



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 27, 2018

TIME: 2:20 PM

WSR 19-02-056

Agency: Department of Ecology AO # 18-11

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain: California needed to adopt amendments to Sections 1961.2 and 1961.3, Title 13 of the California Code of Regulations before we could update our adoption by reference of those changes. California's has adopted their rule and it becomes effective on Dec. 12, 2018.

Purpose:

We updated our rule to match revisions to California's motor vehicle emission standards for greenhouse gases approved by the California Air Resources Board on Sept. 28, 2018. The changes we are adopting:

- Clarify that automobile makers who want to sell cars and light-duty trucks in California (and by extension in Washington) for model years 2021 through 2025 would need to meet the existing standards agreed to by California, the federal government, and automakers in 2012; and
- Update requirements and test procedures for certifying compliance with the vehicle emission standards.

Other changes

- Updated requirements in Washington's rule for on-board diagnostic systems to match California's 2015 rulemaking in Section 1968.2 and Section 1968.5.
- Updated the reference to California effective date for two sections to reflect the current date rather than the revision date for that citation:
 - Section 1956.8 (g) and (h): California revisions to Section 1956.8 did not change the content in (g) and (h); and
 - Appendix A to Article 2.1: Appendix A is part of Section 2112 so the effective date should be the effective date for Section 2112 not the date Appendix A was last revised.
- Corrected that ten sections adopted in Washington's rule are located in California's Article 2 not Article 1: Section 1956.8 (g) and (h), Section 1960.1, Section 1961, Section 1961.1, Section 1961.2, Section 1961.3, Section 1965, Section 1968.2, Section 1968.5, Section 1976, and Section 1978.

Citation of rules affected by this order:

New:
 Repealed:
 Amended: WAC 173-423-070
 Suspended:

Statutory authority for adoption: RCW 70.120A.010

Other authority: N/A

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 18-22-123 on Nov. 7, 2018 (date).

Describe any changes other than editing from proposed to adopted version:

We made the same change in two locations. We inserted "12/12/18" (the effective date of California's rule) in the "California Effective Date" column for Sections 1961.2 and 1961.3, and removed the sentence that stated our intent to update our adoption of these sections based on the effective date of the rule changes approved by the California Air Resources Board on Sept. 28, 2018.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: An analysis was not prepared.
Address:
Phone:
Fax:
TTY:)
Email:
Web site: N/A
Other: N/A

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	<u>1</u>	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

The number of sections adopted on the agency's own initiative:

New	___	Amended	<u>1</u>	Repealed	___
-----	-----	---------	----------	----------	-----

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: December 27, 2018

Name: Maia D. Bellon

Title: Director

Signature:

Maia Bellon by Betty Zehm