



# FACT SHEET

## In re: Proposed revisions to 250-RICR-120-05-37 “Rhode Island’s Low-Emission Vehicle Program”

### Introduction

The Department of Environmental Management (DEM), Office of Air Resources, is proposing to amend 250-RICR-120-05-37 “Rhode Island’s Low-Emission Vehicle Program” (Part 37). Part 37 specifies the requirements for Rhode Island’s Low Emission Vehicle Program.

### Description of Proposed Amendments

The purpose of this regulation is to specify the requirements for Rhode Island's Low Emission Vehicle Program. The Department of Environmental Management (DEM) is proposing to amend the passenger vehicle greenhouse gas (GHG) provisions to comply with the Clean Air Act section 177 “identity” provisions which require Rhode Island to remain identical to the California program.

As a result of the California Air Resources Board’s approval on September 28, 2018, of Resolution 19-35 to amend Title 13 of the California Code of Regulations Section 1961.2 and 1961.3 (which sections also apply to vehicles sold in Rhode Island), compliance with federal greenhouse gas standards for 2021 through 2025 model year passenger cars, light-duty trucks, and medium-duty passenger vehicles will not constitute compliance with the Rhode Island Low Emission Vehicle Program rules if the federal standards are altered by a final rule published in the Federal Register after October 25, 2016.

Part 37 is being amended to incorporate the GHG provisions, which require vehicle manufacturers to meet the fleet GHG requirements codified in Title 13 section 1961.3 of the California Code of Regulations. In 2009, California added a “deem to comply” provision to their passenger vehicle GHG requirements which allows vehicle manufacturers to comply with the California standards if the manufacturers show compliance for the same model year with 2017 through 2025 Model Year National GHG Program (National Program) as part of an agreement to harmonize the California and federal Environmental Protection Agency (EPA) standards. In compliance with the Clean Air Act section 177 requirements DEM adopted an identical “deem to comply” option. California has amended their “deem to comply” provisions to disallow use of the federal compliance path if the National Program is altered via Final Rule published in the Federal Register subsequent to October 25, 2016.

## **Demonstration of Need**

The Department is amending Part 37 to incorporate California's latest clarifications to the GHG program. The adopted revisions clarify that the deemed-to-comply provision for model years 2021-2025 only applies to those federal standards which were last amended on October 25, 2016. If U.S. EPA reduces the stringency of the federal standards as proposed, vehicle manufacturers will no longer be allowed to use the enforcement option of demonstrating compliance with less stringent federal GHG standards in lieu of California standards for 2021 and subsequent model years. All new 2021 and subsequent model year passenger cars, light-duty trucks, and medium-duty passenger vehicles up to 10,000 pounds gross vehicle weight rating (GVWR) delivered for sale in Rhode Island will be required to be certified to California GHG standards. This modification is necessary to ensure that if U.S. EPA standards for these model years are weakened, they will not result in air pollution increases from motor vehicles by requiring cleaner California certified vehicles and engines be sold in Rhode Island (and other Section 177 states).

## **Alternative Approaches Considered**

Rhode Island could choose not to adopt the revisions to California's GHG program and revert to federal motor vehicle standards. The proposed federal rulemaking would freeze GHG standards at model year 2020 levels for model years 2021-2026. These proposed standards will be significantly less stringent than the previously adopted California GHG standards. The option to revert to less stringent, and protective, federal motor vehicle emissions standards was considered and ultimately rejected. The proposed federal standards are less protective of human health and the environment.

## **Identification of Overlapped or Duplicated State Regulations**

The Office of Air Resources has identified no state regulations that overlap or duplicate the proposed amendments.

## **Determination of Significant Adverse Economic Impact on Small Business or Any City or Town**

The Office of Air Resources has determined that implementation of the amendments to Part 37 would not have a significant adverse economic impact on small businesses or cities and towns in the State.

## **For more information or copies of the proposed amendments contact:**

Allison Archambault, Supervising Air Quality Specialist  
Office of Air Resources  
235 Promenade Street  
Providence, RI 02908  
Phone: (401) 222-2808 ext. 2035  
E-Mail: [Allison.Archambault@dem.ri.gov](mailto:Allison.Archambault@dem.ri.gov)

Or, visit the Proposed Regulations section of the DEM website at:  
<http://www.dem.ri.gov/documents/regulations/>