

Department of Defense Comment Matrix

Deadline for Submittal: 26 December 2023

**California Air Resources Board
Zero Emission Forklift Regulation**

Comment #	Location		Department of Defense Comment	Specific Requested Revision
	Page	Section		
1	2	§3000(c)	Request that an exemption be added for large-spark ignition (LSI) forklifts operating solely on San Nicolas or San Clemente Islands. These locations have limited power generation resources, and adding electric vehicle charging and storage to a grid already operating at and above capacity may have consequential impacts to training operations.	Add (c)(8) to state: <i>“Exemption for LSI forklifts used solely on San Nicolas or San Clemente Islands. LSI forklifts used solely on San Nicolas or San Clemente Islands are exempt from all requirements in sections 3000-3007. If the land use plans for the islands are changed to allow use by the general public of the islands, this exemption shall no longer be applicable.”</i>
2	12	§ 3002 (a)(1)(2)	Per regulation, “(1) The date is prior to January 1, 2038 and the Forklift is a 2026 through 2028 MY Class V Forklift rented from a Rental Agency for operation; (2)The Forklift is a Class V LSI Forklift with a Rated Capacity greater than 12,000 pounds that the Fleet Operator has reported to the Executive Officer in accordance with Section 3009(h); or (3) The Forklift is exempt pursuant to Section 3007(a)(2).” Request clarification, are (1) and (2) intended to be an "and" or "or".	
3	13	§ 3003 (a)(1)(A) and § 3003 (b)(A)	(1) Starting January 1, 2026, Dealers in California shall not possess: (A) 2026 and subsequent MY Class IV LSI Forklifts, except for new LSI Forklifts that are exempt pursuant to Section 3007(a)(4) or Section 3007(a)(5);	

			<p>(b) Transaction Requirements. The following requirements apply to all LSI Forklift sales and leases to an entity located in California except for transactions involving Class V LSI Forklifts with a Rated Capacity greater than 12,000 pounds.</p> <p>(1) Transactions with Fleet Operators. Starting January 1, 2026, except for new LSI Forklifts sold or leased to be operated as Dedicated Emergency Forklifts, a Dealer shall not sell, lease, offer for sale, lease, or deliver to a Fleet Operator in California:</p> <p>(A) Any new LSI Forklift of any MY</p> <p>Please clarify as these two items contradict each other because in § 3003 (a)(1) they can possess 2026 MY and subsequent if exempt. Then § 3003 (b)(A) directly conflicts with this statement.</p>	
4	15	§ 3003 (c)	<p>Pertaining to, “Starting January 1, 2026, a Dealer in California shall collect and maintain information and documentation of each sale or lease of an LSI Forklift for a minimum of five years following the transaction.”</p> <p>Request the removal of transaction information as this is private information.</p>	
5	18	§ 3005 (b)	<p>Production/Sales Reporting. For LSI Forklifts, the manufacturer shall submit to the Executive Officer annual production and sales reports in accordance with the applicable requirements in Section 3009(k).</p> <p>Request the removal of transaction information as it is private information.</p>	
6	23	§ 3006 (e)(2)	<p>In regards to, “A Large Fleet that becomes a Small Fleet after January 1, 2026, shall continue to meet the phase-out schedules set forth in Section 3006(d)(1) for its Class IV LSI Forklifts.”</p> <p>Request that fleets going from Large to Small be allowed to meet either large or small phase out schedules.</p>	<p><i>“A Large Fleet that becomes a Small Fleet after January 1, 2026, shall <u>meet the phase-out schedules of Large or Small Fleets</u>, set forth in Section 3006(d)(1) for its Class IV LSI Forklifts.”</i></p>

7	26	§ 3007 (a)(1)(B)	<p>Currently only 2013 through 2025 may be operated as Low Use LSI forklifts.</p> <p>Request that model years be expanded to include 2011 through 2025 as model year that allowed to operate as Low Use. This is to maximize fleet flexibility and minimize additional procurement for only low-use forklifts.</p>	<p><i>“Eligible Model Years. Only <u>2011</u> through 2025 MY LSI Forklifts may be operated as Low-Use LSI Forklifts.”</i></p>
8	27	§ 3007 (a)(1)(E)(3)	<p>In regards to, “The photographs or logged hour-meter readings, as applicable, shall be maintained for a minimum of five years from the date the reading was gathered.”</p> <p>Request that records be maintained for three years to align with other mobile source regulations.</p>	<p><i>“The photographs or logged hour-meter readings, as applicable, shall be maintained for a minimum of <u>three</u> years from the date the reading was gathered.”</i></p>
9	31	§ 3007 (a)(3)	<p>In regards to, “Temp storage of non-compliant LSI forklifts awaiting sale, scrap, or relocations. Subject to the following conditions, a fleet operator may temporarily store onsite for up to 6 consecutive months a non-compliance LSI forklift while forklift is awaiting sale, scrap, or relocation.”</p> <p>Request temporary storage onsite for up to 12 months, due to time requirements for planning and funding cycles for large equipment removal.</p>	<p><i>“Temp storage of non-compliant LSI forklifts awaiting sale, scrap, or relocations. Subject to the following conditions, a fleet operator may temporarily store onsite for up to <u>12</u> consecutive months a non-compliance LSI forklift while forklift is awaiting sale, scrap, or relocation.”</i></p>
10	35	§ 3007 (b)(2)(A)(2)(a-c)	<p>Per the Zero Emission Forklift Delivery Delay Extension section:</p> <p>Request that delivery timeframe be removed to allow for fleet flexibility.</p> <p>Request ZEF order requirement is one year instead of two years. The additional year allows for more flexibility to order new/different forklifts to complete and update fleets with the most capable equipment.</p>	<p><i>b. The purchase or lease agreement identifies the make and model of the ZEF that the Fleet Operator committed to purchase or lease, the date of the order, and that the purchase is for delivery <u>by the compliance date</u> to the Fleet Operator; and</i></p> <p><i>c. The purchase or lease agreement shows that the new ZEF was ordered at least <u>one year</u> prior to the upcoming compliance date.</i></p>

11	36	§ 3007 (b)(2)(D)(1)	Request specific time period for extension request be removed. Extensions may be needed on short notice depending on the manufacturer/seller and is not within the control of the fleet operator.	<i>“Fleet operator shall submit the following to the executive officer in its request for the extension <u>by the</u> compliance deadline.”</i>
12	45	§ 3007 (b)(3)(B)(4)(a)	Request specific time period for extension request be removed. Extensions may be needed on short notice depending site electrification delays that are not in the control of the fleet operator.	<i>“ Fleet operator shall submit the following to the executive officer in its request for the extension <u>by the</u> compliance deadline.”</i>
13	55	3009(c)(1)(D)	The reporting of each building with LSI forklifts that will be subject to this regulation is an undue burden for large entities like military installations. Facilities with multiple fleets and charging locations may not correlate directly with future forklift charging needs. Infrastructure planning will be needed to optimize charging abilities and locations for future operations, these potential locations may not correlate with current locations.	<i>3009(c)(1)(D)(4). This subsection does not apply to military installations where current charging needs and locations will be different from future planned charging infrastructure to optimize charging infrastructure needs and electrical grid updates for multiple fleets.</i>
14	56	§ 3009 (d)(1)	In regards to: “MY phase out and reporting no later than September 30, 2026. Annual report due Sept 30 each year for small fleets”. Request clarification if a fleet is large and becomes small does the fleet reporting deadline change?	
15	62	§ 3009 (g)(1)	Regarding the Dedicated Emergency Forklift Exemption section. Request to report initially and as needed with updated emergency forklifts instead of annually.	<i>“(C) Additional reporting required with 6 months if new emergency forklifts are added to the fleet, or older emergency forklifts are removed from the fleet.”</i>