

## **REQUEST FOR EARLY EFFECTIVE DATE**

Pursuant to Government Code section 11343.4(b)(3), the California Air Resources Board (CARB or Board) requests that the Office of Administrative Law (OAL) prescribe an “earlier effective date” for the Proposed Advanced Clean Trucks (ACT) regulation. The regulation was approved for adoption by the Board at the June 25, 2020, public hearing. The Board directed the Executive Officer to determine if additional conforming modifications to the regulation were appropriate and to make any proposed modified regulatory language available for public comment, with any additional supporting documents and information, for a period of at least 15 days as required by Government Code section 11346.8. Additional documentation was added to the record and circulated for a 15-day public comment period from October 5, 2020, through October 20, 2020. The following demonstrates “good cause” for OAL to allow the regulation to be effective upon submission to the Secretary of State.

### **DEMONSTRATION OF GOOD CAUSE**

In this rulemaking, the Board adopted two distinct components. First, it requires manufacturers to sell ZEVs as an increasing percentage of annual truck and bus sales in California. Second, it requires one-time reporting of information from large organizations including retailers, manufacturers, and government agencies, about their medium- and heavy-duty vehicle fleet.

As discussed in the Staff Report (or ISOR) (released October 22, 2019), the primary purpose of the Proposed ACT Regulation is to accelerate the widespread adoption of zero-emission vehicles (ZEVs) in the medium-and heavy-duty truck sector and reduce the amount of harmful emissions generated from on-road mobile sources. The Proposed ACT Regulation directly supports achieving these goals through the required sale of ZEVs in California from all large medium- and heavy-duty manufacturers. The Proposed ACT Regulation is focused on requiring large truck manufacturers to sell zero-emission trucks in California to broaden the market and to send a clear signal that medium- and heavy- duty ZEVs will be a major part of California’s overall strategy to reduce criteria emissions, reduce climate impacts and reduce petroleum use. Compliance would be based on a credit and deficit system, which would provide flexibility for manufacturers to sell more ZEVs in one weight category and fewer in another, and credits may be banked and traded. The first model year (MY) that ZEV sales are required is 2024, however, early credits can be generated starting in MY 2021, which is ongoing currently. The ability to earn credits early will help accelerate the early introduction of ZEVs and further develop the market and ZEV technology prior to MY 2024. An early effective date is therefore needed to ensure that such credit provisions will be implemented (therefore providing certainty to manufacturers seeking to use these provisions), and will also fully incentivize manufacturers to sell ZEVs in California starting in MY 2021, which will timely implement the purpose of the Proposed ACT Regulation. The Proposed ACT Regulation would also require one-time reporting from large entities to report information about their contracting practices in meeting their transportation needs and how truck and bus owners currently use

their vehicles. Information collected from these companies would help CARB structure future end-user regulatory strategies, help ensure a level playing field, and help CARB determine any appropriate exemptions or flexibilities. This information would be used in developing future regulations designed to further accelerate the purchase and use of ZEVs in fleets. Using both a manufacturer ZEV sales requirement and a requirement for ZEVs to be used on-road will significantly accelerate the market for ZEV technology. Responses to this survey are to be submitted to CARB by April 1, 2021. If an early effective date for the current regulation is not granted, the current regulation will not be effective with enough lead time for respondents to submit by the deadline.

This request for an early effective date will give certainty to manufacturers seeking to generate early credits in MY 2021 and entities subject to the reporting requirement, which must be submitted to CARB by April 1, 2021.

For the foregoing reasons, CARB hereby requests that OAL approve these amendments to be effective upon submission to the Secretary of State.

*Ian Cecere*

---

Ian Cecere  
Attorney  
California Air Resources Board

01/28/2021

---

Date