



California Trucking Association

4148 E. Commerce Way * Sacramento, CA * 95834

www.caltrux.org

American Trucking Associations

80 M Street SE, Suite 800 * Washington, DC * 20003

www.trucking.org

July 11, 2025

Clerks' Office

California Air Resources Board

1001 I Street

Sacramento, CA 95814

Submitted electronically

RE: Proposed Amendments to the Advanced Clean Trucks Regulation and the Zero-Emission Powertrain Certification Test Procedure

The California Trucking Association (CTA) and American Trucking Associations (ATA) appreciate the opportunity to provide comments on the California Air Resources Board's (CARB) Proposed Amendments to the Advanced Clean Trucks Regulation and the Zero-Emission Powertrain Certification Test Procedure (ACT).

CARB's Actions are Inconsistent with Clean Air Act Requirements

On June 12, 2025, House Joint Resolution (HJR) 87 was signed into law disapproving of the waiver for California's ACT rule provided by the U.S. Environmental Protection Agency (EPA). U.S. Public Law 119-15 formally rescinds EPA's waiver of federal preemption and does not permit continued implementation of the ACT rule.

Under the Clean Air Act (CAA), California must receive and maintain federal preemption waiver approval to enforce their own state specific emission standards. Section 209(b) of the CAA grants California the right to enforce their own standards so long as the EPA "waive application of this section." Without EPA's waiver approval, California cannot enforce their

own standard as if it is being treated as compliant with federal standards.¹ Additionally, CARB has not sought or received approval from EPA for amendments to the ACT rule.

On October 24, 2024, CARB approved amendments to the ACT regulation and instructed the Executive Officer to “forward the Proposed Amendments to the Environmental Protection Agency with a request for a waiver or confirmation that the amendments are within the scope of an existing waiver.”²

Prior to final approval, CARB reversed course and claimed the amendments “establish minor technical revisions” and therefore, do “not need EPA to issue a new waiver of preemption.”³ This dubious claim ignores the fact the amendments exempt an entire category of vehicles (i.e., those with Omnibus-compliant engines) and EPA, not CARB, must make this determination.

CARB has submitted more than 40 within-the-scope waiver requests to EPA, including requests specifically for technical amendments.⁴ The criteria and public comment process EPA uses to evaluate CARB amendments is well established.

If California amends regulations that were previously granted a waiver of preemption, EPA can confirm that the amended regulations are within-the-scope of the previously granted waiver if three conditions are met. First, the amended regulations must not undermine California’s determination that its standards, in the aggregate, are as protective of public health and welfare as applicable federal standards. Second, the amended regulations must not affect consistency with section 202(a) of the Act. Third, the amended regulations must not raise any “new issues” affecting EPA’s prior waivers.

CARB’s failure to submit the ACT amendments to EPA for a waiver determination circumvents this process and results in the California amendments lacking the requisite federal approval.

¹ <https://www.govinfo.gov/content/pkg/USCODE-2013-title42/html/USCODE-2013-title42-chap85-subchapII-partA-sec7543.htm>

² <https://ww2.arb.ca.gov/sites/default/files/barcu/board/books/2024/102424/prores24-5.pdf>

³ <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2024/actzepcert/fsor.pdf>

⁴ <https://www.federalregister.gov/documents/2010/07/30/2010-18791/california-state-motor-vehicle-pollution-control-standards-within-the-scope-determination-for>

CTA and ATA appreciate the opportunity to submit comments on the proposed amendments. For any questions or concerns in regard to our submitted comments, please contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick Chiappe', with a long horizontal flourish extending to the right.

Nick Chiappe
Director, Government and Regulatory Affairs
California Trucking Association
Nchiappe@caltrux.org

A handwritten signature in black ink, appearing to read 'Michael Tunnell', with a long horizontal flourish extending to the right.

Michael Tunnell,
Senior Director, Energy & Environmental Affairs
American Trucking Associations
mtunnell@trucking.org