

**STATE OF CALIFORNIA
AIR RESOURCES BOARD**

Proposed Amendments to the Heavy-) Public Notice Date: August 4, 2023
Duty Engine and Vehicle Omnibus)
Regulations; Board Resolution 23-15) Comment Deadline: September 18, 2023

**COMMENTS OF THE
TRUCK AND ENGINE MANUFACTURERS ASSOCIATION**

September 18, 2023

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Introduction

The Truck and Engine Manufacturers Association (EMA) hereby submits its comments regarding the proposal of the California Air Resources Board (CARB) to amend the Heavy-Duty Engine and Vehicle “Omnibus” Regulations. The proposed amendments are consistent with the comprehensive agreement that EMA and CARB entered into in July regarding the implementation and alignment of a suite of California and federal regulations ultimately aimed at transitioning the medium-duty and heavy-duty (MHD) vehicle sector to zero-emission vehicles. (See CARB website, “[CARB and truck and engine manufacturers announce unprecedented partnership to meet clean air goals.](#)”) One component of that comprehensive agreement is CARB’s commitment to align its Omnibus low-NO_x regulations with EPA’s Clean Trucks Plan regulations starting in model year 2027, and to expand the scope of the Omnibus legacy engine flexibilities during the interim period, model years 2024 through 2026. The current proposed amendments will implement the interim enhanced flexibilities for legacy MHD engines. In that regard, we appreciate the prompt actions that CARB staff are taking to address this important first step under the transformational agreement between EMA and CARB.

CARB is proposing the amendments at issue to provide additional flexibility for legacy engines to help restore originally intended levels of MHD product availability between now and the 2027 model year. (Initial Statement of Reasons (ISOR), p.ES-1.) As an additional means to promote product availability in the interim years, CARB also is proposing that legacy engine families may be certified prior to the registration of the engine family that meets the full Omnibus requirements for the 2024 model year. (ISOR, p.ES-2.) In essence, the proposed amendments extend the legacy provisions out to the 2026 model year and increase the flexibility options for medium-duty engines, but do so in a way that will not change the mechanisms for offsetting the emissions related to legacy engine sales. (Id.)

Notwithstanding the intent behind the proposed amendments, it is important to clarify that while the increased flexibilities that CARB is providing will increase the availability of MHD engines in the 2024-2026 time period, it will not eliminate product limitations during those years. Some product availability issues will still persist. In that regard, CARB will need to address certain OBD-related issues, including those pertaining to test article aging and durability testing, to guard against additional product availability issues.

The proposed Omnibus amendments include other revisions to certain of the other OBD requirements applicable to 2024 through 2026 model year engines. Those amendments will need

to account for a number of relevant issues, including the need to coordinate quickly on the requisite diagnostics for the “2-Bin” moving average window (MAW) in-use testing procedures that CARB, like EPA, has agreed to implement. None of those necessary 2-Bin communication and diagnostic protocols, including those that need to be developed in coordination with SAE, have been developed and finalized. This is a significant issue that needs to be addressed promptly.

Finally, and as also recognized under the comprehensive agreement between CARB and EMA, implementation of the Advanced Clean Trucks (ACT) regulations will need to be monitored closely so CARB and EMA can – as set forth in their comprehensive agreement – “work together cooperatively to resolve issues that may warrant regulatory amendments to CARB’s regulations,” and to “actively promote the infrastructure development needed to support the successful implementation of the ACT regulations.”

EMA appreciates the opportunity to submit these comments, and we look forward to working collaboratively with CARB staff over the coming weeks and months to implement the comprehensive agreement that CARB and EMA have entered into to ensure that our shared clean air goals are met in California and across the nation.

Respectfully Submitted,

TRUCK AND ENGINE
MANUFACTURERS ASSOCIATION