

## UPDATED INFORMATIVE DIGEST

**Sections Affected:** Amendment of the following sections of Title 13, California Code of Regulations (CCR), and the documents incorporated by reference therein: section 2403, "Exhaust Emission Standards and Test Procedures" and the incorporated "California Exhaust Emission Standards and Test Procedures for 1995 and Later Utility and Lawn and Garden Equipment Engines"; section 2412, "Emission Standards and Test Procedures - New Off-Highway Recreational Vehicles and Engines."

**Background and Regulatory Action:** ARB authority to regulate off-road mobile sources of emissions exists under the California Clean Air Act of 1988 as codified in the Health and Safety Code sections 43013 and 43018. Included in the off-road category are construction and farm equipment, marine vessels, locomotives, utility engines, off-road motorcycles, and off-highway vehicles.

### Utility Engines

The ARB initially adopted the utility regulations on March 20, 1992. The utility engine regulations include exhaust emission standards, and provisions for emission test procedures, engine label requirements, warranty, and compliance programs. In addition, the regulations as initially adopted established emission standards for hydrocarbons (HC) and oxides of nitrogen (NOx), for non-handheld and handheld utility engines. ARB received authorization to enforce the utility regulations pursuant to Section 209(e) of the Federal Clean Air Act on July 5, 1996.

On or about March 28, 1996, the Tecumseh Products Company and the Toro Company, along with several servicing dealers, petitioned ARB to exempt snowthrowers and ice augers from having to meet emission standards for HC and NOx.

In their petition, the Tecumseh and the Toro Companies claimed that HC and NOx emissions from snowthrowers and ice augers are insignificant in comparison to the total emissions from utility engines used in the state. They also claimed that HC and NOx emissions become even less significant when considered in the context of ground level ozone, because snowthrowers and ice auger emissions are produced primarily in the wintertime, when ozone problems generally do not occur. In adopting federal regulations for small nonroad engines, the United States Environmental Protection Agency (U.S. EPA) similarly concluded that the seasonal use of such equipment does not measurably impact ozone nonattainment concentrations. The final federal rule provides manufacturers of wintertime products with the option of not having to certify to the HC and NOx standards.

ARB concurred with the reasoning of the petitioners and the U.S. EPA and aligned the utility regulations with the federal rule by adopting a similar option for manufacturers of engines used in snowthrowers and ice augers. However, if an engine manufacturer produces an engine that is used in snowthrowers or ice augers and is also used in other products that are not used

exclusively in the winter, then staff proposed that such engines would be required to be certified to the applicable HC and NO<sub>x</sub> standards for non-wintertime engines.

#### Off-Highway Recreational Vehicle Engines

The off-highway recreational vehicles and engines regulations were originally adopted by ARB on January 14, 1994. These regulations include exhaust emission standards, and provisions for emission test procedures, engine label requirements, warranty, and compliance programs. Among other things, the regulations as initially adopted established a Tier I CO standard of 300 g/bhp-hr for specialty vehicles less than 25 horsepower, for calendar years 1995-1998. The adopted CO standard was identical to the CO standard that had earlier been adopted for utility engines (See Title 13, CCR, section 2403), which are the same engines as used in specialty vehicles.

On January 25, 1996, ARB amended the utility regulations in response to a petition filed by the Briggs & Stratton Corporation. The amendment raised the Tier I CO standard, for Class I and Class II utility engines, from 300 g/bhp-hr to 350 g/bhp-hr for the 1996-1998 calendar years.

In this rulemaking, ARB amended the emission standards for engines under 25 horsepower used in specialty vehicles to realign the CO emission standard, with the recently amended Tier I CO emission standard for the 1996-1998 utility engines. The realignment precludes manufacturers from having to produce different small engines for utility equipment and specialty vehicles.

U.S. EPA recently promulgated a final rule that revises the federal CO standard and aligns the federal and state standards for such engines. (See *Class I and II Nonhandheld New Nonroad Phase 1 Small Spark-Ignition Engines; Revised Carbon Monoxide (CO) Standard; Final Rule*, 61 Fed.Reg. 58295 (November 13, 1996); see also recent amendments to Title 13, CCR, section 2403(b), approved by the Office of Administrative Law on August 29, 1996.) The amendment to the CO standard for engines used in specialty vehicles would align that standard with the present CO standard for other small offroad engines.