Attachment J-1

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 1962.6, Battery Labeling Requirements

1. Subsection 1962.6(b). Staff proposes changing the battery label requirement language to clarify that the battery label must not be "on the battery" but included "in the required location." This is necessary for clarity, visibility, enforcement, and to align with other modified language stating that the battery label information must be visible in two locations: on the battery and under the hood.

2. Subsection 1962.6(b)(1)(A). Staff proposes that "the current version of" be stricken from the language, as it conflicts with having a specific referenced SAE J2984 standard. This is necessary for clarity, as that language could create ambiguity around what version of SAE J2984 should that standard be updated in the future and a more current version become available than the September 2021 version specified in the text. Staff proposes modifying the last clause to better clarify the Executive Officer approval for a chemistry or battery component terminology that is not yet part of SAE J2984 (i.e., that an alternate identifier is distinguishable from already defined or identified chemistries).

3. Subsection 1962.6(b)(1)(B). Staff proposes changing from nominal system and cell voltages in the reference document SAE J2288 to minimum battery pack voltage in "INL/EXT-15-34184 Battery Test Manual for Electric Vehicles," Revision 3, June 2015 and the minimum cell voltages at that minimum battery pack voltage. The proposed change is necessary because the SAE J2288 standard's definitions of nominal system voltage and cell voltage would allow for a situation in which manufacturers could report those voltages on the battery label that would not be consistent across different vehicles and manufacturers.

4. Subsection 1962.6(b)(1)(C). Staff proposes striking subsection 1962.6(b)(1)(C). Based on stakeholder feedback, it should be sufficient for including cell count on the linked data repository website, where more detail can be reported, rather than on the physical label. This proposed change is necessary to reduce burdens on regulated entities while preserving transparency and accessibility of this information for stakeholders and CARB.

5. Subsection 1962.6(b)(1)(D) [previously (E)]. Staff proposes amending the language to further clarify permissible uses of a common digital identifier and data repository website for a manufacturing run of like batteries. This is necessary to reduce burden without commensurate benefit, as it prevents manufacturers from having to create a new identifier and entry for every month of manufacture for the otherwise same battery label. These changes align with proposed changes to subsection (c)(1)(A).

6. Subsection 1962.6(b)(2)(A). Staff proposes changing subsection 1962.6(b)(2)(A) to require that the battery label be in more than one location. This change is necessary to avoid a situation where the label on the battery could be difficult to access for a technician, preventing efficient assessment. Additionally, staff proposes to remove the alternate label location allowance.

7. Subsection 1962.6(b)(2)(B). Staff proposes adding subsection 1962.6(b)(2)(B) which requires that a visible label be attached in the engine or front powertrain or cargo compartment. In a situation where the vehicle doesn't have an engine compartment, the manufacturer may attach the label in the driver's side doorjamb. This change is necessary to keep the label visible for a technician if the battery on the vehicle is difficult to access. The doorjamb label option also addresses a situation where the vehicle may not have a front engine compartment that is easily accessible.

8. Subsection 1962.6(c)(1)(A). Staff proposes specifying that the dates of manufacture on the data repository website for batteries using a common digital identifier be provided in the YY/MM format, which aligns with SAE J2984 conventions. Staff also proposes to allow a single data entry with the range of applicable manufacture dates (in YY/MM) for those batteries using a common digital identifier, instead of listing each unique date of manufacture. These changes are necessary to reduce the burden on regulated entities while preserving the requirement to provide when the battery was manufactured. These changes are also necessary to align with proposed changes to subsection 1962.6(b)(1)(D) which allows for the use of a common digital identifier for similar batteries manufactured at different times.

9. Subsection 1962.6(c)(1)(B). Staff proposes adding subsection 1962.6(c)(1)(B) to require the count of individual cells in the battery to be included on the data repository website. This change corresponds to the removal of subsection (b)(1)(C) and is necessary to ensure the battery cell count information is still reported and accessible while reducing burdens for regulated entities.

10. Subsection 1962.3(c)(3). Staff proposed adding that information required by this subsection must be made available "within 30 days" upon request following the minimum twenty-year period if it is not maintained on a website. A 30-day period for a manufacturer to make available information to CARB is necessary and reasonable to balance a manufacturer's need for time to compile documentation with CARB's need for prompt review for compliance.

11. Subsection 1962.6(c)(2)(G). Staff proposes to remove subsection 1962.6(c)(2)(G), which requires sufficient server and downloading capacity for the data repository website. This change is necessary for clarity because the requirement is encompassed by subsection (c)(2)(E).

12. Subsections 1962.6(d)(1) and (2). Staff is also proposing modifications to subsections 1962.6(d)(1) and (2) that are necessary for clarity. Staff is proposing to remove unnecessary language from subsection (d)(1) which is covered by the preceding sentences. Staff is modifying subsection (d)(2) which concerns the enforcement actions a manufacturer faces for violations rather than specifying Executive Officer action, to eliminate potential ambiguity or an inadvertent implication that could bind or restrict CARB's otherwise-available enforcement options.

13. Subsection (d)(4). Staff is proposing to add a new subsection noting that violations (such as failure to provide required information on the manufacturer's website) are subject to penalties as provided by law, not only the potential corrective action for label violations noted under subsection (d)(2). This new subsection is necessary to make explicit that violations may incur penalties as provided by law. CARB's enforcement and penalty decisions are made on a case-by-case basis and rely on statute, so the additional provisions, while necessary to provide clarity and transparency to manufacturers and other stakeholders, do not create or change enforcement or penalty risks for violations of this section. This subsection is also necessary to support compliance with this section.

14. Note. Authority and Reference sections were added to reflect the proposed enforcement and penalty provisions that are authorized by, and are implementing and making specific, the cited sections: Section 38580, 43016, 43023, 43154, 43211, and 43212 of the California Health and Safety Code.