



June 5, 2024

Chair Randolph and Members of the Board
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Dear Chair Randolph and Members of the Board,

On behalf of the undersigned environmental and community organizations, we submit this comment letter regarding the proposed 15-day changes to the California Air Resources Board’s Zero-Emission Forklift Rulemaking. We applaud CARB staff for their work on this regulation, which will transition large spark-ignition forklifts in California to zero-emissions technologies.

This regulation is long overdue, as zero-emissions forklifts have been commercially available for decades. This transition is feasible and will provide significant cost savings to operators – approximately \$30,000 in savings per forklift.¹ Most importantly, a Zero-Emissions Forklift Regulation is an important step in cleaning up the air in California, a state home to six of the most ozone-polluted cities in the nation.² In the American Lung Association’s 2024 State of the Air report, several counties in the South Coast Air Basin earned their 25th straight F for ozone pollution.³ And the San Joaquin Valley continues to face extremely high levels of particulate pollution.⁴ Requiring LSI forklifts – a sector primed for electrification – to shift to zero-emissions will result in significant emission reductions, much of which will be felt in freight-impacted and warehouse-adjacent communities in California.

¹ See California Air Resources Board, Public Hearing to Consider the Proposed Zero-Emission Forklift Regulation, Staff Report: Initial Statement of Reasons, 4 [hereinafter ISOR].

² American Lung Association, 2024 State of the Air, <https://www.lung.org/research/sota/city-rankings/most-polluted-cities>.

³ *Id.* at <https://www.lung.org/research/sota/city-rankings/states/california>.

⁴ *Id.*

We urge CARB to adopt a Zero-Emissions Forklift Regulation that will transition the state to zero-emission forklifts by 2035, consistent with Governor Newsom’s Executive Order.⁵

I. A Strong Zero-Emission Forklift Regulation Will Provide Health Benefits to Impacted Communities

We support CARB adopting a strong Zero-Emission Forklift Regulation that will transition LSI forklifts to zero-emissions. This shift to ZE technologies is particularly important for communities in California living near freight corridors and warehouses, who already face some of the worst air quality in the nation. According to CARB calculations, of the approximately 95,000 forklifts affected by the Forklift Regulation, the majority are operated in warehouses in areas zoned for “industrial use... where land is cheap.”⁶ Warehouse-adjacent communities are disproportionately made up of people of color and these communities are most impacted by emissions from LSI forklifts and other polluting equipment operating at warehouse facilities.⁷

From 2026 through 2038, CARB’s proposed Zero-Emission Forklift Rule is slated to reduce statewide emissions from forklifts by approximately 18,700 tons of NOx, 2,100 tons of PM2.5. These emission reductions would prevent 544 premature deaths, 132 hospitalizations for heart and lung disease, 469 emergency department visits, and 42 cases of lung cancer incidence.⁸ While the proposal will bring significant emission reductions to the state, we believe CARB is missing an opportunity to phase out LSI forklifts by 2035, accelerating this transition and delivering more health benefits to freight-impacted communities in California.

II. CARB Must Accelerate the Transition to Zero-Emission Forklifts

The 15-day changes allow fleet operators and rental agencies to utilize a 50% phase out percentage cap. This provides even more flexibility, on top of the extensions available for delays in infrastructure site electrification, delivery of a ZE forklift, or inability of commercially available ZE forklifts to meet operational needs. We support the requirement for a maximum six-month lead time comprehensive market evaluation to ensure current market availability before fleets apply for an operational extension. While zero-emission forklifts are already commercially available, technology is rapidly evolving.

Given the state of technology and the numerous flexibilities built into the regulation, we urge the California Air Resources Board to consider an earlier phaseout timeline or commit to conducting an interim evaluation before 2026 to evaluate progress and the state of technology to determine whether additional amendments are feasible.

⁵ Exec. Order N-79-20, <https://www.gov.ca.gov/wp-content/uploads/2020/09/9.23.20-EO-N-79-20-Climate.pdf>.

⁶ Kaveh Waddell, When Amazon Expands, These Communities Pay the Price, Consumer Reports, <https://www.consumerreports.org/cars/corporate-accountability/when-amazon-expands-these-communities-pay-the-price-a2554249208/> (Dec. 9, 2021).

⁷ See Kaveh Waddell, When Amazon Expands, These Communities Pay the Price, Consumer Reports, <https://www.consumerreports.org/cars/corporate-accountability/when-amazon-expands-these-communities-pay-the-price-a2554249208/> (Dec. 9, 2021).

⁸ ISOR, 3.

III. Conclusion

We appreciate CARB's hard work on the ZE Forklifts Regulation. In order to address the air quality challenges in California, we need to transition every segment of our transportation sector to zero-emissions. This regulation is an important step in that direction, but we urge CARB to adopt a more ambitious proposal that will bring us to 100 percent zero-emission forklifts by 2035. Thank you for your consideration of our comments.

Sincerely,

Regina Hsu, Earthjustice

Alison Hahm, Natural Resources Defense Council

Yassi Kavezade, Sierra Club

Marven E. Norman, Center for Community Action and Environmental Justice

Bill Magavern, Coalition for Clean Air

Jayne Stevenson, Pacific Environment

Peter M. Warren, San Pedro & Peninsula Homeowners Coalition

Theral Golden, West Long Beach Association

Paola Vargas, East Yard Communities for Environmental Justice