

State of California  
AIR RESOURCES BOARD

Resolution 84-42

August 23, 1984

Agenda Item No.: 84-12-3

WHEREAS, Section 39601 of the Health and Safety Code authorizes the Air Resources Board (the "Board") to adopt standards, rules and regulations necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, Sections 39002, 43000, 43013, 43101, and 43104 of the Health and Safety Code authorize the Board to adopt emissions standards and test procedures to control air pollution caused by motor vehicles, and pursuant to these provisions the Board has adopted emissions standards and test procedures for new motor vehicles covering various pollutants including particulate emissions from diesel vehicles;

WHEREAS, Section 43100 of the Health and Safety Code authorizes the Board to certify new motor vehicles, and Section 43102 provides that no new motor vehicle shall be certified unless it meets the emission standards and test procedures adopted by the Board;

WHEREAS, Section 43106 of the Health and Safety Code requires that each new motor vehicle required to meet the emission standards established pursuant to Section 43101 be, in all material respects, substantially the same in construction as the test motor vehicle certified by the Board;

WHEREAS, Section 43204 of the Health and Safety Code requires the manufacturer of each motor vehicle to warrant to the ultimate purchaser and each subsequent purchaser that the motor vehicle is:

- (1) Designed, built, and equipped so as to conform, at the time of sale, with the applicable emission standards;
- (2) Free from defects in materials and workmanship which cause such motor vehicle or motor vehicle engine to fail to conform with the applicable regulations for its useful life;

WHEREAS, the Board has adopted emission control system warranty regulations which are set forth in Title 13, California Administrative Code, Sections 2035 et seq., and which incorporate the Emissions Warranty Parts List, as last amended June 29, 1983;

WHEREAS, the Board's emission control system warranty regulations provide that any part contained on the Emissions Warranty Parts List shall be warranted for the useful life of the vehicle, unless the part is scheduled for replacement during the useful life in the manufacturer's written instructions, in which case the part shall be warranted for the scheduled time or mileage, whichever first occurs, of the first scheduled replacement point for that part;

WHEREAS, the Emissions Warranty Parts List does not presently include the diesel particulate control system or components;

WHEREAS, Section 2035(c)(1)(E), Title 13, California Administrative Code, defines useful life to mean a period of use of ten years or 100,000 miles, whichever first occurs, in the case of light-duty and medium-duty vehicles certified under the Optional 100,000-Mile Certification Procedure;

WHEREAS, the durability vehicle basis of the Board's particulate emission standard for 1985 and subsequent model year diesel-powered passenger cars, light-duty trucks, and medium-duty vehicles, including those vehicles certified to the Optional 100,000-Mile Certification Procedure, is 50,000 miles;

WHEREAS, in accordance with recent amendments to Health and Safety Code Section 43204 (stats. 1982, ch. 1173; AB 2046), the Emissions Warranty Parts List identifies those components on new vehicles, certified to the optional emission standards pursuant to Section 1960.15, Title 13, California Administrative Code, which are subject to a reduced two-year or 24,000-mile warranty period;

WHEREAS, the staff has proposed regulatory amendments which would add diesel particulate control components to the Emissions Warranty Parts List; clarify the warranty period applicable to light-duty diesel particulate control systems on vehicles certified under the Optional 100,000-mile Certification Procedure; and clarify the applicability of the reduced two-year or 24,000-mile warranty provisions to miscellaneous warranted parts;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project having significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce and avoid such impacts;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with Section 11340), Part 1, Division 3, Title 2 of the Government Code; and

WHEREAS, the Board finds that:

The addition to the Emissions Warranty Parts List of the diesel particulate emission control system components proposed by staff is appropriate and necessary to assure that diesel particulate emission control systems are fully subject to the Board's emissions warranty regulations;

In order for the useful life definitions of the Board's emissions warranty regulations to be parallel with the certification durability bases, it is necessary and appropriate to amend the useful life definition in Section 2035(c)(1)(E), Title 13, California Administrative Code, as set forth in Attachment A hereto;

The amendments to Section X and the footnote in the Emissions Warranty Parts List, shown in Attachment B hereto, are necessary to remove a potential ambiguity in the regulations and to make clear that the miscellaneous items subject to the two-year/24,000-mile warranty include only those items used on the fuel metering and ignition system components which are themselves subject to the shorter warranty period; and

The amendments approved herein will have no significant adverse environmental impacts.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the amendments to Sections 2035 and 2036(c), Title 13, California Administrative Code, set forth in Attachment A hereto.

BE IT FURTHER RESOLVED that the Board hereby approves the amendments to the "Emissions Warranty Parts List", set forth in Attachment B hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt the amendments set forth in Attachments A and B after making them available to the public for a period of 15 days, and with such minor modifications as may be appropriate in light of written comments submitted during this period, provided that the Executive Officer shall present the regulations to the Board for further consideration if he determines that this is warranted in light of the written comments received.

BE IT FURTHER RESOLVED that the Board hereby determines that the amendments approved herein will not cause the California emission standards, in the aggregate, to be less protective of public health and welfare than applicable federal standards, will not cause the California requirements to be inconsistent with Section 202(a) of the Clean Air Act, and raise no new issues affecting previous waiver determinations of the Administrator of the Environmental Protection Agency pursuant to Section 209(b) of the Clean Air Act.

BE IT FURTHER RESOLVED that the Executive Officer shall forward the amended regulation to the Environmental Protection Agency with a request for confirmation that the amendments are within the scope of an existing waiver, pursuant to Section 209(b)(1) of the Clean Air Act.

I certify that the above is a true and correct copy of Resolution 84-42, as adopted by the Air Resources Board.

  
Harold Holmes, Board Secretary

State of California  
AIR RESOURCES BOARD

Public Hearing to Consider Amendments to Emissions Warranty Regulations

Hearing Date: August 23, 1984  
Public Availability Date: August 27, 1984

On August 23, 1984, the Air Resources Board (the "Board") approved amendments to its emissions warranty regulations which would add specified diesel particulate control system components to the list of parts subject to the defect warranty requirements; clarify the definition of "useful life" for these components, which determines the duration of the manufacturer's warranty obligations; and clarify the applicability of reduced two-year or 24,000-mile warranty provisions to miscellaneous warranted parts used on emission control systems. The regulations which would be amended are Sections 2036 and 2036(c), Title 13, California Administrative Code, and the incorporated "Emissions Warranty Parts List." Attached is a copy of the Board's Resolution 84-42, approving these amendments.

The approved amendments are identical to those previously proposed by staff, with the exception of one deletion in the proposed language in Section 2036(c)(i)(E). Appended to Resolution 84-42 are the approved amendments, showing the deletion from the original proposed language in slashes.

In Resolution 84-42 the Board directed the Executive Officer to adopt the approved amendments after making them available to the public for a period of 15 days, and with such minor modifications as may be appropriate in light of written comments submitted during this period, provided that the Executive Officer shall present the regulations to the Board for further consideration if he determines that this is warranted in light of the written comments received. Any written comments must be received by the Board Secretary, Air Resources Board, P. O. Box 2815, Sacramento CA 95812 by September 11, 1984 to be considered.

Proposed Amendments to Sections 2035 and 2036(c),  
Title 13, California Administrative Code

Amend Section 2035, Title 13, California Administrative Code, to read as follows:

2035. Purpose, Applicability, and Definitions

(a) The purpose of this article is to interpret and make specific the statutory emissions warranty set forth in Health and Safety Code Section 43204 by clarifying the rights and responsibilities of individual motor vehicle and motor vehicle engine owners, motor vehicle and motor vehicle engine manufacturers, and the service industry.

(b) This article shall apply to:

(1) California certified 1973 and subsequent model year motorcycles, light-duty, medium-duty, and heavy-duty vehicles, registered in California, and

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

(c) For the purposes of this article, the following definitions shall apply:

(1) "Useful life" means:

(A) In the case of 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.

(B) In the case of 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.

(C) In the case of 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.

(D) In the case of diesel-powered heavy-duty vehicles (except medium-duty vehicles), and motor vehicle engines used in such vehicles, a period of use of five years, 100,000 miles, or 3000 hours of operation, whichever first occurs.

(E) In the case of 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, except as otherwise provided in this paragraph. In the case of diesel particulate control system components on 1985 and subsequent model year light-duty and medium-duty vehicles certified under the Optional 100,000 Mile Certification Procedure, "useful life" means five years or 50,000 miles, whichever first occurs, for failures of such components which do not result in the failure of any other warranted part ~~substantially~~ to perform as designed during the useful life of the vehicle, and ten years or 100,000 miles, whichever first occurs, for all other failures.

(F) In the case of vehicles certified to the optional emission standards pursuant to Health and Safety Code Section 43101.5(a), which are sold on or after January 1, 1983, for fuel metering and ignition components contained in the state board's "Emissions Warranty Parts List", dated December 14, 1978, as amended ~~June-29, 1983,~~ \_\_\_\_\_, a period of use of two years or 24,000 miles, whichever first occurs, and for all other warranted parts, a period of use of five years or 50,000 miles, whichever first occurs.

(G) In the case of all other light-duty, medium-duty and heavy-duty vehicles, and motor vehicle engines used in such vehicles, a period of use of five years or 50,000 miles, whichever first occurs.

(2) "Warranted part" means any emissions-related part installed on a motor vehicle or motor vehicle engine by the vehicle or engine manufacturer which is included on the "Emissions Warranty Parts List" required by Section 2036(c) and approved for the vehicle or engine by the executive officer.

(3) "Vehicle or engine manufacturer" means the manufacturer granted certification for a motor vehicle or motor vehicle engine. In the case of motor vehicles for which certification of the exhaust and evaporative emission control systems is granted to different manufacturers, the warranty responsibility shall be assigned accordingly.

NOTE: Authority cited: Sections 39600 and 39601, Health and Safety Code.  
Reference: Sections 43106 and 43204, Health and Safety Code.

Amend Section 2036(c), Title 13, California Administrative Code, to read as follows:

(c) Commencing with 1980 models sold on or after September 1, 1979, furnish with each new vehicle or engine a list of the "warranted parts" installed on that vehicle or engine. The list shall include those parts included on the Air Resources Board "Emissions Warranty Parts List," dated December 14, 1978, as amended on ~~June 29, 1983~~ \_\_\_\_\_, and incorporated herein by reference.

NOTE: Authority cited: Sections 39600 and 39601, Health and Safety Code.  
Reference: Sections 43106 and 43204, Health and Safety Code.

Proposed Amendments to Emissions Warranty Parts List

State of California  
AIR RESOURCES BOARD

Adopted: December 14, 1978  
Amended: June 29, 1983  
Amended:

Emissions Warranty Parts List

I. Fuel Metering System

- A. Carburetor and internal parts (or fuel injection system)\*
- B. Air/fuel ratio feedback and control system
- C. Cold start enrichment system\*

II. Air Induction System

- A. Controlled hot air intake system
- B. Intake manifold
- C. Heat riser valve and assembly
- D. Turbocharger systems

III. Ignition System

- A. Distributor and internal parts\*
- B. Spark advance/retard system
- C. Spark plugs\*
- D. Ignition coil and/or control module
- E. Ignition wires\*

IV. Evaporative Control System

- A. Vapor storage canister
- B. Vapor-liquid separator
- C. Fuel tank and filler cap

V. Positive Crankcase Ventilation (PCV) System

- A. PCV valve
- B. Oil filler cap

VI. Exhaust Gas Recirculation (EGR) System

- A. EGR valve body, and carburetor spacer if applicable
- B. EGR rate feedback and control system



VII. Air Injection System

- A. Air pump
- B. Valves affecting distribution of flow
- C. Distribution manifold

VIII. Catalyst or Thermal Reactor System

- A. Catalytic converter & constricted fuel filler neck
- B. Thermal reactor
- C. Exhaust manifold
- D. Exhaust portliner and/or double walled exhaust pipe

IX. Diesel Particulate Control System

- A. Traps, filters, precipitators, and any other device used to capture particulate emissions.
- B. Regenerators, oxidizers, fuel additive devices, and any other device used to regenerate or aid in the regeneration of the particulate control device.
- C. Control device enclosures and manifolding.

~~IX~~ X. Miscellaneous Items Used in Above Systems

- A. Hoses, clamps, fittings, tubing, sealing gaskets or devices, and mounting hardware\* hardware
- B. Pulleys, belts and ~~idlers~~\* idlers
- C. Vacuum, temperature, and time sensitive valves and switches
- D. Electronic controls

\* These items components, and parts in Sections X.A. and X.B. to the extent they are used in conjunction with these components, are warranted for two years or 24,000 miles, whichever first occurs, if the vehicle was certified to the optional emission standards pursuant to Section 1960.1.5, Title 13, California Administrative Code, and sold on or after January 1, 1983. The warranty period for other items or vehicles is specified in Section 2035 of Title 13.

# Memorandum

To : Gordon Van Vleck  
Secretary  
Resources Agency

Date : February 1, 1985

Subject: Filing of Notice of  
Decisions of the Air  
Resources Board

*(Harold Holmes)*  
From Harold Holmes  
Board Secretary  
Air Resources Board

Pursuant to Title 17, Section 60007 (b), and in compliance with Air Resources Board certification under section 21080.5 of the Public Resources Code, the Air Resources Board hereby forwards for posting the attached notice of decision and response to environmental comments raised during the comment period.

## ATTACHMENTS

84-38  
84-41  
84-42  
84-52

FILED AND POSTED BY  
OFFICE OF THE SECRETARY

FEB 5 1985

Resources Agency of California