

State of California Air Resources Board

Board Item Summary

Item # 26-2-3: Public Hearing to Consider Proposal to Permanently Adopt the Emergency Vehicle Emissions Regulations

Staff Recommendation:

Staff recommends that the California Air Resources Board (CARB or Board) permanently adopt the Emergency Vehicle Emissions Regulations that were initially adopted by CARB under its emergency rulemaking authority on September 15, 2025. These regulations confirm that earlier-adopted regulations remain operative (as previously adopted) until a court resolves the uncertainty caused by federal actions that purported to disapprove federal waivers of preemption under the Clean Air Act (CAA) for CARB's later-adopted Advanced Clean Cars (ACC) II regulations and On-Road Heavy-Duty Engine and Vehicle Omnibus Regulation (Omnibus) emission standards and requirements for heavy-duty engines (HDE).

Discussion:

On January 6, 2025, the United States Environmental Protection Agency (U.S. EPA) granted California's requests for waivers from federal preemption under section 209(b) of the CAA, thereby allowing the state to enforce its ACC II regulations, including the Low-Emission Vehicle (LEV) IV regulations, and its Heavy-Duty Omnibus regulation. Amendments to the OBD (OBD II and HD OBD) regulations were included in both waivers. On June 12, 2025, President Donald Trump signed congressional resolutions purporting to disapprove three of U.S. EPA's valid waiver actions under the CAA, including those regarding the ACC II and Heavy-Duty Omnibus regulations. California and several other states promptly brought suit to challenge those resolutions. Litigation concerning these actions is pending before the United States District Court for the Northern District of California. CARB will not address the substance of the litigation in this item while it is before the court.

CARB remains focused on lawful steps to protect public health and air quality, maintain regulatory integrity, and meet its statutory obligations when reducing emissions from new motor vehicles. In particular, the uncertainty created by the federal government's actions created an emergency situation by purporting to disapprove preemption waivers that authorized enforcement of more stringent vehicle emission standards. The federal action created questions about which regulations would be applicable to vehicles sold in

California. This situation called for immediate action to avoid serious harm to public health, safety, or general welfare pursuant to Government Code sections 11346.1 and 11342.545. As such, CARB adopted the Emergency Vehicle Emissions Regulations via emergency rulemaking, effective October 2, 2025, to clarify which regulations are applicable and to ensure that new vehicles and engines can continue to be sold in California.

Under the proposed permanent adoption of the Emergency Vehicle Emissions Regulations, manufacturers may continue certifying vehicles and engines pursuant to the standards and requirements that were in effect prior to the adoption of the Omnibus Regulation and ACC II. The proposed Emergency Vehicle Emissions Regulations maintain protective emission standards for vehicles and engines while ensuring manufacturers can sell vehicles and engines in California.

Accordingly, staff recommends that the Board permanently adopt the Emergency Vehicle Emissions Regulations adopted via emergency rulemaking.

Summary and Impacts:

This proposal clarifies that the LEV III regulation and associated OBD requirements, and the pre-Omnibus Regulation and associated OBD requirements, remain operative, thereby confirming a baseline regulatory framework to protect public health from the threat of uncontrolled motor vehicle emissions. In doing so, this action protects public health and ensures certainty for the regulated community.

As explained in the staff report, staff's recommendation to make permanent the Emergency Vehicle Emissions Regulations is consistent with prior environmental analysis and is therefore not expected to result in adverse impacts to the environment, including current statewide levels of oxides of nitrogen (NO_x) or particulate matter (PM) emissions, and consequently to health impacts, since the proposed regulatory action will ensure that new engines and vehicles will continue, at a minimum, to adhere to LEV III and pre-Omnibus emission standards. In fact, as shown through the emissions modeling completed by staff, there will be a beneficial impact on air quality as NO_x and PM emissions will decrease compared to current physical conditions as a result of the proposal.

In addition, staff does not anticipate any new incremental cost or environmental impacts from its recommendation to make permanent the Emergency Vehicle Emissions Regulations. The compliance pathways available to manufacturers have long been established and were previously implemented. Manufacturers have either already achieved or planned to achieve compliance with these familiar regulations through one or more established pathways. Manufacturers are expected to comply with the Emergency Vehicle Emissions Regulations using the same compliance methods and technologies that are used at the federal level. Emissions under the regulations will continue to decrease from current levels.