



PERMANENT ADMINISTRATIVE ORDER

DEQ 17-2025

CHAPTER 340

DEPARTMENT OF ENVIRONMENTAL QUALITY

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RULES:

340-257-0050, 340-261-0020, 340-261-0040, 340-261-0050

AMEND: 340-257-0050

RULE TITLE: Incorporation by Reference and Program Review

NOTICE FILED DATE: 03/28/2025

RULE SUMMARY: Increased Deficit Makeup Period, New definition for how manufacturers can generate a credit based on a vehicle delivered for sale, and providing that specific HD Omnibus certified engines would not generate deficits in 2026 under the ACT Rule.

RULE TEXT:

(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(g) and (h): Exhaust Emission Standards and Test Procedures — 1985 and Subsequent Model Heavy Duty Engines and Vehicles. California effective date 12/5/14.

- (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 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.
 - (lll) 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 date 5/9/2025.
 - (b) Section 1963.1 Advanced Clean Trucks Deficits Section. California effective date 5/9/2025.
 - (c) 1963.2 Advanced Clean Trucks Credit Generation, Banking, and Trading Section. California effective date 5/9/2025.
 - (d) 1963.3 Advanced Clean Trucks Compliance Determination Section. California effective date 5/9/2025.

(e) 1963.4 Advanced California effective date 5/9/2025 Clean Trucks Reporting and Recordkeeping Section. California effective date 5/9/2025.

(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

AMEND: 340-261-0020

RULE TITLE: Applicability

NOTICE FILED DATE: 03/28/2025

RULE SUMMARY: Delays rule implementation by 2 years; removes references to trailers.

RULE TEXT:

This division is in effect as of January 1, 2022 and applies to and establishes requirements for medium- and heavy-duty truck and engine manufacturers, Oregon truck dealers, all 2027 and subsequent model year on-highway heavy-duty engines, and all 2028 and subsequent model year trucks 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

AMEND: 340-261-0040

RULE TITLE: Requirement to Meet California Vehicle Emission Standards

NOTICE FILED DATE: 03/28/2025

RULE SUMMARY: Updates the rules to reflect delayed implementation until the 2027 engine model year and the 2028 vehicle model year; removes references to trailers.

RULE TEXT:

- (1) Starting with the 2027 engine model year and for each engine model year thereafter no person may deliver for sale, or sell, in Oregon any new on-highway medium- or 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 2028 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 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 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

AMEND: 340-261-0050

RULE TITLE: Incorporation by Reference

NOTICE FILED DATE: 03/28/2025

RULE SUMMARY: Includes revision to California Code of Regulations Section 1956.8, clarifying the certification options for medium-duty vehicles so that complete medium-duty ZEVs can now be certified under the zero-emission powertrain certification program; removes references to trailers.

RULE TEXT:

- (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 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 2027 and subsequent model year on-highway medium- and heavy-duty engines and 2028 and subsequent model year medium- and heavy-duty trucks must comply with each of the following applicable standards specified in CCR, Title 13 as incorporated by reference herein. In addition, on and after January 1, 2025, each manufacturer of medium- and heavy-duty engines and vehicles shall comply with the applicable zero emission powertrain certification standards specified in CCR, Title 13, Section 1956.8(a)(8), incorporated by reference in subsection (a):
 - (a) Section 1956.8(a) – (f) and (i): Exhaust Emission Standards and Test Procedures – 1985 and Subsequent Model Heavy Duty Engines and Vehicles. California effective date 5/9/2025. 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 effective date 4/1/22.
 - (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 effective date 4/1/22.
 - (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 2028 and subsequent model year on-highway medium- and heavy-duty vehicles 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