

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER R-12-005

Relating to the Rulemaking to Consider Amendments to the California's Small Off-Road Engine and Tier 4 Off-Road Compression-Ignition Engine Regulations and Test Procedures and Amendments to the Exhaust Emission Certification Test Fuel for Off-Road Spark-Ignition Engines, Equipment, and Vehicles

WHEREAS, on December 16, 2011, the Air Resources Board (ARB or Board) conducted a public hearing to consider for approval the proposed amendments to the current regulations for small off-road engines, as set forth in the Initial Statement of Reasons released to the public on October 26, 2011;

WHEREAS, the environmental analysis included in the Initial Statement of Reasons, prepared in accordance with ARB's certified regulatory program and the policy and substantive requirements of CEQA, concluded that the amendments will not result in any significant adverse impacts on the environment;

WHEREAS, following the public hearing, the Board adopted Resolution 11-41, in which the Board approved for adoption the proposed amendments to sections 2403, 2407, 2412, 2421, 2423, 2424, 2425, 2425.1, 2426, 2427, 2433, 2447, 2783, and 2784, title 13, California Code of Regulations (CCR), and the following documents incorporated by reference therein "*California Exhaust Emission Standards and Test Procedures for 2005 and Later Small Off-Road Engines*, as adopted July 26, 2004, and as last amended February 24, 2010," "*California Exhaust Emission Standards and Test Procedures for New 2008 and Later Tier 4 Off-Road Compression-Ignition Engines, Part I-C*," adopted October 20, 2005, "*California Exhaust Emission Standards and Test Procedures for New 2011 and Later Tier 4 Off-Road Compression-Ignition Engines, Part I-D*," adopted October 20, 2005, "*California Exhaust Emission Standards and Test Procedures for New 2011 and Later Tier 4 Off-Road Compression Ignition Engines, Part I-F*," "*California Exhaust and Evaporative Emission Standards and Test Procedures For New 2010 and Later Off-Road Large Spark-Ignition Engines (2010 and Later Test Procedure 1048)*," as adopted March 2, 2007, and as last amended November 21, 2008, "*California Exhaust and Evaporative Emission Standards and Test Procedures For New 2007 and Later Off-Road Large Spark-Ignition Engines (Test Procedures 1065 and 1068)*, as adopted March 2, 2007, "*California Exhaust Emission Standards and Test Procedures for 1997 and Later Off-Highway Recreational Vehicles and Engines*," as adopted May 26, 1995, and as last amended June 1, 2007," "*California Exhaust Emission Standards and Test Procedures for 2001 Model Year and Later Spark-Ignition Marine Engines*," as adopted October 21, 1999, and as last amended June 5, 2009, "*California Exhaust Emission Standards and Test Procedures for 2005 and Later Small Off-Road Engines*" as adopted July 26, 2004, and as last

amended February 24, 2010, and the proposed adoption of the following documents incorporated by reference therein: *“California Exhaust Emission Standards and Test Procedures for New 2013 and Later Small Off-Road Engines; Engine-Testing Procedures (Part 1054),”* *“California Exhaust Emission Standards and Test Procedures for New 2013 and Later Small Off-Road Engines; Engine-Testing Procedures (Part 1065),”* *“California Exhaust Emission Standards and Test Procedures for New 2011 and Later Tier 4 Off-Road Compression Ignition Engines, Part I-E,”* as set forth in Attachments A through F thereto,

WHEREAS, Resolution 11-41, directed the Executive Officer to determine if additional conforming modifications to the regulation were appropriate and take final action to adopt the modified regulation after making the modified regulatory language and any additional supporting documents and information available to the public for a period of 15 days, consider such written comments as may be submitted during this period, make such further modifications as may be appropriate in light of the comments received, or return the regulatory amendments to the Board for further consideration if warranted.

WHEREAS, on March 22, 2012, the modified regulations, reflecting the amendments approved by the Board and other changes made to best reflect the intent of the Board at the hearing, were made available for public comment for a period of at least 15 days, with the changes to the originally proposed text clearly indicated, in accordance with the provisions of the California Code of Regulations, title 1, section 44;

WHEREAS, Resolution 11-41 further directed the Executive Officer to consider and approve the written responses to any comments raising environmental issues in accordance with CCR, title 17, section 60007 prior to taking final action to adopt the regulatory amendments;

WHEREAS, a number of written comments were received during the initial 45-day comment period and supplemental 15-day comment period, and those comments have been considered by the Executive Officer.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 11-41 are incorporated herein.

IT IS FURTHER ORDERED that the written responses prepared for comments received are hereby approved, including the written responses to any environmental issues raised as required by CCR, title 16, section 60007.

IT IS FURTHER ORDERED that sections 2403, 2407, 2412, 2421, 2423, 2424, 2425, 2425.1, 2426, 2427, 2433, 2447, 2783, and 2784, and the documents incorporated therein title 13, CCR, are adopted as set forth in Attachment 1 to this order.

IT IS FURTHER ORDERED that the adopted regulatory text may be further revised with nonsubstantial or grammatical changes, which will be added to the rulemaking record and indicated as such.

Executed this 25th day of October 2012, at Sacramento, California.

/s/

James N. Goldstene
Executive Officer

Attachments