

July 3, 2025

Nikki Harris  
Washington Department of Ecology  
Climate Pollution Reduction Program  
PO Box 47600  
Olympia, WA 98504-7600

**Re: Amendments to the Clean Vehicles Program Rules (Chapter 173-423 WAC)**

Dear Ms. Harris:

Please accept the following comments on behalf of the American Trucking Associations (ATA). ATA is the largest national trade organization representing the trucking industry and, in partnership with the Washington Trucking Association, has member companies located in the state which purchase new trucks from in-state dealerships. These companies have been affected by the restrictions on new truck sales caused by the state's implementation of the Advanced Clean Trucks (ACT) and Low-NOx Omnibus regulations. Adverse economic and environmental impacts have resulted from fleets being unable to purchase new trucks, such as decreased sales and purchase opportunities resulting in the continued operation of older vehicles. ATA urges Ecology to take the following actions related to these regulations.

**A. Ecology should repeal both the ACT and Omnibus regulations.**

U.S. Public Laws 119-15 and 119-17, approved June 12, 2025, nullify the U.S. Environmental Protection Agency's waivers of preemption for California's ACT and Omnibus regulations, respectively. While the Clean Air Act (CAA) allows states to adopt vehicle emission standards identical to the California standards "for which a waiver has been granted," these laws remove Ecology's ability to meet this essential CAA requirement.<sup>1</sup>

While the State of Washington has joined California and other states in challenging the validity of these laws, it will likely take a considerable amount of time for a final decision to be issued.<sup>2</sup> Regardless of the outcome, as discussed in the next section, Ecology will continue to be unable to meet the CAA criteria for implementing these California standards. With no viable path forward, Ecology should provide the state's businesses certainty by repealing these flawed regulations.

**B. CARB has not sought or received federal approval for the amended ACT regulation.**

The waivers of preemption, which were nullified, were originally issued on April 26, 2023, for

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<sup>1</sup> 42 U.S. Code, Section 7507.

<sup>2</sup> State of California, et al. v. United States of America, U.S. Environmental Protection Agency, Lee Zeldin, United States District Court for the Northern District of California, Case 3:25-cv-04966 (06/12/25).

ACT and on January 6, 2025, for Omnibus. On October 24, 2024, the California Air Resources Board approved amendments to the ACT regulation and instructed the Executive Officer to “forward the Proposed Amendments to the Environmental Protection Agency with a request for a waiver or confirmation that the amendments are within the scope of an existing waiver.”<sup>3</sup>

Prior to final approval, CARB reversed course and claimed the amendments “establish minor technical revisions” and therefore, do “not need EPA to issue a new waiver of preemption.”<sup>4</sup> This dubious claim ignores the fact the amendments exempt an entire category of vehicles (i.e., those with Omnibus-compliant engines) and EPA, not CARB, must make this determination.

CARB has submitted more than 40 within-the-scope waiver requests to EPA, including requests specifically for technical amendments.<sup>5</sup> The criteria and public comment process EPA uses to evaluate CARB amendments is well established.

If California amends regulations that were previously granted a waiver of preemption, EPA can confirm that the amended regulations are within-the-scope of the previously granted waiver if three conditions are met. First, the amended regulations must not undermine California’s determination that its standards, in the aggregate, are as protective of public health and welfare as applicable federal standards. Second, the amended regulations must not affect consistency with section 202(a) of the Act. Third, the amended regulations must not raise any “new issues” affecting EPA’s prior waivers.

CARB’s failure to submit the ACT amendments to EPA for a waiver determination circumvents this process and results in the California amendments lacking the requisite federal approval. As a result, Ecology’s proposed ACT amendments will similarly fail to meet the CAA requirements by lacking federal approval.

With respect to the Omnibus regulation, CARB is proposing amendments to fulfill its obligations under the Clean Truck Partnership (CTP).<sup>6</sup> Per the terms of the CTP, “a formal rulemaking notice [will be] released no later than the third quarter of 2025.”<sup>7</sup> While the CTP aims to grant compliance flexibility, the proposed amendments will similarly necessitate further federal consideration. Once again, Ecology must ensure the proper federal approvals have been granted prior to amending or implementing either the ACT or Omnibus regulations.

ATA appreciates the opportunity to comment and remains committed to advancing practical initiatives aimed at reducing emissions. Establishing unrealistic standards that deter new truck purchases does not achieve this goal. We encourage Ecology to work with the trucking industry,

<sup>3</sup> CARB, *Amendments to the Advanced Clean Trucks Regulation and the Zero-Emission Powertrain Certification Test Procedure*, Resolution 24-5 (October 24, 2024).

<sup>4</sup> CARB, *Amendments to the Advanced Clean Trucks Regulation and the Zero-Emission Powertrain Certification Test Procedure, Final Statement of Reasons for Rulemaking, Including Summary of Comments and Agency Response* (March 27, 2025).

<sup>5</sup> 75 Federal Register 44948, *California State Motor Vehicle Pollution Control Standards; Within-the-Scope Determination for Amendments to California’s Low Emission Vehicle Program; Notice of Decision*, U.S. EPA (Friday, July 30, 2010)

<sup>6</sup> CARB, Public Workshop, Heavy-Duty Engine and Vehicle Omnibus Regulation Amendments (March 20, 2024).

<sup>7</sup> CARB, EMA, Et al., Clean Truck Partnership (July 6, 2023)

especially the Washington Trucking Association, to better understand the needs of the state's fleets and dealerships to help advance this goal and create certainty for the businesses in the state.

Sincerely,



Michael Tunnell  
Senior Director, Energy & Environmental Affairs  
American Trucking Associations

Cc:

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