



California Council for Environmental and Economic Balance

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August 21, 2023

Liane Randolph, Chair and CARB Board Members
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Submitted to [ACF Regulatory Docket](#) electronically.

Re: Advanced Clean Fleets 2nd 15-Day Regulatory Language (August 4, 2023 release date)

Chair Randolph and Board Members,

On behalf of the members of the California Council for Environmental and Economic Balance (CCEEB), we appreciate the opportunity to comment on the August 4, 2023 2nd 15-Day proposed regulatory package (Package) for the California Air Resources Board's (CARB) Advanced Clean Fleets (ACF) rule(s).

We remain concerned that the final set of rules does not allow for clear and straightforward compliance pathways without requiring future discretionary implementation decisions, standards and precedent activities from CARB. These concerns are coupled with broad vehicle and infrastructure uncertainties. Together, these are significant unknowns *today* when fleet operators are required to make multi-million-dollar, decade-committing decisions. CCEEB believes that, while the Package is an improvement in readability, as a whole, it does not achieve the critical goal set at the first board hearing on October 27, 2022: *i.e.*, that the rule be actually achievable in real-world practice for the hundreds of thousands of medium and heavy-duty trucks on the road in California today that would be subject to the ACF provisions, especially in the near-term. CCEEB refers you to our last comment letter, which highlights the remaining issues that prevent the final Package from supporting the dual mandates of actually achieving California's environmental goals in practice, while protecting its economic policy objectives and the jobs of millions of California citizens who rely on a robust goods movement industry.

Five Day Pass

CCEEB supports the proposed change to the "five-day pass" provisions that would deem a request approved if the CARB Executive Officer fails to respond within five days of the request. This transparent process is an improvement and will reduce the administrative burden of managing this important provision of the rule.

Effective Date

Ensuring clear pathways to compliance is a key tenet of CCEEB's principles, because achieving real-world compliance is at the core of achieving a rule's environmental benefits.

The latest amendments, which are being offered as the final staff proposal, could become effective in a number of *days* from submission back to the Office of Administrative Law (OAL), given that CARB has requested an immediate Effective Date. The Effective Date of this rule carries with it important and long-lasting implications to those subject to the High Priority Fleets rule. The ability to choose the Model-Year option will be severely limited if the Effective Date is artificially accelerated.

Given that several sections/clauses involving the Effective Date are amended in this Package, CCEEB would like to take this opportunity to highlight the issue. CARB's request to OAL for an immediate Effective Date, offering regulated parties no lead time before having to meet new aggressive compliance obligations, did not address the real-world impacts that such a date would have on compliance flexibility. CCEEB believes this omission is unfair to regulated parties, gives the public a false sense of when real-world compliance will actually be achievable, and is inconsistent with the intent of the Administrative Procedures Act. The Package would force regulated parties to make significant and irreversible decisions for future compliance with almost zero lead-time, little guidance or understanding of the technology to be required, and with numerous issues outside of their control, including the state of the power grid and availability of charging and hydrogen refueling infrastructure to support heavy-duty vehicles.

CCEEB opposes an early Effective Date as it limits compliance options from the start, before many stakeholders are even aware of the coming requirements, and reduces the likelihood that the goals of the regulation will actually be achieved on the ground as CARB hopes.

We thank staff and the Board for considering our comments toward an implementable regulation and look forward to continuing to work together on the road ahead. Should you wish to follow-up with CCEEB, please contact Christine Wolfe at christinew@cceeb.org or (415) 940-0501.

Sincerely,



Christine Wolfe
Policy and Communications Director
CCEEB

Cc:

Dr. Steve Cliff, CARB Executive Officer
Dr. Sydney Vergis, CARB Deputy Executive Officer for Mobile Sources and Incentives
Mr. Tony Brasil, CARB Transportation and Clean Technology Branch Chief
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Members of the CCEEB Air Project and Transportation Energy Task Force