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Arnold Schwarzenegger
Governor

Mail-Out #MSO 2008-05

July 23, 2008

TO: All Manufacturers of Exhaust Systems & Other Aftermarket Parts
All Manufacturers of Emission Control Components for Highway
Motorcycles
All Manufacturers of Highway Motorcycles
All Distributors, Retailers & Installers of Aftermarket Parts
All Other Interested Parties

SUBJECT: SECOND PUBLIC WORKSHOP TO PRESENT MODIFIED DRAFT
REGULATORY PROCEDURES FOR THE EVALUATION OF NEW
AFTERMARKET CRITICAL EMISSION CONTROL PARTS FOR
HIGHWAY MOTORCYCLES

The California Air Resources Board (ARB) staff invites you to participate in a public workshop to discuss modified draft procedures for the evaluation of aftermarket critical emission control parts used on highway motorcycles (HMCs). The workshop will be held at the date, time, and location below:

Date: Wednesday, August 20, 2008
Time: 9:00 a.m. to 12:00 p.m.
Location: Annex IV Auditorium
9530 Telstar Avenue
El Monte, CA 91731

The ARB held an initial public workshop on April 9, 2008, to present proposed evaluation procedures to the aftermarket parts industry and other interested parties. Those procedures were intended to provide procedures that would allow the sale of aftermarket critical emission control parts for HMCs in California. An aftermarket critical emission part is any add-on or modified part or system that is intended to replace or modify any original motor vehicle pollution control device or system installed in a HMC. Examples include catalytic converters and oxygen sensors. Since these parts are expected to be installed on relatively new HMCs, the procedures were largely based on ARB's existing new vehicle certification regulations in order to ensure reliability of the aftermarket parts installed in place of the stock components.

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>.

California Environmental Protection Agency

Comments received in response to the original proposal during and after the April 9, 2008, workshop resulted in the following main modifications:

1. Emission Warranty. (Paragraphs (c)(2)(A) and (c)(2)(B))

For HMCs that are older than four years from the date of original purchase, the emission warranty for aftermarket critical emission control parts installed on them would be three years or half the applicable useful life mileage, whichever occurs first.

2. Recordkeeping. (Paragraphs (c)(2)(C) and (c)(2)(D))

Part manufacturers would have to provide a warranty registration card for each part. The part manufacturer would have to ensure that at least 50 percent of those cards are returned and maintain records on the cards for five years after sale of the part. Installers and retailers would also be required to keep records of the sale and installation of aftermarket critical emission control parts.

3. Audit Reporting. (Paragraph (c)(5))

Language concerning the direct collection of HMC vehicle identification numbers (VINs) has been deleted. This information would instead be collected primarily through the aforementioned warranty registration cards.

Audit testing is modified to allow for a maximum of five parts per year per manufacturer. Manufacturers will provide the parts to ARB for testing. All emission-related expenses for the testing would be covered by ARB provided the modified HMC meets the applicable emission standards. Failure of any emission standard could cause rescission of the Executive Order or may require further analysis and testing by the manufacturer.

4. In-Use Enforcement Testing/Recall. (Paragraph (c)(7))

ARB has deleted the requirement for in-use enforcement testing. Specific language for warranty claims reporting and in-use recall were added, instead of referencing title 13 sections.

ARB staff believes that the modifications to the original proposal will address industry concerns while still maintaining the overall robustness of the proposed procedures. Other revisions, both clarifying and non-substantive in nature, were also made throughout the original procedures. These include additional definitions, permanent

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identification stamping/embossment on parts labeling, and tamper resistance descriptions.

The revised evaluation procedures are available for review and comment from the following ARB webpage:

<http://www.arb.ca.gov/msprog/aftermkt/motorcycle/motorcycle1.htm>

Furthermore, the procedures and all future notifications/documents related to this proposed regulatory program can be emailed to any interested party by signing up to the specific list "**motorcycle1**" from the following ARB webpage:

<http://www.arb.ca.gov/listserv/listserv.php>

If necessary, interested parties may contact staff to set up additional individual meetings. If you wish to schedule such a meeting, please contact Mr. Dean Hermano, Staff Air Pollution Specialist, at (626) 459-4487, or dhermano@arb.ca.gov.

Interested parties unable to participate in this workshop, or those wishing to supply additional information, are encouraged to submit written comments. Such written comments should be sent to Ms. Annette Hebert, Chief, Mobile Source Operations Division, Air Resources Board, 9480 Telstar Avenue, Suite 4, El Monte, CA 91731.

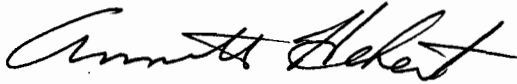
If any party wishes the information submitted with respect to the workshop to be treated as confidential by staff, it should be clearly marked as "confidential" and be on pages which are easily detachable from other non-confidential information. California guidelines (sections 91000-91022, Title 17, California Code of Regulations, and Health and Safety Code section 39660(e)) will be followed in the handling of confidential information. Affected parties should justify confidential treatment of any information not specifically mentioned in these guidelines.

To request special accommodations for persons with disabilities, please go to <http://www.arb.ca.gov/html/ada/ada.htm> 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) 324-5029.

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Questions regarding this meeting, or issues that you wish to be discussed, should be directed to Ms. Rose Castro, Manager, Aftermarket Parts Section, at (626) 575-6848, or Mr. Dean Hermano at (626) 459-4487, or dhermano@arb.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Annette Hebert". The signature is fluid and cursive, with the first name being more prominent.

Annette Hebert, Chief
Mobile Source Operations Division