

House Bill 2970

Sponsored by Representative NERON, Senator DEMBROW; Representatives DEXTER, NOSSE (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Environmental Quality Commission to adopt standards prohibiting engine exhaust and evaporative emissions from new small nonroad engines beginning January 1, 2026, unless a later date is required by federal Clean Air Act.

Directs Department of Environmental Quality to establish program to provide incentives for purchase of zero-emission small nonroad equipment.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to small nonroad engines; and prescribing an effective date.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Sections 2 and 3 of this 2023 Act are added to and made a part of ORS**
5 **chapter 468A.**

6 **SECTION 2. (1) As used in this section and section 3 of this 2023 Act:**

7 (a) "Small nonroad engine" means an engine of less than 25 horsepower that is not de-
8 signed primarily to propel a motor vehicle on public highways.

9 (b) "Small nonroad equipment" means any equipment powered by a small nonroad engine
10 or comparable electric motor or other power source.

11 (c) "Zero-emission small nonroad equipment" means small nonroad equipment that
12 produces zero engine exhaust or evaporative emissions.

13 (2) Subject to subsection (3) of this section and consistent with section 209(e) of the fed-
14 eral Clean Air Act, 42 U.S.C. 7543(e), the Environmental Quality Commission shall adopt by
15 rule standards to prohibit engine exhaust and evaporative emissions from new small nonroad
16 engines.

17 (3) Before adopting rules under subsection (2) of this section, the commission must de-
18 termine that the rules adopted will be cost effective and technologically feasible. In deter-
19 mining whether rules will be technologically feasible, the commission shall consider:

20 (a) Emissions from small nonroad engines in this state;

21 (b) Expected timelines for zero-emission small nonroad equipment development;

22 (c) Increased demand for electricity from added charging requirements for more zero-
23 emission small nonroad equipment;

24 (d) Uses by both commercial and residential lawn and garden small nonroad equipment
25 users; and

26 (e) Expected availability of zero-emission generators and emergency response equipment.

27 **SECTION 3. (1) The Department of Environmental Quality shall establish a program to**
28 **incentivize the purchase by businesses of zero-emission small nonroad equipment.**

29 (2) The program established under this section may include rebates or similar financial

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 incentives to allow business owners to transition from equipment that uses internal com-
2 bustion engines to zero-emission small nonroad equipment.

3 (3) The department shall give priority to small businesses, as defined in ORS 183.310,
4 when providing incentives under the program.

5 (4) The Environmental Quality Commission may adopt rules as necessary to implement
6 the provisions of this section.

7 **SECTION 4.** Rules first adopted by the Environmental Quality Commission under section
8 2 of this 2023 Act shall apply to small nonroad engines produced on or after January 1, 2026,
9 unless a later date is necessary to satisfy the requirements of section 209(e) of the federal
10 Clean Air Act, 42 U.S.C. 7543(e).

11 **SECTION 5.** This 2023 Act takes effect on the 91st day after the date on which the 2023
12 regular session of the Eighty-second Legislative Assembly adjourns sine die.

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