

AMENDED IN SENATE JUNE 10, 2026

AMENDED IN ASSEMBLY APRIL 10, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

**ASSEMBLY BILL**

**No. 605**

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**Introduced by Assembly Member Muratsuchi**

February 13, 2025

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An act to add ~~Chapter 6 (commencing with Section 39900) to Part 2 of Division 26 of the Health and Safety Code, relating to air pollution. Section 25534.07 to the Health and Safety Code, and to amend Section 7856 of, and to add and repeal Chapter 3 (commencing with Section 7875) of Part 7.5 of Division 5 of, the Labor Code, relating to employment.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 605, as amended, Muratsuchi. ~~Lower Emissions Cargo Handling Equipment Pilot program. Employment: refineries: task force: safe staffing management plans.~~

*Existing law establishes an accidental release prevention program for the state. Under that law, stationary sources subject to the accidental release prevention program may be required to prepare and submit a risk management plan (RMP) to prevent accidental releases of certain substances. Existing law imposes criminal penalties upon a stationary source that knowingly violates the requirements of the accidental release prevention program.*

*This bill would state findings and declarations concerning refinery closures in California. The bill would create the Refinery Safe Staffing Task Force to develop a set of standards and best practices for retaining safe staffing levels at refineries with membership, as specified, appointed*

*and commencing service no later than January 1, 2028. The bill would require the task force, no later than June 1, 2029, to present to the Legislature and make available online a set of standards and best practices for retaining safe staffing levels at refineries and managing understaffing, and a report documenting the facts, analysis, and investigation upon which the standards are based. The bill would repeal the provisions that would create the task force on January 1, 2030.*

*This bill would require the California Environmental Protection Agency, by January 1, 2028, to adopt regulations that require all refineries, as specified, to develop safe staffing management plans to address staffing risks associated with anticipated refinery closure or long-term idling. The bill would require that the plans, within 6 months following presentation to the Legislature by the Refinery Safe Staffing Task Force of the standards and best practices described above, or by January 1, 2030, whichever is earlier, be required by the regulations, at minimum, to adhere to those standards and best practices, unless the refinery operator presents evidence sufficient to justify deviating from those standards and best practices. The bill would require the regulations to require the plans to be updated periodically and upon announcement of a refinery closure or long-term idling, as specified. The bill would require the regulations to make the plans subject to public comment and presentation to the agency for approval. The bill would make the agency responsible for conducting inspections and investigations to ensure implementation of the refinery's plan, addressing noncompliance through all available and necessary enforcement authority, and posting the drafts, comments, plans, and updates on its internet website, as specified. Because the bill would expand the scope of a crime, it would impose a state-mandated local program.*

*Existing law, the California Refinery and Chemical Plant Worker Safety Act of 1990, the purpose of which is to prevent or minimize the consequences of catastrophic releases of toxic, flammable, or explosive chemicals and eliminate the risks to which workers are exposed in refineries, requires the Division of Occupational Safety and Health to propose, and the Occupational Safety and Health Standards Board to consider for adoption, regulations implementing provisions for refineries, that, among other things, require an employer to develop and implement written operating procedures that provide clear instructions for safely conducting process or business activities.*

*This bill would require the division, by January 1, 2028, to propose, and the board to consider for adoption, regulations that require refinery employers to develop safe staffing management plans to address staffing risks associated with anticipated refinery closure or long-term idling. The bill would require that the plans, within 6 months following presentation to the Legislature by the Refinery Safe Staffing Task Force of the standards and best practices described above, or by January 1, 2030, whichever is earlier, be required by the regulations, at minimum, to adhere to those standards and best practices, unless the refinery operator presents evidence sufficient to justify deviating from those standards and best practices. The bill would require the regulations to require the plans to be updated periodically and upon announcement of a refinery closure or long-term idling, as specified. The bill would require the regulations to make the plans subject to public comment and presentation to the division for approval. The bill would make the division responsible for conducting inspections and investigations to ensure implementation of an employer's plan, addressing noncompliance through all available and necessary enforcement authority, and posting the drafts, comments, plans, and updates on its internet website, as specified.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

~~Existing law, upon the appropriation of funds by the Legislature, requires the State Air Resources Board to allocate funds on a competitive basis for projects that are shown to achieve the greatest emission reductions from each emission source identified, as specified, from activities related to the movement of freight along California's trade corridors, commencing at the state's airports, seaports, and land ports of entry.~~

~~This bill would enact the Lower Emissions Cargo Handling Equipment Pilot program. As part of the pilot program, the state board would be prohibited from adopting a future regulation that prohibits or disallows for the use of its entire useful life from the date of delivery any cargo handling equipment, as defined, that is purchased pursuant to the pilot program before December 31, 2027, as specified. The bill would provide that a piece of cargo handling equipment has qualified for participation~~

~~in and is subject to the pilot program when specified actions have occurred between the time the cargo handling equipment is purchased and the cargo handling equipment is delivered, including that the manufacturer has certified that the equipment meets the emission specifications of less than 1 g CO<sub>2</sub>/kWh or less than 1 g CO<sub>2</sub>/km and that the manufacturer labels the equipment, as specified. The bill would require that a piece of cargo handling equipment subject to the pilot program include, at the time of delivery, a description, warrant, or both, of the useful life of the equipment from the manufacturer, and would prohibit the useful life from exceeding a specified number of years, as provided.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. *The Legislature finds and declares all of the*
- 2     *following:*
- 3     (a) *Multiple refineries in California have closed or announced*
- 4     *closure within recent years, and there is a likelihood that more*
- 5     *will close in the foreseeable future in line with declining demand*
- 6     *for refined products.*
- 7     (b) *Closure announcements at refineries, required, pursuant to*
- 8     *subdivision (p) of Section 25354 of the Public Resources Code, to*
- 9     *be made a year in advance of closure, have precipitated severe*
- 10    *staffing shortages at these refineries during the time period*
- 11    *between the announcement and the completion of the closure, as*
- 12    *workers leave to take new employment opportunities. The shortages*
- 13    *lead to the remaining workers working extraordinarily long shifts,*
- 14    *for extended periods of time, impacting not just their workplace*
- 15    *performance but their ability to get proper rest once at home.*
- 16    *Additionally, the loss of expertise causes further disruption,*
- 17    *impacting efficiency within the workplace.*
- 18    (c) *The staffing shortages and disruptions during the preclosure*
- 19    *time period, and attendant protracted working hours, result in*
- 20    *dangerous levels of worker fatigue, creating risks for both the*
- 21    *workers and the surrounding community. Workers experiencing*
- 22    *fatigue from overlong shifts are more likely to make errors, and*
- 23    *the complex and volatile processes at refineries are prone to*
- 24    *dangerous accidents as a result of any such errors. In addition,*

1 *fatigued workers' response to emergency situations may also be*  
2 *impaired. Accidents at refineries have historically caused both*  
3 *worker injury and death, and widespread health harm to*  
4 *surrounding communities.*

5 *(d) The job market for laidoff refinery workers is difficult, and*  
6 *hence workers need significant incentives to remain at a refinery*  
7 *headed for closure, rather than leaving to take new employment*  
8 *opportunities. Adequate incentives to remain on the job could*  
9 *include extended severance packages, paid job training, extended*  
10 *job placement assistance, logistical assistance, and other financial*  
11 *assistance. However, to date, refinery operators have not provided*  
12 *sufficient incentives of this nature to persuade their workers to*  
13 *remain.*

14 *(e) The twin industrial safety codes applicable to refineries, the*  
15 *Department of Industrial Relations Process Safety Management*  
16 *for Petroleum Refineries regulations (8 Cal. Code Regs. 5189.1)*  
17 *and the California Environmental Protection Agency California*  
18 *Accidental Release Prevention Program 4 regulations (19 Cal.*  
19 *Code Regs. 5110.1 et seq.), set forth general requirements*  
20 *concerning management of organizational change, that, in*  
21 *principle, should encompass plans for refinery closure. However,*  
22 *those requirements have not, to date, been enforced in the context*  
23 *of closure. Additionally, the requirements do not directly address*  
24 *or require the types of measures necessary to retain workers and*  
25 *ensure refinery safety in the runup to closure, and do not require*  
26 *direct involvement and oversight by enforcement authorities.*

27 *(f) In order to ensure worker and community safety in the runup*  
28 *to a refinery closure or long-term idling, it is essential that the*  
29 *state develop and implement robust safety standards specifically*  
30 *applicable to those events.*

31 *SEC. 2. Section 25534.07 is added to the Health and Safety*  
32 *Code, to read:*

33 *25534.07. (a) By January 1, 2028, the agency shall adopt*  
34 *regulations that require all of the following:*

35 *(1) All refineries as defined in subdivision (c) of Section 7853*  
36 *of the Labor Code, including, without limitation, all facilities*  
37 *subject to the California Accidental Release Prevention Program*  
38 *4 regulations, shall develop safe staffing management plans,*  
39 *pursuant to a timeline specified by the agency, to address staffing*  
40 *risks associated with anticipated refinery closure or long-term*

1 idling. Each plan shall be required to include the maximum amount  
2 of reasonably feasible employee retention strategies and  
3 procedures to address risks associated with understaffing.

4 (2) Within six months following presentation to the Legislature  
5 by the Refinery Safe Staffing Task Force of the standards and best  
6 practices described in subdivision (h) of Section 7875 of the Labor  
7 Code, or by January 1, 2030, whichever is earlier, the plans shall  
8 be required to, at minimum, adhere to the standards and best  
9 practices, unless the refinery operator presents evidence sufficient  
10 to justify deviating from those standards and best practices.

11 (3) The plans shall be updated periodically and upon  
12 announcement of refinery closure or long-term idling pursuant to  
13 subdivision (p) Section 25354 of the Public Resources Code, or  
14 other applicable law.

15 (4) The plans, and all updates thereto, shall be presented to the  
16 agency in draft for review and approval, and shall be subject to a  
17 public comment period of at least 30 days. The agency shall  
18 approve a plan after responding substantively in writing to all  
19 public comments received concerning it, and shall reject, and  
20 require prompt amendment to, any draft plan that does not do not  
21 comply with the standards defined in paragraphs (1) and (2).

22 (b) Following an announcement of closure or long-term idling,  
23 and periodically thereafter, the agency shall conduct inspections  
24 and investigations to ensure implementation of the refinery's plan  
25 and shall address noncompliance through all available and  
26 necessary enforcement authority. In addition to the penalties set  
27 forth in Sections 25540 to 25541.5, inclusive, the agency shall,  
28 upon a determination of noncompliance with this section, have the  
29 authority to issue a citation to the operator of the subject refinery,  
30 that shall be in writing, describing with particularity the nature  
31 of the violation, and fixing a reasonable time for abatement of the  
32 alleged violation.

33 (c) The plans, draft plans, draft updates to the plans, final  
34 updates to the plans, and all comments on the draft plans by the  
35 agency shall be promptly posted on the agency's website. Trade  
36 secret claims concerning the contents of the plans shall be  
37 addressed pursuant to the procedures and standards set forth in  
38 Section 25512.

39 SEC. 3. Section 7856 of the Labor Code is amended to read:

1 7856. (a) By March 31, 2014, the board shall adopt process  
2 safety management standards for refineries, chemical plants, and  
3 other manufacturing facilities, as specified in Codes 28 (Chemical  
4 and Allied Products) and 29 (Petroleum Refining and Related  
5 Industries) of the Manual of Standard Industrial Classification  
6 Codes, published by the United States Office of Management and  
7 Budget, 1987 Edition, that handle regulated substances as defined  
8 in subdivision (i) of Section 25532 of the Health and Safety Code  
9 and pose a significant likelihood of accident risk, as determined  
10 by the board. Alternately, upon making a finding that there is a  
11 significant likelihood of risk to employees at a facility not included  
12 in Codes 28 and 29 resulting from the presence of acutely  
13 hazardous materials or explosives as identified in Part 172  
14 (commencing with Section 172.1) of Title 49 of the Code of  
15 Federal Regulations, the board may require that these facilities be  
16 subject to the jurisdiction of the standards provided for in this  
17 section. When adopting these standards, the board shall give  
18 priority to facilities and areas of facilities where the potential is  
19 greatest for preventing severe or catastrophic accidents because  
20 of the size or nature of the process or business. The standards  
21 adopted pursuant to this section shall require that injury prevention  
22 programs of employers subject to this part and implemented  
23 pursuant to Section 6401.7 include the requirements of this part.

24 (b) By January 1, 2026, the division shall propose, and the board  
25 shall consider for adoption, regulations that implement this part  
26 for refineries.

27 (c) (1) *By January 1, 2028, the division shall propose, and the*  
28 *board shall consider for adoption, regulations that require all of*  
29 *the following:*

30 (A) *All refinery employers shall develop safe staffing*  
31 *management plans, pursuant to a timeline specified by the division,*  
32 *to address staffing risks associated with anticipated refinery*  
33 *closure or long-term idling. Each plan shall be required to include*  
34 *the maximum amount of reasonably feasible employee retention*  
35 *strategies and procedures to address risks associated with*  
36 *understaffing.*

37 (B) *Within 6 months following presentation to the Legislature*  
38 *by the Refinery Safe Staffing Task Force of the standards and best*  
39 *practices described in subdivision (h) of Section 7875, or by*  
40 *January 1, 2030, whichever is earlier, the plans shall be required*

1 to, at minimum, adhere to those standards and best practices,  
 2 unless the employer presents evidence sufficient to justify deviating  
 3 from such standards and best practices.

4 (C) The plans shall be updated periodically and upon  
 5 announcement of refinery closure or long-term idling pursuant to  
 6 subdivision (p) of Section 25354 of the Public Resources Code or  
 7 other applicable law.

8 (D) The plans, and all updates thereof, shall be presented to  
 9 the division in draft for review and approval, and shall be subject  
 10 to a public comment period of at least 30 days. The division shall  
 11 approve a plan after responding substantively in writing to all  
 12 public comments received concerning it, and shall reject, and  
 13 require prompt amendment to, any draft plan that does not comply  
 14 with the standards defined in subparagraphs (A) and (B).

15 (2) Following an announcement of closure or long-term idling,  
 16 and periodically thereafter, the division shall conduct inspections  
 17 and investigations to ensure implementation of the employer's  
 18 plan, and shall address noncompliance through all available and  
 19 necessary enforcement authority, including, without limitation,  
 20 citations issued pursuant to Section 6317.

21 (3) The plans, draft plans, draft updates to the plans, final  
 22 updates to the plans, and all comments on the draft plans by the  
 23 division shall be promptly posted on the division's internet website.  
 24 Trade secret claims concerning the contents of the plans shall be  
 25 addressed pursuant to the procedures and standards set forth in  
 26 Section 7873.

27 SEC. 4. Chapter 3 (commencing with Section 7875) is added  
 28 to Part 7.5 of Division 5 of the Labor Code, to read:

29  
 30  
 31

*CHAPTER 3. REFINERY SAFE STAFFING TASK FORCE*

32 7875. (a) There is in the state government the Refinery Safe  
 33 Staffing Task Force consisting of the following members:

34 (1) Three representatives of unions representing proprietary  
 35 employees at refineries as defined in subdivision (c) of Section  
 36 7853, one each appointed by the Governor or their appointed  
 37 Department of Industrial Relations (DIR) Process Safety  
 38 Management (PSM) Unit regional manager, the Speaker of the  
 39 Assembly, and the Senate Committee on Rules, respectively.

1 (2) *Three representatives of unions representing building trades*  
2 *whose members serve as contractors at refineries, one each*  
3 *appointed by the Governor or their appointed DIR PSM Unit*  
4 *regional manager, the Speaker of the Assembly, and the Senate*  
5 *Committee on Rules, respectively.*

6 (3) *Three representatives of refinery employers, one each*  
7 *appointed by the Governor or their appointed DIR PSM Unit*  
8 *regional manager, the Speaker of the Assembly, and the Senate*  
9 *Committee on Rules, respectively.*

10 (4) *Three representatives of nongovernmental organizations*  
11 *whose mission relates to the well-being of workers and refinery*  
12 *communities, one each appointed by the Governor, the Speaker*  
13 *of the Assembly, and the Senate Committee on Rules, respectively.*

14 (5) *Two members of the public with expertise in refinery process*  
15 *safety, to be appointed by the Governor or their appointed DIR*  
16 *PSM Unit regional manager.*

17 (b) *All members shall be appointed and begin serving on the*  
18 *task force no later than January 1, 2028.*

19 (c) *The members of the task force shall serve without*  
20 *compensation, except that they shall receive, upon appropriation*  
21 *of funds for this purpose, their actual and necessary expenses*  
22 *incurred in the performance of their duties and responsibilities,*  
23 *including traveling expenses.*

24 (d) *The task force shall select one of its members to be its chair.*

25 (e) *The task force shall have all of the responsibilities, powers,*  
26 *and duties set forth herein.*

27 (f) *The task force shall consult with, and may utilize, the staff*  
28 *of the DIR PSM Unit.*

29 (g) *The purpose of the task force shall be to develop a set of*  
30 *standards and best practices for retaining safe staffing levels at*  
31 *refineries, during, and especially in the time period preceding, a*  
32 *refinery closure or long-term idling of a refinery, based upon*  
33 *thorough research and investigation.*

34 (h) *No later than June 1, 2029, the task force shall present to*  
35 *the Legislature, and make available online to the public, both of*  
36 *the following:*

37 (1) *A set of standards and best practices for retaining safe*  
38 *staffing levels at refineries and managing understaffing during,*  
39 *and especially in the time period preceding, an announced or*  
40 *anticipated refinery closure or long-term idling of a refinery.*

1 (2) A report documenting the facts, analysis, and investigation  
 2 upon which the standards are based. The report should consider  
 3 and evaluate the standards and best practices referenced in  
 4 paragraph (1), including, as appropriate, a wide range of potential  
 5 methods and strategies for ensuring maximum employee retention  
 6 in the time period preceding refinery closure or long-term idling  
 7 of a refinery, including, without limitation, extended severance  
 8 periods, paid job training, extended job placement assistance,  
 9 priority transfer to other refineries, and financial and logistical  
 10 assistance; and should further consider a wide range of methods  
 11 and strategies for ensuring safe operation in the event of  
 12 understaffing.

13 (i) This chapter shall become inoperative on July 1, 2029, and,  
 14 as of January 1, 2030, is repealed.

15 SEC. 5. No reimbursement is required by this act pursuant to  
 16 Section 6 of Article XIII B of the California Constitution because  
 17 the only costs that may be incurred by a local agency or school  
 18 district will be incurred because this act creates a new crime or  
 19 infraction, eliminates a crime or infraction, or changes the penalty  
 20 for a crime or infraction, within the meaning of Section 17556 of  
 21 the Government Code, or changes the definition of a crime within  
 22 the meaning of Section 6 of Article XIII B of the California  
 23 Constitution.

24 SECTION 1. ~~Chapter 6 (commencing with Section 39900) is~~  
 25 ~~added to Part 2 of Division 26 of the Health and Safety Code, to~~  
 26 ~~read:~~

27  
 28 CHAPTER 6. LOWER EMISSIONS CARGO HANDLING EQUIPMENT  
 29 PILOT PROGRAM  
 30

31 39900. ~~This chapter shall be known, and may be cited, as the~~  
 32 ~~Lower Emissions Cargo Handling Equipment Pilot program.~~

33 39900.1. ~~The Legislature finds and declares all of the following:~~

34 (a) ~~It is in the best interests of all Californians to find innovative~~  
 35 ~~and cost-effective ways to eliminate the localized impacts from~~  
 36 ~~emissions of toxic air contaminants, including diesel emissions~~  
 37 ~~and other criteria pollutants, as quickly as possible, while it is in~~  
 38 ~~the best interests of all global citizens to reduce the total volume~~  
 39 ~~of greenhouse gas emissions.~~

1 ~~(b) The state has accelerated emission reductions in many~~  
2 ~~manners that benefit both local and global emission goals, including~~  
3 ~~through regulatory enactments and the use of strategic incentives.~~

4 ~~(c) The state must maintain its aggressive long-term priority~~  
5 ~~emission reductions goals for decarbonization and the reduction~~  
6 ~~of greenhouse gases through the implementation of zero-emission~~  
7 ~~technologies while also addressing the priority of reducing the~~  
8 ~~public health and air quality impacts of toxic air contaminants and~~  
9 ~~criteria pollutants during the intervening years leading up to and~~  
10 ~~during the implementation of zero-emission technologies.~~

11 ~~(d) In those instances where zero-emission technologies are not~~  
12 ~~yet commercially available, required by law, or economically~~  
13 ~~feasible, transitional technologies can provide an effective bridging~~  
14 ~~technology that results in significant reductions in toxic air~~  
15 ~~contaminants and criteria pollutants in the short term until~~  
16 ~~zero-emission technologies are implemented.~~

17 ~~(e) Impacted California communities benefit from the reduction~~  
18 ~~of toxic air contaminants and criteria pollutants earlier and greater~~  
19 ~~than otherwise required by law.~~

20 ~~(f) The state benefits from the enactment of statutes that~~  
21 ~~encourage regulators and regulated industry to work cooperatively~~  
22 ~~in the utilization and development of innovative new concepts to~~  
23 ~~introduce zero-emission and lower emission equipment into seaport~~  
24 ~~operations in California.~~

25 ~~(g) It is in the best interests of the people of the State of~~  
26 ~~California to achieve cumulative lower emission reduction~~  
27 ~~outcomes at seaports and intermodal yards by application of~~  
28 ~~innovative concepts in partnership with industry in a manner that~~  
29 ~~protects public health and the environment.~~

30 ~~39900.2.— It is the intent of the Legislature to encourage the~~  
31 ~~purchase of equipment and vehicles that are built to existing~~  
32 ~~decarbonization standards adopted by other jurisdictions, including~~  
33 ~~the European Union, prior to the state's adoption of its own~~  
34 ~~zero-emission standards. Subsequent to the purchase of this~~  
35 ~~equipment, the state should not penalize the voluntary adoption~~  
36 ~~of these decarbonization standards for any equipment by~~  
37 ~~prohibiting its use prior to the end of its useful life.~~

38 ~~39900.3.— The Legislature further finds and declares that all~~  
39 ~~emission reductions generated by the deployment of zero-emission~~  
40 ~~cargo handling equipment pursuant to this chapter and prior to the~~

1 adoption of regulations by the State Air Resources Board will  
2 result in a cumulative reduction in diesel toxic air contaminants,  
3 a cumulative reduction of nitrogen oxides emissions, and a  
4 cumulative reduction of greenhouse gas emissions for the life of  
5 the equipment being approved when compared to the current diesel  
6 engine standards. These reductions in emissions will thereby  
7 contribute to public health by reducing the total amount of diesel  
8 toxic air emissions in the state, contribute to a reduction of nitrogen  
9 oxides in nonattainment areas of the state, and reduce the state's  
10 contribution to global greenhouse gases.

11 39900.4. It is further the intent of the Legislature to do all of  
12 the following:

13 (a) Achieve early and extra reductions of local criteria and toxic  
14 air contaminant emissions and greenhouse gas emissions.

15 (b) Maximize near-term local emission reductions of toxic air  
16 contaminants and criteria pollutants and to accelerate global  
17 reductions of greenhouse gas emissions resulting in reductions  
18 that are greater than those that would otherwise occur under current  
19 law.

20 (c) Ensure that the cumulative emission reductions from seaport  
21 and intermodal yard equipment pursuant to this chapter will result  
22 in emissions that are less than the cumulative outcome of acting  
23 pursuant to the current and expected regulatory baseline.

24 (d) Provide owners of cargo handling equipment at California  
25 seaports and intermodal yards certainty about the useful life of  
26 equipment purchased pursuant to this chapter that meets  
27 zero-emission standard of less than 1 g CO<sub>2</sub>/kWh or less than 1 g  
28 CO<sub>2</sub>/km, promulgated by the European Union in Regulation (EU)  
29 2019/1242.

30 (e) Encourage, in California, the investment in, purchase of,  
31 and use of clean cargo handling equipment as early as possible.

32 (f) Support the California goods movement industry to maintain  
33 its competitive advantage and avoid risking disinvestment or cargo  
34 diversion to locations with less stringent environmental regulations.

35 39901. (a) (1) As used in this chapter, "cargo handling  
36 equipment" means any off-road, self-propelled vehicle, or  
37 equipment used at a port or intermodal railyard to lift or move  
38 container cargo that meets the carbon dioxide (CO<sub>2</sub>) emission  
39 performance standard of less than 1 g CO<sub>2</sub>/kWh or less than 1 g  
40 CO<sub>2</sub>/km.

1 ~~(2) Cargo handling equipment includes, but is not limited to,~~  
2 ~~top handlers, side handlers, straddle carriers, reach stackers,~~  
3 ~~forklifts, loaders, and aerial lifts. Cargo handling equipment does~~  
4 ~~not include any equipment that is licensed as an on-road vehicle.~~  
5 ~~Cargo handling equipment does not include any excavators or~~  
6 ~~dozers.~~

7 ~~(b) For purposes of this chapter, cargo handling equipment does~~  
8 ~~not mean any fully automated cargo handling equipment, including~~  
9 ~~equipment that is remotely operated and remotely monitored with~~  
10 ~~or without the exercise of human intervention or control. This~~  
11 ~~section does not limit the use of devices that support~~  
12 ~~human-operated cargo handling equipment, including equipment~~  
13 ~~to evaluate the utilization and environmental benefits of that~~  
14 ~~human-operated equipment.~~

15 ~~39902. A piece of cargo handling equipment has qualified for~~  
16 ~~participation in the Lower Emissions Cargo Handling Equipment~~  
17 ~~Pilot program and is subject to this chapter when all of the~~  
18 ~~following have occurred between the time the cargo handling~~  
19 ~~equipment is purchased and the cargo handling equipment is~~  
20 ~~delivered:~~

21 ~~(a) (1) The manufacturer has certified that the equipment meets~~  
22 ~~the emission specifications of less than 1 g CO<sub>2</sub>/kWh or less than~~  
23 ~~1 g CO<sub>2</sub>/km, the purchase requirement of this chapter, and the~~  
24 ~~date of delivery of the piece of equipment.~~

25 ~~(2) The manufacturer shall procure the opinion of an~~  
26 ~~independent third party to validate that the certification rendered~~  
27 ~~in this subdivision meets the emissions rate of less than 1 g~~  
28 ~~CO<sub>2</sub>/kWh or less than 1 g CO<sub>2</sub>/km.~~

29 ~~(b) The manufacturer physically affixes a label to the cargo~~  
30 ~~handling equipment, or otherwise makes a note, in a prominent~~  
31 ~~and readily viewable location on the cargo handling equipment,~~  
32 ~~that contains both of the following:~~

33 ~~(1) A description that reads, "Purchased pursuant to the Lower~~  
34 ~~Emissions Cargo Handling Equipment Pilot program."~~

35 ~~(2) The dates of purchase and expected delivery.~~

36 ~~(c) The manufacturer produces written copies confirming and~~  
37 ~~containing the manufacturer certification, third-party validation~~  
38 ~~of certification, and proof of equipment labeling or marking~~  
39 ~~pursuant to this section.~~

1 39902.1. ~~At all times postdelivery a piece of pilot technology~~  
2 ~~equipment shall maintain its labeling or notation as a piece of pilot~~  
3 ~~technology equipment.~~

4 39903. ~~(a) A piece of cargo handling equipment subject to~~  
5 ~~this chapter shall include, at the time of delivery, a description,~~  
6 ~~warrant, or both, of the useful life of the piece of cargo handling~~  
7 ~~equipment from the manufacturer. A piece of cargo handling~~  
8 ~~equipment subject to this chapter that does not have a description,~~  
9 ~~warrant, or both, of the useful life of the cargo handling equipment~~  
10 ~~shall not be protected by the terms of this chapter.~~

11 ~~(b) Under no circumstances shall the useful life of the piece of~~  
12 ~~equipment provided under this section exceed the average useful~~  
13 ~~life in years for port or rail operations provided for any specific~~  
14 ~~equipment type as designated in the Emission Estimation~~  
15 ~~Methodology for Cargo Handling Equipment Operating at Ports~~  
16 ~~and Intermodal Rail Yards in California, Table II-6, as prepared~~  
17 ~~by the board in support of adoption of Section 2479 of Title 13 of~~  
18 ~~the California Code of Regulations.~~

19 39904. ~~The state board shall not adopt a future regulation that~~  
20 ~~prohibits or disallows for the use of its entire useful life from the~~  
21 ~~date of delivery any cargo handling equipment that is purchased~~  
22 ~~pursuant to the terms of this chapter before December 31, 2027,~~  
23 ~~and subsequently certified, operated, and maintained pursuant to~~  
24 ~~the terms of this chapter for the duration of its entire useful life.~~

25 39905. ~~Except as prescribed herein, this chapter is not intended~~  
26 ~~to prescribe or otherwise preclude the application of any future~~  
27 ~~emission standards by the board.~~

28 39906. ~~This chapter is self-executing as adopted and does not~~  
29 ~~require any implementing or interpretive rulemaking by the board~~  
30 ~~or any other agency to become operative.~~