

Assembly Bill No. 1009

CHAPTER 873

An act to amend Section 43701 of the Health and Safety Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 29, 2004. Filed with Secretary of State September 29, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1009, Pavley. Air pollution: heavy-duty vehicles: emissions.

(1) Existing law requires the State Air Resources Board to adopt regulations requiring owners or operators of heavy-duty diesel motor vehicles to perform regular inspections of their vehicles for excessive emissions of smoke, and to adopt regulations requiring those heavy-duty diesel motor vehicles to utilize emission control equipment and alternative fuels. Existing federal law requires heavy-duty engines to meet emissions standards specified for the model-year of the vehicle.

This bill would, to the extent permissible under federal law, commencing January 1, 2006, require the owner or operator of any commercial motor truck, as defined, that enters into the state for purposes of operating in the state to maintain, and provide upon demand to enforcement authorities, evidence demonstrating that its engine met the federal emission standards applicable to commercial heavy-duty engines for that engine's model-year at the time it was manufactured.

The bill would require, not later than January 1, 2006, the state board, in consultation with the California Highway Patrol, to develop, adopt, and implement regulations establishing an inspection protocol for determining whether the engines in motor trucks subject to the requirements of the bill met those applicable federal emission standards.

(2) This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. The Legislature hereby finds and declares all of the following:

(a) Exhaust fumes from diesel-fueled engines are known to cause cancer.

(b) A study conducted by the South Coast Air Quality Management District in 2000 entitled the "Multiple Air Toxics Exposure Study II"



or “MATES II” determined that 70 percent of the cancer risk from air pollution in the South Coast Air Basin is attributable to diesel engine exhaust. The State Air Resources Board has made the same finding relative to the entire State of California.

(c) Diesel engines account for more than 70 percent of particulate matter (PM) pollution from all onroad sources in California.

(d) Diesel PM has been linked to asthma and other respiratory diseases, and premature death.

(e) Diesel exhaust is also a significant source of emissions of oxides of nitrogen (NO_x), which combine with sunlight to create ground level ozone, or smog.

(f) Exposure to smog has recently been connected with decreased lung function growth in California children.

(g) Many regions of California are not in attainment with federal ambient air quality standards for ozone and PM, including, but not limited to, those regions that include the South Coast Air Basin and San Joaquin Air Basins, which have the worst air quality in the nation. Further, many of these regions are in danger of failing to meet the federal ambient air quality standards by the dates required by the federal Clean Air Act. If these regions fail to reach attainment by the applicable deadlines, their residents will continue to be exposed to severe health risks, and the regions risk the loss of billions of dollars in federal transportation funds and other potential sanctions.

(h) Heavy-duty vehicles equipped with engines that emit greater levels of NO_x and PM than the federal emissions standards that were applicable at the time they were manufactured contribute to ozone and PM levels, and pose a threat to public health in California.

SEC. 2. Section 43701 of the Health and Safety Code is amended to read:

43701. (a) Not later than July 15, 1992, the state board, in consultation with the bureau and the review committee established pursuant to subdivision (a) of Section 44021, shall, after a public hearing, adopt regulations that require that owners or operators of heavy-duty diesel motor vehicles perform regular inspections of their vehicles for excessive emissions of smoke. The inspection procedure, the frequency of inspections, the emission standards for smoke, and the actions the vehicle owner or operator is required to take to remedy excessive smoke emissions shall be specified by the state board. Those standards shall be developed in consultation with interested parties. The smoke standards adopted under this subdivision shall not be more stringent than those adopted under Chapter 5 (commencing with Section 44000).



(b) Not later than December 15, 1993, the state board shall, in consultation with the State Energy Resources Conservation and Development Commission, and after a public hearing, adopt regulations that require that heavy-duty diesel motor vehicles subject to subdivision (a) utilize emission control equipment and alternative fuels. The state board shall consider, but not be limited to, the use of cleaner burning diesel fuel, or other methods which will reduce gaseous and smoke emissions to the greatest extent feasible, taking into consideration the cost of compliance. The regulations shall provide that any significant modification of the engine necessary to meet these requirements shall be made during a regularly scheduled major maintenance or overhaul of the vehicle's engine. If the state board requires the use of alternative fuels, it shall do so only to the extent those fuels are available.

(c) The state board shall adopt emissions standards and procedures for the qualification of any equipment used to meet the requirements of subdivision (b), and only qualified equipment shall be used.

(d) To the extent permissible under federal law, commencing January 1, 2006, the owner or operator of any commercial motor truck, as defined in Section 410 of the Vehicle Code, with a gross vehicle weight rating (GVWR) greater than 10,000 pounds that enters the state for the purposes of operating in the state shall maintain, and provide upon demand to enforcement authorities, evidence demonstrating that its engine met the federal emission standards applicable to commercial heavy-duty engines for that engine's model-year at the time it was manufactured, pursuant to the protocol and regulations developed and implemented pursuant to subdivision (e).

(e) The state board, not later than January 1, 2006, in consultation with the California Highway Patrol, shall develop, adopt, and implement regulations establishing an inspection protocol for determining whether the engine of a truck subject to the requirements of subdivision (d) met the federal emission standard applicable to heavy-duty engines for that engine's model-year at the time it was manufactured.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to protect the health and safety of the residents of California from the increased emissions from heavy-duty trucks domiciled in Mexico, it is necessary that this bill take effect immediately.

