

State of California
AIR RESOURCES BOARD

Addendum to the Final Statement of Reasons for Rulemaking

**PUBLIC HEARING TO CONSIDER PROPOSED GUIDELINES FOR THE CLEAN
CARS 4 ALL AND ENHANCED FLEET MODERNIZATION PROGRAMS**

Public Hearing Date: July 26, 2018

Agenda Item No.: 18-6-1

Addendum Prepared: June 7, 2019

I. GENERAL

A. Background

On April 25, 2019, the California Air Resources Board (CARB or Board) submitted the Final Statement of Reasons for the rulemaking action entitled “Guidelines for the Clean Cars 4 All and Enhanced Fleet Modernization Programs” to the Office of Administrative Law (OAL) for its review and approval.

B. 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 amendments as adopted by CARB and approved by OAL. (See Cal. Code Regs., tit. 1, § 40.)

After submission to OAL, the following non-substantial modification were made to correct errors:

- In section 2627(l), staff has added “Equal to or” in the Scrap and Replace Program Incentives table heading, prior to “35 + MPG.” This change is non-substantive because it makes the table consistent with the existing language in the 2627(l).
- In section 2627(l), staff has added “Less than or equal to,” replacing “<” in the Income Eligibility column for the Scrap and Replace Program Incentives table. This change is non-substantive because it makes the table consistent with the existing language in the 2627(l).
- In section 2635(c)(1), staff has added “or.” This change is non-substantial because 2635(c) states that only one requirement is necessary for 2627(c)(1) and 2627(c)(2), and the addition of “or” is transitional, further explaining the intent of 2627(c).

Furthermore, in the interest of completeness, CARB would like to provide additional necessity for the following regulatory amendments:

- Section 2627(f)(5)(H) – “or new” vehicle. EFMP Scrap and Replace allows replacement vehicles to be new or used. This change is to make clear this proposed consumer protection should apply to all eligible replacement vehicles, whether new or used. However, this section contains only recommendations and not requirements. Implementing air districts retain discretion to choose precisely which types of consumer protections to include in their own programs.
- Section 2626(a) – “or BAR representative.” This language is necessary to be consistent with the existing language in the first sentence, which states that the visual and operational inspection is to be “performed by the dismantler or BAR representative”.
- Section 2627(g) – “shall” changed to “may.” This change is necessary to make clear that an air district does not have to contract with all of the entities listed; *i.e.*, an air district can contract with only a subset of the entities listed. This is a grammatical change to be consistent with the existing “as necessary” modifier. The use of “shall” can be interpreted that contracting with vehicle dealers, financial institutions, and public transit agencies was necessary for air districts, which was not staff’s intent.
- Section 2637(c)(2) – mobility options. This language is necessary so that Clean Cars 4 All would be consistent with the existing EFMP Plus-Up project (and EFMP) wherein an applicant can choose either a replacement vehicle or the mobility option. In other words, the Clean Cars 4 All incentive can be applied to either the mobility option or a replacement vehicle. This was staff’s original intent -- omitting mobility options in this section from the original 45-day language was unintentional.
- 2627(g)(2) –USEPA “2017” methodology, and removal of “for model year 2008 and later vehicles.” USEPA periodically updates its methodology for calculating vehicle fuel economy to account for changes in vehicle technologies, driver behavior, and/or driving conditions. The 2017 change updates some of the calculations used to estimate fuel economy. The new calculations are based on test data from model year 2011–2016 vehicles to better reflect today’s vehicle fleet of more fuel-efficient vehicles and advanced technologies, such as hybrids and turbocharged engines. CARB itself does not calculate or publish vehicle fuel economy, so this change is necessary to reference the most current federal methodology, as USEPA no longer uses the 2008 methodology cited in the previous regulatory language.