

State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text

**PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE CERTIFICATION
PROCEDURES FOR ALL AFTERMARKET PARTS AND CONVERSION SYSTEMS FOR
OFF-ROAD VEHICLES, ENGINES, AND EQUIPMENT**

Public Hearing Date: November 19, 1998
Public Availability Date: August 16, 1999
Deadline for Public Comment: August 31, 1999

At a public hearing held November 19, 1998, the Air Resources Board (the "Board") considered the adoption of chapter and section: Article 7, sections 2470-2476, Title 13, California Code of Regulations ("CCR") and amendments to sections 2405 and 2425, Title 13, CCR. The purpose of these new sections is to establish certification procedures that will allow off-road aftermarket parts manufacturers to demonstrate, through emissions testing, that their aftermarket parts would not increase off-road vehicle/engine/equipment emissions. These procedures would therefore allow manufacturers to sell, offer for sale, and install aftermarket parts for off-road vehicles/engines/equipment provided such parts have been certified in accordance with the adopted procedures. The proposed regulatory action is described in detail in the initial statement of reasons (staff report), released September 1998 as part of Mail-Out MSC 98-26.

At the hearing, the Board approved the adoption of Article 7, sections 2470-2476, Title 13, CCR and the amendments to sections 2405 and 2425, Title 13, CCR. Staff has incorporated minor modifications to the originally proposed procedures to provide greater clarification or to incorporate new information which was unavailable at the time of hearing. These modifications are as follows:

1. **APPLICABILITY**

At the hearing one manufacturer requested that staff clarify within the procedures that the existing provisions regarding remanufactured and rebuilt engines would not fall under the authority of the certification procedures for off-road aftermarket add-on and modified parts. Since remanufactured and rebuilt engines specifically fall under the certification procedures for new engines, and would not fall within these rules, staff noted this distinction within the aftermarket certification procedures for add-on and modified parts

2. EMISSION STANDARDS FOR VEHICLES/ENGINES/EQUIPMENT
CERTIFIED TO OPTIONAL AVERAGING, BANKING, AND TRADING
PROVISIONS

As requested during the hearing, further clarifying language concerning off-road vehicles/engines/equipment certified to optional "Family Emission Levels" was added to the procedures. Manufacturers may elect to certify certain categories of off-road vehicles/engines/equipment to either fixed or averaged emission standards. These averaging provisions permit manufacturers to certify some engine families to emission levels that exceed fixed emission standards, provided the manufacturers can compensate by certifying other engine families to emission levels below the fixed standards for a specific model year. Language has been added to the procedures that expressly states the applicable emission standards for off-road vehicles/engines/equipment certified to optional "Family Emission Levels."

3. SPECIFICATION OF EMISSION STANDARDS AND TEST PROCEDURES FOR
OFF-ROAD DIESEL ENGINES AND EQUIPMENT GREATER THAN OR
EQUAL TO 50 HP BUT LESS THAN 175 HP AND GASOLINE SPARK-IGNITED
MARINE ENGINES

The exhaust emission standards and test procedures for the above two categories have been specified in greater detail than was set out in the original mailout.

4. ALTERNATIVE TEST PROCEDURES

At the hearing one manufacturer requested that manufacturers be allowed to propose and to utilize alternative test procedures in lieu of the California or federal test procedures specified in the regulations. Although the procedures contained provisions allowing for such alternative test procedures, staff felt that additional explanation of this option would help clarify this alternative to applicants.

5. WARRANTY PROVISIONS FOR OFF-ROAD AFTERMARKET PARTS

Language has been added to clarify that off-road vehicle/engine/equipment manufacturers would not be liable for replacing or repairing warranted parts that are damaged due to defective aftermarket parts.

6. BACK PRESSURE REQUIREMENTS FOR REPLACEMENT CATALYTIC
CONVERTERS

In response to comments at the hearing, staff added language that requires manufacturers of aftermarket catalytic converters to demonstrate that such converters will produce exhaust back pressures comparable to those of the original equipment converters they are intended to replace.

Attached is a copy of Board Resolution 98-56, approving the above described regulatory action. Attachment A to the resolution contains the approved regulatory language, with additions to the originally proposed text shown by underline and deletions shown by slashes.

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt Title 13, CCR sections 2470-2476, and to amend Title 13, CCR sections 2405 and 2425 as approved, after making the modified regulatory language available to the public for comment for a period of at least 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulation to the Board for further consideration if he determines that this is warranted.

Written comments must be submitted to the Clerk of the Board, Air Resources Board, P.O. Box 2815, Sacramento, California 95812, no later than August 31, 1999 for consideration by the Executive Officer prior to final action. Only comments relating to the modifications described in this notice, will be considered by the Executive Officer.

Robert H. Cross, Chief
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Attachments