

# Notice of Public Availability of Modified Text

## Proposed Amendments to the Heavy-Duty Engine and Vehicle Omnibus Regulation

Public Hearing Date: October 20, 2023  
Public Availability Date: December 6, 2023  
Deadline for Public Comment: December 21, 2023

By notice posted on the California Air Resources Board's (CARB or Board) webpage on August 1, 2023, and published in the August 4, 2023, California Regulatory Notice Register (Register 2023, Number 31-Z), CARB announced a public comment period for the Proposed Amendments to the Heavy-Duty Engine and Vehicle Omnibus Regulation. CARB subsequently received several requests for a public hearing, and CARB's Executive Officer (EO) conducted a hearing on October 20, 2023, to consider approving the proposed amendments, under the authority delegated to the EO pursuant to Resolution 23-15.

CARB staff has determined that additional modifications to the initially proposed amendments are appropriate and has developed the proposed modifications (15-Day Changes) as stated below in the "Summary of Proposed Modifications" section of this notice. The Appendices showing the specific proposed modifications to the text of the proposed regulation being made with these 15-Day Changes are shown in multiple ways in order to meet the requirements of the Administrative Procedure Act (APA) while also posting alternate/complementary versions that provide increased accessibility to view the modifications in multiple ways.

The proposed modified regulatory language is available for public comment for a period of at least 15 days as required by Government Code section 11346.8. To be considered by the EO, written comments must be submitted by December 21, 2023.

The text of the modified regulatory language is shown in Appendices A, B, and C.

The Appendices are as follows:

Appendix A – Amendments to Sections 1956.8, 1971.1, and 1971.5, Title 13, California Code of Regulations

Appendix B – Amendments to the Proposed Modifications to the Diesel Engine Test Procedures

Appendix C - Amendments to the Proposed Modifications to the Otto-Cycle Engine Test Procedures

The versions of the appendices available for review are provided in multiple ways, as follows:

- Appendices A-1 and B-1: Proposed 15-Day Modifications to Proposed Regulation Order and Diesel Engine Test Procedures, respectively, (compared to version released for 45-day comments)
- Appendices A-2 and B-2: ~Alternative formats to Appendices A-1 and B-1, respectively~
- Appendices A-3 and B-3: Proposed 15-Day Modifications to Proposed Regulation Order and Diesel Engine Test Procedures, respectively, (15-Day Modifications **and** 45-Day Modifications combined and compared to existing regulatory text) in Alternative format
- Appendix C-1: Proposed 15-Day Modifications to the Otto-Cycle Engine Test Procedures
- Appendix C-2: ~Alternative format to Appendix C-1.

The Appendices showing the specific proposed modifications to the text of the proposed regulation order and Test Procedures available for comment with this Notice are provided in the two formats denoted with the suffixes “-1” and “-2.”

In the versions denoted Appendix A-1 and B-1, the 45-Day Changes (proposed regulatory language as posted on August 1, 2023) are shown in “normal type.” The deletions and additions to the 45-Day Changes that comprise the 15-day Changes that are being made public and available for comment with this Notice are shown in ~~strikeout~~ to indicate deletions and underline to indication additions.

In the versions denoted Appendix A-2 and B-2, the 15-Day Changes are provided in a tracked-changes format to meet the requirement for accessible electronic documents. The 45-Day Changes are incorporated into this version as plain, clean text because they are not being made available for public comment by this Notice. The Proposed 15-day Changes are shown in tracked changes and are made public with this Notice and available for comment. To review this document in a clean format, without underline or strikeout to show changes, that shows all the proposed regulations being considered for adoption, please select “Simple Markup” or “No Markup,” or accept all changes in Microsoft Word’s Review menu. You can also change the view to the initially proposed 45-Day Changes (originally proposed regulatory text prior to these proposed modifications) by selecting “Original” or rejecting all tracked changes. Additionally, “Advanced Track Changes Options” will allow for further options regarding color and other markings.

In the versions denoted Appendix A-3 and B-3, the existing, original regulatory language currently adopted into the California Code of Regulations (pre-45-Day Changes) is shown as plain, clean text, while the 45-Day Changes and the proposed 15-Day Changes are combined and shown in tracked changes. To review the net proposal in this document in a clean format (no underline or strikeout to show changes), please select “Simple Markup” or “No Markup” in Microsoft Word’s Review menu or accept all changes. You can also change the view to the original (originally proposed regulatory text prior to any proposed modifications, or 45-Day Changes) by selecting “Original” or rejecting all tracked changes. By progressing through the changes and comparing them with the 15-Day Changes, the public can see the net and stepwise changes being proposed in relation to existing law. Please refer to the version denoted A-1 and B-1 to review the 15-Day Changes available for comment and its

companion/alternate version A-2 and B-2 to view an accessible version showing the 15-Day Changes.

In the version denoted Appendix C-1, The deletions and additions to the current test procedure text that comprise the Proposed 15-day Changes which are being made public and available for comment with this Notice are shown in ~~strikeout~~ to indicate deletions and underline to indicate additions.

In the version denoted Appendix C-2, the Proposed 15-day Changes are shown in tracked changes and are made public with this Notice and available for comment. To review this document in a clean format, without underline or strikeout to show changes, that shows all the proposed regulations being considered for adoption, please select “Simple Markup” or “No Markup,” or accept all changes in Microsoft Word’s Review menu. You can also change the view to original test procedure text by selecting “Original” or rejecting all tracked changes. Additionally, “Advanced Track Changes Options” will allow for further options regarding color and other markings.

In the Final Statement of Reasons, staff will respond to all comments received on the record during the comment periods. The Administrative Procedure Act requires that staff respond to comments received regarding all noticed changes. Therefore, staff will only address comments received during this 15-day comment period that are responsive to this notice or the changes detailed in Appendices A, B, and C.

All regulatory documents for this rulemaking are available online at the following CARB website: <https://ww2.arb.ca.gov/rulemaking/2023/hdomnibus2023>.

## Summary of Proposed Modifications

The following summary does not include all modifications to correct typographical or grammatical errors, changes in numbering or formatting, nor does it include all nonsubstantive revisions made to improve clarity.

### **I. Title 13, California Code of Regulations, section 1956.8 (13 CCR 1956.8) Exhaust Emissions Standards and Test Procedures - 1985 and Subsequent Model Heavy-Duty Engines and Vehicles, 2021 and Subsequent Zero-Emission Powertrains, and 2022 and Subsequent Model Heavy-Duty Hybrid Powertrains**

1. In subsection 1956.8(a)(2)(C)3.b.iv.1, the text was modified to further clarify the intent of the regulations for manufacturers that use Option 1. The new language states that the excess oxides of nitrogen (NOx) and particulate matter (PM) emissions from this percentage of heavy-duty legacy engines exceeding the allowable legacy engine sales limits must be offset at 4 times the deficit balance. If a manufacturer accumulates both NOx and PM deficits from legacy engines above the specified threshold, then both NOx and PM balances must be offset at four times the normal rate. If a manufacturer only accumulates NOx deficits from legacy engine sales above the specified threshold with no PM deficits, then the manufacturer would only need to offset the NOx deficits at four times the normal rate. If a manufacturer only accumulates PM deficits from legacy engine sales above the specified threshold with no NOx deficits, then the manufacturer would only need to offset the PM deficits at four times the normal rate.
2. In subsection 1956.8(a)(2)(C)3.b.iv.2.C, the text was modified to further clarify the intent of the regulations for manufacturers that use Option 2. The new language states that

the excess NOx and PM emissions from this percentage of heavy-duty legacy engines exceeding the allowable legacy engine sales limits must be offset at 4 times the deficit balance. If a manufacturer accumulates both NOx and PM deficits from legacy engines above the specified threshold, then both NOx and PM balances must be offset at four times the normal rate. If a manufacturer only accumulates NOx deficits from legacy engine sales above the specified threshold with no PM deficits, then the manufacturer would only need to offset the NOx deficits at four times the normal rate. If a manufacturer only accumulates PM deficits from legacy engine sales above the specified threshold with no NOx deficits, then the manufacturer would only need to offset the PM deficits at four times the normal rate.

3. In subsection 1956.8(d), a placeholder is created for the most recent date of incorporation for CARB staff's amended "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Otto-Cycle Engines and Vehicles," adopted December 27, 2000. Since these test procedures were amended as part of this rulemaking, the referenced amendment date must be reflected in the California Code of Regulations.
4. In subsection 1956.8(j)(7), the definition of the family emission limit (FEL) has been modified to provide more flexibility to engine manufacturers that certify legacy engine families. Based on the changes, manufacturers can choose to specify the FEL value for each legacy engine family to either two or three decimal places. For example, a manufacturer can specify a PM FEL of 0.01 grams per brake horsepower-hour (g/bhp-hr) or 0.005 g/bhp-hr.

## **II. 13 CCR 1971.1. On-Board Diagnostic System Requirements--2010 and Subsequent Model-Year Heavy-Duty Engines**

1. Subsection 1971.1(d)(8.5.1) currently states that manufacturers electing to certify 2024, 2025, or 2026 model year heavy-duty engines to the provisions of subsection 1956.8(a)(2)(C)2 may implement OBD systems either complying with California OBD requirements set forth in California Code of Regulations (Cal. Code Regs.), title 13, section 1971.1, or federal OBD requirements set forth in title 40, Code of Federal Regulations section 86.010-018, as last amended January 24, 2023. The proposed amendment to remove the option to certify to the California OBD requirements from subsection 1971.1(d)(8.5.1) is a necessary clarification to maintain alignment with the requirements in Cal. Code Regs., title 13, subsection 1956.8(a)(2)(C)2, which specifies, in pertinent part, that engines certifying under that subsection are only required to submit the federal certificate of conformity demonstrating those engines comply with all federal requirements (including federal OBD requirements).

## **III. California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles**

1. In subparagraph I.2.B, CARB staff proposes to modify the definition of California sales volume by removing the sale to the ultimate purchaser clause.

This proposed amendment would provide additional flexibility to manufacturers in tracking which products are sold as new in the California market and which products are sold in other states. After the end of the model year, manufacturers would submit the required end-of-year production reports to CARB to identify the specific engines and vehicles that were sold in California. CARB staff would then use all available tools such

as the California Department of Motor Vehicle registration data, warranty registration data, sales records and any other available data to verify the accuracy of the California sales volume for each manufacturer.

2. In subparagraph I.11.B.5.3.5.2(d)(1), the text was modified to further clarify the intent of the regulations for manufacturers that use Option 1. The proposed text explicitly indicates that excess NOx and excess PM emissions from heavy-duty legacy engines exceeding the allowable legacy engine sales limits must be offset at 4 times the deficit balance. If a manufacturer accumulates both NOx and PM deficits from legacy engines above the specified threshold, then both NOx and PM balances must be offset at four times the normal rate. If a manufacturer only accumulates NOx deficits from legacy engine sales above the specified threshold with no PM deficits, then the manufacturer would only need to offset the NOx deficits at four times the normal rate. If a manufacturer only accumulates PM deficits from legacy engine sales above the specified threshold with no NOx deficits, then the manufacturer would only need to offset the PM deficits at four times the normal rate.
3. In subparagraph I.11.B.5.3.5.2(d)(2)(iii), the text was modified to further clarify the intent of the regulations for manufacturers that use Option 2. The proposed text explicitly indicates that the excess NOx and excess PM emissions from heavy-duty legacy engines exceeding the allowable legacy engine sales limits must be offset at 4 times the deficit balance. If a manufacturer accumulates both NOx and PM deficits from legacy engines above the specified threshold, then both NOx and PM balances must be offset at four times the normal rate. If a manufacturer only accumulates NOx deficits from legacy engine sales above the specified threshold with no PM deficits, then the manufacturer would only need to offset the NOx deficits at four times the normal rate. If a manufacturer only accumulates PM deficits from legacy engine sales above the specified threshold with no NOx deficits, then the manufacturer would only need to offset the PM deficits at four times the normal rate.

#### **IV. California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Otto-Cycle Engines and Vehicles**

1. In subparagraph I.2.B, CARB staff proposes to modify the definition of California sales volume by removing the sale to ultimate purchaser clause.

This proposed amendment would provide additional flexibility to manufacturers in tracking which products are sold as new in the California market and which products are sold in other states. After the end of the model year, manufacturers would submit the required end-of-year production reports to CARB to identify the specific engines and vehicles that were sold in California. CARB staff would then use all available tools such as the California Department of Motor Vehicle registration data, warranty registration data, sales records and any other available data to verify the accuracy of the California sales volume for each manufacturer.

In addition to the modifications described above, additional modifications correcting grammar, punctuation and spelling have been made throughout the proposed changes. These changes are nonsubstantive.

The modifications described throughout the Notice do not change implementation of the regulation in any way that affects the conclusions of the environmental analysis included in the Staff Report because the proposed modifications consist primarily of revisions to provide more

flexibility in tracking compliance with the Omnibus requirements without impacting the projected emissions benefits from the Omnibus regulation and clarifications and definitions that do not alter the compliance responses. This rulemaking would not create the potential for any new or more severe significant environmental impacts which were not previously examined. None of the modifications has the potential to increase emissions or otherwise cause any significant environmental impacts. While the continued availability of legacy engines in California would allow for the ongoing distribution of higher emitting engines, all excess incremental emissions from these higher emitting engines must be offset by distribution of heavy-duty zero-emission vehicles, distribution of lower emitting heavy-duty engines, or by performing projects in disadvantaged communities. The net effect is to maintain the 2024 model year 0.050 gram per brake horsepower-hour NOx standard for the overall heavy-duty sector for 2024 through 2026 model years, ensuring no overall emissions increases from this sector. Therefore, no additional environmental analysis or recirculation of the analysis is required.

## Agency Contacts

Inquiries concerning the substance of the proposed regulation may be directed to [Daniel Hawelti](#), Staff Air Pollution Specialist, On-Road Heavy Duty Diesel Section, at (951) 542-3195, or [Mitzi Magtoto](#), Staff Air Pollution Specialist, On-Road Heavy Duty Diesel Section, at (279) 208-7363.

## Public Comments

Written comments will only be accepted on the modifications identified in this Notice. Comments may be submitted by postal mail or by electronic submittal no later than the due date to the following:

Postal mail: Clerks' Office, California Air Resources Board  
1001 I Street, Sacramento, California 95814

*Electronic submittal:* <https://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code § 7920.000 et seq.), your written and verbal comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

In order to be considered by the Executive Officer, comments must be directed to CARB in one of the two forms described above and received by CARB no later than the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations shall be considered by the Executive Officer.

If you need this document in an alternate format or another language, please contact the Clerks' Office at (916) 322-5594 or by facsimile at (916) 322-3928 no later than five (5) business days from the release date of this notice. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Si necesita este documento en un formato alternativo u otro idioma, por favor llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de cinco (5) días laborales a partir de la fecha del lanzamiento de este

aviso. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

California Air Resources Board



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Steven S. Cliff, Ph.D.  
Executive Officer

Date: December 6, 2023

Appendices

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see [CARB's website](http://www.arb.ca.gov) ([www.arb.ca.gov](http://www.arb.ca.gov)).*