

REQUEST FOR EARLY EFFECTIVE DATE

PROPOSED AMENDMENTS TO THE ENHANCED FLEET MODERNIZATION PROGRAM (CAR SCRAP)

Pursuant to Government Code section 11343.4(d), the Air Resources Board (ARB) requests that the amendments to sections 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, and 2630 in title 13, California Code of Regulations (CCR), and the documents incorporated by reference therein, become effective upon filing with the Secretary of State. Good cause for this request exists.

The amendments to title 13, CCR provide for the revision of an existing program (Enhanced Fleet Modernization Program, or EFMP) which pays owners of older, higher-polluting cars to retire (scrap) their vehicles and also pays an additional incentive amount if they replace the scrapped car with a lower-polluting vehicle. The amendments were adopted in response to SB 459 (Statutes of 2013, Ch. 437), which amended Health and Safety Code section 44125. The program is funded through grants that ARB distributes to local air districts. The local air districts operate the programs to retire and replace vehicles.

The statutory amendments allow for a higher incentive amount to be paid to vehicle owners who replace their scrapped vehicles with newer, cleaner cars. The statutory amendments also require greater outreach measures and more options to be provided to the vehicle owners.

The statutory amendments require that the updated EFMP regulations be adopted by the ARB by June 30, 2015, which shows that the Legislature intended for the regulatory amendments to be put into place quickly. Funding already exists and is ready to be disbursed, so lead time is not an issue. The air districts need the amended regulations to be effective so that they can pursue the activities that the amended regulations allow. The amended regulations are anticipated to improve the performance of the program (over the existing program). Improved program performance means that districts will get higher-polluting vehicles off the road sooner, and that consumers will get into cleaner, more fuel-efficient cars sooner. It would be confusing for the air districts to need to operate their programs for two or three months under the old regulations, then to have to switch to operating under the new regulations. It promotes government efficiency to make the regulatory amendments effective immediately.

The districts are aware that the new regulations are imminent. Since districts were involved in the rulemaking process, they know what the new regulations require and will not be disadvantaged by an early effective date. Indeed, as noted above, an early effective date would result in greater efficiencies for both ARB and the districts.

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