

U.S. Environmental Protection Agency  
Office of Mobile Sources

November 7, 1997

VPCD-97-10

(LDT/LDV/SM/ICI/LIMO)

Dear Manufacturer:

SUBJECT: On-Board Diagnostics (OBD) Notice of Proposed  
Rulemaking to Accept California OBD II Requirements  
beyond the 1998 Model Year

On May 28, 1997, the Agency published in the Federal Register a notice of proposed rulemaking (62 FR 28932) that proposed, in part, to indefinitely accept optional compliance with the California OBD II requirements as satisfying federal OBD requirements. This proposed revision to the federal OBD requirements, if finalized, is intended to continue that widely utilized certification compliance option for 1999 model year certification and beyond, rather than eliminating that option with the 1999 model year as do the current federal OBD regulations. Given the widespread utilization of that compliance option (only one major automobile manufacturer is selling vehicles certified specifically to the EPA OBD requirements rather than choosing the California OBD II option), and the likelihood that the final rulemaking extending this compliance option will not be published in time for 1999 model year certification, it is possible that a majority of the U.S. vehicle fleet will be uncertifiable for the 1999 model year unless the Agency puts in place an interim policy to address this issue.

Therefore, my staff has developed the following interim policy to deal with certification requests prior to publication of the final rulemaking: All certification requests that choose the California OBD II compliance option for demonstrating compliance with federal OBD requirements must include a statement from the manufacturer that the OBD system meets the full *intent* of both the Clean Air Act as amended in 1990, section 202(m), and the federal OBD regulations contained in 40 CFR 86.098-17, and that the OBD system fulfills the requirements of 40 CFR 86.098-17 including those provisions pertaining to requests for deficiencies. Please note that such a statement will be necessary for each and every certification application choosing the California OBD II option, and that no such application will be approved for the 1999 model year without carrying with it such a statement.

If you have any questions concerning this letter or the status of our OBD rulemaking development efforts, please contact Todd Sherwood of my staff at 313 668-4405.

Sincerely,

Jane Armstrong, Director  
Vehicle Programs and Compliance Division