

State regulations require that this notice be mailed to all persons
who submitted comments during the Spark-Ignition Marine Engine public comment period
* * No action by the public is necessary unless persons wish to comment on the additional modifications. * *

State of California
AIR RESOURCES BOARD

Second Notice of Public Availability of Modified Text

**PUBLIC HEARING TO CONSIDER ADOPTION OF EMISSION STANDARDS
AND TEST PROCEDURES FOR NEW 2001 AND LATER SPARK-IGNITION
MARINE ENGINES**

Public Hearing Date:	December 10, 1998
First Internet Posting Date:	June 21, 1999
First Public Availability Date:	June 28, 1999
Deadline for first Public Comment:	July 15, 1999
Second Internet Posting Date:	July 30, 1999
Second Public Availability Date:	August 2, 1999
Second Deadline for Public Comment:	August 17, 1999

This notice announces a second supplemental period in which the public may comment on additional modifications being proposed for the "Spark-Ignition Marine Engines Regulations". No action by the public is necessary unless persons wish to comment on the additional modifications.

At a public hearing held December 10, 1998, the Air Resources Board (ARB or the Board) considered adopting sections 2440 through 2447, Title 13, California Code of Regulations ("CCR") and the "California Exhaust Emission Standards and Test Procedures for 2001 Model Year and Later Spark-Ignition Marine Engines" ("Test Procedures"). The purpose of the regulations and test procedures is to reduce emissions of hydrocarbons and oxides of nitrogen from spark-ignition marine engines, specifically outboard marine and personal watercraft engines. The proposed regulatory action is described in detail in the Staff Report, released October 23, 1998, and available at the ARB's website at www.arb.ca.gov/carbis/regact/marine/isor.wpd.

The Board's Action. At the conclusion of the hearing, the Board adopted Resolution 98-63, in which it approved the originally proposed regulations with several modifications. The resolution directed the Executive Officer to incorporate the modifications into the proposed regulatory texts, with such other conforming

modifications as may be appropriate, and to make the modified text available for a supplemental comment period. The proposed modifications were made available with a supplemental comment deadline of July 15, 1999, and several written comments were received that specifically addressed the proposed modifications.

Additional Modifications. Based on the comments received during the supplemental comment period, staff is proposing additional clarifying and technical modifications to the regulatory texts consistent with the Board's approval of the regulations. Excerpts of the regulations and documents incorporated by reference in the regulations, with the additional modifications shown, are set forth in Attachment I. All enclosures and regulatory documents including the proposed additional modifications are available online at the ARB's Internet site for the Spark-Ignition Marine Engines — <http://www.arb.ca.gov/regact/marine/marine.htm>. Printed copies are also available and may be obtained from Ms. Joyce Stephanik, Mobile Source Control Division, at telephone (626) 575-6632 or fax (626) 575-6686.

Comments and subsequent action. The additional modifications are being made available for a second supplemental comment period in accordance with section 11346.8 of the Government Code. In Resolution 98-63, the Board directed the Executive Officer to adopt sections 2440 through 2447, as approved, after making the modified regulatory language available to the public for comment for a period of at least 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make further modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted.

Written comments on the proposed additional modifications must be submitted to the Clerk of the Board, Air Resources Board, P.O. Box 2815, Sacramento, California 95812, no later than the deadline for public comment identified above, for consideration by the Executive Officer prior to final action. Only comments relating to the additional modifications made available with this notice will be considered by the Executive Officer.

Robert H. Cross, Chief
Mobile Source Control Division

Attachment

ATTACHMENT I

Proposed Additional Modifications to the Text of the “Spark-Ignition Marine Engine Regulations” Amendments

NOTE: The following text shows the additional modifications to the previously proposed regulatory text. Unless otherwise indicated below, the originally proposed new provisions are shown in plain text, the proposed modifications made available for public comment on June 28, 1999, are shown in underline to indicate additions and ~~strikeout~~ to show deletions. The second set of modifications now being made available for public comment is shown in double underline to indicate additions and ***bold italicized strikeout*** to indicate deletions. Only comments relating to the modifications described this second notice will be considered by the Executive Officer.

1. Modify sections 2440 through 2447, Title 13, California Code of Regulations ("CCR") and the “California Exhaust Emission Standards and Test Procedures for 2001 Model Year and Later Spark-Ignition Marine Engines as follows:

§2443.3 Environmental Label/Consumer Notification Requirements

- (a) Applicability. This section applies to model year 2001 and later spark-ignition marine engines, which have been certified to the applicable emission standards pursuant to Health and Safety Code section 43013.
- (a b) A nonpermanent label (e.g. i.e., hang tag) must be attached to ~~the~~ each engine or vessel watercraft, as applicable, at time of sale that includes a copy of the following: the following:
 - (1) ~~***A a brief explanation of the relative cleanliness of the engine in accordance with the provisions of Title 13, California Code of Regulations, section 2443.2. For example,:***~~ “This engine (or engine used to power this vessel) is identified with a label on (specify location) that indicates its emissions cleanliness compared to the California standard for hydrocarbons plus oxides of nitrogen. These two emissions, when combined with sunlight, create ozone, or more commonly known as ‘smog’. A red ‘Low Emission Engine’ label means that the engine meets the Air Resources Board’s emission standard for the 2001 model year. A green ‘Very Low Emission Engine’ label means that the engine meets the Air Resources Board’s emission standard for the 2004 model year. A blue ‘Ultra Low Emission Engine’ label means that the engine meets the Air Resources Board’s emission standard for the 2008 model year.”

Front of Hang Tag:

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The Star Label means Cleaner Marine Engines

This engine has been certified as a:



(≤Check appropriate box.≥)

The Symbol for Cleaner Marine Engines Means:

Cleaner Air and Water - for a healthier lifestyle and environment.

Better Fuel Economy - burns up to 30 - 40 percent less gas and oil than conventional carbureted two-stroke engines, saving money and resources.

Longer Emission Warranty - protects consumer for worry free operation.

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Back of Hang Tag:

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<facsimile of the one star label>

One Star - Low-Emission

The one-star label identifies engines that meet the Air Resources Board’s 2001 exhaust emission standards. Engines meeting these standards have 75% lower emissions than conventional carbureted two-stroke engines. These engines are equivalent to the U.S. EPA’s 2006 standards for marine engines.

<facsimile of the two star label>

Two Stars - Very Low Emission

The two-star label identifies engines that meet the Air Resources Board’s 2004 exhaust emission standards. Engines meeting these standards have 20% lower emissions than One Star - Low-Emission engines. ~~80% lower emissions than conventional carbureted two-stroke engines.~~

<facsimile of the three star label>

Three Stars - Ultra Low Emission

The three-star label identifies engines that meet the Air Resources Board’s 2008 exhaust emission standards. Engines meeting these standards have 65% lower Emissions than One Star - Low-Emission engines. ~~91% lower emissions than conventional carbureted two-stroke engines.~~

<White Space for dealer or manufacturer identification or additional information>

Cleaner Watercraft - Get the Facts
1-800-END-SMOG
www.arb.ca.gov

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- (2) ~~The nonpermanent label explanation/information (i.e., characters and/or lettering) required by this section must be no smaller than two (2) millimeters in height.~~
- (1) Facsimiles of the three environmental labels, as described in section 2443.2(c)(1)(~~B~~), with the appropriate label circled or otherwise identified as being applicable to the spark-ignition marine engine, must be displayed on the nonpermanent label. Each facsimile must have dimensions no less than one inch by four-fifths inch.
- (2) For outboard engines greater than 130 horsepower (97 kilowatts) and all personal watercraft, *facsimiles* facsimiles of only the “Low Emission Engine” and “Very Low Emission Engine” labels described in sections 2443.2(c)(1)(B)(i) and (ii) need to be displayed on the nonpermanent label until the 2001 model year, or until such time that the Executive Officer deems necessary.
- (3) All textual information (i.e., characters and/or lettering) required by this section must be no smaller than two (2) millimeters in height.
- (b c) ~~The provisions of information required by paragraph (a b)~~ must also be provided in the owner’s manual and in the engine manufacturer’s application for certification.
- (e d) ~~Samples of all actual labels produced pursuant to this section must be submitted to the Executive Officer within thirty (30) days after the start of production~~ the applicable certification application.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43102 and 43104, Health and Safety Code.

Reference: Sections 43013, 43017, 43018, 43101, 43102, 43104, 43105, 43150-43154, 43205.5 and 43210-43212, Health and Safety Code.

The modified language in the Environmental Label/Consumer Notification Requirements proposed in this second notice is consistent with the information provided in the October 23, 1998, Initial Statement of Reasons and has been changed in response to comments received during the first 15-day comment period.

§2444 In-Use Compliance Testing and Recall Regulations -- Model Year 2001 and Later Spark-Ignition Engines

- (c) Reports and Evaluation

- (2) If the results of the in-use emission tests indicate that the average emissions of the test engines for any regulated pollutant exceed the applicable emission standards specified in Title 13, California Code of Regulations, section 2442, the entire engine population so represented shall be deemed to exceed the standards. The Executive Officer shall notify the engine manufacturer of the test results and upon receipt of the notification, the engine manufacturer has 45 days to submit a plan to make up all excess emissions resulting from in-use testing non-compliance in accordance with paragraph (c)(3). If excess emissions cannot be made up in accordance with paragraph (c)(3), the engine manufacturer must implement a voluntary recall plan in accordance with the applicable portions of paragraphs (d) and (e). If no excess emissions cannot be made up in accordance with paragraph (c)(3) and the engine manufacturer does not implement a voluntary recall plan is submitted, the Executive Officer may prescribe the implementation of an ordered recall pursuant to the applicable portions of paragraph (e)(2).
- (3) All excess emissions resulting from in-use noncompliance with the California standard must be made up in the *following* model year following the model year in which the notification of noncompliance is received. In-use noncompliance may not be remedied through implementation of the federal in-use credit program described in Title 40, Code of Federal Regulations, Part 91, Subpart N [October 4, 1996]. As an alternative to recall and with prior approval from the Executive Officer, the engine manufacturer may make up the excess emissions by any one or combination of the following options:
- (A) Recertification of the noncompliant engine family ~~the following~~ year to a lower emission level (or higher FEL) that makes up for the noncompliance, while maintaining compliance on a corporate average basis;
 - (B) Implementation of a running change and/or field fix on the noncompliant engine family;
 - (C) Implementation of market-based incentives, to be approved by the Executive Officer, to make up the noncompliance; or
 - (D) Payment of a noncompliance penalty to be determined by the Executive Officer on a per engine basis as provided by Part 5, Division 26 of the Health and Safety Code.

The modified language in section 2444(c)(3) is intended to clarify the start date from which a manufacturer is required to make up excess emissions that result from in-use testing noncompliance.