



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do NOT use for expedited rule making

Agency: Department of Ecology, AO# 05-10

Subject of possible rule making: This will be a new rule, Chapter 173-423, WAC, to implement ESHB 1397 which directs Ecology to adopt rules implementing California motor vehicle emissions standards. The rule will require that new vehicles registered, leased, rented, or sold for use in the state after 2009 meet the applicable California standards and requirements from Title 13 of the California Code of Regulations. The rule will specify any exemptions allowed and the reporting and compliance procedures for sales and registration of California certified vehicles in Washington.

Statutes authorizing the agency to adopt rules on this subject: ESHB 1397, signed into law on May 6, 2005, directs Ecology to adopt rules to implement the statute.

Reasons why rules on this subject may be needed and what they might accomplish: The standards and procedures for implementing the statute need to be in rule. Sections of the rule needed to establish the applicability of the California standards in Washington must be completed by 12/31/2005 in order to give manufacturers required notice for application to the 2009 model years. Rules to accomplish notification of manufacturers will likely be filed before other rule provisions. The other sections of the rule will include compliance procedures for auto dealers and provisions regarding vehicle registration by dealers and individuals. Department of Licensing may also develop a rule regarding vehicle registration procedures.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The U.S. Environmental Protection Agency regulates vehicle emissions under the U.S. Clean Air Act. Section 177 of the Clean Air Act allows states to adopt and enforce the more stringent California vehicle emission standards instead of having EPA standards apply. Ecology will consult as needed with EPA, California and other states using the section 177 option. Washington State Department of Licensing is a major stakeholder and will be on rule advisory committee.

Process for developing new rule (check all that apply):

Negotiated rule making

Pilot rule making

Agency study

Other: ESHB 1397 requires Ecology to convene an advisory committee with industry and consumer representatives and provide for review and comment by that committee. Ecology will convene such a committee of interested parties and meet with them periodically to develop and finalize a new rule, to implement ESHB 1397. Ecology will seek a broad consensus of the committee on this rule although Ecology will make the final decision on content of the rules.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

For more information about this rulemaking process, the advisory committee, or how to be kept informed; contact:

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DATE
May 31, 2005

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