

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF AIR RESOURCES**

**Notice of Public Hearing and Comment Period**

**Concerning proposed amendments to Air Pollution Control Regulation No. 37 "Rhode Island's Low Emission Vehicle Program"**

Notice is hereby given that a public hearing regarding proposed amendments to Air Pollution Control Regulation No. 37 "Rhode Island's Low Emission Vehicle Program" will be held in Room 300 of the Department of Environmental Management, at 235 Promenade Street, Providence, Rhode Island on Monday, June 3 at 1:00 p.m., at which time interested parties will be heard.

The proposed amendments would adopt the latest California Exhaust Emission Standards and make amendments to the Zero Emission Vehicle component of the Low Emission Vehicle program. These standards would apply to new vehicles sold in Rhode Island beginning with model year 2016.

DEM has complied with the requirements of R.I. Gen. Laws Section 42-35-3 by considering alternative approaches to the proposed regulations and has determined that there is no alternative approach that would be as effective and less burdensome. DEM has also determined that the proposed regulations do not overlap or duplicate any other state regulation. DEM has complied with the requirements of R.I. Gen. Laws Section 42-35-3.3, 42-35.1-3 and 42-35.1-4 by preparing an Economic Impact Statement and a Regulatory Flexibility Analysis and providing these to the Office of Regulatory Reform and the Economic Development Corporation.

Copies of the proposed amendments and a Fact Sheet are available at the Office of Air Resources at 235 Promenade Street, Providence, Rhode Island or on the Department's web site at [www.dem.ri.gov](http://www.dem.ri.gov). Written comments on the proposed amendments may be sent to the Office of Air Resources at the above address until 4:00 PM, June 14, 2013, at that time the comment period will end, unless extended by the hearing officer. It is requested that persons who wish to make oral comments during the public hearing submit a copy of their statement for the record. Members of the Office of Air Resources may question commenters concerning their remarks.

The Department of Environmental Management building is accessible to those with disabilities. Persons with disabilities requiring accommodation should contact the Office of Air Resources at TCDD (401) 222-6800, or (401) 222-2808, or toll free at 1-800-752-8088, at least three business days prior to the hearing.

Signed this 15<sup>th</sup> day of May, 2013.

Douglas L. McVay, Chief  
Office of Air Resources

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF AIR RESOURCES

AIR POLLUTION CONTROL REGULATION NO. 37

RHODE ISLAND'S LOW-EMISSION VEHICLE PROGRAM



*Effective 5 June 1996*

| *Last Amended ~~19 July 2007~~ ~~XX April June,~~ 2013*

AUTHORITY: These regulations are authorized pursuant to R.I. Gen. Laws § 42-17.1-2(s) and 23-23, as amended, and have been promulgated pursuant to the procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF AIR RESOURCES  
AIR POLLUTION CONTROL REGULATION NO. 37

RHODE ISLAND'S LOW-LOW-EMISSIONS VEHICLE PROGRAM

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RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF AIR RESOURCES  
AIR POLLUTION CONTROL REGULATION NO. 37

RHODE ISLAND'S LOW EMISSIONS VEHICLE PROGRAM

**37.1 Definitions**

Unless otherwise expressly defined in this section, the terms used in this regulation shall be defined by reference to the Rhode Island Air Pollution Control General Definitions Regulation. As used in this regulation, the following terms shall, where the context permits, be construed as follows:

37.1.1 "~~Air contaminant e~~**Emission control system**" means the equipment designed for installation on a motor vehicle or motor vehicle engine for the purpose of reducing the air contaminants emitted from the motor vehicle or motor vehicle engine or a system or engine modification on a motor vehicle which causes a reduction of air contaminants emitted from the motor vehicle engine, including but not limited to exhaust control systems, fuel evaporation control systems and crankcase ventilating systems.

~~37.1.2 "AT-PZEV" means an advanced technology partial zero emission vehicle.~~

37.1.~~3~~**2** "**California Air Resources Board**" or "**CARB**" means the California ~~S~~**s**tate agency established and empowered to regulate sources of air pollution in California, including motor vehicles, pursuant to Division 26 (Air Resources) of the California ~~h~~**h**ealth & ~~s~~**s**afety ~~e~~**e**Code sections ~~39500 et seq.~~

37.1.4~~3~~**3** "**California Standards**" means those emission standards for motor vehicles and new motor vehicle engines, in force and effect at the time of adoption of these regulations, that the state of California ~~CARB~~**CARB** has adopted and is permitted to adopt pursuant to the authority of 42 U.S.C.A. Section 7543 and which other states are permitted to adopt pursuant to 42 U.S.C.A. Section 7507, ~~in force and effect at the time of the adoption of these regulations.~~

37.1.~~5~~**4** "**CCR**" ~~shall~~ means ~~s~~**s** the California Code of Regulations

37.1.~~6~~**5** "**Certification**" means a finding by CARB, the U.S. Environmental Protection Agency, or the Department, that a motor vehicle, motor vehicle engine, or ~~air contaminant~~ emission control system has satisfied the criteria adopted by CARB for the control of specified air contaminants from motor vehicles.

- 37.1.76 **"Certified device"** means an ~~air contaminant~~ emission control system for which a certification has been issued by the U.S. Environmental Protection Agency, CARB or the Department.
- 37.1.87 **"Dealer"** means any person engaged in the business of selling, offering to sell, soliciting or advertising the sale of new vehicles who holds a valid sales and service agreement, franchise or contract, granted by the manufacturer or distributor for the retail sale of said manufacturer's or distributor's new vehicles.
- 37.1.98 **"Emergency Vehicles"** means any publicly owned vehicle operated by a peace officer in performance of their duties, any authorized emergency vehicle used for fighting fires or responding to emergency fire calls, any publicly owned authorized ~~emergency~~ vehicle used by an emergency medical technician or paramedic, or used for towing or servicing other vehicles, or repairing damaged lighting or electrical equipment, any motor vehicle of mosquito abatement, vector control, or pest abatement agencies and used for those purposes, or any ambulance used by a private entity under contract with a public agency.
- 37.1.10-9 **"Emission standard"** means specified limitations on the discharge of air contaminants into the atmosphere.
- ~~37.1.11 **"Executive order"** means a document issued by CARB certifying that a specified test group or model year vehicle has met all applicable Title 13 CCR requirements for certification and sale in California.~~
- 37.1.12-10 **"Fleet-wide ~~average~~ Average"** means a motor vehicle manufacturer's average vehicle emissions of all non-methane organic gases, non-methane organic gases plus oxides of nitrogen, or all greenhouse gases from all vehicles subject to this regulation, produced and delivered for sale in Rhode Island in any model year, based on the calculation in Title 13 CCR 1961, 1961.1, 1961.2, or 1961.3, and incorporated herein by reference.
- 37.1.13-11 **"Greenhouse gas"** means any of the following gasses: carbon dioxide, methane, nitrous oxide, and hydrofluorocarbons.
- 37.1.14-12 **"Heavy-duty vehicle"** means any motor vehicle having a manufacturer's gross vehicle weight rating greater than 6,000 pounds, except passenger cars.
- 37.1.15-13 **"Light-duty truck"** means any ~~2000 and subsequent model~~ motor vehicle rated at 8,500 pounds gross vehicle weight or less, ~~and any other motor vehicle rated at 6,000 pounds gross vehicle weight or less~~, that is designed primarily for purposes of transportation of property or is a derivative of such a vehicle, or is

available with special features enabling off-street or off-highway operation and use.

~~(a) "LDT1" means a light-duty truck with a loaded vehicle weight of 0-3750 pounds.~~

~~(b) "LDT2" means a "LEV II" light-duty truck with a loaded vehicle weight of 3751 to a gross vehicle weight of 8500 pounds or a "LEV I" light-duty truck with a loaded vehicle weight of 3751-5750 pounds.~~

37.1. ~~16~~ 14 "LEV" means a ~~low~~ low-emissions vehicle.

37.1. ~~17~~ 15 "Mail Out" means a widely distributed general correspondence issued by CARB, whenever said board needs information from the public, or when it wishes to inform the public of new information.

37.1. ~~18~~ 16 "Manufacturers advisory correspondence" means a document issued by CARB, which is a policy interpretation for further clarification of the CCR applicable to motor vehicles.

37.1. ~~19~~ 17 "Medium-duty passenger vehicle" means any medium-duty vehicle with a gross vehicle weight rating of less than 10,000 pounds that is designed primarily for the transportation of persons. The medium-duty passenger vehicle definition does not include any vehicle which: (1) is an "incomplete truck" i.e., is a truck that does not have the primary load carrying device or container attached; or (2) has a seating capacity of more than 12 persons; or (3) is designed for more than 9 persons in seating rearward of the driver's seat; or (4) is equipped with an open cargo area of 72.0 inches in interior length or more. A covered box not readily accessible from the passenger compartment will be considered an open cargo area, for purposes of this definition.

37.1. ~~20~~ 18 "Medium-duty vehicle" means any pre-1995 model year heavy-duty vehicle having a manufacturer's gross vehicle weight rating of 8,500 pounds or less; any 1992 through 2006 model year heavy-duty low-emission, ultra-low-emission, super-ultra-low-emission or zero-emission vehicle certified to the standards in section 1960.1(h)(2) of Title 13 CRR having a manufacturer's gross vehicle weight rating of 14,000 pounds or less; any 1995 through 2003 model year heavy-duty vehicle certified to the standards in section 1960.1(h)(1) of Title 13 CRR having a manufacturer's gross vehicle weight rating of 14,000 pounds or less; and any 2000 and subsequent model heavy-duty low-emission, ultra-low-emission, super-ultra-low-emission or zero-emission vehicle certified to the standards in Section 1961(a)(1) or 1962 of Title 13 CRR having a manufacturer's gross vehicle weight rating between 8,501 and 14,000 pounds.

37.1. ~~21~~ 19 "Model year" means a motor vehicle manufacturer's annual production period which includes January 1 of a calendar year or, if

the manufacturer has no annual production period, the calendar year. In the case of any vehicle manufactured in two or more stages, the time of manufacture shall be the date of completion of the chassis.

37.1.~~22~~20 "**Motor Vehicle**" means a vehicle which is self-propelled but does not include a self-propelled wheelchair, invalid tricycle, or motorized quadricycle, if operated by a person who, by reason of physical disability, is otherwise unable to move about as a pedestrian.

~~37.1.23 "Neighborhood Electric Vehicle" or "NEV" means a motor vehicle that meets the definition of "low speed vehicle" either in section 385.5 of the California Vehicle Code or in 49 CFR 571.500-571.3 (as it existed on July 1, 2000-October 9, 2012), and is certified to zero-emission vehicle standards.~~

37.1.~~24~~21 "**New vehicle**" means any passenger car or light duty truck with 7,500 miles or fewer on its odometer.

37.1.~~25~~22 "**NMOG**" means non-methane organic gas.

~~37.1.23 "NMOG + NOx" means the combined emissions of non-methane organic gases and oxides of nitrogen oxides.~~

~~37.1.24 "NOx" means oxides of nitrogen.~~

37.1.~~26~~25 "**Passenger car**" means any motor vehicle designed primarily for transportation of    persons and having a design capacity of twelve persons or less.

~~37.1.27 "PZEV" means partial zero-emission vehicle.~~

37.1.~~28~~26 "**Recall**" means:

- (a) A manufacturer's issuing of notices directly to consumers that vehicles in their possession or control should be corrected, or;
- (b) A manufacturer's efforts to actively locate and correct vehicles in the possession or control of consumers.

37.1.~~29~~27 "**Recall campaign**" means that plan approved by CARB or the Department, by which the manufacturer will effect the recall of non-complying vehicles.

37.1.~~30~~28 "**Test Group**" means a grouping of vehicles as defined by 40 CFR 86.1827-01.

37.1.~~31~~29 "**Test vehicle**" means an experimental or prototype motor vehicle which appears to have very low emission characteristics or a used

motor vehicle within which an experimental motor vehicle pollution control device is installed, and which has also received a test vehicle or fleet permit from CARB pursuant to Manufacturers Advisory Correspondence no. 83-01.

37.1.~~32-30~~ **"Ultimate purchaser"** means, with respect to any new motor vehicle or new motor vehicle engine, the first person who in good faith purchases a new motor vehicle or new motor vehicle engine for purposes other than resale.

37.1.~~33-31~~ **"Used motor vehicle"** means motor vehicle that is not a new motor vehicle.

37.1.~~34-32~~ **"ZEV"** means a zero emission vehicle.

## 37.2 Applicability

37.2.1 The Department hereby adopts the sections of the California Low Emission Vehicle ~~P~~program [and the California Advanced Clean Cars Program](#) applicable to passenger cars, light-duty trucks and medium-duty vehicles under Title 13 CCR.

37.2.2<sup>[AD1]</sup> ~~The~~ [is tailpipe emissions, evaporative emissions, zero emission vehicle, and related provisions of this](#) regulation shall apply to all 2008 ~~model year~~ and subsequent model year passenger cars , light-duty trucks, and 2009 ~~model year~~ and subsequent model year medium-duty vehicles sold, leased, offered for sale or lease, imported, delivered, purchased, rented, acquired, received, or registered in the State of Rhode Island.

37.2.3 The greenhouse gas emission standards [of Title 13 CRR CCR 1961.1](#) and related provisions of this regulation shall apply to all 2009 and subsequent model year passenger cars, light-duty trucks and medium-duty passenger vehicles sold, leased, offered for sale or lease, imported, delivered, purchased, rented, acquired received or registered, in the State of Rhode Island.

37.2.4 All technical guidance issued by CARB relative to the implementation of Title 13 CCR, including but not limited to Manufacturers Advisory Correspondences and Mail Outs shall be applicable to all vehicles subject to this regulation.

## 37.3 Emissions Requirements and Credits

37.3.1 No person shall sell, import, deliver, purchase, lease, rent, acquire, receive, or register a new vehicle subject to this regulation in the State of Rhode Island that has not ~~received~~ been certified by under a CARB Executive Order for as compliant with all applicable requirements of Title 13 CCR 1900, 1960.1, 1960.5, 1961, 1961.1, 1961.2, 1961.3, 1962, 1962.1, 1962.2, 1965, 1968.1, 1968.2, 1968.5, 1976, 1978, 2037, 2038, 2062, 2101, 2111, and 2235, incorporated herein by reference, unless the vehicle is sold directly from one dealer to another dealer, sold for the purpose of being wrecked or dismantled, sold exclusively for off-highway use, or sold for registration out of state, and except as provided in section 37.3.7.

37.3.2 It is conclusively presumed under this regulation that the equitable or legal title to any motor vehicle with an odometer reading of 7,500 miles or more has been transferred to an ultimate purchaser and that the equitable or legal title to any motor vehicle with an odometer reading of less than 7,500 miles has not been transferred to an ultimate purchaser.

### 37.3.3 Fleet-wide Average ~~NMOG~~ Requirements

(a) Effective model years 2008, and for each subsequent model year through 2014, compliance with the Fleet-wide Average ~~Non-Methane Organic Gas Exhaust~~ NMOG Mass Emission Requirement in Rhode Island, as set forth at Title 13 CCR 1961, shall be demonstrated for each motor vehicle manufacturer according to the procedures in Title 13 CCR 1961, and shall be based on the number of vehicles, subject to this regulation, produced and delivered for sale by each manufacturer in the State of Rhode Island. ~~The Department shall provide that emission credits and debits, based on the number of vehicles, subject to this regulation, produced and delivered for sale by each manufacturer, in the State of Rhode Island, may be accrued and utilized by each vehicle manufacturer pursuant to the procedures set forth at Title 13 CCR 1961.~~

(b) Effective model year 2015, and for each subsequent model year, compliance with the fleet average NMOG+NOx Requirement in Rhode Island, as set forth at Title 13 CCR 1961.2, shall be demonstrated for each motor vehicle manufacturer according to the procedures in Title 13 CCR 1961.2, and shall be based on the number of vehicles, subject to this regulation, produced and delivered for sale by each manufacturer in the State of Rhode Island. In model years 2008 through 2010, manufacturers can earn NMOG credits in Rhode Island in accordance with the procedures set forth in Title 13 CCR 1961(c). Notwithstanding the requirement in section 37.3.3(a) that compliance be demonstrated for each model year, manufacturers may demonstrate compliance with the Fleet-wide Average NMOG Exhaust Emission Requirement in Rhode Island for model years 2008 through

~~2010 following the 2010 model year and may apply NMOG credits earned during any of the model years 2008 through 2010 when demonstrating compliance.~~

(c) Effective model years 2009 through 2016, compliance with the Fleet Average Greenhouse Gas Exhaust Mass Emission Requirements, as set forth at Title 13 CCR 1961.1, shall be demonstrated for each motor vehicle manufacturer according to the procedures in Title 13 CCR 1961.1, and shall be based on the number of vehicles, subject to this regulation, produced and delivered for sale by each manufacturer in the State of Rhode Island.

(d) Effective model year 2017, and for each subsequent model year, compliance with the Fleet Average Greenhouse Gas Exhaust Mass Emission Requirements, as set forth at Title 13 CCR 1961.3, shall be demonstrated for each motor vehicle manufacturer according to the procedures in Title 13 CCR 1961.3, and shall be based on the number of vehicles, subject to this regulation, produced and delivered for sale by each manufacturer in the State of Rhode Island.

(e) Emission credits and debits, based on the number of vehicles, subject to this regulation, produced and delivered for sale by each manufacturer, in the State of Rhode Island, may be accrued and utilized by each vehicle manufacturer pursuant to the procedures set forth at Title 13 CCR 1961, 1961.1, 1961.2, and 1961.3

#### 37.3.4 ZEV Requirements

(a) For model years 2009 through 2017, ~~E~~each manufacturer shall comply with the Zero Emission Vehicle ~~sales requirement standards~~ in Rhode Island and based on Rhode Island total vehicle sales, as set forth in Title 13 CCR 1962.1.

(b) For model year 2018 and for each subsequent model year, ~~E~~each manufacturer shall comply with ~~compliance with the Zero Emission Vehicle sales requirement standards in Rhode Island and based on Rhode Island total vehicle sales, as set forth in Title 13 CCR 1962.2.~~ shall be required for model year 2008 and subsequent model years.

(c) Credits and debits, based on the number of vehicles, subject to this regulation, produced and delivered for sale by each manufacturer, in the State of Rhode Island, may be accrued and utilized by each vehicle manufacturer pursuant to the procedures set forth at Title 13 CCR 1962.1 and 1962.2.

#### 37.3.5 ZEV Credit Account Balances

- ~~(a) Manufacturers may voluntarily establish ZEV credit account balances by transferring ZEV credit balances for each ZEV credit account maintained in California from California to Rhode Island at the beginning of model year 2008. This transfer will be performed only after all credit obligations for model years 2007 and earlier have been satisfied in California. The manufacturer's California credit balances shall be multiplied by the ratio of the average number of PCs and LDT1s produced and delivered for sale in Rhode Island to the average number PCs and LDT1s produced and delivered for sale in California in model years 2000 through 2002 or, alternatively, by the ratio of PCs and LDT1s produced and delivered for sale in Rhode Island to PCs and LDT1s produced and delivered for sale in California in model year 2008. In either case, the time period used to determine the credit transfer ratio will also be used to determine model year 2008 ZEV sales requirements in Rhode Island.~~
- ~~(b) As an alternative to the credit transfer method in section 37.3.5(a), manufacturers may voluntarily establish ZEV credit balances by transferring ZEV credit balances for each ZEV credit account maintained in California from California to Rhode Island that existed at the beginning of model year 2005. The manufacturer's California credit balances shall be multiplied by the ratio of the average number of PCs and LDT1s produced and delivered for sale in Rhode Island to the average number of PCs and LDT1s produced and delivered for sale in California in model years 2000 through 2002 or, alternatively, by the ratio of PCs and LDT1s produced and delivered in Rhode Island to PCs and LDT1s produced and delivered in California in model year 2005. This transfer will be performed only after all credit obligations for model years 2004 and earlier have been satisfied in California. If the average number of PCs and LDT1s produced and delivered in 2000 through 2002 is used to determine the credit transfer ratio, that time period will be used to determine the model year 2008 ZEV sales requirement. If the number of PCs and LDT1s produced and delivered in model year 2005 is used to determine the credit transfer ratio, model year 2008 will be used to determine model year 2008 ZEV requirements.~~
- ~~(c) Each ZEV credit account established under section 37.3.5(b) shall be adjusted by subtracting any credit expenditures in California in model years 2005 through 2007. The credit expenditure adjustment will equal the difference between the model year 2008 California ZEV credit account balance and the model year 2005 California ZEV credit account balance, multiplied by the ZEV credit account transfer ratio determined in accordance with section 37.3.5(b). This calculation shall be performed only after all credit obligations for model years 2007 and earlier~~

have been satisfied in California. If the model year 2008 credit balance for an account is equal to or greater than the model year 2005 credit balance for the account, no credit expenditure adjustment shall be made.

- ~~(d) All ZEV credit accounts established under section 37.3.5(b) shall be adjusted by adding ZEV credits earned in Rhode Island in model years 2005 through 2007. Rhode Island ZEV credits are determined in accordance with California ZEV credit rules for the same model year and are subject to the same multipliers. Credits earned in accordance with this section are also subject to an additional Rhode Island multiplier of 1.25.~~
- ~~(e) AT-PZEV credit accounts established under section 37.3.5(b) may be adjusted by adding excess PZEV credits earned in California and applied as AT-PZEV credits under Title 13 CCR 1962(b)(2)(D). AT-PZEV credits shall be transferred using the ZEV credit account transfer ratio determined in accordance with section 37.3.5(b). AT-PZEV credits may be used for meeting a manufacturer's ZEV obligations during model years 2008 and 2009.~~
- ~~(f) Each manufacturer electing to transfer credits under section 37.3.5(b) shall offer for sale or lease in model years 2006 through 2011 in Rhode Island any PZEV, AT-PZEV, or ZEV, except Type III ZEVs, offered in California through model year 2011 in accordance with Title 13 CCR 1962(b)(2), that is offered for sale or lease in California. To comply with this requirement, manufacturers shall make a good faith effort to offer vehicles in numbers that are approximately equal to the ratio of sales demand in Rhode Island to the sales demand in California.~~
- ~~(g) Type III ZEVs produced and delivered for sale in Rhode Island, California and any state that is administering the California ZEV requirement pursuant to section 177 of the federal Clean Air Act may be credited as allowed by Title 13 CCR 1962(d)(5)(D). Type III ZEVs produced and delivered for sale in California and any state that is administering the California ZEV requirement pursuant to section 177 of the federal Clean Air Act shall not be subject to the credit account transfer ratio calculated in sections 37.3.5 (a) through (d).~~
- ~~(h) Each manufacturer electing to transfer credits under section 37.3.5(b) shall notify the Department of its intent to do so within 60 days of the effective date of this regulation.~~
- ~~(i) Until such time as NEVs can be legally registered in Rhode Island, manufacturers that generate ZEV credits in California through the sale of NEVs shall receive Rhode Island credits for those~~

~~sales. Credits will be transferred annually using the ZEV credit account transfer ratio determined in accordance with either section 37.3.5(a) or 37.3.5(b), as applicable to the manufacturer. For manufacturers electing to transfer credits under section 37.3.5(b), NEV credits will be transferred beginning in model year 2005.~~

### ~~37.3.6 Anti-tampering Provisions~~

~~(a) No person shall disconnect, modify, or alter any emission-related part certified device, except for purposes of repair or replacement.~~

~~(b) No person shall operate or leave standing upon any highway, any motor vehicle subject to this regulation and required to be equipped with an emission control device meeting the standards of this regulation, or subject to the motor vehicle emission standards adopted pollution control device requirements pursuant to the Clean Air Act, 42 U.S.C. Section 7521-7401 et seq., inclusive, and the standards and requirements promulgated thereunder, unless the motor vehicle is equipped with all of the required motor vehicle pollution control certified devices which is are correctly installed and in operating condition.~~

### ~~37.3.7-5 Exemptions from section 37.3~~

(a) Motor vehicles are exempt if held for daily lease or rental to the general public or engaged in interstate commerce which are registered and principally operated outside the State of Rhode Island, ~~shall not be subject to the requirements of sections 37.3.~~

(b) Motor vehicles are exempt if they are defined as test vehicles, as emergency vehicles, or qualifying for exemption under Section 43656 of the California Health and Safety Code, incorporated herein by reference, ~~shall not be subject to the requirements of sections 37.3.~~

(c) Motor vehicles are exempt if purchased by a nonresident prior to establishing residency in the State of Rhode Island, ~~or~~

(d) Motor vehicles are exempt if transferred by inheritance, or by decree of divorce, dissolution or legal separation entered by a court of competent jurisdiction, ~~or~~

(e) Motor vehicles are exempt if acquired by a resident of the State of Rhode Island for the purpose of replacing a vehicle registered to said resident which was damaged or inoperative, beyond reasonable repair, or was stolen while out of the State; provided that such replacement vehicle is acquired out of the ~~s~~State at the time the previously registered vehicle became damaged or inoperative, beyond reasonable repair, or was stolen.

## 37.4 Anti-tampering Provisions

(a) No person shall disconnect, modify, or alter any certified device, except for purposes of repair or replacement.

(b) No person shall operate or leave standing upon any highway, any motor vehicle subject to this regulation or subject to the motor vehicle emission standards adopted pursuant to 42 U.S.C. Section 7521 unless the motor vehicle is equipped with all of the required certified devices which are correctly installed and in operating condition.

## 37.45 Vehicle Testing

### 37.45.1 New Vehicle Certification Testing

(a) All new vehicle models subject to this regulation, sold or leased in the State of Rhode Island, must be certified as meeting the ~~California Standards in motor vehicle emission requirements of~~ Title 13 CCR 1960.1, 1960.5, 1961, 1961.1, 1961.2, 1961.3, 1962, 1962.1, 1962.2, 1965, 1968.1, 1968.2, 1968.5, 1976, 1978, 2037, 2038, 2062, 2101, 2111, and 2235, incorporated herein by reference, as determined by testing conducted in accordance with the testing procedures incorporated in said Section of Title 13. Testing reports must be provided by the manufacturer to the Department upon request.

(b) For the purposes of certifying compliance with section 37.54.1(a), New Vehicle Certification Testing determinations and findings made by CARB shall be deemed acceptable applicable.

### 37.45.2 Assembly Line Testing.

(a) All manufacturers of new vehicles subject to this regulation, shall conduct Inspection Testing and Quality Audit Testing in accordance with Title 13 CCR 2062, and incorporated herein by reference. Testing reports must be provided to the Department upon request.

(b) For the purposes of determining compliance with section, 37.54.2(a) Inspection Testing and Quality Audit Testing determinations and findings made by CARB shall be deemed acceptable applicable.

(c) In the event ~~that a vehicle manufacturing facility which that~~ manufactures vehicles certified to the California ~~s~~Standards, for sale in Rhode Island, is not subject to the above Inspection Testing and Quality Audit Testing requirements of CARB, the

Department may, after consultation with CARB, require Inspection Testing and Quality Audit Testing at such facility in accordance with Title 13 CCR 2062, 2106, 2107, and 2150, and incorporated herein by reference; provided that upon a manufacturer's written request and demonstration of need, functional testing pursuant to the procedures incorporated in Title 13 CCR 2062 of a statistically significant sample may substitute for the 100% testing rate in Title 13 CCR 2062, with the written consent of the Department.

#### 37.45.3 New Vehicle Compliance Testing

(a) New vehicle models subject to this regulation, prior to their being offered for sale or lease in the State of Rhode Island, must meet the California Standards in motor vehicle emission requirements of Title 13 CCR ~~1900, 1960.1, 1960.5, 1961, 1961.1, 1961.2, 1961.3, 1962, 1962.1, 1962.2, 1965, 1968.1, 1968.2, 1968.5, 1976, 1978, 2037, 2038, 2062, 2101, 2111, and 2235, 961,~~ as determined by New Vehicle Compliance Testing, conducted in accordance with Title 13 CCR 2101 - 2110, 2150, and 2151, and incorporated herein by reference. Testing reports must be provided by the manufacturer to the Department upon request.

(b) For the purpose of compliance with section 37.54.3(a), New Vehicle Compliance Testing determinations and findings made by CARB shall be deemed acceptable ~~applicable~~.

#### 37.45.4 In-Use Vehicle Enforcement Testing

(a) For purposes of detection and repair of vehicles subject to this regulation ~~and~~ failing to meet the California Standards in motor vehicle emission requirements of Title 13 CCR ~~1900, 1960.1, 1960.5, 1961, 1961.1, 1961.2, 1961.3, 1962, 1962.1, 1962.2, 1965, 1968.1, 1968.2, 1968.5, 1976, 1978, 2037, 2038, 2062, 2101, 2111, and 2235, 1961,~~ the Department may conduct, after in consultation with CARB, In-Use Vehicle Enforcement Testing in accordance with the protocol and testing procedures in Title 13 CCR 2140, and incorporated herein by reference. Testing reports must be provided by the manufacturer to the Department upon request.

(b) For the purposes of compliance with section 37.54.4(a), In-Use Vehicle Enforcement Testing determinations and findings made by CARB shall be deemed acceptable ~~applicable~~.

#### 37.45.5 In-Use Surveillance Testing

(a) For the purposes of testing and monitoring the overall effectiveness in the State of Rhode Island of the program set forth in this regulation in controlling emissions, the Department may conduct In-Use Surveillance Testing after in consultation with CARB.

(b) For the purposes of program planning and analysis, In-Use Surveillance Testing determinations and findings made by CARB shall be deemed acceptable applicable.

### **37.5-6 Warranty**

37.56.1 All manufacturers of new vehicles which that are sold, leased, offered for sale or lease, or registered in the State of Rhode Island shall warrant to the owner that each vehicle shall comply over its period of warranty coverage with all requirements of Title 13 CCR 2035 - 2038, 2040, and 2041, and incorporated herein by reference.

All manufacturers shall submit to the Department, upon request, Failure of Emission-Related Components reports as defined at Title 13 CCR 2144, for vehicles subject to this regulation, in compliance with the procedures in Title 13 CCR, and incorporated herein by reference.

37.56.2 For purposes of compliance with section 37.65.1, manufacturers may submit copies of the Failure of Emission-Related Components reports that are submitted to CARB the California Air Resources Board in lieu of submitting reports for vehicles subject to this regulation.

### **37.6-7 Reporting Requirements**

37.67.1 Commencing with the 2008 model year, each manufacturer shall submit annually, to the Department, by no later than March 1 of the calendar year following the close of the completed model year, a report documenting total deliveries for sale of vehicles in each test group over that model year, in the State of Rhode Island.

37.67.2 Commencing with model year For model years 2011 through 2014, each manufacturer shall submit annually to the Department, by no later than March 1 of the calendar year following the close of the completed model year, a report, prepared according to the procedures in Title 13, CCR Section 1961 calculating the Fleet Average-wide Non-Methane Organic Gas NMOG Exhaust Emission Average Rate for the model year just ended.

37.7.3 Commencing with model year 2015, each manufacturer shall submit annually to the Department, by no later than March 1 of the year following the close of the completed model year, a report, prepared according to the procedures in Title 13, CCR Section 1961.2, calculating the Fleet Average NMOG+NOx Mass Emission Rate for the model year just ended.

37.67.3-4 For the purposes of determining if vehicles qualify for exemption under section 37.3.57, the Department may require any motor vehicle manufacturer or dealer of vehicles subject to this regulation to submit any documentation the Department deems necessary for the effective administration and enforcement of this regulation.

37.67.4-5 Commencing with the model year 2009, each manufacturer shall submit annually, to the Department, by no later than March 1 of the calendar year following the close of the completed model year, a report documenting the fleet average greenhouse gas exhaust emission levels for passenger cars, light-duty trucks and medium-duty passenger vehicles, delineated by model type, that are produced and delivered for sale in the State of Rhode Island, as determined in accordance with the provisions set forth in CRRCR, Title 13, section 1961.1 and 1961.3.

37.7.6 Commencing with the model year 2009, each manufacturer shall submit annually, to the Department, by no later than March 1 of the calendar year following the close of the completed model year, a report documenting compliance with the requirements of section 37.3.4, as determined in accordance with the provisions set forth in CCR, Title 13, sections 1962.1 and 1962.2.

### **37.7-8 Enforcement**

37.78.1 The Department may conduct inspection and surveillance of new and used motor vehicles for the purposes of determining compliance with the requirements set forth in section 37.3.

(a) Inspections by the Department or its agents, pursuant to section 37.87.1 may be conducted on any premises owned, operated, used, leased, or rented by any vehicle dealer. Said inspection may extend to all emission-related parts and operation and may require the on-premises operation and testing of an engine or vehicle, and inspection of any related records, including records of emission-related part certified device repair performed under warranty.

(b) The Department or its agents may perform functional tests, steady-state tests, and other tests as reasonably necessary. In addition, the California Motor Vehicle Inspection program emissions tests standards in Title 13 CCR 2176, and incorporated herein by reference, applicable to the appropriate model year vehicle, may be used by the Department to verify compliance with section 37.

37.78.2 Any order or enforcement action taken by CARB, to correct noncompliance with any provision of the California Standards Section of Title 13, which that results in the recall of any vehicle pursuant to

Title 13 CCR 2109-2135, incorporated herein by reference, shall ~~be applicable~~ apply to all vehicles subject to this regulation, except where the manufacturer demonstrates to the Department's satisfaction within 21 days of issuance of said CARB action, that said action is not applicable to said vehicles in Rhode Island.

37.~~78~~.3 Any voluntary or influenced emission-related recall campaign initiated by any manufacturer pursuant to Title 13 CCR 2113 - 2121 shall extend to all applicable vehicles subject to this regulation, except where the manufacturer demonstrates to the Department's satisfaction within 21 days of CARB approval of the campaign, that said campaign is not applicable to said vehicles in Rhode Island.

37.~~78~~.4 The Department shall enforce the requirements of this regulation in accordance with Title 13 CCR, and applicable federal and Rhode Island law.

### **37.~~8-9~~ General Provisions**

#### 37.~~89~~.1 Purpose

The purpose of this regulation is to specify the requirements for Rhode Island's ~~Low-Low-Emissions~~ Vehicle Program.

#### 37.~~89~~.2 Authority

These regulations are authorized pursuant to R.I. Gen. Laws § 42-17.1-2(s) and 23-23, as amended, and have been promulgated pursuant to the procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35

#### 37.~~89~~.3 Application

The terms and provisions of this regulation shall be liberally construed to permit the Department to effectuate the purposes of state law, goals and policies.

#### 37.~~8-94~~ Severability

If any provision of this regulation or the application thereof to any person or circumstance, is held invalid by a court of competent jurisdiction, the validity of the remainder of the regulation shall not be affected thereby.

37.89.5 Effective Date

The foregoing regulation, "Rhode Island's ~~Low~~ Low-Emissions Vehicle Program", as amended, after due notice, is hereby adopted and filed with the Secretary of State this ~~29th~~ ~~21st~~ 27<sup>th</sup> day of June 2013 ~~December, 2007~~ 2012 to become effective twenty (20) days thereafter, in accordance with the provisions of Chapters 23-23, 42-35, 42-17.1, 42-17.6, of the General Laws of Rhode Island of 1956, as amended.

~~W. Michael Sullivan, PhD., Director~~ Janet Coit, Director  
Department of Environmental Management

Notice Given on: ~~February 21, 2007~~ December 21, 2012; May 15, 2013

Public Hearing held: ~~March 23, 2007~~ June 5, 2013

Filing Date: ~~June 29, 2007~~ December 21, 2012 June 27, 2013

Effective Date: ~~July 19, 2007~~ December 21, 2012 July 19, 2013

## **FACT SHEET**

### **In re: Proposed amendments to Air Pollution Control Regulation No. 37 "Rhode Island's Low-Emission Vehicle Program"**

#### **Need for adoption of amendments to the Rhode Island Low Emission Vehicle program**

The Department of Environmental Management finds it necessary to amend the Rhode Island Low-Emission Vehicle Program to ensure that motor vehicle standards in Rhode Island are consistent with recent modifications to California's Advanced Clean Cars (ACC) program. The state of California has adopted substantial modifications to its ACC program, which includes its Low-Emission Vehicle rules. Rhode Island has incorporated these rules by reference under its Low-Emission Vehicle Program (APC Regulation #37) since 1996, as authorized under Clean Air Act (CAA) §177. Rhode Island's regulations require that new motor vehicles sold in the state meet California's motor vehicle standards as part of its plan to address ozone. CAA §177 requires that the state adopt and enforce standards identical to those in California if they adopt and enforce standards different than the federal motor vehicle program. Rhode Island must now revise its regulation to reflect the updated California standards or revert to federal vehicle standards, which are less protective of public health and welfare.

#### **Introduction**

DEM's Office of Air Resources is proposing to amend Air Pollution Control Regulation (APC) No. 37, "Rhode Island's Low-Emission Vehicle Program." The amendments adopt the latest changes to the California Low Emission Vehicle (LEV) program, now called the Advanced Clean Cars (ACC) program, as approved by California in August and December 2012.

#### **Overview**

The federal CAA generally reserves the ability to set and enforce emissions standards for new vehicles for the federal government, with the exception that the CAA allows the state of California to set new vehicle standards for vehicles sold in that state. In addition, section 177 of the CAA allows other states to adopt California's new vehicle standards if, among other things, the state adopts standards identical to California's. California's vehicle emission standards are adopted by the California Air Resources Board (CARB), a nationally recognized technical organization. Section 177 of the CAA is as follows:

“Notwithstanding section 7543 (a) of this title, any State which has plan provisions approved under this part may adopt and enforce for any model year standards relating to control of emissions from new motor vehicles or new motor vehicle engines and take such other actions as are referred to in section 7543 (a) of this title respecting such vehicles if—

- (1) such standards are identical to the California standards for which a waiver has been granted for such model year, and
- (2) California and such State adopt such standards at least two years before commencement of such model year (as determined by regulations of the Administrator).”

As allowed under section 177, Rhode Island has adopted two main components of California’s ACC program pertaining to the sale of passenger cars, light trucks, and medium-duty vehicles. The first are the LEV tailpipe standards, which require manufacturers to meet fleet-average emissions targets through the sale of vehicles that emit low levels of smog-forming pollutants such as nitrogen oxides (NO<sub>x</sub>), and other pollutants such as carbon monoxide and particulate matter that pose risks to public health. Beginning with model year 2009, the California standards also include limits on global warming pollutants such as carbon dioxide and methane. The second component of the California program is the Zero Emission Vehicle (ZEV) rule, which requires manufacturers to meet a certain portion of sales with electric and plug-in hybrid-electric vehicles.

DEM first adopted the California LEV program in 1996. DEM updated its rule in 2005 to reflect CARB’s revisions known as “LEV II”, and again in 2006 to incorporate CARB’s new greenhouse gas standards. CARB approved a new series of revisions, known as “LEV III”, in March 2012. These revisions were formally adopted upon approval by the California Office of Administrative Law in August 2012, with further minor revisions approved in December 2012. The amendments to Rhode Island’s LEV regulation incorporate the “LEV III” updates to the California program, and will take effect in Rhode Island beginning with model year 2016.

### **Description of Proposed Amendments**

The proposed amendments make several changes to manufacturers’ requirements under the program. The LEV III amendments extend fleet-average emission requirements out to model year 2025, by which year manufacturers must reduce average emissions to levels that are 75% cleaner than the average new car sold today. Manufacturers must also warrant their new emission control systems for 150,000 miles, to ensure that vehicles operate at extremely low emissions levels for the duration of their useful life. In addition, manufacturers must include improvements to their evaporative emission control systems such that these non-tailpipe emissions are significantly reduced from medium-duty vehicles and effectively eliminated from passenger cars and light trucks. Other minor changes include modifications to vehicle testing procedures, reporting requirements, and the combining of two smog precursor standards (one for NO<sub>x</sub> and one for non-methane organic gases) into a single requirement (“NO<sub>x</sub> + NMOG”) that gives manufacturers increased flexibility in meeting the standards.

The greenhouse gas standards have been similarly extended out to model year 2025, and include new flexibility mechanisms to enhance manufacturers’ options for compliance. The updated standards include requirements for carbon dioxide, methane, nitrous oxide, and hydrofluorocarbons, with stringency corresponding to vehicle’s external dimensions or “footprint.” This approach ensures that all passenger cars and light trucks are subject

to appropriate standards, while ensuring that consumer can still choose from among a wide variety of vehicle sizes. New flexibility mechanisms for manufacturers include the option of complying with the LEV III greenhouse gas standards by demonstrating compliance with the 2017 through 2025 model year national greenhouse gas program, as well as credits for air conditioning system improvements and other “off-cycle” technologies that may not be directly reflected during traditional testing. The amendments further establish incentives for manufacturers to deploy innovative technologies on the largest pickup trucks.

The revisions to the ZEV component of the ACC program include several changes to enhance compliance flexibility and extend program requirements through model year 2025. The amendments establish new sales percentage requirements for ZEVs and plug-in hybrid electric vehicles, which become more stringent over the course of the program. Also affected are the credit multipliers assigned to different categories of vehicles, which ensure that a manufacturer receives more credit for a vehicle with a greater “all-electric” driving range. The revisions provide additional compliance flexibility by allowing manufacturers to “pool” or trade ZEV credits among other “Section 177 States.”

### **Demonstration of Need**

Rhode Island has demonstrable need for adopting the updated ACC program. The LEV III tailpipe emissions standards are critical for addressing pollution from on-road sources and maintaining public health. The updated greenhouse gas standards will ensure Rhode Island’s continued leadership role in addressing sources of global warming pollution, reducing fossil fuel consumption, and encouraging the deployment of advanced vehicle technologies. The revisions to the ZEV mandate will help to reduce petroleum consumption while furthering the development and deployment of advanced technology vehicles. Timely adoption of the amendments is needed to realize these benefits as soon as possible and, perhaps most importantly, to maintain consistency with the California regulations as required under CAA Section 177.

### **Alternative Approaches Considered**

Because CAA section 177 requires that states adopt either identical standards to California or revert to federal standards, there are no alternative options for securing the environmental and health benefits of the program.

### **Identification of Overlapped or Duplicated State Regulations**

The Office of Air Resources has identified no state regulations that overlap or duplicate the proposed amendments.

**For more information or copies of the proposed amendments contact:**

Frank Stevenson, P.E., Supervising Air Quality Specialist  
Rhode Island Department of Environmental Management  
Office of Air Resources  
235 Promenade Street  
Providence, RI 02908  
(401) 222-2808 ext. 7021  
toll free 1-800-752-8088  
TCDD (401) 222-6800  
frank.stevenson@dem.ri.gov  
Or, visit the DEM web site at [www.dem.ri.gov](http://www.dem.ri.gov)



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-831-5508

**Date:** 2 May 2013

**To:** Sharon Savicki  
Budget Office  
Department of Administration

**cc:** Todd Leveillee  
Budget Office  
Department of Administration

**From:** Douglas L. McVay, Chief  
Office of Air Resources  
Department of Environmental Management

**RE:** Fiscal Note for proposed amendments to Air Pollution Control Regulation No. 37, "Rhode Island's Low Emission Vehicle Program"

***Description of the proposed rule changes***

The Department of Environmental Management finds it necessary to amend the Rhode Island Low-Emission Vehicle Program to ensure that motor vehicle standards in Rhode Island are consistent with recent modifications to California's Advanced Clean Cars (ACC) program. APC No. 37 requires that manufacturers of subject motor vehicles offered for sale in Rhode Island, meet the emissions standards established in California.

The state of California has adopted substantial modifications to its ACC program, which includes its Low-Emission Vehicle rules. Rhode Island has incorporated these rules by reference under its Low-Emission Vehicle Program (APC Regulation #37) since 1996, as authorized under Clean Air Act (CAA) §177.

Rhode Island's regulations require that new motor vehicles sold in the state meet California's motor vehicle standards as part of its plan to address ozone. CAA §177 requires that the state adopt and enforce standards identical to those in California if they adopt and enforce standards different than the federal motor vehicle program. Rhode Island must now revise its regulation to reflect the updated California standards or revert to federal vehicle standards, which are less protective of public health and welfare.

We believe these amendments would not result in a "state mandate" under RIGL section 45-13-7(3) because they are required by and don't exceed what is required by applicable federal regulations.

***Economic impact on the state or any city/ town***

Because the proposed changes to this regulation only update the responsibilities of Automobile Manufacturers for vehicles they deliver for sale in the State of Rhode Island, the changes have no economic impact to the state or any city or town.

### ***Conclusion***

As indicated above, it is DEM's position that promulgation of these amendments to the existing regulation will not fiscally impact the state or any city or town. We plan to release the public notice for these regulation changes on 15 May 2013.

Feel free to contact me with any questions or for more information. I can be reached by phone at 222-2808, x-7011 or by e-mail at [doug.mcvay@dem.ri.gov](mailto:doug.mcvay@dem.ri.gov). Please direct all correspondence concerning this Fiscal Note to me.

**Attachments:** Proposed Amendments to Air Pollution Control Regulation No. 37



**Date:** 2 May 2013

**To:** Sherri Lynn Carrera  
R.I. Economic Development Corporation

Leslie Taito  
Department of Administration

**From:** Douglas L. McVay, Chief  
Office of Air Resources  
Department of Environmental Management

**RE:** Small Business Impact Statement & Regulatory Flexibility Analysis for proposed Amendments to Air Pollution Control Regulation No. 37 “Rhode Island’s Low-Emission Vehicle Program”

### **Reason for the Rulemaking**

The Department of Environmental Management finds it necessary to amend the Rhode Island Low-Emission Vehicle Program to ensure that motor vehicle standards in Rhode Island are consistent with recent modifications to California’s Advanced Clean Cars (ACC) program. APC No. 37 requires that manufacturers of subject motor vehicles offered for sale in Rhode Island, meet the emissions standards established in California.

The state of California has adopted substantial modifications to its ACC program, which includes its Low-Emission Vehicle rules. Rhode Island has incorporated these rules by reference under its Low-Emission Vehicle Program (APC Regulation #37) since 1996, as authorized under Clean Air Act (CAA) §177.

Rhode Island’s regulations require that new motor vehicles sold in the state meet California’s motor vehicle standards as part of its plan to address ozone. CAA §177 requires that the state adopt and enforce standards identical to those in California if they adopt and enforce standards different than the federal motor vehicle program. Rhode Island must now revise its regulation to reflect the updated California standards or revert to federal vehicle standards, which are less protective of public health and welfare.

**SMALL BUSINESS IMPACT STATEMENT FOR PROPOSED REGULATION  
AMENDMENTS  
APC Regulation No. 37**

**Agency submitting regulation:**

RI Department of Environmental Management (RIDEM)

**Subject matter of regulation:**

Limits fleet-wide average levels of air pollution emitted by new light duty vehicles (under 10,000 pounds gross vehicle weight) sold in RI.

**ERLID No:**

7286

**Statutory authority:**

These regulations are authorized pursuant to R.I. Gen. Laws § 42-17.1-2(s) and 23-23, as amended, and have been (and will be) promulgated pursuant to the procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35

**Other agencies affected:**

None

**Other regulations that may duplicate or conflict with the regulation:**

None

**Describe the scope and objectives of the regulation:**

This regulation requires that new automobiles sold in the state meet emissions limitations required for light duty vehicles sold in the state of California. The Federal Clean Air Act (CAA) allows states to require that light duty vehicles meet either Federal standards or the more protective standards established by California.

**What was the rationale for establishing this regulation?**

Because the air quality in RI and the surrounding north-east coastal states exceeds federal standards for ozone due in part to air pollutants emitted by light-duty vehicles, RI has adopted the more stringent California standards to comply with federal mandates. These amendments are being proposed to update the RI regulations to be consistent with recent amendments made in CA regulations. The CAA requires that states adopting the CA standards must adopt consistent standards.

**Does the rationale still exist?**

Yes

**Is the rationale still relevant?**

Yes

**Business industry (s) affected by the regulation:**

Auto manufacturing industry.

**Types of businesses included in the industry (s):**

Auto manufacturers.

**Total number of small businesses included in the regulated industry (s) (Please see the attached guidance documents for assistance determining the total number of small businesses)**

0

**Number of small businesses potentially subject to the proposed regulation:**

0

**How often do small businesses contact your agency for assistance with clarification of the regulation and/or receive assistance with compliance issues?**

N/A – No RI businesses are regulated.

**What is the cost to your agency of establishing and enforcing this regulation?**

One FTE

**What would the consequences be if the regulation did not exist?**

Higher levels of air pollution emitted by new vehicles sold in the state. Non-conformance with Federal mandate.

**Effective date used in cost estimate:**

April 2013.

**For each question below, please answer “yes” or “no” and offer a brief explanation.**

**Please describe any facts, data, views, arguments, or other input from small businesses, organizations or any other sources that were used to quantify the impacts outlined below.**

1.		No	<b>Do small businesses have to create, file, or issue additional reports?</b>  No small businesses are regulated under this program.
2.		No	<b>Do small businesses have to implement additional recordkeeping procedures?</b>
3.		No	<b>Do small businesses have to provide additional administrative oversight?</b>
4.		No	<b>Do small businesses have to hire additional employees in order to comply with the proposed regulation?</b>
5.		No	<b>Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?</b>
6.		No	<b>Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?</b>
7.		No	<b>Are performance standards more appropriate than design standards?</b>

8.		No	<b>Does the regulation require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities?</b>
9.		No	<b>Does the regulation have the effect of creating additional taxes and/or fees for small businesses?</b>
10.		No	<b>Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?</b>
11.		No	<b>Is the regulation likely to <i>deter</i> the formation of small businesses in RI?</b>
12.		No	<b>Is the regulation likely to <i>encourage</i> the formation of small businesses in RI?</b>
13.		No	<b>Can the regulation provide for less stringent compliance or reporting requirements for small businesses?</b>
14.		No	<b>Can the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?</b>

15.		No	<b>Can the compliance or reporting requirements be consolidated or simplified for small businesses?</b>
16.		No	<b>Can performance standards for small businesses replace design or operational standards?</b>
17.		No	<b>Are there alternative regulatory methods that would minimize the adverse impact on small businesses?</b>
18.		No	<b>Have any small businesses or small business organizations been contacted during the preparation of this document? If so, please describe.</b>

## Regulatory Flexibility Analysis

- 1. The establishment of less stringent compliance or reporting requirements for small businesses.**

No requirements are proposed for small businesses.

- 2. The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.**

No requirements are proposed for small businesses.

- 3. The consolidation or simplification of compliance or reporting requirements for small businesses.**

No requirements are proposed for small businesses.

- 4. The establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation.**

No requirements are proposed for small businesses.

- 5. The exemption of small businesses from all or any part of the requirements contained in the proposed regulation.**

No requirements are proposed for small businesses.

A public notice regarding the proposed regulation revisions is scheduled to be released 15 May 2013