



July 14, 2025

**VIA upload to CARB public docket**

California Air Resources Board (CARB)  
P.O. Box 2815  
Sacramento, CA 95812

Re: Comments on the Proposed Amendments to the Advanced Clean Trucks (ACT) Regulation

Dear Chair Randolph and Members of the Board:

The American Truck Dealers (ATD), a division of the National Automobile Dealers Association, represents over 3,300 franchised commercial motor vehicle dealers nationwide who sell new and used trucks, tractors, and trailers, and engage in service, repair, and parts sales. ATD's dealer members work with truck owners and operators every day and employ more than 144,000 people. Most dealerships are small businesses, as defined by the Small Business Administration.

ATD supports rational improvements in commercial motor vehicle emissions that align with customer demand. However, we have serious concerns with CARB's attempt to amend the agency's invalidated ACT regulation.

The President's signing on June 12, 2025, of H.J. Res. 87, a Congressional Review Act (CRA) disapproval, voided the Environmental Protection Agency's (EPA) approval of a federal preemption waiver for the ACT regulation.<sup>1</sup> As a result, the regulation—and any substantially similar amendments—are preempted under Section 209 of the Clean Air Act.<sup>2</sup>

If finalized, these amendments cannot be enforced by CARB. Now that the waiver is voided, Section 209 of the Clean Air Act preempts the ACT regulation, and the CRA also prevents EPA from approving any future waivers of rules substantially similar to the preempted regulation. As a result, CARB cannot reasonably expect to receive a federal preemption waiver for these amendments to the ACT regulation.

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<sup>1</sup> H.J. Res. 87, (Pub. L. 119-15) a joint resolution providing congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to "California State Motor Vehicle and Engine Pollution Control Standards; Heavy-Duty Vehicle and Engine Emission Warranty and Maintenance Provisions; Advanced Clean Trucks; Zero Emission Airport Shuttle; Zero-Emission Power Train Certification; Waiver of Preemption; Notice of Decision."

<sup>2</sup> 42 U.S.C. 7543.

The ACT regulation is also preempted in states that adopted this rule under Section 177 of the Clean Air Act, making void and unenforceable, for example, any rule finalizing CARB's proposed use of emissions credits generated in any state to meet compliance requirements in other states.

ATD urges CARB to suspend this attempt to amend the nullified ACT regulation. We remain committed to a realistic and achievable timeline for the deployment of zero emissions trucks—one that gives due consideration to the limited charging infrastructure, prohibitive vehicle costs, and lower customer demand for these vehicles.

Respectfully Submitted,



Patricia H. Doersch  
Senior Director, Regulatory Affairs