

State of California  
AIR RESOURCES BOARD

**Notice of Public Availability of Modified Text**

**PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE CURRENT INBOARD  
AND STERNDRIVE BOAT REGULATIONS**

Public Hearing Date: November 17, 2005  
Public Availability Date: August 11, 2006  
Deadline for Public Comment: August 28, 2006

At its November 17, 2005, public hearing, the Air Resources Board (the Board or ARB) approved the amendment of sections 2111, 2112, 2441, 2442, 2444.2, 2445.1, 2445.2, and 2446, title 13, California Code of Regulations (CCR), and related amendments to the "California Exhaust Emission Standards and Test Procedures for 2001 Model Year and Later Spark-Ignition Marine Engines." This approval provides industry with an option for additional lead-time to comply with the catalyst-based five gram per kilowatt-hour combined hydrocarbon and oxides of nitrogen (5.0 g/kW-hr HC+NOx) exhaust emissions standard while preserving the emission benefits of the existing regulation. Additionally, the approval provides greater flexibility regarding certification and revised warranty periods, including the incorporation of hourly limits, for engines with rated power greater than 373 kilowatts.

At the hearing, the staff presented, and the Board approved modifications to the regulations originally proposed in the Staff Report released on September 30, 2005, in response to comments received since the Staff Report was published. The regulatory sections affected by the approved modifications are sections 2441, 2442, 2445.1, 2445.2, title 13, CCR, and Part I - 9(b) of the "California Exhaust Emission Standards and Test Procedures for 2001 Model Year and Later Spark-Ignition Marine Engines." The following explains and identifies the modifications by section number. Items for which the regulatory text proposed herein is not verbatim with the modified text approved by the Board carry the descriptor "new conforming modification."

**TITLE 13, REGULATION**

**§ 2441 – Definitions**

The (a)(5) definition of "Boat Manufacturer" was added to clarify the scope of entities responsible for installing low-permeation fuel line hoses on new boats equipped with an engine (or engines) certified to Option 2. Specifically excluded from this definition are persons or businesses who sell or service inboard or sterndrive pleasurecraft, but who are not involved in the manufacture of those vessels. All subsequent definitions were renumbered to accommodate this new addition.

The (a)(8) definition of “CE10 Fuel” was revised to include specific reference to publication D471-98 of the incorporated American Society of Testing and Materials (ASTM) fuel standards. New conforming modification.

The (a)(12) definition of “Direct Emissions Device” was added to clarify its usage regarding the applicability of certain engine components referenced in Section 2445.1 (c)(3)(C)2.(i) and (c)(3)(C)3.(i) of the regulation. All subsequent definitions were renumbered to accommodate this new addition. New conforming modification.

The (a)(30) descriptor “Low-permeation hose” was replaced by the descriptor “Low-permeation fuel line (or supply) hose” to conform with usage modifications in the standard-setting section of the regulation meant to clarify the intended scope of Option 2 implementation. New conforming modification.

The (a)(35) definition of “Maximum Rated Power” was made more specific by associating the reference of the rating to only a single source document – the certification application.

The (a)(51) definition of “Test Procedures” was revised to clarify the date of reference of the source document as the most recently revised iteration of previously adopted test procedures.

#### § 2442 – Emission Standards

The Table 2 entry “Evaporative Low-Permeation Liquid Fuel Line Hoses” under the “Supplemental Measure” column was renamed to “Low-Permeation Fuel Line Hoses” to clarify that only the primary fuel supply hose need be replaced with a low-permeation version under the provisions of Option 2.

The Table 2 entry for “Durability” corresponding to 2009 engines with rated power between 373 kW and 485 kW was revised to correlate with the mechanical warranty requirements for the same power category of engines, which is 3 years or 150 hours. New conforming modification.

Footnote 3 in Table 2 was added to clarify the applicability of corporate averaging with respect to the listed compliance options and certification standards. All subsequent footnotes were renumbered to accommodate this new addition.

Footnote 5 in Table 2 was reconstructed to resolve the potential paradox of demonstrating emissions performance with specific components that may require replacement before the demonstration is complete. The revised footnote now clarifies that while an engine manufacturer may petition for a shorter warranty period for specific components per the provisions of (c)(3)(C)4, the durability period of the engine as a whole does not change. New conforming modification.

Paragraph (b)(2)(E) was revised to permit manufacturers additional time to report sales

information after the end of the model year to ensure a more complete assessment.

Paragraph (b)(3) with subparts (A) and (B) were added to delineate the responsibilities of engine manufacturers and boat manufacturers with respect to the installation of low-permeation fuel line hoses under Option 2. All subsequent subsections were renumbered to accommodate this new addition.

Paragraph (b)(4) was rephrased to clarify that manufacturers electing to certify under Option 2 may use methods other than low-permeation fuel supply hoses to comply with the supplemental emission reduction requirements.

Paragraph (b)(4)(A) was revised to clarify that only the primary fuel supply hose need be replaced with a low-permeation version under the provisions of Option 2.

#### § 2445.1 – Defects Warranty Requirements for Model Year 2001 and Later Spark-Ignition Marine Engines

Paragraph (c)(3)(B)2. was revised to append the application of an hourly warranty period to the existing yearly warranty period.

Paragraph (c)(3)(C)1. was revised to apply to engines with rated power less than or equal to 373 kW, and to append the application of an hourly warranty period to the existing yearly warranty period.

Paragraph (c)(3)(C)2. was added to apply to engines with rated power greater than 373 kW and less than or equal to 485 kW. Subparagraphs (i) and (ii) were added to specify separate warranty limits for electronic/direct emission-related components and mechanical emission-related components. Subparagraph (i) is a new conforming modification.

Paragraph (c)(3)(C)3. was added to define specific warranty provisions for engines with rated power greater than 485 kW. Subparagraphs (i) and (ii) were added to specify separate warranty limits for electronic/direct emission-related components and mechanical emission-related components. Subparagraph (i) is a new conforming modification.

Paragraph (c)(3)(C)4. was added to clarify the provisions mentioned in Footnote 5 of Table 2 in Section 2442 whereby engine manufacturers may request alternate warranty intervals for specific components. The paragraph also describes the procedure for demonstrating that an alternate warranty period is appropriate.

#### § 2445.2 – Emission Control Warranty Statements

Paragraph (a) was revised to provide correlation between emission control warranty statements and the revised warranty coverage requirements in § 2445.1. Previously enumerated subsection identifiers were eliminated in order to provide better

consistency with the existing structure of the warranty requirements. Restrictions on the use of integrated electronic control unit hour-meters were also eliminated in accordance with the establishment of hourly warranty and durability periods for all categories of marine engines. The proposed warranty amendments for 2009 and later spark-ignition inboard and sterndrive marine engines are new conforming modifications.

## TEST PROCEDURES

### Part I

Table 2 in subpart 9(b) was revised to be identical to Table 2 in § 2442 (b)(1) of “Staff’s Modifications to the Proposed Regulatory Order” – Appendix I.

Staff has made several other non-substantial modifications throughout the regulations and test procedures to correct grammatical and typographical errors, correct references and citations, and improve the clarity of the regulations and test procedures.

Attached is a copy of Board Resolution 05-57 approving revised sections 2111, 2112, 2441, 2442, 2444.2, 2445.1, 2445.2, 2446, title 13, CCR, and the amended “California Exhaust Emission Standards and Test Procedures for 2001 Model Year and Later Spark-Ignition Marine Engines,” as modified. The regulatory documents for this rulemaking are available online at the following ARB internet site:

<http://www.arb.ca.gov/regact/boatregs/boatregs.htm>

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt revised sections 2441, 2442, 2445.1, and 2445.2, title 13, CCR, and Part I - 9(b) of the “California Exhaust Emission Standards and Test Procedures for 2001 Model Year and Later Spark-Ignition Marine Engines,” with such other conforming modifications as may be appropriate, after making modified regulatory language available to the public for comment for a period of at least 15 days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

Written comments on the modified text proposed herein in accordance with modifications approved by the Board may be submitted by postal mail, electronic mail, or facsimile as follows:

Postal mail: Clerk of the Board, Air Resources Board  
1001 I Street, Sacramento, California 95814

Electronic submittal : <http://www.arb.ca.gov/lispub/comm/bclist.php>

Facsimile submittal: (916) 322-3928

In order to be considered by the Executive Officer, comments must be directed to the ARB in one of the three forms described above and received by the ARB by 5:00 p.m. on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations shall be considered by the Executive Officer.

Appendices (4):

- I – Staff’s Modifications to the Proposed Regulation Order
- II – Test Procedures
- III – Resolution 05-57
- IV – Staff’s Suggested Modifications to the Original Proposal, as distributed at the November 17, 2005, Board Hearing