

State of California  
AIR RESOURCES BOARD

**PROPOSED AMENDMENTS TO THE LOW-EMISSION VEHICLE III GREENHOUSE  
GAS EMISSION REGULATION**

Resolution 18-35

**September 28, 2018**

Agenda Item No.: 18-7-5

WHEREAS, California's law and policy emphasizes the importance of protecting the public health and welfare from the adverse impacts resulting from motor vehicle air pollution;

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the California Air Resources Board (CARB or Board) to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, in section 43000 of the Health and Safety Code, the Legislature has declared that the emission of air pollutants from motor vehicles is the primary cause of air pollution in many parts of the State, and sections 39002 and 39003 of the Health and Safety Code charge the Board with the responsibility of air pollution control from motor vehicles;

WHEREAS, as early as 1959, California has taken steps to mitigate air pollution from motor vehicles;

WHEREAS, when the United States Congress generally preempted the states from enacting separate state emission requirements for new motor vehicles when it enacted the Air Quality Act in 1967, it expressly recognized that California was experiencing significant air pollution problems because of compelling and extraordinary circumstances associated with, among other factors, California's large population of motor vehicles, and further recognized that California was leading the nation in regulating motor vehicle emissions;

WHEREAS, Congress accordingly enacted provisions in the Clean Air Act that allowed only California to continue to adopt and implement a motor vehicle emission control program that is distinct from, and more protective than, the federal motor vehicle emissions control program, in order to allow California to forge ahead of the federal program and develop advancements in motor vehicle emissions control technology that could ultimately benefit motor vehicles throughout the nation;

WHEREAS, over the past fifty years California has consistently established more stringent motor vehicle emission controls than the federal program, and the motor vehicle industry has consequently developed and demonstrated innovative technical solutions to comply with those standards, which have subsequently been applied to vehicles nationwide and therefore improved the health and welfare of all of the nation's residents;

WHEREAS, California's motor vehicle emissions control program has also required and consequently resulted in more durable motor vehicle emissions control systems, which have controlled vehicle emissions over longer lengths of time and contributed to more durable vehicles that cost less to maintain over their useful lives, thereby benefitting consumers;

WHEREAS, California's motor vehicle emissions control program for controlling pollution from motor vehicles has resulted in significant progress in restoring California's air quality;

WHEREAS, despite its significant progress, California continues to suffer from some of the worst air pollution in the nation, with the only two areas designated as extreme nonattainment with the National Ambient Air Quality Standards for ground-level ozone;

WHEREAS, criteria emissions from the combustion and distribution of the fossil fuels that power motor vehicles and other mobile sources are the largest contributors to the formation of ground-level ozone in California;

WHEREAS, as the United States Environmental Protection Agency (U.S. EPA) has recognized, reducing ozone is made more difficult by the effects of climate change and rising temperatures;<sup>1</sup>

WHEREAS, sections 43013, 43101, and 43104 of the Health and Safety Code authorize the Board to adopt emission standards and test procedures to control air pollution caused by motor vehicles;

WHEREAS, section 43018(a) of the Health and Safety Code directs the Board to endeavor to achieve the maximum degree of emission reduction possible from vehicular and other mobile sources to attain the state ambient air quality standards at the earliest practicable date;

WHEREAS, section 43018(c) of the Health and Safety Code provides that in carrying out section 43018, the Board shall adopt standards and regulations that will result in the most cost-effective combination of control measures on all classes of motor vehicles and motor vehicle fuel, including but not limited to reductions in motor vehicle exhaust and evaporative emissions, and reductions in in-use vehicular emissions through durability, performance improvements, and specification of vehicular fuel composition;

---

<sup>1</sup> See 74 Fed.Reg. 32,744, 32,763 (July 8, 2009).

WHEREAS, section 39667 of the Health and Safety Code directs the Board to consider revisions to CARB's emissions standards for vehicular sources to achieve the maximum possible reduction in public exposure to substances that the Board has identified as toxic air contaminants under section 39662 of the Health and Safety Code;

WHEREAS, such regulations under section 39667 of the Health and Safety Code affecting new motor vehicles are to be based on the most advanced technology feasible for the model year and may include, but are not limited to, the required installation of control measures on new motor vehicles;

WHEREAS, California suffers a wider range of the effects of climate change and to a greater degree than other states in the nation, including extreme and prolonged drought, dwindling supplies of fresh water from loss of snowpack, more extensive and severe wildfires, and rising storm surges and sea levels;<sup>2,3</sup>

WHEREAS, the increase in the size and severity of California wildfires is directly responsible for thousands of tons of particulate matter, oxides of nitrogen (NOx), and volatile organic compounds released into our atmosphere, which extend well beyond our borders;<sup>4,5</sup>

WHEREAS, reducing greenhouse gas emissions from motor vehicles is necessary to mitigate the effects of global climate change in California, to reduce ozone and other criteria pollutant levels, and for developing and commercializing the technology and infrastructure necessary to reduce greenhouse gas emissions from other categories of mobile sources;

WHEREAS, California enacted Assembly Bill (AB) 1493 (Pavley), statutes of 2002, chapter 200 (codified at Health and Safety Code section 43018.5), which directs the Board to develop and adopt regulations that achieve the maximum feasible and cost-effective reductions of greenhouse gas emissions from motor vehicles, beginning with the 2009 model year;

WHEREAS, in recognition of the devastating impacts on California of climate change emissions, Governor Arnold Schwarzenegger, in June 2005, signed Executive Order S-3-05 which established the following greenhouse gas emission targets:

---

<sup>2</sup> See, e.g., discussion of evidence in 78 Fed. Reg. 2,112, 2,129 (Jan. 9, 2013).

<sup>3</sup> State of California Governor's Office of Planning and Research, California Energy Commission, California Natural Resources Agency. *California's Fourth Climate Change Assessment Statewide Summary Report*. (Report #: SUM-CCCA4-2018-013, August 27, 2018), available at: <http://www.climateassessment.ca.gov/state/docs/20180827-StatewideSummary.pdf>

<sup>4</sup> See "Smoke from the California wildfires is spreading 3,000 miles to New York City." August 10, 2018. available at: <https://www.cnn.com/2018/08/10/us/smoke-california-wildfire-reaches-nyc-wxc-trnd/index.html>. Accessed August 23, 2018.

<sup>5</sup> Liu, X., et al. (2017), Airborne measurements of western U.S. wildfire emissions: Comparison with prescribed burning and air quality implications, *J. Geophys. Res. Atmos.*, 122, 6108–6129, doi:10.1002/2016JD026315.

- By 2010, reduce greenhouse gas emissions to 2000 levels;
- By 2020, reduce greenhouse gas emissions to 1990 levels; and
- By 2050, reduce greenhouse gas emission 80 percent below 1990 levels.

WHEREAS, the Legislature enacted the California Global Warming Solutions Act of 2006 (AB 32, statutes of 2006, chapter 488 (Nunez, Pavley); Health and Safety Code section 38500 et seq.), which declares that global warming poses a serious threat to the environment of California and creates a comprehensive multi-year program to reduce greenhouse gas emissions that cause global warming;

WHEREAS, in April 2015, Governor Edmund G. Brown Jr. signed Executive Order B-30-15 that established a greenhouse gas emission reduction target of 40 percent below 1990 levels by 2030;

WHEREAS, California enacted Senate Bill (SB) 32, statutes of 2016, chapter 249 (Pavley), which directs the Board to develop and adopt regulations to ensure that statewide greenhouse gas emissions are reduced to 40 percent below the 1990 level by 2030;

WHEREAS, California enacted AB 197, statutes of 2016, chapter 250 (Garcia), which declares that continuing to reduce greenhouse gas emissions is critical for protecting all areas of the state, but especially for the state's most disadvantaged communities, as those communities are affected first, and most frequently, by adverse impacts of climate change, including increased frequency of extreme weather events such as drought, heat, and flooding;

WHEREAS, climate change also contributes to conditions that limit or prevent attainment with criteria pollutant standards under the Clean Air Act, and that worsen the effects of nonattainment with the National Ambient Air Quality Standards by altering weather patterns, increasing air temperature, and creating other conditions that lead to criteria pollutant formation and retention, and by exacerbating health stresses on vulnerable populations, especially during periods when high air temperatures coincide with increased air pollution;

WHEREAS, combined programs to address all relevant pollutants from vehicles, including greenhouse gases, help support continued improvements in vehicle technology that limit criteria pollutant emissions and reduce greenhouse gases in an effective manner;

WHEREAS, as of 2016, California's passenger cars and light-duty trucks emit approximately 27 percent of the total state-wide greenhouse gas emissions,<sup>6</sup> approximately 15 percent of total state-wide reactive organic gas (ROG) emissions,

---

<sup>6</sup> California Air Resources Board. *Greenhouse Gas Emission Inventory - Query Tool for years 2000 to 2016* (11th Edition), available at: [https://www.arb.ca.gov/app/ghg/2000\\_2016/ghg\\_sector.php](https://www.arb.ca.gov/app/ghg/2000_2016/ghg_sector.php)

approximately 14 percent of total state-wide oxides of nitrogen (NOx) emissions, and approximately 5 percent of total state-wide PM2.5 emissions;<sup>7</sup>

WHEREAS, *California's 2017 Climate Change Scoping Plan*<sup>8</sup> documents the growing science and data showing direct impacts already occurring in California from climate change<sup>9</sup> and describes proposed measures to reduce greenhouse gas emissions by 40 percent below 1990 levels by 2030;

WHEREAS, in 2016, California's greenhouse gas emissions were below those in 1990, meeting the 2020 target, as described in CARB's California Greenhouse Gas Emission Inventory: 2000 – 2016 (2018);

WHEREAS, on March 22, 2012, CARB adopted the California Low-Emission Vehicle III (LEV III) regulations, which reduce both criteria pollutant emissions and greenhouse gas emissions from light- and medium-duty vehicles;

WHEREAS, the criteria pollutant element of LEV III reduces light-duty vehicle (passenger vehicle) emissions by greater than 99 percent compared to uncontrolled emission levels by 2025;<sup>10</sup>

WHEREAS, the LEV III greenhouse gas emission regulation for light-duty vehicles is a fundamental component of the State's strategy to protect the health of its citizens and its natural resources from the threats of climate change;<sup>11</sup>

WHEREAS, the greenhouse gas element of LEV III reduces light-duty vehicle emissions by approximately 26 million metric tons per year by 2030 and 45 million metric tons per year by 2050 beyond those achieved by the Pavley regulations;<sup>12</sup>

WHEREAS, California's LEV III greenhouse gas emissions regulation for light-duty vehicles has been adopted, in whole or in part, by at least twelve other states and commonwealths, under Section 177 of the Clean Air Act;<sup>13</sup>

WHEREAS, U.S. EPA and the Department of Transportation's National Highway Traffic Safety Administration (NHTSA) have established a coordinated program for federal

---

<sup>7</sup> California Air Resources Board. *CEPAM: 2016 SIP - Standard Emission Tool Emission Projections By Summary Category Base Year: 2012*. (updated July 18, 2018), available at:

<https://www.arb.ca.gov/app/emsinv/fcemssumcat/fcemssumcat2016.php>

<sup>8</sup> CARB, 2017. *California's 2017 Climate Change Scoping Plan*. November 2017,

[https://www.arb.ca.gov/cc/scopingplan/scoping\\_plan\\_2017.pdf](https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf). Accessed March 14, 2018.

<sup>9</sup> *Ibid.* p. 6.

<sup>10</sup> CARB. *Staff Report: Initial Statement of Reasons for Proposed Rulemaking, Public Hearing to Consider the "LEV III" Amendments to the California Greenhouse Gas and Criteria Pollutant Exhaust and Evaporative Emission Standards and Test Procedures and to the On-Board Diagnostic System Requirements for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, and to the Evaporative Emission Requirements for Heavy-Duty Vehicles*. December 7, 2011. available at: <https://www.arb.ca.gov/regact/2012/leviiighg2012/levisor.pdf>

<sup>11</sup> See *California's 2017 Climate Change Scoping Plan*, November 2017, pp. 47, available at:

[https://www.arb.ca.gov/cc/scopingplan/scoping\\_plan\\_2017.pdf](https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf)

<sup>12</sup> See EMFAC2017 available at: <https://www.arb.ca.gov/msei/msei.htm>.

<sup>13</sup> 42 U.S.C. § 7507.

light-duty vehicle greenhouse gas emissions and corporate average fuel economy (CAFE) standards for model years 2012 through 2025;

WHEREAS, recognizing that where U.S. EPA and NHTSA are also committed to achieving greenhouse gas and other pollutant reductions from motor vehicles, there is value in a unified National Program for controlling greenhouse gas emissions from light-duty vehicles;

WHEREAS, to that end, California has accepted compliance with federal light-duty vehicle greenhouse gas emission standards adopted by the U.S. EPA for the 2012 through 2025 model years, codified in title 40 of the Code of Federal Regulations, section 86.1818-12;

WHEREAS, the Board adopted this so-called “deemed to comply” option, which allows compliance with these federal regulations as an alternative to complying with California’s regulations, because the federal standards, at the time, would deliver equivalent greenhouse gas emission reductions as California’s standards;

WHEREAS, the U.S. EPA waived under Section 209 of the federal Clean Air Act<sup>14</sup> federal preemption of California’s light-duty vehicle greenhouse gas emission standards for model years 2015 through 2025 and beyond, even without the “deemed to comply” option;<sup>15</sup>

WHEREAS, one important element of these federal greenhouse gas and CAFE standards was a requirement that U.S. EPA conduct a midterm evaluation to assess the appropriateness of the greenhouse standards for the 2022 through 2025 model years;

WHEREAS, this midterm evaluation was required by law to be based upon a joint Technical Assessment Report,<sup>16</sup> which was prepared jointly by U.S. EPA, CARB, and NHTSA, as the federal agencies had committed;<sup>17</sup>

WHEREAS, the multi-year midterm evaluation process produced an exhaustive joint U.S. EPA-CARB-NHTSA technical analysis (Technical Assessment Report)<sup>18</sup> that provided the agencies’ initial technical assessment of the technologies available to meet the federal light-duty vehicle greenhouse gas emission and CAFE standards for model years 2022 through 2025 and concluded they are more than feasible based on technologies that are currently available;

---

<sup>14</sup> 42 U.S.C. § 7543.

<sup>15</sup> 78 Fed. Reg. 2112, 2124, 2129, 2138 (Jan. 9, 2013).

<sup>16</sup> See 40 C.F.R. § 86.1818-12(h)(2).

<sup>17</sup> 77 Fed. Reg. 62,624, 62,628, 62,784 (Oct. 15, 2012).

<sup>18</sup> U.S. EPA, NHTSA, CARB. Draft Technical Assessment Report: Midterm Evaluation of Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards for Model Years 2022-2025 (July 2016), EPA-420-D-16-900, available at:

<https://nepis.epa.gov/Exe/ZyPDF.cgi/P100OXEO.PDF?Dockey=P100OXEO.PDF>

WHEREAS, on January 13, 2017, U.S. EPA met its deadline and released its final determination (Final Determination<sup>19</sup>) to maintain the current National Program greenhouse gas emissions standards for 2022 through 2025 model year vehicles, finding that automakers are well positioned to meet the standards at lower costs than previously estimated;

WHEREAS, CARB also conducted a California-specific Midterm Review<sup>20</sup> of the appropriateness of these standards, which also examined a number of other issues relating to the LEV III regulations and Zero-Emission Vehicle regulations and reported back to the Board on their findings;

WHEREAS, based on the California Midterm Review, the Board concluded (in Resolution 17-3<sup>21</sup>) that:

Given U.S. EPA has issued a Final Determination affirming the 2022 through 2025 model year federal greenhouse gas standards will remain as adopted, it is appropriate to continue California's participation in the 2017 through 2025 model year National Program by maintaining the "deemed to comply" provision allowing for compliance with the adopted U.S. EPA greenhouse gas standards for the 2022 through 2025 model years;

WHEREAS, on April 13, 2018, after the deadline to issue its Final Determination, the U.S. EPA published in the Federal Register a notice withdrawing its previous Final Determination for the midterm evaluation of the federal passenger vehicle greenhouse gas regulations and issuing a revised Final Determination that the federal greenhouse gas standards are not appropriate, "may be too stringent," and should be changed;<sup>22</sup>

WHEREAS, the U.S. EPA issued its untimely revised Final Determination without sharing any data or analysis with CARB or adequately explaining either why it was departing from the extensive evidence within the Technical Assessment Report or the reasons for reaching a different conclusion than had been reached by the previous well-reasoned Final Determination;

WHEREAS, the revised Final Determination is not based on, or supported by, the findings and analysis in the Technical Analysis Report, or justified by any subsequent information or analyses known to CARB;

---

<sup>19</sup> U.S. EPA, Final Determination on the Appropriateness of the Model Year 2022-2025 Light-duty Vehicle Greenhouse Gas Emissions Standards under the Midterm Evaluation (January 2017, EPA-420-R-17-001), available at: <https://www.regulations.gov/contentStreamer?documentId=EPA-HQ-OAR-2015-0827-6270&attachmentNumber=1&contentType=pdf>.

<sup>20</sup> California Air Resources Board. *California's Advanced Clean Cars Midterm Review*, (January 18, 2017), available at: [https://www.arb.ca.gov/msprog/acc/mtr/acc\\_mtr\\_finalreport\\_full.pdf](https://www.arb.ca.gov/msprog/acc/mtr/acc_mtr_finalreport_full.pdf).

<sup>21</sup> Available at: <https://www.arb.ca.gov/msprog/acc/mtr/res17-3.pdf>

<sup>22</sup> 83 Fed.Reg. 16,077, April 13, 2018, *Mid-term Evaluation of Greenhouse Gas Emissions Standards for Model Year 2022-2025 Light-duty Vehicles, Notice and Withdrawal*.

WHEREAS, on August 24, 2018, U.S. EPA and NHTSA published in the Federal Register a joint agency Notice of Proposed Rulemaking (NPRM)<sup>23</sup> stating a proposal to substantially weaken the U.S. EPA standards, opening a 60-day comment period that will end October 23, 2018;

WHEREAS, the NPRM improperly proposes to weaken and relax the federal light-duty vehicle greenhouse gas emissions and CAFE standards, including a preferred alternative to flat-line the standards at model year 2020 levels and make further changes to weaken and disrupt the program, and wholly fails to consider maintaining or strengthening the standards, despite the extensive information supporting such action;

WHEREAS, this proposal to weaken the standards of the unified National Program, if implemented, will substantially slow progress towards the emission reductions needed to address the serious threat climate change poses to California, the country, and the world, substantially slow progress meeting health-based National Ambient Air Quality Standards, result in additional premature deaths and additional public health impacts, waste billions of gallons of gasoline, and cost consumer money on fuel;

WHEREAS, now that U.S. EPA has stated that it intends to abandon the robust and achievable federal standards the record supports, regulated entities and the public confront considerable uncertainty as to the fate of the program, undermining the goals of the unified National Program to provide a clear path towards necessary pollution reductions;

WHEREAS, the Board continues to direct the Executive Officer explore options for a unified national program for controlling greenhouse gas emissions from light- and medium-duty vehicles that is consistent with California's climate and public health goals and needs;

WHEREAS, staff has proposed amendments to the LEV III greenhouse gas regulation, and to the "California 2015 and Subsequent Model Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2017 and Subsequent Model Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," as set forth in Appendix A and Appendix B, respectively, to the Initial Statement of Reasons released to the public on August 7, 2018;

WHEREAS, these proposed amendments will clarify that the "deemed to comply" option is available only if the currently adopted federal greenhouse gas regulations remain in effect, to prevent any federal weakening for model years 2021 through 2025 from also degrading California's standards during these model years;

WHEREAS, these proposed amendments will enable the states and commonwealths that have adopted California's LEV III greenhouse gas regulation under Section 177 of

---

<sup>23</sup> 83 Fed.Reg. 42,986 (August 24, 2018). [The Safer Affordable Fuel-Efficient \(SAFE\) Vehicles Rule for Model Years 2021–2026 Passenger Cars and Light Trucks.](#)

the Clean Air Act to enforce their standards within their jurisdictions, mitigating any federal weakening for model years 2021 through 2025;

WHEREAS, CARB's regulatory program that involves the adoption, approval, amendment, or repeal of standards, rules, regulations, or plans has been certified by the Secretary for Natural Resources under Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA; California Code of Regulations, title 14, section 15251(d)), and CARB conducts its CEQA review according to this certified program (California Code of Regulations, title 17, sections 60000-60007);

WHEREAS, staff conducted a comprehensive review of the potential environmental impacts of this action and determined that for the proposed amendments, CARB can rely on the environmental analysis prepared under its certified regulatory program included in the Staff Report released in 2011, and no additional environmental review is required because the record evidence shows that the amendments will not result in new significant adverse environmental impacts;

WHEREAS, a public hearing and other administrative proceedings have been held according to the provisions of Chapter 3.5 (commencing with section 11340), part 1, division 3, title 2 of the Government Code;

WHEREAS, CARB has prepared extensive analyses of the potential economic impacts of this proposal on persons and businesses in California, beyond those required by the applicable provisions of the Government and Health and Safety Codes, to provide the public a comprehensive assessment of this action;

WHEREAS, the Board, having considered all information presented in the public hearing and administrative proceedings finds that:

The federal NPRM and its alternatives are unsupported by the evidence before the Board;

The proposed amendments are necessary to meet California's compelling and extraordinary conditions, including extreme levels of ozone, which is linked to asthma, heart attacks, and pulmonary problems, especially in children and the elderly, and also damages crops and harms wildlife, and acute impacts of climate change on the state's water supply, on the state's increased incidences of the size and severity of wildfires, and rising sea levels, which threatens coastal lands, and forests and grasslands;

Despite CARB's significant progress in reducing pollution from motor vehicles, California still needs to adopt and implement measures such as the proposed amendments to reduce emissions that contribute to the extreme levels of ozone experienced in the South Coast Air Basin and the San Joaquin Valley Air Basin;

The proposed amendments are not inconsistent with federal regulations;

The proposed amendments maintain the stringency of the California LEV III greenhouse gas emission standards and other emission related requirements that have been granted a waiver from the preemptive provisions of section 209 of the Clean Air Act;

The proposed amendments are consistent with Section 202(a) of the Clean Air Act;<sup>24</sup>

The proposed amendments are not more stringent than and do not impose additional requirements than federal and California light-duty vehicle greenhouse gas emissions standards that are currently effective and enforceable;

The proposed amendments are within the scope of existing waivers of federal preemption granted by the U.S. EPA under the Clean Air Act, and are not preempted by federal law regarding motor vehicle fuel economy;

The proposed amendments are necessary to preserve the environmental benefits and welfare protections of the current greenhouse gas emission standards;

The proposed amendments are necessary for California to attain the National Ambient Air Quality Standards for ozone and other criteria pollutants;

The federal proposal and alternatives are inadequate to meet California's compelling and extraordinary conditions or its requirements to mitigate the effects of climate change;

All of the approved amendments are necessary, appropriate, and technologically feasible; and

WHEREAS, the Board further finds that:

The proposed amendments meet the statutory requirements to "adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions from sources or categories of sources, subject to the criteria and schedules set forth in" part 4, division 25.5, section 38560 of the Health and Safety Code;

The proposed amendments were made available for public comment as required by law;

No reasonable alternatives to the amendments considered to date, or that have otherwise been identified and brought to the attention of CARB, would be more effective at carrying out the purpose for which the regulation is proposed or

---

<sup>24</sup> 42 U.S.C. § 7521(a).

would be as effective and less burdensome to affected entities than the proposed regulation;

The proposed amendments are consistent with CARB's environmental justice policies and do not disproportionately impact people of any race, culture, or income; and

The proposed amendments are covered by the prior environmental analysis prepared to comply with CEQA, and no additional environmental review, or revisions to the prior environmental analysis, are required because substantial evidence in the records shows there are no changes that will result in new significant adverse environmental impacts.

NOW, THEREFORE, BE IT RESOLVED that the Board approves the written responses to comments on the environmental analysis received during the 45-day comment period, as included in Attachment C.

BE IT FURTHER RESOLVED that the Board hereby approves for adoption amendments to sections 1961.2 and 1961.3, Title 13 California Code of Regulations, as set forth in Attachment A, and amendments to the "California 2015 and Subsequent Model Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2017 and Subsequent Model Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," as set forth in Attachment B.

BE IT FURTHER RESOLVED that if there is a possibility that a unified National Program can be maintained that reduces light-duty vehicle greenhouse gas emissions sufficient to address California's compelling and extraordinary conditions, the Executive Officer should pursue the means to do so, including by proposing modifications to the proposed amendments.

BE IT FURTHER RESOLVED that if there is a possibility that any modifications to the regulation made available for one or more 15-day public comment periods may affect the conclusion of the environmental analysis, the Executive Officer shall prepare and circulate any additional environmental analysis to the extent required by CARB's regulations at California Code of Regulations, title 17, sections 60000-60007, and prepare written responses to any comments received raising significant environmental issues as necessary, to present to the Board for approval along with the final regulation.

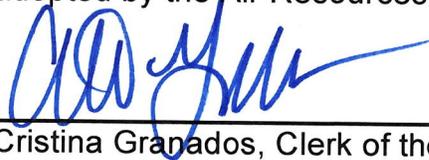
BE IT FURTHER RESOLVED that the Board directs the Executive Officer to determine if additional conforming modifications to the regulation are appropriate, including in light of actions taken by the federal government. If no additional modifications are appropriate, the Executive Officer shall take final action to adopt the regulation, as set forth in Attachment A. If the Executive Officer determines that additional conforming modifications are appropriate, the modified regulatory language shall be made available for public comment, with any additional supporting documents and information. The

Executive Officer shall consider written comments submitted during the public review period and make any further modifications that are appropriate available for public comment for at least 15 days. The Executive Officer may present the regulation to the Board for further consideration if warranted, and if not, the Executive Officer shall take final action to adopt the regulation after addressing all appropriate conforming modifications.

BE IT FURTHER RESOLVED that the Board hereby determines that the regulations adopted herein will not cause California motor vehicle emission standards, in the aggregate, to be less protective of public health and welfare than applicable federal standards.

BE IT FURTHER RESOLVED that the Executive Officer shall, when appropriate, forward the regulations to the U.S. Environmental Protection Agency with a request for a waiver or confirmation that the regulations are within the scope of an existing waiver of federal preemption pursuant to section 209(b) of the Clean Air Act, as appropriate.

I hereby certify that the above is a true and correct copy of Resolution 18-35 as adopted by the Air Resources Board.



---

Cristina Granados, Clerk of the Board

## Resolution 18-35

September 28, 2018

### Identification of Attachments to the Board Resolution

- Attachment A\*:** Proposed amendments to sections 1961.2 and 1961.3, Title 13 California Code of Regulations, as set forth in Appendix A to the Initial Statement of Reasons, released August 7, 2018.
- Attachment B\*:** Proposed Amendments to the "California 2015 and Subsequent Model Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2017 and Subsequent Model Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," as set forth in Appendix B to the Initial Statement of Reasons, released August 7, 2018.
- Attachment C\*:** Response to Comments on the Environmental Analysis for the Proposed Amendments

\*Attachment A, B, and C are NOT attached to the proposed resolution; they are simply described on this page.