

State of California  
AIR RESOURCES BOARD

Resolution 85-61

July 25, 1985

Agenda Item No.: 85-11-2

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 43101 and 43102 of the Health and Safety Code authorize the Board to adopt and implement emission standards for new motor vehicles and pursuant to these provisions no new motor vehicle shall be certified by the Board unless the vehicle meets the emission standards;

WHEREAS, in 1981 the Legislature amended Section 43102 of the Health and Safety Code to require the Board to adopt certification and enforcement regulations which will allow a manufacturer to certify in California federally certified light-duty motor vehicles which would otherwise be unavailable in this state, provided that their emissions are offset by the manufacturer's California-certified motor vehicles whose emissions are below the California standards;

WHEREAS, the Board in 1982 responded to the legislation by adopting "Guidelines for Certification of 1983 Model Year Federally Certified Light-Duty Motor Vehicles for Sale in California" (the "Guidelines"), and adopted Section 1960.5 and amended Section 2061, Title 13, California Administrative Code, which incorporate the Guidelines;

WHEREAS, in 1983 the Board adopted amendments extending the original Guidelines through the 1987 model year;

WHEREAS, the Board held a public meeting on July 26, 1984 to review the status of the program for certifying federally certified vehicles for sale in California and to assess its environmental impact;

WHEREAS, at the July 26, 1984 public meeting the Board directed the staff to review and, if necessary, propose amendments to the Guidelines which would prevent manufacturers from carrying over year-end emissions deficits, caused by overestimating sales of California vehicles, for successive model years;

WHEREAS, the staff has prepared proposed amendments to the Guidelines and to Sections 1960.5 and 2061, Title 13, California Administrative Code, in order to prevent carry-over of emissions deficits for two or more years;

WHEREAS, the amendments proposed by staff would prohibit a manufacturer from selling in California federal vehicles in a particular vehicle category when the manufacturer has a year-end emissions deficit for the vehicle category, caused by misjudging sales of California vehicles, for two consecutive model years; would require that the deficit be cleared in the 12-month period and identify applicable penalties for deficits which are not cleared in the period; and would make other related changes;

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:

It is necessary and appropriate to amend the Guidelines and associated regulations in order to assure that manufacturers refrain from excessive carry-over of emissions deficits for successive model years;

Adoption of the amendments set forth in Attachments A, B, and C will deter manufacturers from overwithdrawal of emissions credits in successive model years and will concurrently provide adequate flexibility for manufacturers to adjust their sales projections to changing market conditions; and

Adoption of the amendments set forth in Attachments A, B, and C will result in no significant adverse environmental impacts.

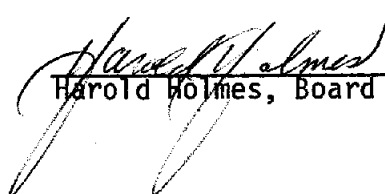
NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the amendments to Section 1960.5, Title 13, California Administrative Code, as set forth in Attachment A; Section 2061, Title 13, California Administrative Code, as set forth in Attachment B; and "Guidelines for Certification of 1983 Model Year Federally Certified Light-Duty Motor Vehicles for Sale in California," as set forth in Attachment C.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt the amendments set forth in Attachments A, B and C 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 finds that the regulations as amended herein, individually and in the aggregate with other California motor vehicle emission regulations, are at least as protective of public health and welfare as comparable federal regulations and are consistent with Section 202(a) of the federal Clean Air Act.

BE IT FURTHER RESOLVED that, to the extent a waiver is necessary, the Executive Officer shall forward the adopted and amended regulations to the Environmental Protection Agency with a request for a waiver of federal preemption or 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 hereby certify that the above is a true and correct copy of Resolution 85-61, as adopted by the Air Resources Board.

  
Harold Holmes, Board Secretary

Amend Section 1960.5, Title 13, California Administrative Code, to read as follows:

1960.5. Certification of 1983 through 1987 Model Year Federally Certified Light-Duty Motor Vehicles for Sale in California.

(a) The exhaust emissions from new 1983 through 1987 model year federally certified passenger cars and light-duty trucks, subject to registration and sold and registered in this state pursuant to Section 43102(b) of the California Health and Safety Code, shall not exceed the applicable federal emissions standards as determined under applicable federal test procedures.

(b) With respect to any new vehicle required to comply with the standards set forth in paragraph (a), the manufacturer's written maintenance instructions for in-use vehicles shall not require scheduled maintenance more frequently than or beyond the scope of maintenance permitted under the test procedures referenced in paragraph (a). Any failure to perform scheduled maintenance shall not excuse an emissions violation unless the failure is related to or causes the violation.

(c) The standards and procedures for certifying in California 1983 through 1987 model year federally certified light-duty motor vehicles are set forth in "Guidelines for Certification of 1983 through 1987 Model Year Federally Certified Light-Duty Motor Vehicles for Sale in California", adopted July 20, 1982, as last amended ~~December 16, 1983~~ \_\_\_\_\_.

NOTE: Authority cited: Sections 39601, 43100 and 43102, Health and Safety Code. Reference: Section 43102, Health and Safety Code.

Amend Section 2061, Title 13, California Administrative Code, as follows:

2061. Assembly-Line Test Procedures -- 1983 and Subsequent Model Years.

New 1983 and subsequent model year passenger cars, light-duty trucks, and medium-duty vehicles subject to certification and manufactured for sale in California shall be tested in accordance with the "California Assembly-Line Test Procedures for 1983 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles," adopted November 24, 1981, as amended August 21, 1984, including federally certified light-duty motor vehicles, except as provided in "Guidelines for Certification of 1983 through 1987 Model Year Federally Certified Light-Duty Motor Vehicles for Sale in California", adopted July 20, 1982, as last amended ~~December 15, 1983~~ \_\_\_\_\_.

NOTE: Authority cited: Sections 39515, 39600, 39601 and 43210, Health and Safety Code. Reference: Sections 39002, 39003, 39500, 43101, 43102, 43105, 43210, 43211 and 43212, Health and Safety Code.

State of California  
AIR RESOURCES BOARD

GUIDELINES FOR CERTIFICATION OF 1983 THROUGH 1987  
MODEL YEAR FEDERALLY CERTIFIED LIGHT-DUTY MOTOR  
VEHICLES FOR SALE IN CALIFORNIA

Adopted: July 20, 1982  
Amended: September 16, 1983  
Amended: December 15, 1983  
Amended:

NOTE: These Guidelines are printed to identify in underline and strikeout form proposed changes from the Guidelines as amended December 15, 1983. Modifications to the original staff proposal accompanying the May 28, 1985 notice are shown by double underlines for additions and slashes for deletions. Headings are underlined in the existing Guidelines and are not new additions.

GUIDELINES FOR CERTIFICATION OF 1983 THROUGH 1987  
MODEL YEAR FEDERALLY CERTIFIED LIGHT-DUTY MOTOR  
VEHICLES FOR SALE IN CALIFORNIA

I. APPLICABILITY

These guidelines adopted pursuant to Section 43102(b) of the California Health and Safety Code are applicable to 1983 through 1987 model year federally certified light-duty motor vehicles proposed for sale in California. These guidelines are not applicable to medium-duty trucks, motorcycles, heavy-duty engines, heavy-duty vehicles, emergency vehicles, or vehicles with engines having a displacement less than 50 cubic inches.

II. DEFINITIONS

For the purposes of these guidelines:

1. "Light-duty motor vehicle" means a vehicle having a manufacturer's maximum gross vehicle weight rating of under 6,001 pounds (California Health and Safety Code Section 39035).
2. "California vehicle" means a motor vehicle originally certified in California by an Executive Order.
3. "Equivalent inertia weight (EIW)" is defined under subparagraph 86.129-79(a), Title 40, Code of Federal Regulations.
4. "Federal vehicle" means a motor vehicle originally certified federally by a Certificate of Conformity.
5. "Model" means a unique combination of car line, basic engine, and transmission class, or as defined by a manufacturer with the approval of the Executive Officer.

6. "Car Line" means a name denoting a group of vehicles within a make or car division which has a degree of commonality in construction (e.g., body, chassis). Car line does not consider any level of decor or opulence and is not generally distinguished by characteristics as roof line, number of doors, seats, or windows, except for station wagons or light-duty trucks. Station wagons and light-duty trucks are considered to be different car lines than passenger cars.
7. "Basic Engine" means a unique combination of manufacturer, engine displacement, number of cylinders, fuel system (as distinguished by use of carburetor or fuel injection), and catalyst usage.
8. "Transmission Class" means a group of transmissions having the following common features: basic transmission type (manual, automatic, or semi-automatic), number of forward speeds (e.g., manual four-speed, three-speed automatic, two-speed semi-automatic).

### III. CERTIFICATION OF FEDERAL VEHICLES

To receive certification for federal vehicle sales in California, a manufacturer shall:

- A. Provide to the Executive Officer evidence of federal certification, and a statement that the model(s) for which certification is requested are not available in California.



- B. Provide a warranty on emissions-related parts in accordance with Sections 2035 et seq., Title 13, California Administrative Code, as they apply to vehicles certified under the primary California standards. However, federal vehicles which are offset by California vehicles certified to a 100,000-mile optional standard shall provide a ten-year/100,000-mile warranty.
- C. Provide: 1) certification emission levels of federal models intended for sale in California, 2) quarterly production reports, by model and engine family, of vehicles intended for sale or sold in California, and 3) other information which the Executive Officer deems necessary to calculate emissions offset credits, emission deficits, or air quality impacts.
- D. Label each vehicle on the assembly-line with the statement "conforms to federal regulations and is certified for sale in California" to distinguish federal vehicles certified for sale in California from other federal and California vehicles.

IV. ASSEMBLY-LINE AND ENFORCEMENT TESTING

- A. All federal vehicles certified and intended for sale in California shall comply with all provisions of the applicable California Assembly-Line Test Procedures, except that:
  - 1. The Executive Officer, at his or her discretion, may accept quality audit emissions data from other sources in lieu of a 2 percent quality audit of federal vehicle production intended for sale in California.

2. Manufacturers which have projected sales of less than 1,000 federal vehicles per model year in California shall be exempt from the 2 percent quality audit requirement. However, such manufacturers shall submit to the Executive Officer any other similar data which may be available.
  3. Data submitted in lieu of 2 percent quality audit data shall be accompanied either by a statement that the data were generated according to California Assembly-Line Test Procedures, or by a description of how the testing and analysis procedures used depart from California Assembly-Line Test Procedures.
  4. The Executive Officer, at his or her discretion, may waive the requirement for 100 percent steady state emissions testing of federal vehicles intended for sale in California in cases where lack of test facilities or other factors would place undue burden on vehicle manufacturers.
- B. All federal vehicles certified for sale in California shall be subject to the compliance testing requirements of Title 13, California Administrative Code.

V. OFFSETTING PROCEDURE

- A. Emissions offsetting shall be limited as follows:
1. By manufacturer. A manufacturer shall not trade, sell, transfer, or in any other manner exchange emissions credits with another manufacturer, except that a manufacturer which supplies engines to a vehicle

manufacturer may also supply offsetting emission credits if the vehicle manufacturer's total production for California is less than 200 units per model year.

2. By vehicle category. Vehicle categories are: (a) passenger cars and (b) light-duty trucks (less than 6,001 pounds gross vehicle weight rating). Emission credits from vehicles in one category shall not offset vehicles in the other category.
3. By fuel type. Offsetting shall be conducted only among vehicles with like fuels (e.g., gasoline to gasoline, diesel to diesel, etc.).
4. By durability option. Federal vehicles which are offset by California vehicles certified to the optional 100,000-mile emissions standards must demonstrate 100,000-mile durability, or the equivalent, subject to the approval of the Executive Officer.
5. By model. No federally certified vehicle shall be certified or sold in California if a comparable California model of the same manufacturer is offered in the same model year.
6. By pollutant. Oxides of nitrogen (NOx) and particulates are the only pollutants which may be offset for passenger cars. Hydrocarbons, carbon monoxide, NOx, and particulates may be offset for light-duty trucks. Particulates may be offset for passenger cars and light-duty trucks only for the 1985 model year.

Evaporative hydrocarbons are not eligible for offsets.

Total hydrocarbon data shall be compared directly to non-methane hydrocarbon data for purposes of calculating offsets.

- B. Each manufacturer shall submit to the Executive Officer by October 1 of each year, or as soon thereafter as is practicable: (1) an estimate of the emissions credits which it will accrue based upon California certified emissions levels and projected sales of California vehicles; and (2) an estimate of the emissions credits which it will use based upon federal certification emissions levels and estimated sales of federal vehicles in California. These estimates may be changed at any time within the model year, subject to the approval of the Executive Officer. A change shall be deemed approved unless the Executive Officer disapproves the change in writing within 30 days of the Executive Officer's receipt of the change.

- C. Within the bounds of Part A, emissions credits that can be accrued by a California certified vehicle shall be the difference between the applicable California standard and the certification emissions level.

$$\text{Estimated Credits} = \sum_{i=1}^m \text{Calsales}_i (\text{Calstd} - \text{Calcert}_i)$$

Where:  $m$  = Number of California engine families certified to a set of California standards (passenger cars, 0-3999 pounds EIW trucks, 4000-5999 pounds EIW trucks) for a given manufacturer.

Calsales = Manufacturer's projected sales by engine family.

Calstd = Applicable California standard.

Calcert = California engine family certification level listed on the Executive Order for the applicable engine family.

- D. Within the bounds of Part A, the emissions required to offset a federal vehicle shall be the difference between the federal certification level and the sales-weighted mean certification level of all California engine families (Calmean) as of February 1 of the previous model year for passenger cars or the appropriate light-duty truck group as applicable. If a new standard is implemented, an estimated Calmean shall be determined at 80 percent of the new standard. The estimated Calmean shall be applicable, for the initial model year under the new standard only.

$$\text{Estimated Withdrawals} = \sum_{j=1}^n \text{Fedsales}_j (\text{Fedcert}_j - \text{Calmean})$$

Where: n = Number of unavailable passenger car and light-duty trucks by model types.

Fedsales = Estimated sales of unavailable federal model types in California for a given model year.

Fedcert = Federal certification level of the engine family containing the unavailable model. Federal certification level shall be taken as the highest level, for each pollutant, of any emission data vehicle in an engine family.

Calmean = Sales weighted mean certification emission level of all California engine families (industry-wide) within the appropriate standards category.

- E. The estimates referred to in Parts B, C, and D shall be ~~corrected-at-year-end~~ updated at the end of the model year production period to final estimates using vehicle production data and, to the extent available, assembly-line emissions data, ~~if available~~. Within 60 days after the end of the model year production period, the manufacturer shall submit final estimates for the model year.
- F. For the purposes of withdrawals, the 0 to 3,999 lbs. and 4,000 to 5,999 lbs. EIW groups may be combined for light-duty trucks.
- G. Manufacturers shall individually be limited to withdrawing the following percentages of accrued credits for offsetting federal vehicles:
- |                              |   |     |                        |
|------------------------------|---|-----|------------------------|
| Passenger Car NOx            | - | 8%  |                        |
| Passenger Car Particulate    | - | 11% | (1985 model year only) |
| Light-Duty Truck HC          | - | 74% |                        |
| Light-Duty Truck CO          | - | 17% |                        |
| Light-Duty Truck NOx         | - | 39% |                        |
| Light-Duty Truck Particulate | - | 45% | (1985 model year only) |
- H. An emission deficit in the final estimate for a model year ~~caused by withdrawing sales of California vehicles~~ shall be carried over and offset in the next model year.

1. A manufacturer with an emission deficit, ~~caused by misjudging~~  
~~sales of California vehicles,~~ for the same vehicle category  
for two consecutive model years based on final estimates shall  
not receive certification under these guidelines for any  
federal vehicles within that vehicle category produced during  
a 12-month period commencing 15 days after receipt of written  
notification from the Executive Officer. The manufacturer  
shall during the 12-month period offset all emissions deficits  
accumulated for the vehicle category. The manufacturer shall  
not receive certification under these guidelines for any  
federal vehicles within the vehicle category produced after  
the end of the 12-month period but before all of the  
accumulated emissions deficits are offset. A manufacturer  
with an emission deficit existing for the vehicle category  
after the 12-month period shall be subject to a maximum civil  
penalty of \$500 per vehicle pursuant to Section 43016 of the  
Health and Safety Code. The number of federal vehicles on  
which the penalty shall be calculated shall be computed as  
follows:

No. of federal vehicles = 
$$\frac{\text{Emission deficit after the suspension period}}{\text{Fed assy} - \text{Calmean}}$$

where Fed assy = federal assembly-line or certification emission level of  
the engine family containing the unavailable model taken  
as the mean of the engine family quality audit of the  
preceding model year.

Calmean - sales weighted mean certification emission level of all  
California engine families within the appropriate standards taken  
on the preceding model year.

~~I. Sales of federal vehicles in excess of a manufacturer's final estimate shall cause the manufacturer to be subject to a maximum civil penalty of \$5,000 per vehicle pursuant to Section 43154 of the Health and Safety Code, regardless of whether or not a deficit was incurred.~~

J. A manufacturer shall be subject to a maximum civil penalty of \$5,000 per vehicle pursuant to Section 43154 of the Health and Safety Code under either of the following situations:

a. Sales of federal vehicles in excess of a manufacturer's final estimate regardless of whether or not a deficit was incurred.

b. Sales of federal vehicles which under Section V.I. are not entitled to certification under these guidelines.

~~J. K. Vehicles with engine family certification emission levels which are equal to or less than the appropriate 'Calmean' value are not eligible for offsetting.~~



# Memorandum

To : Gordon Van Vleck  
Secretary  
Resources Agency

Date : September 24, 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 decisions and response to environmental comments raised during the comment period.

Attachments  
85-55  
85-61 (SEI)  
85-62

FILED AND POSTED BY  
OFFICE OF THE SECRETARY  
SEP 24 1985  
Resources Agency of California