

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER R-07-001

Adoption of New Emission Standards, Fleet Requirements, and Test Procedures for Forklifts and Other Industrial Equipment

WHEREAS, on May 25, 2006, the Air Resources Board (the Board or ARB) conducted a public hearing to consider adoption of regulations to reduce the ozone-forming emission of hydrocarbons and oxides of nitrogen (HC + NO_x) from new and in-use forklifts and other industrial equipment, as set forth in the Initial Statement of Reasons released to the public on March 3, 2006;

WHEREAS, following the public hearing on, the Board adopted Resolution 06-11 in which the Board approved adoption and amendment of the following sections of title 13, California Code of Regulations, and the documents incorporated by reference therein that relate to new and in-use forklifts and other industrial equipment: division 3, chapter 15, Additional Off-Road Vehicles and Engines Pollution Control Requirements, article 2, Off-Road Large Spark-Ignition Engine Fleet Requirements, sections 2775, 2775.1, and 2775.2; division 3, chapter 15, Additional Off-Road Vehicles and Engines Pollution Control Requirements, article 3, Verification Procedure, Warranty, and In-Use Compliance Requirements for Retrofits to Control Emissions from Off-Road Large Spark-Ignition Engines, sections 2780 through 2789; division 3, chapter 9, Off-Road Vehicles and Engines Pollution Control Devices, article 4.5, Large Spark-Ignition Engines, sections 2430, 2433, and 2433, and the incorporated "California Exhaust Emission Standards and Test Procedures for New 2001 Through 2006 Off-Road Large Spark-Ignition Engines," the incorporated "California Exhaust Emission Standards and Test Procedures for New 2007 through 2009 Off-Road Large Spark-Ignition Engines," and the incorporated "California Exhaust Emission Standards and Test Procedures for New 2007 and Later Off-Road Large Spark-Ignition Engines," as set forth in the attachments to the Initial Statement of Reasons, and as set forth in Attachment A thereto, with the modifications described in Attachment B thereto;

WHEREAS, Resolution 06-11 directed the Executive Officer to take final action to adopt the regulatory amendments set forth in Attachments A and B to Resolution 06-11, with such other conforming modifications as might 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 considered such written comments as might be submitted during this period, make such further modifications as might be appropriate in light of the comments received or as necessary to ensure consistency with the modifications approved by the Board, and presented the regulatory amendments to the Board for further consideration if she determined that this was warranted;

WHEREAS, during two supplemental notice periods from December 1, 2006 to January 12, 2007 and from February 1, 2007 to February 16, 2007, the modified regulations,

attached hereto in Attachments 1 and 2, reflecting the amendments approved by the Board and other changes made to best reflect the intent of the Board at the hearing and to respond to comments, were made available for public comment for periods of at least 15 days, with the changes to the originally proposed text clearly indicated, in accordance with the provisions of title 1, California Code of Regulations, section 44; and

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 06-11 are incorporated by reference herein.

IT IS FURTHER ORDERED that the following regulations are amended and adopted as set forth in Attachment 3 hereto: California Code of Regulations, title 13, division 3, chapter 15, Additional Off-Road Vehicles and Engines Pollution Control Requirements, article 2, Off-Road Large Spark-Ignition Engine Fleet Requirements, sections 2775, 2775.1, and 2775.2; division 3, chapter 15, Additional Off-Road Vehicles and Engines Pollution Control Requirements, article 3, Verification Procedure, Warranty, and In-Use Compliance Requirements for Retrofits to Control Emissions from Off-Road Large Spark-Ignition Engines, sections 2780 through 2789; division 3, chapter 9, Off-Road Vehicles and Engines Pollution Control Devices, article 4.5, Large Spark-Ignition Engines, sections 2430, 2433, 2433, 2334, and 2438, and the incorporated "California Exhaust Emission Standards and Test Procedures for New 2001 Through 2006 Off-Road Large Spark-Ignition Engines, Parts I and II," the incorporated "California Exhaust and Evaporative Emission Standards and Test Procedures for New 2007 through 2009 Off-Road Large Spark-Ignition Engines," and the incorporated "California Exhaust and Evaporative Emission Standards and Test Procedures for New 2010 and Later Off-Road Large Spark-ignition Engines, and the incorporated "California Exhaust and Evaporative Emission Standards and Test Procedures for New 2007 and Later Off-Road Large Spark-Ignition Engines (Test Procedures 1065 and 1068)."

Executed this 2nd day of March, 2007, at Sacramento, California.

Catherine Witherspoon
Executive Officer

Attachments