Request for an Early Effective Date
Pursuant to Government Code Section 11343.4(b)(3)

The California Air Resources Board (CARB or Board) requests, pursuant to Government Code section 11343.4(b)(3), that the Office of Administrative Law (OAL) prescribe an "earlier effective date" for the Proposed Amendments to the Exhaust Emissions Standards and Test Procedures for 2024 and Subsequent Model Year Heavy-Duty Engines and Vehicles, Heavy-Duty On-Board Diagnostic System Requirements, Heavy-Duty In-Use Testing Program, Emissions Warranty Period and Useful Life Requirements, Emissions Warranty Information and Reporting Requirements and Corrective Action Procedures, In-Use Emissions Data Reporting Requirements, Phase 2 Heavy-Duty Greenhouse Gas Regulations, and Powertrain Test Procedures (Heavy-Duty Engine and Vehicle Omnibus Regulation and Associated Amendments) that was adopted on September 9, 2021. CARB believes the following demonstrates "good cause" for OAL to prescribe an earlier effective date – i.e., an effective date to coincide with the filing of the regulations with the Secretary of State.

Demonstration of Good Cause

This rulemaking action primarily establishes emission standards and other emissions related requirements applicable to on-road heavy-duty engines and vehicles that are part of CARB's program to improve air quality and that are needed for California to attain compliance with national ambient air quality standards:

- Adoption of exhaust emission standards for oxides of nitrogen (NOx) and particulate matter (PM), and other emission related requirements for new heavy-duty engines and vehicles beginning in the 2024 model year that are substantially more stringent than the current NOx and PM exhaust emission standards. The early effective date is needed to implement these requirements as soon as possible, which will benefit manufacturers by providing them certainty that such standards and requirements are effective under California law as soon as possible, will benefit California by ensuring that CARB fulfills its statutory mandate to certify new motor vehicles and new motor vehicle engines in California to emissions standards needed to attain air quality standards as expeditiously as possible, and will benefit qualifying States that may elect to adopt such emission standards pursuant to section 177 of the federal Clean Air Act [42 U.S.C. § 7507].

- Adoption of optional NOx standards for 2022 and subsequent model year heavy-duty engines that are more stringent than the primary exhaust emission standards. The early effective date is needed to implement these requirements as soon as possible, because the optional standards are intended to encourage manufacturers to develop and produce engines that emit levels of NOx emissions that are lower than even the primary NOx emission standards, and to the extent

manufacturers do so, those manufacturers' efforts will provide California with additional NOx emissions benefits.

- Adoption of a separate California-only averaging, banking, and trading (CA-ABT) program starting with 2022 model year engines. The proposed CA-ABT program would allow manufacturers to generate emissions credits by certifying engines to standards that are more stringent than currently applicable standards. The early effective date is needed to implement these requirements as soon as possible, because the CA-ABT program, in conjunction with the optional NOx standards mentioned above, will benefit California by reducing the emissions of NOx generated by heavy-duty engines and vehicles, and by encouraging the sales of lower emitting heavy-duty engines and vehicles in California, such as heavy-duty zero-emission vehicles.

- Amendments to the certification procedures for 2022 and subsequent model year hybrid heavy-duty vehicles that would provide a voluntary option for manufacturers to certify hybrid powertrains to criteria pollutant emission standards using powertrain testing procedures that are aligned with federal procedures for powertrain testing in U.S. Environmental Protection Agency's Phase 2 Greenhouse Gas test procedures. The early effective date is needed to implement these requirements as soon as possible, in order to allow hybrid manufacturers to more quickly produce, certify, and sell hybrid vehicles. The early effective date will benefit California by encouraging the increased availability of heavy-duty hybrid vehicles that comply with existing requirements - and to the extent such vehicles are certified to more stringent standards, California will benefit from such reduced emissions.

For the reasons set forth above, CARB believes there is good cause for OAL to prescribe an earlier effective date and hereby requests that OAL approve an earlier effective date, coinciding with OAL's submittal of its approval of this rulemaking action to the Secretary of State pursuant to Government Code section 11343.4(b)(3).

Date: September 20, 2021

Alex Wang

Alex Wang, Senior Attorney