



February 2, 2026

Washington Department of Ecology
Chapter 173-423 WAC, Clean Vehicles Program rulemaking
P.O. Box 47600
Olympia, WA 98504-7600

Re: Comments in Support of Amendments to Clean Vehicles Program

Dear Department of Ecology staff:

On behalf of the Duwamish River Community Coalition (DRCC), Natural Resources Defense Council (NRDC), and the Union of Concerned Scientists (UCS), we respectfully submit these comments in strong support of the Advanced Clean Cars (ACC), Advanced Clean Cars II (ACC II), Advanced Clean Trucks (ACT), and Heavy-Duty Low NO_x Omnibus (HDO) standards.

The health of Washington's communities, the integrity of its climate commitments, and the economic vitality of its clean transportation sector depend on swift and unwavering action. The trucking industry, which utilizes diesel as the standard fuel of choice, accounts for a significant source of NO_x and diesel particulate matter. These air pollutants have serious and harmful impacts on the human respiratory system. Further, diesel pollution disproportionately concentrates in goods-movement corridors, like ports, railyards, and distribution hubs. These facilities are often located in highly impacted, low-income communities, like the Duwamish Valley and the other 16 identified overburdened communities. While we generally support the draft rule language, we urge the Department of Ecology to consider two key recommendations regarding the proposed ACT Pooling Amendments and the Fleet Reporting Requirements. We urge you to adopt these amendments with the recommended changes.

DRCC is a 501(c)(3) nonprofit and environmental justice organization that uplifts the voices of the Duwamish Valley community members, specifically those most harmed by the combined impacts of climate change, health disparities, and environmental and economic inequities. NRDC is a 501(c)(3) nonprofit organization with over three million members that works to safeguard the earth—its people, its plants and animals, and the natural systems on which all life depends. UCS is a member-supported 501(c)(3) nonprofit organization working to put rigorous, independent science into action, developing solutions and advocating for a healthy, safe, and just future.

Adopting CARB's Emergency Amendments

We strongly support the Department of Ecology's adoption of CARB's Emergency Vehicle Emissions Regulations Amendments to the ACC, ACC II, ACT, and HDO standards. Confirming states' authority to regulate the emissions from new motor vehicles, including the ongoing practice of certifying manufacturers' new motor vehicles for sale in California and other Section 177 states, is critical in light of the state's duty and legal obligations to protect public health and welfare from the effects of emissions from all mobile sources. Despite federal government retreats—such as the Congressional Review Act resolutions on enforcement of ACC II, ACT, and HDO and the Environmental Protection Agency's (EPA's) proposal to roll back greenhouse gas emission standards for new motor vehicles—Washington must fulfill its legal obligation to protect public health from mobile sources.

The Clean Air Act remains unchanged in its acknowledgement of the serious air pollution problems in states across the nation and the requirement on EPA to waive preemption created by the Clean Air Act unless it can be demonstrated that California does not meet specified criteria. Once California receives a waiver for a new motor vehicle emission regulation, it may continue its long-standing practice of requiring manufacturers to certify that their vehicles sold in the state, and other states that adopt these regulations, meet the regulation. This continuous regulatory certainty serves all interested parties.

Determining which entity has the authority to certify new motor vehicles for sale in California and other states that have adopted these regulations is critically important as the federal government retreats from its duty to protect people and the environment from the effects of mobile source emissions. The answer to that question is straightforward. The Clean Air Act explicitly allows California to address the “harsh reality” of its air pollution problem by promulgating its own vehicle emissions regulations “with a minimum of federal oversight.”¹ Once California receives a waiver for a vehicle regulation, it may require that manufacturers certify that their vehicles sold in the state meet that regulation.²

This answer is not changed by Congress's attempt to disapprove preemption waivers for California's most recent iteration of new motor vehicle emission regulations using the Congressional Review Act. That is, even if California's most recent vehicle regulations are no longer enforceable—a fact currently disputed in litigation—California's prior vehicle regulations remain in full force. California's Emergency Rulemaking merely affirms this fact, and we strongly encourage the Department of Ecology to adopt these amendments to ensure a stable regulatory environment.

CARB's 2025 Proposed ACT Amendments

The ACT Rule is a foundational policy for advancing a cleaner, more efficient, and cost-effective freight system. A 2021 study contracted by our organizations found that ACT implementation in Washington

¹ Rocky Mountain Farmers Union v. Corey, 730 F.3d 1070, 1078–79 (9th Cir. 2013) (quoting Ford Motor Co. v. EPA, 606 F.2d 1293, 1297 (D.C. Cir. 1979)). See also H.R. Rep. No. 90-728 at 96-97 (1967); S. Rep. No. 90-403 at 33 (1967).

² See Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. New York State Dep't of Env't Conservation, 17 F.3d 521, 526–27 (2d Cir. 1994).

state would result in an estimated \$24.9 billion in cumulative net societal benefits through 2050.³ Recognizing the value of ACT, Washington was among the first states to both adopt and implement the rule. Similarly, Washington has consistently been a leader among states in the registration and deployment of zero-emission medium- and heavy-duty vehicles (MHDVs), particularly in the last-mile delivery sector.⁴

Despite Washington's leadership and the compliance flexibilities built into ACT, significant market, supply chain, and policy barriers persist to the adoption of zero-emission MHDVs. These challenges have been compounded by the lapsed federal leadership in transportation modernization and have largely manifested as barriers in the zero-emission Class 7 and 8 tractor truck sector, despite the strong technical feasibility for their near-term deployment.⁵ In May 2025, the California Air Resources Board proposed amendments to ACT to address compliance barriers through interstate credit pooling, limited allowance of credit conversions across vehicle classes, and a reduction in the stringency of near-zero-emission vehicle (NZEV) requirements.

While we understand that some flexibilities are needed to ensure near-term programmatic stability as the zero-emission MHDV market matures, our organizations have significant concerns with several technical aspects of the proposal. For example, our analysis of Section 1963.3(c)(3) of CARB's proposal suggests that the provisions allowing for credit conversions from smaller zero-emission vehicle classes (such as Class 2b-3) to larger vehicle classes (such as Class 7 and 8 tractors) are likely to significantly reduce the public health, climate, and commercial fleet savings provided by ACT.⁶

As currently proposed, the credit conversion equation would allow for credits generated by the sale of zero-emission Class 2b-3 vehicles to satisfy credit deficits in the Class 7 and 8 tractor truck group at a rate of around four to one, despite tractor trucks emitting 24 times the nitrogen oxides, 10.6 times the fine particulate matter, and 2.3 times the greenhouse gases as a Class 2b-3 vehicle on a mile-per-mile basis (See Table 1). We encourage Ecology to review our suggestions to CARB for correcting the credit conversion equations.⁷

Further, air pollution from Class 7 and 8 trucks disproportionately impacts near-port and environmental justice communities. In Seattle, Native American, Latino, and Asian residents are overrepresented in neighborhoods with the highest levels of drayage truck NOx emissions, specifically the Duwamish Valley.⁸ Drayage truck idling contributes as much as 55 percent of total NOx emissions, compared to 32 percent city-wide. Prolonged exposure to these pollutants has been linked to cardiovascular disease, reduced life expectancy, increased rates of disability, and asthma-related emergency room visits. In the

³ Lowell et al. 2021. "Washington Clean Trucks Program: An Analysis of the Impacts of Zero-Emission Medium- and Heavy-Duty Trucks on the Environment, Public Health, Industry, and the Economy." Study developed by M.J. Bradley & Associates for the Natural Resources Defense Council and Union of Concerned Scientists. https://www.ucs.org/sites/default/files/2021-09/wa-clean-trucks-report_0.pdf

⁴ Wilson, Sam. 2024. "Deliver Vans are going Electric: Where and Why." *The Equation*. <https://blog.ucs.org/sam-wilson/delivery-vans-are-going-electric-where-and-why/>

⁵ Wilson, Sam. 2025. "Ready for Work 2.0: On the Road to Clean Trucks." Cambridge, MA: Union of Concerned Scientists. <https://doi.org/10.47923/2025.15779>

⁶ See attachment A, "Comments on Proposed Amendments to the Advanced Clean Trucks Regulation and the Zero-Emission Powertrain Certification Test Procedure"

⁷ Ibid.

⁸ See attachment B "Seattle drayage truck emissions and environmental justice analysis," The Real Urban Emissions (TRUE) Initiative, 2026.

Duwamish Valley, where these emission disparities and hotspots exist, overall premature mortality rates were 50 percent higher than in areas with no idling emissions.

Table 1: Comparing EMFAC Running Emissions Estimates by Fuel Type: MY2024 Class 2b Vehicle and Class 8 Tractor Truck⁹

Vehicle Type	Fuel Type	NOx (g/mi)	PM2.5 (g/mi)	CO2 (g/mi)
Class 2b Vehicle	Gasoline	0.0319	0.0011	610.34
Class 8 Tractor Truck	Diesel	0.7698	0.0115	1,420.61
	<i>Comparison (g/mi)</i>	<i>24x NOx</i>	<i>10.6x PM_{2.5}</i>	<i>2.3x CO₂</i>

Importantly, our analysis of future ACT credits and deficits suggests a **near-total removal of the zero-emission vehicle (ZEV) sales requirements for Class 7 and 8 tractor trucks in Washington** for the foreseeable future (See Table 2). Electrifying tractor trucks is key to reducing both climate-warming emissions and air pollution from vehicles operating on Washington’s roads and highways. A 2021 analysis contracted by our organizations estimated that, despite making up less than 10 percent of the state’s MHDV fleet, tractor trucks are responsible for *nearly half* of all fuel consumed and around one-third of annual vehicle miles traveled among Washington’s MHDVs. If ACT is to realize its potential to deliver its estimated \$1.3 billion in monetized public health benefits, nearly 50 million MT in CO₂e reductions, and over \$1 billion in net MHDV fleet savings through 2050, the requirement for near-term sales of Class 7 and 8 tractor trucks must remain.¹⁰

⁹ Comparison using EMFAC2025 (v2.0.0) Emission Rates (California; Statewide; Annual CY2025) for diesel-fueled T7 POLA Class 8 and LHD1 Public vehicle types operating in California. Estimates for Washington vehicles may differ. <https://arb.ca.gov/emfac/emissions-inventory/bab108135706bbeccc5114689efa7eb002ccffab>.

¹⁰ Lowell et al. 2021. “Washington Clean Trucks Program: An Analysis of the Impacts of Zero-Emission Medium- and Heavy-Duty Trucks on the Environment, Public Health, Industry, and the Economy.” Study developed by M.J. Bradley & Associates for the Natural Resources Defense Council and Union of Concerned Scientists. https://www.ucs.org/sites/default/files/2021-09/wa-clean-trucks-report_0.pdf

**Table 2: Estimated ACT Tractor Credit Deficits and Surplus
ACT Non-Tractor Credits (MYs 27-28)¹¹**

	MY2027		MY2028	
State	Tractor Credit Deficit	Non-Tractor Credit Surplus after 20% discount	Tractor Credit Deficit	Non-Tractor Credit Surplus after 20% discount
WA	-983.9	19,950.5	-1,351.2	21,161.6
CA	-4,387.4	87,891.3	-6,025.4	93,577.2
CO	-351.2	9,624.0	-482.3	9,142.2
MA	-277.0	3,582.2	-380.4	1,870.3
MD	-360.2	9,341.3	-494.7	8,835.6
NJ	-1,023.6	4,334.5	-1,405.8	545.8
NM	-100.8	-330.8	-138.4	-1,238.3
NY	-789.2	3,989.1	-1,083.9	-736.4
OR	-942.5	4,222.8	-1,294.3	3,161.0
RI	-35.2	37.2	-48.4	-357.7
VT	-55.7	601.5	-76.5	328.8

¹¹ Our analysis of future ACT credits and deficits is based on national MHDV registrations of Class 2b-8 vehicles from 2021-2024, including private, public, and commercial vehicles. Data were provided by S&P Global Mobility and modeling was completed by the Union of Concerned Scientists. Our assumptions account for an even split of Class 2b-3 deficits between ACT and ACC by manufacturers, which we see as a conservative scenario, with an annual market growth rate of 3 percent among all vehicle classes. Annual growth of ZEV sales for each ACT group is calculated as the absolute value of the average of the previous three MYs ZEV market share added to the previous MY ZEV sales share. Deficit exemptions under Section 1963.1(a)(1) are applied at a rate of 6 percent of overall estimated MY26 Class 7-8 tractor truck sales in California only.

In addition to our concerns related to the credit conversion equations, we also have significant concerns with CARB's proposal to reduce the all-electric range (AER) requirements for NZEVs. While battery-electric technology is expected to dominate deployments of ZEVs, we understand that limited deployments of other technologies, such as NZEVs, may be necessary to reduce pollution from harder-to-electrify duty cycles. That said, CARB's proposed language under Section 1963.3(b)(2) would blanketly lower AER requirements for all NZEVs, regardless of market and economic realities, creating the potential to overvalue NZEV credits in sectors where viable zero-emission technologies exist and reducing accountability under the rule. For example, NZEV standards for harder-to-electrify sectors, such as hydro excavators, certain on-road construction vehicles, and other specialty vehicles, would likely be better aligned with NZEV standards based on typical duty cycles or the energy density of zero-emission fuel sources, rather than AER. We encourage Ecology to review our more detailed comments in the attachment.¹²

We recognize that the Department of Ecology's ability to deviate from language adopted by CARB under CCR Title 13 (California Code of Regulations) is limited. **Given that these pooling amendments are not yet finalized by CARB, we strongly encourage the Department of Ecology to defer their adoption. We also urge the Department of Ecology to increase their engagement with impacted communities, especially in the 16 identified overburdened communities. This includes (place-based meetings on this topic and others, given its relevance to AQ improvements). Furthermore, the Department of Ecology should engage meaningfully with CARB staff and leadership, as well as interested NGO and community stakeholders, to ensure that any incorporated flexibilities preserve the rule's intent and the benefits intended for Washingtonians, particularly those most burdened by pollution from on-road freight.** While we appreciate Ecology's engagement on this issue, we strongly encourage staff and leadership to take meaningful steps to further community engagement and to center accountability on the much-needed air and climate pollution reduction benefits that hinge on these technical amendments to ACT.

Fleet Reporting Requirements

The proposed fleet reporting requirement will provide essential data for Washington's continuing transition to a zero-emission transport sector. By aggregating granular operational data from entities, the reporting framework enables regulators to identify high-potential duty cycles where electrification is technologically and economically viable today. Beyond policy design, this data is critical for coordinated infrastructure planning; it allows utilities and state agencies to align grid upgrades and charging station deployments with the actual domiciles and travel corridors of fleets. Furthermore, the transparency provided by this reporting offers a clear market signal to Original Equipment Manufacturers (OEMs), reducing investment risk by highlighting specific demand for various vehicle classes and configurations. Ultimately, the insights gleaned from ongoing reporting will help shape subsequent regulations that balance emission reduction targets with realistic exemptions and phase-in timelines based on real-world fleet operational profiles. Unfortunately, the proposed rule omits the reporting of the type of fueling infrastructure installed at facilities and the locations where trucks are parked for two hours or more. Both

¹² See attachment A, "Comments on Proposed Amendments to the Advanced Clean Trucks Regulation and the Zero-Emission Powertrain Certification Test Procedure"

of these data elements will provide information that is essential for coordinating infrastructure planning and we strongly encourage the Department of Ecology to include these data elements in the reporting requirements in the final rule.

Conclusion

DRCC, NRDC, and UCS urge the Department of Ecology to adopt these amendments with our suggested changes promptly, resist any efforts to weaken or dismantle standards, and continue collaborating with stakeholders to ensure equitable implementation of the ACC, ACC II, ACT and HDO rules. By doing so, Washington will not only reduce harmful greenhouse gas emissions and improve air quality but also drive economic innovation and safeguard public health in communities that have long been overburdened by diesel and gasoline pollution. Your leadership in this rulemaking process is critical to protecting the health of our planet and the well-being of all Washington residents.

Thank you for the opportunity to provide these comments. We look forward to continuing our collaboration with the Department of Ecology as you work to implement these vital regulations.

Sincerely,

Mia Ayala-Marshall
Clean Air Program Manager
Duwamish River Community Coalition

Guillermo Ortiz
Senior Clean Vehicles Advocate
Natural Resources Defense Council

Sam Wilson
Senior Analyst
Union of Concerned Scientists

Attachment A: “Comments on Proposed Amendments to the Advanced Clean Trucks Regulation and the Zero-Emission Powertrain Certification Test Procedure”

Attachment B: “Seattle drayage truck emissions and environmental justice analysis,” The Real Urban Emissions (TRUE) Initiative, 2026.