

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER R-09-007

Relating to the Public Hearing to Adopt a Regulation for Small Containers of Automotive Refrigerant

WHEREAS, on January 22, 2009, the Air Resources Board (ARB or Board) conducted a public hearing to consider adoption of a regulation for small containers of automotive refrigerant, as set forth in the Initial Statement of Reasons released to the public on December 5, 2008;

WHEREAS, following the public hearing on January 22, 2009, the Board adopted Resolution 09-1 in which the Board approved adoption of article 4, subchapter 5, title 17, California Code of Regulations sections 95360 through 95370, as set forth in Attachment A thereto, the incorporated Certification Procedures for Small Containers of Automotive Refrigerant, as set forth in Attachment B thereto, Test Procedure TP-503, Test Procedure for Leaks from Small Containers of Automotive Refrigerant, as set forth in Attachment C thereto, and Balance Protocol BP-A1, Balance Protocol for Gravimetric Determination of Sample Weight using a Precision Analytical Balance, as set forth in Attachment D thereto;

WHEREAS, Resolution 09-1 directed the Executive Officer to take final action to adopt the regulatory amendments set forth in Attachments A, B, C and D to Resolution 09-1, with such other conforming modifications as may be appropriate, after making the modified regulatory language available to the public for a period of at least 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such further modifications as may be appropriate in light of the comments received or as necessary to ensure consistency with the modifications approved by the Board, and shall present the regulatory amendments to the Board for further consideration if he determines that this is warranted;

WHEREAS, on April 9, 2009, the modified regulations, reflecting the amendments approved by the Board and other changes made to best reflect the intent of the Board at the hearing, were made available for public comment for a period of at least 15 days, with the changes to the originally proposed text clearly indicated, in accordance with the provisions of the California Code of Regulations, title 1, section 44;

WHEREAS, written comments were received during the 15-day comment period and those comments have been considered by the Executive Officer.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 09-1 are incorporated by reference herein.

IT IS FURTHER ORDERED that California Code of Regulations, title 17, new sections 95360, 95361, 95362, 95363, 95364, 95365, 95367, 95368, 95369, and 95370, are adopted as set forth in Attachment 1 hereto.

Executed this 20 day of July, 2009, at Sacramento, California.

/s/

James N. Goldstene
Executive Officer

Attachment