

UPDATED INFORMATIVE DIGEST OF ADOPTED ACTION

Sections Affected: The adoption of a national security exclusion and exemption for military tactical vehicles and equipment -- section 1905, Title 13, California Code of Regulations (CCR), which incorporates by reference 40 Code of Federal Regulations (CFR), Subpart R, Sections 85.1702(a)(2), 85.1703, 85.1704(b), 85.1708, and 85.1710; section 2400(c), Title 13, CCR, which incorporate by reference 40 CFR, Subpart J, Section 90.908, section 2420(d), Title 13, CCR, which incorporate by reference 40 CFR, Subpart J, Section 89.908.

The ARB has adopted regulations for the exclusion and exemption of military tactical vehicles and equipment from exhaust emission standards for new on-road motor vehicles (Title 13, Chapter 1, section 1950 et seq.) and engines used in off-road vehicles and equipment (Title 13, Chapter 9, sections 2400 et seq.). The adopted regulations define military tactical vehicles to mean an "on-road motor vehicle or off-road vehicle or equipment owned by the U.S. Department of Defense and/or the U.S. military services and used in combat, combat support, combat service support, tactical or relief operations, or training for such operations."

The adopted regulations align California regulations with the regulations and policies of the United States Environmental Protection Agency (U.S. EPA) that exclude and exempt military tactical vehicles and equipment. On-road engines and vehicles that fall under the proposed definition of a military tactical vehicle will be excluded or exempted in accordance with 40 CFR, Subpart R, Sections 85.1702(a)(2), 85.1703, 85.1704(b), 85.1708, and 85.1710. Off-road engines and equipment defined as military tactical equipment will be exempted in accordance with 40 CFR, Subpart J, Sections 89.908 and 90.908. The ARB will defer to the U.S. EPA the administration of the program and granting of national security exemptions. To the extent that certain vehicles and equipment, including those that are commercially available, fall within the definition of military tactical vehicles or equipment, and such vehicles and equipment do not require a federal exemption in that they meet federal emission standards, the adopted regulations exempt such vehicles and equipment from meeting California emission standards. However, the U.S. Department of Defense will be required to submit to the ARB a list of all vehicles and equipment types that are excluded and or exempted under the above provisions and which are located in California.

The ARB has determined that the adopted regulations will not affect small businesses in that provisions apply to and only affect the United States Department of Defense and its national procurement policies.