



State of Oregon Department of Environmental Quality

Oregon Environmental Quality Commission Meeting

Nov. 21-22, 2024

Temporary Rulemaking Action Item G

Amendments to the Advanced Clean Truck and Heavy-Duty
Engine and Vehicle Exhaust Emission Standards

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DEQ recommendation to the EQC

The Oregon Department of Environmental Quality recommends that the Environmental Quality Commission:

Determine that failure to act promptly would result in serious prejudice to the public interest or the interests of the parties concerned as provided under the Justification section of this staff report.

Adopt TEMPORARY rules as proposed in Attachment A as part of chapter 340, division 257 and division 261 of the Oregon Administrative Rules to be effective beginning on Jan. 1, 2025.

Overview

DEQ is seeking to make temporary rule changes to two regulations: the Advanced Clean Trucks Rule in OAR Chapter 340, Division 257 and the Emission Standards for New Heavy-Duty Trucks in OAR Chapter 340, Division 261. These changes would:

- Adopt by reference minor amendments to California's Advanced Clean Truck Rule; and
- Delay the start of the Emission Standards for New Heavy-Duty Trucks Rule implementation from engine model year 2025 to engine model year 2026.

On Nov. 17, 2021, the EQC acted to reduce emissions from new medium- and heavy-duty trucks sold in the state by adopting the Clean Truck Rules.¹ Adoption of the California Air Resources Board Advanced Clean Truck, or ACT, and Heavy-Duty Engine and Vehicle Omnibus, or HD Omnibus, rules were two of the rules adopted under that rulemaking. The Advanced Clean Truck Rule is being revised to incorporate commitments made between CARB and the truck manufacturers in the Clean Truck Partnership.² The changes include increasing the deficit makeup period and clarifying that compliance determination and sales reporting requirements are both defined when vehicles are produced and delivered for sale. Additional minor amendments make changes to address issues that have arisen during implementation of the rule in California.

The Heavy-Duty Engine and Vehicle Omnibus rule was originally intended to be implemented beginning with engine model year 2024. However, the EQC adopted a one-year delay in November 2023. The rule requires manufacturers to deliver lower emitting conventionally fueled engines for sale in Oregon. During the transition period of 2024-2026 certified compliant engines would be required to reduce oxides of nitrogen

¹ 417th Meeting of the Oregon Environmental Quality Commission. Clean Truck Rules DEQ Staff Report, accessed on 10/14/2024. Available at: https://www.oregon.gov/deq/EQCdocs/111721_C_CleanTrucks.pdf

² CARB and the Truck and Engine Manufacturers Association Agreement (Clean Truck Partnership), July 2023, accessed on 10/14/2024. Available at: https://ww2.arb.ca.gov/sites/default/files/2023-07/Final%20Agreement%20between%20CARB%20and%20EMA%202023_06_27.pdf

(NOx) emissions by 75% and to reduce particulate matter emissions by 50%. Further reductions in emissions from medium- and heavy-duty engines will be required in 2027. DEQ is proposing an additional one-year delay to this rule. If the EQC adopts the proposed delay, the rule would go into effect with engine model year 2026. Even though DEQ is proposing to delay the HD Omnibus rule until 2026, DEQ is also incorporating other minor changes in order to include additional zero emission powertrain flexibilities that CARB built into the HD Omnibus rule that directly connect to the ACT rule and to eliminate trailer language that was overturned in a court challenge.

Statement of need

What need is DEQ trying to address?

CARB recently adopted amendments to the ACT rule. These amendments provide additional compliance flexibilities for manufacturers to meet the requirements and DEQ's intended action addresses some practical implementation challenges. It ensures these compliance flexibilities are incorporated to allow manufacturers to take advantage of them when implementation of the ACT rule begins with the 2025 vehicle model year. Adoption of the rule also ensures Oregon's program maintains identity with California's rules, as required under Section 177 of the federal Clean Air Act.

Following the adoption of prior amendments to delay the HD Omnibus rule for one year, DEQ staff continued to engage in conversations with manufacturers, dealers, fleets and clean air advocates. Several manufacturers have recently communicated to DEQ that in 2025 they are:

- 1) Expecting to have very limited availability of engines that are compliant with the HD Omnibus rule.
- 2) Expecting to limit their use of compliance flexibilities that are available under the rule such as credit purchases and emission offset projects.
- 3) Expecting to place restrictions on dealers that order new vehicles such as requiring a zero-emission vehicle to be sold prior to releasing any diesel-powered vehicles for sale.

CARB staff have addressed similar truck availability concerns in a memo to their board.³ This situation has raised concern among fleet owners and managers that there will be an extremely limited supply of new conventionally fueled medium- and heavy-duty vehicles available for sale in Oregon next year.

How would the proposed rule address the need?

The proposed temporary rule: (1) clarifies that compliance determination and sales reporting requirements are both defined when vehicles are produced and delivered for sale in the state, (2) increases the deficit makeup period from one year to three years,

³ California Air Resources Board Memorandum: California Truck Availability Analysis, September 2024, accessed on 10/14/2024. Available at: https://ww2.arb.ca.gov/sites/default/files/2024-09/240925_actmemo_ADA_0.pdf

(3) incorporates an additional certification pathway for complete medium-duty zero emission vehicles, and (4) modifies the manufacturer definition as well as adding a definition for secondary vehicle manufacturer. Manufacturers have indicated to DEQ some of the challenges with meeting the existing ACT requirements and are choosing to impose sales mandates on dealers and fleets to ensure they can comply. These changes provide additional options for truck manufacturers in meeting their compliance obligations. This temporary rule ensures those additional options are available the day the ACT takes effect.

The proposed temporary rule would delay the implementation of the HD Omnibus rules for one year. It will provide the manufacturers and buyers with compliance certainty for the year 2025 and continue to allow the delivery and sale of federally certified engines for an additional year. If the proposed temporary rules are adopted, the HD Omnibus rules go into effect with engine model year 2026 and/or vehicle model year 2027 depending on the specific rule section. The rule also incorporates minor changes to the HD Omnibus rule, to include additional flexibilities for manufacturers to certify complete medium duty ZEVs and eliminates language referring to trailers that was overturned in a court challenge. This allows manufacturers additional certification options and provides clarity on who the regulations apply to.

Justification

Finding of serious prejudice

Failing to act promptly would result in serious prejudice to the interests of vehicle and engine manufacturers, public and private fleets that are seeking to acquire new medium- and/or heavy-duty vehicles in 2025 and vehicle dealers that sell new medium- and heavy-duty vehicles. If the EQC fails to act, public and private fleets may not be able to purchase compliant new medium- and heavy-duty vehicles as their needs dictate, vehicle dealers may need to stop selling or sell fewer new medium- and heavy-duty vehicles and vehicle and engine manufacturers may stop selling these vehicles and engines into Oregon.

Consequences of not taking immediate action

If the commission does not adopt these temporary proposed rules, DEQ's existing rules would conflict with California's rules as amended in October 2024. Because California has adopted additional compliance flexibilities for manufacturers, this conflict would likely create risk for companies selling new medium- and heavy-duty vehicles in Oregon which could lead to temporary stoppages of sales or manufacturer-led restrictive sales mandates of these new vehicles into Oregon. This supply restriction could create problems for both public and private fleets that need to purchase new vehicles in 2025 either as replacements or for fleet expansion. Not taking action could also harm businesses that rely on revenue from the sale of these vehicles.

Affected parties

- Public and private fleets that need to acquire new medium- and/or heavy-duty vehicles in 2025.

- Vehicle dealerships that sell new medium- and heavy-duty vehicles with internal combustion or zero emission engines.
- Vehicle manufacturers that sell medium- and heavy-duty vehicles with internal combustion or zero emission engines.
- Engine manufacturers that sell internal combustion engines that are included in medium- and heavy-duty vehicles.

Why or how failing to act immediately would cause the harm described above

The harm described above would occur if EQC does not act immediately because engine and vehicle manufacturers are restricting the sale of new medium- and heavy-duty engines and vehicles into Oregon. It would also not make available the additional options vehicle manufacturers could utilize to comply with the ACT rule. That would likely lead to a cascade of impacts that are described above.

How temporary rule would avoid or mitigate consequences

If EQC adopts the proposed temporary amendment, this will prevent the harm described above because it provides additional options vehicle manufacturers can factor into their compliance approach for the ACT rule. It gives manufacturers more time and flexibility to make up any deficits accrued for a model year, especially in the face of supply chain issues or market conditions. Additionally, clarifying when a vehicle is delivered for sale for a manufacturer to claim credit, provides more certainty for the manufacturer in determining their sales allocations for zero emission and internal combustion engines. For the HD Omnibus rule, delayed implementation would provide more time for engine manufacturers to bring CARB certified products to market. Delaying for another year also gives DEQ the ability to learn from the California implementation for model year 2024 and 2025.

Rules affected, authorities, supporting documents

Lead division

Air Quality Division

Program or activity

Transportation Strategies

Chapter 340 action

Amend

Rules Amended - OAR				
340-257-0050	340-261-0020	340-261-0040	340-261-0050	

Statutory authority

Statutory Authority – ORS				
468.020	468A.025	468A.360		

Statutes implemented

Statutes Implemented – ORS				
468.020	468A.025	468A.360		

Documents relied on for rulemaking

Document title	Document location
Clean Truck Rules - Staff Report to Oregon’s Environmental Quality Commission, Nov 2021	https://www.oregon.gov/deq/EQ/Cdocs/111721_C_CleanTrucks.pdf
California Air Resources Board Staff Report: Initial Statement of Reasons – Proposed Amendments to the Heavy-Duty Engine and Vehicle Omnibus Regulation	https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2023/hdomnibus2023/isor.pdf
California Air Resources Board and the Truck and Engine Manufacturers Association Clean Truck Partnership Agreement	https://ww2.arb.ca.gov/sites/default/files/2023-07/Final%20Agreement%20between%20CARB%20and%20EMA%202023_06_27.pdf
California Air Resources Board Staff Report: Initial Statement of Reasons – Proposed Amendments to the Advanced Clean Trucks Regulation and the Zero-Emission Powertrain Certification Test Procedure	https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2024/actzepcert/isor.pdf
California Air Resources Board Memorandum: California Truck Availability Analysis	https://ww2.arb.ca.gov/sites/default/files/2024-09/240925_actmemo_ADA_0.pdf

Housing costs

The proposed temporary rule amendments seek to adopt by reference minor amendments to California’s ACT rule and delay implementation of the HD Omnibus rule in OAR Chapter 340, Division 261 by one year. The temporary proposed rule would delay the start of the HD Omnibus rule from engine model year 2025 to engine model year 2026.

As ORS 183.534 requires, DEQ evaluated whether the proposed rules would have an effect on the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached, single-family dwelling on that parcel. DEQ determined the proposed rules would have no effect on development costs because they only affect manufacturers of new medium- and heavy-duty vehicles and engines. While indirect impacts to transportation costs that are related to the supply of new medium- and heavy-duty vehicles are possible, DEQ is unable to estimate the extent of such an impact. However, that impact would likely be to avoid an increase in the price of new vehicles associated with supply restrictions and lack of market availability of HD Omnibus rule-compliant engines and for higher costs associated with manufacturers having fewer compliance options to meet the ACT rule.

Environmental Justice Considerations

Environmental Justice analysis

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, culture, education or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies. DEQ is committed to incorporating environmental justice best practices into its programs and decision-making, to ensure all people in Oregon have equitable environmental and public health protections.

If adopted, the proposal to delay implementation of the HD Omnibus rules mean that new, conventionally fueled trucks sold in Oregon in 2025, will not be 75% lower NO_x emitting as originally intended in the rules. Instead, the requirements for lower emitting medium- and heavy-duty vehicles would be delayed until engine model year 2026. DEQ recognizes that emissions from medium- and heavy-duty vehicles disproportionately impact some communities more than others. Those communities are typically lower income and have more people that identify as black, indigenous and people of color. However, the proposal also includes changes to incorporate by reference minor amendments to the ACT rule in which the rule was designed to increase the penetration of lower emitting, zero emission heavy-duty technology and achieve NO_x and GHG emissions reductions through advanced clean technology. The proposed amendments would still preserve these goals while also providing manufacturers additional flexibility in offsetting incurred deficits for a given model year as well as other proposed changes that would assist with reporting and rule implementation. While DEQ did not seek input from specific environmental justice communities as it developed this temporary rule proposal it did reach out to clean air advocacy organizations to inform them of our intentions to bring the proposed rule changes to incorporate California's latest amendments to the ACT rule.

DEQ determined that failing to act to incorporate the ACT rule amendments put these rules at risk of not meeting the identicality requirements described in Section 177 of the Federal Clean Air Act. DEQ also determined that delaying the HD Omnibus rule and the

risk of losing a year of implementation was preferable to having little to no new engines available for purchase and instead forcing fleets to retain older, dirtier engines for longer. DEQ determined that the pollution reduction benefits to be gained from the implementation of the rules starting with model year 2026 and beyond outweighed the loss of the 2025 engine model year alone. The risk of losing the emissions benefit to environmental justice communities beginning in 2026 and beyond was not a preferred outcome. DEQ determined that this proposed temporary rule was the option that posed the least harm to communities suffering from disproportionate impacts associated with medium- and heavy-duty vehicle pollution.

Public notice

On Oct. 9, 2024, DEQ sent out notification through several GovDelivery channels of its intention to propose temporary amendments to the ACT and HD Omnibus rules at the November 2024 EQC meeting. DEQ staff also held several individual meetings with representatives of engine manufacturing companies, environmental and clean air advocacy organizations, engaged fleet representatives and medium- and heavy-duty vehicle dealers between May and October 2024. DEQ also held a Clean Truck Rule Forum on Oct. 28, 2024, to provide the public an opportunity to hear about DEQ's intended actions to propose temporary rules to adopt upcoming CARB amendments to the ACT rule and to pause implementation of the HD Omnibus rule for one year. DEQ will also respond to questions from the public.

EQC prior involvement

DEQ shared high-level information about this temporary rulemaking with the EQC in part 2.3 of the Director's Report from Sept. 27, 2024. Conversations with engine manufacturers and fleet managers along with a limited supply of compliant engines and manufacturer business decisions led to a reassessment of DEQ's approach for the temporary rulemaking as described in that report. The current proposed temporary rule before the EQC would delay implementation of the HD Omnibus rule in Oregon for one year. Instead of going into effect with engine model year 2025 the rules would go into effect with engine model year 2026.

Implementation

Notification

The proposed rules would become effective beginning on Jan. 1, 2025. DEQ would notify affected parties by:

- Emailing interested parties on the DEQ Diesel, Biodiesel, and ZEV GovDelivery lists.
- Sending out notification to manufacturers through postal mail, as needed.
- Updating all relevant program webpages.

Compliance and enforcement

The proposed rule amendment would not make any changes to the administrative rules governing enforcement activities, found in OAR 340-012.

Measuring, sampling, monitoring and reporting

DEQ does not see a need for changes to any measuring, sampling, monitoring and reporting process in order to implement the proposed temporary rule.

Systems

DEQ does not see a need for changes to any systems, such as the external website or invoicing procedures, to implement the proposed temporary rule.

Training

DEQ does not see a need for training related to this temporary rule, for affected entities or DEQ staff. DEQ will work individually with any affected parties, as needed, to provide necessary training or answer any questions on the proposed rule amendment.

Non-discrimination statement

DEQ does not discriminate on the basis of race, color, national origin, disability, age or sex in administration of its programs or activities.

Visit DEQ's [Civil Rights and Environmental Justice page](#).

Temporary amendments to the Advanced Clean Truck and Heavy-Duty Engine and Vehicle Exhaust Emission Standards

Key to Identifying Changed Text:

~~Deleted Text~~

New/inserted text

Division 257 OREGON LOW EMISSION VEHICLES

340-257-0050

Incorporation by Reference and Program Review

(1) For purposes of applying the incorporated sections of the California Code of Regulations in sections (2) and (3), unless otherwise specified in this division or the application is clearly inappropriate, "California" means "Oregon," "Air Resources Board (ARB)" or "California Air Resources Board (CARB)" means "Department of Environmental Quality" or "Environmental Quality Commission," depending on context, and "Executive Officer" means the DEQ director or director's designee. Where such incorporated sections of the California Code of Regulations refer to states that have also adopted California's regulations under Clean Air Act section 177, such references shall be interpreted to include both California and any other such states.

Where such incorporated sections of the California Code of Regulations refer to enforcement and civil penalty authority under the California Health and Safety Code for violation of those regulations, such references shall be interpreted to authorize DEQ to pursue enforcement of such violations under ORS chapters 468 and 468A and OAR chapter 340, division 12.

(2) Emission standards, warranty, recall and other California provisions adopted by reference. Each manufacturer of new 2009 and subsequent model year passenger cars, light-duty trucks, and medium-duty vehicles must comply with each applicable standard specified in the following sections of the California Code of Regulations (CCR), Title 13, which are incorporated by reference herein. References to provisions of CCR, Title 13 in this division are to such provisions effective on the California effective dates listed in this section:

(a) Section 1900: Definitions. California adopted date 8/25/22.

(b) Section 1956.8(a)(8), (g) and (h): Exhaust Emission Standards and Test Procedures — 1985 and Subsequent Model Heavy Duty Engines and Vehicles. California ~~effective-adopted~~ date 12/5/14-10/24/24.

(c) Section 1960.1: Exhaust Emission Standards and Test Procedures — 1981 and through 2006 Model Passenger Cars, Light-Duty and Medium-Duty Vehicles. California effective date 12/31/12.

(d) Section 1961: Exhaust Emission Standards and Test Procedures — 2004 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles. California effective date 12/31/12.

(e) Section 1961.1: Greenhouse Gas Exhaust Emission Standards and Test Procedures - 2009 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles. California effective date 8/7/12.

(f) Section 1961.2: Exhaust Emission Standards and Test Procedures — 2015 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles. California adopted date 8/25/22.

(g) Section 1961.3: Greenhouse Gas Emission Standards and Test Procedures — 2017 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles. California effective adopted date 8/25/22.

(h) Section 1961.4: Exhaust Emission Standards and Test Procedures — 2026 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles. California adopted date 8/25/22 except that subsection 1961.4(g)(1) is not adopted by reference.

(i) Section 1962: Zero-Emission Vehicle Standards for 2005 through 2008 Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles. California effective date 2/13/2010.

(j) Section 1962.1: Zero-Emission Vehicle Standards for 2009 through 2017 Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles. California effective date 1/1/16.

(k) Section 1962.2: Zero-Emission Vehicle Standards for 2018 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles. California adopted date 8/25/22.

- (l) Section 1962.3: Electric Vehicle Charging Requirements. California adopted date 8/25/22.
- (m) Section 1962.4: Zero Emission Vehicle Standards for 2026 and Subsequent Model Year Passenger Cars and Light-Duty Trucks. California adopted date 8/25/22; except that subsection 1962.4(e)(2)(A)3 is not adopted by reference.
- (n) Section 1962.5: Data Standardization Requirements for 2026 and Subsequent Model Year Light-Duty Zero Emission Vehicles and Plug-in Hybrid Electric Vehicles. California adopted date 8/25/22.
- (o) Section 1962.6: Battery Labeling Requirements. California adopted date 8/25/22.
- (p) Section 1962.7: In-Use Compliance, Corrective Action and Recall Protocols for Zero Emission for 2026 and Subsequent Model Year Passenger Cars and Light-Duty Trucks. California adopted date 8/25/22.
- (q) Section 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. California adopted date 8/25/22.
- (r) Section 1965: Emission Control and Smog Index Labels - 1979 and Subsequent Model Year Vehicles. California adopted date 8/25/22.
- (s) Section 1968.2: Malfunction and Diagnostic System Requirements — 2004 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles. California adopted date 8/25/22.
- (t) 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. California effective date 7/25/16.
- (u) Section 1976: Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions. California adopted date 8/25/22.
- (v) Section 1978: Standards and Test Procedures for Vehicle Refueling Emissions. California adopted date 8/25/22.
- (w) Section 2035: Purpose, Applicability and Definitions. California adopted date 9/9/21.
- (x) Section 2036: Defects Warranty Requirements for 1979 Through 1989 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles; 1979 and Subsequent Model Motorcycles and Heavy-Duty Vehicles; and Motor Vehicle Engines Used in Such Vehicles; and 2020 and Subsequent Model Year Trailers. California ~~adopted~~effective date ~~9/9/21~~4/1/22.
- (y) 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. California adopted date 8/25/22.
- (z) 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. California adopted date 8/25/22.

- (aa) Section 2039: Emission Control System Warranty Statement. California effective date 12/26/90.
- (bb) Section 2040: Vehicle Owner Obligations. California effective date 12/26/90.
- (cc) Section 2046: Defective Catalyst. California effective date 2/15/79.
- (dd) Section 2109: New Vehicle Recall Provisions. California effective date 12/30/83.
- (ee) Section 2111: Applicability. California adopted date 9/9/21.
- (ff) Section 2112: Definitions. California adopted date 8/25/22.
- (gg) Appendix A to Article 2.1. California effective date 8/16/2009.
- (hh) Section 2113: Initiation and Approval of Voluntary and Influenced Recalls. California adopted date 9/9/21.
- (ii) Section 2114: Voluntary and Influenced Recall Plans. California adopted date 9/9/21.
- (jj) Section 2115: Eligibility for Repair. California adopted date 9/9/21.
- (kk) Section 2116: Repair Label. California adopted date 9/9/21.
- (ll) Section 2117: Proof of Correction Certificate. California adopted date 9/9/21.
- (mm) Section 2118: Notification. California adopted date 9/9/21.
- (nn) Section 2119: Record keeping and Reporting Requirements. California adopted date 9/9/21.
- (oo) Section 2120: Other Requirements Not Waived. California effective date 1/26/95.
- (pp) Section 2122: General Provisions. California effective date 12/8/2010.
- (qq) Section 2123: Initiation and Notification of Ordered Emission-Related Recalls. California adopted date 9/9/21.
- (rr) Section 2124: Availability of Public Hearing. California effective date 1/26/95.
- (ss) Section 2125: Ordered Recall Plan. California adopted date 9/9/21.
- (tt) Section 2126: Approval and Implementation of Recall Plan. California adopted date 9/9/21.
- (uu) Section 2127: Notification of Owners. California adopted date 9/9/21.
- (vv) Section 2128: Repair Label. California adopted date 9/9/21.
- (ww) Section 2129: Proof of Correction Certificate. California adopted date 9/9/21.
- (xx) Section 2130: Capture Rates and Alternative Measures. California adopted date 9/9/21.
- (yy) Section 2131: Preliminary Tests. California adopted date 9/9/21.
- (zz) Section 2132: Communication with Repair Personnel. California effective date 1/26/95.
- (aaa) Section 2133: Record keeping and Reporting Requirements. California adopted date 9/9/21.

- (bbb) Section 2135: Extension of Time. California effective date 1/26/95.
- (ccc) Section 2141: General Provisions. California adopted date 9/9/21.
- (ddd) Section 2142: Alternative Procedures. California adopted date 9/9/21.
- (eee) Section 2143: Failure Levels Triggering Recall. California adopted date 9/9/21.
- (fff) Section 2144: Emission Warranty Information Report. California adopted date 9/9/21.
- (ggg) Section 2145: Field Information Report. California adopted date 9/9/21.
- (hhh) Section 2146: Emissions Information Report. California adopted date 9/9/21.
- (iii) Section 2147: Demonstration of Compliance with Emission Standards. California adopted date 8/25/22.
- (jjj) Section 2148: Evaluation of Need for Recall. California adopted date 9/9/21.
- (kkk) Section 2149: Notification of Subsequent Action. California adopted date 9/9/21.
- (III) Section 2235: Requirements. California effective date 8/8/12.
- (3) Emission standards, warranty, recall and other California provisions adopted by reference. Each manufacturer of new 2025 and subsequent model year medium-duty and heavy-duty vehicles must comply with each applicable standard specified in the following sections of the California Code of Regulations (CCR), Title 13, which are incorporated by reference herein. References to provisions of CCR, Title 13 in this division are to such provisions effective on the California effective dates listed in this section:
- (a) Section 1963 Advanced Clean Trucks Purpose, Applicability, Definitions, and General Requirements. California ~~effective-adopted~~ date 3/15/2110/24/24.
- (b) Section 1963.1 Advanced Clean Trucks Deficits Section. California ~~effective-adopted~~ date 3/15/2110/24/24.
- (c) 1963.2 Advanced Clean Trucks Credit Generation, Banking, and Trading Section. California ~~effective-adopted~~ date 3/15/2110/24/24.
- (d) 1963.3 Advanced Clean Trucks Compliance Determination Section. California ~~effective-adopted~~ date 3/15/2110/24/24.
- (e) 1963.4 Advanced Clean Trucks Reporting and Recordkeeping Section. California ~~effective-adopted~~ date 3/15/2110/24/24.
- (4) Program Review. Beginning in 2028 and every two years through 2034, DEQ will provide a review of program implementation in Oregon including but not limited to:
- (a) An evaluation of vehicle manufacturer compliance;
- (b) A Summary of publicly available information on vehicle and battery costs;
- (c) An assessment of the deployment of ZEVs in low-income and disadvantaged communities;
- (d) A description of the geographic distribution of new and used ZEVs and PHEVs by registration;

(e) An evaluation of the electrical grid and its current capacity to meet the charging needs related to ZEV light-duty vehicles; and

(f) A Summary of infrastructure deployment.

Statutory/Other Authority: ORS 468.020, 468A.025 & 468A.360

Statutes/Other Implemented: ORS 468.010, 468A.015, 468A.025 & 468A.360

History:

DEQ 23-2022, amend filed 12/19/2022, effective 12/19/2022

DEQ 17-2021, amend filed 11/17/2021, effective 11/17/2021

DEQ 196-2018, amend filed 11/15/2018, effective 11/15/2018

DEQ 13-2013, f. & cert. ef. 12-19-13

DEQ 6-2011, f. & cert. ef. 4-29-11

DEQ 6-2006, f. & cert. ef. 6-29-06

DEQ 10-2005(Temp), f. 12-27-05, cert. ef. 1-1-06 thru 6-30-06

**Division 261
EMISSION STANDARDS FOR NEW HEAVY-DUTY TRUCKS**

340-261-0020

Applicability

This division is in effect as of January 1, 2022 and applies to and establishes requirements for medium- and heavy-duty truck, ~~and~~ engine ~~and trailer~~ manufacturers, Oregon truck dealers, all ~~2025~~2026 and subsequent model year on-highway heavy-duty engines, and all ~~2026~~2027 and subsequent model year trucks ~~and trailers~~ delivered for sale or sold in the State of Oregon, except as provided in OAR 340-261-0060 Exemptions.

Statutory/Other Authority: ORS 468.020, ORS 468A.025 & 468A.360

Statutes/Other Implemented: ORS 468A.025, 468A.360, ORS 468A.010, 468A.015, 468A.050 & 468A.279

History:

DEQ 10-2024, amend filed 07/15/2024, effective 07/15/2024

DEQ 16-2023, temporary amend filed 11/16/2023, effective 01/01/2024 through 06/28/2024

DEQ 17-2021, adopt filed 11/17/2021, effective 11/17/2021

340-261-0040

Requirement to Meet California Vehicle Emission Standards

(1) Starting with the ~~2025~~2026 engine model year and for each engine model year thereafter no person may deliver for sale, or sell, in Oregon any new on-highway heavy-duty engine unless such engine is certified to the California emission standards as required under OAR 340-261-0050, except as provided in OAR 340-261-0060, Exemptions.

(2) Starting with the ~~2026~~2027 model year and for each model year thereafter no person may deliver for sale, or sell, in Oregon any new medium- or heavy-duty truck ~~or trailer~~ unless such vehicle is certified to the California emission standards as required under OAR 340-261-0050, except as provided in OAR 340-261-0060, Exemptions.

(3) All motor medium- and heavy-duty truck ~~and trailer~~ manufacturers and dealers must comply with the sales and reporting requirements contained in this division.

Statutory/Other Authority: ORS 468.020, ORS 468A.025 & 468A.360

Statutes/Other Implemented: ORS 468A.025, 468A.360, ORS 468A.010, 468A.015, 468A.050 & 468A.279

History:

DEQ 10-2024, amend filed 07/15/2024, effective 07/15/2024

DEQ 16-2023, temporary amend filed 11/16/2023, effective 01/01/2024 through 06/28/2024

DEQ 17-2021, adopt filed 11/17/2021, effective 11/17/2021

340-261-0050

Incorporation by Reference

(1) For purposes of applying the incorporated sections of the California Code of Regulations described in this rule, “California” or “CA” means “Oregon” or “OR,” respectively, and “Air Resources Board (ARB)” or “California Air Resources Board (CARB)” means Department of Environmental Quality (DEQ) or Environmental Quality Commission (EQC) depending on context, unless otherwise specified in this division or the application is clearly inappropriate.

(2) The sections of the California Code of Regulations (CCR), Title 13 and Title 17, adopted by reference in sections (3) and (4) are in addition to, and compatible with, the CCR, Title 13, standards and requirements adopted by reference under OAR 340-257-0050. It is the intent of this rule that the standards and requirements adopted by reference under OAR 340-257-0050 also apply in Oregon to the on-highway medium- and heavy-duty engines, and vehicles ~~and trailers~~ regulated by the CCR, Title 13 and Title 17, standards and requirements adopted by reference in this rule, to the same extent and identical to how they would apply in California.

(3) Emission standards, testing procedures, warranty, reporting, enforcement, recall and other California provisions adopted by reference. Each manufacturer of new ~~2025~~2026 and subsequent model year on-highway medium- and heavy-duty engines and ~~2026~~2027 and subsequent model year trucks ~~and trailers~~ must comply with each of the following applicable standards specified in CCR, Title 13 as incorporated by reference herein:

(a) Section 1956.8(a) – (f) and (i): Exhaust Emission Standards and Test Procedures – 1985 and Subsequent Model Heavy Duty Engines and Vehicles. California adopted date ~~12/28/2023~~10/24/24. Except that CCR Title 13, Section 1956.8(a)(2)(F) “Transit Agency Diesel-Fueled Bus Engine Exemption Request” shall be disregarded and is not incorporated by reference.

(b) Section 1971.1: On-Board Diagnostic System Requirements – 2010 and Subsequent Model-Year Heavy-Duty Engines. California adopted date 12/28/2023.

(c) Section 2036: Defects Warranty Requirements for 1979 Through 1989 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles; 1979 and Subsequent Model Motorcycles and Heavy-Duty Vehicles; and Motor Vehicle Engines Used in Such Vehicles; and 2020 and Subsequent Model Year Trailers. California ~~adopted~~effective date ~~9/9/24~~1/22.

(d) Section 2121: Penalties. California adopted date 9/9/21. Except that the reference in this regulation to “a violation of Health and Safety Code Section 43105” shall be disregarded and is not incorporated by reference.

- (e) Section 2137: Vehicle, Engine, and Trailer Selection. California ~~adopted~~effective date ~~9/9/21~~1/22.
- (f) Section 2139: Testing. California adopted date 9/9/21.
- (g) Section 2139.5: CARB Authority to Test for Heavy-Duty In-Use Compliance. California effective date 04/21/03.
- (h) Section 2140: Notification and Use of Test Results. California adopted date 9/9/21.
- (i) Section 2166: General Provisions. California adopted date 9/9/21.
- (j) Section 2166.1: Definitions. California adopted date 9/9/21.
- (k) Section 2167: Required Recall and Corrective Action for Failures of Exhaust After-Treatment Devices, On-Board Computers or Systems, Urea Dosers, Hydrocarbon Injectors, Exhaust Gas Recirculation Valves, Exhaust Gas Recirculation Coolers, Turbochargers, Fuel Injectors. California adopted date 9/9/21.
- (l) Section 2168: Required Corrective Action and Recall for Emission-Related Component Failures. California adopted date 9/9/21.
- (m) Section 2169: Required Recall or Corrective Action Plan. California adopted date 9/9/21.
- (n) Section 2169.1: Approval and Implementation of Corrective Action Plan. California adopted date 9/9/21.
- (o) Section 2169.2: Notification of Owners. California adopted date 9/9/21.
- (p) Section 2169.3: Repair Label. California adopted date 9/9/21.
- (q) Section 2169.4: Proof of Correction Certificate. California adopted date 9/9/21.
- (r) Section 2169.5: Preliminary Tests. California 9/9/21 date 9/9/21.
- (s) Section 2169.6: Communication with Repair Personnel. California adopted date 9/9/21.
- (t) Section 2169.7: Recordkeeping and Reporting Requirements. California adopted date 9/9/21.
- (u) Section 2169.8: Extension of Time. California adopted date 9/9/21.
- (v) Section 2423(n): Exhaust Emission Standards and Test Procedures – Off-Road Compression-Ignition Engines. California adopted date 9/9/21.
- (w) Section 2485: Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. California adopted date 9/9/21.
- (4) Emission standards, testing procedures, warranty, reporting, enforcement, recall and other California provisions adopted by reference. Each manufacturer of new ~~2026~~2027 and subsequent model year on-highway medium- and heavy-duty vehicles ~~and trailers~~ must comply with each of the following applicable standards specified in CCR, Title 17 as incorporated by reference herein:
- (a) Section 95660: Purpose. California effective date 1/1/2015.
- (b) Section 95661: Applicability. California effective date 1/1/2015.

(c) Section 95662: Definitions. California effective date 12/22/21.

(d) Section 95663: Greenhouse Gas Exhaust Emission Standards and Test Procedures for New 2014 and Subsequent Model Heavy-Duty Vehicles. California effective date 12/22/21.

Statutory/Other Authority: ORS 468.020, ORS 468A.025 & 468A.360

Statutes/Other Implemented: ORS 468A.025, 468A.360, ORS 468A.010, 468A.015, 468A.050 & 468A.279

History:

DEQ 10-2024, amend filed 07/15/2024, effective 07/15/2024

DEQ 16-2023, temporary amend filed 11/16/2023, effective 01/01/2024 through 06/28/2024

DEQ 17-2021, adopt filed 11/17/2021, effective 11/17/2021