

to LDVs, LDTs, and MDPVs for model year 2004, including an optional compliance provision to CARB's recent OBD II requirements.

It should be noted, for purposes of EPA's regulations (where the vehicle is certified to federal emission standards), manufacturers choosing the California OBD II demonstration option need not comply with portions of that regulation pertaining to vehicles certified to certain emission standards under California's Low Emission Vehicle Program (LEV I or LEV II), Title 13 CCR section 1961, as those standards are not federal emission standards. By operation of CARB's OBD II regulations, a manufacturer's demonstration of compliance with California OBD II, where the vehicle is certified to federal emission standards, requires a manufacturer to correlate their malfunction thresholds to the applicable federal emission standards, not California standards (see 13 CCR section 1968.2(c)(19) and (20)). Additionally, manufacturers choosing the California OBD II demonstration option need not comply with 13 CCR section 1968.2(e)(4.2.2)(C) which requires evaporative system leak detection monitoring down to a 0.02 inch diameter orifice and represents a level of stringency beyond that required for federal OBD compliance. In lieu of this requirement, EPA will continue its current requirement as found at 40 CFR 86.005–17(b)(4), 40 CFR 86.1806–01(b)(4) and 40 CFR 86.1806–05 (b)(4) that requires evaporative system leak detection monitoring of a 0.040 inch diameter orifice and is clarified by today's rulemaking. As with EPA's current OBD regulations, manufacturers choosing the California OBD II demonstration option need not comply with 13 CCR section 1968.2(d)(1.4) which contains the anti-tampering provisions of the California OBD II regulations. In today's rulemaking EPA also clarifies that demonstration of compliance with 13 CCR 1968.2(e)(16.2.1)(C), to the extent such provisions apply to verification of proper alignment between the camshaft and crankshaft, only applies to vehicles equipped with variable valve timing. The requirement in 13 CCR 1968.2(e)(16.2.1)(C) regarding circuit continuity and rationality malfunctions is applicable to all vehicles. Also, as with EPA's current OBD regulations, the deficiency fine provisions of 13 CCR section 1968.2(i) do not apply. Therefore, as a continuation of EPA's current requirements, the deficiency provisions at 40 CFR 86.005–17(i), 86.1806–01(i), and 1806–05(i) remain

applicable and are clarified by today's rulemaking.

#### *B. Inclusion of California OBD II Catalyst Monitoring Requirements in Federal OBD Regulations When Accepting California OBD II Compliance*

In EPA's rulemaking for heavy-duty engine and vehicle standards (65 FR 59896, October 6, 2000) (2004 HD Rule), EPA established new OBD system requirements for heavy-duty vehicles and engines, including aftertreatment monitoring requirements for all diesel-engine vehicles weighing 14,000 pounds GVWR or less regardless of whether the manufacturers demonstrated compliance with the Federal OBD requirements or with California's OBD requirements. Therefore, when accepting California OBD systems, it became necessary to exclude the particular section in the California OBD II regulations related to catalyst monitoring (Title 13, California Code of Regulations (CCR) 1968.1(b)(1.1.2)) because this regulation did not include requirements for aftertreatment of diesel-engines or complete vehicles. In California's recent OBD II revisions as described in CARB Mail-Out MSCD #02–11 (internet posting date October 7, 2002) and Attachment II, Modifications to Malfunction and Diagnostic System Requirements for 2004 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines (OBD II), Section 1968.2, Title 13, California Code of Regulations, provisions for aftertreatment monitoring on all diesel-engine vehicles weighing 14,000 pounds GVWR or less are included. As a result, it is no longer necessary to exclude Title 13, CCR 1968.1(b)(1.1.2) related to aftertreatment monitoring requirements when accepting California OBD II compliance. Thus, today's action removes the language requiring compliance with the federal aftertreatment requirements if demonstrating optional compliance with California's OBD requirements.

#### *C. Technical Amendment to the Optional Chassis Certification Requirements for Heavy-duty (HD) Less Than 14,000 Pounds GVWR*

In another final rule that revised EPA's heavy duty engine and vehicle standards and highway diesel fuel sulfur requirements beginning in the 2007 model year (66 FR 5002, January 18, 2001) (2007 HD Rule), we provided an option for manufacturers of HD diesel vehicles weighing 14,000 pounds GVWR or less to chassis certify to the HD vehicle standards (40 CFR Subpart S, 86.1863–07 for chassis certification). In § 86.1863–07(b), we state that diesel

vehicles certified under this chassis certification option are subject to the OBD requirements of 40 CFR 86.005–17, which is the section in subpart A containing the OBD requirements for engines. However, for chassis certification, we should have referenced 40 CFR 86.1806–05 of subpart S, which contains the chassis OBD requirements. This correction is consistent with the Agency's original intent as expressed in the preamble to the 2007 HD Rule at 66 FR 5002, at 5043. Therefore, today's action revises the language in 40 CFR 86.1863–07 (b) for optional chassis certification of diesel engines such that chassis OBD requirements in 40 CFR 86.1806–05 of subpart S are referenced.

#### *D. Applicability*

Today's revisions to: update the acceptable version of the California OBD II regulations; include California OBD II catalyst monitoring requirements when accepting CARB OBD II compliance, update the incorporation by reference of standardized practices developed by the Society of Automotive Engineers (SAE) and the International Organization for Standardization (ISO); incorporate by reference a new standardized protocol developed by the International Organization for Standardization (ISO) and establish a future date by which this protocol will be the only acceptable protocol; and amend the optional chassis certification requirements for heavy-duty (HD) vehicle weighing 14,000 pounds GVWR or less, apply to all 2004 and later model year light-duty vehicles, light-duty trucks, medium duty passenger vehicles, heavy-duty vehicles and otto-cycle engines intended for vehicles weighing less than 14,000 pounds GVWR where the manufacturer chooses to comply with Option 1 or 2 according to 40 CFR 86.005–01(c)(1) or (c)(2), and all 2005 and later model year heavy-duty diesel engines intended for vehicles weighing less than 14,000 pounds GVWR subject to the phase-in schedule for heavy-duty vehicles and engine OBD compliance in 40 CFR 86.005–17(k) and 86.1806–05(l).

#### *E. Update of Materials Incorporated by Reference*

Today's action includes the adoption of ISO 15765–4.3 (December 14, 2001): "Road Vehicles—Diagnostics on Controller Area Network (CAN)—Part 4: Requirements for emission-related systems," as an acceptable protocol for standardized on-board to off-board communications and is incorporated by reference in today's regulatory language. This standardized procedure contains a more up-to-date communication protocol than that contained in SAE