

# Dena Petersen

I am writing to oppose the proposed amendments to Chapter 173-423 WAC that seek to incorporate California's Advanced Clean Trucks (ACT) and Heavy-Duty Low NOx Omnibus regulations into Washington's Clean Vehicles Program.

While I support responsible environmental stewardship and reasonable efforts to reduce emissions, I believe these amendments present significant legal, economic, and logistical concerns for Washington businesses and consumers. Additionally, recent federal and judicial developments cast doubt on the legality and prudence of adopting California's rules in our state.

## 1. Pending Federal Litigation Undermines CARB's Model

The U.S. Supreme Court, in June 2025, ruled in *National Association of Manufacturers v. EPA* that fuel producers and state coalitions do have standing to challenge EPA's waiver reauthorization for California's vehicle emissions programs. This opens the door for potential overturning of CARB's authority, including the ACT and NOx rules Washington is now proposing to adopt. Committing Washington's regulatory framework to a legal model under active constitutional challenge is premature and risky.

Additionally, the EPA recently submitted CARB's truck regulations to Congress under the Congressional Review Act, which could result in their nullification at the federal level. If Congress or the courts invalidate these California rules, Washington's regulatory alignment with them would leave our state exposed to legal uncertainty, administrative confusion, and compliance chaos for manufacturers and local stakeholders.

## 2. Regulatory Overreach Disproportionately Impacts Small and Regional Fleets

Although the proposed rules attempt to ease requirements for the heaviest vehicles, many medium-duty and regional fleets, particularly in rural and economically disadvantaged areas, will struggle to meet compliance deadlines due to the cost and limited availability of zero-emission heavy vehicles, charging infrastructure, and trained maintenance personnel.

Electric truck technology is not yet scalable, affordable, or grid-compatible to the degree required by these mandates. Creating Washington-specific mandates based on California's unique market conditions and infrastructure readiness is a misalignment with local economic and logistical realities.

## 3. Environmental Gains Do Not Justify the Economic Burden Without Proven Feasibility

The transition to ZEVs and low-NOx engines must be technologically and economically feasible. The CARB rules Washington seeks to adopt rely on assumptions about vehicle availability, infrastructure build-out, and charging capacity that may not hold true in Washington's terrain, weather, and power grid limitations.

Worse, aggressive mandates without feasible compliance pathways may result in fleet contraction, increased costs for goods movement, and job loss in industries dependent on trucking and logistics.

## 4. Washington Should Not Cede Regulatory Authority to Another State

Adopting California's rules wholesale gives disproportionate influence to the California Air Resources Board (CARB) — a body not accountable to Washington's legislature or residents. Rulemaking that affects Washington's economy and transportation systems should be based on locally tailored policy, not external mandates designed for a vastly different regulatory environment.

#### Conclusion

In light of pending federal litigation, potential congressional disapproval, lack of infrastructure readiness, and the unfair burden on regional industries, I urge the Department of Ecology to postpone or reject the adoption of CARB's Advanced Clean Trucks and Omnibus NOx rules into Washington's Clean Vehicles Program. Instead, I recommend that Washington pursue locally responsive alternatives that achieve emissions reductions without exposing the state to legal, economic, and practical risks.