

Addendum to the Final Statement of Reasons for Rulemaking

Public Hearing to Consider the Proposed Amendments to the Heavy-Duty Engine and Vehicle Omnibus Regulation

Public Hearing Date: October 20, 2023
Agenda Item No.: EO 23-1-1
Addendum Prepared: May 31, 2024

I. General Discussion

This addendum to the Final Statement of Reasons (FSOR) for the rulemaking action entitled “Public Hearing to Consider the Proposed Amendments to the Heavy-Duty Engine and Vehicle Omnibus Regulation” updates the original FSOR that the California Air Resources Board (CARB) submitted to the Office of Administrative Law (OAL) on April 18, 2024.

The FSOR as submitted to OAL erroneously stated that CARB heard oral testimony from 30 commenters during the Executive Officer Hearing on October 20, 2023; the correct number is that CARB heard oral testimony from 31 commenters at the hearing.

II. Non-Substantial Modifications

The non-substantial modifications described below clarify and do not materially alter the requirements, rights, responsibilities, conditions, or prescriptions contained in the Proposed Amendments, as approved for adoption by CARB. (See Cal. Code Regs., tit. 1, § 40)

After the April 18, 2024, submittal of the FSOR to OAL, the following non-substantial modifications were made to the following documents:

Final Regulation Order:

- Updated section heading of section 1956.8 to include the plural “s” in “Powertrains” at the end of the heading (the second instance “powertrains” in the heading) to be consistent with what is currently published in the California Code of Regulations (CCR).

- Updated section headings to include a period at the end of each heading to be consistent with what is currently published in the CCR.
- Added further subsection headings to notes where current regulatory text is being omitted to improve clarity of where current regulatory text that is unaffected by the currently proposed changes stops and where currently proposed changes begin (e.g., “(a)(1) through (a)(2)(C)2. [No change]” at the beginning of section 1956.8 is being further expanded to “(a)(1) through (a)(2)(C)2.b.ii. [No change];” and “(A) through (B) [No change]” in subsection (a)(6) is being further expanded to “(A) through (B)2. [No change]”). These changes will not ultimately affect the final regulation text itself in the published CCR; however, it will aid in navigation and ease of reference in the final regulation order for this rulemaking.
- Updated the Authority and Reference note of section 1956.8 to accurately state “Sections” as plural in the reference to the Health and Safety Code to improve grammar/punctuation and be consistent with what is currently published in the CCR.
- Updated the Authority and Reference note of section 1956.8 to mark Health and Safety Code section 43107 as being underlined and thus added via this rulemaking to the Reference citations. The section 43107 of the Health and Safety Code had not been underlined in earlier iterations of the proposed text so it is being formally noted as an addition to the regulatory text now.

Final Modifications to the Diesel Engine Test Procedures:

- Added a note at the beginning of the Test Procedure explaining that the Table of Contents is being omitted from this rulemaking as there are no changes to the Table of Contents to dispel any possible confusion that the Table of Contents is being removed as of this rulemaking.
- Added an explanatory note after Subpart A.11.B.5.1 section heading stating that there are no changes to the text within section 5.1. Note added to improve clarity that the original text directly following the section heading is being omitted due to no changes being made to that language and thus to dispel any confusion that the omitted language could be deleted instead.
- Removed extraneously marked changes that only affect the formatting of the text instead of any substantive change to the regulatory text (e.g., removed markings where a soft space was being struck and a hard/non-breaking space was being added).
- Deleted an extraneous space in 35.B.1 between the two sentences (right before “Appended”) as new formatting procedures only have one space after a period instead of two.

Final Modifications to the Otto-Cycle Engine Test Procedures:

- Added a note at the beginning of the Test Procedure explaining that the Table of Contents is being omitted from this rulemaking as there are no changes to the Table of Contents to dispel any possible confusion that the Table of Contents is being removed as of this rulemaking.