4(c)(11)(C). This change is necessary to effectuate the restructured format of the regulation.
48. Restructured Subsection 1961.4(d)(2)(D)
The requirements in restructured subsection 1961.4(d)(2)(D), including its subsections, are the same as the requirements in the 45-day notice version of umbrella subsection 1961.4(c)(4) and subsection 1961.4(c)(4)(A). This change is necessary to effectuate the restructured format of the regulation.
49. Restructured Subsection 1961.4(d)(2)(E)
The requirements in restructured subsection 1961.4(d)(2)(E), including its subsections, are the same as the requirements in the 45-day notice version of subsection 1961.4(c)(5). This change is necessary to effectuate the restructured format of the regulation.
50. Restructured Subsection 1961.4(d)(3)
Restructured subsection 1961.4(d)(3) is an umbrella section that contains US06 requirements in restructured subsection 1961.4(d)(3)(A) and high-power cold start standards for plug-in hybrid electric vehicles in restructured subsection 1961.4(d)(3)(B). This change is necessary to effectuate the restructured format of the regulation.
51. Restructured Subsection 1961.4(d)(3)(A)
The requirements in restructured subsection 1961.4(d)(3)(A) are compiled from multiple subsections in the 45-day notice version of section 1961.4. However, these requirements are not changing. Restructured subsection 1961.4(d)(3)(A) maps to the applicable subsections of the 45-day notice version of section 1961.4

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as follows. Requirements for multi-fuel vehicles have been removed from restructured subsection 1961.4(d)(3)(A), because they are now contained in restructured subsection 1961.4(c)(5).

- Restructured subsection 1961.4(d)(3)(A) is a new umbrella section.
- Restructured subsection 1961.4(d)(3)(A)1. contains a table that includes the US06 NMOG+NO_x and CO emission standards, which are the same as the emission standards in the 45-day notice version of subsection 1961.4(c)(9)(A)1. and the “final” US06 emissions standards, which are the same as the fully phased-in US06 PM emission standards in the 45-day notice version of subsection 1961.4(c)(9)(B)1.
- Restructured subsection 1961.4(d)(3)(A)2. contains a table that includes the Interim US06 NMOG+NO_x and CO emission standards copied from the 45-day notice version of subsection 1961.4(c)(9)(A)2. and the “final” fully phased-in US06 PM emissions standards copied from the 45-day notice version of subsection 1961.4(c)(9)(B)1.
- Restructured subsection 1961.4(d)(3)(A)3. is an umbrella section that includes subsection 1961.4(d)(3)(A)3.a., which is the same as the 45-day notice version of subsection 1961.4(d)(3)(A)1., subsection 1961.4(d)(3)(A)3.b., which is the same as the 45-day notice version of subsection 1961.4(d)(3)(A)3., and subsection 1961.4(d)(3)(A)3.c., which is the same as the 45-day notice version of subsection 1961.4(d)(3)(A)2.
- Restructured subsection 1961.4(d)(3)(A)4. is an umbrella section that includes an introductory section and table in subsection 1961.4(d)(3)(A)4.a., which are part of the 45-day notice version of subsections 1961.4(c)(9)(B) and 1961.4(c)(9)(B)1., respectively. Restructured subsection 1961.4(d)(3)(A)4.b. is the same as the 45-day notice version of subsection 1961.4(c)(9)(B)2. Restructured subsection 1961.4(d)(3)(A)4.c. contains small volume manufacturer provisions that was moved from the 45-day notice version of subsection 1961.4(c)(9)(B).
- Restructured subsection 1961.4(d)(3)(A)5. is an umbrella section that includes subsection 1961.4(d)(3)(A)5.a., which is the same as the 45-day notice version of subsection 1961.4(c)(11)(B)1. and subsection 1961.4(d)(3)(A)5.b., which is the same as the 45-day notice version of subsection 1961.4(c)(11)(B)2.

These changes are necessary to effectuate the restructured format of the regulation and succinctly state the emission standards to facilitate compliance and reduce emissions as intended.

52. Restructured Subsection 1961.4(d)(3)(B)

Restructured subsection 1961.4(d)(3)(B) is a new umbrella section for High Power Cold Start Standards for Plug-in Hybrid Electric Vehicles. This change is necessary to effectuate the restructured format of the regulation and succinctly state the emission standards for these kinds of vehicles under these conditions to facilitate compliance and reduce emissions as intended.

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53. Restructured Subsection 1961.4(d)(3)(B)1.
Restructured subsection 1961.4(d)(3)(B)1., including its subsections, is the same as the 45-day notice version of subsection 1961.4(c)(10), except as follows. First, requirements for multi-fuel vehicles are being removed from restructured subsection 1961.4(d)(3)(B)1., because they are now contained in restructured subsection 1961.4(c)(5). Also, the provision that allows plug-in hybrid electric vehicle test groups that are exempt from these Cold Start US06 plug-in hybrid electric vehicle standards to be included in the phase-in schedules for the standards are being moved from the 45-day notice version of subsection 1961.4(d)(6) to restructured subsection 1961.4(d)(3)(B)1.b. These changes are necessary to effectuate the restructured format of the regulation.
54. Restructured Subsection 1961.4(d)(3)(B)1.a.
Restructured subsection 1961.4(d)(3)(B)1.a. includes a statement that is in the 45-day notice version of subsection 1961.4(c)(10), which states that “the following standards are the maximum NMOG+NO_x exhaust emissions over the Cold Start US06 test cycle.” This statement is being changed to explicitly identify the applicable test cycle as the “Cold Start US06 Charge-Depleting Emission Test.” This change is necessary to improve clarity by identifying the verifiable, systematic method through which compliance is determined, which is necessary to ensure emissions are reduced as intended.
55. Restructured Subsection 1961.4(d)(3)(B)2.
Restructured subsection 1961.4(d)(3)(B)2., including its subsections, is the same as the 45-day notice version of subsection 1961.4(d)(6), including its subsections, except as follows. The provision that allows plug-in hybrid electric vehicle test groups that are exempt from these standards to be included in the phase-in schedules for the standards are being moved from the 45-day notice version of subsection 1961.4(d)(6) to restructured subsection 1961.4(d)(3)(B)1.b. This change is necessary to effectuate the restructured format of the regulation and succinctly state the emission standards to facilitate compliance and reduce emissions as intended.
56. Restructured Subsection 1961.4(d)(3)(B)2.a.ii.
The alternative phase-in requirements in restructured subsection 1961.4(d)(3)(B)2.a.ii. are being changed to remove the provision that compliance with the alternative phase-in is based on a manufacturer’s projected sales. This deletion is necessary because it was inadvertently incorrect as proposed. The alternative phase-in schedule for plug-in hybrid electric vehicles is based on the number of test groups a manufacturer certifies, not on projected sales.
57. Restructured Subsection 1961.4(d)(3)(B)2.b.i.
The sentence that states that plug-in hybrid electric vehicles that are exempt from compliance with High Power Cold Start emission standards may be included

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in the phase-in for these standards is being deleted. This deletion is necessary, because this provision is not needed as it is already included in restructured subsection 1961.4(d)(3)(B)1.b.

58. Restructured Subsection 1961.4(d)(3)(B)2.b.ii.

The alternative phase-in requirements in restructured subsection 1961.4(d)(3)(B)2.b.ii. are being changed to remove the provision that compliance with the alternative phase-in is based on a manufacturer's projected sales. This deletion is necessary because it is incorrect. The alternative phase-in schedule for plug-in hybrid electric vehicles is based on the number of test groups a manufacturer certifies, not on projected sales.

59. Restructured Subsection 1961.4(d)(4)

Restructured subsection 1961.4(d)(4) is the same as the 45-day notice version of subsection 1961.4(c)(9)(C), except that new language is added to state the test procedures that must be used to comply with the SC03 requirements. This change is necessary to effectuate the restructured format of the regulation and identify the verifiable, systematic method through which compliance is determined, which is necessary to ensure emissions are reduced as intended.

60. Restructured Subsection 1961.4(d)(5)

Restructured subsection 1961.4(d)(5) is the same as the 45-day notice version of subsection 1961.4(c)(8), except that the requirement, "Both the sum of the NMOG+NO_x emissions and the HWFET standard must be rounded in accordance with ASTM E29-67 to the nearest 0.001 g/mi before being compared." is being removed. This change is necessary for simplicity, since rounding of emissions is already covered by incorporated sections of the CFR. Also, the 45-day notice version of this subsection only identifies one test procedure that must be used to demonstrate compliance with Highway Standards. This test procedure does not, however, adequately address the testing requirements for plug-in hybrid electric vehicles. It is, therefore, necessary to include the applicable test procedures for plug-in hybrid electric vehicles, the "California Test Procedures for 2026 and Subsequent Model Zero-Emission Vehicles and Plug-in Hybrid Electric Vehicles, in the Passenger Car, Light-Duty Truck and Medium-Duty Vehicle Classes," to this subsection.

61. Restructured Subsection 1961.4(e)

Restructured section 1961.4 moves all of the exhaust emission standards for medium-duty vehicles other than medium-duty passenger vehicles that are contained in subsection (c) of the 45-day notice version of section 1961.4, all of the phase-in requirements for medium-duty vehicles other than medium-duty passenger vehicles that are contained in subsection (d) of the 45-day notice version of section 1961.4, and all of the "Calculation of NMOG + NO_x Credits/Debits" for medium-duty vehicles other than medium-duty passenger vehicles that are contained in subsection (e) of the 45 day notice version of

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section 1961.4 into restructured subsection 1961.4(e). The introductory sentence for restructured subsection 1961.4(e) adds new language that specifies that medium-duty vehicles other than medium-duty passenger vehicles are tested at their adjusted loaded vehicle weight (ALVW) for these standards. This sentence is not a change from the 45-day notice version of section 1961.4. Rather, this provision regarding test weight for medium-duty vehicles other than medium-duty passenger vehicles is included in the 45-day notice version of section 1961.4 either in a standards table (e.g., 1961.4(c)(1)(B)) or in a footnote below a standards table (e.g., table footnote 1 in 1961.4(c)(9)(D)). These changes are necessary to effectuate the revised format of the regulation and succinctly state the requirements to facilitate compliance, which is necessary to ensure emissions are reduced as intended.

62. Restructured Subsection 1961.4(e)(1)

Restructured subsection 1961.4(e)(1) is an umbrella section for fleet average requirements. It is titled "Fleet Average Requirement." In the 45-day notice version of section 1961.4, this umbrella section is in subsection 1961.4(d)(2), and its title is "LEV IV Phase-In Requirements for Medium-Duty vehicles, Other than Medium-Duty Passenger Vehicles." This change is necessary for clarity to accurately state its contents and effectuate the restructured format of the regulation.

63. Restructured Subsection 1961.4(e)(1)(A)

Restructured subsection 1961.4(e)(1)(A) is the same as the 45-day notice version of subsection 1961.4(d)(2)(A)1.a., except that the words "fleet average" have been removed from the second row, right column of the table. This change is necessary for simplicity since the first row already indicates that these are "fleet average requirements".

64. Restructured Subsection 1961.4(e)(1)(B)

Restructured subsection 1961.4(e)(1)(B), titled "Calculation of Fleet Average" establishes an equation and criteria for calculating a manufacturer's fleet average NMOG+NO_x value for its fleet of medium-duty vehicles other than medium-duty passenger vehicles. This equation is necessary to determine compliance with the fleet average requirements in subsection (e)(1)(A).

65. Restructured Subsection 1961.4(e)(1)(B)1.

The equation in restructured subsection 1961.4(e)(1)(B)1. combines and replaces the equations in 45-day notice version of subsections 1961.4(d)(2)(A)1.b. and 1961.4(2)(A)1.c. For each model year, the value calculated in accordance with subsection must be used to comply with the required fleet average NMOG+NO_x value in the restructured subsection 1961.4(e)(1)(A). The new equation replaces the terms used in 45-day notice version of the applicable equations to use abbreviations rather than descriptive words. Definitions for the abbreviations are being added below the equation. This change is necessary because the new

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equation and definitions add more simplicity and clarity in determining a manufacturer's fleet average compliance with subsection (e)(1)(A).

66. Restructured Subsection 1961.4(e)(1)(B)2.

Restructured subsection 1961.4(e)(1)(B)2. is the same as the 45-day notice version of subsection 1961.4(d)(2)(A)1.d., except for two changes. First, the emission standard values for federally certified vehicles have been removed. This modification is necessary, since federally certified vehicles will not be allowed to be sold in California in the 2026 and subsequent model years. Second, emission standard values for "LEV III" vehicles, which certify to title 13, CCR, section 1961.2, have been added to this table. This change is necessary because for the 2025 model year, these proposed 15-day changes will explicitly allow automakers to certify part of their fleet to the standards in section 1961.2 and part of their fleet to the standards in section 1961.4. In the 45-day notice version of section 1961.4, an automaker is required to certify all of its fleet to either the standards in 1961.2 or to the standards in section 1961.4, but not to both.

67. Restructured Subsection 1961.4(e)(1)(C)

Restructured subsection 1961.4(e)(1)(C), including its subsections, is the same as the 45-day notice version of subsection 1961.4(d)(2)(C), including its subsections, except as follows. First, the second sentence in the first section that prohibits test groups for engines used in medium-duty vehicles that are certified to the engine standards in title 13, CCR, section 1956.8 from being included in the alternative phase-in schedules in the subsections of restructured subsection 1961.4(e)(1)(C) is a prohibition that was part of the 45-day notice version of subsection 1961.4(d)(2)(D). This change is necessary to effectuate the revised format of the regulation and succinctly state the requirements to facilitate compliance, which is necessary to ensure emissions are reduced as intended. Second, the last sentence in the first section is being added to explicitly state that the provisions in restructured subsections 1961.4(e)(1)(E) through (e)(1)(H) do not apply to a manufacturer that certifies its medium-duty test groups to one of the alternative phase-in schedules in restructured subsection 1961.4(e)(1)(C). This exemption is necessary because the alternative phase-in schedules in restructured subsection 1961.4(e)(1)(C) are based on number of test groups certified to specific emission categories, while the provisions in restructured subsections 1961.4(e)(1)(E) through (e)(1)(H) are based on compliance with fleet average NMOG+NO_x emission values. The final change to restructured subsection 1961.4(e)(1)(C) is the addition of footnotes to the tables that indicate that the SULEV150 and SULEV170 emission standards apply to medium-duty vehicles with a 8,501 to 10,000 pound gross vehicle weight rating, and the SULEV175 and SULEV230 emission standards apply to medium-duty vehicles with a 10,001 to 14,000 pound gross vehicle weight rating. This change is necessary to promote clarity by stating the applicability of the specified standards to each medium duty vehicle weight class.

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68. Restructured Subsection 1961.4(e)(1)(C)1.

In addition to the general changes that apply to restructured subsection 1961.4(e)(1)(C), discussed in the preceding paragraph, one additional change is being made to restructured subsection 1961.4(e)(1)(C)1. The alternative phase-in schedule in this subsection, which is applicable to manufacturers that produce and deliver for sale in California four chassis-certified medium-duty vehicle test groups certified, is being changed for the 2030 model year. Under the original proposal, subsection 1961.4(d)(2)(C)1. of the 45-day notice version, a qualifying manufacturer is allowed to certify one of its four medium-duty vehicle test groups to the applicable SULEV170 or SULEV230 standards in model year 2030. One hundred percent compliance with applicable SULEV150 or SULEV175 standards is not required until the 2031 and subsequent model years. This provides one year of additional lead time for these manufacturers that is not provided for larger or smaller manufacturers, which must certify 100 percent of their medium-duty test groups to the more stringent standards starting in the 2030 model year. This is necessary to ensure manufacturers have sufficient time to meet the standards. In the restructured subsection (e)(1)(C)1., the alternative phase-in schedule is being changed to also require 100 percent of a qualifying manufacturer's medium-duty vehicle test groups to meet the more stringent standards starting in model year 2030. This is necessary to align these requirements with the requirements for other size manufacturers and ensure emissions are reduced as intended.

69. Restructured Subsection 1961.4(e)(1)(D)

Restructured subsection 1961.4(e)(1)(D), including its subsections, is the same as the 45-day notice version of subsection 1961.4(d)(2)(B), except for the addition of a third subsection, (e)(1)(D)3. This new subsection is being added to explicitly state that the provisions in restructured subsections 1961.4(e)(1)(E) through (e)(1)(H) do not apply to a small volume manufacturer that certifies its medium-duty test groups to the phase-in schedules in restructured subsection 1961.4(e)(1)(D). This exemption is necessary, because the phase-in schedules in restructured subsection 1961.4(e)(1)(D) are based on number of test groups certified to specific emission categories, while the provisions in restructured subsections 1961.4(e)(1)(E) through (e)(1)(H) are based on compliance with fleet average NMOG+NO_x emission values.

70. Restructured Subsection 1961.4(e)(1)(E)

Restructured subsection 1961.4(e)(1)(E) is an umbrella section that corresponds with umbrella subsection 1961.4(e)(2) in the 45-day notice version of subsection 1961.4. This change is necessary to effectuate the restructured format of the regulations.

71. Restructured Subsection 1961.4(e)(1)(E)1.

Restructured subsection 1961.4(e)(1)(E)1., which establishes an equation and criteria for calculating a manufacturer's NMOG+NO_x credits and debits for its

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fleet of medium-duty vehicles other than medium-duty passenger vehicles, is the same as in the 45-day notice version of subsection 1961.4(e)(2)(A), except as follows. First, the terms used in the applicable equation is being changed to use abbreviations rather than descriptive words. Second, definitions for the abbreviations are being added below the equations. This change is necessary for clarity, a more formulaic version should be easier to follow.

72. Restructured Subsection 1961.4(e)(1)(E)2.

Restructured subsection 1961.4(e)(1)(E)2. is the same as the 45-day notice version of subsection 1961.4(e)(2)(B), except as follows. The 45-day notice version of this subsection requires that, "The total g/mi NMOG+NO_x credits or debits earned for MDVs 8,501-10,000 lbs. GVWR excluding MDPVs, and for MDVs 10,001-14,000 lbs. GVWR shall be summed together. The resulting amount shall constitute the g/mi NMOG+NO_x credits or debits accrued by the manufacturer for the model year." This requirement is being revised to say, "The total g/mi NMOG+NO_x credits or debits earned for MDVs 8,501 to 10,000 lbs. GVWR and for MDVs 10,001 to 14,000 lbs. GVWR shall be separately tracked and reported each model year. MDV fleet average credits earned in either MDV GVWR category may be used to offset debits in either MDV GVWR category." This, like the other reporting under the proposed regulations, is necessary for the health, safety, and welfare of the people of the State because it helps ensure and allows verification of compliance with the emission standards.

73. Restructured Subsection 1961.4(e)(1)(E)3.

Restructured subsection 1961.4(e)(1)(E)3. is the same as the 45-day notice version of subsection 1961.4(e)(3)(B). This change is necessary to effectuate the restructured format of the regulations.

74. Restructured Subsection 1961.4(e)(1)(F)

Restructured subsection 1961.4(e)(1)(F) is an umbrella section that corresponds with umbrella subsection 1961.4(e)(3) in the 45-day notice version of subsection 1961.4. This change is necessary to effectuate the restructured format of the regulations.

75. Restructured Subsections 1961.4(e)(1)(F)1. and 1961.4(e)(1)(F)2.

Restructured subsection 1961.4(e)(1)(F)1. is the same as the language in the first paragraph of 45-day notice version of subsection 1961.4(e)(3)(A) that pertains to medium-duty vehicles other than medium-duty passenger vehicles. Restructured subsection 1961.4(e)(1)(F)2. is the same as the language in the second paragraph of 45-day notice version of subsection 1961.4(e)(3)(A) that pertains to medium-vehicles other than medium-duty passenger vehicles. This change is necessary to effectuate the restructured format of the regulations and present the means through which manufacturers will demonstrate they have met the emission standards to ensure emissions are reduced as intended.

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76. Restructured Subsection 1961.4(e)(1)(F)3.

Restructured subsection 1961.4(e)(1)(F)3. is a new provision that states that, "A manufacturer may be subject to additional penalties under the Health and Safety Code for any other violation of this section other than the failure to equalize debits within the specified time period under this subsection." This language is necessary to provide additional notice to manufacturers and other stakeholders and further clarifies that failure to equalize debits does not absolve or override other violations of this section. This provision does not create any new enforcement or penalty risks for violations of this section.

77. Restructured Subsection 1961.4(e)(1)(G)

Restructured subsection 1961.4(e)(1)(G) is an expanded version of the provisions in the 45-day notice version of subsection 1961.4(e)(4), but the substance of the original subsection is not changing. The additional language is necessary to improve clarity.

78. Restructured Subsection 1961.4(e)(1)(H)

The 45-day notice version of subsection 1961.4(e)(5), which establishes the methodology for changing vehicle-equivalent credits and debits to NMOG+NO_x fleet average credits or debits, is being rewritten as restructured subsection 1961.4(e)(1)(H), including its subsections. In restructured subsection 1961.4(e)(1)(H), the original language is being expanded to provide clarity.

79. Restructured Subsection 1961.4(e)(1)(H)1.

In restructured subsection 1961.4(E)(1)(H)1., language is added to clarify how to convert unused vehicle-equivalent credits or not yet offset debits that were earned for each model year and medium-duty vehicle GVWR category to fleet average NMOG+NO_x credits and debits. This language is necessary to specify that for each applicable model year and medium-duty vehicle GVWR category, the manufacturer must calculate fleet average NMOG+NO_x credits and debits using the conversion method in restructured subsection (e)(1)(E).

80. Restructured Subsection 1961.4(e)(1)(H)2.

In restructured subsection 1961.4(e)(1)(H)2., language is added that states the applicable fleet average NMOG+NO_x values from LEV III in title 13, CCR, section 1961.2(b)(3)(C)1.a., can be used to convert vehicle-equivalent credits and debits to fleet average NMOG+NO_x credits and debits for the applicable medium-duty vehicle model year and GVWR category. The 45-day notice version of subsection 1961.4(e)(5) does not reference title 13, CCR, section 1961.2(b)(3)(C)1.a., but rather contains the numerical values for the applicable fleet average NMOG+NO_x numerical values that are found in therein. This change is necessary to effectuate the restructured format of the regulation and identify the requirements that must be met and the method for doing so.

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81. Restructured Subsection 1961.4(e)(1)(H)3.

In restructured subsection 1961.4(e)(1)(H)3., language is added that states if a different amount of vehicle-equivalent credits (VECs) or debits remain from the original amount for that model year, then the converted fleet average NMOG+NO_x credits or debits for that model year will be scaled by the same percentage of the relative to the original quantity earned. So, for example, if a manufacturer earns 200 VECs in model year 2024 and uses or trades 150 of these (or 75 percent of available VECs) in model year 2025, only 50 VECs (or 25 percent of the number of originally earned credits) will remain at the start of model year 2026. In this example, the equivalent fleet average NMOG+NO_x credits available at the start of model year 2026 are determined by recalculating the fleet average NMOG+NO_x credits for model year 2024 and also reducing this amount by 75 percent. Using this methodology, only 25 percent of 2024 model year credits will remain at the start of model year 2026, regardless of whether these are vehicle-equivalent credits or fleet average NMOG+NO_x credits. This change is necessary to ensure the converted NMOG+NO_x credits or debits will be equivalent to the same amount of vehicle-equivalent credits or debits from LEV III.

82. Restructured Subsection 1961.4(e)(1)(H)4.

Restructured subsection 1961.4(e)(1)(H)4. is contained in the 45-day notice version of section 1961.4(e)(5). This change is necessary to effectuate the restructured format of the regulations and state how compliance is determined.

83. Restructured Subsection 1961.4(e)(2)

Restructured subsection 1961.4(e)(2) is an umbrella section that contains portions of the language in the 45-day notice version of subsections 1961.4(c)(1)(B), 1961.4(c)(4), and 1961.4(c)(5) that pertain to medium-duty vehicles other than medium-duty passenger vehicles. This change is necessary to effectuate the restructured format of the regulations.

84. Restructured Subsection 1961.4(e)(2)(A)

Restructured subsection 1961.4(e)(2)(A) contains the same LEV IV standards that are in the 45-day notice version of subsection 1961.4(c)(1)(B). The tables differ as follows. First, the first column in the 45-day notice version of this table states that "Vehicles in this category are tested at their adjusted loaded vehicle weight". This statement is no longer needed, because it has been moved to the beginning of restructured subsection 1961.4(e). Second, the statement that these standards apply at both low altitudes and high altitudes is being moved from footnote 2 of the 45-day notice version of the table to the sentence above the table. Finally, footnote 2 of the 45-day notice version of the table is being deleted, and footnote 3 of the 45-day notice version of the table is being renumbered as footnote 1. These changes are necessary to conform to the restructured format of the regulations.

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85. Restructured Subsection 1961.4(e)(2)(B)

The requirements in restructured subsection 1961.4(e)(2)(B), including its subsections, are the same as the requirements in the 45-day notice version of umbrella subsection 1961.4(c)(4) and subsection 1961.4(c)(4)(B). This change is necessary to effectuate the restructured format of the regulations and clearly and succinctly present the emission standards that must be met to facilitate compliance and ensure emissions are reduced as intended.

86. Restructured Subsection 1961.4(e)(3)

Restructured subsection 1961.4(e)(3) is an umbrella section that contains Supplemental Federal Test Procedure (SFTP) requirements. This change is necessary to effectuate the restructured format of the regulations.

87. Restructured Subsection 1961.4(e)(3)(A)

The requirements in restructured subsection 1961.4(e)(3)(A) are compiled from multiple subsections in the 45-day notice version of section 1961.4. However, these requirements are not changing. Restructured subsection 1961.4(e)(3)(A) maps to the applicable subsections of the 45-day notice version of section 1961.4 as follows. Requirements for multi-fuel vehicles have been removed from restructured subsection 1961.4(e)(3)(A), because they are now contained in restructured subsection 1961.4(c)(5).

- Restructured subsection 1961.4(e)(3)(A) is a new umbrella section.
- Restructured subsection 1961.4(e)(3)(A)1. contains a table that includes the SFTP NMOG+NO_x and CO emission standards, which are the same as the emission standards in the 45-day notice version of subsection 1961.4(c)(9)(D) and the SFTP PM emissions standards, which are the same as the emission standards in the 45-day notice version of subsection 1961.4(c)(9)(E).
- Restructured subsection 1961.4(e)(3)(A)2. is a new subsection that requires 2025 and subsequent model year medium-duty vehicles that certify to the ULEV250, ULEV200, ULEV400, or ULEV270 categories of restructured subsection 1961.4(e)(2)(A) to comply with the LEV III NMOG+NO_x and CO SFTP standards for those emission categories in title 13, CCR, section 1961.2(a)(7)(C) in lieu of the standards in restructured subsection (e)(3)(A)1. This section is necessary to allow manufacturers that have legacy products still being certified at LEV III emission levels to also meet the corresponding LEV III SFTP standards until they transition those vehicles to meeting the LEV IV standards and more stringent corresponding LEV IV SFTP standards.

These changes are necessary to effectuate the restructured format of the regulations and clearly and succinctly present the emission standards that must be met to facilitate compliance and ensure emissions are reduced as intended.

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88. Restructured Subsection 1961.4(e)(3)(B)

The requirements in restructured subsection 1961.4(e)(3)(B), including its subsections 1961.4(e)(3)(B)1. and 1961.4(e)(3)(B)2. are the same as the 45-day notice version of subsection 1961.4(d)(3)(B), including subsections 1961.4(d)(3)(B)1. and 1961.4(d)(3)(B)2.

Restructured subsection 1961.4(e)(3)(B)3., including subsections 1961.4(e)(3)(B)3.a. and 1961.4(e)(3)(B)3.b., are new. New subsection 1961.4(e)(3)(B)3., including subsections 1961.4(e)(3)(B)3.a. and 1961.4(e)(3)(B)3.b. are necessary to provide small volume manufacturers with additional flexibility in meeting SFTP emission standards.

89. Restructured Subsection 1961.4(e)(4)

Restructured subsection 1961.4(e)(4) is the same as the 45-day notice version of subsection 1961.4(c)(9)(F). This change is necessary to effectuate the restructured format of the regulations and clearly and succinctly present the emission standards that must be met to facilitate compliance and ensure emissions are reduced as intended.

90. Restructured Subsection 1961.4(e)(5)

Restructured subsection 1961.4(e)(5) is the same as the 45-day notice version of subsection 1961.4(c)(8), except that the requirement, "Both the sum of the NMOG+NO_x emissions and the Highway Fuel Economy Test (HWFET) standard must be rounded in accordance with ASTM E29-67 to the nearest 0.001 g/mi before being compared." is being removed. This change is necessary for simplicity, since rounding of emissions is already covered by incorporated sections of the CFR.

91. Restructured Subsection 1961.4(e)(6)

Restructured subsection 1961.4(e)(6) is new. It says that all 2027 and subsequent model year MDVs with a gross combined weight rating (GCWR) of greater than 14,000 lbs. must comply with the in-use NMHC, NO_x, CO, and PM emission standards defined by the moving average window (MAW) test procedures and standards in the "California 2026 and Subsequent Model Criteria Pollutant Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles." While the MAW standards and test procedures in the incorporated test procedures document remain unchanged from the 45-day notice version, this added section in the regulation is necessary to ensure vehicle manufacturers are equally aware of the MAW standards as they are of all other standards that apply across various test cycles and test conditions.

92. Restructured Subsection 1961.4(f)

Restructured subsection 1961.4(f) is a new umbrella section that contains "Additional Provisions" that apply to vehicles certifying to section 1961.4. This change is necessary to effectuate the restructured format of the regulations.

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93. Restructured Subsection 1961.4(f)(1)
Restructured subsection 1961.4(f)(1) is the same as the 45-day notice version of subsection 1961.4(c)(12). This change is necessary to effectuate the restructured format of the regulations.
94. Restructured Subsection 1961.4(f)(2)
Restructured subsection 1961.4(f)(2) has been simplified from the corresponding requirement in the 45-day notice version of subsection 1961.4(c)(13) by referencing the existing language for earning NMOG credits for direct ozone reduction technology in title 13, CCR, section 1961.2(a)(11) rather than duplicating the language in 1961.4. This change is necessary because it better communicates to vehicle manufacturers that the existing regulatory provision that they are already familiar with will continue unchanged for 2026 and subsequent model year vehicles.
95. Restructured Subsection 1961.4(f)(3)
Restructured subsection 1961.4(f)(3) is the same as the 45-day notice version of subsection 1961.4(c)(14), except as follows. Whenever a manufacturer elects to utilize an on-board fuel-fired heater on any light- or medium-duty vehicle, the heater must meet the ULEV125 standards in restructured subsection 1961.4(d)(2)(A). This subsection establishes the methodology for measuring emissions from the heater to determine compliance with the ULEV125 standards. If the heater is capable of operating at temperatures above 40 degrees F, the measured emission levels from the heater must be added to the emissions measured on the FTP (CFR, title 40, Part 1066), as amended by the referenced test procedure in order to determine compliance with the standards in restructured subsection 1961.4(d)(2)(A) for passenger cars, light-duty trucks, and medium-duty passenger vehicles or restructured subsection 1961.4(e)(2)(A). The 45-day notice version of this fuel-fired heater subsection states that "If the on-board fuel-fired heater is capable of operating at ambient temperatures above 40° F, the measured emission levels of the on-board fuel-fired heater shall be added to the emissions measured on the FTP (CFR, title 40, Part 1066), as amended by the "California 2026 and Subsequent Model Criteria Pollutant Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles" to determine compliance with the exhaust emission standards in subsection (c)(1)." As written, this sentence does not address emissions from fuel-fired heaters that are used on plug-in hybrid electric vehicles. It is necessary to address this oversight, so this subsection is being modified to also include a reference to the "California Test Procedures for 2026 and Subsequent Model Zero-Emission Vehicles and Plug-in Hybrid Electric Vehicles, in the Passenger Car, Light-Duty Truck and Medium-Duty Vehicle Classes." The reference to "the exhaust emission standards in subsection (c)(1)" is also being corrected to "the exhaust emission standards in subsection (d)(2)(A) or (e)(2)(A)" to reflect the restructuring of section 1961.4.

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96. Restructured Subsection 1961.4(g)

This is a new subsection that is being created to set forth requirements for "Disclosure of Records." This subsection is necessary to notify regulated entities that records under these regulations are subject to disclosure, both to the public and U.S. Environmental Protection Agency, unless identified and validated as trade secrets or otherwise exempt from disclosure, per CCR, title 17, section 91011. This subsection mirrors proposed section 1962.4(k) in the ZEV regulation.

97. Restructured Subsection 1961.4(h)

Restructured subsection 1961.4(h) is the same as the 45-day notice version of subsection 1961.4(h). It is presented here for completeness to confirm it has not been withdrawn from the proposal.

98. Note

Additional Authority sections were added as necessary to reflect the proposed electronic reporting: Civil Code sections 1633.7 and 1633.8.