April 7, 2023

The Honorable Liane Randolph
Chair, California Air Resources Board
1001 I Street
Sacramento, CA 95814

RE: Comments on the 15-Day Changes to the Proposed Advanced Clean Fleets Regulation – Released March 23, 2023

Dear Chair Randolph:

The California Renewable Transportation Alliance (CRTA) and the Natural Gas Vehicles for America (NGVA) appreciate the opportunity to submit the following comments on the "15-Day Changes to the Proposed Advanced Clean Fleets Regulation" (Proposed ACF) released on March 23, 2023. Collectively, our two organizations represent a dynamic and innovative industry comprised of various stakeholders who are leaders in the effort to mitigate climate change impacts and promote clean air goals. It is for these reasons that we offer the following remarks and suggested changes to make the final version of the ACF regulation stronger.

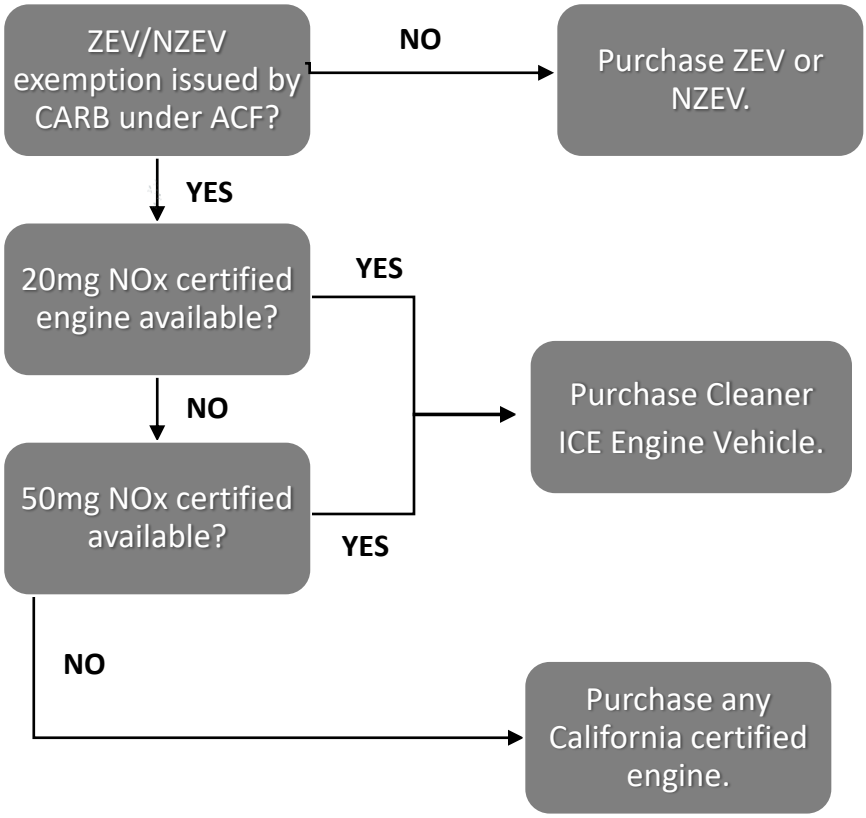
We appreciate staff's inclusion of a "safety net" that allows for the continuation of goods movement activity when a zero-emission vehicle (ZEV) or near-zero emission vehicle (NZEV) – as defined in the proposed regulation – is unavailable for purchase. Similarly, we support staff's decision to strengthen this requirement by clarifying that new purchases of internal combustion engine (ICE) vehicles under the exemption must be certified to California's standards (this is ostensibly the adopted Omnibus Regulation that requires meeting a 50mg standard in 2024 and a 20mg standard after 2027). However, because the Omnibus Regulation also allows legacy diesel trucks to be purchased above these standards in some percentage quantity[1], the Proposed ACF regulation will allow for the continued deployment and use of the highest-emitting diesel trucks despite the existence of cleaner ICE alternatives.

Requested Amendments

Prioritize Purchase of Cleanest Available ICE Vehicles. Since the proposed language fails to ensure that the cleanest ICE trucks are purchased under the ZEV unavailability exemption, we

[1] It is important to note that this requirement is still currently under revision: https://ww2.arb.ca.gov/sites/default/files/barcu/board/books/2023/032323/prores23-15.pdf

strongly urge the California Air Resources Board (CARB) to instruct staff to include language in the final ACF regulation, or in implantation documents and guidance, that prioritizes the purchase of the cleanest available engine technology when an exemption is granted due to ZEV/NZEV unavailability. The following graphic illustrates how the decision we propose would apply:



As the graphic above explains, when a ZEV or NZEV exemption is granted by CARB using the ACF provisions and rationale, exemption grantees would be able to purchase an ICE vehicle according to the following prioritization:

1. Medium and heavy-duty vehicles certified to a 20mg/bhp-hr NOx standard could be purchased. If those engines are unavailable, then fleets could purchase…
2. Medium and heavy-duty vehicles certified to a 50 mg/bhp-hr NOx standard. If those engines are unavailable, then fleets could purchase …
3. Any truck meeting the California Omnibus standards – meaning credit consuming engines above the actual emissions standard.

Registration of Delayed Drayage Trucks. Additionally, we urge CARB to allow for the registration of low NOx trucks ordered in advance of the ACF rule but have yet to be delivered due to supply chain issues. The Proposed ACF language allows for the inclusion and use of delayed trucks in other truck categories but not for drayage. Prohibiting the use of these delayed drayage trucks at the ports will create stranded assets for those fleet owners who acted in good faith in following the law prior to the ACF adoption. There is no rational justification for treating these delayed trucks any differently than those in other truck categories and doing so will create inconsistency

in the regulation. Therefore, we strongly urge CARB to amend the ACF regulation to allow drayage trucks that were purchased prior to the ACF adoption but were delivered after January 1, 2024 to operate at the ports once the fleet takes physical possession of the truck.

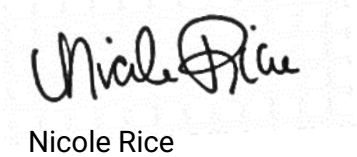
Conclusion

Traditional diesel-fueled medium and heavy-duty vehicles are a significant source of NOx and $PM_{2.5}$ with the highest carbon-emitting fuel in the sector. The ACF's continued allowance of legacy diesel trucks runs counter to CARB's goals of eliminating harmful diesel exhaust known to cause cancer and reproductive harm. It also is counter to Governor Newsom's objective to reduce the use of diesel statewide. Additionally, the use of diesel has been identified as the number one source of NOx pollution in the state's extreme non-attainment regions of South Coast and San Joaquin Valley.

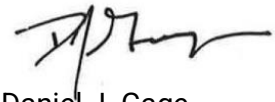
Conversely, low-carbon renewable options, like low NOx trucks operated by renewable natural gas (RNG) – that has an average carbon intensity of -111.7 gCO2e/MJ – offer the cleanest option available today. In the absence of ZEV or NZEV, RNG used with low NOx engines for medium and heavy-duty transportation should be promoted as the core strategy to achieve the purpose of the regulation when ZEV and NZEV options are not commercially available.

Thank you for your consideration of our comments. We offer these thoughts as a collaborative partner with CARB to ensure an effective and reasonable regulation that delivers real and measurable criteria air pollutant and greenhouse gas reductions.

Respectfully,



Nicole Rice
President
California Renewable Transportation Alliance



Daniel J. Gage
President
Natural Gas Vehicles for America