

California Air Resources Board

Appendix G: Supplement to Initial Statement of Reasons – Proposed Emergency Vehicle Emissions Regulations

*Proposed Amendments to the On-Road Heavy-Duty
Engine and Vehicle Omnibus, Low Carbon Fuel
Standard Regulations, and to Permanently Adopt the
Emergency Vehicle Emissions Regulations*

Date of Release: September 23, 2025

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List of Acronyms and Abbreviations

Acronym/Abbreviation	Definition
ACC	Advanced Clean Cars
CAA	Clean Air Act
CARB or Board	California Air Resources Board
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
EA	Environmental Analysis
EMA	Truck and Engine Manufacturers Association
GHG	Greenhouse Gas
HSC	Health and Safety Code
ISOR or Staff Report	Initial Statement of Reasons
LCFS	Low Carbon Fuel Standard
LEV	Low Emission Vehicle
MAC	Manufacturers Advisory Correspondence
NOx	Oxides of Nitrogen
OAL	Office of Administrative Law
OBD	On-Board Diagnostic
Omnibus	Heavy-Duty Engine and Vehicle Omnibus
PM	Particulate Matter
PM2.5	Fine Particulate Matter
SIP	State Implementation Plan
U.S. EPA	United States Environmental Protection Agency
ZEV	Zero-Emission Vehicle

I. Introduction and Background

On January 6, 2025, the United States Environmental Protection Agency (U.S. EPA) published its notices of decision granting two of California's requests for Clean Air Act (CAA) preemption waivers.¹ One of these authorized enforcement of the Advanced Clean Cars II, or ACC II regulation, including the Low Emission Vehicle (LEV) IV regulation. The other authorized enforcement of the Heavy-Duty Engine and Vehicle Omnibus (Omnibus) regulation. Amendments to the On-Board Diagnostic (OBD) regulations were included in both waivers. On June 12, 2025, President Trump signed congressional resolutions that purported to disapprove these and one other waiver not at issue here.² California and a coalition of states promptly filed suit to challenge these resolutions targeting three waiver actions granted to California.³ That case remains pending.

The congressional resolutions have introduced an unprecedented degree of uncertainty into the California market for new motor vehicles and engines. Specifically, the resolutions purported to invalidate preemption waivers authorizing enforcement of more recently adopted, more stringent vehicle and engine emission standards that had displaced antecedent regulations (applicable to all future model years when adopted) for which preemption has also been waived. The resolutions have thus left questions about which regulations are operative as to light-duty, medium-duty, and heavy-duty vehicles and engines.

Most recently, in an exhibit to a court filing on September 4, 2025, vehicle manufacturers argued that the California Air Resources Board's (CARB) earlier-adopted vehicle certification requirements—for which CARB has received separate waivers not affected by the congressional resolutions and not at issue in the litigation described above—are invalid because those requirements became “defunct” when the more recent, more stringent standards displaced them.⁴ Thus, according to the vehicle manufacturer challengers, “amending state law” would be required to revive the earlier-adopted standards even if the displacing standards are ultimately found to be unenforceable on account of Congress's actions. CARB disagrees.

Nevertheless, CARB took immediate action to adopt Emergency Vehicle Emissions Regulations to maintain a stable vehicle market in the state and prevent the sale of vehicles into the state that would not be certified to *either* set of standards—*neither* the more recent ones that are subject to the recent congressional action *nor* the earlier-adopted ones that are undisputedly authorized by a federal waiver.⁵

The Emergency Vehicle Emissions Regulations confirm that, until a court resolves the uncertainty created by the federal government's actions, then at a minimum certain earlier-

¹ 90 Fed. Reg. 642 (Jan. 6, 2025), 90 Fed. Reg. 643 (Jan. 6, 2025).

² H.J. Res. 88 (119th Congress), H.J. Res. 89 (199th Congress).

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

⁴ Pl. Mot. For Leave to File Reply in Support of Mot. For Admin. Relief to Expedite, *Daimler Truck North Am. LLC v. CARB*, Case No. 2:25-cv-02255-DC (Sep. 4, 2025), at Exh. 1, page 2 n.3 .

⁵ 5-Day Public Notice and Comment Period, Emergency Amendment and Adoption of Vehicle Emissions Regulations. Issued on September 15, 2025.

adopted regulations (displaced by ACC II and Omnibus) remain operative (as previously adopted) with the caveat that CARB may enforce Advanced Clean Cars II and Omnibus, to the extent permitted by law, in the event a court of law holds invalid the resolutions purporting to disapprove the waivers for those more recent regulations. Here, CARB is proposing to make permanent the Emergency Vehicle Emissions Regulations.

A. Heavy-Duty Pre-Omnibus Amendments

California first regulated heavy-duty vehicle exhaust emissions in 1969. In 2005 and 2010, U.S. EPA granted waivers for California's medium- and heavy-duty engine and vehicle regulations for diesel and Otto-cycle engine standards.⁶ In 2017, U.S. EPA granted California a waiver of federal preemption for several sets of amendments to CARB's emission standards for medium- and heavy-duty vehicles adopted in 2011, 2008, 2007, and 2006.⁷ In 2016, U.S. EPA granted California's requests for waivers for its OBD systems for light-, medium-, and heavy-duty vehicles adopted in 2013 (the OBD II and Heavy-Duty OBD regulations).⁸ OBD systems are software in the on-board computers in vehicles and engines which monitor emissions-related components for malfunctions. OBD systems were introduced on heavy-duty engines beginning in the 2010 model year. California's Omnibus regulations, adopted in 2020 and amended in 2023, tightened CARB's criteria pollutant standards for medium- and heavy-duty vehicles⁹ with corresponding OBD changes. In 2016, U.S. EPA also granted California a waiver for its Phase 1 Greenhouse Gas (GHG) emission standards adopted in 2013.¹⁰ The Emergency Vehicle Emissions Regulations clarify that the pre-Omnibus provisions, including Heavy-duty OBD, remain operative.

B. LEV III Criteria Pollutant Emission Standard Amendments

California's LEV III regulations, adopted on January 26, 2012, and subsequently updated, tightened criteria pollutant standards for 2015 through 2025 and subsequent model years light-duty vehicles and chassis-certified medium-duty vehicles.¹¹ U.S. EPA granted California's request for a CAA preemption waiver, authorizing enforcement of these regulations, in 2013.¹² CARB first adopted OBD systems for light-duty vehicles in 1985 applicable to the 1988 model year, which U.S. EPA found to be within the scope of previous waivers.¹³ CARB amended these standards (i.e., OBD II systems) applicable to the 1994 model year and received a waiver in 1996.¹⁴ In 2016, U.S. EPA granted California's requests for waivers for its updated

⁶ 70 Fed. Reg. 50,322 (Aug. 26, 2005); 75 Fed. Reg. 70,238 (Nov. 17, 2010).

⁷ 82 Fed. Reg. 4,867 (Jan. 17, 2017).

⁸ 81 Fed. Reg. 78,143 (Nov. 7, 2016); 81 Fed. Reg. 78,149 (Nov. 7, 2016).

⁹ See Register 2020, No. 4 (26-Z), and Register 2024, No. 22 (31-Z).

¹⁰ The Proposed Greenhouse Gas (GHG) Regulations For Medium- And Heavy-Duty Engines And Vehicles, Optional Reduced Emission Standards For Heavy-Duty Engines, And Amendments To The Tractor-Trailer GHG Regulation, Diesel-Fueled Commercial Motor Vehicle Idling Rule, And The Heavy-Duty Hybrid-Electric Vehicles Certification Procedures, adopted 2014, Register 2014, No. 49; 81 Fed. Reg. 95,982 (December 29, 2016).

¹¹ The LEV III regulations were subsequently amended in 2012 (Register 2012, No. 32 and Register 2013, No. 1), 2015 (Register 2015, No. 41) and 2018 (Register 2018, No. 50).

¹² 78 Fed. Reg. 2,113 (Jan. 9, 2013); see also 87 Fed. Reg. 14,332 (Mar. 14, 2022) [restoring waiver].

¹³ Cal. Code Regs., tit. 13, § 1968; 51 Fed. Reg. 22,858, June 23, 1986.

¹⁴ Cal. Code Reg., tit. 13, § 1968.1; 61 Fed. Reg. 53,371 (Oct. 11, 1996).

OBD system requirements for light-, medium-, and heavy-duty vehicles adopted in 2013 (the OBD II and Heavy-Duty OBD regulations).¹⁵ As part of the ACC II regulations adopted on June 9, 2022, more stringent criteria emission standards known as LEV IV established new requirements for 2026 and subsequent model years, thereby displacing the LEV III criteria pollutant regulation after the 2025 model year. OBD requirements corresponding to the LEV IV standards were included as part of the ACC II regulations adopted on June 9, 2022. The Emergency Vehicle Emissions Regulations made operative the LEV III criteria pollutant regulations to all model years subsequent to 2025 as originally adopted, which these amendments would make permanent.

II. The Problem that the Proposal is Intended to Address

Passenger cars light, medium-, and heavy-duty vehicles are a significant source of oxides of nitrogen (NO_x), other smog-forming emissions and fine particulate matter (PM_{2.5}) in California. Over 27 million such vehicles are on the road in California, and are estimated to travel over 300 billion miles in 2025. California's air quality has significantly improved over the past decade, due, in large part, to CARB's regulation of vehicles and engines. However, despite these improvements, major populated regions in California are still in non-attainment with the federal PM_{2.5} and ozone National Ambient Air Quality Standards. The South Coast and San Joaquin Valley air basins are the only two regions in the country classified as 'Extreme'—the worst category—for nonattainment of the federal ozone standard of 70 parts per billion. These areas also suffer some of the worst levels of PM_{2.5} pollution.

The federal CAA requires areas that exceed the health-based national ambient air quality standards to develop a State Implementation Plan (SIP) that demonstrates how they will attain the standards by specified dates. In developing SIPs, CARB, in partnership with the local air districts, identifies measures across different sectors to achieve the necessary emission reductions. The Heavy-Duty Pre-Omnibus regulations and the LEV III Criteria Pollutant Emission Standards (described above) are both in California's current, approved SIP.¹⁶ While the LEV IV regulations (as part of the ACC II regulation) and the Omnibus regulation are not yet approved into California's SIP, they were both identified by CARB in the 2022 State Strategy for the State Implementation Plan and the 2016 State Strategy for the State Implementation Plan for Federal Ozone and PM_{2.5} Standards (2016 State SIP Strategy), respectively, as measures that would be critical for the State to attain or maintain compliance with federal standards. U.S. EPA approved the 2016 State SIP Strategy in 2019.¹⁷

As previously mentioned, the congressional resolutions have introduced an unprecedented degree of uncertainty by purporting to invalidate preemption waivers authorizing enforcement of the ACC II regulation, including the LEV IV regulations, and the Omnibus regulation. These actions have left questions about which regulations are operative as to light-, medium-, and heavy-duty vehicles and engines, risking increased air pollution.

¹⁵ 81 Fed. Reg. 78,143 (Nov. 7, 2016); 81 Fed. Reg. 78,149 (Nov. 7, 2016).

¹⁶ 40 C.F.R., § 52.220a.

¹⁷ U.S. EPA approved the 2016 State SIP Strategy as a revision to the California SIP 84 Fed. Reg. 3,302 (Feb. 12, 2019); corrected at 84 Fed. Reg. 19,680 (May 3, 2019); and at 84 Fed. Reg. 52,005 (October 1, 2019).

Most recently, in an exhibit to a court filing on September 4, 2025, vehicle manufacturers argued that the California Air Resources Board's (CARB) earlier-adopted vehicle certification requirements—for which CARB has received separate waivers not affected by the congressional resolutions and not at issue in the litigation described above—are invalid because those requirements became “defunct” when the more recent, more stringent standards displaced them.¹⁸ The proposed regulatory action to make permanent the Emergency Vehicle Emissions Regulations will ensure that, at a minimum, certain earlier-adopted regulations for new motor vehicles and engines will continue to protect public health and the environment.

A. Need for Heavy-Duty Pre-Omnibus Amendments

On July 8, 2024, CARB submitted a request to U.S. EPA seeking a waiver of preemption and authorization under the CAA for its Heavy-Duty Omnibus Regulation, originally adopted in 2021 and subsequently amended in 2023. Following a thorough review of all public comments received, U.S. EPA published its notice of decision granting the requested waiver on January 6, 2025, thereby authorizing California to implement and enforce its Heavy-Duty Omnibus Regulation. This Regulation fulfilled a commitment in the federally-approved 2016 State SIP Strategy and was necessary to protect public health.¹⁹

However, on June 12, 2025, the President signed a congressional resolution (*H.J. Res. 89*) that purported to disapprove the waiver granted for the Omnibus Regulation. In response, California—along with ten other states—has initiated legal proceedings in federal court, challenging the resolution as unlawful. More recently, the federal government intervened in a lawsuit filed by several truck manufacturers²⁰ seeking to enjoin multiple California vehicle emission standards and actions, including the ACC II requirements for medium-duty vehicles, the Omnibus Regulation, and the *Clean Truck Partnership* agreement,²¹ which was entered into on July 5, 2023, by CARB, the Truck and Engine Manufacturers Association (EMA), and multiple truck manufacturers.

These recent federal actions have introduced significant and unprecedented uncertainty into the California market for new motor vehicles and engines. To provide clarity and regulatory certainty in the interim, CARB has issued a Manufacturers Advisory Correspondence (MAC-ECCD-2025-08) outlining the operative standards to certify and offer vehicles and engines products for sale in California, as well as other aspects of the certification program.²² Furthermore, through this rulemaking, CARB is proposing to make permanent the Emergency Vehicle Emissions Regulations which amended the relevant sections of the California Code of

¹⁸ Pl. Mot. For Leave to File Reply in Support of Mot. For Admin. Relief to Expedite, *Daimler Truck North Am. LLC v. CARB*, Case No. 2:25-cv-02255-DC (Sep. 4, 2025), at Exh. 1, page 2 n.3 .

¹⁹ State SIP Strategy, 2017. <https://ww2.arb.ca.gov/resources/documents/2016-state-strategy-state-implementation-plan-federal-ozone-and-pm25-standards>.

²⁰ Motion to Intervene, *Daimler Truck North Am. LLC v. CARB*, Case No. 2:25-cv-02255-DC-AC, Document 43 (August 14, 2025)

²¹ Clean Truck Partnership, 2023. https://ww2.arb.ca.gov/sites/default/files/2023-07/Final%20Agreement%20between%20CARB%20and%20EMA%202023_06_27.pdf.

²² Regulatory Guidance for Engine and Vehicle Certification in California dated August 25, 2025 <https://ww2.arb.ca.gov/sites/default/files/2025-08/MAC%20ECCD-2025-08.pdf>.

Regulations (CCR) to clarify and confirm that certain antecedent standards and requirements, which have extant federal preemption waivers not subject to the recent congressional resolutions, remain operative, while preserving CARB's ability to enforce the ACC II, Omnibus, and OBD Regulations, to the extent permitted by law, in the event a court of law holds invalid the resolutions purporting to disapprove the waivers.

B. Need for LEV III Criteria Pollutant Emission Standard Amendments

On May 22, 2023, CARB submitted a request to the U.S. EPA seeking a waiver of preemption and authorization under the CAA for its Advanced Clean Cars II Regulations, which include the LEV IV Criteria Pollutant Emission Regulation (and associated on-board diagnostic requirements), originally adopted in 2022. Following a thorough review of all public comments received, U.S. EPA published its notice of decision granting the requested waiver on January 6, 2025, thereby authorizing California to implement and enforce these regulations. This Regulation fulfilled a commitment in the federally-approved 2016 State Strategy for the State Implementation Plan (2016 State SIP Strategy) and was necessary to protect public health.²³

However, on June 12, 2025, the President signed a congressional resolution (*H.J. Res. 88*) that purported to disapprove the waiver granted for the Advanced Clean Cars II Regulations. In response to this and two other similar resolutions, California—along with ten other states—has initiated legal proceedings in federal court, challenging the resolution as unlawful. These recent federal actions have introduced significant and unprecedented uncertainty into the California market for new motor vehicles and engines. Specifically, the resolution purported to disapprove the preemption waiver authorizing enforcement of the Advanced Clean Cars II Regulations, which had displaced antecedent regulations (applicable to all future model years) for which preemption has also been waived. This has left questions about which regulations are operative as to light- and medium-duty vehicles. To provide clarity and regulatory certainty in the interim, CARB has issued a Manufacturers Advisory Correspondence (MAC-ECCD-2025-08) outlining the operative standards to certify and offer vehicles and engines products for sale in California, as well as other aspects of the certification program.²⁴ Furthermore, through this rulemaking, CARB is proposing to make permanent the Emergency Vehicle Emissions Regulations which made amendments to the relevant sections of the California Code of Regulations (CCR) to make operative the LEV III Criteria Pollutant Emission Regulation into the CCR, including the OBD regulations as amended in 2013 that are applicable to light-, medium-, and heavy-duty engines and vehicles, until the litigation effort is completed. This enables manufacturers to continue certifying vehicles under the standards and requirements antecedent to the LEV IV Criteria Pollutant Emission Regulation.

²³ State SIP Strategy, 2017. <https://ww2.arb.ca.gov/resources/documents/2016-state-strategy-state-implementation-plan-federal-ozone-and-pm25-standards>.

²⁴ Regulatory Guidance for Engine and Vehicle Certification in California dated August 25, 2025 <https://ww2.arb.ca.gov/sites/default/files/2025-08/MAC%20ECCD-2025-08.pdf>.

C. Need to Make Permanent the Emergency Vehicle Emissions Regulations

The goal of the Emergency Vehicle Emissions Regulations, which CARB is proposing to make permanent here, is to clarify and ensure that new motor vehicles can be certified as meeting emission standards for sale in California despite the unprecedented uncertainty introduced by the federal government into the California market for new motor vehicles and engines. This proposal will ensure that new vehicles and engines sold in California will, at a minimum, meet the earlier-adopted emission standards and requirements, which have extant federal preemption waivers not subject to the recent congressional resolutions. The Emergency Vehicle Emissions Regulations maintain protective emission standards for vehicles and engines while ensuring manufacturers can sell vehicles and engines into California despite the uncertainty the federal government has created by issuing illegal and unconstitutional congressional resolutions targeting its waivers.

D. Regulatory Authority

CARB has been granted both broad and extensive authority under the California Health and Safety Code (HSC) to adopt the proposal to make permanent the Emergency Vehicle Emissions Regulations. The California Legislature has placed the responsibility of controlling vehicular air pollution on CARB, and has designated CARB as the state agency that is “charged with coordinating efforts to attain and maintain ambient air quality standards, to conduct research into the causes of and solution to air pollution, and to systematically address the serious problems caused by motor vehicles, which are the major source of air pollution in many areas of the State.”²⁵ CARB is authorized to adopt standards, rules, and regulations needed to properly execute the powers and duties granted to and imposed on CARB by law.²⁶ HSC sections 43013 and 43018 broadly authorize and require CARB to achieve the maximum feasible and cost-effective emission reductions from motor vehicles, including the adoption and implementation of vehicle emission standards and in-use performance standards²⁷ and by improving emission system durability and performance,²⁸ resulting in an expeditious reduction of NOx emissions from diesel vehicles, “which significantly contribute to air pollution problems.”²⁹

CARB is further authorized to adopt and implement emission standards for new motor vehicles and new motor vehicle engines that are necessary and technologically feasible.³⁰ CARB also has the authority to adopt test procedures and any other procedures necessary to determine whether vehicles and engines follow the emission standards established under Part 5 of the HSC.³¹ Finally, CARB has the authority to not certify a new motor vehicle or motor vehicle

²⁵ Cal. Health & Saf. Code, §§ 39002 and 39003)

²⁶ Cal. Health & Saf. Code, §§ 39600 and 39601.

²⁷ Cal. Health & Saf. Code, § 43013(a).

²⁸ Cal. Health & Saf. Code, § 43018(c)(2).

²⁹ Cal. Health & Saf. Code, § 43013(h).

³⁰ Cal. Health & Saf. Code, § 43101.

³¹ Cal. Health & Saf. Code, § 43104.

engine unless the vehicle or engine meets the emission standards adopted by CARB pursuant to state law - Part 5 of the HSC under test procedures adopted pursuant to section 43104.³²

III. Overview of Proposed Regulation

CARB proposed its Emergency Vehicle Emissions Regulations to maintain protective emission standards for vehicles and engines while ensuring manufacturers can sell vehicles and engines into California despite the emergency the federal government has created by issuing illegal and unconstitutional congressional resolutions targeting its waivers. This action will make permanent the Emergency Vehicle Emissions Regulations which stabilize the new motor vehicle market in California and protect public health.

To ensure that new motor vehicles can continue to be sold in California, despite the ongoing uncertainty introduced by the federal government into the State's longstanding regulatory program, CARB staff is proposing to amend its regulations to clarify that the criteria pollution provisions of the LEV III regulation and associated on-board diagnostic requirements remain operative, with the caveat that CARB may enforce the more recent LEV IV requirements to the extent permitted by law, in the event a court of law holds invalid the resolution purporting to disapprove that waiver.

CARB staff is similarly proposing to amend its medium- and heavy-duty regulations to clarify that the pre-Omnibus provisions³³ remain operative, with the caveat that CARB may enforce the Omnibus regulation, to the extent permitted by law, in the event a court of law holds invalid the resolutions purporting to disapprove that waiver.

CARB continues to accept and process certification applications for the LEV IV and Omnibus emission standards to the extent manufacturers so choose during this time. Hence, both sets of standards will be present in the California Code of Regulations during this period of unprecedented uncertainty. Regulated parties may choose to follow either the LEV IV or Omnibus standards or the antecedent LEV III and pre-Omnibus provisions. Regulated parties, however, assume the risk of future enforcement action if they choose to certify only to the antecedent provisions, and the congressional resolutions purporting to disapprove the waivers of federal preemption are declared invalid.

IV. The Specific Purpose and Rationale of Each Adoption, Amendment, or Repeal

CARB is statutorily mandated to promote and protect public health, welfare, and ecological resources through the effective reduction of air pollutants, while recognizing and considering effects on the economy.³⁴ These Emergency Vehicle Emissions Regulations consist of restored regulatory provisions previously adopted pursuant to CARB's statutory authority under

³² Cal. Health & Saf. Code, § 43102.

³³ These regulations encompass provisions for OBD systems for light-, medium-, and heavy-duty engines and vehicles, greenhouse gas emissions from medium- and heavy-duty vehicles, and related requirements in the sections of titles 13 and 17 listed as encompassed in this proposal.

³⁴ Cal. Health & Saf. Code, § 39000 et seq.

the Administrative Procedure Act, and which are enforceable under federal waivers of preemption. Appendix A-3 contains the Proposed Amendments to Title 13 Regulation Order For the Emergency Vehicle Emissions Regulation, Appendices A-4-1 and A-4-2 contain the Proposed Adoption of Title 13 Sections for the Emergency Vehicle Emissions Regulation, Appendix A-5 contains the Proposed Amendments to Title 17 Sections for the Emergency Vehicle Emissions Regulation, and Appendix A-6 contains the Proposed Adoption of Title 17 Sections for the Emergency Vehicle Emissions Regulation.

Under Government Code section 11346.2, subdivision (b)(1), an agency must provide in its rulemaking record the “Specific Purpose of each adoption, amendment, or repeal and the rationale for the agency’s determination that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose for which it is proposed.”³⁵ CARB has complied with this requirement. The prior CARB rulemakings adopting the Emergency Vehicle Emissions Regulations already articulated and satisfied these requirements under the following Office of Administrative Law (OAL) File Numbers and are incorporated by reference into this proposal:

- Z-00-1010-10 [Consider Requiring Certain California Light-and Medium-Duty Vehicles to be Subject to Federal Tier 2 Exhaust Standards, and Adopting Additional Exhaust Emission Standards for Heavy-Duty Gasoline Vehicles and Engines],
- Z-01-0828-14 [Amendments Adopting More Stringent Emission Standards for 2007 and Subsequent Model Year New Heavy-Duty Diesel Engines],
- Z-02-0917-02 [Consider the Incorporation of Federal Exhaust Emission Standards for 2008 and Later Model-Year Heavy-Duty Gasoline Engines and the Adoption of Minor Amendments to the Low-Emission Vehicle Regulations],
- Z-2011-1129-12 [Amendments To The California Greenhouse Gas And Criteria Pollutant Exhaust And Evaporative Emission Standards And Test Procedures And To The On-Board Diagnostic System Requirements For Passenger Cars, Light-Duty Trucks, And Medium-Duty Vehicles, And To The Evaporative Emission Requirements For Heavy-Duty Vehicles],
- Z-2012-0626-07 [Proposed Revisions to On-Board Diagnostic System Requirements for Heavy-Engines, Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles and Engines],
- Z-2012-0831-01 [Proposed Amendments To The New Passenger Motor Vehicle Greenhouse Gas Emission Standards For Model Years 2017-2025 To Permit Compliance Based On Federal Greenhouse Gas Emissions Standards And Additional Minor Revisions To The LEV III And ZEV Regulations],
- Z-2013-1015-07 [Proposed Greenhouse Gas (GHG) Regulations For Medium- And Heavy-Duty Engines And Vehicles, Optional Reduced Emission Standards For Heavy-Duty Engines, And Amendments To The Tractor-Trailer GHG Regulation, Diesel-Fueled

³⁵ See also Cal. Code Regs., tit. 1, § 10, subd. (b).

Commercial Motor Vehicle Idling Rule, And The Heavy-Duty Hybrid-Electric Vehicles Certification Procedures],

- Z-2014-0819-06 [Proposed Amendments To The LEV III Criteria Pollutant Requirements For Light- And Medium-Duty Vehicles, The Hybrid Electric Vehicle Test Procedures, And The Heavy-Duty Otto-Cycle And Heavy-Duty Diesel Test Procedures],
- Z-2018-0724-07 [Proposed Amendments to the Low-Emission Vehicle III Greenhouse Gas Emission Regulation], and
- Z-2018-0821-02 [Amendments to California Specification for Fill Pipes and Openings Of Motor Vehicle Fuel Tanks].

The current regulations that are being amended to note their applicability were previously adopted in these proceedings that met the requirements of the Administrative Procedure Act and are incorporated by reference in this proposal:

- Z-2020-0609-07 [Omnibus, Heavy-Duty Engine and Vehicle Omnibus Regulation and Associated Amendments - Proposed Amendments to the Exhaust Emissions Standards and Test Procedures for 2024 and Subsequent Model Year Heavy-Duty Engines and Vehicles, Heavy-Duty On-Board Diagnostic System Requirements, Heavy-Duty In-Use Testing Program, Emissions Warranty Period and Useful Life Requirements, Emissions Warranty Information and Reporting Requirements, and Corrective Action Procedures, In-Use Emissions Data Reporting Requirements, and Phase 2 Heavy-Duty Greenhouse Gas Regulations, and Powertrain Test Procedures],
- Z-2021-0518-18 [Proposed Revisions to the On-Board Diagnostic System Requirements and Associated Enforcement Provisions for Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles and Engines, and Heavy-Duty Engines],
- Z-2022-0329-04 [Advanced Clean Cars II Regulations], and
- Z-2023-0718-09 [Omnibus 2023 amendments, Proposed Amendments to the Heavy-Duty Engine and Vehicle Omnibus Regulation].

As described below, in making permanent the Emergency Vehicle Emissions Regulations, the Specific Purpose and Rationale of each adoption, amendment, or repeal is to clarify that previously adopted provisions remain operative, thereby confirming a baseline regulatory framework to protect public health from the threat of uncontrolled motor vehicle emissions, and doing so in a manner that ensures certainty for the public and regulated parties.

The purpose of this rulemaking is to make permanent the Emergency Vehicle Emissions Regulations previously proposed by CARB under its emergency rulemaking authority. In particular, the purpose of the underlying Emergency Vehicle Emissions Regulations is to ensure that protective emission standards for vehicles and engines remain clearly in effect notwithstanding disruption caused by the federal government's illegal and unconstitutional congressional resolutions targeting California's waivers. These regulations preserve the continuity of CARB's standards through vehicle and engine certification requirements, maintain the ability of manufacturers to sell vehicles and engines into California, provide certainty to the regulated community, and protect public health.

Thus, CARB proposes to make permanent its Emergency Vehicle Emissions Regulations. This will clarify that the ACC I LEV III provisions, at a minimum, remain as a health protective measure. CARB staff is similarly proposing to make permanent amendments to the medium- and heavy-duty regulations to clarify that the pre-Omnibus provisions remain operative as a health-protective measure and to ensure manufacturers will still be able to certify and sell vehicles and engines in the State.

This action provides the required 45-day notice of the full rulemaking following adoption of the Emergency Vehicle Emissions Regulations. The rulemaking clarifies that regulatory provisions previously adopted under the Administrative Procedure Act remain operative, where those adoptions included the demonstration of necessity, statutory authority, and clarity. This clarification is essential to CARB's ability to safeguard public health and maintain regulatory stability, while also mitigating the disruption caused by federal interference with standards designed to achieve further reductions in air pollutants.

Accordingly, the Emergency Vehicle Emissions Regulations satisfy the Office of Administrative Law's standards of clarity, consistency, necessity, and authority. The Emergency Vehicle Emissions Regulations proceedings also provided a 5-day public comment period pursuant to Government Code section 11346.1, subdivision (a)(2), ensuring that the emergency adoption process remains transparent and inclusive of public participation.

V. Benefits Anticipated from the Regulatory Action

Government Code section 11346.2, subdivision (b)(1), requires enumeration of the anticipated benefits of the regulatory action, including the benefits and goals of the authorizing statute. CARB has complied with this requirement. The prior CARB rulemakings adopting the Emergency Vehicle Emissions Regulations already articulated and satisfied these requirements under the following OAL File Numbers and are incorporated by reference:

- Z-00-1010-10 [Consider Requiring Certain California Light-and Medium-Duty Vehicles to be Subject to Federal Tier 2 Exhaust Standards, and Adopting Additional Exhaust Emission Standards for Heavy-Duty Gasoline Vehicles and Engines],
- Z-01-0828-14 [Amendments Adopting More Stringent Emission Standards for 2007 and Subsequent Model Year New Heavy-Duty Diesel Engines],
- Z-02-0917-02 [Consider the Incorporation of Federal Exhaust Emission Standards for 2008 and Later Model-Year Heavy-Duty Gasoline Engines and the Adoption of Minor Amendments to the Low-Emission Vehicle Regulations],
- Z-2011-1129-12 [Amendments To The California Greenhouse Gas And Criteria Pollutant Exhaust And Evaporative Emission Standards And Test Procedures And To The On-Board Diagnostic System Requirements For Passenger Cars, Light-Duty Trucks, And Medium-Duty Vehicles, And To The Evaporative Emission Requirements For Heavy-Duty Vehicles],
- Z-2012-0626-07 [Proposed Revisions to On-Board Diagnostic System Requirements for Heavy-Engines, Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles and Engines],

- Z-2012-0831-01 [Proposed Amendments To The New Passenger Motor Vehicle Greenhouse Gas Emission Standards For Model Years 2017-2025 To Permit Compliance Based On Federal Greenhouse Gas Emissions Standards And Additional Minor Revisions To The LEV III And ZEV Regulations],
- Z-2013-1015-07 [Proposed Greenhouse Gas (GHG) Regulations For Medium- And Heavy-Duty Engines And Vehicles, Optional Reduced Emission Standards For Heavy-Duty Engines, And Amendments To The Tractor-Trailer GHG Regulation, Diesel-Fueled Commercial Motor Vehicle Idling Rule, And The Heavy-Duty Hybrid-Electric Vehicles Certification Procedures],
- Z-2014-0819-06 [Proposed Amendments To The LEV III Criteria Pollutant Requirements For Light- And Medium-Duty Vehicles, The Hybrid Electric Vehicle Test Procedures, And The Heavy-Duty Otto-Cycle And Heavy-Duty Diesel Test Procedures],
- Z-2018-0724-07 [Proposed Amendments to the Low-Emission Vehicle III Greenhouse Gas Emission Regulation],
- Z-2018-0821-02 [Amendments to California Specification for Fill Pipes and Openings Of Motor Vehicle Fuel Tanks],

In making permanent the Emergency Vehicle Emissions Regulations, CARB is addressing uncertainty in the new motor vehicle market in California created by the congressional resolutions, addressing questions and claims about which regulations are operative, and ensuring vehicle and engines manufacturers meet California's emissions standards until the question of the validity of the congressional resolutions is resolved by a court of law. This proposal clarifies that the identified, previously-adopted provisions remain operative, thereby confirming a baseline regulatory framework to protect public health from the threat of uncontrolled motor vehicle emissions, and doing so in a manner that ensures certainty for the public and regulated parties

A. Emission Impacts

CARB's proposal to make permanent its Emergency Vehicle Emissions Regulations is not expected to result in changes to NOx or particulate matter (PM) since the proposed regulatory action will ensure that new engines and vehicles will continue, at a minimum, to adhere to the LEV III and pre-Omnibus regulations. Specifically, the Emergency Vehicle Emissions Regulations clarify that, at a minimum, the criteria pollutant emission standards for new passenger cars, light trucks, and chassis-certified medium-duty vehicles up to 14,000 pounds, which had become status quo starting with the 2017 model year, will continue beyond the 2025 model year. The proposal also clarifies that the standards antecedent to the Omnibus regulations remain operative. Manufacturers may offer vehicles adhering to the more stringent LEV IV and Omnibus emission standards. CARB has certified to or otherwise enforced LEV III and pre-Omnibus standards, or stricter standards, since those standards went into effect, and thus the proposed regulatory action has no adverse emissions impact.

B. Health Impacts

CARB's proposal to make permanent its Emergency Vehicle Emissions Regulations are not expected to result in new health benefits nor impacts since the proposed regulatory action will ensure that new engines and vehicles will continue, at a minimum, to adhere to the LEV III and pre-Omnibus regulations, despite the actions of the federal administration targeting California's authority and proposing to repeal federal vehicle emission standards.

VI. Air Quality

CARB's proposal to make permanent its Emergency Vehicle Emissions Regulations are not expected to result in any significant changes to air quality since the proposed regulatory action ensures that, at a minimum, the criteria pollutant emission standards for new passenger cars, light trucks, and chassis-certified medium-duty vehicles up to 14,000 pounds, which manufacturers achieved with the 2017 model year, will continue beyond the 2025 model year. The proposal also clarifies that the standards that predated the Omnibus regulations would remain operative. Manufacturers may offer vehicles adhering to the more stringent LEV IV and Omnibus emission standards. CARB has certified or otherwise enforced LEV III and pre-Omnibus standards, or stricter standards, since those standards went into effect.

As previously mentioned, the prior CARB rulemakings adopting the Emergency Vehicle Emissions Regulations analyzed the air quality impacts for those rulemakings under the following OAL File Numbers and are incorporated by reference in this proposal.

- Z-00-1010-10 [Consider Requiring Certain California Light-and Medium-Duty Vehicles to be Subject to Federal Tier 2 Exhaust Standards, and Adopting Additional Exhaust Emission Standards for Heavy-Duty Gasoline Vehicles and Engines],
- Z-01-0828-14 [Amendments Adopting More Stringent Emission Standards for 2007 and Subsequent Model Year New Heavy-Duty Diesel Engines],
- Z-02-0917-02 [Consider the Incorporation of Federal Exhaust Emission Standards for 2008 and Later Model-Year Heavy-Duty Gasoline Engines and the Adoption of Minor Amendments to the Low-Emission Vehicle Regulations],
- Z-2011-1129-12 [Amendments To The California Greenhouse Gas And Criteria Pollutant Exhaust And Evaporative Emission Standards And Test Procedures And To The On-Board Diagnostic System Requirements For Passenger Cars, Light-Duty Trucks, And Medium-Duty Vehicles, And To The Evaporative Emission Requirements For Heavy-Duty Vehicles],
- Z-2012-0626-07 [Proposed Revisions to On-Board Diagnostic System Requirements for Heavy-Engines, Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles and Engines],
- Z-2012-0831-01 [Proposed Amendments To The New Passenger Motor Vehicle Greenhouse Gas Emission Standards For Model Years 2017-2025 To Permit Compliance Based On Federal Greenhouse Gas Emissions Standards And Additional Minor Revisions To The LEV III And ZEV Regulations],

- Z-2013-1015-07 [Proposed Greenhouse Gas (GHG) Regulations For Medium- And Heavy-Duty Engines And Vehicles, Optional Reduced Emission Standards For Heavy-Duty Engines, And Amendments To The Tractor-Trailer GHG Regulation, Diesel-Fueled Commercial Motor Vehicle Idling Rule, And The Heavy-Duty Hybrid-Electric Vehicles Certification Procedures],
- Z-2014-0819-06 [Proposed Amendments To The LEV III Criteria Pollutant Requirements For Light- And Medium-Duty Vehicles, The Hybrid Electric Vehicle Test Procedures, And The Heavy-Duty Otto-Cycle And Heavy-Duty Diesel Test Procedures],
- Z-2018-0724-07 [Proposed Amendments to the Low-Emission Vehicle III Greenhouse Gas Emission Regulation], and
- Z-2018-0821-02 [Amendments to California Specification for Fill Pipes and Openings Of Motor Vehicle Fuel Tanks].

VII. Environmental Analysis

A. Introduction

As previously stated, while CARB is proposing the Omnibus amendments, LCFS amendments, and the proposal to make permanent CARB's Emergency Vehicle Emissions Regulations together as one rulemaking for administrative efficiency, the Omnibus amendments, LCFS amendments, and the proposal to make permanent CARB's Emergency Vehicle Emissions regulations are three separate regulatory items and projects which will result in three separate approval actions. Therefore, the Omnibus amendments, LCFS amendments, and the proposal to make permanent CARB's Emergency Vehicle Emissions Regulations are three separate projects under the California Environmental Quality Act (CEQA). As such, CARB appropriately analyzed the Omnibus amendments, LCFS amendments, and the proposal to make permanent CARB's Emergency Vehicle Emissions Regulations as separate projects under CEQA. The CEQA determinations made for Emergency Vehicle Emissions Regulations are summarized below.

This chapter provides the basis for CARB's determination that the proposal to make permanent CARB's Emergency Vehicle Emissions Regulations is exempt from the requirements of CEQA. A brief explanation of this determination is provided in section B below.

CARB's regulatory program, which involves the adoption, approval, amendment, or repeal of standards, rules, regulations, or plans for the protection and enhancement of the State's ambient air quality, has been certified by the California Secretary for Natural Resources under Public Resources Code section 21080.5 (Cal. Code Regs., tit. 14, § 15251(d)). Public agencies with certified regulatory programs are exempt from certain CEQA requirements, including, but not limited to, preparing environmental impact reports, negative declarations, and initial studies. CARB, as a lead agency, prepares a substitute environmental document (referred to as an "Environmental Analysis" or "EA") as part of the Staff Report prepared for a proposed action to comply with CEQA (Cal. Code Regs., tit. 17, §§ 60000-60007). If the proposal to make permanent CARB's Emergency Vehicle Emissions Regulations is finalized, a

Notice of Exemption will be filed with the Office of the Secretary for the Natural Resources Agency for public inspection.

B. Analysis

1. Common Sense Exemption—General Rule

CARB, as the lead agency under CEQA, has reviewed the proposal to make permanent CARB's Emergency Vehicle Emissions Regulations and concluded that it is exempt pursuant to the CEQA Guidelines, section 15061(b)(3) ("common sense" exemption) because it can be seen with certainty that there is no possibility that the proposed regulatory action may result in any significant adverse impact on the environment. The proposed regulatory action will clarify and confirm that certain previously-adopted vehicle emission standards and regulations for new motor vehicles and engines remain operative.

To clarify that the provisions of the ACC I, LEV III regulation remain in effect for 2025 and subsequent model year passenger cars and light-duty trucks up to 14,000 lbs., CARB staff is proposing to make permanent its Emergency Vehicle Emissions Regulations to clarify that the LEV III provisions remain operative, as a health protective measure and to ensure manufacturers will still be able to sell vehicles and engines covered by the challenged congressional resolution disapproving the ACC II regulation's waiver of federal preemption under the CAA. CARB staff is similarly proposing to make permanent amendments to the medium- and heavy-duty regulations to clarify that pre-Omnibus provisions remain operative, as a health protective measure and to ensure manufacturers will still be able to sell vehicles and engines covered by the challenged congressional resolution disapproving the Omnibus regulation's waiver of federal preemption under the CAA. For more details on the specific elements that make up the Emergency Vehicle Emissions Regulations, see also the Introduction and Background section above.

This proposed regulatory action will ensure that future, new vehicles will continue to adhere to the LEV III (pre-ACC II) and pre-Omnibus standards. The environmental and health benefits have already been realized because CARB has enforced the previous standards since they went into effect, and the superseding and more protective ACC II and Omnibus regulations ensured those protections continued. Thus the proposed regulatory action has no adverse environmental or health impact. However, the proposed action would ensure that the achieved environmental and health benefits of the LEV III and pre-Omnibus standards will continue to be achieved into the future, and that certified vehicles will continue to meet those standards throughout their useful lives. This regulatory action, as described above, is a protective measure to ensure that manufacturers can continue to certify their vehicles and engines to a health-based standard.

2. Class 7 and 8 Categorical Exemptions—Actions by Regulatory Agencies for Natural Resources and Environmental Protection

The proposal is also categorically exempt from CEQA pursuant to Classes 7 and 8 of the CEQA Guidelines.³⁶ These exemptions encompass actions by regulatory agencies, duly authorized by state law, to ensure the maintenance, restoration, enhancement, or protection of natural resources and the environment, provided such actions are conducted through a regulatory process that involves procedures for protection of the environment. The proposal to make permanent CARB's Emergency Vehicle Emissions Regulations satisfies these criteria, as substantiated by the administrative record.

The proposal to make permanent CARB's Emergency Vehicle Emissions Regulations would not result in any significant adverse impacts on the physical environment or alter the use of existing public or private structures or facilities. Rather, the proposal clarifies the continuing applicability of CARB's emission standards that have been in place for years. CARB anticipates that as a result of this proposal, vehicle and engine manufacturers will offer products for sale in California similarly to how they were offering products for sale in California prior to the Emergency Vehicle Emissions Regulations. The proposal would ensure that new vehicles sold in California would not "backslide" below the LEV III and pre-Omnibus regulatory requirements—preserving the previously-achieved environmental protections and certification pathways of those regulatory programs into the future. Because new vehicles compliant with this regulatory proposal are already being made and can continue being made under existing manufacturing processes, the proposal is not expected to create the need for new engine or vehicle manufacturing facilities.

Under CEQA, certain classes of projects are exempt from environmental review unless an exception to the use of an exemption applies.³⁷ A categorical exemption may not be used where there is a reasonable possibility that the activity will result in a significant effect due to unusual circumstances, contribute to a cumulatively significant impact, affect a scenic highway, be located on a hazardous waste site, or cause substantial adverse changes to historical resources. CARB has considered the applicability of these exceptions to the categorical exemptions, and finds that substantial evidence in the record supports a determination that none of the exceptions apply to the proposal to make permanent CARB's Emergency Vehicle Emissions Regulations.

Substantial evidence in the Initial Statement of Reasons (ISOR) supports CARB's determination that no exceptions apply under Public Resources Code section 21084 or Title 14 CCR section 15300.2. There is no evidence of "unusual circumstances" under section 15300.2(c), as the proposal involves no direct environmental impacts.³⁸ The proposal maintains the status quo by clarifying that CARB's emission standards that have been in place

³⁶ Cal. Code Regs., tit. 14, §§ 15307, 15308.

³⁷ Cal. Code Regs., tit. 14, § 15300.2.

³⁸ *Save Our Carmel River*, *supra*, 141 Cal.App.4th at pp. 695-696 [no unusual circumstances for speculative indirect impacts]; *Save the Plastic Bag Coalition*, *supra*, 218 Cal.App.4th at pp. 224-225 [no impacts from potential paper bag increase].

for years remain operative, avoiding regulatory confusion without environmental degradation. Accordingly, there is substantial evidence for CARB to declare the proposal exempt pursuant to Class 7 and Class 8 exemptions, based on the administrative record in general and the ISOR in particular.

3. Determination

For the foregoing reasons, there is substantial evidence in the record to support a finding by CARB, as the lead agency under CEQA, that the proposal is exempt from the CEQA. The proposal qualifies for exemption under two categorical exemptions identified in the CEQA Guidelines section 15307 (Class 7 – Protection of Natural Resources) and section 15308 (Class 8 – Environmental Protection), as well as the common-sense exemption under section 15061, subdivision (b)(3).

The administrative record generally reflects that the proposal complies with each exemption independently and separately, and the ISOR provides a sufficient basis for CEQA compliance. Based on CARB's review it can be seen with certainty that there is no possibility that the proposal to make permanent its Emergency Vehicle Emissions Regulations would result in a significant adverse impact on the environment. Further, the proposed action is designed to protect the environment and CARB found no substantial evidence indicating the proposal could adversely affect air quality or any other environmental resource area, or that any of the exceptions to the Class 7 and Class 8 exemptions apply³⁹ Therefore, this activity is exempt from CEQA.

VIII. Environmental Justice

State law defines environmental justice as the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.⁴⁰ Environmental justice includes, but is not limited to, all of the following: (A) The availability of a healthy environment for all people; (B) the deterrence, reduction, and elimination of pollution burdens for populations and communities experiencing the adverse effects of that pollution, so that the effects of the pollution are not disproportionately borne by those populations and communities; (C) governmental entities engaging in and providing technical assistance to populations and communities most impacted by pollution to promote their meaningful participation in all phases of the environmental and land use decision making process; (D) at a minimum, the meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions.⁴¹ The Board approved its Environmental Justice Policies and Actions (Policies) on December 13, 2001, to establish a framework for incorporating environmental justice into CARB's programs consistent with the directives and requirements of federal and State law. These policies apply to all communities in California, but are intended to address the disproportionate environmental

³⁹ Cal. Code Regs., tit. 14, § 15300.2.

⁴⁰ Gov. Code, § 65040.12, subd. (e)(1)

⁴¹ Gov. Code, § 65040.12, subd. (e)(2)

exposure burden borne by low-income communities and communities of color. Environmental justice is one of CARB's core values and fundamental to achieving its mission.

Implementation of CARB and U.S. EPA regulations in the past decades has led to a significant reduction in criteria pollutant emissions from light-, medium-, and heavy-duty vehicles. Despite this progress, some areas in California still suffer from poor air quality related to unhealthy ozone and PM levels. Light-, medium-, and heavy-duty vehicles are significant contributors to California's air quality problems, emitting oxides of nitrogen and PM which result in the formation of ambient ozone and PM_{2.5} in the atmosphere. Vehicle populations are projected to continue to increase over time. It is therefore essential to ensure manufacturers continue to meet California's emissions standards.

CARB's proposal to make permanent the Emergency Vehicle Emissions Regulations will ensure new vehicles and engines sold into California meet California's emission standards. While this proposal is not anticipated to provide additional air quality or health benefits, the proposal will benefit all Californians, including those living in environmental justice communities which tend to be located near areas with high vehicular traffic.

IX. Economic Impacts Assessment

CARB does not anticipate any cost impacts from its proposal to make permanent its Emergency Vehicle Emissions Regulations because the compliance pathways available to manufacturers have already been understood for years; were previously implemented; and manufacturers have either already achieved or planned to achieve one or more of the compliance pathways. The previously-adopted regulations that are the focus of the Emergency Vehicle Emissions Regulation are less stringent than and subsumed within current standards that were targeted by the congressional resolutions. As the emission standards became more stringent over time, manufacturers continued taking the same kinds of actions to meet them as they had for the prior standards, developing and applying better pollution controls and improving vehicle and engine emissions performance. As a result, manufacturers would meet (or continue to meet) the previously-adopted regulations under current practices where they had planned to meet the current regulations and are not required to take additional actions to meet the previously-adopted regulations. CARB anticipates that as a result of this proposal, vehicle and engine manufacturers will offer products for sale in California similarly to how they were offering products for sale in California prior to the Emergency Vehicle Emissions Regulations proposal; therefore the proposal is not expected to impose additional costs on manufacturers or impact the ability of California consumers and businesses or governmental entities to procure new vehicles.

The proposal to make permanent the Emergency Vehicle Emissions Regulations is not expected to result in a change to fiscal impacts on local, State, or federal governments where the proposal is restoring regulations that have been in place for years.

A. The creation or elimination of jobs within the State of California.

The proposal to make permanent CARB's Emergency Vehicle Emissions Regulations is not expected to create or eliminate jobs within the state. The Emergency Vehicle Emissions Regulations clarify that regulations that have been in place for years remain operative, in light

of the unusual circumstances here, and manufacturers were planning to achieve, or already were achieving, compliance with more stringent standards.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

The proposal to make permanent CARB's Emergency Vehicle Emissions Regulations is not expected to create new business or eliminate existing businesses within the state. The Emergency Vehicle Emissions Regulations clarify that regulations that have been in place for years remain operative, in light of the unusual circumstances here, and manufacturers were planning to achieve, or already were achieving, compliance with more stringent standards.

C. The expansion of businesses currently doing business within the State of California.

The proposal to make permanent CARB's Emergency Vehicle Emissions Regulations is not expected to expand businesses currently doing business within the state. The Emergency Vehicle Emissions Regulations clarify that regulations that have been in place for years remain operative, in light of the unusual circumstances here, and manufacturers were planning to achieve, or already were achieving, compliance with more stringent standards.

D. Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability to Compete.

The proposal to make permanent CARB's Emergency Vehicle Emissions Regulations is not expected to impact or cause any adverse economic impact directly affecting businesses or the ability to compete. The Emergency Vehicle Emissions Regulations clarify that regulations that have been in place for years remain operative, in light of the unusual circumstances here, and manufacturers were planning to achieve, or already were achieving, compliance with more stringent standards.

E. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

The proposal to make permanent CARB's Emergency Vehicle Emissions Regulations is not expected to result in adverse emissions, air quality, or health impacts. The Emergency Vehicle Emissions Regulations clarify that regulations that have been in place for years remain operative, in light of the unusual circumstances here, and manufacturers were planning to achieve, or already were achieving, compliance with more stringent standards.

X. Evaluation of Regulatory Alternatives

Government Code section 11346.2, subdivision (b)(4), requires CARB to consider and evaluate reasonable alternatives to the proposed regulatory action and provide reasons for rejecting those alternatives. CARB considered a no action alternative, but the no action alternative would not achieve the stated objective to stabilize the new motor vehicle market in California while ensuring manufacturers meet California's emissions standards. Failure to make permanent CARB's Emergency Vehicle Emissions Regulations would perpetuate

instability for manufacturers and could have adverse consequences for California consumers with regards to new vehicle choice and could perpetuate the use of older, dirtier vehicles rather than consumers purchasing new vehicles. CARB also considered an alternative of clarifying either light-duty or heavy-duty vehicles and engines regulations, but not both. This alternative would not have met the stated goal of providing stability in the market for all sectors impacted by the illegal and unconstitutional congressional resolutions.

As discussed in Section IX above, CARB staff does not anticipate cost impacts or other burdens from the proposal to make permanent CARB's Emergency Vehicle Emissions Regulations. Accordingly, no alternative was found to be less burdensome and equally effective in achieving the purposes of the proposal. CARB staff do not expect small businesses to be impacted, and accordingly CARB has not identified any reasonable alternatives that would lessen an adverse impact on small business.

Additionally, CARB is required to consider an alternative for performance standard in place of prescriptive standards. The Emergency Vehicle Emissions Regulations restore performance standards that were previously adopted and were previously in effect. The compliance pathways available to manufacturers have already been understood for years; were previously implemented; and manufacturers have either already achieved or planned to achieve one or more of the compliance pathways.

XI. Justification for Adoption of Regulations Different from Federal Regulations Contained in the Code of Federal Regulations

Both California and U.S. EPA have comparable yet distinct authorities to set emissions standards for new motor vehicles and for new motor vehicle engines. CARB's authority to establish emissions standards and other emission-related requirements for new motor vehicles and new motor vehicle engines is as described in the ISOR, Chapter II. U.S. EPA's authority to set comparable emissions standards and emission-related requirements is contained in Section 202(a)(1) of the Clean Air Act.

In September 2020, CARB adopted the heavy-duty Omnibus regulation applicable to new 2024 and later model years heavy-duty engines, resulting in emissions standards and test procedures that are more stringent than the corresponding federal requirements. As a result, beginning with model year 2024, manufacturers were certifying and producing two different sets of engine families: one set of heavy-duty Omnibus-compliant engine families for sale in California and states that have adopted the Omnibus regulation, and a separate set of engine families that meet the federal requirements for sale in the remaining states.

On January 24, 2023, U.S. EPA adopted the U.S. EPA Clean Trucks Plan Final Rule for Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards which established criteria pollutant emissions standards and test procedures for 2027 and subsequent model year heavy-duty engines that are comparable in stringency to the 2027 model year heavy-duty Omnibus requirements. In a separate proposal accompanying this proposal, CARB staff is proposing to largely align with the 2027 model year federal requirements in the Proposed Amendments to the On-Road Heavy-Duty Engine and Vehicle Omnibus regulation. Harmonization with the 2027 model year federal requirements would enable the regulated industry to design and produce a single product line of engines and

vehicles that can be certified to both U.S. EPA and CARB emissions standards and sold in all 50 states.

For 2026 model year, U.S. EPA's Tier 3 criteria pollutant standards are similar to the LEV III requirements for non-methane organic gas + oxides of nitrogen, but not as stringent for particulate matter. On March 20, 2024, U.S. EPA adopted their Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles Rule, that sets new Tier 4 standards to further reduce harmful air pollutant emissions from light-duty and medium-duty vehicles starting with model year 2027. Portions of this rule are identical to elements of the LEV IV requirements for those model years, but otherwise are more stringent once they are fully phased in by the 2033 model year than the LEV III requirements would be.

XII. Public Process for Development of the Proposed Action

On September 15, 2025, CARB released a 5-Day Public Notice of Comment Period proposing to adopt the Emergency Vehicle Emissions Regulation. CARB submitted the Emergency Vehicle Emissions Regulation to OAL on September 22, 2025, which then initiated a five-day public comment period.

In addition, consistent with Government Code sections 11346, subdivision (b), and 11346.45, subdivision (a), and with the Board's long-standing practice, CARB staff held public workshops and had other meetings with interested persons when developing the prior CARB rulemakings adopting the Emergency Vehicle Emissions Regulations. A description of those public processes may be found under the following OAL File Numbers and are incorporated by reference.

- Z-00-1010-10 [Consider Requiring Certain California Light-and Medium-Duty Vehicles to be Subject to Federal Tier 2 Exhaust Standards, and Adopting Additional Exhaust Emission Standards for Heavy-Duty Gasoline Vehicles and Engines],
- Z-01-0828-14 [Amendments Adopting More Stringent Emission Standards for 2007 and Subsequent Model Year New Heavy-Duty Diesel Engines],
- Z-02-0917-02 [Consider the Incorporation of Federal Exhaust Emission Standards for 2008 and Later Model-Year Heavy-Duty Gasoline Engines and the Adoption of Minor Amendments to the Low-Emission Vehicle Regulations],
- Z-2011-1129-12 [Amendments To The California Greenhouse Gas And Criteria Pollutant Exhaust And Evaporative Emission Standards And Test Procedures And To The On-Board Diagnostic System Requirements For Passenger Cars, Light-Duty Trucks, And Medium-Duty Vehicles, And To The Evaporative Emission Requirements For Heavy-Duty Vehicles],
- Z-2012-0626-07 [Proposed Revisions to On-Board Diagnostic System Requirements for Heavy-Engines, Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles and Engines],
- Z-2012-0831-01 [Proposed Amendments To The New Passenger Motor Vehicle Greenhouse Gas Emission Standards For Model Years 2017-2025 To Permit

Compliance Based On Federal Greenhouse Gas Emissions Standards And Additional Minor Revisions To The LEV III And ZEV Regulations],

- Z-2013-1015-07 [Proposed Greenhouse Gas (GHG) Regulations For Medium- And Heavy-Duty Engines And Vehicles, Optional Reduced Emission Standards For Heavy-Duty Engines, And Amendments To The Tractor-Trailer GHG Regulation, Diesel-Fueled Commercial Motor Vehicle Idling Rule, And The Heavy-Duty Hybrid-Electric Vehicles Certification Procedures],
- Z-2014-0819-06 [Proposed Amendments To The LEV III Criteria Pollutant Requirements For Light- And Medium-Duty Vehicles, The Hybrid Electric Vehicle Test Procedures, And The Heavy-Duty Otto-Cycle And Heavy-Duty Diesel Test Procedures],
- Z-2018-0724-07 [Proposed Amendments to the Low-Emission Vehicle III Greenhouse Gas Emission Regulation], and
- Z-2018-0821-02 [Amendments to California Specification for Fill Pipes and Openings Of Motor Vehicle Fuel Tanks].

The current regulations that are being amended to note their applicability were previously adopted in these proceedings that met the requirements of the Administrative Procedure Act, which are incorporated by reference in this proposal:

- Z-2020-0609-07 [Omnibus, Heavy-Duty Engine and Vehicle Omnibus Regulation and Associated Amendments - Proposed Amendments to the Exhaust Emissions Standards and Test Procedures for 2024 and Subsequent Model Year Heavy-Duty Engines and Vehicles, Heavy-Duty On-Board Diagnostic System Requirements, Heavy-Duty In-Use Testing Program, Emissions Warranty Period and Useful Life Requirements, Emissions Warranty Information and Reporting Requirements, and Corrective Action Procedures, In-Use Emissions Data Reporting Requirements, and Phase 2 Heavy-Duty Greenhouse Gas Regulations, and Powertrain Test Procedures],
- Z-2021-0518-18 [Proposed Revisions to the On-Board Diagnostic System Requirements and Associated Enforcement Provisions for Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles and Engines, and Heavy-Duty Engines],
- Z-2022-0329-04 [Advanced Clean Cars II Regulations], and
- Z-2023-0718-09 [Omnibus 2023 amendments, Proposed Amendments to the Heavy-Duty Engine and Vehicle Omnibus Regulation].

XIII. Documents Relied Upon

1. (California, 2025) *State of California et al. v. United States of America et al.*, Case No. 3:25-cv-04966-N.D. Cal (June 12, 2025)
2. (CARB, 2017) *Revised Proposed 2016 State Strategy for the State Implementation Plan*, March 7, 2017.
3. (CARB, 2022) *2022 State Strategy for the State Implementation Plan*, Adopted September 22, 2022.

4. (CARB, 2023) *Clean Truck Partnership Agreement*, California Air Resources Board, July 5, 2023.
5. (CARB, 2025a) *Manufacturers Advisory Correspondence (MAC) ECCD-2005-08*, Regulatory Guidance for Engine and Vehicle Certification in California, August 25, 2025.
6. (CARB, 2025b) 5-Day Public Notice and Comment Period, Emergency Amendment and Adoption of Vehicle Emissions Regulations. Issued on September 15, 2025.
7. (Daimler, 2025) Pl. Mot. For Leave to File Reply in Support of Mot. For Admin. Relief to Expedite, *Daimler Truck North Am. LLC v. CARB*, Case No. 2:25-cv-02255-DC, Document 68-1 (September 4, 2025)
8. (U.S. DOJ, 2025) Motion to Intervene, *Daimler Truck North Am. LLC v. CARB*, Case No. 2:25-cv-02255-DC-AC, Document 43 (August 14, 2025)
9. (U.S. EPA, 2005) *California State Motor Vehicle Pollution Control Standards; Waiver of Federal Preemption; Notice of Decision*, United States Environmental Protection Agency, Federal Register Vol. 70 No. 165, August 26, 2005.
10. (U.S. EPA, 2010) *California State Motor Vehicle Pollution Control Standards; California Heavy-Duty On-Highway Otto-Cycle Engines and Incomplete Vehicle Regulations; Notice of Decision*, United States Environmental Protection Agency, Federal Register Vol. 75 No. 221, November 17, 2010.
11. (U.S. EPA, 2013) *California State Motor Vehicle Pollution Control Standards; Notice of Decision Granting a Waiver of Clean Air Act Preemption for California's Advanced Clean Car Program and a Within the Scope Confirmation for California's Zero Emission Vehicle Amendments for 2017 and Earlier Model Years*, United States Environmental Protection Agency, Federal Register Vol. 78 No. 6, January 9, 2013.
12. (U.S. EPA, 2016a) *California State Motor Vehicle Pollution Control Standards; Malfunction and Diagnostic System Requirements and Enforcement for 2004 and Subsequent Model Year Passenger Cars, Light Duty Trucks, and Medium Duty Vehicles and Engines; Notice of Decision*, United States Environmental Protection Agency, Federal Register Vol. 81 No. 215, November 7, 2016.
13. (U.S. EPA, 2016b) *California State Motor Vehicle Pollution Control Standards; Malfunction and Diagnostic System Requirements for 2010 and Subsequent Model Year Heavy-Duty Engines; Notice of Decision*, United States Environmental Protection Agency, Federal Register Vol. 81 No. 215, November 7, 2016.
14. (U.S. EPA, 2016c) *California State Motor Vehicle Pollution Control Standards; Greenhouse Gas Emissions From 2014 and Subsequent Model Year Medium and Heavy-Duty Engines and Vehicles; Notice of Decision*, United States Environmental Protection Agency, Federal Register Vol. 81 No. 250, December 29, 2016.
15. (U.S. EPA, 2017) *California State Motor Vehicle Pollution Control Standards; Amendments to On-Highway Heavy-Duty Vehicle In-Use Compliance Program, Amendments to 2007 and Subsequent Model Year On-Highway Heavy-Duty Engines and Vehicles, and Amendments to Truck Requirements; Notice of Decision*, United States Environmental Protection Agency, Federal Register Vol. 82 No. 10, January 17, 2017.

16. (U.S. EPA, 2022) *California State Motor Vehicle Pollution Control Standards; Advanced Clean Car Program; Reconsideration of a Previous Withdrawal of a Waiver of Preemption; Notice of Decision*, United States Environmental Protection Agency, Federal Register Vol. 87 No. 49, March 14, 2022.
17. (U.S. EPA, 2025a) *California State Motor Vehicle and Engine and Nonroad Engine Pollution Control Standards; The "Omnibus" Low NOx Regulation; Waiver of Preemption; Notice of Decision*, United States Environmental Protection Agency, Federal Register Vol. 90 No. 3, January 6, 2025.
18. (U.S. EPA, 2025b) *California State Motor Vehicle and Engine Pollution Control Standards; Advanced Clean Cars II; Waiver of Preemption; Notice of Decision*, United States Environmental Protection Agency, Federal Register Vol. 90 No. 3, January 6, 2025.
19. (U.S. EPA, 2025c) *Reconsideration of 2009 Endangerment Finding and Greenhouse Gas Vehicle Standards*, United States Environmental Protection Agency, Federal Register Vol. 90 No. 146, August 1, 2025.
20. (U.S. EPA, 2025d) EPA Announces Action to Implement POTUS's Termination of Biden-Harris Electric Vehicle Mandate. Retrieved September 11, 2025, from <https://www.epa.gov/newsreleases/epa-announces-action-implement-potuss-termination-biden-harris-electric-vehicle>.
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