

July 14, 2025

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

Re: Proposed Amendments to the Advanced Clean Trucks Regulation

Dear Chair Randolph and Honorable Board Members:

The Northeast States for Coordinated Air Use Management (NESCAUM) is writing to express strong support for adopting the proposed amendments to the Advanced Clean Trucks (ACT) regulation by the California Air Resources Board (CARB).

NESCAUM is the regional nonprofit association of state air quality agencies in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. NESCAUM serves as a technical and policy advisor to its members and works with broader groups of states to develop strategies to achieve their shared air quality and climate goals. For more than three decades, NESCAUM has supported states in using the authority under Section 177 of the Clean Air Act to adopt California's motor vehicle emission standards. Currently, NESCAUM hosts a workgroup for Section 177 states across the country to assist with and coordinate state adoption and implementation of California's clean car and truck standards. NESCAUM also facilitates the Multi-State ZEV Task Force, which serves as a unique forum for galvanizing state leadership on complementary programs and policies through research and analysis, information sharing, collective strategizing, and coordinated action on shared priorities.

Medium- and heavy-duty (MHD) vehicles, mostly powered by diesel combustion engines, are a major source of greenhouse gas (GHG) emissions and a significant contributor to smog-forming pollutants that negatively impact public health. These vehicles make up only 5.6 percent of total onroad vehicles in the U.S., but are responsible for 24 percent of GHG emissions,¹ 58 percent of NOx emissions,² and 52 percent of fine particulate matter (PM2.5) emissions from onroad vehicles.³ MHD vehicles also log double the average annual mileage of light-duty vehicles, with their mileage projected to grow due to rapid growth in e-commerce and home delivery of

¹ U.S. Environmental Protection Agency, EPA 430-R-23-002. EPA (2024). Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2022 U.S. Environmental Protection Agency, EPA 430R-24004, <https://www.epa.gov/ghgemissions/inventory-us-greenhouse-gas-emissions-and-sinks-1990-2022>.

² U.S. Environmental Protection Agency, 2020 NEI Supporting Data and Summaries, <https://www.epa.gov/air-emissions-inventories/2020-nei-supporting-data-and-summaries>; Federal Highway Administration, *Annual Vehicle Distance Traveled in Miles and Related Data – 2023(1) By Highway Category and Vehicle Type*, (updated March 2025), <https://www.fhwa.dot.gov/policyinformation/statistics/2023/pdf/vml.pdf>.

³ *Ibid.*

consumer goods.⁴ The adverse impacts of MHD vehicle pollution are even more pronounced in frontline and overburdened communities located near freight distribution hubs, bus depots, and trucking corridors.

In 2021, CARB adopted the ACT regulation to reduce harmful emissions from medium- and heavy-duty vehicles as part of California's comprehensive strategy to achieve state air quality and climate mitigation targets. Since then, ten states have exercised their right under Section 177 of the Clean Air Act to adopt the ACT regulation as a key strategy for meeting their own air quality, public health, and greenhouse gas reduction targets.

Following amendments finalized earlier this year to provide important clarifications and flexibilities for manufacturers, CARB is now proposing a number of amendments to the ACT regulation that will provide even greater flexibility for manufacturers, such as: allowing manufacturers to use excess credits generated in one state to aid in meeting their compliance requirements in other ACT states (also known as "pooling"), increasing the allowed interchangeability of Class 2b-8 non-tractor credits to be used toward offsetting Class 7-8 tractor deficits, and adjusting the order in which manufacturers can retire credits. NESCAUM supports these program changes and, given that pooling will have implications for individual states, appreciates the thoughtful dialogue and collaboration between CARB and the Section 177 States leading up to this proposal.

As the Section 177 states prepared to begin implementation of ACT in their respective jurisdictions, manufacturers preemptively initiated a new practice of restricting the sales of diesel MHD vehicles where a fleet or dealer has not also ordered or purchased a certain number of ZEV vehicles. This practice, referred to by the manufacturers as "ratioing," imposes artificial requirements on the dealers and fleets that are not consistent with the ACT rule. Manufacturers have used ratioing to sow confusion, and also to create a false narrative that electrification of trucks must occur at a more rapid pace and in more vehicle applications than the rule actually requires.

Notwithstanding the atmosphere of misinformation and confusion that the manufacturers have created surrounding ACT, NESCAUM acknowledges that the proposed amendments will provide manufacturers with even greater flexibility to meet their obligations under the rule given the potential for unforeseen market fluctuations, variable market demand across California and the Section 177 States, individual fleet purchase decision uncertainties, and unforeseen supply chain disruptions. Most importantly, these amendments are intended to preserve the emissions reductions expected from the implementation of the ACT regulation, while maintaining the necessary acceleration of the zero-emission truck market.

⁴ Federal Highway Administration, *Annual Vehicle Distance Traveled in Miles and Related Data – 2023(1) By Highway Category and Vehicle Type*, (updated March 2025), <https://www.fhwa.dot.gov/policyinformation/statistics/2023/pdf/vml.pdf>.

As described below, NESCAUM recommends the following minor clarifying changes to the proposed amendments:

1. In §1963(c) Definitions:
 - a. The definitions should apply to sections 1963 through 1963.7;
 - b. The definition of “Advanced Clean Trucks (ACT) pooling state” should be amended to mean “California or a Section 177 state that has adopted ~~and is implementing the requirements of~~ California Code of Regulations, title 13, sections 1963, 1963.1, 1963.2, 1963.3, 1963.4, ~~and~~ 1963.5, and 1963.7 pursuant to the authority set forth in Section 177 of the federal Clean Air Act (42 U.S.C. § 7507) and is implementing the credit and deficit requirements in those sections for a given model year.”
2. In §1963.2(e)(4) Credit Transfer Effective Date: This provision should refer to a date certain instead of a number of days, to avoid confusion and be consistent with the other revised deadlines set throughout the rule.
3. In 1963.3(c)(3) Flexibility to Make Up a Class 7-8 Tractor Group Net Deficit: In regards to the ability of a manufacturer to convert non-tractor NZEV credits to tractor NZEV credits, this should be limited by the provisions in 1963.3(d), which restricts the number of NZEV credits that can be used to satisfy tractor and non-tractor deficits, respectively.

Thank you for the opportunity to comment on the proposed amendments to the ACT regulation. We appreciate California’s continued leadership in protecting the environment and public health from motor vehicle pollution. Our states look forward to continued collaboration in our joint effort to electrify the transportation sector.

Sincerely,



Paul J. Miller
Executive Director

cc: NESCAUM Directors