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Arnold Schwarzenegger
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October 23, 2009

Mail-Out #MSC 09-39

TO: Manufacturers of Small Off-Road Engines (SORE) and Equipment and Interested Parties

SUBJECT: WORKSHOP TO DISCUSS THE CALIFORNIA REGULATIONS AND TEST PROCEDURES FOR SORE WITH RESPECT TO ZERO EMISSION EQUIPMENT

At the time and place noted below, the California Air Resources Board (ARB or Board) will host a public workshop to discuss how professional level Zero Emission Equipment (ZEE) would generate ZEE credits. Specifically, staff would like to discuss proposed changes to the test procedures in order to clarify certain aspects of the ZEE credit program.

The workshop will be held at the following time and location:

Date: Tuesday, November 17, 2009

Time: 9:30 a.m. – 12:00 noon

Location: California Air Resources Board
9528 Telstar Avenue,
El Monte, California 91731

Background

At its November 21, 2008, public hearing, ARB approved the adoption of amendments to California Code of Regulations, title 13, sections 2403, 2405, 2406, 2408, and 2409, and to the incorporated "California Exhaust Emission Standards and Test Procedures for 2005 and Later Small Off-Road Engines." The approved amendments to the regulations and test procedures primarily modified the certification and production emission credit system for SORE, and introduced an optional zero-emission credit program for ZEE. Although it was noted at the hearing that certain aspects of the ZEE credit program provisions lacked specificity, staff expected that these aspects would be subsequently clarified using a supplemental 15-day change notice. Accordingly, staff intends to propose the appropriate ZEE-related regulatory modifications and technical amendments, and make the modified text available for a supplemental comment period

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 our website: <http://www.arb.ca.gov>.

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of at least 15 days. Presented below are the individual issues that need to be resolved. Staff welcomes comments and suggestions pertaining to these issues.

ZEE Credit Program Issues

ZEE Credit Use Restriction

The adopted regulations generally allow ZEE credits to be averaged, banked, and traded as normal certification credits and are subject to the same 5 year credit life. However, ZEE credits can be used only up to 40 percent above the standard. If an engine family's emissions are higher than 40 percent above the standard, other certification credits must be used to cover the difference.

Staff is proposing to incorporate safeguards to ensure that ZEE emission credits are not used to bring back old or introduce new dirtier engines. ZEE credits can only be used toward currently certified engines or future carryover engines. Also, ZEE credits cannot be used toward offsetting emissions from newly certified engines that do not meet the current tier 3 emission standards.

Power or Work-Performed Equivalency

A relationship between either the equivalent power output or work performance of ZEE and equivalent gasoline powered equipment must be established in order to determine the amount of ZEE credits to give for a particular piece of equipment. One approach for establishing such a relationship could involve specific performance criteria. Some suggested specific performance criteria for determining equivalency include, but are not limited to, time required, cutting width and length, and turf conditions (lawn mowers); length of time needed to cut through a specific circumference and diameter of a specific type of limb/log (chainsaws); time required, cutting width and length, hedge vegetation type (hedge trimmers); velocity and volume of air blown (leaf blowers); etc.

Staff would like input from industry on how such criteria should be based for each major equipment type, which type of equipment is the most likely to be manufactured as a ZEE, and which equipment would least likely be manufactured as ZEE.

Refueling or Power Pack Exchange Requirement

The regulation currently allows for only a single change of battery pack or refueling of a ZEE per 8-hour workday. However, staff now believes that this allowance would be unreasonable for ZEE, because conventional equipment can still refuel as often as necessary. Therefore, staff proposes that ZEE be allowed to refuel/change battery packs as often as necessary as long as the total time for refueling/changing battery packs (over an 8-hour day) does not exceed the total refueling time typically required for the same type of conventional equipment. Staff welcomes comments on this issue.

Durability Period

Staff is proposing that ZEE credits could still be generated by equipment that may not reach the full applicable durability period as long as the ZEE was capable of performing at the same level as professional-grade equipment. Accordingly, a ZEE would generate a percentage of the 5-year credit life depending on the durability period it can reach beyond a minimum of 50 percent of the durability period. The corresponding credit life would be rounded down to the lower whole year. For example, if 50 percent of the durability period is met (i.e., a period of 150 hours out of a full durability period of 300 hours), the ZEE credit life would be 2 years. If 75 percent of the durability period is met, the ZEE credit life would be 3 years. This method for determining the ZEE credit life would be consistent with the precedent to only allow credits to last while equipment remains in use.

Warranty Requirements

Staff is proposing that the warranty remain in effect for at least as long as the credit life. If a manufacturer does not wish to have as long a warranty period, they may voluntarily reduce the credit life of the equipment. However, a minimum of 2-years warranty will be required. The battery pack or other fuel supply system must be included in that warranty.

Workshop Materials

Workshop presentations and handouts will be available at the workshop and on ARB's SORE website at: <http://www.arb.ca.gov/msprog/offroad/sore/sore.htm> . If you would like to receive notification by email of updates to the SORE website, please sign up for the ORSPARK email list at: <http://www.arb.ca.gov/listserv/listserv.php> .

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Additional Information

If you have a disability-related accommodation need, please go to <http://www.arb.ca.gov/html/ada/ada.htm> for assistance, or contact the ADA Coordinator at (916) 323-4916. If you are a person who needs assistance in a language other than English, please go to <http://www.arb.ca.gov/as/eeo/languageaccess.htm> or contact the Bilingual Coordinator at (916) 324-5049.

ARB staff is soliciting comments and questions from interested stakeholders before the workshop takes place. If you have comments or questions about the proposed regulatory changes or related matters, kindly submit them at your earliest convenience to either Ms. Yun Hui Park, Air Resources Engineer at (626) 450-6263, or email ypark@arb.ca.gov, or Mr. Ronald Haste, Manager, Off-Road Controls Section, at (626) 575-6676, or email rhaste@arb.ca.gov.

Sincerely,

/s/

Robert H. Cross, Chief
Mobile Source Control Division

cc: Mr. Ronald Haste, Manager
Mobile Source Control Division

Ms. Yun-Hui Park
Air Resources Engineer
Mobile Source Control Division