



DEPARTMENT OF PARKS AND RECREATION

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**OHMVR COMMISSION MEETING
Ukiah, CA 95482**

June 7, 2019

STAFF REPORT: Special Report
STAFF: Tom Bernardo and George MacDougall, Division Staff
SUBJECT: CA Air Resources Board Red Sticker Regulation Update

Summary

On April 25, 2019, the California Air Resources board (CARB) met in Sacramento to consider amendments to the current Red Sticker Regulation. Under this proposal, California's standards for off-highway motorcycles will be identical to U.S. Environmental Protection Agency (EPA) standards from 2020 through 2026 for evaporative controls and 2022 through 2027 for exhaust controls. Aligning with federal standards will reduce emissions and provide adequate model availability while the industry transitions from the red sticker program. After this transitional period, all off-highway recreational vehicles (OHRV) will be subject to California-specific standards that are more stringent than federal standards but are technically feasible and cost effective. The proposal is estimated to reduce OHRV emissions by more than 50 percent in 2040.

CARB voted unanimously to accept the staff proposal.

Discussion

The current Red Sticker Regulation began in 2003. Over the years, it has proven to be unpopular with riders, dealers, manufacturers, and land managers. It was envisioned to be a temporary solution to allow dealers, manufacturers, and riders to stop using traditional two-stroke motorcycles and all-terrain vehicles (ATVs) and transition into less polluting four-stroke or other new pollution reducing technology. During the 16 years of the regulation, manufacturers have produced more four-stroke technology and in fact, two-stroke technology in ATVs is almost nonexistent. However, many off-road motorcycles still do not meet the CARB emissions requirements for Green Sticker year-round riding opportunities and continue to operate on an ongoing basis. As such, CARB is attempting to eliminate the Red Sticker Regulation because it is, in essence, a loophole in the Green Sticker program. CARB has proposed to limit emissions from non-compliant off-road motorcycles to competition use, thereby incentivizing

manufacturers to offer more emissions compliant models to consumers. The model year 2022 and newer EPA labeled competition models would then be relegated to closed courses and areas during sponsored events.

CARB staff estimates that the proposed amendments will cost about \$72.7 million over the total lifetime of the proposal. This cost would be borne by OHRV manufacturers and passed on to OHRV consumers purchasing new vehicles starting in 2022, as determined by the manufacturers. This could result in an increase in retail price of \$333 per vehicle for each current red sticker motorcycle that would need to be fitted with additional controls to comply with applicable emissions standards. This increase is not expected to have a significant impact on total statewide new OHRV retail sales.

In their summary, CARB staff proposed the following:

- End red sticker certification of new OHRVs with no emissions controls beginning in model year 2022 (those models would be sold starting in the fall of 2021);
- Lift the seasonal riding restrictions on existing red sticker vehicles starting on January 1, 2025 (current Red Sticker OHRVs would get a Green Sticker or keep Red Sticker and riding season restrictions would cease);
- Harmonize with U.S. EPA evaporative emissions standards for OHMCs of model years 2020 through 2026;
- Harmonize with U.S. EPA exhaust emissions standards for OHMCs from 2022 through 2027;
- Establish cost-effective alternative requirements for controlling evaporative emissions from OHRVs starting in 2020;
- Set more stringent exhaust emission control standards for ATVs, off-road sport vehicles, and off-road utility vehicles from 2022 through 2027;
- Amend the current emissions fleet averaging and zero emission vehicle credit provisions to provide manufacturers with flexible compliance pathways and accelerate development of zero emission OHRVs; and
- Set stringent California-specific emissions standards for all new OHRVs beginning in model years 2027 (evaporative) and 2028 (exhaust).

CARB staff believes this proposal is feasible because manufacturers can transfer proven evaporative and exhaust emissions control technologies from on-road and off-road vehicles to currently uncontrolled red sticker models. For example, on-road certified dual sport motorcycles feature evaporative emission control systems that would be well suited for use on off-road motorcycles, and low emissions two-stroke motorcycles currently marketed in Europe could be sold in California as a replacement for current red sticker models with no emission controls. The proposed amendments provide sufficient flexibility and time to allow OHRV manufacturers to incorporate these emissions control technologies and comply with applicable standards. The proposed amendments will reduce ozone-forming emissions from OHRVs, furthering progress toward California's air quality goals.

As discussed at the April 25, 2019 CARB meeting, successful implementation of the proposed regulation must address two important issues that CARB cannot pursue in regulation:

1. The current Red Sticker Regulation requires manufacturers to identify emissions non-compliant OHVs by placing a C or 3 in the eighth digit of the VIN (vehicle identification number). This allows the Department of Motor Vehicles (DMV) to issue the correct Red Sticker to those vehicles. The proposed regulation cannot address the VIN. State Parks is concerned DMV will have difficulty in correctly identifying competition vehicles and possibly result in the issue of erroneous Green Stickers, reducing the benefits of the new regulation. Manufacturers can voluntarily issue the necessary VINs to identify those vehicles but there is no legal requirement. Without a VIN for DMV to identify these vehicles, law enforcement officers in the field will not be able to identify stolen, lost or recovered vehicles and return them to owners. Dealers will not be able to finance and owners will not be able to insure them.
2. The second issue has to do with race practice for owners of emission non-compliant competition vehicles. Currently, owners of those vehicles use the Red Sticker “loophole” to practice. Stakeholders agree race practice is an essential part of the sport of off-highway motorcycle racing. Rider conditioning, vehicle familiarity, and tuning of the vehicle prior to racing is not only necessary to compete but a safety issue as riders must be trained and fit before competing. The proposed regulation cannot address race practice and land managers will need to effectively administer the use of competition vehicles on public lands. State Parks is working with CARB and competition event organizers to determine appropriate next steps in addressing this issue.

Commission Action

For information only.

Attachments

None.

Much more detailed CARB information on this subject is contained in the STAFF REPORT: INITIAL STATEMENT OF REASONS at

https://www.arb.ca.gov/regact/2019/ohrv/isor.pdf?_ga=2.77222869.1575371095.1556656764-2082367398.1535052754