

**State of California
Office of Administrative Law**

In re:
Air Resources Board

Regulatory Action:

Title 13, California Code of Regulations

Adopt sections:

Amend sections: 1961.2, 1961.3

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

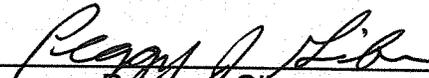
OAL Matter Number: 2018-1114-03

OAL Matter Type: Regular (S)

The California Air Resources Board is amending regulations to make clear that the "deemed to comply" option for the 2017 through 2025 model years is only applicable if the currently adopted federal regulations, as they existed as of the date the 2017 Final Determination was released (incorporated in the Code of Federal Regulations and last amended in October 25, 2016), is in effect. The "deemed to comply" option is the acceptance of federal program compliance as providing equivalent or better overall greenhouse gas reductions in the state compared to California's program.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 12/12/2018.

Date: December 12, 2018



Peggy J. Gibson
Senior Attorney

For: Debra M. Cornez
Director

Original: Richard W. Corey, Executive
Officer

Copy: Bradley Bechtold

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2018-0724-07	REGULATORY ACTION NUMBER 2018-1114-035	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

2018 NOV 14 P 4: 31
OFFICE OF ADMINISTRATIVE LAW

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

DEC 12 2018
1:46 PM

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
California Air Resources Board

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Amendments to Low-Emission Vehicle III GHG Regulation	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT AMEND 1961.2 and 1961.3 REPEAL
TITLE(S) 13	

3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)
N/A

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Bradley Bechtold	TELEPHONE NUMBER (916) 521-8913	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 11/9/2018
TYPED NAME AND TITLE OF SIGNATORY Richard W. Corey, Executive Officer	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

DEC 12 2018

Office of Administrative Law

FINAL REGULATION ORDER

Amendments to Sections 1961.2 and 1961.3, Title 13, California Code of Regulations

Set forth below are the proposed amendments to title 13 of the California Code of Regulations (CCR). Amendments to existing section proposed and subject to comment in this rulemaking are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions. Subsections for which no changes are proposed in this rulemaking are indicated with “* * * *”.

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1. Amend title 13, CCR, section 1961.2 to read as follows:

§ 1961.2. Exhaust Emission Standards and Test Procedures - 2015 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles.

* * * *

(d) *Test Procedures.* The certification requirements and test procedures for determining compliance with the emission standards in this section are set forth in 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 amended ~~September 2, 2015~~ September 28, 2018, the "California Non-Methane Organic Gas Test Procedures for 1993 through 2016 Model Year Vehicles," as amended September 2, 2015, and the "California Non-Methane Organic Gas Test Procedures for 2017 and Subsequent Model Year Vehicles," as adopted September 2, 2015, which are incorporated herein by reference. In the case of hybrid electric vehicles and on-board fuel-fired heaters, the certification requirements and test procedures for determining compliance with the emission standards in this section are set forth in the "California Exhaust Emission Standards and Test Procedures for 2009 through 2017 Model Zero-Emission Vehicles and Hybrid Electric Vehicles, in the Passenger Car, Light-Duty Truck and Medium-Duty Vehicle Classes," incorporated by reference in section 1962.1, and the "California Exhaust Emission Standards and Test Procedures for 2018 and Subsequent Model Zero-Emission Vehicles and Hybrid Electric Vehicles, in the Passenger Car, Light-Duty Truck and Medium-Duty Vehicle Classes," incorporated by reference in section 1962.2.

* * * *

Note: Authority cited: Sections 39500, 39600, 39601, 43013, 43018, 43101, 43104, 43105 and 43106, Health and Safety Code. Reference: Sections 39002, 39003, 39667, 43000, 43009.5, 43013, 43018, 43100, 43101, 43101.5, 43102, 43104, 43105, 43106, 43204 and 43205, Health and Safety Code.

2. Amend title 13, CCR, section 1961.3 to read as follows:

§ 1961.3. Greenhouse Gas Exhaust Emission Standards and Test Procedures - 2017 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Passenger Vehicles.

* * * *

(a) *Greenhouse Gas Emission Requirements.*

(1) *Fleet Average Carbon Dioxide Requirements for Passenger Cars, Light-Duty Trucks, and Medium-Duty Passenger Vehicles.* For the purpose of determining compliance with this subsection (a)(1), the applicable fleet average CO₂ mass emission standards for each model year is the sales-weighted average of the calculated CO₂ exhaust mass emission target values for each manufacturer. For each model year, the sales-weighted fleet average CO₂ mass emissions value shall not exceed the sales-weighted average of the calculated CO₂ exhaust mass emission target values for that manufacturer.

(A) *Fleet Average Carbon Dioxide Target Values for Passenger Cars.* The fleet average CO₂ exhaust mass emission target values for passenger cars that are produced and delivered for sale in California each model year shall be determined as follows:

1. For passenger cars with a footprint of less than or equal to 41 square feet, the gram per mile CO₂ target value shall be selected for the appropriate model year from the following table:

<i>Model Year</i>	<i>CO₂ Target Value (grams/mile)</i>
2017	195.0
2018	185.0
2019	175.0
2020	166.0
2021	157.0
2022	150.0
2023	143.0
2025 2024	137.0
2025 and subsequent	131.0

2. For passenger cars with a footprint of greater than 56 square feet, the gram per mile CO₂ target value shall be selected for the appropriate model year from the following table:

<i>Model Year</i>	<i>CO₂ Target Value (grams/mile)</i>
2017	263.0
2018	250.0
2019	238.0
2020	226.0
2021	215.0
2022	205.0
2023	196.0
2025 2024	188.0
2025 and subsequent	179.0

* * * *

(B) *Fleet Average Carbon Dioxide Target Values for Light-Duty Trucks and Medium-Duty Passenger Vehicles.* The fleet average CO₂ exhaust mass emission target values for light-duty trucks and medium-duty passenger vehicles that are produced and delivered for sale in California each model year shall be determined as follows:

1. For light-duty trucks and medium-duty passenger vehicles with a footprint of less than or equal to 41 square feet, the gram per mile CO₂ target value shall be selected from the following table:

Model Year	CO ₂ Target Value (grams/mile)
2017	238.0
2018	227.0
2019	220.0
2020	212.0
2021	195.0
2022	186.0
2023	176.0
2025 2024	168.0
2025 and subsequent	159.0

* * * *

(c) *Optional Compliance with the 2017 through 2025 MY National Greenhouse Gas Program.*

The optional compliance approach provided by this section 1961.3 (c) shall not be available for 2021 through 2025 model year passenger cars, light-duty trucks, and medium-duty passenger vehicles if the “2017 through 2025 MY National Greenhouse Gas Program” is altered via a final rule published in the Federal Register subsequent to October 25, 2016.

* * * *

(f) *Definitions Specific to this Section. The following definitions apply to this section 1961.3:*

* * * *

(25) “2017 through 2025 MY National Greenhouse Gas Program” means the national program that applies to new 2017 through 2025 model year passenger cars, light-duty-trucks, and medium-duty passenger vehicles as adopted by the U.S. Environmental Protection Agency as codified in 40 CFR Part 86, Subpart S, except as follows:

For model years 2021 through 2025, the “2017 through 2025 MY National Greenhouse Gas Program” means the national program that applies to new 2021 through 2025 model year passenger cars, light-duty-trucks, and medium-duty passenger vehicles as adopted by the U.S. Environmental Protection Agency as codified in 40 CFR Part 86, Subpart S, as last amended on October 25, 2016 that incorporates CFR sections 86.1818-12 (October 25, 2016), 86.1865-12 (October 25, 2016), 86.1866-12 (October 25, 2016), 86.1867-12 (October 25, 2016), 86.1868-12 (October 25, 2016), 86.1869-12

(October 25, 2016), 86.1870-12 (October 25, 2016), and 86.1871-12 (October 25, 2016).

* * * * *

(g) Severability. Each provision of this section is severable, and in the event that any provision of this section is held to be invalid, the remainder of both this section and this article remains in full force and effect.

Note: Authority cited: Sections 38550, 38566, 39500, 39600, 39601, 43013, 43018, 43018.5, 43101, 43104 and 43105, Health and Safety Code. Reference: Sections 39002, 39003, 39667, 43000, 43009.5, 43013, 43018, 43018.5, 43100, 43101, 43101.5, 43102, 43104, 43105, 43106, ~~43204, 43295~~ and 43211, Health and Safety Code.

California Environmental Protection Agency
AIR RESOURCES BOARD

**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**

Adopted: March 22, 2012
Amended: December 6, 2012
Amended: September 2, 2015
Amended: September 28, 2018

Note: The proposed amendments to this document are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions compared to the test procedures as amended September 2, 2015. Existing intervening text that is not amended in this rulemaking is indicated by “* * * *”.

* * * *

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

* * * *

PART I: GENERAL PROVISIONS FOR CERTIFICATION AND IN-USE VERIFICATION OF EMISSIONS

* * * *

B. Definitions, Acronyms and Abbreviations

* * * *

2. California Definitions.

* * * *

“2017 through 2025 MY National greenhouse gas program” or “2017 through 2025 MY National greenhouse gas final rule” means the national program that applies to new 2017 through 2025 model year passenger cars, light-duty trucks, and medium-duty passenger vehicles as adopted by the U.S. Environmental Protection Agency as codified in 40 CFR Part 86, Subpart S, as incorporated in and amended by these test procedures, except as follows:

For model years 2021 through 2025, the “2017 through 2025 MY National greenhouse gas program” means the national program that applies to new 2017 through 2025 model year passenger cars, light-duty trucks, and medium-duty passenger vehicles as adopted by the U.S. Environmental Protection Agency as codified in 40 CFR Part 86, Subpart S, as last amended on October 25, 2016 that incorporates CFR sections 86.1818-12 (October 25, 2016), 86.1865-12 (October 25, 2016), 86.1866-12 (October 25, 2016), 86.1867-12 (October 25, 2016), 86.1868-12 (October 25, 2016), 86.1869-12 (October 25, 2016), 86.1870-12 (October 25, 2016), and 86.1871-12 (October 25, 2016), as incorporated in and amended by these test procedures.

* * * *

E. California Exhaust Emission Standards.

* * * *

2. Emission Standards Phase-In Requirements for Manufacturers.

* * * *

2.5 Greenhouse Gas Requirements for Passenger Cars, Light-Duty Trucks, and Medium-Duty Passenger Vehicles.

2.5.1 *Fleet Average Carbon Dioxide Requirements for Passenger Cars, Light-Duty Trucks, and Medium-Duty Passenger Vehicles.* For the purpose of determining compliance with this section E.2.5, the applicable fleet average CO₂ mass emissions standards for each model year is the sales-weighted average of the calculated CO₂ exhaust mass emission target values for each manufacturer. For each model year, the sales-weighted fleet average CO₂ mass emissions value shall not exceed the sales-weighted average of the calculated CO₂ exhaust mass emission target values for that manufacturer.

2.5.1.1 *Fleet Average Carbon Dioxide Target Values for Passenger Cars.* The fleet average CO₂ exhaust mass emission target values for passenger cars that are produced and delivered for sale in California each model year shall be determined as follows:

2.5.1.1.1 For passenger cars with a footprint of less than or equal to 41 square feet, the gram per mile CO₂ target value shall be selected for the appropriate model year from the following table:

<i>Model Year</i>	<i>CO₂ Target Value (grams/mile)</i>
2017	195.0
2018	185.0
2019	175.0
2020	166.0
2021	157.0
2022	150.0
2023	143.0
2025 2024	137.0
2025 and subsequent	131.0

2.5.1.1.2 For passenger cars with a footprint of greater than 56 square feet, the gram per mile CO₂ target value shall be selected for the appropriate model year from the following table:

<i>Model Year</i>	<i>CO₂ Target Value (grams/mile)</i>
2017	263.0
2018	250.0
2019	238.0
2020	226.0
2021	215.0
2022	205.0
2023	196.0
2025 2024	188.0
2025 and subsequent	179.0

* * * *

2.5.1.2 *Fleet Average Carbon Dioxide Target Values for Light-Duty Trucks and Medium-Duty Passenger Vehicles.* The fleet average CO₂ exhaust mass emission target values for light-duty trucks and medium-duty passenger vehicles that are produced and delivered for sale in California each model year shall be determined as follows:

2.5.1.2.1 For light-duty trucks and medium-duty passenger vehicles with a footprint of less than or equal to 41 square feet, the gram per mile CO₂ target value shall be selected from the following table:

<i>Model Year</i>	<i>CO₂ Target Value (grams/mile)</i>
2017	238.0
2018	227.0
2019	220.0
2020	212.0
2021	195.0
2022	186.0
2023	176.0
2025 2024	168.0
2025 and subsequent	159.0

* * * *

2.5.1.3 *Calculation of Fleet Average Carbon Dioxide Standards.* For each model year, a manufacturer must comply with its fleet average CO₂ standards for passenger cars and for light-duty trucks plus medium-duty passenger vehicles, as applicable, calculated for that model year as follows. A manufacturer shall calculate separate fleet average CO₂

values for its passenger car fleet and for its combined light-duty truck plus medium-duty passenger vehicle fleet.

* * * *

2.5.1.3.4 *Optional Compliance Via the 2017 through 2025 MY National Greenhouse Gas Program.*

The optional compliance approach provided by this section E.2.5.1.3.4 shall not be available for 2021 through 2025 model year passenger cars, light-duty trucks, and medium-duty passenger vehicles if the “2017 through 2025 MY National Greenhouse Gas Program” is altered via a final rule published in the *Federal Register* subsequent to October 25, 2016.

For the 2017 through 2025 model years, a manufacturer may elect to demonstrate compliance with section E.2.5 by demonstrating compliance with the 2017 through 2025 MY National greenhouse gas program as follows:

2.5.1.3.4.1 A manufacturer that selects compliance with this option must notify the Executive Officer of that selection, in writing, prior to the start of the applicable model year or must comply with section E.2.5.5;

* * * *

J. Procedural Requirements.

* * * *

15. §86.1865-12 How to comply with the fleet average CO₂ standards. October 15, 2012. [No change, except that this section shall only apply to vehicles certifying under the 2012 through 2016 MY National greenhouse gas program, and the 2017 through 2025 MY National greenhouse gas program.]
16. §86.1866-12 CO₂ fleet average credit programs. October 15, 2012. [No change, except that ~~for the 2012 through 2016 model years~~ this section shall only apply to vehicles certifying under the 2012 through 2016 MY National greenhouse gas program, and the 2017 through 2025 MY National greenhouse gas program.]

* * * *