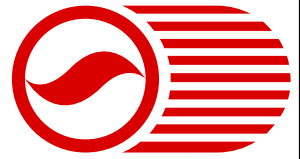




Regulatory Advisory

December 2008



LSI Advisory: 08-01

DELAY IN ENFORCEMENT OF FIRST LSI COMPLIANCE DATE; ALLOW PURCHASE ORDERS INTO FLEET AVERAGE CALCULATION

Background

At its May 25, 2006, public hearing, the California Air Resources Board (ARB) amended the existing emission standards and test procedures for off-road large spark-ignition (LSI) engines to make them more stringent (the LSI Regulation). Concurrently, ARB adopted new fleet average emission level standards for existing fleets of LSI engine-powered forklifts, airport ground support equipment (GSE), sweeper/scrubbers, and industrial tugs (tow tractors). The standards become progressively more stringent over time, requiring fleet operators to reduce their fleet average emission level through retrofit or replacement of equipment without emission controls and procurement of electric or cleaner LSI engine equipment. As adopted, the first fleet average emission level standard effective date is January 1, 2009.

What is the issue?

In advance of and in tandem with the 2006 public hearing, ARB conducted a comprehensive outreach effort to make LSI equipment operators aware of the fleet average requirements of the LSI Regulation. Efforts included: issuing press releases referenced in industry trade journals, local business journals, and newspaper articles; conducting more than a dozen outreach events throughout the state in conjunction and coordination with the agricultural industry and equipment dealers; and disseminating electronic notices to the thousands of individuals, businesses, and industry associations subscribed to ARB email list servers. However, LSI equipment, and especially forklifts, are ubiquitous and these outreach efforts did not reach all impacted operators; some only recently became aware of the fleet average requirements. ARB, after consultation with the California Manufacturers and Technology Association, has committed to lessen the impact of the shortened compliance period available to some LSI operators.

How is ARB addressing the issue?

ARB routinely begins enforcing regulations within 30 days of the effective date of the regulation, but has agreed not to commence enforcement prior to April 1, 2009 at the earliest.

ARB has agreed to allow pieces of equipment and retrofit kits that were purchased on or before March 31, 2009, to be incorporated into the fleet average calculation for determining compliance with the January 1, 2009 fleet average emission level standard. Evidence of purchase may be a purchase order or equivalent document.

The certification standard for a newly purchased piece of equipment intended as a replacement may be used in place of either the certification standard or default uncontrolled emission rate associated with the piece of equipment being replaced until the newly purchased piece of equipment is physically in the fleet as evidenced by inventory records.

The verification absolute emission level (standard) for a retrofit kit may be used in place of either the certification standard or default uncontrolled emission rate associated with the piece of equipment being retrofitted until the retrofit kit has been installed as evidenced by inventory records.

In either case, the newly purchased piece of equipment or retrofit kit must be physically in the fleet or installed on or before December 31, 2009.

For more information

To obtain a copy of the regulation or other related compliance assistance documents, visit the LSI website at <http://www.arb.ca.gov/msprog/offroad/orspark/orspark.htm>. Additional questions may be addressed by calling the toll-free LSI Help Line at 1-800-378-2992.