



December 26, 2023

Clerks' Office
California Air Resources Board
1001 I Street
Sacramento, California 95814

Dear Chair Randolph and Board Members:

These comments are submitted by Associated Equipment Distributors ("AED") regarding the California Air Resources Board ("CARB") proposed Zero-Emission Forklift (ZEF) Regulation (Proposed Regulation).

AED is the trade association representing companies that sell, rent, and service construction, farm, mining, energy, forestry, material handling and industrial equipment. Our members, which are predominantly small to medium-sized, family-owned businesses, employ thousands of workers across California, providing well-paying jobs and serving as a positive force within communities throughout the Golden State. Below please find a list of AED member companies and locations in California.

Not only do AED members sell, rent and service forklifts, but our companies also utilize them in their business operations. Unfortunately, the current proposal will have a negative impact on many California companies, and we strongly urge CARB to reconsider and revise the current proposed ZEF regulation.

AED strongly associates with the detailed comments submitted by the California Caterpillar dealers (see comment #11) and the California agricultural organizations (see comment #258). The significant concerns raised in both these letters are based on substantial industry experience and expertise and reflect the consternation of dealers and customers. Consequently, they should be fully considered by CARB.

As a national organization, AED would like to particularly highlight the proposed regulation's direct conflict with the federal Clean Air Act (CAA). **Section 3007(j) and Section 3011(a) of the proposal must be revised due to federal preemption.**

The CAA, in 42 U.S. Code § 7543, explicitly prevents a state from adopting requirements related to new engines used in construction and farm equipment smaller than 175 horsepower. Furthermore, by declaring the inapplicability of Subsection (b) "Waiver" to Subsection (e), the Environmental Protection Agency (EPA) is prohibited from granting waivers to allow states to regulate engines used in construction and farm equipment smaller than 175 horsepower:

42 U.S. Code § 7543 - State standards

(e) NONROAD ENGINES OR VEHICLES

(1) PROHIBITION ON CERTAIN STATE STANDARDS

No State or any political subdivision thereof shall adopt or attempt to enforce any standard or other requirement relating to the control of emissions from either of the following new nonroad engines or nonroad vehicles subject to regulation under this chapter—

(A) *New engines which are used in construction equipment or vehicles or used in farm equipment or vehicles and which are smaller than 175 horsepower.*

(B) *New locomotives or new engines used in locomotives.*

Subsection (b) shall not apply for purposes of this paragraph.

The Code of Federal Regulations (CFR), further reiterates:

40 CFR § 1074.10 - Scope of preemption.

(a) States and localities are preempted from adopting or enforcing standards or other requirements relating to the control of emissions from new engines smaller than 175 horsepower that are primarily used in farm or construction equipment or vehicles, as defined in this part. For equipment that is used in applications in addition to farming or construction activities, if the equipment is primarily used as farm and/or construction equipment or vehicles (as defined in this part), it is considered farm or construction equipment or vehicles.

Indeed, CARB itself acknowledges that the 1990 amendments to the federal Clean Air Act preempt California control of emissions from new farm and construction equipment under 175 horsepower and emissions from these new engines are beyond CARB's authority to regulate.¹ **Consequently, Section 3007(j) and Section 3011(a) are in direct conflict with CAA's preemption language.**

Thank you for your consideration and we look forward to working with you on further revisions to adopt a rule that strikes the proper balance between the equipment industry's goal of emission reductions and the continued economic viability of forklift dealers.

Sincerely,



Daniel B. Fisher
Senior Vice President, Government & External Affairs

¹ See <https://ww2.arb.ca.gov/list-determine-preempt-road-applications> (accessed 12/21/23)

AED California Member Company Locations

Ag-Right Enterprises	Madera
Apex Rentals	Hesperia
Apex Rentals	Victorville
Art's Trench Plate & K-Rail Service	San Diego
B.W. Implement	Buttonwillow
Beeler Tractor Co.	Anderson
Beeler Tractor Co.	Colusa
Beeler Tractor Co.	Yuba City
Bejac Corporation	Anderson
Bejac Corporation	Fresno
Bejac Corporation	Placentia
Bejac Corporation	Sacramento
Bejac Corporation	San Leandro
Bejac Corporation	Visalia
Berchtold Equipment Co.	Bakersfield
Berchtold Equipment Co.	Delano
Berchtold Equipment Co.	Santa Maria
Bingham Equipment Company	Brawley
Bingham Equipment Company	Heber
Bobcat Central - Merced	Merced
Bobcat Central, Inc.	Stockton
Bobcat of Fresno	Fresno
Bobcat of Los Angeles	Cerritos
Bobcat of Sacramento	Sacramento
C & N Tractors	Royal Oaks
Cal Coast Machinery, Inc.	Oxnard
Cal Coast Machinery, Inc.	Paso Robles
Cal Coast Machinery, Inc.	Santa Maria
Central California Implement Company	Tulare
Chico Farm & Orchard, Inc.	Chico
Clairemont Equipment Company	Escondido
Clairemont Equipment Company	Fontana
Clairemont Equipment Company	Imperial
Clairemont Equipment Company	Indio
Clairemont Equipment Company	San Diego
Clairemont Equipment Company	San Diego

Coastal Tractor, Inc.	King City
Coastal Tractor, Inc.	Paso Robles
Coastal Tractor, Inc.	Salinas
Coastline Equipment	Bakersfield
Coastline Equipment	Lake Forest
Coastline Equipment	Long Beach
Coastline Equipment	Oxnard
Coastline Equipment	Sacramento
Coastline Equipment	Santa Ana
Coastline Equipment	Santa Maria
Coastline Equipment	Sylmar
Compass Equipment, Inc.	Oroville
CraneWorks, Inc.	San Marcos
Custom Truck One Source	Bakersfield
Custom Truck One Source	Bakersfield
Custom Truck One Source	El Monte
Custom Truck One Source	Fontana
Custom Truck One Source	Ontario
Dave's Tractor, Inc.	Red Bluff
Ditch Witch West	Fowler
Dolk Tractor Co.	Rio Vista
Empire Southwest LLC	Blythe
Empire Southwest LLC	Imperial
EquipmentShare	Chula Vista
EquipmentShare	Fontana
EquipmentShare	Newark
EquipmentShare	Sacramento
Exeter Mercantile Co.	Exeter
Farmers Tractor & Equipment Company	Porterville
Fresno Equipment Company	Five Points
Fresno Equipment Company	Fresno
Garton Tractor Inc.	Fairfield
Garton Tractor Inc.	Fresno
Garton Tractor Inc.	Madera
Garton Tractor Inc.	Merced
Garton Tractor Inc.	Modesto
Garton Tractor Inc.	Newman

Garton Tractor Inc.	Santa Rosa
Garton Tractor Inc.	Stockton
Garton Tractor Inc.	Tulare
Garton Tractor Inc.	Turlock
Garton Tractor Inc.	Ukiah
Garton Tractor Inc.	Woodland
Gearmore Inc	Chino
Gee Heavy Machinery LLC	Fresno
Gee Heavy Machinery LLC	Redding
Gee Heavy Machinery LLC	Santa Rosa
Gee Heavy Machinery LLC	West Sacramento
Glenn B. Dorning, Inc.	Ontario
Global Machinery Inv. Ltd.	Redding
Global Machinery Inv. Ltd.	Sacramento
Haaker Equipment Company	La Verne
Hanford Equipment Co.	Hanford
Hawthorne Cat	San Diego
Hawthorne Rentals	Lakeside
Hawthorne Rentals	San Marcos
Hawthorne Rentals	Chula Vista
Hawthorne Rentals	Oceanside
Herrmann Equipment	Bloomington
Herrmann Equipment	Roseville
Holt Ag Solutions	Richvale
Holt Ag Solutions	Williams
Holt Ag Solutions	Willows
Holt Ag Solutions	Woodland
Holt Ag Solutions	Yuba City
Holt of California	Elk Grove
Holt of California	Los Banos
Holt of California	Merced
Holt of California	Pleasant Grove
Holt of California	Pleasant Grove
Holt of California	Redding
Holt of California	Roseville
Holt of California	Sacramento
Holt of California	Salida

Holt of California	Stockton
Holt of California	Stockton
Holt of California	Turlock
Holt of California	Vacaville
Holt of California	West Sacramento
Holt of California	Yuba City
Inland Bobcat, Inc.	Riverside
J.M. Equipment	Bakersfield
J.M. Equipment	Fresno
J.M. Equipment	Manteca
J.M. Equipment	Merced
J.M. Equipment	Patterson
J.M. Equipment	Salinas
J.M. Equipment	West Sacramento
Jordan Central Implement Co.	Blythe
Jordan Central Implement Co.	Brawley
Jordan Central Implement Co.	El Centro
Jordan Central Implement Co.	Indio
Kern Machinery, Inc.	Bakersfield
Kern Machinery, Inc.	Buttonwillow
Kern Machinery, Inc.	Delano
Kern Machinery, Inc.	Lancaster
Kimball Equipment Company	Corona
Kimball Equipment Company	Rancho Cordova
Kings River Tractor	Reedley
Kings River Tractor	Visalia
Krone America	El Centro
Krone America	Tulare
Krone America	Turlock
Laird Manufacturing	Merced
Linder Equipment Company	Tulare
Mac's Equipment	Kerman
Maxim Equipment	Ripon
Midland Tractor Company	Madera
Miramar Bobcat, Inc. dba Bobcat Southwest	San Diego
Mission Valley Tractor & Equipment	San Jose
Mobile Ag & Industrial Supply, Inc.	Bakersfield

Municipal Maintenance Equipment	Hayward
Municipal Maintenance Equipment	Placentia
Municipal Maintenance Equipment	Redding
Municipal Maintenance Equipment	Sacramento
N & S Tractor	Colusa
N & S Tractor	Dos Palos
N & S Tractor	Merced
N & S Tractor	Stockton
N & S Tractor	Stratford
N & S Tractor	Turlock
N & S Tractor	Willows
N & S Tractor	Yuba City
Nixon-Egli Equipment Co.	Ontario
Nixon-Egli Equipment Co.	Tracy
Pape Kenworth	Bakersfield
Pape Kenworth	French Camp
Pape Kenworth	Fresno
Pape Kenworth	Tulare
Pape Machinery Agriculture & Turf	Fall River Mills
Pape Machinery Agriculture & Turf	Fortuna
Pape Machinery Agriculture & Turf	Shasta Lake
Pape Machinery Construction & Forestry	Fowler
Pape Machinery Construction & Forestry	French Camp
Pape Machinery Construction & Forestry	Gilroy
Pape Machinery Construction & Forestry	Newark
Pape Machinery Construction & Forestry	Redding
Pape Machinery Construction & Forestry	Rohnert Park
Pape Machinery Construction & Forestry	Sacramento
Pape Material Handling	Anaheim
Pape Material Handling	Bakersfield
Pape Material Handling	City Of Industry
Pape Material Handling	Concord
Pape Material Handling	El Centro
Pape Material Handling	Escondido
Pape Material Handling	Eureka
Pape Material Handling	Fontana
Pape Material Handling	Fremont

Pape Material Handling	Fresno
Pape Material Handling	Modesto
Pape Material Handling	Oxnard
Pape Material Handling	Sacramento
Pape Material Handling	Salinas
Pape Material Handling	San Diego
Pape Material Handling	Santa Maria
Pape Material Handling	Valencia
Pape Material Handling	Woodland
Patterson Lift Trucks, Inc.	Hayward
Pioneer Equipment Co	Fresno
Pioneer Equipment Co	Reedley
Quality Machinery Center	Hanford
Quality Machinery Center	Tulare
Quinn Company	Bakersfield
Quinn Company	City Of Industry
Quinn Company	Corcoran
Quinn Company	Firebaugh
Quinn Company	Foothill Ranch
Quinn Company	Lancaster
Quinn Company	Oxnard
Quinn Company	Riverside
Quinn Company	Salinas
Quinn Company	Santa Maria
Quinn Company	Santa Maria
Quinn Company	Selma
Quinn Company	Sylmar
Quinn Power Systems	City of Industry
Quinn Rental Services	Fresno
Quinn Rental Services	Hesperia
Quinn Rental Services	Indio
Quinn Rental Services	Murrieta
Quinn Rental Services	Pasa Robles
Quinn Rental Services	Pomona
Quinn Rental Services	Tulare
Quinn Used Parts	Fresno
RDO Equipment Co.	Brawley

RDO Equipment Co.	Brawley
RDO Equipment Co.	Fowler
RDO Equipment Co.	Hayward
RDO Equipment Co.	Imperial
RDO Equipment Co.	Indio
RDO Equipment Co.	Lakeside
RDO Equipment Co.	Oxnard
RDO Equipment Co.	Rancho Dominguez
RDO Equipment Co.	Riverside
RDO Equipment Co.	Sacramento
RDO Equipment Co.	Salinas
RDO Equipment Co.	Santa Maria
RDO Equipment Co.	Watsonville
Rexin Equipment	Long Beach
Sacramento For Tractors, Inc.	Sacramento
San Joaquin Tractor Co.	Bakersfield
San Joaquin Tractor Co.	Delano
San Joaquin Tractor Co.	Wasco
Scott Equipment, Inc.	Fontana
Scott Equipment, Inc.	Santa Fe Springs
Sonsray Machinery	El Cajon
Sonsray Machinery	Fontana
Sonsray Machinery	Redding
Sonsray Machinery	Sacramento
Sonsray Machinery	San Leandro
Sonsray Machinery	Santa Fe Springs
Sonsray Machinery	Stockton
Sonsray Machinery	Torrance
South Coast Bobcat, Inc.	Orange
Stotz Equipment	Escondido
Stotz Equipment	Indio
Stotz Equipment	Montclair
Sunbelt Rentals	Anaheim
Sunbelt Rentals	Auburn
Sunbelt Rentals	Chino
Sunbelt Rentals	Citrus Heights
Sunbelt Rentals	City of Industry

Sunbelt Rentals	El Cajon
Sunbelt Rentals	Imperial
Sunbelt Rentals	Livermore
Sunbelt Rentals	Oxnard
Sunbelt Rentals	Rancho Cucamonga
Sunbelt Rentals	Riverside
Sunbelt Rentals	Roseville
Sunbelt Rentals	Sacramento
Sunbelt Rentals	Sacramento
Sunbelt Rentals	Santa Rosa
Sunbelt Rentals	Wilmington
Sunstate Equipment Co., LLC	Anaheim
Sunstate Equipment Co., LLC	Baldwin Park
Sunstate Equipment Co., LLC	Benicia
Sunstate Equipment Co., LLC	Burbank
Sunstate Equipment Co., LLC	Colton
Sunstate Equipment Co., LLC	Fremont
Sunstate Equipment Co., LLC	French Camp
Sunstate Equipment Co., LLC	Gardena
Sunstate Equipment Co., LLC	Oakland
Sunstate Equipment Co., LLC	Perris
Sunstate Equipment Co., LLC	Roseville
Sunstate Equipment Co., LLC	San Diego
Sunstate Equipment Co., LLC	San Jose
Sunstate Equipment Co., LLC	West Sacramento
Thomason Tractor Co.	Firebaugh
Total Equipment & Rental (dba Bobcat of Gilroy)	Gilroy
Total Equipment & Rental (dba Bobcat of the Bay - Contra Costa)	Pittsburg
Total Equipment & Rental (dba Bobcat of the Bay - Fremont)	Fremont
Total Equipment & Rental (dba Bobcat of the Bay - Santa Rosa)	Santa Rosa
Tri-West Tractor, Inc.	Livermore
United Rentals, Inc.	Huntington Beach
United Rentals, Inc.	San Juan Capistrano
Valley Bobcat	Sun Valley
Volvo Construction Equipment & Services	Bakersfield
Volvo Construction Equipment & Services	Corona
Volvo Construction Equipment & Services	Fresno

Volvo Construction Equipment & Services	Lakeside
Volvo Construction Equipment & Services	Sacramento
Volvo Construction Equipment & Services	San Leandro
Volvo Construction Equipment & Services	Turlock
Warrior Machinery LLC	Rialto
Western Pacific Crane & Equipment LLC	Bakersfield
Western Pacific Crane & Equipment LLC	Fontana
Western Pacific Crane & Equipment LLC	Tracy
Westrax Machinery, Inc.	Compton
Westrax Machinery, Inc.	Corona
Wilkinson International, Inc.	Woodland