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December 26, 2023

Zero Emission Forklift Regulation
California Air Resources Board
1001 I Street,
Sacramento, CA 95814

Submitted via email to zeforklifts@arb.ca.gov

Re: Comments on the CARB Public Hearing to Consider the Proposed Zero-Emission Forklift Regulation

The Western States Petroleum Association (WSPA) appreciates the opportunity to comment in advance of the California Air Resources Board's (CARB) Public Hearing on June 27, 2024 to consider the Proposed Zero-Emission Forklift Regulation.¹ WSPA is a non-profit trade association that represents companies that import and export, produce, refine, transport and market petroleum, petroleum products, natural gas and other energy supplies in California and four other western states, and has been an active participant in air quality planning issues for over 30 years.

WSPA understands CARB's objective to accelerate the deployment of Zero-Emission Forklifts (ZEFs), which achieve the maximum emissions reduction possible to assist in the attainment of NAAQS for criteria air pollutants (Health & Safety Code Sections 43000.5(b) and 43018(a)).

The proposed regulation would reduce criteria pollutant and greenhouse gas (GHG) emissions within the State by accelerating the transition of Large Spark-Ignition (LSI) forklifts (forklifts of 25 horsepower or greater) to zero-emission technology (i.e., battery-electric, fuel cell-electric, or other zero-emission technology as the only source of power for propulsion and work). Approximately half of the forklift population in California has transitioned to zero-emission technology ahead of the proposed regulation, largely due to benefits that zero-emission technology can provide those specific applications, such as lower operating costs. The proposed regulation would target the remaining population of forklifts, with exemptions for certain applications such as Rough Terrain Forklifts and Vehicle Mounted Forklifts.

WSPA provides the following comments regarding the proposed rule:

1. CARB should clarify in the proposed rule in §3007(a)(1) that low-use affected forklifts are exempt from the phase-out provisions in §3006 through December 31, 2030. Low-use forklifts are implied to be exempt from the phase-out provisions through the exemption of §3002(b)(1) requirements, however this should be clearly stated in §3007(a)(1).
2. CARB should not include ZEFs in the proposed rule for the purposes of determining the size of the fleet. This exclusion can incentivize early action to transition LSI forklifts to ZEFs for owners and operators that desire to transition large fleets to small fleets prior to January 1, 2026 and take advantage of the phase-out schedule for Class IV forklifts in small fleets. ZEFs

¹ CARB. Notice of Public Hearing to Consider Proposed ZeroEmission Forklift Regulation at: [Notice of Public Hearing to Consider Proposed Zero-Emission Forklift Regulation \(ca.gov\)](#) Accessed: December 2023.

are interpreted to count towards fleet size based on the definition of “fleet” and the applicability provision in §3006(c).

3. Under the proposed regulation, fleets will be aggregated based on common ownership or control (i.e., the parent company level), which conflicts with the current for the LSI Fleet Requirements regulation, which groups fleets by purchase decision and does not require fleets under a parent company to be aggregated.² Will DOORS, the program in which fleet information is currently reported, be modified to report fleets at parent company level (i.e. not by location/site) or will there be a separate reporting portal for the new proposed regulation?
4. CARB should clarify if the labeling requirements included in the proposed rule would supersede, be in combination with, or be separate from the labeling requirements under the current LSI regulation.³ WSPA is concerned that the establishment of a second Equipment Identification Number (EIN) for the proposed regulation may create confusion among fleets as an EIN already exists for forklifts under the current LSI regulation.

Thank you for considering our comments. We would welcome the opportunity to discuss these concerns in more detail. If you have any immediate questions, please feel free to contact me at czimmerman@wspa.org. We look forward to working with you on these important issues.

Sincerely,

Christine Luther Zimmerman
Senior Manager, Regulatory Affairs



² CARB. LSI Engine Fleet Requirements Regulation. July 2016. Available at: <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2016/sparkignition2016/appfinalregorder.pdf>. Accessed: December 2023.

³ Ibid.