



DEPARTMENT OF
ECOLOGY
State of Washington

Rule Implementation Plan

Chapter 173-423 WAC

Low Emission Vehicles

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Publication and Contact Information

This report is available on the Department of Ecology's website at <https://fortress.wa.gov/ecy/publications/SummaryPages/1802042.html>

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Implementation Plan

Chapter 173-423 WAC

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Washington State Department of Ecology

Olympia, Washington

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Purpose

The Washington State Department of Ecology (Ecology) provides the information in this implementation plan to meet agency and Administrative Procedure Act (RCW 34.05.328) requirements related to rule adoptions.

Introduction

On Dec. 27, 2018, Ecology adopted amendments to Chapter 173-423 WAC Low Emission Vehicles (AO # 18-11). The purpose of this rule implementation plan is to inform those who must comply with Chapter 173-423 WAC about how Ecology intends to:

- Implement and enforce the rule.
- Inform and educate persons affected by the rule.
- Promote and assist voluntary compliance for the rule.
- Evaluate the rule.
- Train and inform Ecology staff about the new or amended rule.

Also included in this plan is information about:

- Supporting documents that may need to be written or revised because of the new rule or amended rule.
- Other resources where more information about the rule is available.
- Contact information for Ecology employees who can answer questions about the rule implementation.

Implementation and Enforcement

Ecology's implementation role is to coordinate with the Department of Licensing to make sure that new cars sold in Washington meet the California vehicle emission standards, except that Washington does not implement and enforce the zero emission vehicle (ZEV) portion of California's rules.

We may take the following actions:

- Monitor vehicle registration data.
- Monitor Warranty Information Reports from manufacturers on the vehicles they have delivered to Washington, including recall and corrective action orders to ensure manufacturer's compliance with rule requirements.
- Periodic, on-site inspections of auto dealer facilities.

If dealers are found to be selling non-compliant vehicles or vehicles without the Environmental Performance (EP) label; or if they fail to comply with warranty reporting, recall and corrective

action requirements, Ecology will take appropriate compliance action. This includes the possibility of assessing penalties of up to \$5,000 per vehicle.

Informing and Educating Persons Affected by the Rule

The affected persons include the public, environmental groups, automotive manufacturers, dealers, and maintenance facilities. To help inform and educate the affected persons, Ecology will:

- Issue a press release announcing the adoption of the rule.
- Email notice to all interested parties that the final rule and the Concise Explanatory Statement are available.
- Send Rule Adoption Notice to regulated entities and interested parties.
- Post the final rule and Concise Explanatory Statement on the internet.
- Continue to include information on the program and rulemaking process under the Closed Rulemaking section of Ecology's Laws and Rules web site.
- Answer questions and provide technical assistance if or when requested.

Promoting and Assisting Voluntary Compliance

The actions mentioned above to inform and educate affected persons on the changes also help promote voluntary compliance. Program staff are available to respond to stakeholder phone and e-mail queries.

A number of other activities will be useful to help promote voluntary compliance. They include the following:

- The rule and supporting documents are available on Ecology's web site.
- The interested party list may be used to pass on program information and updates.
- We will work with the Washington State Auto Dealers Association and the Independent Association of Auto Dealers to make sure that they have informed their members about the new requirements and procedures.

Evaluating the Rule

We will review and monitor manufacturers' Warranty Information Reports from manufacturers on the vehicles they have delivered to Washington including recall and corrective action orders.

Training and Informing Ecology Staff

There is one staff member responsible for rule implementation. Ecology will provide training to that person on how the California standards are implemented and enforced in California and other states.

This staff member will network with other states implementing this program and attend occasional conferences to keep up with procedures. This training and information gathering will be used to implement this program in Washington.

List of Supporting Documents that May Need to be Written or Revised

We will update the Clean Car Law information on the Vehicle emissions internet page and update the document “Focus on Clean Car Standards” (# 05-02-010 updated Nov. 2007).

More Information

Rulemaking documents:

<https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-423>.

Vehicle emissions website:

<https://ecology.wa.gov/Air-Climate/Air-quality/Vehicle-emissions>.

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