**DEPARTMENT OF ENERGY AND ENVIRONMENT**

**NOTICE OF Proposed RULEMAKING AND PUBLIC HEARING**

**Adoption of California Vehicle Emission Standards**

The Director of the Department of Energy and Environment (DOEE), in accordance with the authority set forth in the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code 8-151.01 *et seq*.); the District of Columbia Air Pollution Control Act of 1984, effective March 15, 1985 (D.C. Law 5-165; D.C. Official Code § 8-101.01 *et seq*.); Section 2 of the Clean Cars Act of 2008, effective May 13, 2008 (D.C. Law 17-151; D.C. Official Code § 50-731); Mayor’s Order 2006-61, dated June 14, 2006; and Mayor’s Order 2018-044, dated May 2, 2018, hereby gives notice of a proposal to amend Chapter 9 (Air Quality - Motor Vehicular Pollutants, Lead, Odors, and Nuisance Pollutants) of Title 20 (Environment) of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from publication of this notice in the *District of Columbia. Register*.

Through this rulemaking action, the Department proposes to repeal §§ 905 through 916 of Title 20 because these sections are no longer in effect. Sections 905 through 914 implement provisions of the Clean Fuel Fleet Vehicle Program and Alternative Fuels Incentives Amendment Act of 1994, effective November 4, 1994 (D.C. Law 10-201; 20 DCMR § 905 *et seq.*). Section 915 implements the National Low Emission Vehicle (NLEV) program. Section 916 implements the Heavy-Duty Diesel Engine Emission Standards.

On May 15, 1995, the District submitted a SIP revision to adopt the Clean Fuel Fleet (CFF) Program, which was implemented under the Clean Air Act Amendments of 1990 and applied to fleets in ozone nonattainment areas. It required that a percentage of new cars, and light- and medium-duty trucks purchased by certain fleets meet lower hydrocarbon and nitrogen oxide emission standards. Individual states were required to ensure that appropriate fuels were available for operating the clean-fueled fleet vehicles. 42 U.S.C. § 7586.

On January 6, 1998, the District notified the U.S. Environmental Protection Agency (EPA) of its intention to opt-in to the NLEV program. EPA promulgated NLEV so that there was a more harmonized program than having the jurisdictions in Ozone Transport Region adopt California LEV under section 177 of the Clean Air Act (42 U.S.C. § 7507). NLEV applied to gasoline-powered passenger cars, light-duty trucks up through 6,000 gross vehicle weight rating (GVWR), and/or medium-duty vehicles from 6,001 to 14,000 pounds GVWR, as these categories of motor vehicles were defined in the California Code of Regulations. The voluntary NLEV program committed auto manufacturers who opted into the program to manufacture and sell lower emission vehicles and trucks in the Northeast Trading Region. *Id.* On March 2, 1998, EPA found the NLEV program to be in effect, with emission standards applicable beginning with model year 1999. Control of Air Pollution from New Motor Vehicles and New Motor Vehicle Engines: Finding of National Low Emission Vehicle Program in Effect,63 Fed. Reg. 11374-01 (Mar. 9, 1998).

On February 11, 2000, the District finalized the NLEV regulations at 20 DCMR § 915. 47 DCR 886 (Feb. 11, 2000). When the District submitted the NLEV regulation as a Phase II Ozone Attainment SIP revision, the District withdrew its submission of the District’s SIP for Clean Fuel Fleets that had been adopted on May 15, 1995. An equivalency analysis indicated that benefits from the District’s participation in the NLEV program would offset emissions reductions from the CFF Program. Therefore, 20 DCMR §§ 905 through 912 were no longer applicable. The NLEV program extended through model year 2006. After model year 2006, Federal Tier 2 Phase 2 (tailpipe and fuel) standards went into effect, so the requirements of 20 DCMR § 915 were no longer applicable after 2006.

Likewise, since § 916 applied to heavy duty diesel engine emission (HDDE) standards for model years 2005 and 2006, the requirements of 20 DCMR § 916 were also no longer applicable after 2006.

The District is proposing to replace repealed sections 905 through 914 to adopt California [Advanced Clean Cars 2](https://ww2.arb.ca.gov/rulemaking/2022/advanced-clean-cars-ii) (ACC 2) standards and compliance requirements for vehicles of model year (MY) 2026 and beyond that are bought, sold, and registered in the District of Columbia, pursuant to the requirements of the Clean Cars Act of 2008 (the Act). Section 209(a) of the federal Clean Air Act (the CAA) prohibits any State or any political subdivision thereof from adopting or enforcing “any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines.” 42 U.S.C. § 7543(a). Section 209(b) of the CAA permits the state of California to apply for a waiver from the prohibition in Section 209(a), in order to implement its own standards for motor vehicles, provided that they are at least as stringent as the federal standards. 42 U.S.C. § 7543(b). California finalized stricter emissions standards for light-duty vehicles in August 2022 for Model Years 2026 through 2035 and DOEE is proposing to adopt these regulations. DOEE proposes adopting these regulations after they have been finalized by the state of California.

Section 177 of the CAA authorizes any State with an approved non-attainment State Implementation Plan (SIP) to meet the National Ambient Air Quality Standards (NAAQS) to choose between maintaining the federal standards or adopting the California emission standards for motor vehicles. 42 U.S.C. § 7507. These States may, without EPA approval, adopt and enforce for any model year vehicle emission standards identical to California’s standards for which a waiver has been granted. *Id.* The District is designated as nonattainment for the 2015 Ozone NAAQS (83 Fed. Reg. 25776, June 4, 2018) and has an approved SIP, and is therefore authorized to adopt the California standards.

Adopting the ACC 2 program will also reduce greenhouse gases (GHGs) in accordance with the District’s GHG reduction targets in the Clean Energy DC Plan, available at <https://doee.dc.gov/cleanenergydc>, and the District’s Climate Commitment Act, available at <https://code.dccouncil.gov/us/dc/council/laws/24-176>. Vehicle emissions constitute twenty-one percent (21%) of the District’s GHG emissions (available at https://doee.dc.gov/service/greenhouse-gas-inventories). Therefore, to meet the District’s GHG reduction goals, we must reduce vehicle GHG emissions.

**Chapter 9, AIR QUALITY - MOTOR VEHICULAR POLLUTANTS, LEAD, ODORS, AND NUISANCE POLLUTANTS, of Title 20 DCMR, ENVIRONMENT, is amended to read as follows:**

**Sections 905 through 916 are repealed and replaced with the following:**

**905 Vehicle Emission Standards - applicability and exemptions**

905.1 Except as provided in §§ 905.2 and 905.3 of this section, §§ 905 through 913 of this chapter apply to all new 2026 and subsequent model year passenger cars, light-duty trucks, and medium-duty vehicles subject to the California standards that are bought, sold, transferred, or registered in District of Columbia, that have a production period beginning no less than two years after the effective date of this regulation.

905.2 The greenhouse gas exhaust emission standards and test procedures under Cal. Code Regs. tit. 13, § 1961.3 and related recordkeeping and warranty requirements under Cal. Code Regs. tit. 13, § 1961.2 and Cal. Code Regs. tit. 13, § 2037 of the California standards are applicable to vehicles regulated under this section provided that California’s waiver from the U.S. Environmental Protection Agency pursuant to section 209(a) of the Clean Air Act is in effect, and only to such model years as they may be applied consistent with the Clean Air Act.

905.3 The greenhouse gas requirements of the California standards are applicable to medium-duty vehicles only to the extent that they are medium-duty passenger vehicles.

905.4 This chapter does not apply to the following vehicles:

(a) A vehicle transferred by inheritance;

(b) A vehicle transferred by decree of divorce, dissolution, or legal separation entered by a court of competent jurisdiction;

(c) A vehicle purchased by a nonresident and previously registered, other than with temporary tags, in another state;

(d) A vehicle sold for the purpose of being wrecked or dismantled;

(e) A vehicle that has been certified to standards promulgated pursuant to the authority contained in 42 U.S.C. § 7521 and which is in the possession of a rental agency in District of Columbia as a result of a rental that was initiated in a state other than District of Columbia;

(f) An emergency vehicle;

(g) A military tactical vehicle; and

(h) A vehicle exempted by California Health and Safety Code § 43656.

**906 vehicle emission standards - prohibitions AND Incorporation By Reference**

906.1 No person shall buy, sell, transfer, or register in District of Columbia a new motor vehicle subject to § 905 unless that new motor vehicle has been certified by the California Air Resources Board to comply with all applicable California standards.

906.2 The following requirements from Cal. Code Regs. tit. 13, §§ 1900-2235 (2022), as promulgated by California Air Resources Board on August 22, 2022, are applicable to vehicles of model year 2026, and each model year thereafter, are hereby adopted by reference, with the terms used and defined:

| **Section Number** | **Section Title** |
| --- | --- |
| Chapter 1, Article 1, § 1900 | Definitions |
| Chapter 1, Article 2, § 1960.5 | Certification of 1983 and Subsequent Model-Year Federally Certified Light-Duty Motor Vehicles for Sale in California, as effective October 16, 2002 |
| Chapter 1, Article 2, § 1961.2 | Exhaust Emission Standards and Test Procedures - 2015 through 2025 Model Year Passenger Cars and Light-Duty Trucks, and 2015 through 2028 Medium-Duty Vehicles |
| Chapter 1, Article 2, § 1961.3 | Greenhouse Gas Exhaust Emission Standards and Test Procedures - 2017 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Passenger Vehicles |
| Chapter 1, Article 2 § 1961.4 | Exhaust Emission Standards and Test Procedures - 2026 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles |
| Chapter 1, Article 2, § 1962.2 | Zero-Emission Vehicle Standards for 2018 through 2025 Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles. |
| Chapter 1, Article 2, § 1962.3 | Electric Vehicle Charging Requirements |
| Chapter 1, Article 2 § 1962.4 | Zero-Emission Vehicle Requirements for 2026 and Subsequent Model Year Passenger Cars and Light-Duty Trucks |
| Chapter 1, Article 2 §1962.5 | Data Standardization Requirements for 2026 and Subsequent Model Year Light-Duty Zero Emission Vehicles and Plug-in Hybrid Electric Vehicles |
| Chapter 1, Article 2 § 1962.6 | Battery Labeling Requirements |
| Chapter 1, Article 2 § 1962.7 | In-Use Compliance, Corrective Action and Recall Protocols for 2026 and Subsequent Model Year Zero-Emission and Plug-in Hybrid Electric Passenger Cars and Light-Duty Trucks |
| Chapter 1, Article 2 § 1962.8 | Warranty Requirements for Zero-Emission and Batteries in Plug-in Hybrid Electric 2026 and Subsequent Model Year Passenger Cars and Light-Duty Trucks |
| Chapter 1, Article 2, § 1965 | Emission Control, Smog Index, and Environmental Performance Labels - 1979 and Subsequent Model-Year Motor Vehicles |
| Chapter 1, Article 2, § 1968.2 | Malfunction and Diagnostic System Requirements - 2004 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines |
| Chapter 1, Article 2, § 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 |
| Chapter 1, Article 2, § 1969 | Motor Vehicle Service Information - 1994 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Engines and Vehicles, and 2007 and Subsequent Model Heavy-Duty Engines |
| Chapter 1, Article 2, § 1975 | Standards and Test Procedures for Crankcase Emissions |
| Chapter 1, Article 2, § 1976 | Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions |
| Chapter 1, Article 2, §1977 | Certification and Service Documents - 1993 and Subsequent Model Motor Vehicles |
| Chapter 1, Article 2, § 1978 | Standards and Test Procedures for Vehicle Refueling Emissions |
| Chapter 1, Article 5, § 2030 | Liquefied Petroleum Gas or Natural Gas Retrofit Systems |
| Chapter 1, Article 5, § 2032 | Off-Vehicle Charge Capable Hybrid Electric Vehicle Conversion Systems |
| Chapter 1, Article 6, § 2035 | Purpose, Applicability, and Definitions |
| Chapter 1, Article 6, § 2037 | Defects Warranty Requirements for 1990 and Subsequent Model Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles, and Motor Vehicle Engines Used in Such Vehicles |
| Chapter 1, Article 6, § 2038 | Performance Warranty Requirements for 1990 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, and Motor Vehicles Engines Used in Such Vehicles |
| Chapter 1, Article 6, § 2039 | Emissions Control System Warranty Statement |
| Chapter 1, Article 6, § 2040 | Vehicle Owner Obligations |
| Chapter 1, Article 6, § 2041 | Mediation; Finding of Warrantable Condition |
| Chapter 2, Article 1, § 2062 | Assembly-Line Test Procedures — 1998 and Subsequent Model Years |
| Chapter 2, Article 2, § 2101 | Compliance Testing and Inspection — New Vehicle Selection, Evaluation, and Enforcement Action |
| Chapter 2, Article 2, § 2106 | New Vehicle Assembly-Line Inspection Testing |
| Chapter 2, Article 2, § 2107 | Assembly-Line Quality-Audit Testing |
| Chapter 2, Article 2, § 2108 | Order of Executive Officer |
| Chapter 2, Article 2, § 2109 | New Vehicle Recall Provisions |
| Chapter 2, Article 2.1, § 2111 | Applicability |
| Chapter 2, Article 2.1, § 2112 | Definitions |
| Chapter 2, Article 2.1, Appendix A to Article 2.1 | California In-Use Vehicle Emission-Related Recall Procedures, Enforcement Test Procedures, and Failure Reporting Procedures for 1982 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles, Heavy-Duty Vehicles and Engines, Motorcycles, 1997 and Subsequent Model-Year Off-Road Motorcycles and All-Terrain Vehicles, 2000 and Subsequent Model-Year Off-Road Compression-Ignition Engines, and 2008 and Subsequent Model-Year Spark-Ignition Inboard and Sterndrive Marine Engines |
| Chapter 2, Article 2.1, § 2113 | Initiation and Approval of Voluntary and Influenced Emission-Related Recalls |
| Chapter 2, Article 2.1, § 2114 | Voluntary and Influenced Recall Plans |
| Chapter 2, Article 2.1, § 2115 | Eligibility for Repair |
| Chapter 2, Article 2.1, § 2116 | Repair Label |
| Chapter 2, Article 2.1, § 2117 | Proof of Correction Certificate |
| Chapter 2, Article 2.1, § 2118 | Notification |
| Chapter 2, Article 2.1, § 2119 | Recordkeeping and Reporting Requirements |
| Chapter 2, Article 2.1, § 2120 | Other Requirements Not Waived |
| Chapter 2, Article 2.1, § 2121 | Penalties |
| Chapter 2, Article 2.2, § 2122 | General Provisions |
| Chapter 2, Article 2.2, § 2123 | Initiation and Notification of Ordered Emissions-Related Recalls |
| Chapter 2, Article 2.2, § 2124 | Availability of Public Hearing |
| Chapter 2, Article 2.2, § 2125 | Ordered Recall Plan |
| Chapter 2, Article 2.2, § 2126 | Approval and Implementation of Recall Plan |
| Chapter 2, Article 2.2, § 2127 | Notification of Owners |
| Chapter 2, Article 2.2, § 2128 | Repair Label |
| Chapter 2, Article 2.2, § 2129 | Proof of Correction Certificate |
| Chapter 2, Article 2.2, § 2130 | Capture Rates and Alternative Measures |
| Chapter 2, Article 2.2, § 2131 | Preliminary Tests |
| Chapter 2, Article 2.2, § 2132 | Communication with Repair Personnel |
| Chapter 2, Article 2.2, § 2133 | Recordkeeping and Reporting Requirements |
| Chapter 2, Article 2.2, § 2134 | Penalties |
| Chapter 2, Article 2.2, § 2135 | Extension of Time |
| Chapter 2, Article 2.3, § 2136 | General Provisions |
| Chapter 2, Article 2.3, § 2137 | Vehicle and Engine Selection |
| Chapter 2, Article 2.3, § 2138 | Restorative Maintenance |
| Chapter 2, Article 2.3, § 2139 | Testing |
| Chapter 2, Article 2.3, § 2140 | Notification and Use of Test Results |
| Chapter 2, Article 2.4, § 2141 | General Provisions |
| Chapter 2, Article 2.4, § 2142 | Alternative Procedures |
| Chapter 2, Article 2.4, § 2143 | Failure Levels Triggering Recall |
| Chapter 2, Article 2.4, § 2144 | Emission Warranty Information Report |
| Chapter 2, Article 2.4, § 2145 | Field Information Report |
| Chapter 2, Article 2.4, § 2146 | Emissions Information Report |
| Chapter 2, Article 2.4, § 2147 | Demonstration of Compliance with Emission Standards |
| Chapter 2, Article 2.4, § 2148 | Evaluation of Need for Recall |
| Chapter 2, Article 2.4, § 2149 | Notification and Subsequent Action |
| Chapter 2, Article 3, § 2150 | Assembly-Line Surveillance |
| Chapter 2, Article 3, § 2151 | New Motor Vehicle Dealer Surveillance |
| Chapter 3, Article 1, § 2175 | Highway Exhaust Emissions — Light-Duty Vehicles |
| Chapter 3, Article 1, § 2175.5 | Exemption of Vehicles |
| Chapter 3, Article 1, § 2176 | Mandatory Inspection Exhaust Emissions -- Light-Duty and Medium-Duty Vehicles |
| Chapter 4, Article 2, § 2220 | Applicability |
| Chapter 4, Article 2, § 2221 | Replacement Parts |
| Chapter 4, Article 2, § 2222 | Add-on Parts and Modified Parts |
| Chapter 4, Article 2, § 2224 | Surveillance |
| Chapter 4, Article 2, § 2225 | Enforcement Action |
| Chapter 4.4, § 2235 | Requirements |

**907 VEHICLE EMISSION STANDARDS - Fleet Average Greenhouse Gas Requirements**

907.1 For all new vehicles subject to § 905, compliance with the California Fleet Average Greenhouse Gas Requirements shall be demonstrated by each motor vehicle manufacturer.

907.2 Compliance with § 907.1 shall be based on the number of vehicles, subject to this chapter, produced and delivered for sale in the District of Columbia by each manufacturer.

**908 VEHICLE EMISSION STANDARDS – ZERO-EMISSION VEHICLE CREDIT PERCENTAGE Requirements**

908.1 For all new vehicles subject to § 905, compliance with the Zero-Emission Vehicle Credit Percentage Requirements shall be demonstrated by each motor vehicle manufacturer.

908.2 Compliance with § 908.1 shall be based on the number of vehicles, subject to this chapter, produced, and delivered for sale in the District of Columbia by each manufacturer.

**909 VEHICLE EMISSION STANDARDS - Vehicle Testing**

909.1 All new vehicles subject to § 905 shall be certified to meet all applicable California standards in accordance with the test procedures defined in those standards.

909.2 Motor vehicle certification testing performed for California Air Resources Board (CARB) and associated findings made by CARB will be acceptable to demonstrate compliance with § 909.1 of this regulation.

909.3 All manufacturers of new vehicles subject to this chapter shall comply with all applicable California Assembly Line and In-Use Requirements.

909.4 Motor vehicle testing and inspections performed for or by CARB and associated findings made by CARB will be acceptable to demonstrate compliance with this chapter, except as specified.

909.5 If a vehicle manufacturing facility that manufactures vehicles for sale in the District of Columbia that are certified to the California standards is not subject to the California Assembly Line and In-Use Requirements administered by CARB, the Department may:

(a) Require demonstration of compliance with all California Assembly Line and In-Use Requirements; and

(b) Upon a manufacturer's written request and demonstration of need, approve the functional testing of a statistically significant testing sample instead of an otherwise required one hundred percent (100%) testing rate.

909.6 The Department may conduct tests and inspections performed in accordance with California Assembly Line and In-Use Requirements on vehicles produced or delivered for sale in the District of Columbia for purposes of:

(a) Compliance monitoring;

(b) Effectiveness demonstration;

(c) Detection of noncomplying vehicles in the District of Columbia; and

(d) The determination of appropriate corrective actions.

**910**  **VEHICLE EMISSION STANDARDS - Warranty**

910.1 All manufacturers of new vehicles subject to § 905 shall comply with all applicable California Warranty Requirements.

910.2 Reports generated for or by CARB and associated findings made by CARB shall be acceptable to demonstrate compliance with this chapter.

**911** **VEHICLE EMISSION STANDARDS - Manufacturer Compliance Demonstration**

911.1 For all new vehicles subject to § 905, each vehicle manufacturer, upon request by the Department, shall submit reports:

(a) Documenting total deliveries of vehicles for sale in the District of Columbia during the applicable model year in each test group or subgroup as applicable and defined under the California standards;

(b) Demonstrating, based on vehicles delivered for sale in the District of Columbia, compliance with the:

(1) California Fleet Average NMOG Requirements;

(2) California Fleet Average Greenhouse Gas Requirements; and

(3) California Zero-Emission Vehicle Credit Percentage Requirements; and

(c) Prepared according to the procedures defined in the California standards.

911.2 For the purposes of determining if vehicles qualify for exemption under this chapter, the Department may require any vehicle manufacturer or dealer of vehicles subject to this chapter to submit any documentation that the Department determines necessary for the effective administration and enforcement of this chapter.

**912 AFTERMARKET CATALYTIC CONVERTERS**

912.1 No person shall install, sell, offer for sale, or advertise in the District of Columbia:

(a) Unless it has been exempted pursuant to the requirements of Cal. Code Regs. tit. 13, § 2222, any new aftermarket catalytic converter intended for use on a 2026 or subsequent model year gasoline-powered passenger car, light-duty truck, or medium-duty vehicle that had originally been certified with a catalytic converter; and

(b) Any used, recycled, or salvaged catalytic converter.

912.2 Installers of new aftermarket catalytic converters shall:

1. Verify that the vehicle is specifically included in the vehicle application list for the new aftermarket catalytic converter being installed using means such as, but not limited to,
   * 1. the aftermarket catalytic converter manufacturer’s vehicle application guide,
     2. the aftermarket catalytic converter manufacturer’s website,
     3. contacting the aftermarket catalytic converter manufacturer,
     4. other manufacturer’s documentation distributed to installers, or
     5. contacting the Department;
2. Install the new aftermarket catalytic converter so that CARB Executive Order Number and other identifying information is visible from the underside of the vehicle;
3. Retain records pertaining to the sale and installation of the aftermarket catalytic converters for a minimum of four years from the date of installation; and
4. Keep records onsite at the installation location, either hardcopy or electronically, which records shall be produced upon request from the Department.

912.3 Manufacturers, distributors, wholesalers, and retailers of aftermarket catalytic converters shall:

1. Ensure that the information required under § 912.2 (a) is available to installers);
2. Provide records pertaining to the delivery and sale of aftermarket catalytic converters into the District upon request from the Department;
3. Submit semi-annual warranty information reports of catalytic converters sold in the District to the Department using the same format used to report this information to CARB as set forth in Cal. Code Regs. tit. 13, § 2222;
4. Maintain sufficient records, such as performance specifications, test data, or other information, to substantiate that a replacement catalytic converter is in compliance with this section;
5. Keep records open for reasonable inspection by the Department or its designated agent(s); and
6. Maintain records for four years from the year of manufacture of the replacement catalytic converter.

912.4 A person shall not install a new aftermarket catalytic converter unless:

1. The vehicle is beyond its original emissions warranty coverage period and a legitimate need for replacing the existing catalytic converter is established and documented on the repair invoice;
2. The new aftermarket catalytic converter is installed in the same location as the original equipment manufacturer catalytic converter; and
3. The installation does not alter the location, position, number of catalytic converters, nor the location, position, number, or orientation of oxygen sensors, nor disable other emission control devices.

**913 VEHICLE EMISSION STANDARDS – INSPECTION AND Enforcement**

913.1 The Department, or its designated agent(s), may conduct inspections and surveillance of new and used motor vehicles for the purposes of determining compliance with the requirements of this chapter.

913.2 The inspections may:

(a) Be conducted on any premises owned, operated, used, leased, or rented by any vehicle dealer;

(b) Extend to all emissions-related parts and their operation;

(c) Include on-premises operation and testing of an engine or vehicle; and

(d) Include a review of any related records, including records of emissions-related part repairs performed under warranty.

913.3 Refusal to allow, or interference with, the inspections under this regulation shall be considered a violation of this chapter.

913.4 The Department, or its designated agent(s), may perform functional tests, steady-state tests, and other tests as reasonably necessary to ensure compliance with §§ 905-913 of this chapter.

913.5 The Department may use emission test standards defined in the California Assembly Line and In-Use Requirements to verify compliance with the requirements of this chapter in addition to all other compliance procedures authorized or required by the California standards.

913.6 Except as otherwise specified in this section, any order or enforcement action taken by CARB to correct noncompliance with any requirement of the California standards that results in the recall of any vehicle pursuant to the California Recall Requirements applies to all vehicles subject to this chapter.

913.7 Except as specified in this chapter, any voluntary or influenced emissions-related recall campaign initiated by any manufacturer pursuant to the California Recall Requirements also applies to vehicles subject to this chapter.

913.8 The Department may exempt District of Columbia vehicles from the provisions of this chapter if a vehicle manufacturer demonstrates to the Department's satisfaction, within twenty-one (21) days of CARB approval of a recall campaign, that the campaign is not applicable to vehicles delivered for sale in District of Columbia.

913.9 The Department shall enforce the requirements of this chapter in accordance with the requirements defined in the California standards and applicable federal and District of Columbia law.

913.10 Failure to submit any of the required reports, test data, inspection data, or any other information requested in this chapter shall be considered a violation and the Department may impose an administrative civil fine, penalty, and order for costs and expenses pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801 *et seq*.).

913.11 A person who violates any provision of this chapter shall be subject to the sanctions pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801 et seq.).

913.12 Each instance or day of violation of any provision of this chapter shall be considered a separate violation.

**914 [RESERVED]**

**915 [RESERVED]**

**916 [RESERVED]**

**Section 999, DEFINITIONS AND ABBREVIATIONS, is amended as follows:**

**By repealing the following definitions in Subsection 999.1, DEFINITIONS:**

**Alternative fuel**

**Alternative-fuel vehicle**

**Bi-fuel vehicle**

**Capable of being centrally fueled**

**Centrally fueled**

**Clean Air Act**

**Clean fuel**

**Clean-fuel fleet vehicle or CFFV**

**Contract fueling**

**Converted vehicle**

**Covered area**

**Covered fleet**

**Covered fleet operator**

**Covered fleet vehicle**

**Credit**

**Dedicated vehicle**

**Diesel fuel**

**Dual - fuel vehicle**

**Emergency vehicle**

**Executive Order**

**Federal fleet**

**Flexible-fueled vehicle**

**Fuel provider**

**Garaged under normal operations at a personal residence**

**Heavy duty diesel engine or HDDE**

**Heavy duty vehicle or HDV**

**High-Occupancy Vehicle or HOV lanes**

**Inherently low emission vehicle or ILEV**

**Law enforcement vehicle**

**Light duty truck or LDT**

**Light duty vehicle or LDV**

**Low-emission vehicle or LEV**

**Medium duty vehicle**

**Motor vehicle**

**National Low Emission Vehicle Program or NLEV**

**New heavy duty vehicle**

**Partially covered fleet**

**Power take-off equipment**

**Purchase or acquisition**

**Qualified second market vehicle**

**Section 177 program**

**Ultra low-emission vehicle or ULEV**

**Ultra-small volume manufacturer**

**Urban bus**

**ZEV mandate**

**Zero-emission vehicle or ZEV**

**By adding a definition for “California Assembly Line and In-Use Requirements” as follows**:

**California Assembly Line and In-Use Requirements** - the requirements established under Cal. Code Regs. tit. 13 §§ 1900, 2062, 2101, 2106, 2107, 2108, 2109, 2136, 2137, 2138, 2139, 2140, 2150, 2151, 2175, 2175.5, and 2176.

**By adding a definition for “California Certification Requirements” as follows**:

**California Certification Requirements** - the requirements established under Cal. Code Regs. tit. 13 §§ 1900, 1960.1, 1960.5, 1961, 1961.1, 1962, 1962.1, 1965, 1968.2, 1968.5, 1969, 1975, 1976, 1977, 1978, and 2235.

**By adding a definition for “California Fleet Average Greenhouse Gas (GHG) Requirements” as follows**:

**California Fleet Average Greenhouse Gas (GHG) Requirements** - the requirements established under Cal. Code Regs. tit. 13 § 1961.1(a)(1), including all calculation procedures and credit and debit provisions specified in Cal. Code Regs. tit. 13 § 1961.1.

**By adding a definition for “California Fleet Average NMOG Requirements” as follows**:

**California Fleet Average NMOG Requirements** - the requirements established under Cal. Code Regs. tit. 13 § 1961(b)(1), including all calculation procedures and credit and debit provisions specified in Cal. Code Regs. tit. 13 §1961.

**By adding a definition for “California Recall Requirements” as follows**:

**California Recall Requirements** - the requirements established under Cal. Code Regs. tit. 13 §§ 1900, 2109, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, and Appendix A to Article 2.1 of Chapter 2 of Division 3.

**By adding a definition for “California standards” as follows**:

**California standards** - the comprehensive set of requirements defined by California Certification Requirements, California Warranty Requirements, California Assembly Line and In-Use Requirements, California Recall Requirements, California Fleet Average NMOG Requirements, California Fleet Average Greenhouse Gas Requirements, and California Zero-Emission Vehicle Credit Percentage Requirements.

**By adding a definition for “California Warranty Requirements” as follows**:

**California Warranty Requirements** - the requirements established under Cal. Code Regs. tit. 13 §§ 1900, 2035, 2037, 2038, 2039, 2040, and 2041.

**By adding a definition for “California Zero-Emission Vehicle Credit Percentage Requirements” as follows**:

**California Zero-Emission Vehicle Credit Percentage Requirements** - the requirements established under Cal. Code Regs. tit. 13 § 1962.2(b)(1), including all calculation procedures and credit and debit provisions specified in Cal. Code Regs. tit. 13 §1962.2.

**By adding a definition for “Certification” as follows**:

**Certification** - a finding by California Air Resources Board that a motor vehicle, motor vehicle engine, or motor vehicle pollution control device satisfies the criteria adopted by the Board for the control of specified air contaminants from vehicular sources.

**By adding a definition for “Executive Officer” as follows**:

**Executive Officer** - the Executive Officer of the California Air Resources Board as used in California-adopted statutes, regulations, and procedures related to the California standards. This meaning is extended for purposes of the application of California standards in District of Columbia to include the Director, who shall act as the agent of the California Executive Officer in District of Columbia.

**By adding a definition for “Light-duty truck (LDT)” as follows**:

**Light-duty truck (LDT)** - means any 2000 and subsequent model motor vehicle certified to the standards in section 1961(a)(1), 1961.2, or 1961.4 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, which 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.

**By adding a definition for “Light-duty truck 1 (LDT1)” as follows**:

**Light-duty truck 1 (LDT1)** - a light-duty truck with a loaded vehicle weight of 3,750 pounds or less.

**By adding a definition for “Light-duty truck 2 (LDT2)” as follows**:

**Light-duty truck 2 (LDT2)** - a “LEV II” light-duty truck with a loaded vehicle weight of 3,751 pounds to a gross vehicle weight of 8,500 pounds, or a “LEV I” light-duty truck with a loaded vehicle weight of 3751-5750 pounds.

**By adding a definition for “Medium-Duty Passenger Vehicle” as follows**:

**Medium-Duty Passenger Vehicle**:

1. "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.
2. "Medium-duty passenger vehicle" does not include any vehicle which:
3. Is an incomplete truck, that is, a truck that does not have the primary load carrying device or container attached;
4. Has a seating capacity of more than 12 persons;
5. Is designed for more than nine persons in seating rearward of the driver's seat; or

(iv) Is equipped with an open cargo area of 72.0 inches in interior length or more, or a covered box not readily accessible from the passenger compartment of 72.0 inches in interior length or more.

**By adding a definition for “Medium-duty vehicle” as follows**:

**Medium-duty vehicle** - 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) 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(h)(1) having a manufacturer's gross vehicle weight rating of 14,000 pounds or less; and any 2000 or 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), 1961.2, 1961.4, 1962, 1962.1, or 1962.2 having a manufacturer’s gross vehicle weight rating between 8,501 and 14,000 pounds.

**By adding a definition for “Motor Vehicle” as follows**:

**Motor Vehicle:**

1. "Motor vehicle" means a vehicle that is self-propelled.

(b) "Motor vehicle" does not include a self-propelled wheelchair, motorized tricycle, or motorized quadricycle operated by a person who, by reason of physical disability, is otherwise unable to move about as a pedestrian.

**By adding a definition for “New Vehicle” as follows**:

**New Vehicle:**

1. "New vehicle" means a new motor vehicle, or any motor vehicle with an odometer reading of less than 7,500 miles, and the equitable or legal title to which has never been transferred to an ultimate purchaser.

(b) "New vehicle" does not include any vehicle with an odometer reading of 7,500 miles or more.

**By adding a definition for “State” as follows:**

**State** - District of Columbia.

**By adding a definition for “Test group” as follows:**

**Test group –** is a basic classification unit that has the meaning given in the “California 2015 through 2025 Model Year Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2017 and Subsequent Model Year Greenhouse Gas Exhaust Emission Standards and Test Procedures Passenger Cars, Light-Duty Trucks, and Medium Duty Vehicles,” incorporated by reference in Title 13, Section 1961.2, or the “California 2026 and Subsequent Model Year Criteria Pollutant Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles,” incorporated by reference in Title 13, section 1961.4(c)(1), as applicable.

**By adding a definition for “Transfer” as follows**:

**Transfer** - to sell, import, deliver, purchase, lease, rent, acquire, or receive a motor vehicle for titling or registration in District of Columbia.

**By adding a definition for “Ultimate purchaser” as follows**:

**Ultimate purchaser** - the first person who in good faith purchases a new motor vehicle or new motor vehicle engine for purposes other than resale.

**By adding a definition for “Useful life” as follows**:

**Useful life –** for those passenger cars, light-duty trucks, and medium-duty vehicles certified to the standards in section 1961.2, 1961.3, or 1961.4, the useful life shall be 15 years or 150,000 miles, whichever first occurs. For 2024 and subsequent model-year engines certified to the standards in section 1956.8 for use in medium-duty vehicles with a GVWR from 10,001 to 14,000 pounds certified to the standards in section 1961.2 or 1961.4, the useful life shall be 15 years or 150,000 miles, whichever first occurs.

**By adding a definition for “Vehicle” as follows**:

**Vehicle** – means

1. " A device by which any person or property may be propelled, moved, or drawn upon a highway; and

(b) Does not include a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

**By adding a definition for “Zero emission vehicle” or “ZEV” as follows**:

**Zero emission vehicle (ZEV)** – a vehicle that produces zero exhaust emissions of any criteria pollutant (or precursor pollutant) or greenhouse gas under any possible operational modes or conditions.

**Subsection 999.2, ABBREVIATIONS, is amended to read as follows:**

999.2 When used in this chapter, the following abbreviations shall have the meaning

ascribed:

**CO –** carbon monoxide.

**CARB** - California Air Resources Board.

**GVWR –** gross vehicle weight rating.

**LDT –** light-duty truck.

**LDV –** light-duty vehicle including PCs, LDTs, and MDPVs.

**LEV –** low-emission vehicle.

**MDPV –** medium-duty passenger vehicle.

**MDV –** medium-duty vehicle.

**MY** – Model Year.

**NMOG** - non-methane organic gases.

**PC –** passenger car.

**ZEV –** zero-emission vehicle.

**By adding a new Subsection 999.3 to read as follows:**

999.3 Any term that is not defined in this chapter shall be as defined in the California documents incorporated by reference in §§ 905 to 913 of this chapter. Definitions in the California documents shall prevail in any case of discrepancy.

All persons desiring to comment on the proposed rulemaking or SIP amendment should file comments in writing not later than thirty (30) days after publication of this notice in the *District of Columbia Register*. Comments should be clearly marked “Public Comments: Vehicle Emission Standards” and filed with DOEE, Air Quality Division, 1200 First Street, N.E., 5th Floor, Washington, DC 20002, Attention: Joseph Jakuta, or e-mailed to [airqualityregulations@dc.gov](mailto:airqualityregulations@dc.gov%20). Copies of the above documents may be obtained from DOEE at the same address. No comments will be accepted after thirty (30) days after publication of this notice in the *District of Columbia Register*.

DOEE will hold an information session (Clearing the Air) on Tuesday, December 20, 2022 at 5:30 PM to discuss the California Vehicle Emission Standards. The Clearing the Air session will be held online using WebEx with the information as follows:

Clearing the Air: Review of DOEE Proposed Adoption of California Vehicle Emission Standards​

Hosted by DOEE Air Quality

Tuesday, Dec 20, 2022 5:30 pm | (UTC-05:00) Eastern Time (US & Canada)

Join link:

<https://dcnet.webex.com/dcnet/j.php?MTID=m44f31369271cdfc0788de7dd27d04e23>

Meeting number: 2308 833 6784

Password: PKsKe3tPZ88 (75753387 from phones)

Join by phone

+1-202-860-2110 United States Toll (Washington D.C.)

1-650-479-3208 Call-in toll number (US/Canada)

Access code: 230 883 36784

DOEE will also hold a hearing on the last day of the comment period at 5:30 PM. Interested parties wishing to testify at this hearing should submit, in writing, their name, address, telephone number, and affiliation to Air Quality Division (AQD), Department of Energy and Environment at the address: 1200 First Street, NE, Fifth Floor, Washington, DC 20002, or email Mr. Joseph Jakuta at airqualityregulations@dc.gov by 4:00 p.m. on January 9, 2023. Questions can be directed to Mr. Joseph Jakuta by email at joseph.jakuta@dc.gov or by phone at 202-669-5817. The hearing will be held online using WebEx with the information as follows:

Public Hearing on Adoption of California Vehicle Emission Standards

Hosted by DOEE Air Quality

Monday, Jan 9, 2023 5:30 | (UTC-05:00) Eastern Time (US & Canada)

Join Link:

<https://dcnet.webex.com/dcnet/j.php?MTID=m1f8883cc0e2b47ea42981299d91b3962>

Meeting number: 2315 994 4359

Password: VeM3hsbZb22

Join by video system

Dial [23159944359@dcnet.webex.com](mailto:23159944359@dcnet.webex.com)

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone

+1-202-860-2110 United States Toll (Washington D.C.)

1-650-479-3208 Call-in toll number (US/Canada)

Access code: 231 599 44359