

## REQUEST FOR AN EARLIER EFFECTIVE DATE

### AMENDMENTS TO REGULATION ON COMMERCIALIZATION OF ALTERNATIVE DIESEL FUELS

## REQUEST FOR EARLY EFFECTIVE DATE

The California Air Resources Board (CARB or Board) formally requests, under Government Code section 11343.4(b), that the Office of Administrative Law (OAL) prescribe an "earlier effective date" for the amendments to the Regulation on Commercialization of Alternative Diesel Fuels (ADF Regulation), title 13, California Code of Regulations, division 3, chapter 5, article 3, subarticle 2, sections 2293.2 and Appendix 1. Specifically, CARB requests that the amendments become effective upon filing with the Secretary of State. The Board approved the amendments for adoption at its hearing on April 23, 2020 (Resolution 20-2). The following demonstrates good cause for OAL to allow the ADF Regulation amendments to be effective on the date requested.

## DEMONSTRATION OF GOOD CAUSE

Under the existing ADF Regulation, additives and ADF formulations may be certified to mitigate potential oxides of nitrogen (NOx) emissions increases from the use of biodiesel compared to conventional diesel. NOx emissions contribute to ozone formation and adversely affect the health of California residents. Twenty-one California air districts are out of compliance with State and federal ozone standards (South Coast and San Joaquin Valley Air Districts are designated as "extreme non-attainment areas," the classification for areas with the highest ozone concentrations above the standards); NOx reductions are critical to California achieving health-protective State and federal standards for ozone. It is therefore imperative to mitigate biodiesel NOx emissions under the ADF Regulation to help ensure that CARB programs and regulations designed to reduce NOx emissions to meet the ozone standards are timely and effective. The rulemaking was initiated in response to a 2019 CARB study of the efficacy of previously certified NOx mitigation biodiesel additives, which suggested that multiple additives may not be effective at mitigating NOx emissions to the regulatory standard. In this rulemaking, the Board considered and adopted targeted amendments to the ADF Regulation to strengthen the rigor of emissions certification testing requirements and require biodiesel additives and alternative diesel fuel formulations to be certified uniformly according to new certification procedures.

The amendments specify that starting August 1, 2021, only biodiesel additives and alternative diesel fuel formulations certified according to the amended certification procedures may be used to meet the ADF regulation's NOx mitigation requirements. The amendments also add new NOx mitigation compliance responses, specifically renewable diesel-biodiesel blends now approved for use statewide that result in overall NOx equivalence with conventional diesel.

The requested early effective date, upon filing with the Secretary of State, would allow biodiesel suppliers supplying blends subject to NOx control requirements to promptly transition their in-use compliance options from potentially ineffective additives to renewable diesel blends, thus preventing potential ongoing NOx emissions that may be occurring as a result of the use of ineffective biodiesel additives. These potential on-going NOx emissions are working against CARB's efforts to reduce NOx emissions and achieve mandated federal and State ozone standards. Some stakeholders have commented in the record that they are eager to make this transition, which is likely to result in immediate emissions benefits.


The requested early effective date will also allow stakeholders interested in certifying additives and/or formulations under the amended certification testing procedures to promptly initiate the certification

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testing protocol review process. Many stakeholders have commented that they would appreciate more time under the amendments to complete certification ahead of the transition date of August 1, 2021.

For the foregoing reasons, CARB hereby requests that OAL approve these amendments to be effective upon filing with the Secretary of State.



March 19, 2021

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Date