

Executive Order R-23-001

Relating to Proposed Amendments to the In-Use Off-Road Diesel-Fueled Fleets Regulation

Whereas, on November 17, 2022, the California Air Resources Board (CARB or Board) conducted a public hearing to consider the proposed amendments to the In-Use Off-Road Diesel-Fueled Fleets Regulation, as set forth in Appendix A to the Initial Statement of Reasons (Staff Report) released to the public on September 20, 2022;

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 Staff Report 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 amendments aim to protect the public from health impacts associated with exposure to oxides of nitrogen (NOx) and particulate matter (PM), the regulatory process involves procedures for the protection of the environment, and the proposal will not result in any significant adverse environmental impacts as described in Chapter IX of the Staff Report;

Whereas, following the public hearing, the Board adopted Resolution 22-19 in which the Board approved for adoption amendments to sections 2449, 2449.1, and 2449.2, title 13, California Code of Regulations, as set forth in Appendix A of the Staff Report;

Whereas, Resolution 22-19, 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;

Whereas, modified regulatory language and supporting documentation were circulated for a 15-day public comment period, 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 April 10, 2023, to April 25, 2023;

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 Staff

Report, 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 22-19 that the proposed amendments, as set forth in Appendix A of the Staff Report, 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 22-19 are incorporated herein.

It Is Further Ordered that sections 2449, 2449.1, and 2449.2, title 13, California Code of Regulations, are adopted as set forth in the Final Regulation Order attached to this Executive 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 15th day of June, 2023 at Sacramento, California.

A handwritten signature in blue ink, appearing to read "S. Cliff", is written over a horizontal line.

Steven S. Cliff, Ph.D.
Executive Officer

Attachment