The California Air Resources Board is amending regulations to make clear that the "deemed to comply" option for the 2017 through 2025 model years is only applicable if the currently adopted federal regulations, as they existed as of the date the 2017 Final Determination was released (incorporated in the Code of Federal Regulations and last amended in October 25, 2016), is in effect. The "deemed to comply" option is the acceptance of federal program compliance as providing equivalent or better overall greenhouse gas reductions in the state compared to California's program.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 12/12/2018.

Date: December 12, 2018

Peggy J. Gibson
Senior Attorney

For: Debra M. Cornez
Director

Original: Richard W. Corey, Executive Officer
Copy: Bradley Bechtold
## A. PUBLICATION OF NOTICE

**1. SUBJECT OF NOTICE**

**TITLE(S):**

**FIRST SECTION AFFECTED**

**2. REQUESTED PUBLICATION DATE**

**3. NOTICE TYPE**

- [ ] Notice re Proposed Regulatory Action
- [ ] Notice re Proposed Other
- [ ] Other

**4. AGENCY CONTACT PERSON**

**TELEPHONE NUMBER**

**FAX NUMBER (Optional)**

**OAL USE ONLY**

**ACTION ON PROPOSED NOTICE**

- [ ] Approved as Submitted
- [ ] Approved as Modified
- [ ] Disapproved/Withdrawn

**NOTICE REGISTER NUMBER**

**PUBLICATION DATE**

## B. SUBMISSION OF REGULATIONS

**1a. SUBJECT OF REGULATION(S)**

**Amendments to Low-Emission Vehicle III GHG Regulation**

**1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)**

**3. TYPE OF FILING**

- [x] Regular Rulemaking (Gov. Code §11346)
- [ ] Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §11346.2, 11347.3)
- [ ] Emergency filing (Gov. Code, §11346.1)

**4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)**

**EFFECTIVE DATE OF CHANGES**

- [x] Effective January 1, April 1, July 1, or October 1 (Gov. Code §11346.1)

**5. EFFECTIVE DATE OF CHANGES**

- [x] Effective on filing with Secretary of State

**6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY**

- [ ] Department of Finance (Form STD. 399) (SAM §6660)

- [ ] Fair Political Practices Commission

- [ ] State Fire Marshal

- [ ] Other (Specify)

**7. CONTACT PERSON**

**TELEPHONE NUMBER**

(916) 521-8913

**FAX NUMBER (Optional)**

**E-MAIL ADDRESS (Optional)**

---

**I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.**

**SIGNATURE OF AGENCY HEAD OR DESIGNEE**

Richard W. Corey, Executive Officer
FINAL REGULATION ORDER

Amendments to Sections 1961.2 and 1961.3, Title 13, California Code of Regulations

Set forth below are the proposed amendments to title 13 of the California Code of Regulations (CCR). Amendments to existing section proposed and subject to comment in this rulemaking are shown in underline to indicate additions and strikeout to indicate deletions. Subsections for which no changes are proposed in this rulemaking are indicated with “* * * *”.

TABLE OF CONTENTS

Section Page No.
1. Section 1961.2 ...................................................... 2
2. Section 1961.3 ...................................................... 3
1. Amend title 13, CCR, section 1961.2 to read as follows:


* * * * *


* * * * *

2. Amend title 13, CCR, section 1961.3 to read as follows:


(a) Greenhouse Gas Emission Requirements.

(1) Fleet Average Carbon Dioxide Requirements for Passenger Cars, Light-Duty Trucks, and Medium-Duty Passenger Vehicles. For the purpose of determining compliance with this subsection (a)(1), the applicable fleet average CO₂ mass emission standards for each model year is the sales-weighted average of the calculated CO₂ exhaust mass emission target values for each manufacturer. For each model year, the sales-weighted fleet average CO₂ mass emissions value shall not exceed the sales-weighted average of the calculated CO₂ exhaust mass emission target values for that manufacturer.

(A) Fleet Average Carbon Dioxide Target Values for Passenger Cars. The fleet average CO₂ exhaust mass emission target values for passenger cars that are produced and delivered for sale in California each model year shall be determined as follows:

1. For passenger cars with a footprint of less than or equal to 41 square feet, the gram per mile CO₂ target value shall be selected for the appropriate model year from the following table:
2. For passenger cars with a footprint of greater than 56 square feet, the gram per mile CO₂ target value shall be selected for the appropriate model year from the following table:

<table>
<thead>
<tr>
<th>Model Year</th>
<th>CO₂ Target Value (grams/mile)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>195.0</td>
</tr>
<tr>
<td>2018</td>
<td>185.0</td>
</tr>
<tr>
<td>2019</td>
<td>175.0</td>
</tr>
<tr>
<td>2020</td>
<td>166.0</td>
</tr>
<tr>
<td>2021</td>
<td>157.0</td>
</tr>
<tr>
<td>2022</td>
<td>150.0</td>
</tr>
<tr>
<td>2023</td>
<td>143.0</td>
</tr>
<tr>
<td>2024</td>
<td>137.0</td>
</tr>
<tr>
<td>2025 and subsequent</td>
<td>131.0</td>
</tr>
</tbody>
</table>

2025 and subsequent

(B) Fleet Average Carbon Dioxide Target Values for Light-Duty Trucks and Medium-Duty Passenger Vehicles. The fleet average CO₂ exhaust mass emission target values for light-duty trucks and medium-duty passenger vehicles that are produced and delivered for sale in California each model year shall be determined as follows:

1. For light-duty trucks and medium-duty passenger vehicles with a footprint of less than or equal to 41 square feet, the gram per mile CO₂ target value shall be selected from the following table:
<table>
<thead>
<tr>
<th>Model Year</th>
<th>CO₂ Target Value (grams/mile)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>238.0</td>
</tr>
<tr>
<td>2018</td>
<td>227.0</td>
</tr>
<tr>
<td>2019</td>
<td>220.0</td>
</tr>
<tr>
<td>2020</td>
<td>212.0</td>
</tr>
<tr>
<td>2021</td>
<td>195.0</td>
</tr>
<tr>
<td>2022</td>
<td>186.0</td>
</tr>
<tr>
<td>2023</td>
<td>176.0</td>
</tr>
<tr>
<td>2024</td>
<td>168.0</td>
</tr>
<tr>
<td>2025 and subsequent</td>
<td>159.0</td>
</tr>
</tbody>
</table>

(c) Optional Compliance with the 2017 through 2025 MY National Greenhouse Gas Program.

The optional compliance approach provided by this section 1961.3 (c) shall not be available for 2021 through 2025 model year passenger cars, light-duty trucks, and medium-duty passenger vehicles if the "2017 through 2025 MY National Greenhouse Gas Program" is altered via a final rule published in the Federal Register subsequent to October 25, 2016.

(f) Definitions Specific to this Section. The following definitions apply to this section 1961.3:

(25) "2017 through 2025 MY National Greenhouse Gas Program" means the national program that applies to new 2017 through 2025 model year passenger cars, light-duty-trucks, and medium-duty passenger vehicles as adopted by the U.S. Environmental Protection Agency as codified in 40 CFR Part 86, Subpart S, except as follows:

For model years 2021 through 2025, the "2017 through 2025 MY National Greenhouse Gas Program" means the national program that applies to new 2021 through 2025 model year passenger cars, light-duty-trucks, and medium-duty passenger vehicles as adopted by the U.S. Environmental Protection Agency as codified in 40 CFR Part 86, Subpart S, as last amended on October 25, 2016 that incorporates CFR sections 86.1818-12 (October 25, 2016), 86.1865-12 (October 25, 2016), 86.1866-12 (October 25, 2016), 86.1867-12 (October 25, 2016), 86.1868-12 (October 25, 2016), 86.1869-12 (October 25, 2016), 86.1870-12

As Amended: September 28, 2018
Date of Hearing: September 28, 2018
(October 25, 2016), 86.1870-12 (October 25, 2016), and 86.1871-12 (October 25, 2016).

* * * * *

(g) Severability. Each provision of this section is severable, and in the event that any provision of this section is held to be invalid, the remainder of both this section and this article remains in full force and effect.

California Environmental Protection Agency
AIR RESOURCES BOARD

CALIFORNIA 2015 AND SUBSEQUENT MODEL CRITERIA POLLUTANT EXHAUST
EMISSION STANDARDS AND TEST PROCEDURES AND 2017 AND SUBSEQUENT
MODEL GREENHOUSE GAS EXHAUST EMISSION STANDARDS AND TEST
PROCEDURES FOR PASSENGER CARS, LIGHT-DUTY TRUCKS, AND
MEDIUM-DUTY VEHICLES

Adopted: March 22, 2012
Amended: December 6, 2012
Amended: September 2, 2015
Amended: September 28, 2018

Note: The proposed amendments to this document are shown in underline to indicate additions
and strikeout to indicate deletions compared to the test procedures as amended
September 2, 2015. Existing intervening text that is not amended in this rulemaking is indicated
by "*** ***".

As Amended: September 28, 2018
Date of Hearing: September 28, 2018
CALIFORNIA 2015 AND SUBSEQUENT MODEL CRITERIA POLLUTANT EXHAUST EMISSION STANDARDS AND TEST PROCEDURES AND 2017 AND SUBSEQUENT MODEL GREENHOUSE GAS EXHAUST EMISSION STANDARDS AND TEST PROCEDURES FOR PASSENGER CARS, LIGHT-DUTY TRUCKS, AND MEDIUM-DUTY VEHICLES

PART I: GENERAL PROVISIONS FOR CERTIFICATION AND IN-USE VERIFICATION OF EMISSIONS

B. Definitions, Acronyms and Abbreviations

2. California Definitions.

“2017 through 2025 MY National greenhouse gas program” or “2017 through 2025 MY National greenhouse gas final rule” means the national program that applies to new 2017 through 2025 model year passenger cars, light-duty trucks, and medium-duty passenger vehicles as adopted by the U.S. Environmental Protection Agency as codified in 40 CFR Part 86, Subpart S, as incorporated in and amended by these test procedures, except as follows:

For model years 2021 through 2025, the “2017 through 2025 MY National greenhouse gas program” means the national program that applies to new 2017 through 2025 model year passenger cars, light-duty trucks, and medium-duty passenger vehicles as adopted by the U.S. Environmental Protection Agency as codified in 40 CFR Part 86, Subpart S, as last amended on October 25, 2016 that incorporates CFR sections 86.1818-12 (October 25, 2016), 86.1865-12 (October 25, 2016), 86.1866-12 (October 25, 2016), 86.1867-12 (October 25, 2016), 86.1868-12 (October 25, 2016), 86.1869-12 (October 25, 2016), 86.1870-12 (October 25, 2016), and 86.1871-12 (October 25, 2016), as incorporated in and amended by these test procedures.

E. California Exhaust Emission Standards.

2. Emission Standards Phase-In Requirements for Manufacturers.
2.5 Greenhouse Gas Requirements for Passenger Cars, Light-Duty Trucks, and Medium-Duty Passenger Vehicles.

2.5.1 Fleet Average Carbon Dioxide Requirements for Passenger Cars, Light-Duty Trucks, and Medium-Duty Passenger Vehicles. For the purpose of determining compliance with this section E.2.5, the applicable fleet average CO₂ mass emissions standards for each model year is the sales-weighted average of the calculated CO₂ exhaust mass emission target values for each manufacturer. For each model year, the sales-weighted fleet average CO₂ mass emissions value shall not exceed the sales-weighted average of the calculated CO₂ exhaust mass emission target values for that manufacturer.

2.5.1.1 Fleet Average Carbon Dioxide Target Values for Passenger Cars. The fleet average CO₂ exhaust mass emission target values for passenger cars that are produced and delivered for sale in California each model year shall be determined as follows:

2.5.1.1.1 For passenger cars with a footprint of less than or equal to 41 square feet, the gram per mile CO₂ target value shall be selected for the appropriate model year from the following table:

<table>
<thead>
<tr>
<th>Model Year</th>
<th>CO₂ Target Value (grams/mile)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>195.0</td>
</tr>
<tr>
<td>2018</td>
<td>185.0</td>
</tr>
<tr>
<td>2019</td>
<td>175.0</td>
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<tr>
<td>2020</td>
<td>166.0</td>
</tr>
<tr>
<td>2021</td>
<td>157.0</td>
</tr>
<tr>
<td>2022</td>
<td>150.0</td>
</tr>
<tr>
<td>2023</td>
<td>143.0</td>
</tr>
<tr>
<td>2025 2024</td>
<td>137.0</td>
</tr>
<tr>
<td>2025 and subsequent</td>
<td>131.0</td>
</tr>
</tbody>
</table>
2.5.1.1.2 For passenger cars with a footprint of greater than 56 square feet, the gram per mile CO2 target value shall be selected for the appropriate model year from the following table:

<table>
<thead>
<tr>
<th>Model Year</th>
<th>CO2 Target Value (grams/mile)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>263.0</td>
</tr>
<tr>
<td>2018</td>
<td>250.0</td>
</tr>
<tr>
<td>2019</td>
<td>238.0</td>
</tr>
<tr>
<td>2020</td>
<td>226.0</td>
</tr>
<tr>
<td>2021</td>
<td>215.0</td>
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<tr>
<td>2022</td>
<td>205.0</td>
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<tr>
<td>2023</td>
<td>196.0</td>
</tr>
<tr>
<td>2024</td>
<td>188.0</td>
</tr>
<tr>
<td>2025 and subsequent</td>
<td>179.0</td>
</tr>
</tbody>
</table>

* * * *

2.5.1.2 Fleet Average Carbon Dioxide Target Values for Light-Duty Trucks and Medium-Duty Passenger Vehicles. The fleet average CO2 exhaust mass emission target values for light-duty trucks and medium-duty passenger vehicles that are produced and delivered for sale in California each model year shall be determined as follows:

2.5.1.2.1 For light-duty trucks and medium-duty passenger vehicles with a footprint of less than or equal to 41 square feet, the gram per mile CO2 target value shall be selected from the following table:

<table>
<thead>
<tr>
<th>Model Year</th>
<th>CO2 Target Value (grams/mile)</th>
</tr>
</thead>
<tbody>
<tr>
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<td>195.0</td>
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<tr>
<td>2022</td>
<td>186.0</td>
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<tr>
<td>2023</td>
<td>176.0</td>
</tr>
<tr>
<td>2024</td>
<td>168.0</td>
</tr>
<tr>
<td>2025 and subsequent</td>
<td>159.0</td>
</tr>
</tbody>
</table>

* * * *

2.5.1.3 Calculation of Fleet Average Carbon Dioxide Standards. For each model year, a manufacturer must comply with its fleet average CO2 standards for passenger cars and for light-duty trucks plus medium-duty passenger vehicles, as applicable, calculated for that model year as follows. A manufacturer shall calculate separate fleet average CO2
values for its passenger car fleet and for its combined light-duty truck plus medium-duty passenger vehicle fleet.

* * * *

2.5.1.3.4 Optional Compliance Via the 2017 through 2025 MY National Greenhouse Gas Program.

The optional compliance approach provided by this section E.2.5.1.3.4 shall not be available for 2021 through 2025 model year passenger cars, light-duty trucks, and medium-duty passenger vehicles if the "2017 through 2025 MY National Greenhouse Gas Program" is altered via a final rule published in the Federal Register subsequent to October 25, 2016.

For the 2017 through 2025 model years, a manufacturer may elect to demonstrate compliance with section E.2.5 by demonstrating compliance with the 2017 through 2025 MY National greenhouse gas program as follows:

2.5.1.3.4.1 A manufacturer that selects compliance with this option must notify the Executive Officer of that selection, in writing, prior to the start of the applicable model year or must comply with section E.2.5.5;

* * * *

J. Procedural Requirements.

* * * *

15. §86.1865-12 How to comply with the fleet average CO₂ standards. October 15, 2012. [No change, except that this section shall only apply to vehicles certifying under the 2012 through 2016 MY National greenhouse gas program, and the 2017 through 2025 MY National greenhouse gas program.]

16. §86.1866-12 CO₂ fleet average credit programs. October 15, 2012. [No change, except that for the 2012 through 2016 model years this section shall only apply to vehicles certifying under the 2012 through 2016 MY National greenhouse gas program, and the 2017 through 2025 MY National greenhouse gas program.]

* * * *