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STATE OF CALIFORNIA  
AIR RESOURCES BOARD

IN THE MATTER OF PETITION BY:

ENGINE MANUFACTURERS ASSOCIATION)

) DECISION DENYING  
) PETITION  
)

Pursuant to Government Code section 11347.1, the Air Resources Board (ARB) hereby denies the Engine Manufacturers Association (EMA) petition for modification of the Utility and Lawn and Garden Equipment Engine Regulations, Title 13, California Code of Regulations, Sections 2400 - 2407. The petition specifically requested that the ARB amend the regulations, pursuant to the authority invested to it by Health and Safety Code Section 39000 et seq., 39600 et seq., 43013, and 43018, as follows:

- 1) Delay the implementation date of the Tier I exhaust emission standards until August 1, 1996;
- 2) Relax the carbon monoxide (CO) standard for non-handheld engines from 300 grams per brake-horsepower-hour (g/bhp-hr) to 350 g/bhp-hr; and
- 3) Provide an exemption for small volume original equipment manufacturers (OEM).

After careful review of the petition and the supporting information provided by EMA and its members, the petition is denied.

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The reasons for denial are detailed below:

Delay of Implementation of the Tier I Standards

The petition described EMA's perceived need for an increase in lead time prior to the implementation of the first tier of standards. Although EMA stated that additional time is required for development of new products, many manufacturers have certified engines (80 non-handheld engine models were certified or under review for certification as of the July 28 hearing). Some manufacturers have gone so far as to request permission to label and sell complying engines prior to the January 1, 1995 start date.

Additionally, the regulations have already been delayed by one year from the original implementation date of January 1, 1994. That delay was granted for administrative reasons, specifically the uncertainty engendered by the federal preemption regulation. The extra year provided industry with additional time for producing, certifying and field testing engines.

Since the regulations apply to engines manufactured after January 1, 1995, the industry can gain additional time for any problem applications by using engines manufactured during late 1994 to supply equipment manufacturers for some time into 1995. This additional time could be used to further refine equipment and engine designs and modify production facilities as needed.

Carbon Monoxide Standard

The petition argues that the CO standard for non-handheld engines should be relaxed from 300 g/bhp-hr to 350 g/bhp-hr. A primary concern is the lean performance limit, the air to fuel ratio at which an engine is unable to respond to transient loading conditions. This limit varies depending on the engine and application. Based upon the number of engine

at the time of adoption of the utility and lawn and garden regulations, that the standards, including that for CO, are necessary, technologically feasible, and cost-effective. Although CO emissions from this category of engines are relatively small, as noted in the petition, modifying the CO limit at this time would reward those manufacturers who have been less efficient in research and development of complying engines by allowing them to remain in competition with manufacturers who have successfully developed complying engines. To relax the rules at this late date would be unfair to those manufacturers who have in good faith applied the technology and resources toward meeting the present standard and would likely cause an upheaval of the competitive balance among the manufacturers.

#### Small Volume Original Equipment Manufacturers

Although the petition refers to small volume OEMs, EMA did not provide sufficient documentation to indicate to staff that the problem is significant enough to warrant a modification to the regulations. Many of the equipment applications involved are on the list of preempted equipment and would not be subject to the regulation. Some of the OEMs that EMA has identified in support of its contention currently use overhead valve engines and would not be inconvenienced by the problems the petition outlines. Others are large corporations that should be able to absorb any extra cost relatively easily. As previously noted, engine manufacturers have the option of selling engines produced prior to January 1, 1995 and supplying those engines to any customers encountering conversion difficulties.

#### Conclusion

Much of the petition seems designed to support the continued manufacture and sale of the most dirty, least advanced engines. As pointed out at the December 1990 hearing, and

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again at the July 1994 hearing, the intent of regulation was to remove the most inefficient and polluting engines from the California market. Additionally, any consideration of the issues of competitiveness must include the recognition of alternatives to the internal combustion engine, and the companies that may have dedicated resources to compete in the clean utility engine market, specifically, manufacturers of corded electric equipment, and push reel lawn mowers. That equipment could also be used to meet the needs of many California consumers without increasing emissions. The utility engine regulations provided manufacturers with great freedom to determine how best to meet the standards. It is unfair to penalize, at this late date, those manufacturers who have invested the resources and technology to meet the tier 1 standards by the January 1, 1995 implementation date, and that sufficient options will remain for California consumers if the standards are implemented on schedule.

If you have any questions or wish to discuss this issue further, please contact Mr. Michael Carter, Chief, Off-Road Control Regulations Branch, at (818) 575-6632, or Mr. Michael Terris, Senior Staff Counsel, at (916) 322-2284. A copy of the Petition may be obtained from the ARB upon request.

Date

Sept 1, 1994

By:

  
James D. Boyd  
Executive Officer