



October 26, 2022

Liane M. Randolph, Chair, and Members
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Dear Chair Randolph and Honorable Members of the California Air Resources Board:

The National Association of Clean Air Agencies (NACAA) is pleased to provide comments on the California Air Resources Board's (CARB) proposed Advanced Clean Fleets Regulation (ACF Regulation) announced on September 2, 2022, in the *California Regulatory Notice Register 2022*, Volume Number 35-Z (p. 997).¹ NACAA is the national, non-partisan, non-profit association of air pollution control agencies in 40 states, including 117 local air agencies, the District of Columbia and five territories. The air quality professionals in our member agencies have vast experience dedicated to improving air quality in the U.S. These comments are based upon that experience. The views expressed in these comments do not represent the positions of every state and local air pollution control agency in the country.

CARB's proposed ACF Regulation includes four components: three sets of fleet requirements – for state and local government fleets, drayage trucks and high-priority and federal fleets – and a zero-emission vehicle (ZEV) sales requirement on medium- and heavy-duty (MHD) truck manufacturers. If adopted, the proposed regulation will contribute to the state's achievement of its criteria pollutant and greenhouse gas (GHG) reduction goals and cleaner technology targets, all of which are critical to protecting public health throughout California. To accomplish this, the ACF Regulation will accelerate widespread adoption of ZEVs by requiring certain fleet purchases to be entirely ZEVs beginning in 2024; phasing in additional fleet ZEV purchase requirements; and setting a clear end date of 2040 for the sale of internal combustion engine vehicles broadly for use in affected fleets, thereby establishing a 100-percent ZEV sales requirement for MHD trucks starting with MY 2040. This regulation will build upon CARB's Advanced Clean Trucks Regulation and serve as the next substantial step toward a zero-emission (ZE) future in California, including a ZE transportation system and increased equity for disadvantaged communities.

The ACF Regulation will pull ahead California's progress in fielding clean technology vehicles. This action will help build the supply chains and demonstrate early market scale toward lowering barriers to entry for fleets and incentive program administrators applying these technologies in other jurisdictions and communities across the U.S., thus accelerating the emission reductions attainable from clean ZE MHD vehicles. The breadth and clear regulatory certainty of the ACF Regulation is expected to diversify the already wide market-available range of ZE vehicle and body types, increasing selection and benefitting innovative fleets and their communities well beyond California. Effects such as these are well aligned with NACAA's long-advocated goals for emission reductions from this mobile source sector.

¹ <https://oal.ca.gov/wp-content/uploads/sites/166/2022/09/2022-Notice-Register-Number-35-Z-September-2-2022.pdf?emrc=ee7c94> and <https://ww2.arb.ca.gov/rulemaking/2022/acf2022>

NACAA applauds CARB for, once again, leading the way on important mobile source programs that yield substantial emission reductions from key sectors. We support CARB's proposed ACF Regulation and approval of this regulation by the Board. In addition, NACAA continues to support California's statutory authority under Clean Air Act (CAA) Section 209 to adopt and enforce mobile source programs and the authority of other states across the nation, under Section 177 of the CAA, to adopt and enforce their own locally beneficial programs based on CARB's standards.

NACAA has long advocated for aggressively reducing emissions from numerous categories in the mobile source sector. Most recently, NACAA has strongly urged, and continues to urge, EPA to adopt, by the end of this year, rigorous federal standards for MHD trucks to take effect with the 2027 model year.² We do so for many compelling reasons, particularly the significant NO_x reductions – and related public health benefits – that will result from a federal rule that aligns with CARB's Heavy-Duty Omnibus Regulation in terms of the numeric NO_x emission standards and interim useful life in 2027 and the stringency of important program elements in order to protect the benefits of the numeric standards. In fact, as we have noted to EPA, research and findings that have emerged since adoption of the Omnibus support even more stringent standards and approaches.

EPA's pending MHD NO_x rule has the potential to be an effective first federal step on trucks after more than 20 years of static standards. There are crucial needs for federal action on this pending EPA rule and for subsequent, increasingly more stringent rules for MHD trucks. As large parts of the country fail to attain the health-based National Ambient Air Quality Standards (NAAQS), or teeter on the cusp of it, many state and local air agencies are left with few avenues to achieve the criteria pollutant emission reductions they sorely need, particularly in disadvantaged communities. Without additional regulations, MHD trucks will continue to be one of the largest contributors to the national mobile source NO_x inventory in 2028.

Additionally, most areas of the country are "NO_x-limited," meaning that reducing NO_x emissions is the key to success. In addition, research shows that in some areas of the country NO_x reductions are now "supercharged," meaning that a one-pound reduction in NO_x emissions equals more than a one-pound reduction in ozone. Therefore, failure to adequately address transportation-related NO_x sources will have a direct and consequential impact on state and local air agencies' abilities to fulfill their statutory obligations to attain and maintain federal air quality standards by mandated deadlines and achieve their environmental justice goals.

Further, EPA is in the process of reconsidering the existing particulate matter and ozone NAAQS. Whether either or both standards are strengthened, the fact is that many areas across the county are in need of NO_x reductions just to meet the current NAAQS and provide clean air to their citizens, especially in areas that have long suffered the harmful consequence of environmental inequities.

CARB's proposed ACF Regulation will immediately put in place another key step forward in addressing transportation-related emissions of criteria pollutants and GHGs in California and allow states that choose to individually exercise their right of self-determination under section 177 of the Clean Air Act to join California in adopting the final ACF Regulation or any of its four individual components. In addition, the ACF Regulation – like many California mobile source regulations – could serve as a solid template for EPA should it pursue a federal clean fleets rule.

² https://www.4cleanair.org/wp-content/uploads/NACAA_Comments-EPA_HD_Truck_NPRM-051622lh.pdf

Once again, on behalf of NACAA, we support CARB's proposed ACF Regulation and recommend that the Board approve this program expeditiously. Moreover, we commend CARB for its unwavering leadership in regulating mobile sources to reduce air pollution and protect public health and the environment. Further, we continue to support, without qualification, the vision and intent of Congress, which, since 1967, has protected states' rights by specifically preserving California's authority to regulate emissions from motor vehicles under the waiver provision of Section 209 of the Clean Air Act and, in 1977, extended these rights by allowing other states to adopt California's motor vehicle emission standards under Section 177 if they so desire.

If you have any questions or would like further information, please contact either of us or Nancy Kruger, Deputy Director of NACAA.

Sincerely,



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cc: Steven S. Cliff, CARB, Executive Officer
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