

Notice of Public Availability of Modified Text and Availability of Additional Documents and Information

Proposed Zero-Emission Forklift Regulation

Noticed Public Hearing Date: June 27, 2024

Public Availability Date: May 21, 2024

Deadline for Public Comment: June 5, 2024

On November 2, 2023, the California Air Resources Board (CARB or Board) released to the public proposed sections 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, and 3011, Title 13, California Code of Regulations (CCR) and proposed amendments to sections 2433 and 2775.1, Title 13, CCR, which would reduce criteria pollutants and greenhouse gas (GHG) emission within the State from forklifts with large spark-ignition (LSI) engines.

CARB has determined that additional modifications are appropriate for the proposed amendments and has developed the proposed modifications (15-Day Modifications) as stated below in the “Summary of Proposed Regulatory Modifications” section of this notice. CARB has also included updates to the Staff Report and the Notice of Public Hearing that were released on November 7, 2023. These changes are included in the sections, “Updates to the Information in the Initial Statement of Reasons” and “Updates to the Notice of Public Hearing to Consider Proposed Zero-Emission Forklift Regulation.” Updates to the Standardized Regulatory Impact Assessment that was released on April 5, 2023 are included in the section, “Updates to the Proposed Zero-Emission Forklift Regulation Standardized Regulatory Impact Assessment.” The Attachments showing the specific proposed modifications to the text of the proposed regulation being made with these 15-Day Modifications are shown in multiple ways in order to meet the requirements of the Administrative Procedure Act (APA) while also posting alternate/complementary versions that provide increased accessibility to view the modifications in multiple ways.

The Attachments are as follows:

Attachment A - Amendments to sections 3000 through 3011, Title 13, California Code of Regulations and Attachment B – Amendments to section 2433, Title 13, California Code of Regulations.

- Attachments A-1 and B-1: Proposed 15-Day Modifications to Proposed Regulation Order (compared to version released for 45-day comments)
- Attachments A-2 and B-2: Alternative format to Attachments A-1 and B-1
- Attachment B-3: Proposed 15-Day Modifications to Proposed Regulation Order (15-Day Modifications and 45-Day Modifications combined and compared to existing regulatory text) in Alternative format. Because there is no existing regulatory text for Attachment A that precedes 45-Day Modifications, there is no Attachment A-3.

The Attachments showing the specific proposed modifications to the text of the proposed regulation orders available for comment with this Notice are provided in the two formats denoted with the suffixes “-1” and “-2.”

In the versions denoted Attachment A-1 and Attachment B-1, the 45-Day Modifications (proposed regulatory language as posted on November 7, 2023,) are shown in “normal type.” The deletions and additions to the 45-Day Modifications that comprise the 15-day Modifications that are being made public and available for comment with this Notice are shown in ~~strikeout~~ to indicate deletions and underline to indicate additions.

In the versions denoted Attachment A-2 and Attachment B-2, the 15-Day Modifications are provided in a tracked-changes format to meet the requirement for accessible electronic documents. The 45-Day Modifications are incorporated into this version as plain, clean text because they are not being made available for public comment by this Notice. The Proposed 15-day Modifications are shown in tracked changes and are made public with this Notice and available for comment. To review this document in a clean format, without underline or strikeout to show changes, that shows all the proposed regulations being considered for adoption, please select “Simple Markup” or “No Markup,” or accept all changes in Microsoft Word’s Review menu. You can also change the view to the initially proposed 45-Day Modifications (originally proposed regulatory text prior to these proposed modifications) by selecting “Original” or rejecting all tracked changes. Additionally, “Advanced Track Changes Options” will allow for further options regarding color and other markings. In the version denoted Attachment B-3, the existing, original regulatory language currently adopted into the California Code of Regulations (pre-45-Day Modifications) is shown as plain, clean text, while the 45-Day Modifications and the proposed 15-Day Modifications s are combined and shown in tracked changes. To review the net proposal in this document in a clean format (no underline or strikeout to show changes), please select “Simple Markup” or “No Markup” in Microsoft Word’s Review menu or accept all changes. You can also change the view to the original (originally proposed regulatory text prior to any proposed modifications, or 45-Day Modifications) by selecting “Original” or rejecting all tracked changes. By progressing through the changes and comparing them with the 15-Day Modifications, the public can see the net and stepwise changes being proposed in relation to existing law. Please refer to the version denoted B-3 to review the 15-Day Modifications available for comment and its companion/alternate version B-2 to view an accessible version showing the 15-Day Modifications.

In the Final Statement of Reasons, staff will respond to all comments received on the record during the comment periods. The APA requires that staff respond to comments received regarding all noticed modifications. Therefore, staff will only address comments received during this 15-day comment period that are responsive to this notice, documents added to the record, or the changes detailed in Attachments A and B.

Below are the summary modifications to the originally proposed regulatory text, the Initial Statement of Reasons, and the Notice of Public Hearing that were released on November 7, 2023, and the Standardized Regulatory Impact Assessment that was released on April 5, 2023. Only those portions containing the suggested modifications are included.

All other regulatory documents for this rulemaking are available online at the following CARB website: <https://ww2.arb.ca.gov/rulemaking/2023/zeforkliftsregulation>

Summary of Proposed Regulatory Modifications

The following summary does not include all modifications to correct typographical or grammatical errors, changes in numbering or formatting, nor does it include all the non-substantive revisions made to improve clarity.

1. Although considered non-substantive, clarifying language has been added throughout the regulatory text to facilitate navigation and save time for the reader. For instance, section 3002(a)(4) states “The Forklift is a Class V LSI Forklift with a Rated Capacity greater than 12,000 pounds that the Fleet Operator has reported to the Executive Officer in accordance with section 3009(h), Heavy Class V LSI Forklift Reporting.” The term, “Heavy Class V LSI Forklift Reporting” has been added to help the reader.
2. The last row of the Exhaust Emission Standards table in section 2433(b)(1)(A), which identifies a zero-emission standard for 2026 and subsequent model years, is being removed. This is necessary because inclusion of a zero-emission standard would have inadvertently triggered certification requirements for ZEFs, which was not intended. Staff believe certification is not necessary at this time.
3. Section 2433(b)(1)(A) Note (7), which provided further details for the last row of the Exhaust Emission Standards table in Section 2433(b)(1)(A), is being removed to coincide with deletion of the last row of the table, as discussed above.
4. The title of the Proposed Regulation was changed from “Zero-Emission Forklift Fleet Requirements Regulation” to “Zero-Emission Forklift Regulation” in order for the title of the Proposed Regulation to be consistent with the other rulemaking documents included in the rulemaking package and to reflect that the regulation includes requirements not just for fleets but also for dealers, rental agencies, and manufacturers.

5. Section 3000 is being modified to add the word “Confidentiality” to the section title. This change is needed since section 3000(e) is being added to the Proposed Regulation to inform forklift manufacturers, forklift dealers, rental agencies, and any regulated party that confidential information will be handled in accordance with Title 17, CCR, section 91000. section 3000(e) is being added to the Proposed Regulation to clarify procedures for designating information submitted to CARB by manufacturers, dealers, rental agencies, and any regulated party as confidential and because the section was inadvertently omitted from the original Proposed Regulation.
6. In section 3000(b) the following text is being deleted “to accelerate the transition of Large Spark-Ignition (LSI) Forklifts to Zero-Emission Forklifts (ZEFs) throughout the state.” The change is being made so that the section accurately states the purpose of the Proposed Regulation, i.e., to reduce emissions of oxides of nitrogen (NOx), fine particulate matter (PM), other criteria pollutants, toxic air contaminants, and GHG from LSI Forklifts.

Additionally, the text, “from Large Spark-Ignition (LSI) Forklifts” is being added to clarify that the reductions in emissions will be coming from LSI forklifts.

7. In section 3000(c), the text, “or ZEF” is being deleted and the text, “Forklifts” is being added. This change is being made to clarify that the Proposed Regulation applies to LSI forklifts and not zero-emission forklifts (ZEF).
8. New section 3000(e) is being added to the Proposed Regulation to clarify procedures for designating information submitted to CARB by manufacturers, dealers, rental agencies, and any regulated parties as confidential. Further, the section explains that confidential information will be handled in accordance with title 17, CCR, section 91000, which governs CARB’s obligations in the disclosure of public records. This change is needed to inform forklift manufacturers, forklift dealers, rental agencies, and any regulated parties that transaction data can be identified as confidential information.
9. In section 3001, to improve specificity, the definition of “Agricultural Crop Preparation Services” is being modified to transfer forest-related crop preparation services out of the “Agricultural Crop Preparation Services” definition into a new definition for “Forest Crop Preparation Services.” The modification does not change the applicability of any part of the Proposed Zero-Emission Forklift Regulation, but instead just reclassifies forest-related crop preparations into their own category.
10. In section 3001, the definition for “Agricultural Crop Preparation Services Fleet” is being deleted, as this definition is being replaced by a definition for “Crop Preparation Services Fleet” that more clearly addresses both Agricultural Crop Preparation Services and Forest Crop Preparation Services. The modification does not change the applicability of any part of the Proposed Zero-Emission Forklift Regulation.

11. In section 3001, a new definition is being added for “Agricultural Operations” that describes the type of businesses that would be considered Agricultural Operations. This definition is needed to incorporate the exclusion of In-Field Forklifts, as described in item 17, below, and is similar to the definition used in the Large Spark-Ignition Engine Fleets Regulations (Title 13, CCR, section 2775, 2775.1, and 2775.2), which currently applies to LSI forklift fleets. However, the Agricultural Operations definition for this regulation does not include forest-related operations, which are included in the Large Spark-Ignition Engine Fleets Regulations definition. Additionally, the operations listed as “(1)” are being labeled as “In-Field.”
12. In section 3001, a new definition is being added for “Crop Preparation Services.” This definition includes the same operations previously identified in “Agricultural Crop Preparation Services.” However, because the definitions for Agricultural Crop Preparation Services and Forest Crop Preparation Services are being separately identified now, the definition for Crop Preparation Services needs to be created to include activities from both Agricultural Crop Preparation Services and Forest Crop Preparation Services. Additionally, this definition clarifies that when a Forklift that does not qualify as an In-Field Forklift, but over half its annual operating hours are used in Agricultural Operations or Forest Operations, or a combination of the two, the Forklift is considered to be engaged in Crop Preparation Services.
13. In section 3001, a new definition is being added for “Crop Preparation Services Fleet.” This definition is similar to that previously covered under the “Agricultural Crop Preparation Services Fleet” definition. However, because Forest Operations are being removed from the Agricultural Crop Preparation Services definition, a new definition needs to be added that covers fleets performing both Agricultural Crop Preparation Services and Forest Crop Preparation Services. Additionally, this definition clarifies that when a Forklift that does not qualify as an In-Field Forklift, but over half its annual operating hours are used in Agricultural Operations or Forest Operations, or a combination of the two, the Forklift is considered to be part of the Crop Preparation Services Fleet.
14. In section 3001, a new definition is being added for “Fleet Portion” to facilitate provisions for reporting sub-fleets. While this would not alter requirements or compliance obligations, stakeholders have requested that CARB allow the separate reporting of sub-fleets because it would provide additional flexibility in how fleets manage required reporting. The allowance and the definition of “Fleet Portion” aligns with the In-Use Off-Road Diesel-Fueled Fleets Regulation (Title 13, CCR, sections 2449, 2449.1, and 2449.2).
15. In section 3001, a new definition is being added for “Forest Crop Preparation Services.” Forest-related operations were removed from the “Agricultural Crop Preparation Services” definition and are being transferred to this new definition. This new definition is needed for the “Crop Preparation Services” definition, which is discussed previously in Item 12.

16. In section 3001, a new definition is being added for “Forest Operations” that describes the type of operations that would be considered as Forest Operations. This definition is needed to incorporate the exclusion of In-Field Forklifts, as described in item 17, below, and is very similar to the definition used in the Large Spark-Ignition Engine Fleets Regulations (Title 13, CCR, section 2775, 2775.1, and 2775.2), which currently applies to LSI forklift fleets.
17. In section 3001, the definition for “In-Field Forklift” is being added to define that an Agricultural Operations or Forest Operations Forklift is a forklift in which more than 50% of its operating hours are used in either Agricultural Operations or Forest Operations, or a combination of the two, not including operating hours in Crop Preparation Services. This definition is needed to incorporate an exemption of In-Field Forklifts which is set forth in section 3007(a)(7), and similar to the analogous definition used in the Large Spark-Ignition Engine Fleets Regulations (Title 13, CCR, section 2775, 2775.1, and 2775.2), which currently applies to LSI forklift fleets.
18. In section 3001, the definition for “Large Fleet” has been modified to exclude Crop Preparation Services Fleets, rather than Agricultural Crop Preparation Services Fleets, due to changes to the definition for Agricultural Crop Preparation Services Fleets.
19. In section 3001, the definition for “Non-Compliant LSI Forklift” was modified to correct two inadvertent errors. Firstly, the definition was corrected so that it would not be limited to 2025 and previous model year (MY) LSI Forklifts. Under certain situations, the Proposed Regulation would allow the acquisition of 2026 and subsequent MY LSI Forklifts. Such LSI forklifts would also be subject to phase-out pursuant to section 3006, and therefore, could be considered non-compliant for the purposes of section 3007(a)(3). Secondly, the definition was modified so that it would also apply to Class V LSI Forklifts with a lift capacity greater than 12,000 pounds. While the Proposed Regulation would not require such forklifts to be phased out if the forklifts are reported by the Fleet Operator as Heavy Class V LSI Forklifts, if such reporting is not provided, phase-out requirements would still apply.
20. In section 3001, the definition for “Rent” is being added to define the maximum length of time an agreement between a Fleet Operator and a Rental Agency must be for a forklift to be considered rented. This definition is needed to establish the party who is responsible for compliance with the Proposed Regulation during the time an LSI rental agreement or lease is valid. The Rental Agency is responsible for compliance for any forklifts rented for time periods up to 12 consecutive months. For Rental or Lease agreements longer than 12 consecutive months, the forklift becomes part of the Fleet Operator's fleet until the forklift is returned to the Rental Agency.
21. In section 3001, the definition for “Small Fleet” has been modified to exclude Crop Preparation Services Fleets, rather than Agricultural Crop Preparation

Services Fleets, due to changes to the definition for Agricultural Crop Preparation Services Fleets.

22. In section 3001, a definition for “Zero-Emission” has been added and is identified as zero exhaust emissions of any criteria pollutant (or precursor pollutant) or GHG under any possible operational modes or conditions. This definition is needed to distinguish “Zero-Emission Forklifts” from other forklifts, as well as to distinguish . engines or powertrains with zero exhaust emissions. Specifying exhaust emissions is necessary because other components, such as air conditioning and windshield wiper fluid, may emit non-exhaust emissions, which are not the focus of this regulation.
23. In section 3001, the definition for “Zero-Emission Forklift” or ZEF has been modified. The requirement that a ZEF meet the zero-emission standards set forth in Title 13, California Code of Regulations, Section 2433, has been removed. This is necessary because inclusion of a zero-emission standard would have inadvertently triggered certification requirements for ZEFs, which were not intended. ZEFs have been used successfully for decades and certification would not have provided significant tangible benefits to the forklift consumer. Text is being added to identify a ZEF as having zero exhaust emission of any criteria pollutant (or precursor pollutant) or greenhouse gas under any possible operational modes or conditions. Similar definitions have been used for zero-emission equipment or vehicles in other CARB regulations, such as the Airborne Toxic Control Measure for In-Use Diesel-Fueled Transport Refrigeration Units (TRU) and TRU Generator Sets, and Facilities Where TRUs Operate. Specifying exhaust emissions is necessary because other components, such as air conditioning and windshield wiper fluid, may emit non-exhaust emissions, which are not the focus of this regulation. The statement that the term “Zero-Emission Forklift” does not include Pallet Jacks, has been removed, because Pallet Jacks are explicitly excluded from the Proposed Regulation, pursuant to Section 3000(c)(4), Applicability.
24. In section 3002(a), the text, “new or used 2026 or subsequent MY LSI Forklift or a new 2025 or previous MY” is being deleted. This change, in conjunction with the added language in section 3002(a)(1) and section 3002(a)(2), is being made for two reasons. Firstly, staff inadvertently omitted in the originally proposed language a restriction prohibiting the purchase of used 2025 and previous MY forklifts that have already been phased out by the Proposed Regulation. This change would, together with the language added in section 3002(a)(1), remedy that omission. Secondly, the change, together with the new language added to section 3002(a)(2), is being made to allow Dealers to sell new 2025 MY LSI Forklifts until the end of 2026 so that such Dealers would be able to clear inventory remaining at the end of 2025. These “sell-through” provisions were requested by several stakeholders. Additionally, an “n” is being added after “a” to update the sentence so that it remains grammatically correct after the change.

25. The language added as section 3002(a)(1), in conjunction with the changes in section 3002(a), would remedy an inadvertent omission of a restriction prohibiting the acquisition of used 2025 and previous MY forklifts that have already been phased out by the Proposed Regulation. This would align the LSI Forklift acquisition restrictions of the Proposed Regulation with the restrictions on possessing and operating such forklifts set forth in section 3002(b).
26. The language added as section 3002(a)(2), in conjunction with the changes in section 3002(a), would allow Dealers to sell new MY 2025 LSI Forklifts that they have in their inventory through the end of calendar year 2026. This change is being made to allow Dealers to sell new 2025 MY LSI Forklifts until the end of 2026 so that such Dealers would be able to clear inventory remaining at the end of 2025.
27. In section 3002(a)(5), references to sections 3007(a)(2), 3007(a)(5) and section 3007(a)(6) are being added to the section since exemptions for forklifts used for Dedicated Emergencies, operated solely on San Nicolas and San Clemente Islands, and used as In-Field Forklifts, respectively are being added to the Proposed Regulation, as discussed in more detail below.
28. New section 3002(a)(6) is being added to exclude the acquisition of LSI Forklifts from the restriction set forth in section 3002(a) (i.e., allow the acquisition of LSI Forklifts) if the Fleet Operator has qualified for an Operational Extension or an Infrastructure Site Electrification Delay Extension and is replacing an existing LSI forklift covered by such extension, pursuant to Section 3007(b)(5). Note also that throughout the regulation, the term, "Operational Extension" is replacing the term "Technical Infeasibility Extension," as it more accurately characterizes the extension and is discussed further in the paragraph covering section 3007(b)(4). If a zero-emission forklift or other compliance strategy does not work for the application or use of zero-emission forklifts is delayed due to infrastructure issues, a Fleet Operator may need to buy a new 2026 or subsequent MY LSI Forklift to serve their needs.
29. In section 3002(b)(4), references to section 3007(a)(5) and section 3007(a)(6) are being added to the section since exemptions for forklifts used on San Nicolas and San Clemente Islands and for In-Field Forklifts, respectively, are being added to the Proposed Regulation, as discussed in more detail below.
30. In section 3002(b)(5), the term "Phase-Out Extension" is being modified to the term "Extension," as described further below in the description of changes to section 3007(b). The term "Phase-Out Extension" is being modified to the more general term "Extension," because two extensions have been broadened to include a forklift replacement provision that can be applied prior to phase-outs.
31. In section 3003(a), the following text is being added: "Except for new LSI Forklifts that are exempt pursuant to section 3007(a)(4), LSI Forklifts Transported for Delivery Out-of-State; and new LSI Forklifts sold or leased pursuant to section 3003(c),

Dealer Sales, Leases, and Possession of Forklifts the following requirements apply.” The text covers available exemptions to the subordinate provisions, which set forth the Proposed Regulation’s inventory restrictions for Dealers. This change is being made to reduce redundancy in the originally proposed language, in which exemptions were cited in multiple subordinate sections.

32. In section 3003(a)(1), the text, “any of the following” is being added to the sentence. The text is being added to clarify that each individual subordinate section applies separately. That is, a Dealer that keeps any one of the forklift types listed would constitute a violation of the Proposed Regulation.
33. In section 3003(a)(1)(A) the following text, “except for new LSI Forklifts that are exempt pursuant to section 3007(a)(4) or section 3007(a)(5),” is being removed since similar text is being added to section 3003(a). The new location of the text will allow for a quicker and more clear interpretation of the Proposed Regulation’s exemptions.
34. In section 3003(a)(1)(B), the text, “2024 and previous MY,” is being added and the text, “regardless of MY” is being removed to accommodate a regulatory change that would allow Dealers to sell new 2025 MY LSI forklifts through 2026. As mentioned above, this change would allow Dealers to distribute new LSI forklifts still in their inventory after December 31, 2025. Additionally, the text, “except for new LSI Forklifts,” is being removed since the modifications to section 3003(a) make this text unnecessary.
35. In section 3003(a)(1)(C), after the addition of “any of the following” to section 3003(a)(1), the “and” is being replaced by “or” to maintain the requirement that all conditions listed in 3003 (a)(1) are applicable.
36. In section 3003(a)(1)(D), the text, “up to 12,000 pounds,” is being deleted and the text, “of 12,000 pounds or less,” is being added. This change is necessary to clarify that the provision is inclusive of forklifts with a lift capacity of 12,000 pounds.
37. A new section 3003(a)(2) is being added as part of several regulatory modifications necessary to allow new 2025 MY Class IV forklifts to be sold through the calendar year of 2026, as discussed above. This specific provision is necessary to restrict a Dealer from keeping within its inventory such forklifts starting January 1, 2027, when the sale of such forklifts would no longer be allowed.
38. Section 3003(a)(3) is being restructured, with the addition of two subsections, to accommodate the addition of another forklift type to the proposed Dealer inventory restriction starting January 1, 2029. The text, “any of the following,” is being added to clarify that each individual subordinate section applies separately. That is, a Dealer that keeps any one of the forklift types listed would constitute a violation of the Proposed Regulation. The text, “up to 12,000 pounds,” is being replaced with that text, “of 12,000 pounds or less,” to clarify that the provision is

inclusive of forklifts with a lift capacity of 12,000 pounds. The text, “except for LSI Forklifts that are exempt pursuant to section 3007(a)(4) or section 3007(a)(5),” is being removed since similar text is being added to section 3003(a). The new location of the text would allow for a quicker and more-clear interpretation of the Proposed Regulation’s exemptions. Lastly, “New 2025 and previous MY Class V LSI Forklifts with a Rated Capacity of 12,000 pounds or less” is being added to restrict the sale of such forklifts starting January 1, 2029. This language is necessary to address the possibility such forklifts could still be in a Dealer’s inventory after December 31, 2028.

39. In section 3003(a)(4), the text, “except for LSI Forklifts that are exempt pursuant to section 3007(a)(4) or section 3007(a)(5),” is being removed since similar text is being added to section 3003(a). The new location of the text would allow for a quicker and more-clear interpretation of the Proposed Regulation’s exemptions.
40. Section 3003(b)(1) is being restructured, with the addition of two subsections, to accommodate the addition of provisions to allow Dealers to sell, lease, and deliver new 2025 MY LSI forklifts through 2026. As mentioned above, this change would allow Dealers to distribute new 2025 MY LSI forklift stock that remains in their inventory after December 31, 2025. As part of the restructuring, the transaction restrictions that would apply on January 1, 2026, have been moved into a new subordinate section, section 3003(b)(1)(A), and a new restriction is being added as section 3003(b)(1)(B), which would restrict the sale, lease, or delivery of new 2025 MY LSI forklifts starting January 1, 2027. Additionally, the list of applicable exemptions is being specified into section 3003(b)(1) to avoid redundancy in sections 3003(b)(1)(A) and 3003(b)(1)(B). New exemptions are included in the list, and these exemptions are described in more detail below.
41. For section 3003(b)(1)(A), the text from the original section 3003(b)(1) is being relocated to this section to accommodate an additional subordinate provision. Accordingly, the original subordinate sections, section 3003(b)(1)(A), section 3003(b)(1)(B), and section 3003(b)(1)(C), are also being moved to section 3003(b)(1)(A)1., section 3003(b)(1)(A)2., and section 3003(b)(1)(A)3., respectively. Additionally, section reference 3005 in section 3003(b)(1)(A)3. is being changed to reference 3006. This change is being made to correct an incorrect reference. The text referencing the dedicated emergency forklift exemption is being deleted since new exemption language is being added to section 3003(b)(1) to reduce redundancy.
42. In new section 3003(b)(1)(A)1., the text from section 3003(b)(1)(A) is being added and modified to limit the restriction to new 2024 and previous MY forklifts, instead of any new LSI Forklifts. This change is being made to allow for the sale of new 2025 MY LSI forklifts through 2026, which is described above.
43. Section 3003(b)(1)(A)3., the new section number for section 3003(b)(1)(C) in the original proposal, is being modified. The word “used” is being added to indicate that the section only applies to used forklifts of specific MYs. This change is

being made to accommodate provisions to allow for the sale of new 2025 LSI Forklifts through 2026.

44. Section 3003(b)(1)(B), the new section number for section 3003(b)(1)(A)2. in the original proposal is being modified. New text is being added to restrict the sale of 2025 MY LSI forklifts to Fleet Operators starting in 2027. This change is being made to accommodate provisions to allow for the sale of new 2025 LSI Forklifts through 2026.
45. Section 3003(b)(2)(A)1. is being modified to limit the restriction to only new 2024 or previous MY Class IV LSI Forklifts instead of new Class IV Forklifts of any MY. This change is being made to accommodate provisions to allow for the sale of new 2025 LSI Forklifts through 2026.
46. In section 3003(b)(2)(A)3., the text, “used” is being added to indicate that the section only applies to used forklifts of specific MYs. This change is being made to accommodate provisions to allow for the sale of new 2025 LSI Forklifts through 2026.
47. In section 3003(b)(2)(A)4., the word, “Any,” is being added to replace the word, “A.” This change is being made to align with other provisions within section 3003(b)(2)(A).
48. A new section 3003(b)(2)(B) is being added to restrict the sale of 2025 MY LSI forklifts to Fleet Operators starting in 2027. This change is being made to accommodate provisions to allow for the sale of new 2025 LSI Forklifts through 2026.
49. Section 3003(b)(2)(C), the new section number for 3003(b)(2)(B) in the original proposal is being modified. The text, “In addition to sections 3003(b)(2)(A) and 3003(b)(2)(B)” is being added to clarify that this section applies in addition, not in place of, the previous two sections.
50. Section 3003(c), Dealer Transaction Information and Documentation, is being renumbered as section 3003(d), due to the insertion of a new section 3003(c), Dealer Sales, Leases, and Possession of Forklifts. New section 3003(c) identifies the conditions that a Dealer must satisfy to sell, lease, or temporarily possess an LSI forklift. Provisions in this new section have largely been relocated from section 3007(a)(5), Delivery of Dedicated Emergency Forklifts, but are more comprehensive. A Dealer may sell, lease, or temporarily possess an LSI forklift if the acquisition is allowed pursuant to section 3002(a)(5) or section 3002(a)(6), which apply to forklifts being acquired to be operated as Dedicated Emergency Forklifts, to be solely operated on San Nicolas or San Clemente Islands, to be operated as In-Field forklifts, or to be replacements for forklifts covered by an Operational Extension or an Infrastructure Site Electrification Delay Extension. Conditions in Subsections 3003(c)(1) through (c)(3) must also be met. The modification also clarifies that a Dealer may not only possess applicable LSI Forklifts during their delivery but may also sell or lease said forklifts. Although the

allowed sale or lease of Dedicated Emergency Forklifts is implied in the original proposal, staff modified the language to make it explicit.

51. New section 3003(c)(1) specifies that documentation must be collected and maintained, pursuant to section 3003(d)(1)(F). Details on these requirements are provided in section 3003(d)(1)(F).
52. Section 3003(c)(2) is relocated from section 3007(a)(5)(B) but has been modified. The following text is being added to the end of the section: “prior to final delivery accounting for hours of operation accrued prior to delivery to the Dealer, as evidenced by the bill of lading.” The change is being made to clarify that operating hours accrued prior to delivery to the Dealer would not count towards the Dealer’s 10-hour operating limit. A bill of lading, on which forklift hours are typically recorded, would be used to verify hours prior to delivery to the Dealer.
53. In new section 3003(c)(3), the text has been relocated from section 3007(a)(4)(D) and has been modified to allow Dealers to possess LSI forklifts for nine instead of three consecutive months after taking possession. Dealers often need to perform significant upgrades to forklifts to meet specific customer requests. This may include applying critical aftermarket parts to make these upgrades. Delays in obtaining aftermarket parts may be significant. After upgrades, the forklifts often need to be painted. Consequently, nine months is a more appropriate period to allow Dealers to possess LSI forklifts.
54. Section 3003(d) and its subsections were re-numbered from section 3003(c) to 3003(d), due to the insertion of a new section.
55. In section 3003(d)(1), which was previously identified as section 3003(c)(1), as previously discussed, the text, “all the following, as applicable,” is being added to clarify that all information and documentation requested in sections 3003(d)(1)(A) through 3003(d)(1)(F) must be collected and maintained at the Dealer’s site for at least five years if the information or documentation is applicable to the transaction.
56. Section 3003(d)(1)(F), which was previously identified as section 3003(c)(1)(F), addresses the documentation that a Dealer must collect and maintain for the sales, leases, and possessions of forklifts in California that are subject to exemptions set forth in section 3003(c). Because the exemptions are being broadened in the Proposed Regulation to apply to several different situations, the language in this section is also being broadened to address the different documentation requirements applicable to each situation. The modified exemption language is discussed further below.
57. In new section 3003(d)(1)(F)(1), text from section 3007(a)(5)(B)(1) is being relocated to this section. The section provides details on the bill of lading requirements for Dealer forklift deliveries.
58. New sections 3003(d)(1)(F)(2)(a) through 3003(d)(1)(F)(2)(e) identify the specific attestation language to be collected by the Dealer for: Dedicated Emergency

Forklifts; Forklifts being acquired to be solely operated on San Nicolas Island and/or San Clemente Island; In-Field Forklifts; and Forklifts being acquired to replace an existing LSI Forklift covered by an Operational Extension or an Infrastructure Site Electrification Delay Extension, respectively.

59. In section 3005(a), the text for Class V LSI Forklifts with a Rated Capacity “up to 12,000 pounds” is being modified to “of 12,000 pounds or less” to clarify the provision’s applicability is inclusive of forklifts with a lift capacity of 12,000 pounds.
60. Section 3005(c) is being added to exclude from the production/sales requirements specified in section 3005(a), LSI engines to be installed in forklifts that are sold or leased, if allowed pursuant to section 3003(c), Dealer Sales, Leases, and Possession of Forklifts. This modification addresses an internal conflict in the original language that allowed Fleet Operators to purchase, lease, and take delivery of an LSI Forklift under specific circumstances, but restricted Manufacturers from producing them. to the
61. Section 3006(a) is being modified to clarify that Class V LSI Forklifts with a lift capacity greater than 12,000 pounds would only be excluded from the section’s reporting requirements if the Forklift has been reported pursuant to section 3009(h). That is, Class V LSI Forklifts with a lift capacity greater than 12,000 pounds that are not reported pursuant to section 3009(h) would still be subject to said reporting requirements. The change aligns the language of this section with section 3006(d)(3), which only excludes from the phase-out requirements Class V LSI Forklifts with a lift capacity greater than 12,000 pounds if the forklifts have been reported in accordance with section 3009(h).
62. New section 3006(b)(3) is being added to clarify that a Fleet reported as Fleet Portions would be subject to the phase-out requirements for the fleet size that corresponds to the total number of LSI forklifts and ZEFs under Common Ownership or Control of the parent company, corporation, or agency. This would prevent fleets from artificially carving their fleets into Fleet Portions in order to delay the requirements of the Proposed Regulation.
63. In section 3006(c), the text, “All the” and “as applicable,” are being added to the last sentence of the section to clarify that all the information in the sections following section 3006(c) must be provided to the electric utility provider as it applies to the said site or fleet, and only information that is applicable must be submitted. The intent of Section 3006(c) was never to require information that is impossible to obtain to be submitted, and the added “as applicable” makes that more clear. For example, if a fleet that rents out forklifts for events does not know in advance all the locations at which their forklifts will be used, then that location data is not applicable and need not be submitted.
64. In section 3006(d)(1), the column 2 title in Table 1 is being changed to clarify that the applicability of the column is inclusive of forklifts with a lift capacity of 12,000 pounds. Additionally, a footnote is being added to the first phase-out requirement

of Table 1 to inform Fleet Operators or Rental Agencies with large fleets that a phase-out cap could be used when complying with said phase-out requirement. Phase-out cap provisions are being proposed as part of this notice and are described in more detail below.

65. In section 3006(d)(2), the column 2 title in Table 2 is being changed to clarify that the applicability of the column is inclusive of forklifts with a lift capacity of 12,000 pounds. Additionally, a footnote is being added to the first phase-out requirement of Table 2 to inform Fleet Operators or Rental Agencies with Small Fleets or Crop Preparation Services Fleets that a phase-out cap could be used when complying with said phase-out requirement. Phase-out cap provisions are being proposed as part of this notice and are described in more detail below.
66. In section 3006(d)(3), a footnote is being added to the first phase-out requirement of Table 3 to inform Fleet Operators or Rental Agencies that a phase-out cap could be used when complying with said phase-out requirement. Phase-out cap provisions are being proposed as part of this notice and are described in more detail below.
67. New section 3006(e) and its subordinate sections are being added to establish phase-out percentage caps intended to help ease the compliance burden for older fleets. This would address concerns from numerous commenters that such fleets could be required to phase out nearly all their forklifts by their first compliance date. section 3006(e) also informs Fleet Operators and Rental Agencies that if a phase-out cap is used, additional reporting and recordkeeping requirements would apply, as set forth in sections 3009(c), 3009(d), and 3009(e) of the Proposed Regulation. Those reporting and recordkeeping requirements are described in further detail below.
68. New section 3006(e)(1) is being added to specify a phase-out percentage cap of 50% for Large Fleets. That is, a Large Fleet could limit their compliance obligation to no more than 50% of their LSI Fleet by the first compliance date. Since the phase-out compliance dates would be different for Class IV and Class V forklifts, each compliance date is listed in the section. Percentage caps would not apply to Class IV forklifts with a Rated Capacity of over 12,000 pounds. Given the flexibility already provided by the structure of the Proposed Regulation, staff believes a 50% cap is sufficient to ease the phase-out of Large Fleets.
69. New section 3006(e)(2) is being added to specify a phase-out percentage cap of 25% for Small Fleets and Crop Preparation Services Fleets. That is, a Small or Crop Preparation Services Fleet that would otherwise be required to phase out more than 25% of its fleet on the first compliance date could instead turn over 25% and turn over the remainder by the following compliance date. For Forklifts with a Rated Capacity of 12,000 pounds or less, the section specifies that the compliance date to which to apply the cap would be the first compliance date provided in either Table 1 or Table 2, depending on the phase-out schedule selected by the fleet. For Class V forklifts, the section specifies the first compliance date as January 1, 2030. Further, the percentage cap would not

apply to Class IV forklifts with a lift capacity of over 12,000 pounds. Given the flexibility already provided by the structure of the Proposed Regulation, staff believes a 25% cap is sufficient to ease the phase-out of Small Fleets and Crop Preparation Services Fleets.

70. New section 3006(e)(3) is being added to set forth that if a cap provision is used, the forklift fleet must be phased out starting with the oldest forklifts first. This provision is being added to achieve the largest emission reductions as soon as possible since older forklifts tend to have higher emissions than newer forklifts.
71. New section 3006(e)(4) is being added to require Fleet Operators and Rental Agencies utilizing a phase-out cap to phase out enough forklifts to meet the compliance cap of 50% for Large Fleets and 25% for Small and Crop Preparation Services Fleets by the first applicable compliance date. This section is necessary to ensure fleets understand how to apply the cap to their phase-out obligations.
72. New section 3006(e)(5) explains the methodology to use to calculate the number of forklifts required to be phased out to meet the cap. This section is necessary to describe how the percentage cap shall be calculated, which ensures consistent application of the phase-out cap provisions.
73. New section 3006(e)(6) is being added to require Fleet Operators and Rental Agencies utilizing a phase-out cap to phase out all remaining LSI Forklifts subject to the first applicable compliance date by the next applicable compliance date. Phase-out caps would only be available for the first applicable compliance date, so this section is necessary to clearly state that full compliance with the applicable compliance schedule would be required by the second applicable compliance date.
74. New section 3006(e)(7) is being added to specify the reporting requirements that apply to Fleet Operators and Rental Agencies using a phase-out cap. Certain information would be required to be submitted to the Executive Officer prior to the applicable compliance date and would be used for implementation and enforcement purposes. The section also clarifies that said reporting would be in addition to the reporting already required for the Phase-Out provisions.
75. In section 3006(f)(1), the text, "calendar," is being added to the section to clarify that the 30-day timeframe is based on calendar days and not business days.
76. Section 3007(a)(1)(B) is being deleted to address stakeholder comment that fleets should not be required to acquire a forklift of a specific MY only to operate it as a low-use forklift. Staff agrees. This change is being made because the intent of the Proposed Regulation is to allow fleets to use forklifts they phase out as low-use forklifts, not acquire additional forklifts for that purpose. With the deletion of section 3007(a)(1)(B), the former section 3007(a)(1)(C) through section 3007(a)(1)(H) are relettered appropriately. For example, the former section 3007(a)(1)(C) is now the new section 3007(a)(1)(B), etc.

77. In section 3007(a)(1)(E)2. the word, “calendar,” is being added in front of the word “days” in two locations. This change is being made to clarify that the number of days is based on calendar days and not business days.
78. In section 3007(a)(2), the text, “Fleet Operator Requirements specified in” and “and section 3006, Fleet Phaseout Provisions for Fleet Operators and Rental Agencies,” is being added to the section. The text, “the requirements of,” is being deleted. The changes are being made to clarify the sections from which Dedicated Emergency Forklifts are exempt.
79. In section 3007(a)(2)(A)2. the word, “hours,” is being added to the first sentence in the paragraph. This word is being added to the section to correct an inadvertent omission.
80. In section 3007(a)(2)(C)2., the word, “calendar,” is being added in front of the word “days” in two locations in the section. This change is being made to clarify that the timeframe is measured in calendar days and not business days.
81. In section 3007(a)(2)(C)5.b., the word, “and,” is being added to the end of the last sentence in the section as a transition between sections. This change helps clarify that all conditions set forth in the three subordinate sections of section 3007(a)(2)(C)5 shall be met.
82. In section 3007(a)(3)(B), the text, “work attachments, such as the forks,” is being deleted from the section. This change is being requested by stakeholders to reduce the burden of tagging out a phased-out forklift. Staff believes the other tagout requirements (i.e., removal of the battery and propane tank) are sufficient to prevent operation of a non-compliant LSI Forklift awaiting sale, scrap, or relocation.
83. In section 3007(a)(4)(C), the text, “while in California accounting for hours of operation accrued prior to delivery to the Dealer, as evidenced by the bill of lading,” is being added to provide additional clarity regarding LSI forklifts being transported for delivery to an out-of-state sale location. The 10-hour operational accrued limit is specific and limited to those operating hours accrued in California following delivery to the Dealer and does not incorporate operational use hours accrued outside of California. A bill of lading, on which forklift hours are typically recorded, would be used to verify hours prior to delivery to the Dealer.
84. Section 3007(a)(5), Delivery of Dedicated Emergency Forklifts, and its subsections are being relocated to a more suitable location, section 3003(c) Dealer Sales, Leases, and Possession of Forklifts.
85. New section 3007(a)(5) is being added to exempt LSI Forklifts that are used on San Nicolas and San Clemente Islands by, or under the authority of, the United States Department of Defense. Currently, the islands are used for military training purposes only and are not open to the general public. As such, the islands have limited power generation resources. This exemption is necessary because requiring the phase-out of LSI forklifts could impair training operations.

This exemption is similar to an exemption provided in the In-Use Off-Road Diesel-Fueled Fleets Regulation (Title 13, CCR, sections 2449 and 2449.1 through 2449.3).

86. New section 3007(a)(6) is being added to provide additional clarity that a forklift operating as an “In-Field Forklift,” as defined by the Proposed Regulation, is not included within the applicability of the Proposed Regulation. While staff believes all In-Field Forklifts will likely be Rough-Terrain Forklifts, which were already excluded from the applicability of the Proposed Regulation as originally proposed, agricultural stakeholders requested this change to add clarity as the added language aligns with language in existing in-use off-road regulations.
87. New section 3007(a)(6)(A) is being added to specify that in order to qualify as an In-Field Forklift, more than 50% of the forklift’s annual operation would need to be in Agricultural Operations and Forest Operations, not including hours operated in Crop Preparation Services. This section is necessary to limit the exemption to only those forklifts that are primarily used as In-Field Forklifts.
88. New sections 3007(a)(6)(B), 3007(a)(6)(B)1., 3007(a)(6)(B)2., 3007(a)(6)(B)3., and 3007(a)(6)(B)4. are being added to set forth the requirements for monitoring hours of use of an In-Field Forklift. These requirements are necessary so that it would be possible to verify that forklifts designated as In-Field Forklifts operated as In-Field Forklifts pursuant to the Proposed Regulation. The monitoring requirements are analogous to the monitoring requirements set forth for Dedicated Emergency Forklifts.
89. In section 3007(b) and elsewhere within the Proposed Regulation, the term “Phase-Out Extension” is being modified to the more general term “Extension,” because the term “Phase-Out” no longer accurately identifies all extensions. The Operational Extension and Infrastructure Site Electrification Delay Extension are being broadened to include a forklift replacement provision that can be applied prior to phase-outs. Also, within this section, text is being added to more comprehensively describe how extensions can be applied. Text is being added that states Fleet Operators may request extensions to obtain and operate one or more new replacement LSI Forklifts for which current Operational or Infrastructure Site Electrification Delay Extensions are in effect. Text in Section 3007(b)(1)(C) is being relettered to 3007(b)(1)(D). New text is being added as Section 3007(b)(1)(C) to address cases in which the Executive Officer requests additional information after extension requests are received. Fleet Operators have 30 calendar days from receipt of the request to reply with additional information. Establishing this timeline is necessary for clarity to both Fleet Operators and to CARB implementation staff. Thirty calendar days is a reasonable time frame for the Fleet Operator to respond to the request, i.e., long enough to gather information that may be hard to find, and a common interval for providing communication provided in CARB’s regulations.

90. In section 3007(b)(1)(D), which was previously 3007(b)(1)(C), as discussed above, the word “calendar” is being added in front of the word “days”. This change is being made to clarify that the number of days specified refers to calendar days, not business days. Text is also being added to indicate that the provision applies to either an initial extension submittal or a submittal provided in response to a request for more information. If the Executive Officer does not reply within 45 calendar days of either of these submittals, the request is deemed approved. Text has also been added to clarify that the effective period of the extension would begin 45 calendar days after receipt of the submittal. This is necessary to eliminate uncertainty for both Fleet Operators and CARB staff implementing the extension provisions.
91. Section 3007(b)(2)(A)2.b. is being modified to remove the text, “at least 45 days.” This change is being made because staff believes the requirement is of limited utility given that Fleet Operators would already be expected to order the ZEFs well in advance (i.e., two years prior) of the upcoming compliance date.
92. Subparts of section 3007(b)(2) are being modified to broaden the circumstances under which a Fleet Operator may apply for a Zero-Emission Forklift Delivery Delay Extension to include after an Operational Extension expires or is denied.
93. Section 3007(b)(2)(A)(3) is being modified to remove the requirement for submittal of documentation for the Zero-Emission Forklift Delivery Delay Extension prior to the upcoming compliance date. Removing this requirement is necessary because a request submitted after the compliance date should also be eligible for extension in some cases, such as if a Fleet Operator misses the compliance date because they applied for an Operational Extension for the upcoming compliance date and were denied.
94. Section 3007(b)(2)(B)(1) is being modified to provide clarifying details that Zero-Emission Forklift Delivery Delay extension requests and renewal requests submitted both prior to the upcoming compliance date and after the compliance date will expire on December 31 of the compliance year. Stating these logistical details is necessary to avoid ambiguity for both the regulated parties and CARB implementation staff.
95. In section 3007(b)(2)(D)1., the text, “between 45 and 90 calendar days” is being deleted. This change is necessary because they would allow Fleet Operators to submit requests further in advance, so that they would have time to pursue a different compliance pathway should their request get denied. At the request of stakeholders, the change is also being made to allow extension requests to be submitted within 45 days of the upcoming compliance date. While requests would be accepted within the 45-day window, Fleet Operators submitting such requests could face potential penalties for non-compliance should their request fail to receive approval prior to the upcoming compliance date.

96. In section 3007(b)(2)(D)2., the text, “between 45 and 90 calendar days,” is being deleted. This change is necessary because they would allow Fleet Operators to submit requests further in advance, so that they would have time to pursue a different compliance pathway should their request get denied. At the request of stakeholders, the change is also being made to allow extension renewal requests to be submitted within 45 days of the upcoming extension expiration date. While requests would be accepted within the 45-day window, Fleet Operators submitting such requests could face potential penalties for non-compliance should their request fail to receive approval prior to the upcoming extension expiration date.
97. Section 3007(b)(3)(A)1.a. is being modified to add the four additional scenarios under which a Fleet Operator could qualify for an Infrastructure Construction Delay Extension.
- The first scenario is when the delivery of necessary building materials has been delayed, and the delays are beyond the Fleet Operator’s control. Certain fleets could be required to make building improvements to shelter charging equipment and/or forklifts from rain and other weather elements. This change is necessary to address the situation where the materials necessary to make those improvements are delayed.
 - The second scenario is when a Fleet Operator faces delays in construction of ZEF-related storage or shelter other than a delay in the delivery of necessary building materials, and the delays are beyond the Fleet Operator’s control. This change is necessary because if the ZEF storage or shelter is delayed, operation of ZEFs and phase-out of LSI forklifts must be delayed as well
 - The third scenario is when a Fleet Operator faces delays in obtaining a permit, and the delays are beyond the Fleet Operator’s control. This is necessary to allow Fleets to continue operating LSI Forklifts in situations where permit issuance is delayed despite good-faith efforts of the Fleet Operator. The language added addresses stakeholders’ concerns that a Fleet Operator could be out of compliance due to construction issues or issues obtaining a permit that are out of the Fleet Operators control.
 - The fourth scenario is when a Fleet Operator is a tenant and is experiencing issues with obtaining landlord approval for the installation of the infrastructure upgrades necessary to charge or fuel ZEFs. This is necessary to allow Fleet Operators additional time to identify a solution to comply with the Proposed Regulation in these situations (e.g., come to an agreement with the landlord, relocate operations, etc.).
98. In section 3007(b)(3)(A)1.b., language is being modified such that, if applicable, the installation of necessary physical infrastructure would also be required to be included in a construction contract in order to qualify for an Infrastructure Construction Delay Extension. Additionally, language is being added to allow the

Fleet Operator to demonstrate that a construction permit application is being submitted at least

18-months prior to the upcoming compliance date as a qualifying criterion if a permit is not issued at least one year ahead of said compliance date. The changes are made to address stakeholders' concerns that a Fleet Operator could be out of compliance due to construction issues or issues obtaining a permit that are beyond the Fleet Operator's control. These changes would align this section with the updated language in section 3007(b)(3)(A)1.a. for an Infrastructure Construction Delay Extension.

99. In section 3007(b)(3)(A)4., the text, "between 45 and 90 calendar days," is being deleted. This change is necessary to would allow Fleet Operators to submit requests further in advance, so that they would have time to pursue a different compliance pathway should their request get denied. At the request of stakeholders, the change is also being made to allow extension requests to be submitted within 45 days of the upcoming compliance date. While requests would be accepted within the 45-day window, Fleet Operators submitting such requests could face potential penalties for non-compliance should their request fail to receive approval prior to the upcoming compliance date.
100. In section 3007(b)(3)(A)4.e., language is being added to require Fleet Operators, as a qualifying criterion for an Infrastructure Construction Delay Extension, to demonstrate that a construction permit application is being submitted at least 18 months ahead of the upcoming compliance date if the construction permit is being not issued at least one year prior to said compliance date. This aligns this section with the change in section 3007(b)(3)(A)1.b. for an Infrastructure Construction Delay Extension. The section is also being modified to exclude Fleet Operators from the requirements if they are having landlord-tenant issues. This is necessary because it would not likely be possible to apply for a permit for the necessary infrastructure upgrades if the landlord has not approved said upgrades.
101. In section 3007(b)(3)(B)4.a., the text, "between 45 and 90 calendar days," is being deleted. This change is necessary because they would allow Fleet Operators to submit requests further in advance, so that they would have time to pursue a different compliance pathway should their request get denied. At the request of stakeholders, the change is also being made to allow extension requests to be submitted within 45 days of the upcoming compliance date. While requests would be accepted within the 45-day window, Fleet Operators submitting such requests could face potential penalties for non-compliance should their request fail to receive approval prior to the upcoming compliance date.
102. In section 3007(b)(3)(B)4.a.v, the term "billing statements" is being removed and in its place the text, "Load profile depicting the location's typical electricity usage on an hourly basis" is being added. This change is necessary because billing

statements would not provide the information necessary to determine electrical capacity need. However, load profiles would provide the necessary information, which would facilitate the Executive Officer's evaluation of the Fleet Operator's extension request or extension renewal request.

103. In section 3007(b)(3)(B)4.b., the text, "between 45 and 90 calendar days," is being deleted. This change is necessary because they would allow Fleet Operators to submit requests further in advance, so that they would have time to pursue a different compliance pathway should their request get denied. At the request of stakeholders, the change is also being made to allow requests to be submitted within 45 days of the extension expiration date. While requests would be accepted within the 45-day window, Fleet Operators submitting such requests could face potential penalties for non-compliance should their request fail to receive approval prior to the upcoming expiration date.
104. In section 3007(b)(4), the term "Technical Infeasibility Extension" has been changed to "Operational Extension" to more accurately reflect that the extension may apply if a commercially available ZEF cannot meet the current operational needs being served by an LSI Forklift. This change is being made throughout the regulatory text.

In section 3007(b)(4), text is being added to allow an Operational Extension to be used to allow the replacement of an LSI forklift with another LSI forklift, even if the replacement is years in advance of the upcoming compliance date. A 2026 Model Year or newer replacement LSI forklift would be allowed even though the regulation generally prohibits possession, sale, and use of LSI forklifts of model year 2026 and newer. It is necessary to allow fleets to obtain replacement LSI forklifts in such situations, because, if an Operational Extension applies, there is no commercially available ZEF model that can meet the needs of an operation. For example, consider a large fleet with a model year 2022 Class IV LSI forklift with a rated capacity less than 12,000 pounds that qualifies for an Operational Extension. The forklift breaks down and needs to be replaced in 2029, over three years ahead of the Jan. 1, 2033 deadline for phasing out the 2022 Class IV LSI forklift. To continue to get their work done, the fleet may need to buy a 2026 Model Year or newer LSI forklift.

105. In section 3007(b)(4)(A)4, the expression "good faith effort" has been removed due to potential ambiguity. The section now requires that the Fleet Operator has managed operations such that the need for Operational Extensions has been minimized. The provision previously required that the Fleet Operator had made a "good faith effort" to manage operations such that the need for Operational Extensions has been minimized.
106. Section 3007(b)(4)(B) has been expanded to include sections 3007(b)(4)(B)(1) and (2). As a result, Section 3007(b)(4)(B) is being modified to only include the heading, which has been changed from "Extension Duration" to "Duration of

Operational Extension.” The added specificity aids navigation through the Proposed Regulation.

107. New Section 3007(b)(4)(B)(1), which contains text previously located in section 3007(b)(4)(B), includes text stating that the section addresses an Operational Extension or renewal that is granted by the Executive Officer for an extension of an upcoming compliance date. The text distinguishes this section from the following section, section 3007(b)(4)(B)(2), which addresses Operational Extensions granted for replacement of an LSI forklift prior to the upcoming compliance date. The sunset date of January 1, 2038 for the Operational Extension is being removed because Operational Extensions may continue to be needed beyond that date and there is no particular date that an Operational Extension should cease to be available to Fleet Operators.
108. New Section 3007(b)(4)(B)(2) addresses an Operational Extension granted for replacement of an LSI forklift prior to the upcoming compliance date. Text has been added to specify that the extension shall be valid up to the compliance date of the replaced LSI forklift. The text also gives the following example: if a Model Year 2022 Class IV forklift with a Rated Capacity of 12,000 pounds or less in a Large Fleet is replaced with a Model Year 2029 Class LV LSI forklift per this extension, the replacement forklift would need to be phased out by the compliance date of January 1, 2033.

Considering that the upcoming compliance date may be years away from the date that the extension is granted, it is important to add text giving an extended duration for the extension. Otherwise, the Fleet Operator would potentially need to invest effort in providing a comprehensive market evaluation annually and for many years to demonstrate that no available ZEF models are capable of safely operating as a replacement, considering the duty cycle and operational characteristics. The Fleet Operator would also face uncertainty in how long the replacement forklift could be operated, as a ZEF model could become available earlier than expected. Consider that an LSI forklift may need to be replaced if it breaks down prior to the upcoming compliance date. If a market evaluation demonstrates that an Operational Extension is valid for replacement of the forklift, that forklift should be able to operate as many additional years prior to the upcoming compliance date as a forklift that did not break down. Text is also added specifying that renewal of the extension is subject to Section 3007(b)(4)(B)(1).

109. In section 3007(b)(4)(D)1., the text, “the extension between 45 and 90 calendar days prior to” was edited to state “when requesting to replace an LSI forklift using the Operational Extension or when requesting an extension of the upcoming compliance date using the Operational Extension.” This change is necessary to allow Fleet Operators to submit requests further in advance than 90 calendar days before the compliance date, so that they would have time to pursue a different compliance pathway should their request get denied. At the request of stakeholders concerned they could learn of a need for an Operational

Extension within 45 days of an upcoming compliance date, the change is also being made to allow extension requests to be submitted within 45 days of the upcoming compliance date. While requests would be accepted within the 45-day window, Fleet Operators submitting such requests would be taking a risk of non-compliance should their request fail to receive approval prior to the upcoming compliance date. Additionally, text noting that the list of information to be submitted when applying for an Operational Extension is applicable to Operational Extension that meets the replacement requirements of the Proposed Regulation, not just those related to extending a compliance date. This text is necessary to make clear what applicants must submit when applying for an Operational Extension in such circumstances.

110. In section 3007(b)(4)(D)1.f., the text “being as effective and/or safe as said LSI forklift” was deleted and was replaced with “safely operating as a replacement, considering the duty cycle and operational characteristics”. This change clarifies the description of the factors a Fleet Operator or Responsible Official must consider when evaluating whether an LSI forklift may qualify for an Operational Extension due to the lack of available ZEF models. Additionally, the text was modified to provide a maximum six-month lead time allowed for completing the comprehensive market evaluation before applying for an Operational Extension for either a replacement forklift or an existing forklift. It is appropriate that the market evaluation take place in the six-month period preceding application submittal as that will ensure the fleet bases their application on current market availability, and is aware of any recently available ZEF models.
111. In section 3007(b)(4)(D)2., the text, “between 45 and 90 calendar days” is being deleted. This change is necessary because they would allow Fleet Operators to submit requests further in advance, so that they would have time to pursue a different compliance pathway should their request get denied. At the request of stakeholders, the change is also being made to allow renewal requests to be submitted within 45 days of the upcoming extension expiration date. While requests would be accepted within the 45-day window, Fleet Operators submitting such requests could face potential penalties for non-compliance should their request fail to receive approval prior to the upcoming extension expiration date.
112. New section 3007(b)(4)(E) addresses expirations and denials of Operational Extensions. Text is being added to make the Fleet Operator’s upcoming compliance date 180 calendar days from the date of extension expiration or denial, or the original compliance date, whichever is later, to bring the forklift or fleet for which the Operational Extension expired or was denied, into compliance. This section is being added because staff recognizes lead time may be needed for a Fleet Operator to deploy a ZEF after expiration or denial of an Operational Extension. Making the upcoming compliance date 180 calendar days from the date of extension expiration or denial, or the original compliance date, whichever is later, gives the Fleet Operator time to research options and to submit requests for other extensions, if needed, while at the same time requiring quick action to

reduce emissions. Text is also being added to clarify that a Fleet Operator may not apply for an Operational Extension for the same equipment subsequent to one being denied. This stipulation is intended to prevent a Fleet Operator from submitting a request repeatedly in order to delay the compliance date.

Additionally, text is being added to ensure that Fleet Operators encountering expiration or denial of an Operational Extension are eligible to apply for the Zero-Emission Forklift Delivery Delay Extension, the Infrastructure Construction Delay Extension, and the Infrastructure Site Electrification Delay Extension, if needed. Text is being added that lists specific sections of the aforementioned extensions with deadlines that might otherwise limit the Fleet Operator's eligibility to apply for the extensions. Notwithstanding these sections, the Fleet Operator is eligible to apply for the extensions, provided that applications are submitted within 135 calendar days of the expiration of, or denial of a request for an Operational Extension. Because the new compliance date for the Fleet Operator is 180 calendar days from expiration of, or denial of an Operational request, and CARB is provided a window of up to 45 calendar days to respond to a request, the remaining 135 calendar days is an appropriate window for submittal of an application for a Zero-Emission Forklift Delivery Delay Extension, an Infrastructure Construction Delay Extension, and/or an Infrastructure Site Electrification Delay Extension, if needed. Text in this section is necessary because, otherwise, a Fleet Operator who is unable to renew or is denied an Operational Extension because a ZE forklift model recently becomes available and who encounters a delay in forklift delivery or an infrastructure delay would be put in a position where it is impossible to comply.

113. New section 3007(b)(5) and subordinate sections are being added to allow for the sale of LSI forklifts to Fleet Operators that are replacing existing LSI forklifts included in an Operational Extension or an Infrastructure Site Electrification Delay Extension. This change is necessary to allow Fleet Operators to continue operations should an LSI Forklift included in an Operational or Infrastructure Site Electrification Delay Extension become inoperable or impractical to operate.
114. In new section 3007(b)(5)(A), language is being added to state that an approved and valid Operational Extension or Infrastructure Site Electrification Delay Extension must be in place at the time the forklift is being replaced. This language is necessary to limit the provision to only those LSI forklifts that are included in a valid Operational or Infrastructure Site Electrification Delay Extension.
115. In new section 3007(b)(5)(B), language is being added specifying that when replacing forklifts with a valid Operational or Infrastructure Site Electrification Delay Extension, the forklift being replaced must be removed from the Fleet Operators facility within 30 -days of receiving the replacement forklift. This section is necessary because it helps ensure the acquired LSI forklift is a replacement, rather than an addition, while giving Fleet Operators time to dispose of their old forklift and avoiding any impact to their operation.

116. In new sections 3007(b)(5)(C), 3007(b)(5)(C)1., 3007(b)(5)(C)2., language is being added specifying that the EIN number of the forklift with the Operational or Infrastructure Site Electrification Delay Extension and the purchase or lease agreement for the replacement LSI forklift must be presented to the Executive Officer before the replacement LSI forklift is delivered. This section is necessary since the documents will allow the Executive Officer to verify that the Fleet Operator is replacing an LSI forklift that is covered by an Operational or Infrastructure Site Electrification Delay Extension and provide evidence that the forklift being acquired will perform the same work.
117. In new sections 3007(b)(5)(D), 3007(b)(5)(D)1., 3007(b)(5)(D)2., language is being added specifying the documentation that must be provided to the Executive Officer within 30 days of the delivery of the replacement forklift. The documents, the LSI forklift information specified in section 3009(b)(2), and proof of removal or destruction, will be used by the Executive Officer to verify compliance with the proposed Regulation.
118. In new section 3007(b)(5)(E), language is being added specifying that forklifts with an Operational Extension must be phased out by the date the extension expires or otherwise becomes invalid. This is necessary to clarify when an LSI Forklift covered by an Operational Extension is required to be phased out and to achieve the emission reductions associated with phasing out the LSI Forklift.
119. In section 3008(a)(2), text is being modified to replace “individual(s) with the authority” to “the Responsible Official or Designated Official.” This is necessary to ensure that documentation submitted by CARB is provided by an individual who meets specific criteria to qualify as having authority to submit on behalf of the regulated party. The definitions for “Responsible Official” and “Designated Official” provide such criteria, and the requirement for submittal by the Responsible Official or Designated Official is consistent with recordkeeping and reporting requirements identified in Section 3009.
120. In section 3009(b)(1)(B), the text, “Corporate parent name, if applicable,” is being deleted and the text, “Parent company, corporation, or agency, if reporting Fleet Portion,” is being added to the section. This change will clarify that subsidiaries, divisions, or organizational substructures of a parent organization would be allowed to be reported individually so long as the parent organization is provided, as currently allowed in the In-Use Off-Road Diesel-Fueled Fleets Regulation (Title 13, CCR, section 2449, 2449.1, 2449.2, and 2449.3).
121. In section 3009(c)(1)(C), the text, “up to 12,000 pounds” is being modified to “12,000 pounds or less.” This change is being made to clarify that the provision is inclusive of Class V LSI Forklifts with a lift capacity of 12,000 pounds.
122. In section 3009(c)(1)(D)2., text is being added to give an option for providing evidence that the information was submitted to the utility in lieu of an actual confirmation from the utility. This option is necessary if the information is submitted to the utility, but the utility does not respond.

123. In section 3009(d)(1)(C), the text, “up to 12,000 pounds” is being modified to “12,000 pounds or less.” This change is being made to clarify that the provision is inclusive of Class V LSI forklifts with a lift capacity of 12,000 pounds.
124. In sections 3009(e) and 3009(e)(1), the word “Agricultural” has been removed from the term “Agricultural Crop Preparation Services Fleet,” because the new term, “Crop Preparation Services” now applies, as explained previously in the section 3001 definition for “Crop Preparation Services Fleet.”
125. In section 3009(e)(1)(C), the text, “up to 12,000 pounds,” is being modified to “12,000 pounds or less.” This change is being made to clarify that the provision is inclusive of Class V LSI Forklifts with a lift capacity of 12,000 pounds. In addition, text describing the sections referenced is being added to improve readability. Additionally, the transition word, “and,” is being deleted from the section due to new sections 3009(e)(1)(E) and 3009(e)(1)(F) being added.
126. In section 3009(f)(1)(B)3., the word, “calendar,” is being added in front of the word “days”. This change is being made to clarify that the number of days specified is based on calendar day, not business days.
127. In section 3009(f)(2)(A), the word, “calendar,” is being added in front of the word “days”. This change is being made to clarify that the number of days specified is based on calendar day, not business days.
128. In section 3009(g)(1)(B)3., the word, “calendar,” is being added in front of the word “days”. This change is being made to clarify that the number of days specified is based on calendar day, not business days.
129. In section 3009(g)(1)(C)2.b., the word, “calendar,” is being added in front of the word “days”. This change is being made to clarify that the number of days specified is based on calendar day, not business days.
130. In section 3009(h)(1), the word, “calendar,” is being added in front of the word “days”. This change is being made to clarify that the number of days specified is based on calendar day, not business days. Note also that the word “Agricultural” has been removed from the term “Agricultural Crop Preparation Services Fleet”, because the new term, “Crop Preparation Services Fleet” now applies, as explained previously in the section 3001 definition for “Crop Preparation Services Fleet.”
131. In section 3009(h)(2), the word “Agricultural” has been removed from the term “Agricultural Crop Preparation Services Fleet”, because the new term, “Crop Preparation Services” now applies, as explained previously in the section 3001 definition for “Crop Preparation Services Fleet.”
132. In section 3009(j), text addressing the justification for adding diesel forklifts has been deleted due to removal of the prohibition on acquisition of a Diesel Forklift as a replacement for an LSI Forklift or a Class V Forklift of a Rated Capacity up to 12,000 pounds. Instead, text has been added to require that when a Diesel

Forklift is acquired on or after January 1, 2026, the Fleet Operator or Rental Agency needs to report whether the Forklift is doing work previously performed by a Class IV LSI Forklift of any Rated Capacity or a Class V LSI Forklift of a Rated Capacity of 12,000 pounds or less that has been phased out of the Fleet. The following section 3009(k), Production and Sales Reporting, is now relettered as section 3009(j).

133. Section 3009(l) is now relettered to section 3009(k) due to the removal of text discussed in the previous item.
134. New sections 3009(k), 3009(k)(1), 3009(k)(2), and 3009(k)(3) are being added. The new text contains a description of the information that must be provided to the Executive Officer if the Phase-Out Percentage Cap is used by the Fleet Operator and specifies that the information must be provided prior to the applicable compliance date. The sections are necessary to inform the Executive Officer which forklifts will be removed from the fleet by the phase-out date and which forklifts will continue to be operated at each facility. The information will be used for implementation and enforcement purposes.
135. In section 3010(a)(2), the word, “calendar,” is being added in front of the word, “days.” This change is being made to clarify that the number of days specified is based on calendar days, not business days.
136. In section 3011(a) the text is being modified to reflect removal of the prohibition on acquisition of a Diesel Forklift as a replacement for a Class IV LSI Forklift or a Class V Forklift of a Rated Capacity up to 12,000 pounds. The prohibition was removed since Diesel Forklifts are already regulated under the In-Use Off-Road Diesel-Fueled Fleets Regulation, and bifurcating the provisions for Diesel Forklifts between two regulations could cause confusion. Instead, text has been added to require that when a Diesel Forklift is acquired on or after January 1, 2026, the Fleet Operator or Rental Agency needs to report whether the Forklift is doing work previously performed by a Class IV LSI Forklift of any Rated Capacity or a Class V LSI Forklift of a Rated Capacity of 12,000 pounds or less that has been phased out of the Fleet. Accordingly, the subsections to section 3011(a) are being removed. In addition to the modifications described above, additional modifications correcting grammar, punctuation and spelling have been made throughout the proposed changes. These changes are non-substantive.

These modifications do not change implementation of the Proposed Regulation in any way that affects the conclusions of the environmental analysis included in the Staff Report because the modifications consist of revisions to provide more compliance flexibility, or definition and provision clarifications, that do not fundamentally alter the compliance responses. Therefore, no additional environmental analysis or recirculation of the analysis is required.

Updates to the Information in the Initial Statement of Reasons

1. In the ISOR, staff incorrectly cited the date and weblink for the California Energy Commission Energy Transportation Energy Demand Forecast that was used for fuel pricing and which was identified in footnotes 233 and 235 of the ISOR. The correct date is December 2022, rather than December 2021. The correct citation is provided in Item No. 112 of the Additional Documents section of this Notice.
2. Chapter VIII, Section B.9.a of the ISOR should have included a statement that data for fuel price forecasting beyond 2035 was obtained from the US Energy Information Administration's Annual Energy Outlook 2022 for the Pacific Region. The citation is included in Item No. 113 of the Additional Documents section of this Notice.
3. In Appendix C: Draft Environmental Impact Analysis to the Staff Report: Initial Statement of Reasons, which was released on November 7, 2023, in section "Impact 6-2: Long-Term Operation-Related Impacts on Energy," there was a typographical error. In the statement, "The increase in electricity demand statewide due to the increased use of ZEFs will be approximately 1.1 Gigawatt hours per year in 2038," the term "Gigawatt" is corrected to "Terawatt."
4. In Appendix D: 2023 Large Spark Ignition Forklift Emission Inventory to the Staff Report: Initial Statement of Reasons, which was released on November 7, 2023, there was a typographical error in Section 6.e. In the statement, "The expected increase in gridded energy demand from electric forklifts after full implementation of the Proposed Regulation is 1,065 MWh, which is roughly 0.4 percent of the statewide gridded energy demand," the unit "MWh" is corrected to "GWh."

Updates to the Notice of Public Hearing to Consider Proposed Zero-Emission Forklift Regulation

In the third bullet point of the section, "Documents Incorporated by Reference," there was a typographical error. The text, "title 12" should be "title 13."

Updates to the Proposed Zero-Emission Forklift Regulation Standardized Regulatory Impact Assessment

In Section 3, Direct Costs, corrections are being made to the following statements, "The projected total direct cost of the Proposed Regulation over the implementation timeframe is estimated to be \$9.33 billion. The total estimated savings is \$13.78 billion, and the net cost is estimated at negative \$4.46 billion (i.e., net savings of \$4.46 billion)."

The total direct cost is \$8.97 billion, not \$9.33 billion. The total estimated savings is \$13.9 billion, not \$13.78 billion. And the net savings is \$4.94 billion, not \$4.46 billion.

Additional Document(s) Added to the Record

In the interest of completeness and in accordance with Government Code section 11347.1, subdivision (a), staff has also added to the rulemaking record and invites comments on the following additional documents:

1. American Journal of Transportation, First and largest fleet of high-capacity zero-emission forklifts now in full operation at SSA Marine in the Port of West Sacramento and Port of Stockton, May 2023 (web link: <https://www.ajot.com/news/first-and-largest-fleet-of-high-capacity-zero-emission-forklifts-now-in-full-operation-at-ssa-marine-in-the-port-of-west-sacramento-and-port-of-stockton>)
2. American Lung Association, State of the Air 2022, Most Polluted Cities List, April 2022 (web link: <https://www.lung.org/research/sota/city-rankings/most-polluted-cities>)
3. Apex Companies, Lead-Acid vs. Lithium-Ion Forklift Batteries-A Head to Head Matchup, n.d. (web link: <https://www.apexmhc.com/forklifts-lift-trucks/lead-acid-vs-lithium-ion-forklift-batteries-a-head-to-head-matchup/>, last accessed March 2024)
4. Barber, T., MidColumbia Forklift Blog, How Much Does a Forklift Cost?, June 2020 (web link: <https://www.midcoforklift.com/blog/new-forklift-price-range>, last accessed March 2024)
5. Barboza, T., Port ships are becoming L.A.'s biggest polluters. Will California force a cleanup?, Los Angeles Times, January 2020 (web link: <https://www.latimes.com/california/story/2020-01-03/port-ships-are-becoming-la-worst-polluters-regulators-plug-in>, last accessed March 2024)
6. Berkeley Law, University of California, California Climate Policy Fact Sheet: Renewables Portfolio Standard (web link: <https://www.law.berkeley.edu/wp-content/uploads/2019/12/Fact-Sheet-RPS.pdf>, last accessed March 2024)
7. Boston Solar, How Much CO2 Do Solar Panels Save?, January 2020 (web link: <https://www.bostonsolar.us/solar-blog-resource-center/blog/how-much-co2-do-solar-panels-save/>, last accessed April 2024)
8. California Air Resources Board, Amendments to the Low Carbon Fuel Standard Regulation and the Regulation on Commercialization of Alternative Diesel Fuels, Initial Statement of Reasons (ISOR) at page III-57 (web link: https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2018/lcfs18/isor.pdf?_ga=2.185082863.734098528.1710780772-1462308397.1701471817) and ISOR Appendix H, March 2018 (web link: https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2018/lcfs18/isor.pdf?_ga=2.84792031.795678771.1710881936-184637983.1600705717)
9. California Air Resources Board, LCFS Pathway Certified Carbon Intensities (web link: [https://www.arb.ca.gov/lcfs/pathway-certified-carbon-intensities](#))

- https://ww2.arb.ca.gov/sites/default/files/classic/fuels/lcfs/fuelpathways/current-pathways_all.xlsx)
10. California Air Resources Board, List to Determine Preempt Off-Road Applications, (n.d.) (web link: <https://ww2.arb.ca.gov/list-determine-preempt-road-applications>)
 11. California Air Resources Board, Lookup Table Pathways Technical Support Documentation, August 2023 (web link: https://ww2.arb.ca.gov/sites/default/files/classic/fuels/lcfs/ca-greet/lut_update_2023_2.pdf)
 12. California Air Resources Board, Low Carbon Fuel Standard, July 2020, See 17 CCR § 95486.1(a), Table 5, “EER Values for Fuels Used in Light-and Medium-Duty, and Heavy-Duty Applications” (web link: https://ww2.arb.ca.gov/sites/default/files/2020-07/2020_lcfs_fro_oal-approved_unofficial_06302020.pdf)
 13. California Air Resources Board, Public Hearing to Consider the Proposed Zero-Emission Forklift Regulation, Staff Report: Initial Statement of Reasons, Appendix D: Large Spark Ignition Forklift Emission Inventory, November 7, 2023 (web link: <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2024/zeforklifts/appd.pdf>).
 14. California Air Resources Board, Sustainable Freight Pathways to Zero and Near-Zero Emissions, 5 , April 2015 (web link: <https://ww2.arb.ca.gov/sites/default/files/2020-09/Sustainable%20Freight%20Pathways%20to%20Zero%20and%20Near-Zero%20Emissions%20Discussion%20Document.pdf>)
 15. California Air Resources Board, Transcript for February 19, 2015, California Air Resource Board Meeting at page 77, lines 5-12 (weblink: https://ww2.arb.ca.gov/sites/default/files/barcu/board/mt/2015/mt021915.pdf?_ga=2.209773139.734098528.17110780772-1462308397.1701471817)
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 18. California Department of Finance, Economic Research Unit, National Deflators: Calendar Year averages. Sacramento: California. January 2024.
 19. California Department of Finance, Economic Research Unit, National Economic Forecast – Annual & Quarterly. Sacramento: California. January 2024.
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These documents are available for inspection at the California Air Resources Board, 1001 I Street, Sacramento, California, 95814, between the hours of 9:00am to 4:00pm, Monday through Friday (excluding holidays). To inspect these documents please

contact Bradley Bechtold, Regulations Coordinator, at bradley.bechtold@arb.ca.gov or (279) 208-7266.

Agency Contacts

Inquiries concerning the substance of the Proposed Regulation may be directed to Keith Roderick, Air Resources Engineer, Staff Lead, Advanced Emission Control Strategies section, at 279-208-7768 or Lori Berard, Air Pollution Specialist, Cost Analysis Lead, Advanced Emission Control Strategies section, at 951-542-3083.

Public Comments

Written comments will only be accepted on the modifications identified in this Notice. Comments may be submitted by postal mail or by electronic submittal no later than the due date to the following:

Postal mail: Clerks' Office, California Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: <https://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code § 6250 et seq.), your written and verbal comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

To be considered by the Executive Officer, comments must be directed to CARB in one of the two forms described above and received by CARB no later than the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the Proposed Regulations shall be considered by the Executive Officer.

If you need this document in an alternate format or another language, please contact the Clerks' Office at (916) 322-5594 or by facsimile at (916) 322-3928 no later than five (5) business days from the release date of this notice. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Si necesita este documento en un formato alternativo u otro idioma, por favor llame a la oficina del secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de cinco (5) días laborales a partir de la fecha del lanzamiento de este aviso. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

Hearing Procedures

A public hearing will be conducted on June 27, 2024, in accordance with the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340). The Executive Officer will evaluate all comments

received during the public comment periods, including comments raising significant environmental issues, and will prepare written responses to such comments as required by CARB's certified regulations at Title 17, CCR, sections 60000-60007 and Government Code section 11346.9, subdivision (a). The Executive Officer will present to the Board, at the scheduled public hearing, the final environmental analysis, including staff's written responses to environmental comments, for consideration for approval, along with the finalized regulation for consideration for adoption.

Following the public hearing, the Board may take action to approve for adoption the regulatory language as proposed with the attached modifications. The Board may also direct the Executive Officer to determine if additional conforming modifications to the regulation are appropriate. If this occurs, the full regulatory text, with the modifications clearly indicated, will be made available to the public at least 15 days before final adoption.

California Air Resources Board



Steven S. Cliff, Ph.D.
Executive Officer

Date: May 21, 2024

Attachments

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see [CARB's website](http://www.arb.ca.gov) (www.arb.ca.gov).