

REQUEST FOR AN EARLY EFFECTIVE DATE
Pursuant To Government Code Section 11343.4(c)

The Air Resources Board (ARB or Board) requests, under Government Code section 11343.4, subdivision (c), that the Office of Administrative Law (OAL) prescribe an "earlier effective date" for the Proposed Revisions to On-Board Diagnostic System Requirements and Associated Enforcement Provisions for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines (OBD II) that was adopted on June 9, 2016. ARB 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

The purpose of the OBD II regulation is to reduce motor vehicle and motor vehicle engine emissions by establishing emission standards and other requirements for OBD II systems that are installed on passenger cars, light-duty trucks, and medium-duty vehicles and engines certified for sale in California. OBD II systems, through the use of an onboard computer(s), monitor emission systems in-use for the actual life of the vehicle or engine, detect malfunctions of monitored emission systems, illuminate a malfunction indicator light (MIL) to notify the vehicle operator of detected malfunctions, and store fault codes identifying the detected malfunctions. The use and operation of OBD II systems ensure reductions of in-use motor vehicle and motor vehicle engine emissions through improvements in emission system durability and performance.

In this rulemaking, the ARB adopted amendments that include provisions providing engine and vehicle manufacturers greater compliance flexibility, and strengthened and clarified the performance requirements that they are expected to meet in designing and developing robust OBD II systems. The current requirements apply to model year 2016 and subsequent model year OBD II systems, and the early effective date will allow engine and vehicle manufacturers to more expeditiously implement the requirements for the 2017 model year, for which production has started or is imminent for many models (e.g., manufacturers generally sell model-year 2017 engines beginning in July 2016). This in turn will benefit Californians, who will be assured of a timely and available supply of new engines and vehicles that are equipped with OBD II systems that will quickly and accurately identify malfunctions resulting in emissions increases. This in turn will encourage manufacturers to design and build more durable engines and emission-related components, all of which will help ensure that forecasted emission reduction benefits from adopted light-and medium-duty vehicle emission control programs are achieved in-use.

Such provisions include:

Amendments relaxing the minimum in-use monitor performance ratio for monitors on plug-in hybrid electric vehicles (by extending the lower interim ratio of 0.1 an

additional 3 model years) (California Code of Regulations, title 13, section 1968.2, subd. (d)(3.2.1)(D)(v)).

Amendments relaxing the minimum in-use monitor performance ratio and the denominator incrementing criteria for the gasoline evaporative system high-load purge flow monitor (California Code of Regulations, title 13, sections 1968.2, subd. (d)(3.2.1)(C), 1968.2, subd. (d)(3.2.1)(D)(viii), and 1968.2, subd. (d)(4.3.2)(M)).

Amendments exempting monitoring of components or systems that are used solely for safety purposes (California Code of Regulations, title 13, sections 1968.2, subd. (e)(15.1.3) and 1968.2, subd. (f)(15.1.3)).

Amendments relaxing the malfunction criteria for misfire detection on plug-in hybrid electric vehicles (by requiring misfire detection when misfire exceeds two percent instead of existing requirement to detect misfire when emissions exceed a specified threshold level). (California Code of Regulations, title 13, section 1968.2, subd. (e)(3.2.3)).

Amendments exempting monitoring of selective catalytic reduction (SCR) system "no reductant" and "improper reductant" malfunctions if the vehicle has the associated inducement strategies (California Code of Regulations, title 13, sections 1968.2, subds. (f)(2.2.3)(G) and (H)).

For these reasons, ARB believes there is good cause for OAL to prescribe an earlier effective date and for OAL to approve an earlier effective date, coinciding with OAL's submittal of its approval of this rulemaking action to the Secretary of State under Government Code section 11343.4, subdivision (c).

Date: June 10, 2016

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