MEETING

BEFORE THE

CALIFORNIA AIR RESOURCES BOARD

BOARD HEARING ROOM

CALIFORNIA AIR RESOURCES BOARD

2020 L STREET

SACRAMENTO, CALIFORNIA

THURSDAY, SEPTEMBER 26, 1996

9:40 A.M.

Nadine J. Parks
Shorthand Reporter

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1 greatness is determined by the number of individuals whose
2 lives he or she has influenced for the better during their
3 lives.
4 And your leadership for California, for
5 Sacramento, for the nation, and for the world puts you in
6 that category of a great man. And thank you.
7 MR. BOYD: Thank you, Ms Edgerton. Appreciate it.
8 CHAIRMAN DUNLAP: Well said, thanks.
9 Thank you, Jim, for coming back today. I
10 appreciate it. Well said, Lynne.
11 Okay. With that, we'll move on to the final two
12 items we have today.
13 The next item on the agenda is 96-7-3, which is a
14 public hearing to consider amendments to the hydrocarbon and
15 oxides of nitrogen emission standards for 1995 and later
16 utility and lawn and garden equipment engines used in
17 snowthrowers and ice augers, and too the carbon monoxide
18 standard for '96 through '98 for off-highway recreational
19 vehicles and engines.
20 We have before us a petition for the Board to
21 amend the emission control regs for 1995 and later utility
22 lawn and garden equipment engines used in the snowthrowers
23 and ice augers in response to a petition from industry.
24 In addition, staff proposes to amend the emissions
25 control regs for the 1996 through '96 off-highway

1 recreational vehicles and engines.

2 I can attest that this item, while important,

3 represents a relatively small impact on emissions. And I am

4 pleased with the preparation that the staff has put in to

5 bring this item to us.

6 So, with that, I'd like to ask Mr. Kenny to begin

7 the staff's brief presentation.

8 MR. KENNY: Thank you. And I will be brief.

9 Presented here is really a straightforward item

10 with limited scope. Industry submitted a petition which

11 requested that snowthrowers and ice augers be exempt from

12 hydrocarbon and oxides of nitrogen standards due to their

13 wintertime operation -- essentially, the non-ozone season.

14 Staff concurs with the request. In addition,

15 staff is proposing a minor regulatory change to the carbon

16 monoxide standard for off-highway recreational vehicles and

17 engines which utilize the same utility engines as lawn and

18 garden equipment for which the Board granted a similar

19 carbon monoxide standard revision earlier this year.

20 Both changes will make our standards more

21 consistent with those of the U.S. EPA.

22 Fernando Amador from the Mobile Source Division

23 will now make a short presentation.

24 Mr. Amador?

25 MR. AMADOR: Thank you, Mr. Kenny.

1 Chairman Dunlap and members of the Board, staff is
2 proposing two straightforward regulatory amendments which
3 are of a minor nature.
4 The first proposal is to revise the requirements
5 for 1995 and later utility engines used in snowthrowers and
6 ice augers to make the previously adopted hydrocarbon and
7 oxides of nitrogen standards optional.
8 The second proposal is to revise the carbon
9 monoxide standard for 1996 through 1998 off-highway
10 recreational vehicles under 25 horsepower, categorized as
11 specialty vehicles.
12 I will begin with the snowthrower proposal. On or
13 about March 28th, 1996, ARB received a petition from the
14 Tecumseh and Toro Companies seeking to align the California
15 utility regulations with the Federal utility engine rule.
16 Under the Federal regulations, manufacturers of
17 engines used in snowthrowers and ice augers may certify
18 engines only to CO standards and be exempt from HC and NOx
19 requirements.
20 In so adopting the rule, the United States
21 Environmental Protection Agency concluded that HC and NOx
22 standards were unnecessary for this equipment because they
23 are used in the winter and their emissions do not contribute
24 to summertime ozone concentrations.
25 Tecumseh and Toro contend that the present

1 California regulations, which would require manufacturers to
2 produce different product lines for national and California
3 sales may force snowthrowers and ice augers out of the
4 California marketplace.
5 The high cost of producing separate product lines
6 for California and the relatively small sales volume
7 involved would be too economically burdensome for
8 manufacturers. Consequently, there would be adverse impacts
9 for retailers, consumers, and the environment.
10 California retailers would no longer market this
11 equipment. With no new snowthrowers and ice auger products
12 available in California, consumers would likely repair and
13 rebuild their uncontrolled units beyond their customary
14 practice in order to extend their service life.
15 This could cause continued higher CO emissions in
16 localities where CO is a primary air quality concern.
17 Consequently, staff recommends that the HC and NOx emission
18 standards be made optional for engine used in snowthrowers
19 and ice augers.
20 This action would effectively align California
21 standards with Federal standards, and manufacturers may
22 still opt to meet the HC and NOx standards to take advantage
23 of any green marketing opportunities.
24 The second regulatory proposal is to revise the CO
25 standard for specialty vehicles from 300 grams per brake

1 horsepower hour to 350, applicable to model years 1996
2 through 1998.
3 To correct a minor error in the staff report which
4 states that the proposed revision would apply to the 1996
5 through 1998 "calendar" years, the correct terminology is
6 the 1996 through 998 "model" years.
7 I will now provide a brief background. On or
8 about July 26, 1995, the Briggs & Stratton Corporation
9 petitioned ARB to revise the CO standard for utility engines
10 used in lawn and garden equipment in order to avoid
11 potential performance problems and high warranty costs with
12 certain low-cost lawnmower engine models.
13 In addition, the revised CO standard would
14 harmonize California with the Federal utility engine
15 standard. In January, 1996, the Board adopted the revised
16 350 gram per brake horsepower hour standard for the 1996
17 through 1998 lawn and garden equipment engines.
18 These same engines are also used in specialty
19 vehicles, such as golf carts, go-carts, and groundskeeping
20 vehicles.
21 Therefore, staff is now proposing to revise the CO
22 standard to 350 grams per brake horsepower hour for these
23 1996 through 1998 vehicles as well.
24 Because specialty vehicles under 25 horsepower use
25 the same engines as those used in lawn and garden equipment,

1 amendment of the standard would relieve the manufacturers
2 from unnecessarily having to develop separate engines for
3 specialty vehicles in the California market, which may be
4 subject to performance problems.
5 This proposal would ensure that customer
6 acceptable vehicles would be available to the California
7 market.
8 The air quality impacts from both regulatory
9 proposals should be minimal if not negligible. Overriding
10 economic considerations exist to justify the optional HC and
11 NOx standards for snowthrowers and ice augers and the
12 revised CO standard for specialty vehicles.
13 Both proposals also provide greater consistency
14 with other California and Federal regulations.
15 One written comment was submitted from Collier,
16 Shannon, Rill & Scott, representing the Outdoor Power
17 Equipment Institute and the Engine Manufacturers
18 Association. Basically, they support staff's proposal.
19 This concludes my presentation. We will now be
20 happy to answer any of your questions.
21 CHAIRMAN DUNLAP: Staff, did you receive any
22 letters or comments at all other than the Briggs & Stratton
23 letter on this item?
24 MR. AMADOR: No. That was the only comment we
25 got.

1 CHAIRMAN DUNLAP: All right. Thank you. Mr.
2 Schoning?
3 MR. SCHONING: Mr. Chairman, the two distinct
4 elements before the Board, as staff indicated, rise from a
5 desire to bring our existing standards into conformance with
6 Federal standards.
7 The fist comes from a petition from Tecumseh and
8 Toro Companies and the small California businesses who
9 market their snowthrowers and ice augers. And by adopting
10 this change, the hydrocarbon and NOx standards will become
11 optional, and the results would conform with the Federal
12 standards.
13 The second, as indicated, is a clean-up item,
14 which stems from the Board's action last January 25th,
15 affecting utility and lawn and garden CO standards. And
16 the proposed change would extend the previous approved
17 standard of 350 grams per brake horsepower hour for utility
18 engines to similar engines in specialty vehicles like golf
19 carts and go-carts.
20 An informational notice of this hearing contained
21 the required materials and was sent to approximately a
22 thousand individuals and organizations that either have or
23 may have an interest in these regulations.
24 The mail-out reached manufacturers, distributors,
25 retailers, consultants, and associations, as well as

1 individual citizens.

2 This notice was sent in conformance with our

3 45-day conformance requirement for this hearing, today's

4 hearing.

5 We've received -- we're aware of no written

6 comments in receipt either in favor or opposition to this

7 proposal. It's our understanding that no workshop was

8 conducted before proposing these regulations. In part, this

9 reflects the immediacy of the issue since the intent is to

10 allow this regulatory modification to affect this winter's

11 sales of snowthrowers and ice augers.

12 Additionally, the decision to waive a workshop

13 reflects staff's belief that these are minor adjustments to

14 regulations, contacts with interested parties suggest

15 support. The impacts are favorable to industry and to

16 consumers.

17 The changes were proposed again to conform our

18 regulations with Federal standards, and the changes clean up

19 some of our existing regulations. While there were no

20 public hearings, we have no concerns under those

21 circumstances.

22 CHAIRMAN DUNLAP: Okay. Thank you, Mr. Schoning.

23 You said there were a thousand folks notified?

24 MR. SCHONING: That's correct.

25 CHAIRMAN DUNLAP: Okay. Very good. Any questions

1 any of the Board members have of staff on this item?
2 Mr. Cross, if I could ask you a question on the
3 emissions. One of the things we, as members of this Board,
4 are concerned with -- and I know you are, too, and Mr.
5 Cackette has this emblazoned on my mind -- because he makes
6 this point all the time. We're not in the business of
7 forgiving emissions reductions, in that we need to get the
8 tons.
9 What is the bottom line? I heard "de minimis." I
10 heard "small."
11 Tell me what we're looking at here.
12 MR. CROSS: The sales that we're talking about are
13 like hundreds.
14 CHAIRMAN DUNLAP: In the hundreds? For these, for
15 snowthrowers and ice augers?
16 MR. CROSS: Right.
17 CHAIRMAN DUNLAP: For California. Okay.
18 MR. CROSS: And we're talking about tenths of
19 hundreds of a ton. That's my recollection. Have you got
20 the exact number (speaking to colleague)?
21 CHAIRMAN DUNLAP: Just be a little bit more
22 definitive than small or de minimis.
23 MR. CROSS: Yes, it's a tenth of a ton per day --
24 CHAIRMAN DUNLAP: Okay. that answers my --
25 MR. CROSS: -- for snowthrowers.

CHAIRMAN DUNLAP: Oh, for snowthrowers. All right. Ice augers would probably be even less for ice augers.

MR. CROSS: No, it's snowthrowers and ice augers. I was including both in that.

CHAIRMAN DUNLAP: Okay. So, it truly is de minimis.

MR. CROSS: Very small.

CHAIRMAN DUNLAP: All right. Any questions --

MR. CROSS: And off season.

CHAIRMAN DUNLAP: Okay. Any questions of staff?

SUPERVISOR VAGIM: I just have a question.

CHAIRMAN DUNLAP: Yes, Supervisor Vagim.

SUPERVISOR VAGIM: When we were dealing with this some time ago, the issue came up of personal hand-held posthole diggers. And that's never come back around to be an issue then?

MR. CROSS: No, it has not.

SUPERVISOR VAGIM: So, they're going to be able too meet our standards and not have a marketing problem?

MR. CROSS: As far as I am aware, that's true. There's not a marketing problem with those.

MR. CROSS: Because of the weight issue and that kind of stuff became a concern.

MR. CROSS: Yeah. My recollection is -- this one

is far enough off the subject, so I'll need to extract. But my recollection was that those would be preempt as far as farm and construction equipment, so they would be using Federal engines in California.

But I'll need to check and get back to you.

SUPERVISOR VAGIM: Yeah. I think there was some question at the time. So, okay.

Thank you, Mr. Chairman.

CHAIRMAN DUNLAP: All right. But certainly, with the certainly with the mailout, folks know, because of this action, they have an opportunity to come back to us and ask for similar consideration if there is a real concern.

All right. Ms. Hutchens, we have no one that signed up to testify?

MS. HUTCHENS: No.

CHAIRMAN DUNLAP: All right. Very good. Then, I guess we'll close the record.

Since all testimony, written submissions and staff comments for this item have been entered in the record and the Board has not granted an extension of the comment period, I'm officially closing the record on this portion of Agenda Item No. 96-7-3.

Written or oral comments received after the comment period has been closed will not be accepted as part of the official record on this agenda item.

We also have an obligation under ex parte communication. Is there anything that we have to report? All right.

Very good. We have a resolution before us, 96-47. We've had it for a few moments. But I know that it contains the staff recommendation. And the Chair would entertain a motion and a second.

MR. CALHOUN: I so move, Mr. Chairman.

CHAIRMAN DUNLAP: Okay. Mr. Calhoun.

SUPERVISOR RIORDAN: Second.

CHAIRMAN DUNLAP: And Supervisor Riordan. Thank you.

Any discussion that needs to occur? Okay.

With that, we'll do a voice vote. All those in favor, say aye?

(Ayes.)

Any opposed? Very good. Motion carries.

All right. Which brings us to our last item.

Thank you, Mr. Cross, you and Tom, and your team on that as well.

As staff are changing positions, I'll introduce this item.

96-7-4 are research proposals. This next item of business before the Board are five specific research proposals.