

## Request for Early Effective Date

### **Notice of Public Hearing to Consider Proposed Amendments to the Procedures for Exemption of Add-On and Modified Part(s) for On-Road Vehicles/Engines Specific to Electric Vehicle Conversions**

Pursuant to Government Code section 11343.4(c), the California Air Resources Board (CARB) requests that the proposed amendment of sections 2222 and 2224, title 13, California Code of Regulations (Proposed Amendments), become effective upon filing with the Secretary of State. Good cause for this request exists.

California Vehicle Code section 27156 prohibits any modification, such as the use of add-on and modified parts (or "aftermarket parts") to a certified engine or vehicle, unless these parts have been found, by CARB, not to adversely impact emissions performance. An aftermarket part is any component or device used on a vehicle or engine that was not part of that vehicle or engine when it was originally certified for sale. This section of the Vehicle Code exists to protect the emissions benefits achieved by certification programs by ensuring that any modifications or changes to a vehicle or engine are determined to do no harm from an emissions perspective. As such, CARB has developed and adopted procedures to assess aftermarket products for emission compliance.

In 2021, CARB adopted the current aftermarket evaluation procedure, "Procedures for Exemption of Add-On and Modified Part(s) for On-Road Vehicles/Engines" ("Procedure"), to address concerns with the earlier procedure that dated from 1990. The 2021 Procedure was intended to address changes in engine and aftertreatment design that came into effect since the adoption of the 1990 procedure, as well as to clarify and streamline the process for applicants. The Procedure is used to assess a variety of aftermarket parts, including electric vehicle (EV) conversions. EV conversions completely replace the existing combustion engine of a vehicle, and the resulting converted vehicle has no source of regulated emissions.

The current procedure's requirements are poorly suited for the assessment of EV conversions. These conversions are unique when compared to other types of aftermarket parts, as they completely replace the combustion engine, and the resulting vehicle has no regulated emissions. The requirements of the current procedure do not recognize this fact, causing confusion among manufacturers as to how to apply the current requirements to EV conversions. This in turn is causing unnecessary delays to market and bureaucratic obstacles for EV conversion manufacturers intending to sell product in California. The Proposed Amendments, which are specific to aftermarket EV conversions, are intended to clarify and streamline the application and review process, as well as provide additional flexibility and clearly identify what evaluation criteria apply to EV conversions. These amendments do not include any new requirements, but rather restructure and simplify the existing

requirements, while protecting California emission benefits achieved via CARB's certification programs and standards.

These changes are necessary and urgent to ensure EV conversions have a clearer path to market, as the existing procedure does not account for the unique nature of EV conversions and is creating unnecessary confusion and stumbling blocks for EV conversion manufacturers attempting to sell product in California. Facilitating EV conversions to market will support CARB's and California's EV goals and provide more options to meet these goals.

An early effective date should cause no adverse impact because stakeholder comments were all in support of these amendments. Conversely, without an early effective date affected manufacturers and others would continue to experience unnecessary delays bringing their EV conversions to market.

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