

Alert | Environmental



November 2021

California Air Resources Board Announces Rulemaking Regarding Small Off-Road Engine Regulations

On Oct. 9, 2021, California Gov. Newsom signed into law [Assembly Bill 1346](#), which will require the California Air Resources Board (CARB) to develop regulations to prohibit engine exhaust and emissions from small off-road engines (SORE), such as lawn mowers, portable generators, and the profusion of other equipment utilizing small gasoline engines for power, by July 1, 2022. The Legislature did not provide any specific guidance on what regulations CARB must adopt, requiring only that these new regulations be “cost-effective and technologically feasible.”

Assembly Bill 1346 is a step towards fulfilling [Executive Order No. N-79-20](#) of Sept. 23, 2020, which directs CARB to implement strategies to achieve 100% zero emissions from off-road equipment in California by 2035, when feasible and cost-effective. The Legislature notes that SORE emit significantly high levels of air pollutants. In 2020, California daily emissions of specific air pollutants from SORE were higher than emissions from light-duty passenger cars. Despite their high emission levels, SORE previously were not highly regulated, one of the reasons the sponsors of the bill noted as why such action was necessary.

While the new law aligns with California’s overall goal of becoming carbon neutral by 2045, opponents of the bill raise concerns about the feasibility of zero-emission SORE. Not only are battery-powered SORE more expensive, but current battery technology in some cases cannot generate torque necessary to come close to the power performance level required to accomplish the tasks now performed by SORE. They also

require frequent recharging, which can be infeasible in outdoor rural and remote areas where such equipment is often used.

CARB has until July 1, 2022, to answer these questions and to do so in a feasible and efficient way. SORE manufacturers, distributors, retailers, and end-product users may wish to weigh in on the new CARB regulations. Those seeking assistance in navigating this rulemaking should work with experienced California environmental counsel.

Authors

This GT Alert was prepared by:

- [Tim Swickard](#) | +1 530.574.6108 | swickardt@gtlaw.com
- [Madeline Orlando](#) | +1 916.442.1111 | orlandom@gtlaw.com

Additional Contacts

- [Alice L. Kessler](#) | +1 916.868.0605 | kesslera@gtlaw.com
- [Patrick Shannon](#) | +1 916.868.0622 | shannonp@gtlaw.com
- [Thomas R. Brill](#) | +1 949.732.6537 | brillt@gtlaw.com

Albany. Amsterdam. Atlanta. Austin. Boston. Chicago. Dallas. Delaware. Denver. Fort Lauderdale. Germany.† Houston. Las Vegas. London.* Los Angeles. Mexico City.+ Miami. Milan.» Minneapolis. New Jersey. New York. Northern Virginia. Orange County. Orlando. Philadelphia. Phoenix. Sacramento. Salt Lake City. San Francisco. Seoul.∞ Shanghai. Silicon Valley. Tallahassee. Tampa. Tel Aviv.^ Tokyo.* Warsaw.~ Washington, D.C.. West Palm Beach. Westchester County.

*This Greenberg Traurig Alert is issued for informational purposes only and is not intended to be construed or used as general legal advice nor as a solicitation of any type. Please contact the author(s) or your Greenberg Traurig contact if you have questions regarding the currency of this information. The hiring of a lawyer is an important decision. Before you decide, ask for written information about the lawyer's legal qualifications and experience. Greenberg Traurig is a service mark and trade name of Greenberg Traurig, LLP and Greenberg Traurig, P.A. †Greenberg Traurig's Berlin office is operated by Greenberg Traurig Germany, an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. *Operates as a separate UK registered legal entity. +Greenberg Traurig's Mexico City office is operated by Greenberg Traurig, S.C., an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. »Greenberg Traurig's Milan office is operated by Greenberg Traurig Santa Maria, an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. ∞Operates as Greenberg Traurig LLP Foreign Legal Consultant Office. ^Greenberg Traurig's Tel Aviv office is a branch of Greenberg Traurig, P.A., Florida, USA. ‡Greenberg Traurig's Tokyo Office is operated by GT Tokyo Horitsu Jimusho and Greenberg Traurig Gaikokuhojimbengoshi Jimusho, affiliates of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. ~Greenberg Traurig's Warsaw office is operated by GREENBERG TRAUIG Nowakowska-Zimoch Wysokiński sp.k., an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. Certain partners in GREENBERG TRAUIG Nowakowska-Zimoch Wysokiński sp.k. are also shareholders in Greenberg Traurig, P.A. Images in this advertisement do not depict Greenberg Traurig attorneys, clients, staff or facilities. No aspect of this advertisement has been approved by the Supreme Court of New Jersey. ©2021 Greenberg Traurig, LLP. All rights reserved.*