



May 18, 2026

California Air Resources Board
1001 I Street
Sacramento, CA 95814
VIA ONLINE SUBMISSION

RE: 2026 State Implementation Plan Revisions for the California Extreme Ozone Nonattainment Areas

The Western Propane Gas Association (WPGA) is pleased to submit comments in response to the April 17, 2026 revision on the 2026 State Implementation Plan (SIP) for Extreme Ozone Nonattainment. While WPGA appreciates the need for CARB to provide a revision to its approved SIP, we reiterate our concerns regarding several items contained within the SIP and emphasize that propane-powered vehicles can provide California with immediate and lasting reductions in reactive organic gases (ROG) and oxides of nitrogen (NOx).

LOW-NOx PROPANE-POWERED VEHICLES AN IMMEDIATE SOLUTION

As WPGA has stated during rulemakings on both the Advanced Clean Trucks (ACT) and Advanced Clean Fleets (ACF), low-NOx trucks using renewable fuel, including renewable propane, are the most cost-effective way to address GHG and NOx emissions in the medium- and heavy-duty trucking segment and the most practical – in light of recent federal actions.

Heavy-duty low-NOx technologies are certified by CARB as 90 percent cleaner than diesel and available today to help achieve NOx and ROG goals as outlined in both the 2022 SIP and these proposed revisions. In addition, rapid development of new manufacturers providing technologies that meet consumer needs while drastically reducing emissions can help the market move in a direction that is both scalable and cost-effective.

Crucially, we appreciate that CARB has acknowledged the reality within the market of today with two explicit references:

- “New measures would be undertaken to reduce emissions from this sector in a manner that is economically feasible.”
- “Revising vehicle engine and vehicle standards in ways to encourage early action to achieve emission reductions through adoption of the cleanest technologies.”

WPGA, its members, and manufacturers developing new, efficient, and clean propane-powered technologies look forward to working with CARB as this proposed Drive Forward: Heavy-Duty Trucks rule develops.

SCALABILITY, COST CONCERNS ON OFF-ROAD SEGMENT RULES

The Off-Road Phased Advanced Clean Equipment (PACE) Rule that CARB is currently taking into consideration would build upon other rules it has considered or adopted, such as the Zero-Emission Forklift (ZEF), Small Off-Road Engine (SORE), and others. WPGA has consistently maintained that much of the off-road segment creates significant cost concerns on consumers, is structurally infeasible to scale due to limits on manufacturer product development, does not

meet consumer needs for use and run-time, and ignores widespread consumer adoption of technologies if they already meet the aforementioned transition challenges.

While WPGA has serious concerns regarding CARB's proposed direction of the PACE rule, we would encourage CARB staff to consider low-NOx equipment such as those powered by propane as a solution to displacing diesel technologies rather than as an enemy.

SPACE AND WATER HEATER RULE REMAINS UNWORKABLE AND ILLEGAL

CARB's continued inclusion of "Clean Space and Water Heater Standards" within the SIP creates serious problems with potential implementation.

While the most recent staff proposal from December 2025 allows Californians to continue reaping the air quality benefits of affordable and reliable high-efficiency propane space and water heaters to some extent, it leaves much to be desired. The three alternative proposals all put a limit on the sale of emissive equipment that restricts the purchase of new gas space and water heaters in California. As stated on slide 11 of the December workshop presentation, "sales refers to equipment produced and delivered for sale or sold in California... with a rated heat input capacity up to 2,000,000 Btu/hour must comply with emissive sales limits (%) starting on January 1, 2030."¹

The proposed regulatory frameworks could be construed as a violation of EPCA and be preempted by federal law. EPCA expressly preempts state and local regulations concerning the energy use of a covered product.² In 2024, the Ninth Circuit made clear that "regulations that address the [appliances] themselves and building codes that concern their use" of fuels are preempted under the federal Energy Policy and Conservation Act (EPCA). *Cal. Rest. Ass'n v. City of Berkeley*, 89 F.4th 1094 (9th Cir. Jan. 2, 2024). The Ninth Circuit focused on the *effect* of a regulation on the energy use of covered appliances and explained that states "can't skirt the text of broad preemption provisions by doing *indirectly* what Congress says they can't do *directly*." *California Rest. Ass'n v. Berkeley*, 89 F.4th at 1107. The staff proposals, if they function as intended to limit sales, are a partial ban on gas appliances that raise serious legal concerns.

Additionally, the reporting requirements make the policy unworkable. Slides 21 and 22 of the CARB staff presentation from December 2025 declare that both manufacturers and distributors must comply with reporting requirements for heater sales annually to "collect and track equipment sales, purchases, and credits to determine compliance." For example, manufacturers would be required to report "sales volume into California by equipment type, model family, size, and name of purchaser, including business ID." Such a requirement invokes concerns about the public release of proprietary data or trade secret information and compels speech which would benefit one business versus another. These are serious business and legal concerns that need to be addressed and resolved before drafting any regulation.

CONCLUSION

WPGA stands ready to assist CARB and regional air districts in meeting any potential SIP goals in the reduction of NOx and ROG by serving as a solution rather than a target. The scalability of propane distribution and widespread consumer availability of propane-powered equipment

¹ [CARB Workshop for Zero-Emission Space and Water Heater Standards December 2025](#)

² See 42 U.S.C § 6297(c) (residential appliances); § 6316(b)(2)(A) (industrial appliances).

offers consumers within the market a direction transition away from higher-emitting energy sources such as diesel or marine fuels.

We welcome the opportunity to discuss our concerns further and provide additional resources to assist CARB in further revisions to the SIP in the future.

Sincerely,

A handwritten signature in black ink that reads "Krysta Wanner". The signature is written in a cursive, flowing style.

Krysta Wanner
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