

Request For an Early Effective Date

Pursuant To Government Code Section 11343.4(b)(3)

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

The California Air Resources Board (CARB or Board) requests, pursuant to Government Code section 11343.4, subdivision (b)(3), that the Office of Administrative Law (OAL) prescribe an “earlier effective date” for the Proposed Amendments to the Heavy-Duty Engine and Vehicle Omnibus (Omnibus) Regulation that was adopted on December 28, 2023. CARB believes the following demonstrates “good cause” for OAL to prescribe an earlier effective date – i.e., an effective date to coincide with the filing of the regulations with the Secretary of State.

Demonstration of Good Cause

This rulemaking action primarily provides engine manufacturers additional flexibility to comply with the existing Omnibus regulation¹ by allowing qualifying manufacturers to produce and certify greater numbers of 2024 through 2026 model year engines that do not meet the primary emission standards established by the Omnibus regulation (hereinafter “legacy engines”),² provided those manufacturers offset any emissions increases resulting from such legacy engines. The existing Omnibus regulation in turn establishes emission standards and other emissions related requirements applicable to on-road heavy-duty engines and vehicles that are part of CARB’s program to improve air quality and that are needed for California to attain compliance with national ambient air quality standards:

- Expanding the Omnibus regulation’s existing compliance flexibility provisions to provide manufacturers the option to now certify up to 10% of their total actual sales of 2026 model year heavy-duty diesel engines under the legacy provisions, and to further allow manufacturers that produce both medium heavy-duty diesel (MHDD) engines and engines in other heavy-duty diesel primary intended service classes to use the legacy options in the 2024 and 2025 model years. The early effective date is needed to implement these requirements as soon as possible, which will benefit manufacturers of heavy-duty engines by providing them certainty that such requirements are effective under California law as soon as possible, will benefit the customers of such manufacturers (i.e., heavy-duty fleets) by providing them certainty that they will be able

¹ The initial Omnibus regulation is comprised of new title 13, California Code of Regulations (Cal. Code Regs.) sections 2139.5, and 2169.1 through 2169.8; amendments to title 13, Cal. Code Regs., sections 1900, 1956.8, 1961.2, 1965, 1968.2, 1971.1, 1971.5, 2035, 2036, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2121, 2123, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2133, 2137, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2166, 2166.1, 2167, 2168, 2169, 2170, 2423, and 2485; and amendments to title 17 Cal. Code Regs. sections 95662 and 95663.

² Diesel-fueled legacy engines are subject to exhaust emission standards of: 0.20 grams of oxides of nitrogen (NOx) per brake horsepower hour (g/bhp-hr), 0.01 grams of particulate matter (PM)/bhp-hr, 0.14 grams nonmethane hydrocarbon/bhp-hr, and 15.5 grams carbon monoxide /bhp-hr.

to procure engines needed to power a broad range of trucks as soon as possible, and will benefit California by ensuring that the amendments to the existing compliance provisions will not adversely impact the emissions benefits of the Omnibus regulation as soon as possible.

- Expand flexibility to commence projects to offset emissions in disadvantaged communities. The initially adopted Omnibus regulation precluded manufacturers that must offset emissions deficits accrued from legacy engines from submitting proposals for, or undertaking projects targeted in disadvantaged communities until the 2026 model year. The amendments now allow manufacturers to submit proposals for and to undertake such projects in the 2024 and 2025 model years. The early effective date is needed to implement these amendments as soon as possible, which will benefit manufacturers of engines electing to utilize these compliance options by providing them certainty that they can propose and implement such projects under California law as soon as possible, and will benefit disadvantaged communities affected by such projects by allowing manufacturers to more expeditiously propose and implement projects to reduce emissions impacting such communities.

- Modify definition of California Sales Volume. The early effective date is needed to implement these requirements as soon as possible, which will benefit engine manufacturers by providing them certainty that they will be afforded greater flexibility to monitor and track which new engines and new vehicles are produced and delivered for sale in California as soon as possible.

For the reasons set forth above, CARB believes there is good cause for OAL to prescribe an earlier effective date and hereby requests that OAL approve an earlier effective date, coinciding with OAL's submittal of its approval of this rulemaking action to the Secretary of State pursuant to Government Code section 11343.4, subdivision (b)(3).

Date: April 16, 2024



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