

Assembly Bill No. 1346

CHAPTER 753

An act to add Section 43018.11 to the Health and Safety Code, relating to air pollution.

[Approved by Governor October 9, 2021. Filed with Secretary of State October 9, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1346, Berman. Air pollution: small off-road engines.

Existing law imposes various limitations on the emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law assigns the responsibility for controlling vehicular sources of air pollution to the State Air Resources Board.

This bill would require the state board, by July 1, 2022, consistent with federal law, to adopt cost-effective and technologically feasible regulations to prohibit engine exhaust and evaporative emissions from new small off-road engines, as defined by the state board. The bill would require the state board to identify and, to the extent feasible, make available funding for commercial rebates or similar incentive funding as part of any updates to existing applicable funding program guidelines to local air pollution control districts and air quality management districts to implement to support the transition to zero-emission small off-road equipment operations.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Small off-road engines (SORE), which are used primarily in lawn and garden equipment, emit high levels of air pollutants, including oxides of nitrogen (NO_x), reactive organic gases (ROG), and particulate matter (PM). NO_x and ROG together contribute to formation of ozone, a criteria pollutant with a national ambient air quality standard set by the United States Environmental Protection Agency (U.S. EPA) and a California ambient air quality standard and that has adverse impacts on health. Currently, California exceeds U.S. EPA and state standards for ozone in many areas, including the South Coast Air Basin, the San Francisco Bay area, and the County of Sacramento. NO_x also contributes to formation of PM, which, along with directly emitted PM, has direct negative health impacts. PM also has an air quality standard set by the U.S. EPA and the state. Many areas in California also currently fail to meet PM standards, including the South Coast Air Basin and the San Joaquin Valley Air Basin.

(2) In 2020, California daily NO_x and ROG emissions from SORE were higher than emissions from light-duty passenger cars. SORE emitted an average of 16.8 tons per day of NO_x and 125 tons per day of ROG. Without further regulatory action, those emission levels are expected to increase with increasing numbers of SORE in California. Regulations of emissions from SORE have not been as stringent as regulations of other engines, and one hour of operation of a commercial leaf blower can emit as much ROG plus NO_x as driving 1,100 miles in a new passenger vehicle.

(3) Currently, there are zero-emission equivalents to all SORE equipment regulated by the State Air Resources Board. The battery technology required for commercial-grade zero-emission equipment is available and many users, both commercial and residential, have already begun to transition to zero-emission equipment.

(4) The Governor's Executive Order No. N-79-20 of September 23, 2020, directs the state board to implement strategies to achieve 100 percent zero emissions from off-road equipment in California by 2035, where feasible and cost-effective. The state will not achieve that goal without further regulation of SORE, including a mandate to transition all sales of new equipment to zero-emission equipment.

(b) It is the intent of the Legislature to encourage the state board to act expeditiously to protect public health from the harmful effects of emissions of small off-road engines.

SEC. 2. Section 43018.11 is added to the Health and Safety Code, to read:

43018.11. (a) (1) By July 1, 2022, the state board shall, consistent with federal law, adopt cost-effective and technologically feasible regulations to prohibit engine exhaust and evaporative emissions from new small off-road engines, as defined by the state board. Those regulations shall apply to engines produced on or after January 1, 2024, or as soon as the state board determines is feasible, whichever is later.

(2) In determining technological feasibility pursuant to paragraph (1), the state board shall consider all of the following:

(A) Emissions from small off-road engines in the state.

(B) Expected timelines for zero-emission small off-road equipment development.

(C) Increased demand for electricity from added charging requirements for more zero-emission small off-road equipment.

(D) Use cases of both commercial and residential lawn and garden users.

(E) Expected availability of zero-emission generators and emergency response equipment.

(b) Consistent with the regulations adopted pursuant to this section and relevant state law, the state board shall identify, and, to the extent feasible, make available, funding for commercial rebates or similar incentive funding as part of any updates to existing, applicable funding program guidelines

for districts to implement to support the transition to zero-emission small off-road equipment operations.

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