

February 19, 2019

California Air Resources Board
1001 I Street
Sacramento, CA 95814

Re: Comments of Brightline Defense on Proposed Alternative Certification Requirements and Test Procedures for Heavy-Duty Electric and Fuel-Cell Vehicles and Proposed Standards and Test Procedures for Zero-Emission Powertrains Rulemaking

Brightline Defense is a public policy organization dedicated to empowering environmental justice (EJ) communities and creating sustainable environments. Following the historic passage of the Innovative Clean Transit rule on December 14, 2018, we are excited about the possibility of the California Air Resources Board (CARB) spurring medium and heavy-duty zero-emission technology, including transit buses, delivery trucks, and now airport shuttles.

To this end, adoption of the proposed Zero-Emission Airport Shuttle Regulation will provide cleaner air for all Californians, especially in areas surrounding airports that include disproportionately impacted EJ communities. Through a reduction of NO_x and GHG emissions, replacing combustion vehicles with electric vehicles will also slow down the effects of climate change while increasing air quality standards, public health, and manufacturing jobs for this clean technology.¹

We also recognize the need to balance consumer confidence in the technology with the goal of accelerating the development of zero-emission medium and heavy-duty technology. Currently, certification requirements are set forth in California's Heavy-Duty Phase 2 Greenhouse Gas Standards for heavy-duty electric and fuel-cell vehicles.² We commend CARB staff for working with stakeholders to refine the proposed alternative certification requirements and test procedures.

However, in developing the alternative certification requirements, California should be consistent in its approach to ZEVs. For instance, a stringent and mandatory recall

¹ CARB, Notice of Public Hearing to Consider the Proposed Zero-Emission Airport Shuttle Regulation, p. 6 and 7, available at:

https://www.arb.ca.gov/regact/2019/asb/notice.pdf?_ga=2.120926408.1156858433.1550172445-1947695290.1528156608

² CARB, Phase 2 and Tractor-Trailer Amendments Regulation, available at:
<https://www.arb.ca.gov/regact/2018/phase2/phase2.htm>.

provision does not exist for light-duty ZEVs, but a recall provision with a threshold tied to an entirely different industry (internal combustion engines) is being proposed for heavy-duty ZEVs. Current recall-triggering requirements are intended for violation of emissions standards by internal combustion vehicles, and it does not make sense to apply these same recall requirements to heavy-duty ZEVs, which do not produce emissions impacts considered by CARB. By avoiding this apples-to-oranges comparison in a recall requirement, California should ensure its certification requirements are not uniquely burdensome to ZEVs, especially compared to internal combustion vehicles.

We also agree that the proposed regulations should remain voluntary for an appropriate amount of time. As CARB staff notes, manufacturers could choose to certify to the certification pathway even if not required, in order to gain a potential market advantage by proving their technology over a more-stringent certification process.³ We agree with this analysis, and think tying these regulations to regulatory or incentive program on a five-year timeline by 2023 is appropriate.

We remain excited about the overall process and CARB's commitment to clean air for our communities. The proposed regulation could encourage the development of more-robust heavy-duty electric and fuel cell vehicles, and as appropriately certified products could experience greater utilization, the proposed alternative certification regulation could also benefit California due to both increased clean airport shuttle deployments and more reliable transit performance.

Thank you for your work on this matter.



Eddie Ahn
Executive Director
Brightline Defense

³ CARB, Proposed Alternative Certification Requirements and Test Procedures for Heavy-duty Electric Fuel-cell Vehicles and Proposed Standards and Test Procedures for Zero-Emission Powertrains (Zero-emission Powertrain Certification Regulation), p. 9, available at: https://www.arb.ca.gov/regact/2019/zepcert/notice.pdf?_ga=2.207160467.104373762.1549997687-1947695290.1528156608