

July 6, 2023

Jed R. Mandel  
President  
Truck & Engine Manufacturers Association  
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RE: Re: Request for Enforcement Discretion Under California Code of Regulations, Title 13  
Section 2015(r)

Dear Jed:

This letter responds to your request that the California Air Resources Board (CARB) exercise discretion in enforcing limited provisions of the Advanced Clean Fleets (ACF) regulation after it becomes effective. Your request specifically indicates and provides information that the requirements set forth in California Code of Regulations title 13, section 2015(r) are presenting issues that are adversely affecting EMA members' ability to provide fleets with vehicles powered by internal combustion engines. Your request letter also indicates these issues are impacting the ability of those out-of-state fleets that have operations in California to effectively place orders and conduct their business operations. You also claim that the title 13, section 2015(r) provision of ACF would undermine the flexibilities built into the proposed changes to the title 13, section 1956.8 legacy provisions in the Omnibus regulation that CARB has committed to propose as part of our agreement. All these circumstances are holding up fleet orders since both Original Equipment Manufacturers (OEMs) and fleets want to know they are compliant in California when they sell and buy the engines that may travel to the state.

Based on the information provided, CARB will provide certain enforcement discretion for model years 2024 and 2025 for OEMs and their customer fleets that buy and sell engines outside California and then operate them in California. This enforcement discretion applies only to those fleets or selling OEMs in which the 2024 and 2025 engines operating in California are sold outside of California and either California-certified or 50 State certified. CARB has determined that initiating enforcement actions against an out-of-state fleet, or

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selling OEMs, based on non-compliance with the title 13, section 2015(r) for model years 2024 and 2025 may not be warranted based on the specific and fluctuating circumstances of engine sales. CARB may additionally determine that similar discretion should be extended to model year 2026.

Please let us know if you have questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ellen M. Peter". The signature is fluid and cursive, with the first name "Ellen" and the last name "Peter" clearly distinguishable.

Ellen M. Peter  
Chief Counsel