

Request for an Early Effective Date
Pursuant to Government Code Section 11343.4(b)(3)
Advanced Clean Fleets Regulation

The California Air Resources Board (CARB or Board) formally requests, under Government Code section 11343.4, subdivision (b)(3), that the Office of Administrative Law (OAL) prescribe an early effective date for the “*Proposed Advanced Clean Fleets (ACF) Regulation*” (ACF Regulation).¹ Specifically, CARB requests that the ACF Regulation be effective on the date of OAL approval. CARB believes that “good cause” exists for OAL to grant CARB’s request that the adopted regulations become effective with OAL’s approval and filing of the regulations with the Secretary of State.

The Board approved the adoption of the ACF Regulation at its hearing on April 28, 2023.² At that hearing, the Board also directed the Executive Officer to determine if additional sufficiently related modifications to the regulations are appropriate, and if so, then to take certain actions to adopt such modifications following applicable law. If no additional modifications are appropriate, the Board directed the Executive Officer to take the final steps required to make the ACF Regulations effective, including by submitting the Board-approved rulemaking package to OAL. These steps include revising the adopted regulations with grammatical and other non-substantial changes as necessary, indicating them as such, and adding them to the rulemaking record.

On June 13, 2023, CARB submitted the rulemaking package to the Office of Administrative Law (OAL) for review. On July 26, 2023, CARB withdrew the rulemaking package from OAL, and issued a notice announcing a second supplemental comment period for additional proposed modifications to regulatory text and the addition of additional documents and information. The proposed modifications to the regulatory text improved the clarity of the prior versions of the proposed regulatory text. CARB also added additional documents to the rulemaking record to incorporate updated information into the rulemaking record. On August 30, 2023, CARB resubmitted the rulemaking package to OAL for its review.

Demonstration of Good Cause: The ACF Regulation is a critical component of CARB’s strategy to reduce emissions generated from on-road medium- and heavy-duty vehicles, and light-duty package delivery vehicles that threaten the public health and welfare of Californians, impede California’s ability to attain compliance with State and federal ambient air quality standards, and that contribute to climate-change induced harms that threaten the State. The ACF Regulation builds on other existing policies to continue reducing emissions. It would constitute the next significant step in accelerating California towards a zero-emission (ZE) transportation system as well as ensuring a more equitable future for all Californians, especially those residing and working in disadvantaged and low-income communities located near distribution centers, seaports, railyards, warehouses, and major roadways that bear a

¹ Adopting California Code of Regulations, tit. 13, §§ 2013, 2013.1, 2013.2, 2013.3, 2013.4, 2014, 2014.1, 2014.2, 2014.3, 2015, 2015.1, 2015.2, 2015.3, 2015.4, 2015.5, 2015.6, and 2016.

² CARB, Reso. 23-13, April 28, 2023.

disproportionate health burden due to their proximity to harmful emissions from on-road medium- and heavy-duty vehicles.

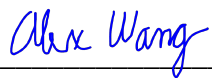
The ACF Regulation, builds on the ZEV sales already required by the Advanced Clean Trucks Regulation by requiring regulated fleets to phase-in ZEVs over the next two decades, sets a clear target of 2036 when medium- and heavy-duty truck manufacturers must exclusively sell zero emission vehicles (ZEVs), and creates a catalyst to accelerate development of a heavy-duty public infrastructure network. The ACF regulation includes three sets of fleet requirements for State and local government fleets, drayage truck fleets, and high priority and federal fleets.

The ACF regulation requires affected fleets to acquire medium- and heavy-duty ZEVs and light-duty package delivery ZEVs beginning in 2024. The early effective date is needed to implement these requirements as soon as possible, which will benefit manufacturers by providing them certainty that these requirements are effective under California law as soon as possible, will benefit California by ensuring that CARB fulfills its statutory mandate to certify new motor vehicles and new motor vehicle engines in California to emissions standards needed to attain air quality standards and to reduce emissions of greenhouse gases as expeditiously as possible, and will benefit qualifying States that may elect to adopt such emission standards pursuant to section 177 of the federal Clean Air Act [42 U.S.C. § 7507]. The early effective date will provide both affected fleets and manufacturers more than two months advance notice that the ACF regulation is effective under California state law, which will better incentivize those entities to initiate actions to timely comply with the ACF regulation. In contrast, in the absence of the requested early effective date, affected fleets and manufacturers might elect to defer compliance plans until January 1, 2024, thereby jeopardizing the attainment of the aforementioned attainment of air quality standards and reduction of greenhouse gases.

The ACF regulation additionally establishes reporting requirements that require drayage trucks to report specified information no later than December 31, 2023, and to report other information commencing January 1, 2024, and requires high priority and federal fleets to report information starting February 1, 2024. The early effective date is critically needed to implement these requirements, which will benefit owners and operators of affected fleets by providing them certainty that such requirements are effective under California law as soon as possible. *In fact, unless this request for an early effective date is granted, the above-mentioned requirement that drayage trucks must report specified information no later than December 31, 2023 cannot be enforced, if the early effective date was instead January 1, 2024.* The early effective date will accordingly benefit California by ensuring that all affected fleets are provided more than two months of advance notice that the reporting requirements are effective under state law, and should therefore initiate actions to ensure they more timely comply with the reporting requirements. The early effective date will additionally allow CARB to more effectively enforce the ACF regulation, thereby fulfilling its statutory mandate to expeditiously reduce emissions generated from motor vehicles that threaten the public health and welfare of Californians.

For the foregoing reasons, good cause exists for OAL to grant CARB's request for an early effective date that coincides with its approval and filing of the regulation to the Secretary of State pursuant to Government Code section 11343, subdivision (b)(3).

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