

# **EXHIBIT E**

## **HEARING REPORT**

**Prepared Pursuant to Section 4-168(d) of the Connecticut General Statutes and  
Section 22a-3a-3(d)(5) of the Department of Environmental Protection Rules of Practice**

**Regarding Regulations for the Abatement of Air Pollution:  
Proposed Amendments of Section 22a-174-36b and  
Proposed Amendment of Section 22a-174-27 of the  
Regulations of Connecticut State Agencies**

**Hearing Officer: Patrice Kelly**

**Date of Hearing: December 18, 2008**

### **I. Introduction**

On November 4, 2008, the Commissioner of the Department of Environmental Protection (Department) signed a notice of intent to amend section 22a-174-36b (section 36b) of the Regulations of Connecticut State Agencies (R.C.S.A.) concerning the Low Emission Vehicles II (LEV) program and to amend section 22a-174-27 (section 27) of the R.C.S.A. concerning the state Inspection and Maintenance program. Pursuant to such notice, a public hearing was held on December 18, 2008. The public comment period for the proposed amendments was initially scheduled to close on December 18, 2008, but was extended for two weeks until January 2, 2009.

As required by section 4-168(d) of the Connecticut General Statutes (C.G.S.), this report describes the regulations proposed for hearing; the principal reasons for support of the Department's proposed amendments; the principal considerations presented in oral and written comments in opposition to the Department's proposed amendments; all comments and responses thereto on the proposed amendments; and the final wording of the proposed regulation. Those individuals who submitted timely comments are identified in Attachment 2.

This report also contains a statement pursuant to C.G.S. section 22a-6(h).

### **II. Compliance with Section 22a-6(h) of the Connecticut General Statutes**

Pursuant to section 22a-6(h) of the Connecticut General Statutes, the Commissioner of the Department of Environmental Protection (Commissioner) is authorized to adopt regulations pertaining to activities for which the federal government has adopted standards or procedures. At the time of public notice, the Commissioner must distinguish clearly all provisions of a regulatory proposal that differ from federal standards or procedures either within the regulatory language or through supplemental documentation accompanying the proposal. In addition, the Commissioner must provide an explanation for all such provisions in the regulation-making record required under C.G.S. Title 4, Chapter 54 and make such explanation publicly available at the time of the notice of public hearing required under C.G.S. section 4-168.

In accordance with the requirements of C.G.S. section 22a-6(h), the following statement is entered into the public administrative record in the matter of the proposed revisions to various sections of the air quality regulations, as scheduled for public hearing on December 18, 2008.

The Department has performed a comparison of the proposed revisions with analogous federal laws and regulations, namely the Clean Air Act (CAA) and standards and procedures in section 40 of the Code of Federal Regulations. A section-by-section comparison of the proposal with federal standards and procedures follows.

**With respect to the amendment of section 22a-174-36b concerning the LEV program**, the revisions are intended to maintain the consistency of Connecticut's LEV program with California's LEV program in three respects: recall and warranty; labeling; and the Zero Emission Vehicle (ZEV) requirements and travel provisions. Connecticut is required to maintain consistency with the California program under Section 177 of the CAA. There are two emissions programs in the United States, the federal emissions program located in Title II of the CAA and a similar California LEV program. The U.S. Environmental Protection Agency (EPA) has granted the California program a waiver under section 209 of the CAA because it considers the California program to be "...at least as protective of public health and welfare as applicable federal standards."

The California and federal programs contain similar elements with a few specific distinctions. The specific distinctions include:

- Recalls under the California recall requirements are independent of recalls under the federal program such that, on a case by case basis, the recall provisions may produce different results; and
- There are no comparable federal requirements for environmental performance labeling. The EPA does rate vehicles with respect to environmental performance characteristics but does not have a mandatory labeling program; and
- For the ZEV requirements, California's program elements require manufacturers to sell more of the lower emitting vehicle classes compared to the federal program.

**With respect to the amendment of section 22a-174-27(e) concerning the motor vehicle emissions inspection program**, there are no comparable federal standards or procedures. The revision of section 22a-174-27(e) is an exemption for composite vehicles consistent with a state statutory change made in 2007. Federal requirements under the CAA specify when a state must adopt an emissions inspection program and the general goals the state program must meet, but do not specify the precise requirements of a state program.

### **III. Background, Summary, and Text of the Regulatory Amendments as Proposed**

#### **Background**

On June 6, 2006, the Governor of the State of Connecticut signed into law Public Act 06-161, which the General Assembly adopted on May 3, 2006. Public Act 06-161 as codified in C.G.S.

section 22a-201a requires the Commissioner to adopt environmental performance labeling of vehicles by January 1, 2009, consistent with California's recent program changes. In June 2008, California adopted new environmental performance labeling specifications. Connecticut's adoption of those labeling specifications under section 36b will satisfy the requirements of Public Act 06-161.

California has also amended its rules regarding its LEV recall and warranty provisions, and its requirements for the ZEV program, including the ZEV travel provisions. California initially posted public notice of the rulemaking on February 8, 2008. California subsequently modified the text of its amendments and posted public notices on July 25, 2008, and October 3, 2008. Both notices were followed by a 15-day comment period. The California Air Resources Board (CARB) formally adopted the changes on December 17, 2008. The California Office of Administrative Law formally approved the regulation on March 18, 2009. The regulation was filed with the Secretary of State and is effective on April 17, 2009. Connecticut is amending Section 36b to maintain consistency with the California ZEV amendments as is required by section 177 of the Clean Air Act.

On June 25, 2007, the Governor of the State of Connecticut signed into law Public Act 07-167, which the General Assembly adopted on June 4, 2007. Public Act 07-167 as codified in C.G.S. section 14-164c(c) requires the Commissioner to amend regulations to exempt composite vehicles from emissions testing requirements. The amendments to section 27 will satisfy the requirements of Public Act 07-167.

### **Summary**

#### **R.C.S.A. section 22a-174-36b, Low Emission Vehicle II Program.**

Section 36b serves as the basis for Connecticut's LEV program, which is modeled after California's LEV program. The amendments update R.C.S.A. section 22a-174-36b to be consistent with recent actions by California regarding its LEV program and in satisfaction of the statutory requirements of C.G.S. section 22a-201a. In particular, the revisions include the addition of environmental performance (EP) labeling for smog and greenhouse gas index scores. The labels must contain a smog score and a global warming score measuring the amount of greenhouse gas emissions from the vehicle compared to the average emissions of all vehicle models of the same model year for that class of vehicles. A copy of the California EP label can be found in Attachment 4 to this report.

The amendments will also modify the ZEV program. CARB has amended its regulation that requires auto manufacturers to develop and commercialize ZEV technologies. The amendments have given manufacturers increased flexibility to comply with the ZEV requirements, recognized and given credit to the environmental benefits of plug-in hybrid electric vehicles (PHEV), and established ZEV categories in recognition of new developments in fuel cell and battery electric vehicles (EV).

In addition, the amendments will revise the "travel provisions" contained in the ZEV program. The travel provision amendments will update the methods by which manufacturers will be

credited when placing zero emission or other advanced technology vehicles in service in either California or any state that has adopted California's LEV program.

The amendments to the recall and warranty provisions incorporate technical changes that California has made to the LEV program.

**R.C.S.A. section 22a-174-27, Motor Vehicle Inspection Requirements.**

R.C.S.A. section 22a-174-27 establishes emissions standards and test requirements for the periodic motor vehicle Inspection and Maintenance Program to assure that EPA required air quality benefits are achieved. The amendment will exempt composite vehicles from Connecticut's motor vehicle inspection program. According to the Connecticut Department of Motor Vehicles (DMV), a composite vehicle is defined as "Any motor vehicle, composed or assembled from several parts of other motor vehicles, or the identification and body contours of which are so altered that the vehicle no longer bears the characteristics of any specific make of motor vehicle. Any vehicle not assembled by a manufacturer licensed as such in the State of Connecticut is classified as a composite motor vehicle."<sup>1</sup> These changes will affect a minimal number of vehicles in Connecticut and will not have a significant impact on air quality in the state.

A copy of the proposed changes to section 36b and section 27 as proposed at the public hearing is contained in Attachment 1 to this report.

**IV. Principal Reasons in Support of the Proposed Amendments**

The proposed amendments made by the Department to section 36b meet requirements of section 177 of the federal Clean Air Act and Public Act 06-161 as codified in C.G.S. section 22a-201a. The recall, warranty, ZEV, and ZEV travel provision amendments will bring Connecticut in line with changes that California has made to its LEV program which serves as the basis for section 36b.

The exemption of composite motor vehicles from the emissions inspection processes will meet the statutory requirements of Public Act 07-167. Connecticut Inspection and Maintenance Program data indicates in 2007 there were 359 composite motor vehicles in Connecticut.<sup>2</sup> After consideration of existing emission inspection exemptions found in 14-164(c) of the C.G.S. there are approximately 100 of these vehicles that would be required to be inspected by the DMV each year and exempting these vehicles will not have significant air quality impacts.

**V. Principal Reasons in Opposition of the Proposed Amendments**

The principal argument in opposition of the proposed rule changes was that the Department should not adopt the proposed ZEV program changes until California has finalized its ZEV rulemaking process. Other comments addressed technical changes that the Department should

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<sup>1</sup> *Composite Vehicles*. Available at <http://www.ct.gov/dmv/cwp/view.asp?a=804&q=244898>

<sup>2</sup> Revision to Connecticut's State Implementation Plan, Enhanced Motor Vehicle Inspection and Maintenance Program, available at [http://www.ct.gov/dep/lib/dep/air/regulations/proposed\\_and\\_reports/final2007\\_im\\_sip\\_revision.pdf](http://www.ct.gov/dep/lib/dep/air/regulations/proposed_and_reports/final2007_im_sip_revision.pdf)

make to the regulation when adopting these rule amendments. These comments and the Department's responses are set forth in detail in Section VI of this report.

## **VI. Summary of Comments**

All comments submitted are summarized below with the Department's responses. Individuals submitting timely comment on the proposed amendments are identified in Attachment 2 to this report. When changes to the proposed text are indicated in response to comment, new text is in bold font and deleted text is in strikethrough font. Summaries of the comments submitted and the Department's responses are as follows:

### **A. General Comments**

**1. Comment:** The Department should not adopt the proposed ZEV program changes until California has finalized its ZEV rulemaking process. Both Mitsubishi and the Large Volume Manufacturers submitted this comment.

**Response:** The Department was required to begin the rulemaking process shortly after California began its rulemaking process to ensure that Connecticut achieves identicality with California in a timely manner. The Department waited until after California's second 15-day notice of modifications to the ZEV amendment closed to hold a public hearing. The Department also extended the comment period for two weeks to allow for review of the California ZEV amendments. Interested parties have therefore been given ample opportunity to review California's changes and comment on Connecticut's proposed changes to the ZEV program. Additionally, the Department has waited until the California ZEV amendments were finalized by the California Air Resources Board (CARB) and approved by the California Office of Administrative Law before advancing these rule changes for final approval in Connecticut. The effective date of the California revisions has been entered, in lieu of the placeholder provided for the hearing version of the regulation, in three positions in Table 36b-1. Additionally the footnote explaining the use of the placeholders has been deleted; the changes are as follows:

**Table 36b-1**

**California Code of Regulations (CCR)  
Title 13  
Provisions Incorporated by Reference**

Title 13 CCR	Title	Section Amended Date
<b>Chapter 1 Motor Vehicle Pollution Control Devices</b>		
<b>Article 1 General Provisions</b>		
Section 1900	Definitions	[08/04/05] <del>To be updated</del> * 4/17/09
<b>Article 2 Approval of Motor Vehicle Pollution Control Devices (New Vehicles)</b>		
Section 1956.8(g) and (h)	Exhaust Emission Standards and Test Procedures – 1985 and Subsequent Model Heavy Duty Engines and Vehicles	[12/14/03] <u>10/11/07</u>
Section 1960.1	Exhaust Emission Standards and Test Procedures – 1981 and through 2006 Model Passenger Cars, Light-Duty and Medium-Duty Vehicles	[10/16/02] <u>03/26/04</u>
Section 1961	Exhaust Emission Standards and Test Procedures – 2004 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	[12/04/03] <u>06/16/08</u>
Section 1961.1	Greenhouse Gas Exhaust Emission Standards and Test Procedures – 2009 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles.	[08/04/05] <u>01/01/06</u>
Section 1962	Zero Emission Vehicle Standards for 2005 <u>through 2008</u> [and Subsequent] Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	[12/19/03] <del>To be updated</del> * 4/17/09
<u>Section 1962.1</u>	<u>Zero Emission Vehicle Standards for 2009 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles</u>	<u>07/24/02</u> <del>To be updated</del> * 4/17/09

\*-California's *Rulemaking to Consider Adoption of the 2008 Amendments to the California Zero Emission Vehicle Regulation* was initially noticed for public hearing in January 2008 and is currently in process. The effective date of the final amendments adopted in California will be referenced in the indicated locations in this table.

## **B. Specific Comments**

### Comments by the Environmental Protection Agency

**2. Comment:** EPA supports Connecticut's proposed amendments to the LEV program. EPA has reviewed the changes and found that the proposed amendments are consistent with the changes to the California LEV regulation.

**Response:** The Department appreciates EPA's support for the proposed amendments and will continue its commitment to remaining consistent with California's LEV rule changes.

**3. Comment:** EPA states that since the LEV program is a control strategy listed in Connecticut's 2007 8-hour ozone attainment State Implementation Plan (SIP) the proposed changes to the LEV program, once they are final, should be submitted to EPA in an 8-hour ozone attainment SIP revision.

**Response:** The Department's LEV regulation is only included in the 8-hour ozone SIP as a weight-of-evidence measure and is not currently relied upon for SIP emissions reduction credits. The Department intends to take credit for the LEV program in the 8-hour ozone attainment SIP prepared to demonstrate compliance for the 2008 National Ambient Air Quality Standard (NAAQS) for ozone.

### Comments by Mitsubishi

**4. Comment:** Mitsubishi acknowledges the Department's efforts to maintain consistency with the California regulations and supports Connecticut's proposal as it will not require a state specific EP label. Mitsubishi will follow California's regulation and apply all required environmental performance labels on all 2009 model year vehicles delivered for sale in Connecticut after January 1, 2009.

**Response:** The Department notes Mitsubishi's intent to comply with the EP label requirements starting on January 1, 2009. The Department appreciates Mitsubishi's initiative in early compliance with Connecticut's EP labeling requirements and in providing consumers with additional environmental information when they make vehicle purchasing decisions.

### Comments by The Connecticut Fund for the Environment

**5. Comment:** The Connecticut Fund for the Environment (CFE) believes that the EP label being adopted in this rulemaking does not meet its statutory requirements to have two greenhouse gas scores; one that compares the vehicle receiving the score to all vehicles in the same model year and another comparing the vehicle receiving the score to all vehicles in the same model class. CFE does not believe one score that combines both factors is sufficient. CFE would like the Department to work with the California Air Resources Board to develop a more comprehensive greenhouse gas label.

**Response:** The Department believes that, at this time, it is most prudent to adopt the California environmental performance (EP) label. The California EP label has been developed using an extensive scientific database which takes into account the greenhouse gas emissions of the vehicle compared to both vehicles of the same model year and vehicles of the same class. It effectively incorporates the two greenhouse gas scores that are required by Public Act 06-161. This offers the consumer the most comprehensive global warming score possible.

In addition, California has extensively researched the formatting of their EP label and used consumer focus groups to provide feedback to create the most effective label for consumer education. In the Informative Digest that accompanied its rulemaking, California stated, “In designing the new EP label, staff turned to market research specialists for help and sought out consumer-based input from focus groups to provide clarity and understanding of a newly designed label,”<sup>3</sup> and, “Respondents stated that the information needs to be presented in a way that consumers find simple and understandable.”<sup>4</sup> Focus group research clearly indicates that simplicity of the EP label is the most important aspect of the label’s effectiveness. Prior market research conducted by EPA, based on consumer focus groups, also found that, a simple scale from 1-10 for both Air Pollution and Greenhouse Gas emissions was recommended.<sup>5</sup> After this extensive research, CARB concluded that “a simpler scale from 1-10 represents the optimal way to present emissions information.”<sup>6</sup> Based on CARB’s findings, Connecticut believes that the California EP label is the most effective label available at this time.

Going forward the Department should work with CARB to seek improvements in the EP label as necessary so that consumers have the best information in a user-friendly format.

#### Comments by the Large Volume Manufacturers

**6. Comment:** The Large Volume Manufacturers suggest that the Department change the definition of “travel provision” in the amended regulations to include all types of ZEVs and not just Type III ZEVs because California allowed additional types of ZEVs to gain credit under the travel provision.

**Response:** The comment concerning the definition of “travel provision” in subsection (a) of section 36b is outside the scope of this proceeding. The inclusion of additional types of ZEVs in the travel provisions appears in sections 1962 and 1962.1 of Title 13 of the California Code, which are included by reference in the proposed revisions to subsection (e) of section 36b. Although the comment has merit, it should not be incorporated at this time, but should be reserved for consideration in a future amendment. In response to the comment, no change is recommended.

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<sup>3</sup> *Updated Informative Digest*. Emissions Control and Smog Index Label Rulemaking: available at <http://www.arb.ca.gov/regact/2007/labels07/labels07.htm>,

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

**7. Comment:** The Department should amend subsection (c)(2)(A) requirements that require manufacturers to follow section 1962 of the California Code of Regulations (C.C.R.) to apply solely to MY 2008 because California’s section 1962 requirements sunset after MY 2008. For 2009 and subsequent model years section 1962.1 requirements are applicable. The Large Volume Manufacturers suggest the phrase “In the 2008 model year” replace the phrase “Beginning with the 2008 Model Year” in subsection (c)(2)(A).

**Response:** The Department agrees with this comment and has incorporated the suggested revision in subsection (c)(2)(A) of the regulations by adding the word “In” and deleting the words “Beginning with” in line with the Commenter’s suggested text. Through these changes, subparagraph (A) will clearly apply solely to the 2008 model year. The Department’s recommended revision is as follows:

(2) **ZEV mandate.**

- (A) ~~Beginning with~~ **In** the 2008 model year, each manufacturer’s sales fleet of passenger cars and light duty trucks produced and delivered for sale in the State of Connecticut shall contain at least the same percentage of ZEVs subject to the same requirements, including early credit, banking, and travel provisions, set forth in the California Code of Regulations, Title 13, section 1962 using Connecticut specific vehicle numbers.

It is also recommended that subsection (c)(1)(A) be revised to include the applicable 1962.1 requirements for 2009 and subsequent model years. The following change will make it clear that the section 1962.1 requirements are the proper ZEV requirements for 2009 and subsequent model years.

(c) **Prohibitions and compliance requirements.**

- (1) Unless subject to an exemption listed in subsection (d) of this section, no person shall sell or register, offer for sale or lease, import, deliver, purchase, rent, lease, acquire or receive a new 2008 or subsequent model year passenger car or light duty truck or a 2009 or subsequent model year medium-duty vehicle or medium-duty passenger vehicle in the State of Connecticut unless such vehicle is certified to California emission standards and meets:

- (A) The exhaust emission standards set forth in the California Code of Regulations, Title 13, sections 1956.8(g) or (h), 1960.1, 1961(a), ~~or 1962(a)~~; **or 1962.1(a)**;

**8. Comment:** The Large Volume Manufacturers suggest that the Alternative Compliance Path requirements in subsection (m) be revised by removing the “offer for sale” requirements for any type of ZEV that is allowed to gain credits through the newly amended travel provisions. They suggest that this modification be made by changing the phrases in subsections (m)(3)(E) and (m)(3)(D) from “including all ZEVs except type III ZEVs” to “including all ZEVs except ZEV types that qualify for the travel provisions under the California Code of Regulations sections 1962(d)(5)(D) and 1962.1(d)(5)(E).”

**Response:** The comment concerning the alternative compliance mechanism in subsection (m) is outside the scope of this proceeding. Subsection (m) is Connecticut’s Alternative Compliance Mechanism; it is limited to providing an alternative compliance mechanism to the subsection (c)(2)(A) requirements and only has effect in the 2008 model year because the alternative compliance mechanisms in subsection (m) end with the 2008 model year. Therefore, revisions to subsection (m) are not required.

**9. Comment:** The Large Volume Manufacturers suggest that the alternative compliance path requirements in subsection (m) be changed by specifying a clear end date for the “offer for sale” requirements. They state that the California alternative compliance path is intended to be a transitional requirement and, as such, sunsets after the 2011 model year. They suggest that this change be made by adding the phrase “Through the 2011 model year” to the beginning of subsection (m)(2)(E) and deleting the words “operating under the alternative compliance path.” Additionally a revision should be made to subsection (m)(3)(D) by adding the phrase “Through the 2011 model year” to the beginning of that subsection and deleting the words “Until such time as full compliance is achieved with the requirements of subsection (c)(2) of this section.”

**Response:** Please see the response to comment 8.

**10. Comment:** The Large Volume Manufacturers suggest that the Department should maintain discretionary control of the “offer for sale” requirements. They suggest a change be made so that the Department would be able to work with the manufacturers to make ZEV vehicles available when the technology and infrastructure may best accommodate those vehicles. They suggest this be done by adding the phrase “unless the manufacturer can demonstrate to the Department’s satisfaction that an alternative approach is better for the advanced technology vehicle model that is being introduced” to the ends of subsections (m)(2)(E) and (m)(3)(d).

**Response:** Please see the response to comment 8.

**11. Additional Comment by Hearing Officer:** The Statement of Purpose was drafted, along with original versions of the proposed amendment, following the passage of Public Act 06-161, which requires greenhouse gas labeling for new motor vehicles. To be consistent with the effective date of California’s labeling requirement, the date, “October 1, 2009,” in the Statement of Purpose should be replaced by “January 1, 2009,” as is already reflected in the proposed revisions to subparagraph (c)(1)(I) of section 36b.

**Response:** The Department recommends revising Statement of Purpose as follows:

**Statement of purpose:** This amendment consists of revisions to two sections of the air quality regulations concerning motor vehicles. Specifically, the revisions include:

Sections 1 through 3 of the amendment revise section 22a-174-36b of the Regulations of Connecticut State Agencies (R.C.S.A.) in three respects:

- First, section 22a-174-36b is updated in accordance with Public Act 06-161 to require manufacturers to place environmental performance labels starting on 2009 model year and later vehicles sold or leased in Connecticut on or after [October 1, 2009] January 1, 2009. Labels must contain a smog score and a global warming score measuring the amount of greenhouse gas emissions from the car compared to the average emissions of all vehicle models of the same model year for that class of cars. The label will provide consumers with information on how a vehicle purchase will affect the environment.
- Second, section 22a-174-36b is updated in accordance with changes made to the California Air Resources Board low emissions vehicle program, which serves as the basis for R.C.S.A. section 22a-174-36b. The updated provisions include the “travel provisions” contained in the “zero emission vehicle” program. Travel provisions amend methods by which manufacturers are credited when placing zero emission or other advanced technology vehicles in service in either California or any state that has adopted California’s motor vehicle emission control program under section 177 of the federal Clean Air Act.
- Third, technical changes consistent with California’s vehicle recall provisions are included.

Section 4 revises R.C.S.A. section 22a-174-27(e) in accordance with Public Act 07-167 to eliminate composite motor vehicles from Connecticut’s motor vehicle inspection program.

## **VII. Final Text of the Proposed Amendment**

The final text of the proposed amendments to R.C.S.A. section 22a-174-36b and R.C.S.A. section 22a-174-27, as indicated in this hearing report is located at Attachment 3 to this report.

## **VIII. Conclusion**

Based upon the comments submitted by interested parties and addressed in this Hearing Report, I recommend the proposed final regulation, as contained herein in Attachment 3, be submitted by

the Commissioner of the Department of Environmental Protection for Approval by the Attorney General and the Legislative Regulations Review Committee.

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Patrice Kelly  
Hearing Officer

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Date

**Attachment 1**  
**Sections 36b and 27 as Proposed at Public Hearing**

November 6, 2008

**Section 1. Subsection (c) of section 22a-174-36b of the Regulations of Connecticut State Agencies is amended to read as follows:**

**(c) Prohibitions and compliance requirements.**

(1) Unless subject to an exemption listed in subsection (d) of this section, no person shall sell or register, offer for sale or lease, import, deliver, purchase, rent, lease, acquire or receive a new 2008 or subsequent model year passenger car or light duty truck or a 2009 or subsequent model year medium-duty vehicle or medium-duty passenger vehicle in the State of Connecticut unless such vehicle is certified to California emission standards and meets:

- (A) The exhaust emission standards set forth in the California Code of Regulations, Title 13, sections 1956.8(g) or (h), 1960.1, 1961(a) or 1962(a);
- (B) Until December 31, 2008, the [The] emission control label [or] and smog index label or environmental performance label requirements set forth in the California Code of Regulations, Title 13, section 1965;
- (C) The evaporative emission standards set forth in the California Code of Regulations, Title 13, section 1976;
- (D) The refueling emissions standards set forth in the California Code of Regulations, Title 13, section 1978;
- (E) The malfunction and diagnostic system requirements set forth in the California Code of Regulations, Title 13, 1968.1;
- (F) The assembly-line testing procedure requirements set forth in the California Code of Regulations, Title 13, section 2062;
- (G) The specifications for fill pipes and openings of motor vehicle fuel tanks set forth in the California Code of Regulations, Title 13, section 2235; [and]
- (H) The greenhouse gas emission standards set forth in the California Code of Regulations, Title 13, section 1961.1[.]; and
- (I) On and after January 1, 2009, the emission control label and environmental performance label requirements, including smog and greenhouse gas index scores, set forth in the California Code of Regulations, Title 13, section 1965.

**(2) ZEV mandate.**

(A) Beginning with the 2008 model year, each manufacturer's sales fleet of passenger cars and light duty trucks produced and delivered for sale in the State of Connecticut shall contain at least the same percentage of ZEVs subject to the same requirements, including early credit,

banking, and travel provisions, set forth in the California Code of Regulations, Title 13, section 1962 using Connecticut specific vehicle numbers.

(B) Alternative compliance mechanisms. As an alternative means of compliance with the requirements of subparagraph (A) of this subdivision, an automobile manufacturer may instead opt to comply with the provisions of subsection (m) of this section.

(C) Until such time that NEVs can be legally registered in Connecticut and operated with restrictions no more stringent than imposed by the State of California, manufacturers that generate ZEV credits in California through the sale of NEVs shall receive Connecticut credits for those sales. Such credits shall be transferred annually using the ZEV credit account transfer ratio determined in accordance with subsection (m)(3), as applicable to the manufacturer.

(D) Beginning with the 2009 model year, each manufacturer's sales fleet of passenger cars and light duty trucks produced and delivered for sale in the State of Connecticut shall contain at least the same percentage of ZEVs subject to the same requirements, including early credit, banking, and travel provisions, set forth in the California Code of Regulations, Title 13, section 1962.1 using Connecticut specific vehicle numbers.

(3) All vehicle manufacturers shall comply with the fleet average, warranty, recall and other applicable requirements set forth in subsections (e), (f), (g), (h), (i), (j), (k), and (n) of this section.

**Sec. 2. Subsection (e) of section 22a-174-36b of the Regulations of Connecticut State Agencies is amended to read as follows:**

**(e) Emission standards, warranty, recall and miscellaneous provisions.** Each manufacturer and each new 2008 and subsequent model year passenger car and light-duty truck that is subject to this section shall comply with each applicable standard set forth in Table 36b-1 and incorporated by reference herein:

<p><b>Table 36b-1</b></p> <p><b>California Code of Regulations (CCR)</b></p> <p><b>Title 13</b></p> <p><b>Provisions Incorporated by Reference</b></p>
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Title 13 CCR	Title	Section Amended Date
<b>Chapter 1 Motor Vehicle Pollution Control Devices</b>		
<b>Article 1 General Provisions</b>		
Section 1900	Definitions	[08/04/05] <u>To be updated*</u>
<b>Article 2 Approval of Motor Vehicle Pollution Control Devices (New Vehicles)</b>		
Section 1956.8(g) and (h)	Exhaust Emission Standards and Test Procedures – 1985 and Subsequent Model Heavy Duty Engines and Vehicles	[12/14/03] <u>10/11/07</u>
Section 1960.1	Exhaust Emission Standards and Test Procedures – 1981 and through 2006 Model Passenger Cars, Light-Duty and Medium-Duty Vehicles	[10/16/02] <u>03/26/04</u>
Section 1961	Exhaust Emission Standards and Test Procedures – 2004 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	[12/04/03] <u>06/16/08</u>
Section 1961.1	Greenhouse Gas Exhaust Emission Standards and Test Procedures – 2009 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles.	[08/04/05] <u>01/01/06</u>
Section 1962	Zero Emission Vehicle Standards for 2005 <u>through 2008</u> [and Subsequent] Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	[12/19/03] <u>To be updated*</u>
<u>Section 1962.1</u>	<u>Zero Emission Vehicle Standards for 2009 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles</u>	<u>07/24/02</u> <u>To be updated*</u>
Section 1965	Emission Control[ and], Smog Index, <u>and Environmental Performance Labels</u> – 1979	[12/04/03]

\* California's *Rulemaking to Consider Adoption of the 2008 Amendments to the California Zero Emission Vehicle Regulation* was initially noticed for public hearing in January 2008 and is currently in process. The effective date of the final amendments adopted in California will be referenced in the indicated locations in this table.

	and Subsequent Model Year Vehicles	<u>06/16/08</u>
Section 1968.1	Malfunction and Diagnostic System Requirements – 1994 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	11/27/99
Section 1968.2	Malfunction and Diagnostic System Requirements – 2004 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	[04/21/03] <u>11/09/07</u>
Section 1968.5	Enforcement of Malfunction and Diagnostic System Requirements for 2004 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines	[04/21/03] <u>11/09/07</u>
Section 1976	Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions	[11/27/99] <u>01/04/08</u>
Section 1978	Standards and Test Procedures for Vehicle Refueling Emissions	[11/27/99] <u>01/04/08</u>
<b>Article 6 Emission Control System Warranty</b>		
Section 2035	Purpose, Applicability and Definitions	[12/26/90] <u>11/09/07</u>
Section 2036	Defects Warranty Requirements for 1979 through 1989 Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles; 1979 and Subsequent Model Year Motorcycles and Heavy-Duty Vehicles; and Motor Vehicle Engines Used in Such Vehicles.	5/15/99
Section 2037	Defects Warranty Requirements for 1990 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles and Motor Vehicle Engines Used in Such Vehicles	[11/27/99] <u>11/09/07</u>
Section 2038	Performance Warranty Requirements for 1990 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and	[11/27/99] <u>11/09/07</u>

	Medium-Duty Vehicles and Motor Vehicle Engines Used in Such Vehicles	
Section 2039	Emission Control System Warranty Statement.	12/26/90
Section 2040	Vehicle Owner Obligations	12/26/90
Section 2046	Defective Catalyst	1/16/79
<b>Chapter 2 Enforcement of Vehicle Emission Standards and Enforcement Testing.</b>		
<b>Article 1 Assembly Line Testing.</b>		
Section 2062	Assembly-line Test Procedures 1998 and Subsequent Model-years.	11/27/99
<b>Article 2 Enforcement of New and In-use Vehicle Standards</b>		
Section 2101	Compliance Testing and Inspection – New Vehicle Selection, Evaluation and Enforcement Action.	11/27/99
Section 2109	New Vehicle Recall Provisions.	<del>11/27/99</del> <u>12/30/83</u>
Section 2110	Remedial Action for Assembly-Line Quality Audit Testing of Less than a Full Calendar Quarter of Production Prior to the 2001 Model-Year.	11/27/99
<b>Article 2.1 Procedures for In-Use Vehicle Voluntary and Influenced Recalls.</b>		
Section 2111	Applicability.	[8/21/02] <u>01/04/08</u>
Section 2112	Definitions.	11/15/03
	Appendix A to Article 2.1.	11/15/03
Section 2113	Initiation and Approval of Voluntary and Influenced Recalls.	1/26/95
Section 2114	Voluntary and Influenced Recall Plans.	11/27/99
Section 2115	Eligibility for Repair.	1/26/95
Section 2116	Repair Label.	1/26/95
Section 2117	Proof of Correction Certificate.	1/26/95

Section 2118	Notification.	1/26/95
Section 2119	Record keeping and Reporting Requirements.	11/27/99
Section 2120	Other Requirements Not Waived.	1/26/95
<b>Article 2.2 Procedures for In-Use Vehicle Ordered Recalls.</b>		
Section 2122	General Provisions.	[1/26/95] <u>01/04/08</u>
Section 2123	Initiation and Notification of Ordered Emission-Related Recalls.	1/26/95
Section 2124	Availability of Public Hearing.	1/26/95
Section 2125	Ordered Recall Plan.	1/26/95
Section 2126	Approval and Implementation of Recall Plan.	1/26/95
Section 2127	Notification of Owners.	1/26/95
Section 2128	Repair Label.	1/26/95
Section 2129	Proof of Correction Certificate.	1/26/95
Section 2130	Capture Rates and Alternative Measures.	11/27/99
Section 2131	Preliminary Tests.	1/26/95
Section 2132	Communication with Repair Personnel.	1/26/95
Section 2133	Record keeping and Reporting Requirements.	1/26/95
Section 2135	Extension of Time.	1/26/95
<b>Article 2.3 In-Use Vehicle Enforcement Test Procedures.</b>		
Section 2136	General Provisions.	[1/26/95] <u>01/04/08</u>
Section 2137	Vehicle Selection.	12/28/00
Section 2138	Restorative Maintenance.	11/27/99
Section 2139	Testing.	8/21/02

Section 2140	Notification of In-Use Results.	8/21/02
<b>Article 2.4 Procedures for Reporting Failure of Emission-Related Components.</b>		
Section 2141	General Provisions.	[12/28/00] <u>01/04/08</u>
Section 2142	Alternative Procedures.	2/23/90
Section 2143	Failure Levels Triggering Recall.	11/27/99
Section 2144	Emission Warranty Information Report.	11/27/99
Section 2145	Field Information Report.	11/27/99
Section 2146	Emissions Information Report.	11/27/99
Section 2147	Demonstration of Compliance with Emission Standards.	8/21/02
Section 2148	Evaluation of Need for Recall.	11/27/99
Section 2149	Notification of Subsequent Action.	2/23/90
<b><u>Article 5 Procedures for Reporting Failures of Emission-Related Equipment and Required Corrective Action</u></b>		
<u>Section 2166</u>	<u>General Provisions.</u>	<u>01/04/08</u>
<u>Section 2166.1</u>	<u>Definitions.</u>	<u>01/04/08</u>
<u>Section 2167</u>	<u>Emission Warranty Information Report.</u>	<u>01/04/08</u>
<u>Section 2168</u>	<u>Supplemental Emissions Warranty Information Report.</u>	<u>01/04/08</u>
<u>Section 2169</u>	<u>Recall and Corrective Action for Failures of Exhaust After-Treatment Devices.</u>	<u>01/04/08</u>
<u>Section 2170</u>	<u>Recall and Corrective Action for Other Emission-Related Component Failures (On-Board Diagnostic-Equipped Vehicles and Engines).</u>	<u>01/04/08</u>
<u>Section 2171</u>	<u>Recall and Corrective Action for Vehicles without On-Board Diagnostic Systems, Vehicles with Non-Compliant On-Board Diagnostic Systems, or Vehicles with On-Board Computer Malfunction.</u>	<u>01/04/08</u>

<u>Section 2172</u>	<u>Notification of Required Recall or Corrective Action by the Executive Officer.</u>	<u>01/04/08</u>
<u>Section 2172.1</u>	<u>Ordered or Voluntary Corrective Action Plan.</u>	<u>01/04/08</u>
<u>Section 2172.2</u>	<u>Approval and Implementation of Corrective Action Plan.</u>	<u>01/04/08</u>
<u>Section 2172.3</u>	<u>Notification of Owners.</u>	<u>01/04/08</u>
<u>Section 2172.4</u>	<u>Repair Label.</u>	<u>01/04/08</u>
<u>Section 2172.5</u>	<u>Proof of Correction Certificate.</u>	<u>01/04/08</u>
<u>Section 2172.6</u>	<u>Preliminary Tests.</u>	<u>01/04/08</u>
<u>Section 2172.7</u>	<u>Communication with Repair Personnel.</u>	<u>01/04/08</u>
<u>Section 2172.8</u>	<u>Recordkeeping and Reporting.</u>	<u>01/04/08</u>
<u>Section 2172.9</u>	<u>Extension of Time.</u>	<u>01/04/08</u>
<u>Section 2173</u>	<u>Penalties.</u>	<u>01/04/08</u>
<u>Section 2174</u>	<u>Availability of Public Hearing.</u>	<u>01/04/08</u>
<b>Chapter 4.4 Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks.</b>		
Section 2235	Requirements.	9/17/91

**Sec. 3. Subsection (k) of section 22a-174-36b of the Regulations of Connecticut State Agencies is amended to read as follows:**

**(k) Recalls.**

(1) For all 2008 and subsequent model year vehicles subject to the provisions of this section and for all 2009 and subsequent model year medium-duty vehicles subject to the provisions of this section, each manufacturer shall undertake an action equivalent to that required by any order or enforcement action taken by CARB, or any voluntary or influenced emission related recall initiated by any manufacturer pursuant to or required by California Code of Regulations, Title 13, sections 2101 through 2120, 2122 through 2133, [and] 2135 through 2149, and 2166 through 2174, unless within thirty (30) days of CARB approval of such recall, the manufacturer demonstrates to the commissioner that such recall is not applicable to vehicles registered in the State of Connecticut.

(2) For vehicles subject to an action pursuant to subdivision (1) of this subsection, each manufacturer shall send to owners of vehicles registered in the State of Connecticut a notice that

complies with the requirements set forth in California Code of Regulations, Title 13, sections 2118, [or] 2127, or 2172.3, provided that such notice shall contain a telephone number appropriate for use in the State of Connecticut.

**Sec. 4. Subsection (e) of section 22a-174-27 of the Regulations of the Connecticut State Agencies is amended to read as follows:**

(e) [**Composite motor vehicles.** For 2005 and earlier model year composite motor vehicles, the maximum allowable emissions shall be 4.0 VOL. % CO and 800 ppm HC. For 2006 and later model year composite motor vehicles, the maximum allowable emissions shall be 1.2 VOL. % CO and 220 ppm HC.] Reserved.

**Statement of purpose:** This amendment consists of revisions to two sections of the air quality regulations concerning motor vehicles. Specifically, the revisions include:

Sections 1 through 3 of the amendment revise section 22a-174-36b of the Regulations of Connecticut State Agencies (R.C.S.A.) in three respects:

- First, section 22a-174-36b is updated in accordance with Public Act 06-161 to require manufacturers to place environmental performance labels starting on 2009 model year and later vehicles sold or leased in Connecticut on or after October 1, 2009. Labels must contain a smog score and a global warming score measuring the amount of greenhouse gas emissions from the car compared to the average emissions of all vehicle models of the same model year for that class of cars. The label will provide consumers with information on how a vehicle purchase will affect the environment.
- Second, section 22a-174-36b is updated in accordance with changes made to the California Air Resources Board low emissions vehicle program, which serves as the basis for R.C.S.A. section 22a-174-36b. The updated provisions include the “travel provisions” contained in the “zero emission vehicle” program. Travel provisions amend methods by which manufacturers are credited when placing zero emission or other advanced technology vehicles in service in either California or any state that has adopted California’s motor vehicle emission control program under section 177 of the federal Clean Air Act.
- Third, technical changes consistent with California’s vehicle recall provisions are included.

Section 4 revises R.C.S.A. section 22a-174-27(e) in accordance with Public Act 07-167 to eliminate composite motor vehicles from Connecticut’s motor vehicle inspection program.

**Attachment 2**  
**List of Individuals Submitting Comment**

1. Anne E. Arnold, Manager  
Air Quality Planning Unit, Office of Ecosystem Protection  
United States Environmental Protection Agency  
Region 1  
1 Congress Street, Suite 1100  
Boston, MA 02114-2023
  
2. The Large Volume Manufacturers  
Chrysler LLC, Ford Motor Co., General Motors Corp.,  
American Honda Motor Co. Inc., Nissan North America, Inc.,  
Toyota Motors North America, Inc.
  
3. Charles Rothenberger, Staff Attorney  
Connecticut Fund for the Environment  
205 Whitney Avenue, First Floor  
New Haven, CT 06511-3725
  
4. David N. Patterson, P.E.  
Senior Manager, Mobile Emissions  
Mitsubishi Motors R&D of America  
6430 W. Katella Avenue  
Cypress, CA 90630

**Attachment 3**  
**Final Text of Section 36b and Section 27**

**Section 1. Subsection (c) of section 22a-174-36b of the Regulations of Connecticut State Agencies is amended to read as follows:**

**(c) Prohibitions and compliance requirements.**

(1) Unless subject to an exemption listed in subsection (d) of this section, no person shall sell or register, offer for sale or lease, import, deliver, purchase, rent, lease, acquire or receive a new 2008 or subsequent model year passenger car or light duty truck or a 2009 or subsequent model year medium-duty vehicle or medium-duty passenger vehicle in the State of Connecticut unless such vehicle is certified to California emission standards and meets:

- (A) The exhaust emission standards set forth in the California Code of Regulations, Title 13, sections 1956.8(g) or (h), 1960.1, 1961(a), ~~or 1962(a)~~; or 1962.1(a);
- (B) Until December 31, 2008, the[The] emission control label [or] and smog index label or environmental performance label requirements set forth in the California Code of Regulations, Title 13, section 1965;
- (C) The evaporative emission standards set forth in the California Code of Regulations, Title 13, section 1976;
- (D) The refueling emissions standards set forth in the California Code of Regulations, Title 13, section 1978;
- (E) The malfunction and diagnostic system requirements set forth in the California Code of Regulations, Title 13, 1968.1;
- (F) The assembly-line testing procedure requirements set forth in the California Code of Regulations, Title 13, section 2062;
- (G) The specifications for fill pipes and openings of motor vehicle fuel tanks set forth in the California Code of Regulations, Title 13, section 2235; and
- (H) The greenhouse gas emission standards set forth in the California Code of Regulations, Title 13, section 1961.1[.]and
- (I) On or after January 1, 2009, the emission control label and environmental performance label requirements, including smog and greenhouse gas index scores, set forth in the California Code of Regulations, Title 13, section 1965.

**(2) ZEV mandate.**

- (A) ~~Beginning with~~ In the 2008 model year, each manufacturer's sales fleet of passenger cars and light duty trucks produced and delivered for sale in the State of Connecticut shall contain at least the same percentage of ZEVs subject to the

same requirements, including early credit, banking, and travel provisions, set forth in the California Code of Regulations, Title 13, section 1962 using Connecticut specific vehicle numbers.

- (B) Alternative compliance mechanisms. As an alternative means of compliance with the requirements of subparagraph (A) of this subdivision, an automobile manufacturer may instead opt to comply with the provisions of subsection (m) of this section.
- (C) Until such time that NEVs can be legally registered in Connecticut and operated with restrictions no more stringent than imposed by the State of California, manufacturers that generate ZEV credits in California through the sale of NEVs shall receive Connecticut credits for those sales. Such credits shall be transferred annually using the ZEV credit account transfer ratio determined in accordance with subsection (m)(3), as applicable to the manufacturer.
- (D) Beginning with the 2009 model year, each manufacturer's sales fleet of passenger cars and light duty trucks produced and delivered for sale in the State of Connecticut shall contain at least the same percentage of ZEVs subject to the same requirements, including early credit, banking, and travel provisions, set forth in the California Code of Regulations, Title 13, section 1962.1 using Connecticut specific vehicle numbers.

(3) All vehicle manufacturers shall comply with the fleet average, warranty, recall and other applicable requirements set forth in subsections (e), (f), (g), (h), (i), (j), (k), and (n) of this section.

**Sec. 2. Subsection (e) of section 22a-174-36b of the Regulations of Connecticut State Agencies is amended to read as follows:**

**(e) Emission standards, warranty, recall and miscellaneous provisions.**

Each manufacturer and each new 2008 and subsequent model year passenger car and light-duty truck that is subject to this section shall comply with each applicable standard set forth in Table 36b-1 and incorporated by reference herein:

<p><b>Table 36b-1</b></p> <p><b>California Code of Regulations (CCR)</b></p> <p><b>Title 13</b></p> <p><b>Provisions Incorporated by Reference</b></p>
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Title 13 CCR	Title	Section Amended Date
<b>Chapter 1 Motor Vehicle Pollution Control Devices</b>		
<b>Article 1 General Provisions</b>		
Section 1900	Definitions	[08/04/05] <del>To be updated*</del> <b>4/17/09</b>
<b>Article 2 Approval of Motor Vehicle Pollution Control Devices (New Vehicles)</b>		
Section 1956.8(g) and (h)	Exhaust Emission Standards and Test Procedures – 1985 and Subsequent Model Heavy Duty Engines and Vehicles	[12/14/03] <u>10/11/07</u>
Section 1960.1	Exhaust Emission Standards and Test Procedures – 1981 and through 2006 Model Passenger Cars, Light-Duty and Medium-Duty Vehicles	[10/16/02] <u>03/26/04</u>
Section 1961	Exhaust Emission Standards and Test Procedures – 2004 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	[12/04/03] <u>06/16/08</u>
Section 1961.1	Greenhouse Gas Exhaust Emission Standards and Test Procedures – 2009 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles.	[08/04/05] <u>01/01/06</u>
Section 1962	Zero Emission Vehicle Standards for 2005 <u>through 2008</u> [and Subsequent] Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	[12/19/03] <del>To be updated*</del> <b>4/17/09</b>
<u>Section 1962.1</u>	<u>Zero Emission Vehicle Standards for 2009 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles</u>	<u>07/24/02</u> <del>To be updated*</del> <b>4/17/09</b>
Section 1965	Emission Control[ and], Smog Index, and <u>Environmental Performance</u> Labels – 1979 and Subsequent Model Year Vehicles	[12/04/03] <u>06/16/08</u>
Section 1968.1	Malfunction and Diagnostic System Requirements – 1994 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	11/27/99

\*-California's *Rulemaking to Consider Adoption of the 2008 Amendments to the California Zero Emission Vehicle Regulation* was initially noticed for public hearing in January 2008 and is currently in process. The effective date of the final amendments adopted in California will be referenced in the indicated locations in this table.

Section 1968.2	Malfunction and Diagnostic System Requirements – 2004 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles	[04/21/03] <u>11/09/07</u>
Section 1968.5	Enforcement of Malfunction and Diagnostic System Requirements for 2004 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines	[04/21/03] <u>11/09/07</u>
Section 1976	Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions	[11/27/99] <u>01/04/08</u>
Section 1978	Standards and Test Procedures for Vehicle Refueling Emissions	[11/27/99] <u>01/04/08</u>
<b>Article 6 Emission Control System Warranty</b>		
Section 2035	Purpose, Applicability and Definitions	[12/26/90] <u>11/09/07</u>
Section 2036	Defects Warranty Requirements for 1979 through 1989 Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles; 1979 and Subsequent Model Year Motorcycles and Heavy-Duty Vehicles; and Motor Vehicle Engines Used in Such Vehicles.	5/15/99
Section 2037	Defects Warranty Requirements for 1990 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles and Motor Vehicle Engines Used in Such Vehicles	[11/27/99] <u>11/09/07</u>
Section 2038	Performance Warranty Requirements for 1990 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles and Motor Vehicle Engines Used in Such Vehicles	[11/27/99] <u>11/09/07</u>
Section 2039	Emission Control System Warranty Statement.	12/26/90
Section 2040	Vehicle Owner Obligations	12/26/90
Section 2046	Defective Catalyst	1/16/79
<b>Chapter 2 Enforcement of Vehicle Emission Standards and Enforcement Testing.</b>		
<b>Article 1 Assembly Line Testing.</b>		
Section 2062	Assembly-line Test Procedures 1998 and Subsequent Model-years.	11/27/99

<b>Article 2 Enforcement of New and In-use Vehicle Standards</b>		
Section 2101	Compliance Testing and Inspection – New Vehicle Selection, Evaluation and Enforcement Action.	11/27/99
Section 2109	New Vehicle Recall Provisions.	<del>11/27/99</del> <u>12/30/83</u>
Section 2110	Remedial Action for Assembly-Line Quality Audit Testing of Less than a Full Calendar Quarter of Production Prior to the 2001 Model-Year.	11/27/99
<b>Article 2.1 Procedures for In-Use Vehicle Voluntary and Influenced Recalls.</b>		
Section 2111	Applicability.	[8/21/02] <u>01/04/08</u>
Section 2112	Definitions.	11/15/03
	Appendix A to Article 2.1.	11/15/03
Section 2113	Initiation and Approval of Voluntary and Influenced Recalls.	1/26/95
Section 2114	Voluntary and Influenced Recall Plans.	11/27/99
Section 2115	Eligibility for Repair.	1/26/95
Section 2116	Repair Label.	1/26/95
Section 2117	Proof of Correction Certificate.	1/26/95
Section 2118	Notification.	1/26/95
Section 2119	Record keeping and Reporting Requirements.	11/27/99
Section 2120	Other Requirements Not Waived.	1/26/95
<b>Article 2.2 Procedures for In-Use Vehicle Ordered Recalls.</b>		
Section 2122	General Provisions.	[1/26/95] <u>01/04/08</u>
Section 2123	Initiation and Notification of Ordered Emission-Related Recalls.	1/26/95
Section 2124	Availability of Public Hearing.	1/26/95
Section 2125	Ordered Recall Plan.	1/26/95
Section 2126	Approval and Implementation of Recall Plan.	1/26/95
Section 2127	Notification of Owners.	1/26/95
Section 2128	Repair Label.	1/26/95
Section 2129	Proof of Correction Certificate.	1/26/95
Section 2130	Capture Rates and Alternative Measures.	11/27/99
Section 2131	Preliminary Tests.	1/26/95
Section 2132	Communication with Repair Personnel.	1/26/95
Section 2133	Record keeping and Reporting Requirements.	1/26/95
Section 2135	Extension of Time.	1/26/95

<b>Article 2.3 In-Use Vehicle Enforcement Test Procedures.</b>		
Section 2136	General Provisions.	[1/26/95] <u>01/04/08</u>
Section 2137	Vehicle Selection.	12/28/00
Section 2138	Restorative Maintenance.	11/27/99
Section 2139	Testing.	8/21/02
Section 2140	Notification of In-Use Results.	8/21/02
<b>Article 2.4 Procedures for Reporting Failure of Emission-Related Components.</b>		
Section 2141	General Provisions.	[12/28/00] <u>01/04/08</u>
Section 2142	Alternative Procedures.	2/23/90
Section 2143	Failure Levels Triggering Recall.	11/27/99
Section 2144	Emission Warranty Information Report.	11/27/99
Section 2145	Field Information Report.	11/27/99
Section 2146	Emissions Information Report.	11/27/99
Section 2147	Demonstration of Compliance with Emission Standards.	8/21/02
Section 2148	Evaluation of Need for Recall.	11/27/99
Section 2149	Notification of Subsequent Action.	2/23/90
<b><u>Article 5 Procedures for Reporting Failures of Emission-Related Equipment and Required Corrective Action</u></b>		
<u>Section 2166</u>	<u>General Provisions.</u>	<u>01/04/08</u>
<u>Section 2166.1</u>	<u>Definitions.</u>	<u>01/04/08</u>
<u>Section 2167</u>	<u>Emission Warranty Information Report.</u>	<u>01/04/08</u>
<u>Section 2168</u>	<u>Supplemental Emissions Warranty Information Report.</u>	<u>01/04/08</u>
<u>Section 2169</u>	<u>Recall and Corrective Action for Failures of Exhaust After-Treatment Devices.</u>	<u>01/04/08</u>
<u>Section 2170</u>	<u>Recall and Corrective Action for Other Emission-Related Component Failures (On-Board Diagnostic-Equipped Vehicles and Engines).</u>	<u>01/04/08</u>
<u>Section 2171</u>	<u>Recall and Corrective Action for Vehicles without On-Board Diagnostic Systems, Vehicles with Non-Compliant On-Board Diagnostic Systems, or Vehicles with On-Board Computer Malfunction.</u>	<u>01/04/08</u>
<u>Section 2172</u>	<u>Notification of Required Recall or Corrective Action by the Executive Officer.</u>	<u>01/04/08</u>
<u>Section 2172.1</u>	<u>Ordered or Voluntary Corrective Action Plan.</u>	<u>01/04/08</u>
<u>Section 2172.2</u>	<u>Approval and Implementation of Corrective Action Plan.</u>	<u>01/04/08</u>
<u>Section 2172.3</u>	<u>Notification of Owners.</u>	<u>01/04/08</u>

<u>Section 2172.4</u>	<u>Repair Label.</u>	<u>01/04/08</u>
<u>Section 2172.5</u>	<u>Proof of Correction Certificate.</u>	<u>01/04/08</u>
<u>Section 2172.6</u>	<u>Preliminary Tests.</u>	<u>01/04/08</u>
<u>Section 2172.7</u>	<u>Communication with Repair Personnel.</u>	<u>01/04/08</u>
<u>Section 2172.8</u>	<u>Recordkeeping and Reporting.</u>	<u>01/04/08</u>
<u>Section 2172.9</u>	<u>Extension of Time.</u>	<u>01/04/08</u>
<u>Section 2173</u>	<u>Penalties.</u>	<u>01/04/08</u>
<u>Section 2174</u>	<u>Availability of Public Hearing.</u>	<u>01/04/08</u>
<b>Chapter 4.4 Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks.</b>		
Section 2235	Requirements.	9/17/91

**Sec. 3. Subsection (k) of section 22a-174-36b of the Regulations of Connecticut State Agencies is amended to read as follows:**

**(k) Recalls.**

(1) For all 2008 and subsequent model year vehicles subject to the provisions of this section and for all 2009 and subsequent model year medium-duty vehicles subject to the provisions of this section, each manufacturer shall undertake an action equivalent to that required by any order or enforcement action taken by CARB, or any voluntary or influenced emission related recall initiated by any manufacturer pursuant to or required by California Code of Regulations, Title 13, sections 2101 through 2120, 2122 through 2133, [and] 2135 through 2149, and 2166 through 2174, unless within thirty (30) days of CARB approval of such recall, the manufacturer demonstrates to the commissioner that such recall is not applicable to vehicles registered in the State of Connecticut.

(2) For vehicles subject to an action pursuant to subdivision (1) of this subsection, each manufacturer shall send to owners of vehicles registered in the State of Connecticut a notice that complies with the requirements set forth in California Code of Regulations, Title 13, sections 2118, [or] 2127, or 2172.3, provided that such notice shall contain a telephone number appropriate for use in the State of Connecticut.

**Sec. 4. Subsection (e) of section 22a-174-27 of the Regulations of the Connecticut State Agencies is amended to read as follows:**

(e) [**Composite motor vehicles.** For 2005 and earlier model year composite motor vehicles, the maximum allowable emissions shall be 4.0 VOL. % CO and 800 ppm HC. For 2006 and later model year composite motor vehicles, the maximum allowable emissions shall be 1.2 VOL. % CO and 220 ppm HC.] Reserved.

**Statement of purpose:** This amendment consists of revisions to two sections of the air quality regulations concerning motor vehicles. Specifically, the revisions include:

Sections 1 through 3 of the amendment revise section 22a-174-36b of the Regulations of Connecticut State Agencies (R.C.S.A.) in three respects:

- First, section 22a-174-36b is updated in accordance with Public Act 06-161 to require manufacturers to place environmental performance labels starting on 2009 model year and later vehicles sold or leased in Connecticut on or after [October 1, 2009] January 1, 2009. Labels must contain a smog score and a global warming score measuring the amount of greenhouse gas emissions from the car compared to the average emissions of all vehicle models of the same model year for that class of cars. The label will provide consumers with information on how a vehicle purchase will affect the environment.
- Second, section 22a-174-36b is updated in accordance with changes made to the California Air Resources Board low emissions vehicle program, which serves as the basis for R.C.S.A. section 22a-174-36b. The updated provisions include the “travel provisions” contained in the “zero emission vehicle” program. Travel provisions amend methods by which manufacturers are credited when placing zero emission or other advanced technology vehicles in service in either California or any state that has adopted California’s motor vehicle emission control program under section 177 of the federal Clean Air Act.
- Third, technical changes consistent with California’s vehicle recall provisions are included.

Section 4 revises R.C.S.A. section 22a-174-27(e) in accordance with Public Act 07-167 to eliminate composite motor vehicles from Connecticut’s motor vehicle inspection program.

**Attachment 4**  
**California Environmental Performance Label**

## California Environmental Performance Label

