

## REQUEST FOR EARLY EFFECTIVE DATE

Pursuant to Government Code section 11343.4, the Air Resources Board (ARB) requests an early effective date for the enclosed amendments to Title 13, California Code of Regulations, sections 2403 and 2412, and the test procedures incorporated by reference in section 2403. The ARB requests that the proposed amendments be effective upon filing with the Secretary of State. Good cause for this request exists.

The amendments to section 2403 were adopted by ARB in response to a petition filed by industry. The amendments allow manufacturers of wintertime products the option of not having to certify engines to the hydrocarbon and oxides of nitrogen standards. The amendments align the California regulations with federal standards for these same wintertime products. This will allow manufacturers to produce one fifty state engine for national distribution.

The amendments to section 2412 modify the carbon monoxide (CO) standard for Class 1 and 2 engine families that are used in specialty vehicles under 25 horsepower (hp) from 300 grams per brake-horsepower-hour (g/bhp-hr) to 350 g/bhp-hr. This amendment aligns the CO standard for engines used in under 25 horsepower specialty vehicles with the CO standard that had previously been amended for Class I and II utility and lawn and garden engines, as set forth in section 2403. The engines used in specialty vehicles are similar, if not identical, to utility and lawn and garden equipment engines, and the amendment will relieve manufacturers of the burden of having to produce a distinct engine for specialty vehicles. The amendment also aligns the specialty vehicle engine CO standard to the recently amended federal standard for spark-ignition engines under 19 kilowatts.

Both the amendments to the standards for wintertime products and specialty vehicle engines will afford manufacturers greater flexibility in certifying engines in California and will guarantee wider product availability and better performing engines that will benefit consumers, manufacturers and wholesale and retail distributors. An early effective date will help assure that manufacturers will continue to have a full product range on the market.

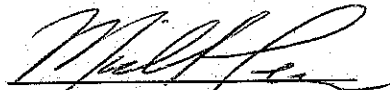
Implementation of the utility and lawn and garden regulations commenced on August 1, 1995. Until now the manufacturers of wintertime products have been able to continue to market inventory produced prior to August 1, 1995, which is allowed under the regulations. However, that inventory has now largely been exhausted. Failure to provide for an early effective date could have a potential adverse impact on these manufacturers and may prevent California consumers from having a full range of products available. On the other hand, an early effective date will not have any adverse consequences for the regulated community or the general public.

The specialty vehicle regulations is expected to be fully effective and enforceable on

January 1, 1997, by which date the federal authorization from the U.S. Environmental Protection Agency should be issued. An early effective date will enable manufacturers of specialty vehicle engines to have a fully compliant line of products available shortly after the regulations become effective. As with an early effective date for wintertime products and as explained in the Initial Statement of Reasons: Staff Report, an early effective date should not have any adverse consequences for the regulated community or the general public.

ARB intends to notify all affected manufacturers of the effective date of the amendments as soon as it is known.

Date: 12/5/96

  
Michael L. Terris  
Senior Staff Counsel