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State of California
AIR RESOURCES BOARD

Resolution 96-47

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September 26, 1996

Agenda Item No.: 96-7-3

WHEREAS, Section 39003 of the Health and Safety Code charges the Air Resources Board ("ARB") with coordinating efforts to attain and maintain ambient air quality standards;

WHEREAS, Sections 39600 and 39601 of the Health and Safety Code authorize ARB to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon ARB by law;

WHEREAS, in Section 43000.5 of the Health and Safety Code, the Legislature has declared that the burden for achieving needed reductions in vehicle emissions should be distributed equitably among various classes of vehicles, including both on- and off-road vehicles, light-duty cars and trucks, and heavy-duty vehicles, to achieve improvements in both the emissions levels and in-use performance;

WHEREAS, Sections 43013(b), of the Health and Safety Code authorizes ARB to adopt off-road vehicle and equipment emission standards and in-use performance standards which it finds to be necessary, cost-effective, and technologically feasible;

WHEREAS, Section 43018 of the Health and Safety Code directs ARB to endeavor to achieve the maximum degree of emission reduction from vehicular and other mobile sources to accomplish the attainment of state ambient air quality standards by the earliest practicable date;

WHEREAS, ARB has adopted regulations under Chapter 9 of Title 13, California Code of Regulations (CCR), and procedures and documents incorporated by reference therein for engines used in

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off-road vehicles and equipment, including utility and lawn and garden engines, off-highway recreational vehicles and engines, and heavy-duty off-road diesel cycle engines;

WHEREAS, on January 25, 1996, ARB adopted amendments to Title 13, CCR, Section 2403 and the incorporated test procedures, modifying the Carbon Monoxide (CO) standard for Class I and II utility engines from 300 g/bhp-hr to 350 g/bhp-hr;

WHEREAS, the staff has proposed amendments to the regulations under Title 13, CCR, Section 2403, and procedures and documents to be incorporated by reference therein for 1995 and subsequent model utility and lawn and garden equipment engines, and to Section 2412, and procedures and documents to be incorporated by reference therein for 1995 and later off-highway recreational vehicles and engines;

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

WHEREAS, pursuant to Section 43013(e) of the Health and Safety Code and Government Code Section 11346.3, ARB has considered the effects of the proposed amendments on the economy and businesses of the state, including the ability of businesses to compete with businesses in other states;

WHEREAS, Section 209(e) of the Federal Clean Air Act, as amended in 1990, requires that ARB receive authorization from the Administrator of the U.S. EPA to adopt and enforce standards relating to the control of emissions from engines or vehicles that are not otherwise preempted by federal law;

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;

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WHEREAS, ARB finds that:

The proposed amendments are necessary, cost-effective, and technologically feasible.

Modifications to make the 1995 and later utility lawn and garden equipment hydrocarbon (HC) and oxides of nitrogen (NOx) standards optional for snowthrowers and ice augers will align Title 13, CCR, section 2403 with federal regulations for engines used in such equipment.

Modifications to raise the carbon monoxide (CO) standard from 300 grams per brake-horsepower-hour (g/bhp-hr) to 350 g/bhp-hr for 1995 and later off-highway recreational vehicles and engines under 25 horsepower, produced during model years 1996-1998, are necessary to align the standards for specialty vehicles with the amended standards for Class I and II utility and lawn and garden engines, Title 13, CCR, section 2403 that were adopted by ARB on January 25, 1996. The same engines are used in both utility and lawn and garden equipment and off-highway specialty vehicles that use engines under 25 horsepower.

The proposed amendments would ensure that engines used in snowthrowers, ice augers, and specialty vehicles will continue to be available in the marketplace and would avoid potential undue burdens and adverse economic consequences on manufacturers that would otherwise have to produce a separate engine for these products and on distributors and retail dealers that sell such engines and equipment.

WHEREAS, in accordance with the California Environmental Quality Act and ARB regulations, ARB further finds that:

Modifications to make the 1995 and later utility lawn and garden equipment hydrocarbon (HC) and oxides of nitrogen (NOx) standards optional for snowthrowers and ice augers could potentially cause a loss in air quality benefit 0.1 tons per day of HC plus NOx emission reductions. The impact of this on the environment should, however, be minimal because such engines' emissions do not contribute to summertime ozone nonattainment concentrations. Relatedly,

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snowthrowers and ice augers are not used in the California air basins with the worst ozone levels, and thus the amendments should not affect the ozone attainment status of these air basins.

The amendments to the standards for engines used in specialty vehicles could result in a loss in air quality benefit of approximately 0.02 tons per day of carbon monoxide (CO) emission reductions. This represents approximately 0.004 percent of the total off-road CO emissions inventory. Most air basins within California are currently in compliance with National Ambient Air Quality Standards (NAAQS). For the two California air basins (Tahoe and South Coast) that are scheduled to achieve CO attainment by the year 2000, the increase of the CO emission standard, as amended, should not affect the scheduled attainment date or have any other adverse effects on the CO attainment schedule.

To the extent that some adverse environmental impacts may occur as a result of making optional the HC and NOx standards for snowthrowers and ice augers, and modifying the CO standard to 350 g/bhp-hr for off-highway recreational vehicles under 25 horsepower, overriding economic considerations exist to support the adoption of the new standards.

Requiring manufacturers to produce a distinct California engine for snowthrowers, ice augers, and specialty vehicles that would be applicable to only a small segment of the California market would not be cost-effective. If manufacturers chose not to certify these products for the California market because of the relatively small number sales in the state and because of concerns about poor performance of engines used in specialty vehicles, such engines would not be available to the market. If this occurred, it could potentially adversely affect both the environment and the economy. The environment could be affected by consumers not being able to purchase newer, environmentally cleaner products, viz, snowthrowers and ice augers with engines that meet the Tier I CO standard and specialty vehicles with engines that meet the Tier I combined HC + NOx standard and the 350 g/bhp standard, which

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is considerably cleaner than CO emissions in pre-Tier I unregulated engines. The unavailability of products could also adversely affect the creation and growth of businesses and employment in California for those businesses that manufacture and sale such equipment and vehicles in the state.

There are no other feasible mitigation measures that would reduce the potential environmental impacts while at the same time providing the relief that manufacturers of snowthrower, ice auger, and off-highway recreational vehicle engines need, and would avert the harmful impacts on retailers and distributors.

NOW, THEREFORE, BE IT RESOLVED that ARB hereby adopts amendments to Section 2403, Title 13, CCR, the incorporated "Exhaust Emission Standards and Test Procedures for Utility and Lawn and Garden Engines," and Section 2412, Title 13, CCR, as set forth in Attachment A hereto.

BE IT FURTHER RESOLVED that ARB hereby determines that the regulations adopted herein will not cause California off-road emission standards for engines used in utility and lawn and garden equipment and off-highway recreational vehicles, in the aggregate, to be less protective of public health and welfare than applicable federal standards; and that California needs such standards to meet compelling and extraordinary conditions within the State.

BE IT FURTHER RESOLVED that ARB finds that the California emission standards and test procedures as adopted herein will not cause the California requirements to be inconsistent with Section 209 of the Clean Air Act and raise no new issues affecting previous waiver determinations of the Administrator of the U.S. EPA pursuant to Section 209(e) of the Clean Air Act.

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BE IT FURTHER RESOLVED that the Executive Officer shall, upon adoption, forward the regulations to the U.S. EPA with a request that California be given authorization to adopt and enforce such provisions.

I hereby certify that the above is a true and correct copy of Resolution 96-47, as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens, Clerk of the Board