

Appendix II

Proposed 15 Day Modifications

PROPOSED MODIFICATIONS

Set forth below are the proposed amendments to title 13, of the California Code of Regulations. Proposed amendments are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions.

§ 1956.8. Exhaust Emission Standards and Test Procedures - 1985 and Subsequent Model Heavy Diesel-Engine and Vehicles.

Introduction. [No change.]

Section (a). [No change.]

(b) *Test Procedures.* The test procedures for determining compliance with standards applicable to 1985 and subsequent model heavy-duty diesel engines and vehicles and the requirements for participation in the averaging, banking and trading programs, are set forth in the "California Exhaust Emission Standards and Test Procedures for 1985 through 2003 Model Heavy-Duty Diesel Engines and Vehicles," adopted April 8, 1985, as last amended December 12, 2002, the "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles," adopted December 12, 2002, and the "California Interim Certification Procedures for 2004 and Subsequent Model Hybrid-Electric Vehicles, in the Urban Bus and Heavy-Duty Vehicle Classes," adopted ~~October 24, 2002~~, [insert date of amendment for this rulemaking] which are incorporated by reference herein.

Section (c). [No change.]

(d) *Test Procedures.* The test procedures for determining compliance with standards applicable to 1987 and subsequent model heavy-duty Otto-cycle engines and vehicles are set forth in the "California Exhaust Emission Standards and Test Procedures for 1987 through 2003 Model Heavy-Duty Otto-Cycle Engines and Vehicles," adopted April 25, 1986, as last amended December 27, 2000, the "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Otto-Cycle Engines," adopted December 27, 2000, as last amended December 12, 2002, the "California Non-Methane Organic Gas Test Procedures," adopted July 12, 1991, as last amended July 30, 2002, and the "California Interim Certification Procedures for 2004 and Subsequent Model Hybrid-Electric Vehicles, in the Urban Bus and Heavy-Duty Vehicle Classes," adopted ~~October 24, 2002~~, [insert date of amendment for this rulemaking] which are incorporated by reference herein.

Section (e). [No change.]

Note: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43104 and 43105, 43106 and 43806 Health and Safety Code and Section 28114, Vehicle Code. Reference: Sections 39002, 39003, 39667, 43000, 43009.5, 43013, 43018, 43100, 43101, 43101.5, 43102, 43104, 43105, 43106, 43204, and 43806, Health and Safety Code.

§ 1958. Exhaust Emission Standards and Test Procedures – Motorcycles, motorcycle engines Manufactured on or After January 1, 1978

Introduction. [No change.]

Sections (a) through (c)(4). [No change.]

Amend (c) by adding (5) below:

(5) Amend: 86.408-78 (b) as follows: No change, except to add the following sentences to the paragraph: Beginning with 2010 model-year vehicles or engines, at the time of certification manufacturers shall demonstrate that the emission control devices on their vehicles or engines will not exceed a valid failure rate of 4% or 50 vehicles, whichever is greater, in an engine family, test group or subgroup over the useful life of the vehicles or engines they are installed in. If any emission control device fails at this rate, that constitutes a violation of these test procedures and it entitles the Executive Officer of the Air Resources Board to require that the vehicles or engines they are installed in be recalled or subjected to corrective action as set forth in title 13 CCR, Division 3, Chapter 2, Article 5, sections 2166 through 2174. Beginning with 2010 model-year vehicles or engines, at the time of certification manufacturers shall state, based on good engineering judgment and available information, that the emission control devices on their vehicles or engines are durable and are designed and will be manufactured to operate properly and in compliance with all applicable requirements for the full useful life (or allowable maintenance interval) of the vehicles or engines. Also, vehicles and engines tested for certification shall be, in all material respects, substantially the same as production vehicles and engines. If it is determined pursuant to title 13 CCR, Division 3, Chapter 2, Article 5, sections 2166 through 2174 that any emission control component or device experiences a systemic failure because valid failures for that component or device meet or exceed four percent or 50 vehicles (whichever is greater) in a California-certified engine family or test group, it constitutes a violation of the foregoing test procedures and the Executive Officer of the Air Resources Board may require that the vehicles or engines be recalled or subjected to corrective action as set forth in title 13 CCR, Division 3, Chapter 2, Article 5, sections 2166 through 2174. Certification applications may not be

denied based on the foregoing information provided that the manufacturer commits to correct the violation.

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.

Set forth below are the proposed amendments to title 13 of the California Code of Regulations. Proposed amendments are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions. ~~Amendments to § 1961 that were adopted by the Board on June 22, 2006 as part of a rulemaking for evaporative emissions, but which have not yet been approved by the Office of Administrative Law are indicated in double underline to indicate additions and ~~double strikeout~~ to indicate deletions.~~

§ 1961. Exhaust Emission Standards and Test Procedures - 2004 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles.

Introduction. [No change.]

Sections (a) through (c). [No change.]

(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 Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles,” as amended ~~August 4, 2005~~ insert date of amendment for the June 22, 2006 evaporative emissions rulemaking ~~insert date of amendment for this rulemaking~~, and the “California Non-Methane Organic Gas Test Procedures,” as amended July 30, 2002, 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 2005 and Subsequent Model Zero-Emission Vehicles, and 2001 and Subsequent Model Hybrid Electric Vehicles, in the Passenger Car, Light-Duty Truck and Medium-Duty Vehicle Classes,” incorporated by reference in section 1962.

Section (e). [No change.]

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.

Set forth below are the proposed amendments to title 13, of the California Code of Regulations. Proposed amendments are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions.

§ 1976. Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions.

(c) The test procedures for determining compliance with the standards in subsection (b) above applicable to 1978 through 2000 model year vehicles are set forth in “California Evaporative Emission Standards and Test Procedures for 1978-2000 Model Motor Vehicles,” adopted by the state board on April 16, 1975, as last amended August 5, 1999, which is incorporated herein by reference. The test procedures for determining compliance with standard applicable to 2001 and subsequent model year vehicles are set forth in the “California Evaporative Emission Standards and Test ~~Procedures~~ Procedures for 2001 and Subsequent Model Motor Vehicles, “adopted by the state board on August 5, 1999, ~~and amended on *****~~, and as last amended June 22, 2006 [insert date of amendment for this rulemaking], which is incorporated herein by reference.

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.

§ 1978. Standards and Test Procedures for Vehicle Refueling Emissions.

(b) The test procedures for determining compliance with standards applicable to 1998 through 2000 gasoline, alcohol, diesel, and hybrid electric passenger cars, light-duty trucks, and medium-duty vehicles are set forth in the: “California

Refueling Emissions Standards and Test Procedures for 1998-2000 Model Year Motor Vehicles,” as amended August 5, 2000, which is incorporated herein by reference. The test procedures for determining compliance with standards applicable to 2001 and subsequent gasoline, alcohol, diesel, and hybrid electric passenger cars, light-duty truck, and medium-duty vehicles are set forth in the “California Refueling Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles,” adopted August 5, 1999, and amended *****, as last amended June 22, 2006 [insert date of amendment for this rulemaking], which is incorporated herein by reference.

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.

Section 2111. Applicability.

(a) These procedures shall apply to:

(1) California-certified 1982 ~~and subsequent~~ through the 2009 model-year passenger cars, light-duty trucks, medium-duty vehicles, heavy-duty vehicles, motorcycles, and California-certified 1997 and subsequent model-year off-road motorcycles and all-terrain vehicles, including those federally certified vehicles which are sold in California pursuant to Health and Safety Code section 43102,

(2) California-certified motor vehicle engines used in such vehicles,

(3) California-certified 2000 and subsequent model-year off-road compression-ignition engines, and

(4) California-certified 2009 and subsequent model-year spark-ignition inboard and sterndrive marine engines.

(b) These procedures shall not apply to zero emission vehicles and those vehicles certified under Health and Safety Code section 44201.

(c) The Executive Officer may waive any or all of the requirements of these procedures if he or she determines that the requirement constitutes an unwarranted burden on the manufacturer without a corresponding emission reduction.

~~(d) The provisions of this article shall apply to the vehicles and engines specified in section 2111 manufactured up to and including the 2009 model year, plus their useful lives. This article shall apply not apply to vehicles and engines manufactured for the 2010 model year and thereafter.~~

Note: Authority cited: Sections 39600, 39601, 43013, 43018 43105 and 43106, Health and Safety Code. Reference: Sections 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204-43205.5, Health and Safety Code.

Section 2122. General Provisions.

The provisions regarding applicability of the ordered recall procedures and the definitions shall be the same as those set forth in Title 13, California Code of Regulations, Sections 2111 and 2112. The provisions of this Article shall apply to the vehicles and engines specified in section 2111 manufactured up to and including the 2009 model year, plus their useful lives. This Article shall apply not apply to vehicles and engines manufactured for the 2010 model year and thereafter.

Note: Authority cited: Sections 39600, 39601, 43013, 43018, 43105 and 43106, Health and Safety Code. Reference: Health and Safety Code Sections 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204-43205.5, Health and Safety Code.

Section 2136. General Provisions.

The provisions regarding applicability of the enforcement test procedures and the definitions shall be the same as those set forth in Title 13, California Code of Regulations, Sections 2111 and 2112. The provisions of this Article shall apply to the vehicles and engines specified in section 2111 manufactured up to and including the 2009 model year, plus their useful lives. This Article shall apply not apply to vehicles and engines manufactured for the 2010 model year and thereafter. and beginning with the 2010 model year, Sections 2166 and 2166.1. If the Executive Officer determines that an emissions or test procedure violation exists under Health and Safety Code 43105, he/she may order a recall or corrective action to correct the affected vehicles.

Note: Authority cited: Sections 39600, 39601, 43013, 43018, 43105 and 43106, Health and Safety Code. Reference: Health and Safety Code Sections 43000,

43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204-43205.5, Health and Safety Code.

Section 2141. General Provisions.

(a) The provisions regarding applicability of the failure reporting procedures and the definitions shall be the same as those set forth in Title 13, California Code of Regulations, Sections 2111 and 2112, except that this Section 2141 does not apply to off-road compression-ignition engines, as defined in Section 2421. The provisions of this Article shall apply to the vehicles and engines specified in section 2111 manufactured up to and including the 2009 model year, plus their useful lives. This Article shall ~~apply~~ not apply to vehicles and engines manufactured for the 2010 model year and thereafter.

(b) The requirement to file emission warranty information reports and field information reports for a given class or category of vehicles or engines shall be applicable for the warranty period but not to exceed the useful-life period of the vehicles or engines beginning with the 1990 model-year vehicles or engines.

(c) The requirement to file an emissions information report for a given class or category of vehicles or engines shall be applicable for the useful-life period of the vehicles or engines.

(d) In the case of motor vehicles or engines for which certification of the exhaust and evaporative emission control systems is granted to different manufacturers, the information reporting responsibility in subsections (b) and (c) above shall be assigned to the certifying manufacturer.

Note: Authority cited: Sections 39600, 39601, 43105 and 43106, Health and Safety Code. Reference: Sections 43000, 43009.5, 43018, 43101, 43104, 43105, 43106, 43107 and 43204-43205.5, Health and Safety Code.

Adopt New Regulations To Read:

Article 5. Procedures for Reporting Failures of Emission-Related Equipment and Required Corrective Action

Section 2166. General Provisions.

(a) The provisions of this article apply to:

(1) California-certified 2010 and subsequent model-year passenger cars, light-duty trucks, medium-duty vehicles, heavy-duty vehicles, and motorcycles, ~~and California-certified 2010 and subsequent model-year off-road motorcycles and all-terrain vehicles, including those federally certified vehicles which are sold in California pursuant to Health and Safety Code 43102, and,~~

(2) California-certified engines used in such vehicles.

(b) For the purposes of this article, the definitions shall be the same as those set forth in Title 13, California Code of Regulations, Section 2035 (c) and Section 2166.1.

(c) This procedures shall not apply to zero emission vehicles and those vehicles certified under Health and Safety Code 44201.

(d) The Executive Officer may waive any or all of the requirements of this Article if he or she determines that the requirement constitutes an unwarranted undue burden on the manufacturer. In making this determination, the Executive Officer may, but is not required to, consider the emissions impact or economic impact of the requirement, except as provided in 2168(f).

(e) This article contains procedures for reporting emissions warranty information and procedures for determining, and the facts constituting, compliance or failure of compliance with and violations of ~~emission standards and test procedures~~ based on emissions warranty information. This article also contains procedures for requiring recalls or other corrective action based on such information. Nothing in this article shall limit the Executive Officer's authority pursuant to Health and Safety Code section 43105 to require recalls or other corrective action in other types of situations.

(f) Each part of this article shall be deemed severable, and in the event that any part of this article is held to be invalid, the remainder of this article shall continue in full force and effect.

Note: Authority cited: Sections 39600, 39601, 43013, 43018, 43105 and 43106, Health and Safety Code. Reference: Health and Safety Code Sections 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204-43205.5, Health and Safety Code.

Section 2166.1. Definitions.

For purposes of this article, the following definitions apply.

(a) "Capture rate" means the percentage of in-use vehicles subject to recall which must be corrected to bring the class or category of vehicles into compliance. The number of vehicles subject to recall shall be based on the actual number of vehicles in use as verified by the Department of Motor Vehicles registration records, or vehicle or engine registration records compiled and prepared by R. L. Polk and Company or a comparable source at the time a recall is initiated.

(b) "Corrective Action" refers to any action taken by the manufacturer to remedy a violation of emission standards or test procedures. Corrective action may include recall, extended warranty, or other action ordered by the Executive Officer. The Executive Officer may order direct notification of corrective action to vehicle or engine owners.

~~(c) "Correlation factor" means a pollutant-specific multiplicative factor calculated by a manufacturer for an engine family or test group which establishes a relationship between chassis exhaust emission data, as determined from the test procedures specified in section 1960.1 or 1961, Title 13, California Code of Regulations, and engine exhaust emission data, as determined from the test procedures specified in section 1956.8, Title 13, California Code of Regulations.~~

~~(cd) "Days", when computing any period of time, means normal working days on which a manufacturer is open for business, unless otherwise noted.~~

~~(de) "Emission control component" or "emission-related component", means: (i) a device, system, or assembly described in the approved application for certification which affects any parameter, specification, or (ii) a component listed in the Emission Warranty Parts List pursuant to section 2036, Title 13, California Code of Regulations, except for failures of devices, systems and assemblies which the Executive Officer has deleted from the manufacturer's list of warranted parts pursuant to section 2036 (f), Title 13, California Code of Regulations. "Emission-Related Failure" means a failure of an "emission control component" or an "emission-related component". It also means a violation determined pursuant to this article. manufacturer's approved application for certification which is considered to be a "warranted part" pursuant to Title 13, California Code of Regulations, Article 6 and subject to this Article.~~

(ef) "Emission Warranty Claim" means an adjustment, inspection, repair or replacement of a specific emission-related component within the statutory warranty period for which the vehicle or engine manufacturer is invoiced or solicited by a repairing agent for compensation pursuant to Title 13, California Code of Regulations, Article 6 warranty provisions and subject to this Article. ~~warranty provisions, regardless of whether compensation is actually provided.~~

(fg) "Executive Officer" means the Executive Officer of the Air Resources Board or his or her authorized representative.

(gh) "Exhaust after-treatment device" means any device or system designed to oxidize, reduce or trap post-combustion exhaust emissions, including those components that transport the exhaust emissions from the engine to the after-treatment device, described in the manufacturer's application for certification, and installed on a vehicle or engine certified for sale in California.

(hi) "Extended Warranty" means corrective action required by the Executive Officer that extends the warranty time and mileage periods for a specific emissions-related component pursuant to this article. For passenger cars, light-duty trucks, ~~and~~, medium-duty vehicles and engines, ~~the extended warranty shall not exceed 15 years or 150,000 miles, whichever occurs first. For~~ and heavy-duty vehicles and engines used in such vehicles, the extended warranty shall be equal to the applicable certified useful life period ~~shall be 10 years/200,000 miles/6,000 hours, whichever is less. For motorcycles, the extended warranty period shall be the useful life of the motorcycle.~~ of that vehicle or engine. The Executive Officer may order direct notification of corrective action to vehicle or engine owners. The extended warranty on hybrid electric vehicle battery packs used for vehicle propulsion shall be limited to the lesser of 1) the applicable useful life of the vehicle or 2) 10 years.

(i) "Emission Warranty Information Reporting Termination Point" means the point at which the requirement to submit the Emission Warranty Information Reports terminates. Emission Warranty Information Reports shall be updated until one year after the statutory warranty time period for a given model year ends (e.g., a 2010 model year engine family with a three year or 50,000 mile warranty period would be reported until the end of the 2013 calendar year). The only exception is PZEV vehicles which will be limited to a 12 year reporting period and the seven year or 70,000 mile high price components will be limited to a reporting period of 5 years.

(j) "Influenced Emission Recall" means an inspection, repair, adjustment, or modification program initiated and conducted by a manufacturer or its agent or representative as a result of any evidence of noncompliance to remedy any nonconformity for which direct notification of vehicle or engine owners is necessary.

(k) "Nonconformity" or "noncompliance" exists whenever an engine family, test group or subgroup of vehicles ~~are~~ is determined to be in violation of ~~emission standards or test procedures pursuant to this a~~Article.

(l) "Ordered Recall" or "recall" means an inspection, repair, adjustment, or modification program required by the ~~Board~~ Executive Officer and conducted by the manufacturer or its agent or representative to remedy any nonconformity for which direct notification of vehicle or engine owners may be required.

(m) "Quarterly reports" refer to the following calendar periods: January 1- March 31, April 1-June 30, July 1-September 30, October 1-December 31.

(n) "Systemic Failure" means any emission-control component as defined in this article ~~or warranted part as defined in Section 2035 (c) (2) (b)~~, found to have valid failures that represent at least meeting or exceeding four percent or 50 vehicles or engines (whichever is greater) of the vehicles or engines of a California certified engine family or test group, within a specific engine family or test group, pursuant to this a~~Article~~.

(o) "Ultimate purchaser" has the same meaning as defined in section 39055.5 of the Health and Safety Code.

(p) "Useful life" means, for the purposes of this article:

(1) For Class I motorcycles and motorcycle engines (50 to 169 cc or 3.1 to 10.4 cu. in.), a period of use of five years or 12,000 kilometers (7,456 miles), whichever first occurs.

(2) For Class II motorcycles and motorcycle engines (170 to 279 cc or 10.4 to 17.1 cu. in.), a period of use of five years or 18,000 kilometers (11,185 miles), whichever first occurs.

(3) For Class III motorcycles and motorcycle engines (280 cc and larger or 17.1 cu. in. and larger), a period of use of five years or 30,000 kilometers (18,641 miles), whichever first occurs.

(4) For light-duty and medium-duty vehicles certified under the Optional 100,000 Mile Certification Procedure, and motor vehicle engines used in such vehicles, a period of use of ten years or 100,000 miles, whichever first occurs.

(5) For 2001 and subsequent-model year medium-duty low-emission, ultra-low-emission and super-ultra-low-emission vehicles certified to the primary standards in section 1961(a)(1), and motor vehicle engines used in such vehicles, a period of use of ten years or 120,000 miles, whichever occurs first. For 2001 and subsequent medium-duty low-emission, ultra-low-emission and super-ultra-low-emission vehicles certified to the optional 150,000 mile standards in section 1961(a)(1), and motor vehicle engines used in such vehicles, a period of use of

fifteen years or 150,000 miles, whichever occurs first. For all other 1995 and subsequent model-year medium-duty vehicles and motor vehicle engines used in such vehicles, and 1992 through 1994 model-year medium-duty low-emission and ultra-low-emission vehicles certified to the standards in Section 1960.1(h)(2), and motor vehicle engines used in such vehicles, a period of use of eleven years or 120,000 miles, whichever occurs first.

(6) For all other light-duty and medium-duty vehicles, and motor vehicle engines used in such vehicles, a period of use of five years or 50,000 miles, whichever first occurs. For those passenger cars, light-duty trucks and medium-duty vehicles certified pursuant to section 1960.1.5, Title 13, California Code of Regulations, the useful life shall be seven years, or 75,000 miles, whichever first occurs; however, the manufacturer's reporting and recall responsibility beyond 5 years or 50,000 miles shall be limited, as provided in section 1960.1.5. For those passenger cars and light-duty trucks certified pursuant to Title 13, California Code of Regulations, section 1960.1 (f) and section 1960.1(g), the useful life shall be ten years or 100,000 miles, whichever first occurs; however, for those vehicles certified under section 1960.1(f), the manufacturer's warranty failure and defects reporting and corrective action responsibility shall be subject to the conditions and standards specified in section 1960.1 (f).

(7) For 1997 and subsequent model year off-road motorcycles, all-terrain vehicles, and engines used in such vehicles, a period of use of five years or 10,000 kilometers (6,250 miles), whichever first occurs.

(8) For those passenger cars and light-duty trucks certified to the primary standards in section 1961(a)(1), the useful life shall be ten years or 120,000 miles, whichever occurs first. For 2001 and subsequent passenger car and light-duty truck low-emission, ultra-low-emission and super-ultra-low-emission vehicles certified to the optional 150,000 mile standards in section 1961(a)(1), and motor vehicle engines used in such vehicles, a period of use of fifteen years or 150,000 miles, whichever occurs first. For those 2003 and subsequent model year passenger cars, light-duty trucks, and medium-duty vehicles, certified pursuant to Title 13, California Code of Regulations, section 1962, a period of use of fifteen years or 150,000 miles, whichever occurs first.

(9) For 2004 and subsequent model-year light heavy-duty diesel engines, for carbon monoxide, particulate, and oxides of nitrogen plus non-methane hydrocarbons emissions standards, a period of use of 10 years or 110,000 miles, whichever first occurs, or any alternative useful life period approved by the Executive Officer.

(10) For 2004 and subsequent model-year medium heavy-duty diesel engines, for carbon monoxide, particulate, and oxides of nitrogen plus non-methane hydrocarbons emissions standards, a period of use of ten years or 185,000 miles, whichever first occurs; or any alternative useful life period approved by the

Executive Officer.

(11) For 2004 and subsequent model-year heavy heavy-duty diesel engines, 2004 and subsequent model-year heavy-duty diesel urban buses, 2004 and subsequent model-year heavy-duty diesel engines to be used in urban buses, and 2004 and subsequent model year hybrid-electric urban buses for carbon monoxide, particulate, and oxides of nitrogen plus non-methane hydrocarbon emissions standards, a period of use of 10 years or 435,000 miles, or 22,000 hours, whichever first occurs, or any alternative useful life period approved by the Executive Officer, except as provided in paragraphs (11)(i) and (11)(ii).

(i) The useful life limit of 22,000 hours in paragraph (11) of this definition is effective as a limit to the useful life only when an accurate hours meter is provided by the manufacturer with the engine and only when such hours meter can reasonably be expected to operate properly over the useful life of the engine.

(ii) For an individual engine, if the useful life hours limit of 22,000 hours is reached before the engine reaches 10 years or 100,000 miles, the useful life shall become 10 years or 100,000 miles, whichever occurs first, as required under Clean Air Act section 202(d) (42 U.S.C. 7521(d)).

(12) For 2004 and subsequent model-year heavy-duty Otto-cycle engines, for carbon monoxide, particulate, and oxides of nitrogen plus non-methane hydrocarbon emissions standards, a period of use of 10 years or 110,000 miles, whichever first occurs.

(13) For 2000 and later model year off-road compression-ignition engines, for oxides of nitrogen, hydrocarbon, oxides of nitrogen plus hydrocarbon (when applicable), carbon monoxide, particulate emission standards, and for smoke opacity:

(A) For all engines rated under 19 kilowatts, and for constant-speed engines rated under 37 kilowatts with rated speeds greater than or equal to 3,000 revolutions per minute, a period of use of five years or 3,000 hours of operation, whichever first occurs.

(B) For all other engines rated above 19 kilowatts and under 37 kilowatts, a period of use of seven years or 5,000 hours of operation, whichever first occurs.

(C) For engines rated at or above 37 kilowatts, a period of use of ten years or 8,000 hours of operation, whichever first occurs.

(14) For 2009 and subsequent model year spark-ignition inboard and sterndrive marine engines, a period of ten years or 480 hours, whichever first occurs.

~~(r) "Violation of emission standards" means violation of any portion of any~~

~~emission standard made applicable to motor vehicles by Division 26, Part 5 of the Health and Safety Code or by Division 3 of Title 13 of the California Code of Regulations or any emission standard violation determined pursuant to this article.~~ “Valid failure” or “valid failure rate” means an emission-control component or emission-related component that was properly diagnosed and replaced under warranty by an authorized warranty station and represents the true and accurate failures of a specific component after legitimate screening (as specified in Section 2168) of the applicable warranty data authorized and acceptable to the Executive Officer, pursuant to this Article.

(sf) "Vehicle or engine manufacturer" means the manufacturer granted certification for a motor vehicle or motor vehicle engine.

(t) "Violation of test procedures" means violation of any portion of any test procedure made applicable to motor vehicles by Division 26, Part 5 of the Health and Safety Code or by Division 3 of Title 13 of the California Code of Regulations or any test procedure violation determined pursuant to this article.

(u) "Voluntary ~~Emission~~ Recall" means an inspection, repair, adjustment, or modification program voluntarily initiated and conducted by a manufacturer or its agent or representative to remedy any nonconformity, pursuant to this Article, for which direct notification of vehicle or engine owners may be necessary.

Note: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43104, 43105, 43106 and 43806, Health and Safety Code; and Section 28114, Vehicle Code. Reference: Sections 39002, 39003, 39500, 43000, 43009.5, 43013, 43018, 43100, 43101, 43101.5, 43102, 43104, 43105, 43106, 43107, 43202, 43204-43205.5 43206, 43210, 43211, 43212, 43213 and 43806, Health and Safety Code; and Section 28114, Vehicle Code.

Section 2167. Emission Warranty Information Report.

(a) A manufacturer shall:

(1) Review California emission warranty claim records for each California-certified engine family or test group on a quarterly basis to determine and compile by cumulative total the number of claims made for emission-related components. The data compiled shall be based on all emission warranty claims, without any prescreening of data as to the validity of the claims. In the case of heavy-duty vehicles or engines, a manufacturer may use nationwide data for monitoring emission warranty claims of a California-certified engine family or test group which is also certified by the United States Environmental Protection Agency.

(2) Categorize emission warranty claims for each engine family or test group by the specific emission control component replaced or repaired, or in the case of multiple components with the same part number that are replaced in single

service event, shall be counted as one warranted repair for that service event.

(3) On the basis of data obtained subsequent to the effective date of these regulations, file an emission warranty information report for each calendar year ~~when~~ if the cumulative number of unscreened emission warranty claims for a specific emission-related component or repair represent at least four percent or fifty (whichever is greater) of the vehicles or engines of a California-certified engine family or test group.

(4) The filing of an emission warranty information report for a partial zero emission vehicle shall be limited to exhaust after-treatment devices, computer related repairs including calibration updates, ~~and battery cells used for vehicle propulsion,~~ and any emission-control device not subject to the 15 year, or 150,000 mile emission control warranty provisions for such vehicles. A zero emission energy storage device used for traction power (such as battery, ultracapacitor, or other electric storage device) is not required to be reported. The Executive Officer may add emission-related components to this list as technology changes.

(b) The emission warranty information report shall be submitted in an electronic format as specified by the ARB. The file must be structured so that the test group or engine family name and the part number are the primary file keys. These two data fields are unique and cannot be duplicated within the data file or changed in subsequent Emission Warranty Information Report submissions unless approved by the ARB database administrator. The electronic file shall include the following information:

(1) The California-certified test group or engine family.

(2) Part number, labor operation code or some other nomenclature that uniquely identifies a given component within a test group or engine family.

(3) The name of the specific emission-related component being replaced or repaired. The component name may not be changed in subsequent Emission Warranty Information Reports unless approved by the ARB database administrator.

(4) A repair code to indicate if the emission-related component was repaired or replaced.

(5) The warranty coverage pursuant to Title 13, California Code of Regulations, Article 6 for each reported component.

(6) The California sales volume, the number of cumulative claims and percentage of vehicles or engines in each engine family or test group for which a warranty replacement or warranty repair of a specific emission-related component was identified (i.e., the percentage of vehicles or engines is equal to the cumulative number of unscreened emission warranty claims for a specific

emission-related component or repair divided by the sales volume of the California-certified engine family or test group).

(7) Time frame of the EWIR being submitted.

(8) The models of the test group or engine family for each component being repaired or replaced.

(9) An further action status report code as dictated by the ARB database administrator. ~~to indicate if corrective action or no action is required or in process.~~

(c) Emission warranty information reports shall be submitted not more than 25 days after the end of each calendar year until the emission warranty information reporting termination point is reached ~~unless a recall for specific components has been implemented.~~ The Executive Officer may request that a manufacturer file quarterly emission warranty information reports for a specific emission-related component(s) for a specified period of time. Emission warranty information reports and updates shall be submitted and provided on electronic media to the Chief, Mobile Source Operations Division, 9480 Telstar Avenue, Suite 4, El Monte, CA 91731 and/or can be emailed to a designated ARB staff.

(d) The records described in this section shall be made available to the Executive Officer upon request.

Note: Authority cited: Sections 39600, 39601, 43013, 43018, 43105 and 43106, Health and Safety Code. Reference: Health and Safety Code Sections 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204-43205.5, Health and Safety Code.

Section 2168. Supplemental Emissions Warranty Information Report.

(a) A manufacturer shall file a Supplemental Emissions Warranty Information Report within 60 days after ~~when~~ an emission warranty information report as specified in Section 2167 indicates that a cumulative total of unscreened emission warranty claims for a specific emission-related component ~~exceeds~~ represents at least ten percent or 100 components (whichever is greater) of the vehicles or engines of a engine family or test group. ~~The Supplemental Emissions Warranty Information Report shall be submitted in an electronic format similar to the Emissions Warranty Information Report as required in Section 2167.~~ The manufacturer must continue to update and report the Supplemental Emissions Warranty Information Report on a quarterly basis. A manufacturer shall submit an updated Supplemental Emissions Warranty Information Report within 60 days after each calendar quarter until the emission warranty information reporting termination point is reached ~~warranty reporting requirements for the specific given emission component warranty item ends~~ being reported or corrective action is launched for the reported emission component. With the

approval of the Executive Officer, manufacturers may delay or terminate the submission of the Supplemental Emissions Warranty Information Report.

~~(b) No Supplemental Emissions Warranty Information Report shall be required if a manufacturer has committed to perform a recall by notifying the ARB of its intent in writing after the failure of a specific emission-related component meets or exceeds 4 percent or 50 (whichever is greater). A plan for the appropriate corrective action shall be submitted within 45 days of the manufacturer's notification of intent to perform a recall.~~

(b) If a manufacturer demonstrates to the satisfaction of the Executive Officer that a systemic emission component failure has occurred early within the statutory emission warranty period, as defined below, then the Executive Officer may decide not to require the manufacturer to perform corrective action on the affected vehicles or engines. To prove that a systemic emission-related component failure occurred early within the statutory emission warranty period, the manufacturer must demonstrate in the Supplemental Emissions Warranty Information Report to the Executive Officer's satisfaction, that a systemic failure exists in a specific subgroup of vehicles or engines within an engine family or test group and has been satisfactorily corrected under warranty within 18 months after the last vehicle or engine of the affected engine family or test group in a model year was manufactured. In such a case, the manufacturer may not be subject to additional corrective action for the subject engine family, test group or subgroup, but must demonstrate to the Executive Officer the upper limit of the early emission component failure rate and the date it will terminate. Should the emission component failure rate exceed the rate established by the manufacturer by an additional valid failure rate of four percent or 50 vehicles (whichever is greater) the manufacturer must re-file a Supplemental Emissions Warranty Information Report pursuant to this Article (making it subject to further corrective action) or implement the appropriate corrective action.

(c) Subject to approval of the Executive Officer, as part of the Supplemental Emissions Warranty Information Report, the manufacturer may be allowed to screen out or remove emission warranty claims for components that were subsequently determined to have failed due to abuse, neglect or improper maintenance, or for any warranty repairs that that were performed solely for customer satisfaction purposes or due to misdiagnosis. The manufacturer must demonstrate to the satisfaction of the Executive Officer, using good engineering judgment based on emission component failure analysis data and representative statistical sampling, that the emission components replaced or repaired under these emission warranty claims are free from mechanical defects and perform to the manufacturer's specifications and all other applicable requirements.

(d) As part of the Supplemental Emissions Warranty Information Report, the manufacturer may be allowed to screen out or remove emission warranty claims for secondary component failures that directly resulted from an established primary emission component failure. The manufacturer must demonstrate to the

satisfaction of the Executive Officer that the primary failure is the direct cause for the secondary component failure and that secondary failure will cease after the primary failure is corrected.

(e) A Supplemental Emissions Warranty Information Report may not be required if the manufacturer commits to perform a recall on any emission control component by notifying the ARB of its commitment in writing. In such a case, the manufacturer may screen the components to be recalled from the Emission Warranty Information Report. However, if the recall applies to a sub-group of vehicles or engines, or if the recall is not deemed acceptable by the Executive Officer, the uncorrected vehicles or engines are still subject to reporting requirements and corrective action pursuant to this Article. Also, if the components replaced under recall fail within the warranty period reaching four percent or 50 vehicles or engines (whichever is greater) within an engine family or test group, the manufacturer must report these emission warranty claims pursuant to this Article and may be required to perform corrective action.

(f) If a manufacturer demonstrates to the satisfaction of the Executive Officer that a systemic emission component failure will not have an emissions impact under any conceivable circumstance, then no corrective action shall be required for the affected vehicles or engines. The Executive Officer need not base this determination on emissions testing.

(g) If a manufacturer demonstrates to the satisfaction of the Executive Officer that a computer OBD recalibration or update is not being performed to correct an emissions exceedance or an OBD compliance issue, then no corrective action shall be required for the affected vehicles or engines.

(h) All Supplemental Emissions Warranty Information Reports shall be submitted to the Chief, Mobile Source Operations Division, 9480 Telstar Avenue Suite No. 4, El Monte, CA 91731 and shall contain the following information in substantially the format outlined below.

(i) Upon the manufacturer's request and with the approval of the Executive Officer, any reported emission component that is replaced as part of a corrective action may be waived from further reporting requirements.

(j) The Supplemental Emission Warranty Information report shall be submitted in an electronic format as specified by the ARB. ~~The Supplemental Emissions Warranty Information Report shall be an extension of the Emission Warranty Information Report data file and shall include only those data fields from the Emissions Warranty Information Report for which the Supplemental Emission Warranty Information report is being filed.~~ Supplemental Emissions Warranty Information Reports shall contain the following ~~fields for each data file~~ data:

- (1) The manufacturer's corporate name.
- (2) Each Supplemental Emissions Warranty Information Report shall be filed individually for each ~~defective~~ emission-related component that reached the specified reporting level as indicated in (a) of this section. Manufacturers shall designate a unique supplemental emissions warranty information report number to assist in tracking individual emission-related component problems. The nomenclature format for assigning a tracking number shall follow the sequence using the manufacturer's four digit name designation followed by the letters SEWIR, the calendar year filed and then a three digit sequential number. An example of this format would be as follows: MFRX-SEWIR-2010-001.
- (3) A description of each class or category of California-certified vehicles or engines affected including make, model, model-year, engine family or test group and such other information as may be required to identify the vehicles or engines affected. The description shall include those engine families or test groups related to the affected engine family or test group through common certification test data allowed under Title 40, Code of Federal Regulations, Section 86.085-24(f), as amended December 10, 1984 or Title 40 Code of Federal Regulations, Section 86.1839-01, as adopted May 4, 1999 ("carry-over" and "carry-across" engine families).
- (4) A description of the emission-related component that failed, the failure, the probable cause of failure and the emission-related component part number. A description of all other vehicles that contain the failing component. A description of whether the failure has been detected by the On-Board Diagnostic system in the affected vehicles or engines as required by title 13 CCR sections 1968.1-1968.5, 1971.1 or by the Engine Manufacturer Diagnostic system in the affected vehicles or engines as required by title 13 CCR section 1971.
- (5) Manufacturers conducting computer recalibrations or reflashes shall explain the vehicle conditions/parameters that are being changed by the recalibration action. The manufacturer must also indicate if OBD compliance requirements are being remedied and/or affected.
- (6) Any information necessary to make the demonstrations provided in subsections (b) – (g) above.
- (7) A statement whether the cumulative total of valid ~~warranty claims failures~~ failures for a specific emission-related component represents at least meets or exceeds 4 percent or 50 (whichever is greater) of the vehicles or engines within a California certified engine family or test group ~~for any engine family, test group or subgroup~~. On the basis of data obtained and reported pursuant to this article, a manufacturer may determine that a cumulative total of valid failures for a specific emission-related component is found to exist in less than 4 percent or 50 (whichever is greater) of the vehicles or engines of a California certified engine

family or test group. If this is the case, the manufacturer must supply the following information:

(i) The number and percentage of vehicles or engines in each engine family or test group for which a failure of a specific emission-related component was identified.

(ii) The total number and percentage of unscreened emission warranty claims and failures of a specific emission-related component projected to occur during the engine family's or test group's useful life and a description of the method used to project this number.

(iii) An estimated date when the failure of a specific emission-related component will reach 4 percent or 50 (whichever is greater).

(iv) If the failure of a specific emission-related component is found to exist in less than 4 percent or 50 (whichever is greater), provide a brief explanation why the vehicles with this specific component replacement or repair are being repaired.

~~(v) If the failure of a specific emission-related component is found to exist in less than 4 percent or 50 (whichever is greater), the manufacturer must re-evaluate this failure as stated in this section in the following calendar year until warranty reporting is no longer required.~~

(k) The Executive Officer shall determine whether the valid failure rate of a specific emission-related component has reached the level of a systemic failure, based on the information provided pursuant to this section. In making this determination, the Executive Officer need not consider economic impacts or emissions impacts, except as provided in section 2168 (f). The Executive Officer may a request that any information submitted pursuant to this section be supplemented.

Note: Authority cited: Sections 39600, 39601, 43013, 43018, 43105 and 43106, Health and Safety Code. Reference: Health and Safety Code Sections 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204-43205.5, Health and Safety Code.

Section 2169. Recall and Corrective Action for Failures of Exhaust After-Treatment Devices

(a) A manufacturer shall recall an engine family, test group or subgroup of vehicles or engines to correct the systemic failure of an exhaust after-treatment device, as defined in Section 2166.1 when valid failures ~~warranty claims~~ for the

exhaust after-treatment device in the engine family, or test group, or subgroup meet or exceed four percent or 50 (whichever is greater) of the vehicles or engines within an engine family or test group, as determined by the Executive Officer pursuant to Section 2168. for the device.

(b) At the sole discretion of the Executive Officer, the manufacturer shall perform corrective action, including, but not limited to, providing an extended warranty as defined in Section 2166.1, for the circumstances specified in (a), either as an alternative to or ~~in addition~~ supplement to the corrective action specified in (a).

Note: Authority cited: Sections 39600, 39601, 43013, 43018, 43105 and 43106, Health and Safety Code. Reference: Health and Safety Code Sections 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204-43205.5, Health and Safety Code.

Section 2170. Recall and Corrective Action for Other Emission-Related Component Failures (On-Board Diagnostic-Equipped Vehicles and Engines)

(a) A In the case of any vehicle or engine equipped with an ARB approved on-board diagnostic (OBD) system in accordance with Section 1968.1-1968.5 and 1971.1, the manufacturer shall perform corrective action, including, but not limited to, providing an extended warranty as defined in Section 2166.1, to correct the systemic failure of emission control components other than exhaust after-treatment devices, when valid failures warranty claims for any emission control component in the engine family or test group meet or exceed four percent or 50 (whichever is greater) of the vehicles or engines within an engine family or test group, as determined by the Executive Officer pursuant to Section 2168. for any emission control component.

(b) At the sole discretion of the Executive Officer, the manufacturer shall conduct a recall for the circumstances specified in (a), either as an alternative to or ~~in addition~~ supplement to the corrective action specified in (a).

(c) At the sole discretion of the Executive Officer, manufacturers that warrant their vehicles, engines or components as defined in Title 13, California Code of Regulations, Article 6 for the full useful life period may not, be required to perform corrective action on systemic failures of emission-control components (with the exception of exhaust after-treatment devices), found to meet or exceed four percent or 50 (whichever is greater) of the vehicles or engines within an engine family or test group.

Note: Authority cited: Sections 39600, 39601, 43013, 43018, 43105 and 43106, Health and Safety Code. Reference: Health and Safety Code Sections 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204-43205.5, Health and Safety Code.

Section 2171. Recall and Corrective Action for Vehicles without On-Board Diagnostic Systems, Vehicles with Non-Compliant On-Board Diagnostic Systems, or Vehicles with On-Board Computer Malfunction

(a) If vehicles or engines not equipped with on-board diagnostic (OBD) systems, or OBD-equipped vehicles or engines that do not detect emission-control failures as required by title 13 CCR sections 1968.1-1968.5 and 1971.1, have systemic failures of emission-control components (including exhaust after-treatment devices), found to meet or exceed four percent or 50 (whichever is greater) valid failures within an engine family or test group, ~~or subgroup~~ the required corrective action will be the recall of all affected vehicles or engines in the engine family or test group as determined by the Executive Officer pursuant to Section 2168. If vehicles or engines have systemic failures of on-board computers, found to meet or exceed four percent or 50 (whichever is greater) valid failures within an engine family or test group the required corrective action will also be the recall of all affected vehicles or engines, as determined by the Executive Officer pursuant to Section 2168.

(b) At the sole discretion of the Executive Officer, the manufacturer shall perform corrective action, including, but not limited to, providing an extended warranty as defined in Section 2166.1, for the circumstances specified in (a), either as an alternative to or ~~in addition~~ supplement to the recall specified in (a).

(c) At the sole discretion of the Executive Officer, manufacturers that warrant their vehicles, engines or components as defined in Title 13, California Code of Regulations, Article 6 for the full useful life period may not, be required to perform corrective action on systemic failures of emission-control components (with the exception of exhaust after-treatment devices), found to meet or exceed four percent or 50 (whichever is greater) of the vehicles or engines within an engine family or test group.

Note: Authority cited: Sections 39600, 39601, 43013, 43018, 43105 and 43106, Health and Safety Code. Reference: Health and Safety Code Sections 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204-43205.5, Health and Safety Code.

Section 2172. Notification of Required Recall or Corrective Action by the Executive Officer.

The Executive Officer shall notify the manufacturer when recall or corrective action is required. The Executive Officer's notification shall include a description of each class or category of vehicles or engines encompassed by the determination of nonconformity, shall set forth the factual basis for the determination and shall designate a date no earlier than ~~at least~~ 45 days from the

date of receipt of such notification (no earlier than 90 days for recalls) by which the manufacturer shall submit a plan to remedy the nonconformity unless the manufacturer can show good cause for the Executive Officer to extend the deadline.

Note: Authority cited: Sections 39600, 39601, 43013, 43018, 43105 and 43106, Health and Safety Code. Reference: Health and Safety Code Sections 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204-43205.5, Health and Safety Code.

Section 2172.1. Ordered Recall or Voluntary Corrective Action Plan.

(a) Unless a public hearing is requested by the manufacturer, the manufacturer shall submit a recall or corrective action plan to the Chief, Mobile Source Operations Division, 9480 9528 Telstar Avenue, Suite 4, El Monte, CA 91731, within the time limit specified in the notification issued pursuant to Section 2172. The Executive Officer may grant the manufacturer an extension upon good cause shown.

(b) The recall or corrective action plan shall contain the following:

(1) A description of each class or category of vehicles or engines to be recalled or subject to corrective action, including the engine family, test group or sub-group thereof, the model-year, the make, the model, and such other information as may be required to identify the vehicles or engines to be recalled or subjected to corrective action.

(2) A description of the nonconformity and the specific modifications, alterations, repairs, corrections, adjustments or other changes to be made to bring the vehicles or engines into conformity with the requirements of this article including a brief summary of the data and technical studies which support the manufacturer's decision regarding the specific corrections to be made. Nonconformities shall be addressed by replacing a non-conforming component with an improved, conforming component.

(3) A description of the method by which the manufacturer will determine the names and addresses of vehicle or engine owners and the method by which they will be notified.

(4) A description of the procedure to be followed by vehicle or engine owners to obtain correction of the nonconformity including the date on or after which the owner can have the nonconformity remedied, the time reasonably necessary to perform the labor required to correct the nonconformity, and the designation of facilities at which the nonconformity can be remedied. The repair shall be completed within a reasonable time designated by the Executive Officer from the date the owner delivers the vehicle or engine for repair. This requirement

becomes applicable on the date designated by the manufacturer as the date on or after which the owner can have the nonconformity remedied.

(5) If some or all of the nonconforming vehicles or engines are to be remedied by persons other than dealers or authorized warranty agents of the manufacturer, a description of such class of persons and a statement indicating that the participating members of the class will be properly equipped to perform such remedial action.

(6) A copy of the letter of notification to be sent to vehicle or engine owners.

(7) A description of the system by which the manufacturer will ~~assure~~ ensure that an adequate supply of parts will be available to perform the repair under the recall or corrective action plan including the date by which an adequate supply of parts will be available to initiate the repair campaign, and the method to be used to assure the supply remains both adequate and responsive to owner demand.

(8) A copy of all necessary instructions to be sent to those persons who are to perform the repair under the recall or corrective action plan.

(9) Any other information, reports, or data which the Executive Officer may reasonably determine to be necessary to evaluate the recall plan or other corrective action.

Note: Authority cited: Sections 39600, 39601, 43013, 43018, 43105 and 43106, Health and Safety Code. Reference: Health and Safety Code Sections 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204-43205.5, Health and Safety Code.

Section 2172.2. Approval and Implementation of ~~Recall~~ Corrective Action Plan.

If the Executive Officer finds that the recall or corrective action plan is designed effectively to correct the nonconformity and complies with the provisions of Section 2172.1, he or she will so notify the manufacturer in writing. Upon receipt of the approval notice from the Executive Officer, the manufacturer shall commence implementation of the approved plan. Notification of vehicle or engine owners and the implementation of ~~recall~~ repairs shall commence within 45 days of the receipt of notice unless the manufacturer can show good cause for the Executive Officer to extend the deadline.

Note: Authority cited: Sections 39600, 39601, 43013, 43018, 43105 and 43106, Health and Safety Code. Reference: Health and Safety Code Sections 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204-43205.5, Health and Safety Code.

Section 2172.3. Notification of Owners.

- (a) Manufacturers shall notify vehicle or engine owners of a recall or other corrective action by first class mail or by such other means as approved by the Executive Officer provided, that for good cause, the Executive Officer may require the use of certified mail to ensure an effective notification.
- (b) The manufacturer shall use all reasonable means necessary to locate vehicle or engine owners provided, that for good cause, the Executive Officer may require the manufacturer to use motor vehicle registration lists available from State or commercial sources to obtain the names and addresses of vehicle or engine owners to ensure effective notification.
- (c) The Executive Officer may require subsequent notification by the manufacturer to vehicle or engine owners by first class mail or other reasonable means provided that for good cause, the Executive Officer may require the use of certified mail to ensure effective notification.
- (d) The notification of vehicle or engine owners shall contain the following:
- (1) The statement: "the California Air Resources Board has determined that your (vehicle or engine) has an emission control component problem that requires corrective action. ~~(is or may be) releasing air pollutants which exceed (California or California and Federal) standards, or that the manufacturer violated emissions test procedures. These standards and test procedures were established to protect your health and welfare from the dangers of air pollution.~~"
 - (2) A statement that the nonconformity of any such vehicles or engines will be remedied at the expense of the manufacturer.
 - (3) A statement that eligibility may not be denied solely on the basis that the vehicle or engine owner used parts not manufactured by the original equipment vehicle manufacturer, or had repairs performed by outlets other than the vehicle or engine manufacturer's franchised dealers.
 - (4) A clear description of the components which will be affected by the recall or other corrective action and a general statement of the measures to be taken to correct the nonconformity.
 - (5) A statement that such nonconformity, if not repaired, may cause the vehicle or engine to fail an emission inspection or Smog Check test when such tests are required under State law.
 - (6) A description of the adverse effects, if any, that an uncorrected nonconformity would have on the performance, fuel economy, or driveability of the vehicle or engine or to the function of other engine components.

(7) A description of the procedure which the vehicle or engine owner should follow to obtain correction of the nonconformity including the date on or after which the owner can have the nonconformity remedied, the time reasonably necessary to correct the nonconformity, and a designation of the facilities at which the nonconformity can be remedied.

(8) A statement that a certificate showing that the vehicle or engine has been repaired under the recall program shall be issued by the service facilities and that such a certificate may be required as a condition of vehicle registration or operation, as applicable.

(9) A card to be used by a vehicle or engine owner in the event the vehicle or engine to be recalled has been sold. Such card should be addressed to the manufacturer, have postage paid, and shall provide a space in which the owner may indicate the name and address of the person to whom the vehicle or engine was sold.

(10) The statement: "In order to ensure your full protection under the emission warranty made applicable to your (vehicle or engine) by State or Federal law, and your right to participate in future recalls, it is recommended that you have your (vehicle or engine) serviced as soon as possible. Failure to do so could be determined to be a lack of proper maintenance of your (vehicle or engine)." ~~This statement is not required for off-road motorcycles or all-terrain vehicles.~~

(11) A telephone number provided by the manufacturer, which may be used to report difficulty in obtaining recall repairs.

(e) The manufacturer shall not condition eligibility for repair on the proper maintenance or use of the vehicle or engine except for strong or compelling reasons and with approval of the Executive Officer; however, the manufacturer shall not be obligated to repair a component which has been removed or altered so that the recall action cannot be performed without additional cost.

(f) No notice sent pursuant to Section 2172.1(b)(8), above, nor any other communication sent to vehicle or engine owners or dealers shall contain any statement, express or implied, that the nonconformity does not exist or will not degrade air quality.

(g) The manufacturer shall be informed of any other requirements pertaining to the notification under this section which the Executive Officer has determined are reasonable and necessary to ensure the effectiveness of the recall campaign.

Note: Authority cited: Sections 39600, 39601, 43013, 43018, 43105 and 43106, Health and Safety Code. Reference: Health and Safety Code Sections 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204-

43205.5, Health and Safety Code.

Section 2172.4. Repair Label.

(a) The manufacturer shall require those who perform the repair under the recall plan to affix a label to each vehicle or engine repaired or, when required, inspected under the recall plan.

(b) The label shall be placed in a location as approved by the Executive Officer and shall be fabricated of a material suitable for such location and which is not readily removable.

(c) The label shall contain the recall campaign number and a code designating the facility at which the repair, inspection for repair, was performed.

Note: Authority cited: Sections 39600, 39601, 43013, 43018, 43105 and 43106, Health and Safety Code. Reference: Health and Safety Code Sections 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204-43205.5, Health and Safety Code.

Section 2172.5. Proof of Correction Certificate.

The manufacturer shall require those who perform the recall repair to provide the owner of each vehicle or engine repaired with a certificate, through a protocol and in a format prescribed by the Executive Officer, which indicates that the noncomplying vehicle or engine has been corrected under the recall program.

Note: Authority cited: Sections 39600, 39601, 43013, 43018, 43105 and 43106, Health and Safety Code. Reference: Health and Safety Code Sections 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204-43205.5, Health and Safety Code.

Section 2172.6. Preliminary Tests.

The Executive Officer may require the manufacturer to conduct tests on components and vehicles or engines incorporating a proposed correction, repair, or modification reasonably designed and necessary to demonstrate the effectiveness of the correction, repair, or modification.

Note: Authority cited: Sections 39600, 39601, 43013, 43018, 43105 and 43106, Health and Safety Code. Reference: Health and Safety Code Sections 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204-

43205.5, Health and Safety Code.

Section 2172.7. Communication with Repair Personnel.

The manufacturer shall provide to the Executive Officer a copy of all communications which relate to the recall plan directed to dealers and other persons who are to perform the repair. Such copies shall be mailed to the Executive Officer contemporaneously with their transmission to dealers and other persons who are to perform the repair under the recall plan.

Note: Authority cited: Sections 39600, 39601, 43013, 43018, 43105 and 43106, Health and Safety Code. Reference: Health and Safety Code Sections 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204-43205.5, Health and Safety Code.

Section 2172.8. Recordkeeping and Reporting Requirements.

(a) The manufacturer shall maintain sufficient records to enable the Executive Officer to conduct an analysis of the adequacy of the recall or corrective action campaign. The records shall include, for each class or category of vehicle or engine, but need not be limited to, the following:

(1) Engine family involved and recall or corrective action campaign number as designated by the manufacturer.

(2) Date owner notification was begun, and date completed.

(3) Number of vehicles or engines involved in the recall or corrective action campaign.

(4) Number of vehicles or engines known or estimated to be affected by the nonconformity.

(5) Number of vehicles or engines inspected pursuant to the recall plan and found to be affected by the nonconformity.

(6) Number of inspected vehicles or engines.

(7) Number of vehicles or engines receiving repair under the recall plan.

(8) Number of vehicles or engines determined to be unavailable for inspection or repair under the recall plan due to exportation, theft, scrapping, or for other reasons (specify).

(9) Number of vehicles or engines determined to be ineligible for recall action due to removed or altered components.

(10) A listing of the identification numbers of vehicles or engines subject to recall but for whose repair the manufacturer has not been invoiced. This listing shall be supplied in a standardized computer data storage device to be specified by the Executive Officer. The frequency of this submittal, as specified in subsection (c) below, may be changed by the Executive Officer depending on the needs of recall enforcement.

(11) Any service bulletins transmitted to dealers which relate to the nonconformity and which have not previously been submitted.

(12) All communications transmitted to vehicle or engine owners which relate to the nonconformity and which have not previously been submitted.

(b) If the manufacturer determines that the original responses to subsections (a)(3) and (4) of these procedures are incorrect, revised figures and an explanatory note shall be submitted. Responses to subsections (a)(5), (6), (7), (8), and (9) shall be cumulative totals.

(c) Unless otherwise directed by the Executive Officer, the information specified in subsection (a) of these procedures shall be included in six quarterly reports, beginning with the quarter in which the notification of owners was initiated, or until all nonconforming vehicles or engines involved in the campaign have been remedied, whichever occurs sooner. Such reports shall be submitted no later than 25 days after the close of each calendar quarter.

(d) The manufacturer shall maintain in a form suitable for inspection, such as computer information storage devices or card files, and shall make available to the Executive Officer or his or her authorized representative upon request, lists of the names and addresses of vehicle or engine owners:

(1) To whom notification was given;

(2) Who received remedial repair or inspection under the recall plan; and

(3) Who were denied eligibility for repair due to removed or altered components.

(e) The records and reports required by these procedures shall be retained for not less than one year beyond the useful life of the vehicles or engines involved, or one year beyond the reporting time frame specified in subsection (c) above, whichever is later.

Note: Authority cited: Sections 39600, 39601, 43013, 43018, 43105 and 43106, Health and Safety Code. Reference: Health and Safety Code Sections 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204-43205.5, Health and Safety Code.

Section 2172.9. Extension of Time.

The Executive Officer may extend any deadline in the plan if he or she finds in writing that a manufacturer has shown good cause for such extension.

Note: Authority cited: Sections 39600, 39601, 43013, 43018, 43105 and 43106, Health and Safety Code. Reference: Health and Safety Code Sections 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204-43205.5, Health and Safety Code.

Section 2173. Penalties.

Failure by a manufacturer to carry out all recall or corrective action campaigns ordered by the Executive Officer pursuant to this article shall constitute a violation of this article and Health and Safety Code Section 43105. Civil penalties may be assessed for that violation and for any other violation of any other requirement of this article.

Note: Authority cited: Sections 39600, 39601, 43013, 43018, 43105 and 43106, Health and Safety Code. Reference: Health and Safety Code Sections 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204-43205.5, Health and Safety Code.

Section 2174. Availability of Public Hearing.

(a) The manufacturer may request a public hearing pursuant to the procedures set forth in Sections 60040 to 60053, Title 17, California Code of Regulations to contest the finding of nonconformity pursuant to this Article and the necessity for or the scope of any ordered recall, ~~but not to contest the finding of nonconformity or the necessity of any other type of ordered corrective action provided for in this article.~~ Notwithstanding any other provision ~~in~~ of law, including title 13 or title 17 of California Code of Regulations, the record in any public hearing conducted pursuant a request made under this section shall be limited to the information provided to the Executive Officer under sections 2167-2171 prior to the date the Executive Officer's notification is issued pursuant to section 2172 or to information referenced in the Executive Officer's notification.: (i) the information provided to the Executive Officer under sections 2167-2168 and the Executive Officer's response thereto prior to the date the Executive Officer's notification is issued pursuant to section 2172, (ii) the Executive Officer's notification issued pursuant to section 2172, and (iii) new relevant evidence that could not, with reasonable diligence have been discovered and included in the information provided to the Executive Officer under sections 2167-2168 for the Executive Officer's notification issued pursuant to section 2172. At the hearing evidence of emissions impact and economic impact is irrelevant, except as provided in

Section 2168(f).

(b) If a manufacturer requests a public hearing pursuant to subsection (a) above, and if the Executive Officer's determination of nonconformity is confirmed at the hearing, the manufacturer shall submit a recall or corrective action plan identical to the one required by Section 2172.1 within the time periods specified in the Executive Officer's notification under section 2172 from receipt of the Board's decision.

Note: Authority cited: Sections 39600, 39601 and 43105, Health and Safety Code. Reference: Sections 43000, 43009.5, 43018, 43101, 43104, 43105, 43106, 43107 and 43204-43205.5, Health and Safety Code.

Appendix III

Proposed 15 Day Emission Test Procedure Modifications

California Environmental Protection Agency
AIR RESOURCES BOARD

**CALIFORNIA EXHAUST EMISSION STANDARDS AND TEST PROCEDURES
FOR 2001 AND SUBSEQUENT MODEL
PASSENGER CARS, LIGHT-DUTY TRUCKS, AND MEDIUM-DUTY VEHICLES**

Adopted: August 5, 1999
Amended: December 27, 2000
Amended: July 30, 2002
Amended: September 5, 2003 (corrected February 20, 2004)
Amended: May 28, 2004
Amended: August 4, 2005
Amended: June 22, 2006
Amended: [INSERT DATE OF AMENDMENT]

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 by the Board on June 22, 2006. Existing intervening test that is not amended is indicated by “* * *”.

**CALIFORNIA EXHAUST EMISSION STANDARDS AND TEST PROCEDURES
FOR 2001 AND SUBSEQUENT MODEL
PASSENGER CARS, LIGHT-DUTY TRUCKS AND MEDIUM-DUTY VEHICLES**

The provisions of Subparts B, C, and S, Part 86, Title 40, Code of Federal Regulations, as adopted or amended on May 4, 1999 or as last amended on such other date set forth next to the 40 CFR Part 86 section title listed below, and to the extent they pertain to exhaust emission standards and test procedures, are hereby adopted as the "California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," with the following exceptions and additions.

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

F. Requirements and Procedures for Durability Demonstration

4. §86.1823 Durability demonstration procedures for exhaust emissions

4.1 §86.1823-01 October 6, 2000. Amend as follows: Add the following sentences to the first paragraph: ~~Beginning with 2010 model-year vehicles or engines, at the time of certification manufacturers shall demonstrate that the emission control devices on their vehicles or engines will not exceed a valid failure rate of 4% or 50 vehicles, whichever is greater, in an engine family, test group or subgroup over the useful life of the vehicles or engines they are installed in. If any emission control device fails at this rate, that constitutes a violation of these test procedures and it entitles the Executive Officer of the Air Resources Board to require that the vehicles or engines they are installed in be recalled or subjected to corrective action as set forth in title 13 CCR, Division 3, Chapter 2, Article 5, sections 2166 through 2174.~~ Beginning with 2010 model-year vehicles or engines, at the time of certification manufacturers shall state, based on good engineering judgment and available information, that the emission control devices on their vehicles or engines are durable and are designed and will be manufactured to operate properly and in compliance with all applicable requirements for the full useful life (or allowable maintenance interval) of the vehicles or engines. Also, vehicles and engines tested for certification shall be, in all material respects, substantially the same as production vehicles and engines. If it is determined pursuant to title 13 CCR, Division 3, Chapter 2, Article 5, sections 2166 through 2174 that any emission

control component or device experiences a systemic failure because valid failures for that component or device meet or exceed four percent or 50 vehicles (whichever is greater) in a California-certified engine family or test group, it constitutes a violation of the foregoing test procedures and the Executive Officer of the Air Resources Board may require that the vehicles or engines be recalled or subjected to corrective action as set forth in title 13 CCR, Division 3, Chapter 2, Article 5, sections 2166 through 2174. Certification applications may not be denied based on the foregoing information provided that the manufacturer commits to correct the violation.

State of California
AIR RESOURCES BOARD

**CALIFORNIA EXHAUST EMISSION STANDARDS AND TEST PROCEDURES
FOR 2004 AND SUBSEQUENT MODEL
HEAVY-DUTY DIESEL-ENGINES AND VEHICLES**

Adopted: December 12, 2002
Amended: July 24, 2003
Amended: [INSERT DATE OF AMENDMENT]

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 adopted by the Board. Existing intervening test that is not amended is indicated by

“* * * *”.

**CALIFORNIA EXHAUST EMISSION STANDARDS AND TEST PROCEDURES
FOR 2004 AND SUBSEQUENT MODEL
HEAVY-DUTY DIESEL-ENGINES AND VEHICLES**

The following provisions of Subparts A, I, and N, Part 86, Title 40, Code of Federal Regulations, as adopted or amended by the U.S. Environmental Protection Agency on the date set forth next to the 40 CFR Part 86 section listed below, and only to the extent they pertain to the testing and compliance of exhaust emissions from heavy-duty diesel engines and vehicles, are adopted and incorporated herein by this reference as the "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles," except as altered or replaced by the provisions set forth below.

**Part I. GENERAL PROVISIONS FOR CERTIFICATION AND IN-USE
VERIFICATION OF EMISSIONS.**

**26. §86.004-26 Mileage and service accumulation; emission
measurements. October 6, 2000**

§86.004-26 October 6, 2000. Amend as follows: Add the following sentences to the first paragraph: ~~Beginning with 2010 model-year vehicles or engines, at the time of certification manufacturers shall demonstrate that the emission control devices on their vehicles or engines will not exceed a valid failure rate of 4% or 50 vehicles, whichever is greater, in an engine family, test group or subgroup over the useful life of the vehicles or engines they are installed in. If any emission control device fails at this rate, that constitutes a violation of these test procedures and it entitles the Executive Officer of the Air Resources Board to require that the vehicles or engines they are installed in be recalled or subjected to corrective action as set forth in title 13 CCR, Division 3, Chapter 2, Article 5, sections 2166 through 2174.~~ Beginning with 2010 model-year vehicles or engines, at the time of certification manufacturers shall state, based on good engineering judgment and available information, that the emission control devices on their vehicles or engines are durable and are designed and will be manufactured to operate properly and in compliance with all applicable requirements for the full useful life (or allowable maintenance interval) of the vehicles or engines. Also, vehicles and engines tested for certification shall be, in all material respects, substantially the same as

production vehicles and engines. If it is determined pursuant to title 13 CCR, Division 3, Chapter 2, Article 5, sections 2166 through 2174 that any emission control component or device experiences a systemic failure because valid failures for that component or device meet or exceed four percent or 50 vehicles (whichever is greater) in a California-certified engine family or test group, it constitutes a violation of the foregoing test procedures and the Executive Officer of the Air Resources Board may require that the vehicles or engines be recalled or subjected to corrective action as set forth in title 13 CCR, Division 3, Chapter 2, Article 5, sections 2166 through 2174. Certification applications may not be denied based on the foregoing information provided that the manufacturer commits to correct the violation.

**State of California
AIR RESOURCES BOARD**

**CALIFORNIA EXHAUST EMISSION STANDARDS AND TEST PROCEDURES
FOR 2004 AND SUBSEQUENT MODEL
HEAVY DUTY OTTO CYCLE ENGINES**

Adopted: December 27, 2000
Amended: December 12, 2002
Amended: [INSERT DATE OF AMENDMENT]

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 adopted by the Board. Existing intervening test that is not amended is indicated by

“* * * *”.

**CALIFORNIA EXHAUST EMISSION STANDARDS AND TEST
PROCEDURES FOR 2004 AND SUBSEQUENT MODEL
HEAVY DUTY OTTO CYCLE ENGINES**

The following provisions of Subparts A, N, and P, Part 86, Title 40, Code of Federal Regulations (“CFR”), as adopted or amended by the U.S. Environmental Protection Agency on the date set forth next to the 40 CFR Part 86 section listed below, and only to the extent they pertain to the testing and compliance of exhaust emissions from heavy-duty Otto-cycle engines, are adopted and incorporated herein by this reference as the “California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Otto-Cycle Engines,” with the following exceptions and additions.

**Part I. GENERAL PROVISIONS FOR CERTIFICATION AND IN-USE
VERIFICATION OF EMISSIONS.**

**26. §86.004-26 Mileage and service accumulation; emission
measurements. October 6, 2000**

§86.004-26 October 6, 2000. Amend as follows: Add the following sentences to the first paragraph: Beginning with 2010 model-year vehicles or engines, at the time of certification manufacturers shall demonstrate that the emission control devices on their vehicles or engines will not exceed a valid failure rate of 4% or 50 vehicles, whichever is greater, in an engine family, test group or subgroup over the useful life of the vehicles or engines they are installed in. If any emission control device fails at this rate, that constitutes a violation of these test procedures and it entitles the Executive Officer of the Air Resources Board to require that the vehicles or engines they are installed in be recalled or subjected to corrective action as set forth in title 13 CCR, Division 3, Chapter 2, Article 5, sections 2166 through 2174. Beginning with 2010 model-year vehicles or engines, at the time of certification manufacturers shall state, based on good engineering judgment and available information, that the emission control devices on their vehicles or engines are durable and are designed and will be manufactured to operate properly and in compliance with all applicable requirements for the full useful life (or allowable maintenance interval) of the vehicles or engines. Also, vehicles and engines tested for certification

shall be, in all material respects, substantially the same as production vehicles and engines. If it is determined pursuant to title 13 CCR, Division 3, Chapter 2, Article 5, sections 2166 through 2174 that any emission control component or device experiences a systemic failure because valid failures for that component or device meet or exceed four percent or 50 vehicles (whichever is greater) in a California-certified engine family or test group, it constitutes a violation of the foregoing test procedures and the Executive Officer of the Air Resources Board may require that the vehicles or engines be recalled or subjected to corrective action as set forth in title 13 CCR, Division 3, Chapter 2, Article 5, sections 2166 through 2174. Certification applications may not be denied based on the foregoing information provided that the manufacturer commits to correct the violation.

State of California
AIR RESOURCES BOARD

**CALIFORNIA REFUELING EMISSION STANDARDS AND TEST
PROCEDURES
FOR 2001 AND SUBSEQUENT MODEL MOTOR VEHICLES**

Adopted: August 5, 1999
Amended: September 5, 2003
Amended: June 22, 2006
Amended: [INSERT DATE OF AMENDMENT]

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 adopted by the Board. Existing intervening test that is not amended is indicated by
“* * * *”.

**CALIFORNIA REFUELING EMISSION STANDARDS AND TEST
PROCEDURES
FOR 2001 AND SUBSEQUENT MODEL MOTOR VEHICLES**

The provisions of Title 40, Code of Federal Regulations (CFR), Part 86, Subparts B (as adopted or amended by the U.S. Environmental Protection Agency (U.S. EPA) on the date listed) and S (as adopted on May 4, 1999, or as last amended on such other date set forth next to the 40 CFR Part 86 section title listed below) to the extent they pertain to the testing and compliance of vehicle refueling emissions for passenger cars, light-duty trucks and medium-duty vehicles, are hereby adopted as the "California Refueling Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles" with the following exceptions and additions.

Subpart S Requirements

I.General Certification Requirements for Refueling Emissions

G. §86.1825-01 Durability Demonstration procedures for refueling emissions.

§86.1825-01 October 6, 2000. Amend as follows: Add the following sentences to the first paragraph: Beginning with 2010 model-year vehicles or engines, at the time of certification manufacturers shall demonstrate that the emission control devices on their vehicles or engines will not exceed a valid failure rate of 4% or 50 vehicles, whichever is greater, in an engine family, test group or subgroup over the useful life of the vehicles or engines they are installed in. If any emission control device fails at this rate, that constitutes a violation of these test procedures and it entitles the Executive Officer of the Air Resources Board to require that the vehicles or engines they are installed in be recalled or subjected to corrective action as set forth in title 13 CCR, Division 3, Chapter 2, Article 5, sections 2166 through 2174. Beginning with 2010 model-year vehicles or engines, at the time of certification manufacturers shall state, based on good engineering judgment and available information, that the emission control devices on their vehicles or engines are durable and are designed and will be manufactured to operate properly and in compliance with all applicable requirements for the full useful life (or allowable maintenance interval) of the vehicles or engines. Also, vehicles and engines tested for certification shall be, in all material respects, substantially the same as production

vehicles and engines. If it is determined pursuant to title 13 CCR, Division 3, Chapter 2, Article 5, sections 2166 through 2174 that any emission control component or device experiences a systemic failure because valid failures for that component or device meet or exceed four percent or 50 vehicles (whichever is greater) in a California-certified engine family or test group, it constitutes a violation of the foregoing test procedures and the Executive Officer of the Air Resources Board may require that the vehicles or engines be recalled or subjected to corrective action as set forth in title 13 CCR, Division 3, Chapter 2, Article 5, sections 2166 through 2174. Certification applications may not be denied based on the foregoing information provided that the manufacturer commits to correct the violation.

State of California
AIR RESOURCES BOARD

**CALIFORNIA EVAPORATIVE EMISSION STANDARDS AND TEST
PROCEDURES
FOR 2001 AND SUBSEQUENT MODEL MOTOR VEHICLES**

Adopted: August 5, 1999
Amended: June 22, 2006
Amended: [INSERT DATE OF AMENDMENT]

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 adopted by the Board. Existing intervening test that is not amended is indicated by
“* * *”.

CALIFORNIA EVAPORATIVE EMISSION STANDARDS AND TEST PROCEDURES

FOR 2001 AND SUBSEQUENT MODEL MOTOR VEHICLES

The provisions of Title 40, Code of Federal Regulations (CFR), Part 86, Subparts A and B as adopted or amended as of July 1, 1989, and Subpart S as adopted or amended on May 4, 1999, insofar as those subparts pertain to evaporative emission standards and test procedures, are hereby adopted as the California Evaporative Emission Standards and Test Procedures for 2001 and Subsequent Model Years, with the following exceptions and additions:

PART I. GENERAL CERTIFICATION REQUIREMENTS FOR EVAPORATIVE EMISSIONS

PART II. DURABILITY DEMONSTRATION

2. Durability Demonstration Procedures for Evaporative Emissions

Add new section 2.0: Amend as follows: Add the following sentences to the first paragraph: ~~Beginning with 2010 model-year vehicles or engines, at the time of certification manufacturers shall demonstrate that the emission control devices on their vehicles or engines will not exceed a valid failure rate of 4% or 50 vehicles, whichever is greater, in an engine family, test group or subgroup over the useful life of the vehicles or engines they are installed in. If any emission control device fails at this rate, that constitutes a violation of these test procedures and it entitles the Executive Officer of the Air Resources Board to require that the vehicles or engines they are installed in be recalled or subjected to corrective action as set forth in title 13 CCR, Division 3, Chapter 2, Article 5, sections 2166 through 2174. Beginning with 2010 model-year vehicles or engines, at the time of certification manufacturers shall state, based on good engineering judgment and available information, that the emission control devices on their vehicles or engines are durable and are designed and will be manufactured to operate properly and in compliance with all applicable requirements for the full useful life (or allowable maintenance interval) of~~

the vehicles or engines. Also, vehicles and engines tested for certification shall be, in all material respects, substantially the same as production vehicles and engines. If it is determined pursuant to title 13 CCR, Division 3, Chapter 2, Article 5, sections 2166 through 2174 that any emission control component or device experiences a systemic failure because valid failures for that component or device meet or exceed four percent or 50 vehicles (whichever is greater) in a California-certified engine family or test group, it constitutes a violation of the foregoing test procedures and the Executive Officer of the Air Resources Board may require that the vehicles or engines be recalled or subjected to corrective action as set forth in title 13 CCR, Division 3, Chapter 2, Article 5, sections 2166 through 2174. Certification applications may not be denied based on the foregoing information provided that the manufacturer commits to correct the violation.
