

Addendum to the Final Statement of Reasons for Rulemaking

Public Hearing to Consider the Proposed Amendments to the Regulation for Small Containers of Automotive Refrigerant

Public Hearing Date: October 26, 2023
Agenda Item No.: 23-9-3
Addendum Prepared: May 16, 2024

I. General Discussion

This addendum to the Final Statement of Reasons (FSOR) for the rulemaking action entitled “Public Hearing to Consider Proposed Amendments to the Regulation for Small Containers of Automotive Refrigerant” updates the original FSOR that the California Air Resources Board (CARB) submitted to the Office of Administrative Law (OAL) on April 5, 2024.

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 5, 2024, submittal of the FSOR to OAL, the following non-substantial modifications were made to the Final Regulation Order:

- In section 95363, removed the “Reserved” language that was proposed as a placeholder in the original proposed text released on July 3, 2023. This language is not necessary to have in the California Code of Regulations and thus CARB is no longer pursuing this amendment to the regulatory text. The original language in this section is still being proposed to move to section 95360.
- In section 95367, subsections (a)(11) and (b)(3) were removed from the proposed amendments. CARB is no longer pursuing these changes to the regulatory text.

III. Document Incorporated by Reference

In the interest of completeness of the rulemaking record, staff is adding the following document to the rulemaking file as incorporated by reference in the regulatory text:

- Certification Procedures for Small Containers of Automotive Refrigerant, adopted on July 20, 2009, as last amended on January 17, 2017. Incorporated in section 95365(c).

This document was incorporated into the regulation in the prior rulemaking for this regulation (adopted by CARB in January 2017) but is being added to this rulemaking file for clarity and completeness of the record as the proposed language in section 95365(c) could make it appear that the 2017 document is a newly incorporated document as of this rulemaking. This is due to a clerical error in which the version and date of the certification procedure was erroneously not amended in the previous rulemaking in 2017. There is no substantive change as a result of this incorporation but the update does provide clarity and consistency for stakeholders to ensure the correct version of the certification procedures are being followed. This document was incorporated by reference because it would be cumbersome, unduly expensive, and otherwise impractical to publish it in the California Code of Regulations. Distribution to all recipients of the California Code of Regulations is not needed because the interested audience for this document is limited to the technical staff subject to this regulation, most of whom are already familiar with this document as it was incorporated in the previous rulemaking that went before the Board in 2016 and was approved in 2017. Also, the incorporated document has been accessible from CARB's website and has been available upon request during the rulemaking action, and the incorporated document will continue to be available in the future.