

Sent: Monday, May 22, 2023

Subject: Correction of IPI: Carl Moyer Program and Community Air Protection Program Guidance on AB 794

IPI Team,

The guidance emailed on March 7, 2023 for the Carl Moyer Program and Community Air Protection Program on AB 794 has been corrected to include an update and should be replaced with this email summary.

Please refer to the third prioritization element for updated language.

California Air Resources Board (CARB) announces in accordance with Assembly Bill (AB) 794 (Carrillo, Chapter 748, Statutes of 2021) which establishes that a fleet purchaser is required to meet specific labor standards to receive funding for new drayage and short haul trucks under state incentives programs beginning fiscal year 2022-23. As defined in AB 794 "short-haul trucking service" means movements of goods by truck within a 150-air-mile radius of the normal working reporting location which in service within the state". Incentives recipients purchasing **trucks** are required to complete attestations ensuring compliance with this law. Participating applicants that provide false or misleading information may be barred from future participation in CARB incentives, required to return incentive funding received, and subject to enforcement action and other legal remedies. On behalf of the Carl Moyer Program and Community Air Protection incentives, we ask participating air districts to prioritize the following:

1. Update grantee contracts to include acknowledgement and signature of AB 794 attestation form, available <https://www.cazevlaborlawcompliance.org/s/>. To expedite, the following is sample language:

A fleet purchaser that receives an incentive as a grant, loan, or other form of agreement promises to comply with all of the following AB 794 conditions:

- Be compliant and stay compliant with applicable labor laws, including Section 2810.4 of the Labor Code.
- Complete and submit an attestation, located at <https://www.cazevlaborlawcompliance.org/s/> stating that the applicant is compliant with applicable labor laws, including Section 2810.4 of the Labor Code. [which would include warning to applicant regarding potential consequences for untruthful attestation].
- Confirm that attestation continues to be true annually for a minimum of three years or until the end of this agreement.

- Is liable for the repayment of any incentive if applicant becomes out of compliance with labor laws during the time that the contract entered into is still in effect.
2. Inform the public about how they can submit a labor law complaint, via CARB website, for companies that received funding:
<https://air.arb.ca.gov/Forms/Complaints/LaborViolation>.
 3. The air district or fleet purchaser must report attestation prior to evaluation of grant eligibility.

In recognition that fiscal year 2022-23 grant agreements for the Carl Moyer Program and CAP incentives have already been issued, we ask air districts to prioritize this request as soon as possible to protect all parties involved. We'd also like to extend liaison support for further clarification and/or assistance. Thank you for your patience and responsiveness on this matter.

If you have any questions, please email Yadir Osornio at Yadir.Osornio@arb.ca.gov.

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