

**Introduced by Senator Lara**

February 22, 2013

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An act to amend Section 43013 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 793, as introduced, Lara. Air pollution.

Existing law requires the State Air Resources Board to adopt standards and regulations for motor vehicles, off-road or nonvehicle engine categories, and portable fuel containers and spouts, in order to control the emissions of air contaminants.

This bill would make nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

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

- 1 SECTION 1. Section 43013 of the Health and Safety Code is
- 2 amended to read:
- 3 43013. (a) The state board shall adopt and implement motor
- 4 vehicle emission standards, in-use performance standards, and
- 5 motor vehicle fuel specifications for the control of air contaminants
- 6 and sources of air pollution which the state board has found to be
- 7 necessary, cost effective, and technologically feasible, to carry out
- 8 the purposes of this division, unless preempted by federal law.
- 9 (b) The state board shall, consistent with subdivision (a), adopt
- 10 standards and regulations for light-duty and heavy-duty motor
- 11 vehicles, medium-duty motor vehicles, as determined and specified
- 12 by the state board, portable fuel containers and spouts, and off-road

1 or nonvehicle engine categories, including, but not limited to,  
2 off-highway motorcycles, off-highway vehicles, construction  
3 equipment, farm equipment, utility engines, locomotives, and, to  
4 the extent permitted by federal law, marine vessels.

5 (c) Prior to adopting standards and regulations for farm  
6 equipment, the state board shall hold a public hearing and find and  
7 determine that the standards and regulations are necessary, cost  
8 effective, and technologically feasible. The state board shall also  
9 consider the technological effects of emission control standards  
10 on the cost, fuel consumption, and performance characteristics of  
11 mobile farm equipment.

12 (d) Notwithstanding subdivision (b), the state board shall not  
13 adopt any standard or regulation affecting locomotives until the  
14 final study required under Section 5 of Chapter 1326 of the Statutes  
15 of 1987 has been completed and submitted to the Governor and  
16 Legislature.

17 (e) Prior to adopting or amending any standard or regulation  
18 relating to motor vehicle fuel specifications pursuant to this section,  
19 the state board shall, after consultation with public or private  
20 entities that would be significantly impacted as described in  
21 paragraph (2) of subdivision (f), do both of the following:

22 (1) Determine the cost-effectiveness of the adoption or  
23 amendment of the standard or regulation. The cost-effectiveness  
24 shall be compared on an incremental basis with other mobile source  
25 control methods and options.

26 (2) Based on a preponderance of scientific and engineering data  
27 in the record, determine the technological feasibility of the adoption  
28 or amendment of the standard or regulation. That determination  
29 shall include, but is not limited to, the availability, effectiveness,  
30 reliability, and safety expected of the proposed technology in an  
31 application that is representative of the proposed use.

32 (f) Prior to adopting or amending any motor vehicle fuel  
33 specification pursuant to this section, the state board shall do both  
34 of the following:

35 (1) To the extent feasible, quantitatively document the  
36 significant impacts of the proposed standard or specification on  
37 affected segments of the state's economy. The economic analysis  
38 shall include, but ~~is~~ *need* not *be* limited to, the significant impacts  
39 of any change on motor vehicle fuel efficiency, the existing motor  
40 vehicle fuel distribution system, the competitive position of the

1 affected segment relative to border states, and the cost to  
2 consumers.

3 (2) Consult with public or private entities that would be  
4 significantly impacted to identify those investigative or preventive  
5 actions that may be necessary to ensure consumer acceptance,  
6 product availability, acceptable performance, and equipment  
7 reliability. The significantly impacted parties shall include, but ~~are~~  
8 *need not be* limited to, fuel manufacturers, fuel distributors,  
9 independent marketers, vehicle manufacturers, and fuel users.

10 (g) To the extent that there is any conflict between the  
11 information required to be prepared by the state board pursuant to  
12 subdivision (f) and information required to be prepared by the state  
13 board pursuant to Chapter 3.5 (commencing with Section 11340)  
14 of Part 1 of Division 3 of Title 2 of the Government Code, the  
15 requirements established under subdivision (f) shall prevail.

16 (h) It is the intent of the Legislature that the state board act as  
17 expeditiously as is feasible to reduce nitrogen oxide emissions  
18 from diesel vehicles, marine vessels, and other categories of  
19 vehicular and mobile sources ~~which~~ *that* significantly contribute  
20 to air pollution problems.