

February 2, 2026

Mr. Josh Grandbouche  
Ms. Gopika Patwa  
Mr. Dustin Watson

Washington Department of Ecology  
300 Desmond Drive SE  
Lacey, WA 98503

**Re: Auto Innovators Comments on Clean Vehicles Program Draft Rule Language**

The Alliance for Automotive Innovation (Auto Innovators) appreciates the opportunity to comment on the draft rule for the Clean Vehicles Program.

Auto Innovators represents the full auto industry value chain, including the manufacturers producing most vehicles sold in the U.S., equipment suppliers, battery producers, semiconductor makers, technology companies, and autonomous vehicle developers. Our mission is to work with policymakers to realize a cleaner, safer, and smarter transportation future and to ensure a healthy and competitive auto industry that supports U.S. economic and national security. Representing over 5 percent of the country's GDP, responsible for supporting nearly 11 million jobs, and driving \$1.5 trillion in annual economic activity, the automotive industry is the nation's largest manufacturing sector<sup>1</sup>.

We recommend Department of Ecology (Ecology) make two clarifications in the draft as follows:

- i. Automakers can certify to federal standards.
- ii. Automakers have two years to implement regulations that are identical to California's and have a waiver, per the Clean Air Act.

Federal standards. In August 2025, the California Air Resources Board (CARB) issued Manufacturers Advisory Correspondence ECCD-2025-08 to address questions raised by vehicle and engine manufacturers about CARB's process for certifying vehicle applications given that Congress used the Congressional Review Act to disapprove Advanced Clean Cars (ACC) II.

CARB's MAC specifically clarified that it would certify model years 2025 and subsequent model years via either an approved application for CARB certification or "submission to CARB of U.S. EPA certification to its motor vehicle emission standards"<sup>2</sup>. Thus, CARB provides three separate certification pathways for compliance – ACC II, ACC I, and EPA (either Tier 3 or Tier 4). Clearly, a vehicle receiving a CARB Executive Order (EO) that can legally be sold in California can also be legally sold in Washington. Otherwise, Washington would be in violation of the "third vehicle" clause in Section 177 of the Clean Air Act (CAA)<sup>3</sup>, which Ecology staff referred to in the January 12, 2026, Industry-focused Clean Vehicles Program Rule Meeting. We encourage Ecology to clarify

---

<sup>1</sup> Alliance for Automotive Innovation. (n.d.). *Resources and insights*. <https://www.autosinnovate.org/resources/insights>

<sup>2</sup> California Air Resources Board. Manufacturers Advisory Correspondence. August 25, 2025. <https://ww2.arb.ca.gov/sites/default/files/2025-08/MAC%20ECCD-2025-08.pdf>. Accessed January 26, 2026.

<sup>3</sup> See, Clean Air Act, 42 U.S.C. § 7507 (1990). <https://www.law.cornell.edu/uscode/text/42/7507>, "Nothing in this section or in subchapter II of this chapter shall be construed as authorizing any such State...to take any action of any kind to create, or have the effect of creating, a motor vehicle or motor vehicle engine different than a motor vehicle or engine certified in California under California standards (a "third vehicle") or otherwise create such a "third vehicle"."

in its amendments that any vehicle with a valid CARB EO also meets the requirements of Washington's Clean Vehicle Regulations. Additionally, as reinforced by the U.S. District Court for the Eastern District of California, vehicles with a valid EPA certificate are fully available for sale and registration<sup>4</sup>.

Compliance timeline. Section 177 of the CAA also contains provisions about which California standards can be adopted and the timing of newly adopted regulations. First, states can only adopt standards if "such standards are identical to the California standards for which a waiver has been granted for such model year." Regardless of the status of California's waiver for its regulation, Section 177 of the CAA requires the "State adopt such standards at least 2 years before commencement of such model year"<sup>5</sup>. Therefore, we also encourage Ecology to also clarify the compliance timeline.

Auto Innovators' recommendations serve to increase certainty with Ecology's regulation so that vehicle manufacturers can more effectively plan for compliance and continue to offer for sale and deliver new vehicles in the state. These changes would ensure Washington's regulations comply with the CAA and prevent uncertainty in their implementation.

Respectfully submitted,

Cory Bullis  
Director, Energy & Environment Policy  
Alliance for Automotive Innovation

---

<sup>4</sup> The ruling stated, "In light of the August MAC clarifying that manufacturers may sell vehicles that comply with federal EPA standards...OEM Plaintiffs may sell federal vehicles in California by certifying to federal EPA standards".

<sup>5</sup> [42 USC Section 7507](#)