



September 15, 2025

Clerk of the Board and Members of Board
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Via Electronic Submittal

RE: Earthjustice Comments on the Advanced Clean Fleets Rule and Low Carbon Fuel Standard Proposed Amendments.

Chair Randolph and Members of the California Air Resources Board:

Earthjustice respectfully submits the following comments on the California Air Resources Board's ("CARB") Initial Statement of Reasons ("ISOR") for the proposed amendments to the Advanced Clean Fleets ("ACF") and the Low Carbon Fuel Standard ("LCFS") regulations.¹

CARB stands at a critical crossroads in California's transition to a zero-emissions transportation sector. The Trump Administration has illegally rolled back critical clean air protections, and the trucking industry has challenged regulations and reneged on commitments to adopt cleaner equipment. Now is the time for CARB to redouble its commitment to Governor Newsom's goal of transitioning all on-road vehicles to zero-emissions. CARB should not only replace what has been lost but also continue to accelerate the pace of electrifying California's transportation system. The decisions CARB makes today will determine whether California pursues decisive, goal-driven action towards clean air for all Californians or yields to industry-led attacks that undermine our State's ability to protect public health.

To keep California on track to achieve a zero-emission future, CARB should 1) Initiate Advanced Clean Trucks II ("ACT II") and ACF II rulemakings; 2) Support a statewide and local Indirect Source Rules ("ISR") and; (3) Increase the adoption of meaningful cargo fees at ports across the State.

Also, with respect to the LCFS in particular, we urge CARB to enhance credits for battery electric vehicle ("BEV") infrastructure, which are neglected in the proposed changes even though we know that BEVs will do most of the work in cleaning up California's air.

¹ CARB, Third Notice of Public Availability of Modified Text and Availability of Additional Documents and/or Information, Proposed Low Carbon Fuel Standard Amendments (Apr. 4, 2025) ("Third 15-Day Change"), https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2024/lcfs2024/3rd_15day_notice.pdf.

The following measures would remedy this shortcoming: (1) Adjustments to LCFS derating factors to allow higher throughput crediting comparable to hydrogen refueling infrastructure (“HRI”); (2) Expansion of the total crediting limits to match HRI; (3) Expansion of the power rating caps to accommodate emerging high-power charging deployments; and (4) Conforming LCFS changes to the heavy-duty battery infrastructure crediting provisions.

We applaud CARB’s goal to leverage every available tool in deploying zero-emission vehicle (“ZEV”) infrastructure and look forward to working with CARB to ensure these tools, including the LCFS, are harnessed to maximize emissions reductions and health benefits for all Californians. We provide additional details on our recommendations below.

I. ACF – CARB must recover any emission reductions lost from federal rollbacks by doubling-down on its heavy-duty on-road vehicle strategy.

If CARB adopts the proposed amendments and repeals the drayage truck and high-priority fleets requirements, the health impact reductions projected under the ACF rule will not be realized. CARB *must* recover any lost emission reductions by doubling-down on its heavy-duty on-road vehicle strategy. Regulatory action must remain core to CARB’s ongoing strategy to transition all heavy-duty vehicles to zero-emissions. Specifically, we ask that CARB make up for these losses by taking the following actions: 1) Begin rulemakings for ACT II and ACF II regulations to chart a new pathway to zero-emissions trucking in California; 2) Support a statewide and local ISRs to reduce dangerous air pollution from warehouses, railyards, ports, and other major freight hubs; and 3) Increase the adoption of meaningful cargo fee programs at ports across California.

A. Begin ACT II and ACF rulemakings.

We urge CARB to use its legal authority to initiate the next round of on-road vehicle emission regulations. Because the rulemaking process can take several years to complete, CARB should begin the ACT II and ACF II rulemakings now so that the final regulations can be submitted to the U.S. EPA for approval by 2029. Regulations offer the clearest signal to manufacturers, the market, and infrastructure providers that California is transitioning to zero-emission trucks. Moreover, industry’s recent legal challenge to the Clean Truck Partnership—an agreement entered into between CARB and major trucking companies—underscores the risks of relying on voluntary, good-faith efforts to reduce emissions. This development makes clear that CARB must pursue enforceable, regulatory pathways to ensure California’s trucking sector remains firmly on course toward a zero-emissions future.

B. Support a statewide and local Indirect Source Rules.

ISRs are a proven and powerful tool for tackling emissions from California’s pollution hot spots. By targeting emissions from vehicles at freight hubs and other high-impact sites, ISRs reduce harmful air pollution and incentivize the buildout of infrastructure needed to support

zero-emission trucks. Roughly half the state already lives under the protection of an ISR, and these standards have a proven track record of spurring clean transportation projects. While certain local air districts have taken advantage of this useful regulatory tool to cut pollution in their regions, it is critical to supplement local action with a strong floor of clean air safeguards across California. Until CARB can adopt a statewide ISR, we urge CARB to support local air district efforts to clean up indirect sources in their jurisdictions.

C. Increase the adoption of meaningful cargo fees at California ports.

CARB should actively collaborate with ports across the state to increase the adoption of cargo fee programs. Cargo fees allow ports to raise dedicated, locally controlled funding for investment in zero-emission operations. The San Pedro Bay Ports' Clean Truck Fund Rate has been extremely successful in raising more than \$150 million in revenue in its first 2 years to support the Ports' target of a 100% zero-emission drayage fleet by 2035. These funds are key to achieving climate and pollution goals for ports. CARB should also consider cargo fee and other investment programs as it designs and implements complementary incentive programs, such as the Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project ("HVIP") and Clean Off-Road Equipment Voucher Incentive Project ("CORE").

II. LCFS – Given the dire federal rollbacks that threaten California's air quality and public health, CARB should enhance crediting for BEV infrastructure.

Earthjustice strongly supports CARB's goal to leverage every available tool in deploying ZEV infrastructure. The proposed changes to LCFS ZEV infrastructure crediting, however, fall short of what CARB could do with the tools available to it and will do little to advance ZEVs. CARB is proposing to increase the crediting for light/medium duty HRI stations, but it does not propose similar changes to enhance crediting for BEVs, thus overlooking a pivotal opportunity to bolster electricity infrastructure. We therefore urge CARB to adopt limited amendments that are practical and provide near-term wins for ZEV deployment.

Specifically, we urge CARB to revise the proposed amendments to include the following improvements to the provisions on infrastructure crediting for BEV charging: (1) Adjust derating factors to allow higher throughput crediting comparable to HRI; (2) Expand the total crediting limits to match HRI; (3) Expand the power rating caps to accommodate emerging high-power charging deployments; and (4) Make conforming changes to the heavy-duty battery infrastructure crediting provisions.

Notably, LCFS crediting for HRI infrastructure is already very favorable, especially compared to crediting for battery infrastructure. As of the first quarter of 2025, potential light/medium-duty hydrogen crediting is at nearly 102,000 credits, compared to 41,000 credits for light/medium-duty battery crediting. This is despite these credits supporting 80 hydrogen stations compared to 1,000 fast charger sites with nearly 6,000 fast chargers. The disparity exists because the current regulatory structure already favors hydrogen: Hydrogen benefits from more

generous derating, higher per-station crediting capacity, and unlimited cumulative crediting. The current proposal to further incentivize hydrogen without extending parallel support to battery infrastructure will only exacerbate this asymmetry.

Failing to adequately support infrastructure for BEVs will make it more difficult for California to achieve its public health and climate goals because these vehicles are capable of making significant near-term emissions reductions. Compared to hydrogen vehicles, battery-electric vehicles and charging infrastructure are closer to market readiness and increasingly deployed. Hydrogen vehicles represent less than 1% of the light/medium duty ZEV market,² and 90% of the hydrogen vehicles are dominated by a single model (Toyota Mirai, whose starting suggested retail price is over \$50,000). CARB should not miss an opportunity to stimulate the market for the ZEVs that are driving more than 99% of emission reductions. Further, the emissions benefits of BEVs will only increase with time. The electric grid continues to become cleaner, making electricity a clear winner as a fuel needed to meet our climate and air quality goals. In contrast, the last LCFS amendments locked in support for dirty hydrogen produced from fossil fuels.

By failing to enhance support for the technology that is cleaner, more cost-effective, and market-ready vehicles that consumers are actually purchasing, CARB would be leaving meaningful, near-term emissions reductions on the table. CARB should therefore strengthen LCFS support for battery-electric charging infrastructure, especially during a period when ZEV market requirements are facing high levels of uncertainty. In so doing, CARB would maximize immediate air quality and climate benefits, increase California's resilience against regulatory rollbacks, and send a powerful signal that it is doubling down on pollution reductions with proven technologies.

Thank you for your consideration of these comments. We appreciate your leadership and urge CARB to remain steadfast in its regulatory approach and commitment to zero-emissions transportation and fueling infrastructure at this critical time for the health and welfare of Californians.

Sincerely,

/s/ Yasmine Agelidis

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Earthjustice

² CEC, Light-Duty Vehicle Population in California, <https://www.energy.ca.gov/data-reports/energy-almanac/zero-emission-vehicle-and-infrastructure-statistics-collection/light> (including medium-duty in the CEC light-duty vehicle data).