



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 # 11-01

Subject of possible rule making: This rule making will update Chapter 173-423 WAC (Low Emission Vehicles) to incorporate by reference recent changes to California clean car regulations to maintain consistency with the California motor vehicle emission standards and compliance with federal law. Updates include:

- Option for manufacturers to use new federal motor vehicle greenhouse gas standards to show compliance with California's greenhouse gas limits ("Harmonization Provision"),
- Option for manufacturers to show how they meet greenhouse gas limits across multiple states in lieu of state-by-state compliance ("Compliance Pooling"),
- Updates on-board diagnostic system requirements for diesel engines,
- Repeal reporting requirements for emission-related equipment and required corrective action (Article 5) repealed by California in 2008, and
- Other changes as needed to maintain consistency with the California motor vehicle emission standards.

Statutes authorizing the agency to adopt rules on this subject: RCW 70.120A.010

Reasons why rules on this subject may be needed and what they might accomplish: The Washington Legislature requires automotive emissions standards to be consistent with California low emission vehicles standards in Title 13 of the California Code of Regulations. The federal Clean Air Act allows states to opt into the California clean car program and requires that states who opt in maintain consistency with the California vehicle emission standards. RCW 70.120A.010 directs Ecology to "amend the rules from time to time, to maintain consistency with the California motor vehicle emission standards." This rule making will incorporate by reference recent Title 13 of the California Code of Regulations updates into Chapter 173-423 WAC.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: No other Ecology programs or federal agencies are involved. The Department of Licensing (DOL) has a role to ensure only new vehicles meeting California standards are registered in Washington. This rule making does not alter or affect the DOL role but Ecology will keep them informed of the process.

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

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

The proposed rule will be drafted internally by staff using incorporation by reference of Title 13 of the California Code of Regulations. The public will have the opportunity to comment on the proposed rule. At least one public hearing will be held and the proposed amendments will be posted on the agency website and provided to interested parties.

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

Interested parties can access more information on this rule making by contacting the Ecology staff member listed below or accessing the Ecology website: <http://www.ecy.wa.gov/laws-rules/wac173423/1101.html>

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DATE
4/11/2011

NAME (TYPE OR PRINT)
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SIGNATURE

TITLE
Air Quality Program Manager

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