

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. The Executive Officer did not determine that additional substantive, sufficiently related changes were appropriate. Accordingly, the Executive Officer has prepared the final rulemaking package for submission to OAL for approval along with a request for an early effective date upon OAL's filing the regulations with the Secretary of State.

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 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-

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.

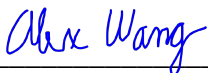
duty public infrastructure network. The ACF regulation includes three sets of fleet requirements for State and local government fleets, drayage truck fleets, and high priority and federal fleets.

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 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 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. It will benefit California by ensuring that CARB can 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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