



Linda S. Adams
Secretary for
Environmental Protection

Air Resources Board

Mary D. Nichols, Chairman
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Arnold Schwarzenegger
Governor

Notice of Public Workshop to Discuss a Proposed Regulation Prohibiting False Statements

Public Workshop on the Proposed Draft Regulation

ARB staff invites you to participate in a workshop to discuss a proposed draft regulation relating to false statements made to the Air Resources Board (ARB) or its staff. The workshop will provide the public with a chance to discuss the proposed draft regulation with staff and to provide initial comment and feedback. We welcome your participation in this event. For further information, please contact Will Brieger, Office of Legal Affairs, at 916-324-0703.

Workshop Time and Location

The public workshop will be held at the following location:

Date: December 1, 2010
Time: 9:30 a.m. – 12:00 p.m.
Location: Room 550
1001 "I" Street
Sacramento, CA 94814
[Directions to Cal/EPA Headquarters](#)

Background on the Proposed Regulation

The proposed rule is intended to continue improving the quality of information submitted to the Board in any setting, including oral testimony and statements in rulemaking, on-line data reporting, and responses to investigatory requests. ARB requires the best information possible for both the development and implementation of its regulations. The success of many rules depends on complete, accurate reporting, which in turn depends on ARB's ability to ensure truthful reporting.

Therefore, ARB staff is exploring the development of a regulation designed to ensure forthright discussion and reports. Similar rules already exist for information provided to federal agencies and to the California Public Utilities Commission. The contemplated rule would prohibit dishonest testimony, statements or submittals offered to the Board or to its staff. Such a rule would be especially beneficial because the Board's rulemaking and rule implementation relies on the accuracy of technical, scientific, and economic data submitted to the

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption.
For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.*

California Environmental Protection Agency

Proposed 17 CCR §95020
Prohibition on false statements

(a) In any matter within the jurisdiction of the Board, no person may knowingly and willfully do any of the following when transacting any business with or communicating in any manner with the Board or the Board's staff:

- (1) falsify, conceal, or cover up by any trick, scheme, or device a material fact;
- (2) make any materially false, fictitious, or fraudulent statement or representation;
- (3) make or use any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; or
- (4) omit material facts from a communication with an intent to mislead.

(b) "Writing" means handwriting, typewriting, printing, Photostatting, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

(c) "Communicating, communication" includes speaking, writing or submitting any information to the Board or the Board's staff.

(d) A fact is "material" if it is necessary to make the communication, in light of the circumstances under which it was made, not misleading.

(e) Each communication forbidden by this section constitutes a separate violation of this section.

(f) This section and any penalty resulting from its violation are in addition to all other laws of this state.

(g) This section shall not be the basis for any private right of action.

Board. Likewise, a growing number of the Board's programs require regulated parties to self-report certain information.

ARB is interested in approaches that will promote the integrity of information provided to the Board, so that our programs can best reduce emissions and protect public health.

The proposed draft regulation is set forth at <http://www.arb.ca.gov/html/falsestatements/falsestatements.htm>. It would broadly forbid false statements and material omissions made to the Board or its staff. The rule would cover situations presently not addressed by program-specific statutes or existing penal code provisions. Those statutes focus on written documents only.

Workshop Materials

The workshop materials and agenda will be posted prior to the workshop at <http://www.arb.ca.gov/html/falsestatements/falsestatements.htm>. At this website, you may join our electronic mailing list to receive notices of this and other ARB activities and public meetings.

Special Accommodations or Language Assistance

If you require a special accommodation or need this document in an alternate format or language, please contact Claudia Orlando at 916-322-7492 or corlando@arb.ca.gov as soon as possible. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Sincerely,

/s/

Ellen M. Peter,
Chief Counsel
California Air Resources Board

**California Air Resources Board
Public Workshop**

**Proposed Regulation Prohibiting False Statements
December 1, 2010
9:30 a.m. to 12:00 p.m.**

**Cal/EPA Headquarters Building
1001 I Street
Conference Room 550**

Workshop Agenda

- **ARB presentation**
- **Public comments, questions**
 - ❖ Please sign in at the entry to the auditorium;
 - ❖ Please fill out a speaker card if you would like to testify
 - ❖ Please line up to speak at the podium when your name is called
 - ❖ Please state your name and affiliation clearly for the record