

Attachment 1
2nd 15-Day Modifications

**MODIFICATIONS TO THE PROPOSED ADOPTION OF EVAPORATIVE
EMISSION CONTROL REQUIREMENTS FOR OFF-HIGHWAY
RECREATIONAL VEHICLES**

Shown on the following pages are the proposed modifications to the original proposed regulatory text set forth in Attachment A of the Staff Report: "Adoption Of Evaporative Emission Control Requirements For Off-Highway Recreational Vehicles" (OHRV), released June 5, 2013. The proposed adoption of new sections in the 45-day notice are shown in plain text. The first 15-day proposed changes are shown in single underline to indicate additions and ~~single strikeout~~ to indicate deletions from the originally proposed regulatory text, while the proposed changes in this second 15-day notice are shown in double underline to indicate additions and ~~double strikeout~~ to indicate deletions from the originally proposed regulatory text. The symbol "*****" means that intervening text not proposed for modification is not shown.

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Adopt Article 3, Chapter 9, Division 3, Title 13, California Code of Regulations, to read as follows:

Chapter 9. Off-Road Vehicles and Engines Pollution Control Devices

Article 3. Off-Highway Recreational Vehicles and Engines

§ 2416. Applicability.

(a)(1) This article applies to all new model year 2018 or later off-highway recreational vehicles (OHRV), for sale, lease, use, or offered for sale, lease or use, or otherwise introduced into commerce in California (hereinafter collectively referred to as “sold or offered for sale”).

(2) New OHRVs, subject to any of the standards set forth in Article 3, shall be certified by the Air Resources Board and covered by an Executive Order of Certification, pursuant to ~~§~~section 2419.54 of this Article before being sold or offered for sale in California.

(b) The following OHRVs are exempted from the requirements of this regulation:

(1) OHRVs certified solely to operate on diesel fuel,

(2) Snowmobiles, ~~and~~

(3) Zero emission vehicles; except when optionally certified to generate advanced fuel system credits, pursuant to ~~§~~section 2419.54., and

(4) OHRV’s certified as meeting Cal. Code Regs., tit. 13, §2412(f).

§ 2418. Evaporative Emission Standards and Test Procedures.

(a) Manufacturers of OHRVs must comply with the following evaporative emission standards for new OHRVs sold or offered for sale in California.

(1) Evaporative emissions from an OHRV may not exceed the following limitations:

(A) The applicable emission standards outlined in Table 1 for either the 72 hour diurnal standard or the steady state diurnal standard. All OHRVs certified to the emission standards below are presumed to demonstrate compliance with federal permeation standards specified in Cal. Code Regs., tit.13, § 2412(b)(2).

Table 1

<i>Vehicle and Model Year</i>	<i>Required Tests</i>	<i>72-Hour Diurnal Standard⁽¹⁾</i>	<i>Steady State Diurnal Standard⁽²⁾</i>
OHRVs 2018 and later model years	Diurnal	1 gram TOG/day	1 gram TOG/day
	Fuel System Leakage Tip Test	No visible liquid leakage	

(1) Highest 24-hour diurnal test result over three consecutive 24-hour diurnal test periods

(2) 24-hour diurnal test result plus calculated vented emissions

(B) All-Terrain Vehicle (ATV) Filler Neck Compatibility Standard

Beginning with model year 2018, ATVs with fuel tanks that are re-designed to be geometrically different from fuel tanks of 2017 and earlier model years, and have a nominal capacity of greater than 3.5 gallons must meet the filler pipe sealing surface requirements of Figure 1 of the International Standards Organization 13331:1995(E), published June 1, 1995, which is incorporated by reference herein. Perpendicularly down from the mating surface there must be a minimum of 120 mm (90 mm for nozzle, 5 mm for bellows compression and 25 mm for extra space fuel flow) to the bottom of the tank.

(2) Zero emission vehicles shall produce zero fuel evaporative emissions under any and all possible operational modes and conditions, and are therefore not required to perform evaporative emissions testing to certify in accordance with ~~§~~section 2419.54.

(d) Phase-in Schedule.

(1) For model years 2018 through 2021, OHRV manufacturers may phase-in evaporative emission standards specified in subdivision (a) so that 75 percent of all OHRVs sold in model years 2018 through 2021 are compliant with the requirements in ~~§~~section 2419.54, or:

(2) The weighted average of compliant OHRVs must be greater than 75 percent and can include early compliant model year 2017 OHRVs in the model year 2018 calculation, so that: (MY2017%control + MY2018%control) X 0.4 + MY2019%control X 0.3 + MY2020%control X 0.2 + MY2021%control X 0.1 >75 percent and % compliance cannot decrease.

(2)(3) All 2018 through 2021 model year OHRVs that are not subject to these standards pursuant to the phase-in schedule shall comply with the evaporative permeation requirements for 2008 and later model year OHRVs, as described in Cal. Code Regs., tit.13, § 2412(b)(2).

(3)(4) The percentage of OHRV fleet averaged across model years 2018 through 2021 must be used to determine compliance with this requirement.

(4)(5) For the purpose of calculating the fleet average, a manufacturer shall use the percentage of OHRVs sold or offered for sale in California for model years 2018 through 2021. A manufacturer may calculate this average percentage using the projected sales for these model years in lieu of actual sales.

(5)(6) For the purpose of this section, any OHRV manufacturer that participates in the phase-in period must comply with the administrative requirements in ~~§~~section 2419.54 (d).

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43105, 43107, 43205.5 and 43210, Health and Safety Code. Reference: Sections 43013, 43018, 43105, 43106, 43107, 43204, 43205, 43205.5, 43210, 44004, 44010, 44011, 44012, 44014, 44015 and 44017, Health and Safety Code.

§ 2419.4 Evaporative Emission Control Labels – New Off-Highway Recreational Vehicles.

(d) Integrated Emissions Label.

(1) A manufacturer ~~must obtain approval from the Executive Officer, as set forth in subdivision (c)(8), to~~ may use an integrated emissions label for OHRVs certified to this article, subject to approval of the label format, content, and location by the Executive Officer; as set forth in subdivision (c)(8) and subject to exhaust emissions labeling requirements by Cal. Code Regs., tit.13, § 2413(b).

§ 2419.21. Defects Warranty Requirements for Evaporative Emission Systems of 2018 and Later Model year Off-Highway Recreational Vehicles.

(c) Warranty Period.

(3) The cost limit shall be calculated using the following equation:

$$\text{Cost limit}_n = \$200 \times (\text{CPI}_{n-2} / 148.3 \text{ CPI}_{2016})$$

Where,

- Cost limit_n = the cost limit for the applicable model year of the OHRV rounded to the nearest ten dollars
- n = model year of the new OHRVs
- n-2 = calendar year two years prior to the model year of the new OHRVs
- CPI = annual average nationwide urban consumer price index for a calendar year published by the United States Bureau of Labor Statistics

~~The \$200 is based on calendar year 2018 dollars.~~

(d) Subject to the conditions and exclusions of subdivision (i), the warranty on emissions-related parts shall function as follows:

(4) Repair or replacement of any warranted part under the warranty provisions of this article shall be performed at no charge to the OHRV owner, at a warranty station, except in the case of ~~an emergency~~ a temporary repair when a warranted part or a warranty station is not reasonably available to the OHRV owner. ~~In an emergency~~ In the event a temporary repair is permitted according to subdivision (d)(8), repairs may be performed at any available service establishment, or by the owner, using any replacement part. The manufacturer shall reimburse the owner for his or her expenses including diagnostic charges for such ~~emergency~~ temporary repair or replacement, not to exceed the manufacturer's suggested retail price for all warranted parts replaced and labor charges based on the manufacturer's recommended time allowance for the warranty repair and the geographically appropriate hourly labor rate.

(8) Throughout the OHRV's warranty period defined in subdivision (c), the OHRV manufacturer shall maintain a supply of warranted parts sufficient to meet the expected demand for such parts. The lack of availability of such parts or the incompleteness of repairs within a reasonable time period, not to exceed 30 days from the time the OHRV is initially presented to the warranty station for repair, shall ~~constitute an emergency~~ qualify the need for a temporary repair for purposes of subdivision (d)(4).

§ 2419.32. Evaporative Emissions Control System Warranty Statement.

§ 2419.43. New Off-Highway Recreational Vehicle Evaporative Emission Standards, Enforcement and Recall Provisions, Warranty, Quality Audit, and New Engine Testing.

Commencing with model year 2018, an OHRV is subject to Cal. Code Regs., tit.13, § 2111-2140, including the incorporated Appendix A, "California In-Use Vehicle Emission-Related Recall Procedures, Enforcement Test Procedures, and Failure Reporting Procedures for 1982 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles, Heavy-Duty Vehicles and Engines, and Motorcycles," ~~which are incorporated by reference herein.~~

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43105, 43107, 43205.5 and 43210, Health and Safety Code. Reference: Sections 43013, 43018, 43105, 43107, 43205.5 and 43210, Health and Safety Code.

§ 2419.54. Evaporative System Testing and Certification Requirement.

(b) Certification Requirements.

(1) For model years 2018 and later, OHRVs must be tested with the entire emissions control system as a complete vehicle. To obtain an Executive Order of Certification for OHRVs, a manufacturer must:

(A) Perform OHRV testing in accordance with section 2418(c). Measured emissions must be at or below the applicable emission standards listed section 2418(a), or;

(D) Meet the applicable warranty requirements of ~~§~~sections 2419.21 and 2419.32.

(E) Meet the evaporative emissions labeling requirements of ~~§~~section 2419.4.

(2) In order to facilitate OHRV design certification, ARB will certify emissions-related parts relating to fuel hoses, fuel tanks, and venting control devices to the emission standards in section 2418(b). To obtain an Executive Order of Certification for the design-based evaporative emissions standard, a small volume OHRV manufacturer must:

(C) Meet the applicable warranty requirements of ~~§~~sections 2419.21 and 2419.32.

(D) Meet the evaporative emissions labeling requirements of ~~§~~section 2419.4.

(F) Submit a design-based certification application to the ~~Mobile Source Operations~~ Emissions Compliance, Automotive Regulations and Science Division Chief, Air Resources Board, electronically as specified by the ECARSD Chief.

~~(i)~~1. The application must include the approved component Executive Order number or compliant emissions data for the emissions-related parts and any test data required for venting control.

~~(ii)~~2. Component Executive Orders can be obtained by following the procedures outlined in Cal. Code Regs., tit.13, § 2767.1, replacing all references to “section 2754” with “Cal. Code Regs., tit. 13, § 2418(b),” incorporated by reference herein.

~~(iii)~~3. The manufacturer must document all emissions-related parts installed in the OHRV and record the component Executive Order number or compliant emissions data for each part.

(d) Administrative Requirements.

(1) Maintenance of records

(A) The manufacturer shall establish, maintain, and retain the following organized records for each evaporative family:

- ~~(i)~~1. ARB evaporative family identification code,
- ~~(ii)~~2. Model number and engine size,
- ~~(iii)~~3. Make and model name,
- ~~(iv)~~4. Projected sales volume for the model year,
- ~~(v)~~5. Certification test results,
- ~~(vi)~~6. Actual sales volume for the model year,
- ~~(vii)~~7. Phase-in calculation, and
- ~~(viii)~~8. Advanced fuel system credit calculations.

NOTE: Authority cited: Sections 39600, 39601 and 43013, Health and Safety Code. Reference: Section 43013, Health and Safety Code. Cal. Code Regs., tit.13, § 2474. Section 27156, Vehicle Code.