

RE: Lists of ZEVs Available

Brandon Craighead <BCraighead@penny-newman.com>

Fri 8/18/2023 10:20 AM

To: ARB ZEV Fleet <zevfleet@arb.ca.gov>

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Chris,

Thank you for your response. I hear your concern for emission reductions; however, I believe multiple variables need to be taken into consideration when weighing the costs and benefits. ZEVs do create emissions to produce, and without proper disposal and recycling facilities in place, the materials in batteries could end up in landfills, waterways, and soil, or release toxic fumes, which could be detrimental to ecosystems and citizens across the state. Electricity also requires emission to be generated. I'm also concerned about emissions from fires that happen due to lack of R&D from a rushed process. If a fire broke out on the Altamont, Pacheco Pass, Grapevine, or anywhere near dry brush, this could be detrimental not only animals, but to those who live in the surrounding communities as we have seen with large fires in recent years. If you can send me options of vehicles currently on the market that have been proven to get 450+ miles on a charge, and that have been proven to not have issues, please let me know. The vehicles that I have seen currently on the market and ready for purchase do not yet meet those requirements.

If I have a truck with a 2023 engine, it will not be 13 years old until 2036. The drayage regulation states that "Beginning January 1, 2035, all drayage trucks in the CARB Online System must be zero-emission vehicles and only zero-emission drayage trucks can provide drayage service in California." Does this mean that since the regulation is under review with OAL that the onset of 100% zero-emission drayage vehicles will be pushed back to accommodate the minimum useful life definition in the drayage section of the regulation? Previously I have been told that **requiring a vehicle to stop performing drayage service is not equivalent to requiring retirement, replacement, retrofit, or repowering of a vehicle, as that vehicle can then be used statewide in other applications, which appears to implicate all trucks performing drayage in the state must be zero-emission by January 1, 2035, despite a 2023 engine only being 12 years old at the time. So, are trucks able operate drayage until the end of their useful life?**

Thank you,
Brandon Craighead

2691 S Cedar Ave
Fresno, CA 93725
(559) 974-8391



From: ARB ZEV Fleet <zevfleet@arb.ca.gov>
Sent: Wednesday, August 16, 2023 2:13 PM
To: Brandon Craighead <BCraighead@penny-newman.com>
Subject: Re: Lists of ZEVs Available

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Hi Brandon,

The regulation was adopted by the Board in April of this year and is still under review with the Office of Administrative Law. Your concerns are noted; however, postponing the regulation would delay critically needed emissions reductions in impacted communities in California. While we disagree that the ZEV truck market is infeasible, we have built appropriate, but limited, exemption and extension provisions into the regulation should the need arise.

As with any CARB regulation, regulated fleets are expected to comply with the requirements. This may mean that some entities will need to adjust their business models to do so. Enforcement action will be taken against entities that are not compliant with CARB regulations in effect.

In terms of diesel vehicles operating in ports and intermodal railyards, as noted in previous emails, the drayage regulation allows legacy combustion vehicles that are reported by the December 31 reporting deadline are allowed to continue to operate until the end of the vehicle's useful life, which is at least 13 years from the model year of the engine in the vehicle, and up to 18 years or 800,000 miles, whichever comes first. The Model Year Schedule of the High Priority Fleets regulation also allows for the same timeframe for legacy combustion vehicles that are reported by February 1, 2024, and the ZEV Milestones Option allows a delayed start date phase in for sleeper cab and day cab tractors and allows ICE additions as long as the Milestones are met. The regulation provides sufficient flexibility to continue using existing combustion vehicles well into the regulation's implementation timeline, so concerns about ZEVs in the earlier years should be mitigated by the ability to continue using combustion vehicles.

Thanks,

Chris Franceschi
Air Pollution Specialist

From: Brandon Craighead <BCraighead@penny-newman.com>
Sent: Wednesday, August 16, 2023 1:10 PM
To: ARB ZEV Fleet <zevfleet@arb.ca.gov>
Subject: RE: Lists of ZEVs Available

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Chris,

Yes, you can add this email chain to the comment docket for the ACF regulation.

I still have many concerns for drayage and ACF in general. Many ZEVs do not get the range feasibly needed for our day-to-day operations. On top of that, there's not a lot of data on the vehicles currently on the market, so there is and will continue to be problems with the new ZEVs. Has CARB considered postponing the regulation until there is a feasible market and reliance for heavy-duty ZEVs or will companies be scrutinized and fined for manufacturer issues with the ZEVs down the road when they are not able to continue to supply their customers and conduct business efficiently and successfully using ZEVs so soon?

Manufacturers are being pushed with the ACT regulation to kick out heavy-duty trucks faster than feasible to ensure efficiency and durability. From my knowledge, in order for a product to stick in the market and benefit the

economy, the market has to accept it naturally, which is not the case. My concerns continue to grow, especially with Nikola; they are one of the only trucks that can supposedly obtain the range needed for my drivers, but I am highly skeptical due to fraud from their founder, Trevor Milton, with exaggerated claims since the company's beginning. Sure, Trevor Milton is no longer CEO, but he is the largest shareholder of Nikola and more than likely did not act alone. This skepticism continues to grow as Nikola issued a [recall](#) on their battery-electric truck due to fires.

With these issues arising, what can companies expect down the road? Are they going to have to halt operations until these flaws get worked out, or will they be able to continue to operate their diesel trucks at ports, intermodal railyards, and the rest of the state until there are feasible and reliable options on the market that make sense from a business standpoint? Are they going to be reimbursed for lost time and profit if they are not able to operate due to ZEV inefficiencies?

Thank you,
Brandon Craighead

2691 S Cedar Ave
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(559) 974-8391



From: ARB ZEV Fleet <zevfleet@arb.ca.gov>
Sent: Monday, August 14, 2023 11:49 AM
To: Brandon Craighead <BCraighead@penny-newman.com>
Subject: Re: Lists of ZEVs Available

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Hi Brandon,

The regulation for drayage vehicles is not as flexible as the High Priority Fleets portion of the regulation due to the impact of pollution at the ports and high amounts of truck traffic. As these emissions reductions are urgently needed for the communities impacted by port and railyard pollution, there would likely not be leniency as you are suggesting. The regulation, once approved by the Office of Administrative Law, would stand as is unless modified in future rulemaking activity.

Please let me know if you would like your emails and this email chain added to the public comment docket for the ACF regulation 15-day changes which are currently in an open comment period per the disclaimer in my prior emails. If you do not respond, I will be obligated to add this email chain to our public docket.

Thank you,

Chris Franceschi

Air Pollution Specialist

From: Brandon Craighead <BCraighead@penny-newman.com>
Sent: Monday, August 14, 2023 9:38 AM
To: ARB ZEV Fleet <zevfleet@arb.ca.gov>
Subject: RE: Lists of ZEVs Available

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Chris,

Thank you for providing the link. As of right now, there do not appear to be many options that are feasible for my company's operations considering mileage range and limited hours from FMCSA that does not give time for charging. Looking ahead into the future, we are concerned with how our limited options are going to effects business operations and feasible deliveries for our customers. If more or healthier options do not come available and infrastructure does not work accordingly, will there be any leniency for companies waiting for a reasonable alternative truck?

Thank you,
Brandon Craighead

2691 S Cedar Ave
Fresno, CA 93725
(559) 974-8391



From: ARB ZEV Fleet <zevfleet@arb.ca.gov>
Sent: Friday, August 11, 2023 12:43 PM
To: Brandon Craighead <BCraighead@penny-newman.com>
Subject: Re: Lists of ZEVs Available

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Brandon,

As we are currently in a 15-day comment period for the ACF regulation, I need to include a disclaimer at the end of this email. Please review it and let me know if you would like your email submitted to our ACF comment docket as a comment on the proposed 15-day changes. I will need a response from you, otherwise I am obligated to add your email to our comment period (even though none of these questions are really directed at our proposed 15-day changes).

To answer your questions:

The ACF regulation does not set standards for ZEV vehicles; therefore, we do not have a "CARB approved" list. As long as the vehicle is a ZEV, it would count towards compliance with the ACF regulation requirements. If you are

interested in ZEVs that are approved for funding through the HVIP program, please see <https://californiahvip.org/>. The ZETI tool you linked is a third party program administered by CalSTART, and is not affiliated with CARB, where they are attempting to track announcements and commercialized ZEV models worldwide.

Hope this helps!

Disclaimer:

Thank you for the email. The [Second 15-day](#) public comment period for the Advanced Clean Fleets rulemaking is currently open until August 21, 2023. To be considered and addressed in the Final Statement of Reasons, please submit your comment to the electronic docket for this rulemaking by August 21, 2023 (linked below). If you do not wish to have your email considered by the Board and addressed in the Final Statement of Reasons, please let me know.

Note: Written comments will only be considered and responded to on the modifications identified in the [Second 15-day Notice](#).

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

CARB's Rulemaking Webpage: <https://ww2.arb.ca.gov/rulemaking/2022/acf2022>

Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.) and the California Administrative Procedure Act (Gov Code §11347.3(b)(6)), your email, written comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) submitted to CARB in connection to a rulemaking must be compiled for this rulemaking file and will become part of the public record and may be subject to disclosure to the public upon request.

Chris Franceschi
Air Pollution Specialist

From: Brandon Craighead <BCraighead@penny-newman.com>

Sent: Friday, August 11, 2023 12:12 PM

To: ARB ZEV Fleet <zevfleet@arb.ca.gov>

Subject: Lists of ZEVs Available

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Good afternoon,

Where can I find a current list of CARB approved heavy-duty ZEVs? I found one on <https://globaldrivetozero.org/tools/zeti/>, but an error keeps popping up on the website.

Thank you,
Brandon Craighead

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(559) 974-8391



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