



California Council for Environmental and Economic Balance

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May 3, 2024

Tony Brasil
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Submitted via email to ZEVFleet@arb.ca.gov as a regulatory docket is not yet established.

Re: Initial Workshop on Implementation of AB 1594

Tony and Team ACF,

On behalf of the members of the California Council for Environmental and Economic Balance (CCEEB), we appreciate the opportunity to comment on the March 25, 2024 informal regulatory workshop focused on the implementation of AB 1594 (Garcia, Ch. 585, Statutes of 2023¹).

CCEEB Supports CARB Continuing to Convene Hybrid Meetings

CCEEB would like to thank the California Air Resources Board (CARB) staff for convening a hybrid workshop, with both in-person and remote attendance options. CCEEB believes a hybrid workshop format adds to the transparency and engagement of stakeholders as this imperative set of updates goes through the regulatory process. We encourage CARB to continue hosting hybrid meetings whenever possible.

Public Facing Comment Dockets Enable Consistent, Well-Reasoned Regulation

CCEEB would like to reiterate previous requests that CARB establish a public-facing comment docket for the AB 1594 rulemaking. At the end of the workshop, CARB staff noted that there wasn't going to be a publicly-facing comment docket, nor was there a set deadline for comments to be submitted to CARB. While we recognize that this effort is still in the informal stage of rulemaking, a number of recent CARB rulemakings provided an informal comment docket such that all stakeholders can see what the input from interested parties to the agency². This

¹ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1594

² https://ww2.arb.ca.gov/approved-comments?entity_id=28876
https://ww2.arb.ca.gov/approved-comments?entity_id=28596

democratizing of information is a key aspect of adopting well thought out regulations. In addition, it allows for stakeholders to understand what comments were accepted and rejected by CARB staff. As currently constructed, the submission process of emailing comments to ZEVFleet@arb.ca.gov, without an accessible docket, means that only CARB gets to see all the input. This opaque process does not enable stakeholder dialogue, nor does it allow for solutions or suggestions to be built upon by other stakeholders.

After the workshop, CCEEB sent a request into CARB on this topic (to ZEVFleet@arb.ca.gov). The response received from staff stated that due to the ongoing 45-day ACT regulatory proceeding, CARB did not want to confuse stakeholders by having multiple comment logs at the same time. Though we disagree that stakeholders would be confused, CCEEB requests that all comments from the March 25, 2024 workshop be posted as soon as the ACT docket is closed, and that an ACF listserv notice be sent advising stakeholders that the comments are posted for review.

Daily Use Exemption Requests Should Utilize the Same Methodology, No Matter Who Owns the Specialty Vehicle.

At the workshop, Slide 18 of staff's presentation noted that CARB will use the data for all days submitted for public utility specialized vehicles when it reviews Daily Use Exemption requests and we agree that this is consistent with AB 1594. In addition, CCEEB asks CARB to allow all fleet owners that operate similar specialized vehicles, not just public utility fleets, to be able to base their Daily Use Exemptions based on all days as well. The idea that a bucket truck operated by a public utility will be treated differently than a bucket truck operated by a non-public utility creates additional complexity and market disruptions, and therefore we suggest expanding this methodology to all AB 1594 utility vehicles.

Vehicle Retirement Date should be Determined by the Fleet Owners.

The more nuanced question presented by staff at the workshop was "What Determines a Vehicle's End-of-life Besides Model Year?" Again, this question was only being asked for 'traditional utility specialized vehicles in public agency utility fleets'. CCEEB would like to discuss with staff the concept that both utility and non-utility fleet owners should be able to determine when their specialized utility vehicles have reached their end-of-life prior to the useful life date established by the ACF. Consistent vehicle end-of-life determination would result in implementation, operation, and market benefits for all regulated vehicles

The ACF is a vehicle 'purchase mandate' regulation, and should not force fleets to 'continue to operate' MHD vocational vehicles past their regular end of life cycles. Fleet specific conditions including but not limited to: duty cycles, proximity to the ocean, reliability needs, parts

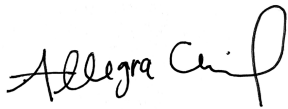
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<https://www.arb.ca.gov/lispub/comm2/bccommlog.php?listname=truregulation-ws>

CCEEB Comments on AB 1594 Initial Workshop

availability requirements, vehicle safety, capital budget and procurement cycles should be the metrics that all fleet owners use to determine when specialty vehicles should be retired before the end of their useful life. These parameters, or metrics, are already established by every fleet operating in California today, and vary with the fleet size and operational geography.

We thank staff for considering our comments toward an implementable regulation and look forward to continuing to work together on the road ahead. Should you wish to follow-up with CCEEB, please contact myself at allegrac@cceeb.org and/or Peter Okurowski at petero@cceeb.org.

Sincerely,

A handwritten signature in black ink that reads "Allegra Curiel". The signature is written in a cursive, flowing style.

Allegra Curiel
Senior Policy Advocate
CCEEB

Cc:

Dr. Sydney Vergis, CARB Deputy Executive Officer for Mobile Sources and Incentives
Tim Carmichael, CCEEB
Peter Okurowski, CCEEB
Jon Costantino, Tradesman Advisors
Members of the CCEEB Air Project and Transportation Energy Task Force