

REQUEST FOR EARLY EFFECTIVE DATE

AMENDMENTS TO THE NEW PASSENGER MOTOR VEHICLE GREENHOUSE GAS EMISSION STANDARDS FOR MODEL YEARS 2017-2025 TO PERMIT COMPLIANCE BASED ON FEDERAL GREENHOUSE GAS EMISSIONS STANDARDS AND ADDITIONAL MINOR REVISIONS TO THE LEV III AND ZEV REGULATIONS

Pursuant to Government Code section 11343.4(c), the Air Resources Board (ARB) requests that the amendment of sections 1900, 1956.8, 1960.1, 1961, 1961.2, 1961.3, 1962.1, 1962.2, and 1976, title 13, California Code of Regulations, become effective upon filing with the Secretary of State. Good cause for this request exists.

The subject amendments provide passenger vehicle manufacturers with an additional compliance option beginning with the 2017 model year, and with other flexibilities affecting earlier model years. As discussed in the rulemaking, the compliance option is part of a complex series of commitments made by the federal government, affected automakers, and the State of California. Because planning is already well underway for 2017 model year vehicles, manufacturers need to know the status of the alternative compliance path for their planning purposes. An early effective date is also essential to demonstrate California's fulfillment of its commitments so that the other parties will continue to honor theirs.

Equally important, the U.S. Environmental Protection Agency (U.S. EPA) is considering the status of these pending amendments in its review of California's outstanding request for a Clean Air Act waiver, a necessary step for ARB to enforce the Advanced Clean Car Program of which these amended LEV III greenhouse gas regulations are an integral part. See 77 Fed.Reg. 53199 (August 31, 2012). California needs U.S. EPA to make its decision by the end of the year, in time for the 2014 model year starting January 1, 2013. Part of U.S. EPA's willingness to act this year on California's request depends on ARB's stated importance for affected manufacturers to be certain ARB can implement amendments affecting 2014 model year vehicles. In addition, U.S. EPA may wish, per their past practice, to cite to effective, operative regulations such that U.S. EPA's Federal Register publication in 2012 can cite to it.

An early effective date should cause no adverse impact because affected manufacturers and their trade associations, and other stakeholders, commented in support of these amendments as part of a broader series of commitments with the federal government toward regulating passenger vehicle greenhouse gas emissions. In fact, affected manufacturers commented to U.S. EPA that it should not grant a waiver until California has finalized these "deemed to comply" regulations. Affected manufacturers also supported the pre-2017 model year flexibilities provided.

Conversely, without an early effective date affected manufacturers and others would be delayed the certainty needed to conclude product planning for the 2017 model year and the ARB commitment to revise its regulations through these amendments would be needlessly delayed.

Date: December 6, 2012

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