

Proposed Amendments to the Advanced Clean Fleets and Low Carbon Fuel Standard Regulations

Resolution 25-9

September 25, 2025

Agenda Item No.: 25-6-8

Whereas, sections 39600 and 39601 of the Health and Safety Code authorize the California Air Resources Board (CARB or Board) to adopt standards, rules, and regulations, and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

Whereas, the Legislature in Health and Safety Code section 39602 has designated the Board as the air pollution control agency for all purposes set forth in federal law;

Whereas, CARB is responsible for the preparation of the State Implementation Plan (SIP) for attaining and maintaining the National Ambient Air Quality Standards as required by the federal Clean Air Act (42 U.S.C. § 7401 et seq.);

Whereas, CARB has primary responsibility for the control of air pollution from vehicular sources, including motor vehicle fuels, as specified in Health and Safety Code section 39002, section 39500, and Division 26, Part 5, and for ensuring that the districts meet their responsibilities under the Clean Air Act pursuant to Health and Safety Code sections 39002, 39500, 39602, 41650, and 41652;

Whereas, CARB is authorized by section 39600 of the Health and Safety Code to do such acts as may be necessary for the proper execution of its powers and duties;

Whereas, Health and Safety Code section 39602 also provides that the SIP shall include only those provisions necessary to meet the requirements of the Clean Air Act;

Whereas, federal law set forth in section 110(l) of the Act, 42 U.S.C. section 7410(l), and Title 40, Code of Federal Regulations (CFR), section 51.102, requires that one or more public hearings, preceded by at least 30 days' notice and opportunity for public review, must be conducted prior to the adoption and submittal to U.S. Environmental Protection Agency (U.S. EPA) of any SIP revision;

Whereas, as required by federal law, the Board made the proposed regulatory amendments available for public review beginning on August 1, 2025, at least 30 days prior to the September 25, 2025, hearing date;

The Climate Must Be Protected

Whereas, the Legislature has enacted the California Global Warming Solutions Act of 2006 (Assembly Bill (AB) 32),¹ which declares that global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California;

Whereas, AB 32 added Division 25.5 to the Health and Safety Code, including section 38501, which expresses the Legislature's finding that global warming poses a serious threat and the Legislature's intent that the Board coordinate with State agencies and consult with the environmental justice community, industry sectors, business groups, academic institutions, environmental organizations, and other stakeholders in implementing AB 32; and design emissions reduction measures to meet the statewide emissions limits for greenhouse gases (GHG) in a manner that minimizes costs and maximizes benefits for California's economy, maximizes additional environmental and economic co-benefits for California, and complements the State's efforts to improve air quality;

Whereas, California experiences a wider range of the effects of climate change and suffers these effects to a greater degree than other states in the nation, including extreme and prolonged drought, dwindling supplies of fresh water from loss of snowpack, more extensive and severe wildfires, and rising storm surges and sea levels;²

Whereas, the increase in the size and severity of California wildfires is directly responsible for adding to the air thousands of tons of the criteria air pollutants designated under the Act,³ including particulate matter (PM), oxides of nitrogen (NOx), and volatile organic compounds, which threaten public health in California and well beyond California's borders;⁴

Whereas, historically U.S. EPA has recognized the effects of climate change and rising temperatures from GHG emissions make it more difficult to reduce ozone air pollution that threatens public health;⁵

Whereas, in June 2005, in recognition of the devastating impacts of climate-changing emissions on California, Governor Arnold Schwarzenegger issued Executive Order S-3-05 to establish the following targets to reduce GHG emissions: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; and by 2050, reduce GHG emission to 80% below 1990 levels;

Whereas, in March 2012, Governor Edmund G. Brown, Jr. issued Executive Order B-16-12, which reaffirms a 2050 GHG emissions reduction target stipulating specifically that the transportation sector achieve an 80% reduction below 1990 levels;

Whereas, in April 2015, Governor Brown issued Executive Order B-30-15, which establishes an interim GHG emissions reduction target of 40% below 1990 levels by 2030 to ensure

¹ Health & Safety Code § 38500 et seq. (Nuñez, ch. 488, Stats. of 2006).

² See, e.g., discussion of evidence in 78 Fed. Reg. 2,112, 2,129 (Jan. 9, 2013); State of California Governor's Office of Planning and Research, California Energy Commission, California Natural Resources Agency, California's Fourth Climate Change Assessment Statewide Summary Report (hereinafter "Fourth Climate Change Assessment Statewide Summary"), Report # SUM-CCCA4-2018-013, August 27, 2018, available at: https://www.energy.ca.gov/sites/default/files/2019-11/Statewide_Reports-SUM-CCCA4-2018-013_Statewide_Summary_Report_ADA.pdf.

³ 42 U.S.C. § 7401, et seq.

⁴ See Fourth Climate Change Assessment Statewide Summary.

⁵ See 74 Fed. Reg. 32,744, 32,763 (July 8, 2009).

California achieves meaningful early emissions reduction on a trajectory to meet the 2050 targets, and which was subsequently adopted by the Legislature in Senate Bill 32;⁶

Whereas, section 38505 of the Health and Safety Code defines GHGs as including carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride;

Whereas, section 38510 of the Health and Safety Code designates CARB as the State agency charged with monitoring and regulating sources of GHG emissions in order to reduce these emissions;

Whereas, sections 38560, 38562, and 38566 of the Health and Safety Code direct the Board to adopt regulations in an open public process to achieve the maximum technologically feasible and cost-effective reductions in GHG emissions in furtherance of achieving the statewide limit and, to the extent feasible and in furtherance of achieving the statewide GHG emissions limit, to design its GHG regulations in a manner that is equitable, seeks to minimize costs and maximize the total benefits to California, and encourages early action to reduce GHG emissions; and

Whereas, section 38580 of the Health and Safety Code charges CARB with monitoring compliance and enforcing its regulations under AB 32.

Motor Vehicle Pollution Threatens Public Health

Whereas, section 39003 of the Health and Safety Code directs the Board to systematically attack the serious air pollution problems caused by motor vehicles;

Whereas, mobile sources in California are the greatest contributor to emissions of criteria pollutants under state and federal law, including fine particulate matter (PM_{2.5}) and the precursors for ground-level ozone of NO_x and hydrocarbons, and to GHG emissions, accounting for about 80% of ozone precursor emissions and approximately 50% of statewide GHG emissions when accounting for transportation fuel production and delivery;

Whereas, exposure to PM_{2.5} increases the risk to individuals of developing cardiovascular and respiratory issues, especially if these individuals live closer to roadways and fuel distribution facilities;

Whereas, exposure to ground-level ozone can cause irritation of and damage to lung tissue, worsen asthma and chronic illnesses including obstructive pulmonary disease and reduced lung function, and lead to premature death;

Whereas, section 43000 of the Health and Safety Code states the Legislature's finding that dependence on petroleum-based fuels in motor vehicles substantially degrades air quality and threatens public health;

Whereas, motor vehicles are self-propelled devices by which persons or property may be propelled, moved, or drawn upon a highway, under Health and Safety Code section 39039 and Vehicle Code sections 415 and 670;

Whereas, sections 43013, 43100, 43101, 43102, and 43104 of the Health and Safety Code authorize the Board to adopt emissions standards, in-use performance standards, and test procedures to control air pollution caused by motor vehicles and motor vehicle engines, including light- and medium-duty motor vehicles;

⁶ Health & Safety Code § 38566 (Pavley, ch. 249, Stats. of 2016).

Whereas, section 43013(a) of the Health and Safety Code directs the Board to “adopt and implement motor vehicle emissions standards, in-use performance standards, and motor vehicle fuel specifications for the control of air contaminants and sources of air pollution which the state board has found to be necessary, cost effective, and technologically feasible ... unless preempted by federal law”;

Whereas, section 43018(a) of the Health and Safety Code directs the Board to achieve the maximum degree of emissions reduction possible from vehicular and other mobile sources to attain the State ambient air quality standards at the earliest practicable date;

Whereas, section 43018(c) of the Health and Safety Code provides that in carrying out section 43018, the Board shall adopt standards and regulations that will result in the most cost-effective combination of control measures on all classes of motor vehicles and motor vehicle fuels, including, but not limited to, reductions in motor vehicle exhaust and evaporative emissions and reductions in in-use vehicular emissions through durability, performance improvements, and specification of vehicular fuel composition;

Whereas, section 43104 of the Health and Safety Code directs the Board to adopt testing and other procedures necessary to determine whether vehicles are in compliance with the Board’s emissions standards;

Whereas, section 43105 of the Health and Safety Code provides that no new motor vehicle or engine required to meet the Board’s vehicle emissions standards shall be sold to the ultimate purchaser, ordered or delivered for sale to the ultimate purchaser, or registered in this State if the manufacturer has violated emissions standards or test procedures and has failed to take corrective action, which may include recall of vehicles or engines, specified by the Board in accordance with its regulations; and provides that the Board shall establish procedures for determining, and the facts constituting, compliance or failure of compliance;

Whereas, section 43106 of the Health and Safety Code requires each new motor vehicle or new motor vehicle engine required to meet the Board’s emissions standards to be, in all material respects, substantially the same in construction as the test motor vehicle or engine that has been certified by the Board to be sold or offered for sale in California;

Whereas, CARB has greatly improved air quality in the State over the past half century. Smog alerts, which peaked at one almost every other day during the 1960s, have been eliminated, while during this time the State has grown its economy while becoming a world leader in environmental policies and clean technologies;

Whereas, despite California’s great progress reducing air pollution, more than half (21 million out of nearly 40 million) of all Californians live in urban and rural downwind areas that exceed the most stringent National Ambient Air Quality Standard for ozone of 70 parts per billion and California has the only two areas in the nation that are designated in extreme nonattainment of this standard;

Whereas, in January 2018, Governor Gavin Newsom issued Executive Order B-48-18 to build upon past efforts to boost zero-emission vehicles (ZEVs) by ordering State entities to “work with the private sector and all appropriate levels of government to put at least 5 million ZEVs on California roads by 2030,” and to “spur the construction and installation of 200 hydrogen fueling stations and 250,000 ZEV chargers, including 10,000 direct current fast chargers, by 2025”;

Whereas, in September 2019, Governor Newsom issued Executive Order N-19-19 to require every aspect of State government to redouble efforts to reduce GHG emissions and to mitigate the impacts of climate change while building a sustainable and inclusive economy. The

Executive Order specifically directs CARB to propose new strategies to increase demand in the primary and secondary markets for ZEVs, and to consider strengthening existing regulations or adopting new regulations to achieve necessary GHG reductions in the transportation sector;

Whereas, in September 2020, Governor Newsom issued Executive Order N-79-20 to establish a goal that, in pertinent part, 100% of medium- and heavy-duty vehicles in the state be zero-emission (ZE) by 2045 for all operations where feasible, and that 100% of drayage trucks be ZE by 2035. The Executive Order further directs CARB to develop and propose “medium- and heavy-duty vehicle regulations requiring “increasing volumes of new ZE trucks and buses sold and operated in the state towards the target of 100% of the fleet transitioning to ZEVs by 2045 everywhere feasible and for all drayage trucks to be ZE by 2035;”

Whereas, in September 2022, the Legislature passed the California Climate Crisis Act (AB 1279),⁷ which would declare as the policy of the state to achieve net zero GHG emissions as soon as possible, but no later than 2045, to achieve and maintain net negative GHG emissions thereafter, and to ensure that by 2045, statewide anthropogenic GHG emissions are reduced to at least 85% below the 1990 levels. The bill requires the Board to work with relevant State agencies to ensure that updates to the Scoping Plan identify and recommend measures to achieve these policy goals; and

Whereas, on June 12, 2025, Governor Newsom issued Executive Order N-27-25 which reaffirms California’s commitment to accelerate the deployment of zero-emission technologies, including passenger, medium- and heavy-duty vehicles, consistent with the deployment targets and other actions directed in Executive Order N-79-20, to the extent consistent with State law and other legal requirements.

Overburdened Populations Suffer Disproportionately From Pollution

Whereas, despite the significant public health improvements produced by CARB’s air quality programs, California’s overburdened communities, low-income communities, and communities of color continue to experience disproportionate impacts from air pollutants and GHGs, among other inequities that increase residents’ health vulnerabilities;

Whereas, section 44391.2 of the Health and Safety Code requires CARB to develop a statewide strategy to reduce emissions of toxic air contaminants and criteria air pollutants in communities affected by a high cumulative exposure burden, including from mobile sources;

Whereas, the Legislature enacted AB 197,⁸ which declares that continuing to reduce GHG emissions is critical for protecting all areas of the State, but especially for the State’s most disadvantaged communities, as those communities are affected first and most frequently by adverse impacts of climate change, including increased frequency of extreme weather events such as drought, heat waves, and flooding;

Whereas, AB 32 added section 38565 to the Health and Safety Code, directing CARB to ensure, where applicable and to the extent feasible, that CARB’s GHG emissions reduction regulations and programs direct public and private investment toward the most disadvantaged

⁷ Health & Safety Code § 38562.2 (Muratsuchi, ch. 337, Stats. of 2022).

⁸ Gov. Code § Article 7.6 (commencing with section 9147.10) to Chapter 1.5 of Part 1 of Division 2 of Title 2 and to amend Health & Safety Code §§ 39510 and 39607 and add 38506, 38531, 38562.5, and 38562.7 (E. Garcia, ch. 250, Stats. of 2016).

communities in California and provide an opportunity for community institutions to benefit from statewide efforts to reduce GHG emissions;

Whereas, improving access to clean transportation and mobility options for low-income households and communities most impacted by pollution supports equity and environmental justice and is key in reducing emissions;

Whereas, CARB recognizes the imperative to meaningfully integrate equity and environmental justice considerations into programs and policies in partnership with affected communities; and

Whereas, higher priority must be placed on identifying all feasible actions CARB can take as soon as possible, regulatory and otherwise, and promoting environmental justice and equity in each action, consistent with applicable state and federal law.

Compliance with Requirements for Considering Regulatory Proposals

Whereas, CARB's regulatory program that involves the adoption, approval, amendment, or repeal of standards, rules, regulations, or plans has been certified by the Secretary for Natural Resources under Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA; California Code of Regulations (Cal. Code Regs.) title 14, section 15251(d)), and CARB conducts its CEQA review according to this certified program (Cal. Code Regs., tit. 17, §§ 60000-60007);

Whereas, CARB determined that the proposed amendments are exempt from the requirements of CEQA under Pub. Resources Code § 21080(b)(4), and are also exempt as described in CEQA Guidelines sections 15061(b)(3), 15301, 15307, 15308 and 15311, as described in Chapter VII of the Initial Statement of Reasons (ISOR or Staff Report);

Whereas, CARB also determined that, for the proposed amendments, CARB can rely on the environmental analysis prepared under its certified regulatory program included in the Final Environmental Analysis for the Advanced Clean Fleets Regulation (Final ACF EA) certified on April 24, 2023, in Resolution 23-13 and the Final Environmental Impact Analysis for the Low Carbon Fuel Standard Amendments (Final LCFS EIA) certified on November 8, 2024, in Resolution 24-14. The Board has considered these prior environmental analyses and the addendum prepared thereto. As explained in the addendum-equivalent chapter in CARB's Staff Report for the proposed amendments, no additional environmental review is required because the record evidence shows that the amendments will not result in new significant adverse environmental impacts or a substantial increase in severity of previously identified significant adverse impacts, as described in Chapter VII of the ISOR;

Whereas, a public hearing and other administrative proceedings have been held according to the provisions of Chapter 3.5 (commencing with section 11340), part 1, division 3, title 2 of the Government Code;

Whereas, on April 27, 2023, the Advanced Clean Fleets (ACF) regulation was approved by the Board. The ACF regulation has four parts: three zero-emission vehicle (ZEV) purchase requirements for State and Local Government Fleets, High Priority and Federal Fleets, and Drayage Trucks, as well as a 100% ZEV sales requirement for medium- and heavy-duty manufacturers by 2036;

Whereas, on October 8, 2023, the Legislature enacted AB 1594,⁹ which directs CARB to amend the ACF regulation to allow a public agency utility to submit comprehensive usage data

⁹ California Vehicle Code, Division 12.5, Section 28500 (E. Garcia, ch. 585, Stats. 2023).

for a class of vehicles that does not exclusively rely on the lowest mileage reading and does not exclude the highest usage days when applying under ACF's Daily Usage Exemption. AB 1594 also requires CARB to define a "traditional utility-specialized vehicle" and to consult with public agency utilities to determine what criteria can be used to determine the end-of-life for traditional utility-specialized vehicles without regard to the model year of the vehicle being replaced;

Whereas, on December 28, 2023, CARB widely circulated a notice to affected fleets of CARB's decision to delay any enforcement action on the drayage or high priority fleet reporting requirements or drayage registration prohibitions until the U.S. EPA granted a preemption waiver applicable to those regulatory provisions or determined a waiver is not necessary. This letter was updated on October 25, 2024, to let regulated entities know they could voluntarily request extensions and exemptions under the ACF regulation until U.S. EPA granted a preemption waiver or determined a waiver is not necessary;¹⁰

Whereas, on October 1, 2024, the non-discretionary portions of AB 1594 which defined a "public agency utility" and allowed the entire public agency utility fleet to get broader access to the Daily Usage Exemption became effective under Section 100 changes Cal. Code Regs., Title 1, § 100(a)(5) and (6));

Whereas, on January 13, 2025, CARB withdrew its request for a waiver and authorization for the addition of the ACF regulation to California's emissions control program;

Whereas, on June 12, 2025, President Trump signed unconstitutional and illegal resolutions purporting to disapprove three of U.S. EPA's decisions to grant California waivers of federal preemption, authorizing enforcement of several of its regulatory programs to control emissions from new motor vehicles, including from new trucks, under the ACT Regulation and the Omnibus Regulations. Those resolutions are currently the subject of litigation;¹¹

Whereas, the proposed amendments would amend the ACF State and Local Government Agency Fleet requirements of Cal. Code Regs., title 13, sections 2013, 2013.1, 2013.2, 2013.3, and 2013.4, move parts of Cal. Code Regs., title 13, section 2013 into newly adopted sections 2013.5, 2013.6, and 2013.7 to fully satisfy the statutory requirements of AB 1594 identified in section 28500 of the California Vehicle Code;

Whereas, the proposed amendments would copy the relevant text set forth in Cal. Code Regs., title 13, section 2015 for ZEV Fleet Milestones Option into Cal. Code Regs., title 13, section 2013 and repeal ACF Drayage requirements in Cal Code Regs., title 13, Chapter 1, Article 3.2, Section 2014, and the ACF High Priority and Federal Fleet requirements in Cal. Code Regs., title 13, Chapter 1, Article 3.2, Section 2015; and

Whereas, the proposed amendments would amend the Low Carbon Fuel Standard (LCFS) Cal. Code Regs., title 17, section 95486.3, which would provide stronger crediting support for hydrogen stations.

¹⁰ CARB, Advanced Clean Fleets Enforcement Notice. December 28, 2023; updated October 25, 2024. (web link: https://ww2.arb.ca.gov/sites/default/files/2024-10/241025acfnnotice_ADA.pdf, last accessed March 18, 2025).

¹¹ Including *State of California, et al., v. United States of America, et al.* (N.D. Cal.), case no. 3:25-cv-04966.

The Findings of the California Air Resources Board

Whereas, in consideration of the Notice of Proposed Rulemaking for these regulations, ISOR, the documents and evidence referenced and incorporated in these documents, written comments, and public testimony on the proposed regulations, the Board finds that:

Repealing the Drayage, and High Priority and Federal Fleet requirements from ACF provides greater certainty to those entities that they do not need to demonstrate compliance, and there are no impacts on costs or emissions due to this administrative action;

The proposed amendments fully satisfy the statutory requirements of AB 1594 (identified in section 28500 of the California Vehicle Code);

The proposed LCFS amendments would provide stronger crediting support for hydrogen stations and more adequately support development of stations that can accommodate the refueling demand of larger medium-duty hydrogen fuel cell electric vehicles;

The proposed regulations do not contain a scientific basis or scientific portion that is subject to peer review, and thus no peer review as set forth in Health and Safety Code section 57004 is needed;

The proposed amendments were developed in an open public process, in consultation with affected parties, through numerous public workshops, individual meetings, and public outreach efforts are expected to continue beyond the rulemaking;

CARB considered alternatives to the amendments and no reasonable alternatives to the amendments considered to date, or that have otherwise been identified and brought to the attention of CARB, would be more effective at carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected entities than the proposed regulation;

The proposed amendments are consistent with CARB's environmental justice policies and do not disproportionately impact people of any race, culture, income, or national origin;

The proposed amendments are determined to be exempt from the requirements of CEQA under Pub. Resources Code § 21080(b)(5) and CEQA Guidelines §§ 15061(b)(3), 15301, 15307, 15308 and 15311; and

The proposed amendments do not present any of the circumstances requiring further environmental review because there are no changes that involve new significant environmental effects, or a substantial increase in severity of previously identified significant effects, or any other circumstances requiring further environmental review beyond what was analyzed and disclosed in the Final ACF EA certified in April 2023 and the Final LCFS EIA certified in November 2024.

The Resolutions of the California Air Resources Board

Now, therefore, be it resolved that the Board hereby approves for adoption:

The relevant text set forth in Cal. Code Regs., title 13, section 2015, for incorporating the ZEV Fleet Milestones Option into Cal. Code Regs., title 13, section 2013;

The amendments to the ACF State and Local Government Agency Fleet requirements of Cal. Code Regs., title 13, sections 2013, 2013.1, 2013.2, 2013.3, and 2013.4, moving parts of 2013 into newly adopted sections 2013.5, 2013.6, and 2013.7;

Repealing the ACF Drayage requirements in Cal Code Regs., title 13, Chapter 1, Article 3.2, Section 2014;

Repealing the ACF High Priority and Federal Fleet requirements in Cal Code Regs., title 13, Chapter 1, Article 3.2, Section 2015; and

Amending the LCFS Regulation set forth in Cal. Code Regs., title 17, section 95486.3, as set forth in Appendix A of the Initial Statement of Reasons released to the public on August 1, 2025.

Be it further resolved that the Board directs the Executive Officer to utilize the exemption criteria to ensure the regulation has no adverse impact on essential public services and to consult with state and local government entities to resolve their concerns.

Be it further resolved that the Board directs the Executive Officer to extend the 50 percent ZEV Purchase Schedule until 2030 and allow small fleets and those located in designated counties to continue to wait until 2030 before they need to purchase any ZEVs at all, as well as extend AB 1594 flexibilities to all state and local government fleets. These changes will shift the ZEV purchase schedule to align with the ZEV market where it is today and recognize the uncertainty caused by our current federal administration.

Be it further resolved that if the Executive Officer determines that additional sufficiently-related substantial modifications are appropriate, the modified regulatory language shall be made available for public comment, with any additional supporting documents and information, for at least 15 days, and the Executive Officer shall consider written comments submitted during the public review period and make any further modifications that are appropriate available for public comment for at least 15 days. The Board delegates to the Executive Officer the authority to both (1) either approve or disapprove proposed changes in regulatory language under Government Code section 11346.8(c), and (2) conduct any appropriate further environmental review associated with such changes, consistent with the Board's Certified Regulatory Program regulations, at California Code of Regulations, title 17, sections 60000-60008, for those sufficiently-related substantial modifications. Alternatively, rather than taking action on the proposed modifications, the Executive Officer may instead present the modifications, and any appropriate further environmental review associated with the modifications, to the Board for further consideration, if the Executive Officer determines further Board consideration is warranted.

Be it further resolved that the Board hereby adopts the proposed regulatory action, as revisions to the California State Implementation Plan (SIP).

Be it further resolved that the Board hereby directs the Executive Officer to take all necessary actions to incorporate the proposed regulatory action, together with the appropriate supporting documentation, as a revision to the California SIP.

Be it further resolved that the Board directs the Executive Officer to work with the District and U.S. EPA and take appropriate action to resolve any completeness or approvability issues that may arise regarding incorporating the regulatory action as a revision into the SIP.

Be it further resolved that the Board authorizes the Executive Officer to include in the submission of the SIP revision any technical corrections, clarifications, or additions that may be necessary to secure U.S. EPA approval.

Be it further resolved that the Board directs the Executive Officer to negotiate with manufacturers of light, medium-, and heavy-duty vehicles and engines means to further CARB's emission-reduction goals; notwithstanding Board Resolution 05-40, any memorandum of understanding or similar agreement reached as a result of these negotiations shall become effective upon signature by the Executive Officer. Further resolved, the Executive Officer shall have discretion as to whether to solicit public comment on any potential memorandum of understanding and as to whether to present such memorandum to the Board in public session.

Be it further resolved that the Board certifies that the proposed regulatory action was adopted after notice and public hearing as required by section 110(l) of the Clean Air Act and 40 CFR, Section 51.102.

Be it further resolved that the Board hereby determines that California continues to face compelling and extraordinary air quality goals and challenges.

Be it further resolved that the proposed regulations were developed using the best available economic and scientific information and will achieve technologically feasible and cost-effective criteria pollutant emission reductions from vehicles.

Be it further resolved that the proposed regulations are necessary for the health, safety, and welfare of the people of the State.

Be it further resolved that the proposed regulations are necessary, appropriate, and technologically feasible.

Be it further resolved that the Board hereby determines that the regulations adopted herein, in conjunction with other elements of California's motor vehicle emissions control program, will render California's motor vehicle emissions standards, in the aggregate, to be at least as protective of public health and welfare as applicable federal standards.

Be it further resolved that because of the significant public health and welfare benefits of the proposed regulations and the time needed by the regulated community to comply, the Board hereby determines there is good cause for the regulations to become effective as expeditiously as possible.

Be it further resolved that the Board directs the Executive Officer to finalize the Final Statement of Reasons, submit the completed rulemaking package to the Office of Administrative Law, and transmit the Notice of Decision to the Secretary of the Natural Resources Agency for posting.

I hereby certify that the above is a true and correct copy of Resolution 25-9, as adopted by the Air Resources Board.

Catalina French

Catalina French, Clerk of the Board