

## ATTACHMENT

### WRRRA Comments on WA Dept of Ecology's Clean Vehicles Program rulemaking public information session

ECOLOGY PRESENTATION-12/10/24 (p. 14) <sup>1</sup>		WRRRA COMMENTS-2/12/2025
Myth	Fact	
Manufacturers must sell a certain number of zero-emission vehicles before being allowed to sell diesel or gas-vehicles	Manufacturers have multiple compliance options	<p>Ecology's claim of a "Fact" is not accurate. Despite the claim of "multiple compliance options," for manufacturers, the reality on the street is that the major truck OEMs have communicated to their dealers the number of EVs that must be sold as a condition of selling ICE vehicles. Dealers that cannot meet the minimum EV sales targets are restricted in their sales of CARB Omnibus-compliant ICE vehicles (which are limited due to the "legacy engine" requirements that the OEMs agreed to implement). The bottom line is that manufacturers and CARB have created a situation where EV quotas must be met or ICE engines cannot be sold. Dealers are imposing EV sales as a ratio of EV sales to ICE sales notwithstanding the "multiple compliance options" contained in the ACT Regulation.</p> <p>The California impacts of ACT will befall Washington State unless the course is corrected because Chapter 173-423 WAC as it currently exists requires the Dept of Ecology to follow CARB emission standards. As provided in written testimony to CARB on 10/24/2024 by a California truck dealer typically sells over 400 diesel trucks per year, "In 2025 we must register 1 EV to earn the right to order 1 diesel truck. Customers are gun shy on purchasing EVs. Because I have sold zero EVs we will be able to order zero diesel trucks from either brand in 2025."<sup>2</sup> Manufacturers, through their dealer networks are forcing EVs to be purchased by fleet end users in order to purchase ICE vehicles.</p>
Fleets must purchase zero-emission vehicles starting next year	ACT only regulates manufacturers	<p>Ecology's claim is technically correct but misses the point that fleet purchasers will be forced to purchase EVs to meet ACT requirements based on how California and Oregon have implemented ACT starting in 2024 and 2025, respectively. CARB has documented what California fleets have experienced with manufacturers and dealers forcing EV purchases for fleet operators seeking to purchase internal combustion engines (ICE). "The purpose for these ratios varies depends based on the manufacturer. Some are using these ratios in order to meet their percentage sales requirement under the ACT regulation and</p>

<sup>1</sup> <https://ecology.wa.gov/getattachment/f02cbc2a-6346-44df-b014-1bb3883ea82e/Clean-Vehicles-Program-Rulemaking-Public-Info-Session-Dec-10-2024.pdf>

<sup>2</sup> [https://www.arb.ca.gov/lispub/comm/iframe\\_bccomdisp.php?listname=actzepcert2024&comment\\_num=75&virt\\_num=4](https://www.arb.ca.gov/lispub/comm/iframe_bccomdisp.php?listname=actzepcert2024&comment_num=75&virt_num=4)

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		as a result are requiring a ratio of roughly 1 ZEV to 10 to 15 ICE vehicles, which essentially pushes the ACT regulation's requirement onto the dealership or fleet. In other cases, manufacturers are requiring ZEV sales in order to generate NOx credits as they did not plan to have an HD Omnibus-compliant engine and are instead setting ratios of 1 ZEV to 1 to 3 ICE vehicles in order to achieve compliance.” <sup>3</sup> So while Ecology is correct that the letter of the ACT Regulation as adopted points to manufacturers, there are severe impacts on fleet operators that should not be ignored.
ACT is banning the sale of [insert vehicle here]	ACT does not ban the sale of any kind of vehicle	<p>Ecology's claim is technically correct but insufficient when considering the purchase side of a truck dealer/fleet operator relationship. The ACT results in a significant imposition on the traditional buying patterns of fleet operators because the forced ratio of EV to ICE purchases is specific to the OEM and dealer. For example, the typical Washington-based long-haul truckload carrier engaged in goods movement in the western states is likely compelled to purchase EV trucks that make no economic or practical sense for its business operations. At the ratio of 1 ZEV to 3 ICE that CARB identified (above) a fleet sourcing diesel tractors with a range in excess of 1,000 miles and carrying capacity of approximately 60,000 lbs would be forced to buy either: a) a tractor that costs two to three times more than diesel and carries 8,000 to 10,000 lbs less cargo, or b) another EV model that is made by that specific OEM but may not meet the business needs (e.g. Kenworth Truck Company offers both a Class 8 EV tractor and a Class 7 EV box truck but a long-haul carrier has little or no use for a Class 7 EV box truck).</p> <p>So while ACT is not an outright ban on specific vehicles it is currently a disruptive force that has anti-consumer consequences on ALL purchasers of vehicles &gt;8,500 lb GVWR and larger in the state. It should be noted that while the now withdrawn CARB ACF would have regulated fleet sizes of 50 trucks or more or \$50 million or more in revenue, ACT regulates all major truck and bus OEMs and purchasers of one or more ICE vehicles are impacted by ACT.</p>

<sup>3</sup> [https://ww2.arb.ca.gov/sites/default/files/2024-09/240925\\_actmemo\\_ADA\\_0.pdf](https://ww2.arb.ca.gov/sites/default/files/2024-09/240925_actmemo_ADA_0.pdf) at p. 4

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