



Air Resources Board



Matthew Rodriguez
Secretary for
Environmental Protection

Mary D. Nichols, Chair
9480 Telstar Avenue, Suite 4
El Monte, California 91731 • www.arb.ca.gov

Edmund G. Brown Jr.
Governor

Reference No. IUC-2015-008

September 25, 2015

Dear Manufacturer:

Under California Code of Regulations, title 13, sections 1956.1, 1956.8, 1961, 1961.1, 1961.2, and 1961.3, no new passenger car, light-duty truck, medium-duty passenger vehicle, medium-duty vehicle, or complete heavy-duty vehicle shall be equipped with a defeat device. Under these regulations, a defeat device is defined (as incorporated by reference) as “an auxiliary emission control device (AECD) that reduces the effectiveness of the emission control system under conditions which may reasonably be expected to be encountered in normal vehicle operation and use, unless” certain conditions are met. If used, AECD’s must be disclosed and approved at the time of certification. Failure to disclose or properly identify an AECD or employing a defeat device will invalidate any applicable Executive Order, and is a violation of California law, including but not limited to Health and Safety Code Sections 43150-43154, and 43016.

Beginning immediately, the Air Resources Board (ARB) will begin to utilize recently developed screening tests, which are based on ARB’s original work for assessing performance of modern light duty diesel vehicles, in ARB’s In-Use Compliance Program for non-approved AECD and defeat device identification. The AECD and defeat device screening tests will be based on ARB’s newly-developed detection methods, and may include onboard diagnostic system interrogation, and/or the use of over-the-road testing using a Portable Emission Measurement System, and/or the use of special driving cycles and conditions that may reasonably be expected to be encountered in normal operation and use. This new screening testing approach shall be in addition to the standard certification emissions test cycles.

In the event that a suspected, non-approved AECD or defeat device is discovered through use of the screening tests, the manufacturer will be notified, and will be expected to deliver production, or procure in-use, vehicles for additional in-use compliance evaluation by ARB at the manufacturer’s expense, pursuant to California Code of Regulations, title 13, section 2111-2140. In addition, ARB may require remedial measures to be taken at the manufacturer’s expense, and the manufacturer may be

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

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subject to penalties, as allowed by law. As always, if there are any other violations of ARB regulations discovered, ARB will take appropriate action, as allowed by law.

If you have any questions, please contact Dr. Satya Sardar, Manager, In-Use Compliance Section, at (626) 450-6137 or by email at Satya.Sardar@arb.ca.gov, or Sharon C. Lemieux, Chief, In-Use Programs Branch, at (626) 350-6454 or by email at sclemieu@arb.ca.gov.

Sincerely,



Annette Hebert, Chief
Emissions Compliance, Automotive Regulations and Science Division