

September 11, 2025

*Submitted via electronic comment portal*

<https://ww2.arb.ca.gov/lispub/comm/bclist.php>

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

**Re: Public Comment on Proposed Amendments to the Advanced Clean Fleets Regulation  
(Notice of Public Hearing dated July 15, 2025; Initial Statement of Reasons released August  
1, 2025)**

Dear Chair Randolph and Members of the Board:

The National Truck Equipment Association (NTEA) appreciates the opportunity to provide comments regarding the California Air Resources Board's (CARB) proposed amendments to the Advanced Clean Fleets (ACF) regulation. NTEA represents more than 2,000 member companies that manufacture, distribute, and use work trucks across North America and globally. Many NTEA members are small businesses that build commercial vehicles in small volumes or on a custom basis. These vehicles include dump trucks, utility service trucks, ambulances, fire trucks, snowplows, tow trucks, refuse and recycling trucks, shuttle buses, and countless other specialized configurations. Work trucks built and operated by NTEA members are mission-critical for emergency response, infrastructure maintenance, and essential public services. For this reason, the ACF regulation poses unique challenges for our members and threatened to disrupt vital services nationwide.

The High-Priority and Drayage fleet provisions of the ACF regulation, as adopted in 2023, present serious deficiencies that make them unenforceable and unworkable. On October 8, 2024, the Specialty Equipment Market Association (SEMA) and NTEA filed suit in federal court to challenge those provisions, and on May 14, 2025, CARB agreed in a court-approved stipulation to propose the repeal of these provisions and not to enforce the part of the ACF regulation requiring 100% zero-emission-vehicle sales in the medium- and heavy-duty categories beginning with model year 2036 (Cal. Code Regs., tit. 13, § 2016), until CARB obtains a Clean Air Act (CAA) preemption waiver from EPA for that regulatory requirement. The Notice of Public

Hearing and the Initial Statement of Reasons (ISOR) confirm CARB's intent to fulfill its repeal obligation. For the reasons outlined below, CARB's enforcement of the ACF requirements would be unlawful and NTEA strongly supports the repeal of these provisions.

### **Federal Preemption**

The High-Priority and Drayage fleet provisions of the ACF regulation directly conflict with the CAA, which preempts state emission standards absent an EPA waiver. CARB adopted mandates that would prohibit fleets from purchasing or operating internal combustion engine (ICE) vehicles after certain dates without first obtaining a waiver. For NTEA's members, many of whom depend on specialized ICE vehicles with long service lives, this legal defect created serious uncertainty. Companies faced pressure to retire vehicles early and divert scarce resources into unproven technologies, despite the absence of federal authorization.

The ACF also violated the Federal Aviation Administration Authorization Act of 1994 (F4A), which prohibits state laws relating to a motor carrier's prices, routes, or services. By dictating the type of vehicles carriers must purchase, the ACF inevitably raised operating costs, restricted available routes due to limited charging infrastructure, and reduced services. NTEA members, who supply trucks for industries ranging from utilities to package delivery, would have faced reduced demand and diminished customer access. Carriers operating NTEA-built vehicles risked exclusion from the California market altogether, with ripple effects on manufacturers and upfitters nationwide.

### **Constitutional Violations**

ACF's structure imposes disproportionate burdens on out-of-state fleets in violation of the Dormant Commerce Clause of the U.S. Constitution. For example, a local fleet consisting of 49 in-state vehicles is not subject to the ACF Regulations, but a multi-state fleet with 49 vehicles in Nevada and just one vehicle operating in California would be subject to ACF, even though its footprint in the State is obviously much smaller. This arbitrary distinction had the practical effect of advantaging local fleets over national operators, in violation of the Dormant Commerce Clause. Moreover, the rules restricted the flow of interstate goods by limiting which vehicles could operate within California, even if those vehicles were registered, purchased, and compliant in other jurisdictions. This arbitrary structure harmed both interstate commerce and the communities that rely on NTEA members' equipment in emergencies and other scenarios supported by upfitted equipment.

The ACF provisions also suffer from pervasive vagueness. Multiple overlapping compliance obligations make it impossible for regulated parties to determine their responsibilities with certainty. For example, requirements for "hiring entities" effectively deputized private companies to police compliance by others, while exemptions for vehicle availability, daily usage, or infrastructure delays depended on the Executive Officer's exercise of "good engineering and business judgment," with no clear standards. Such provisions fail to give regulated parties fair notice of what conduct was required or prohibited. For NTEA members, many of whom build

highly customized vehicles with unique duty cycles, this uncertainty made it impossible to plan production or advise customers reliably. The vagueness of the ACF stifled innovation and jeopardized the viability of small businesses serving critical sectors.

### **State Law Prohibition**

The ACF regulation also contravenes California Health and Safety Code § 43018.5, which prohibits CARB from banning entire vehicle categories. By eliminating the ability to purchase or operate ICE vehicles and requiring that all new heavy-duty vehicles sold in California after 2035 be zero-emission, the ACF effectively bans ICE work trucks. For NTEA members, this would have rendered obsolete many vehicle configurations essential for public safety, utilities, and commerce. Specialized work trucks often require features that are not available in zero-emission platforms, and the ACF ban would have left NTEA members and their customers without lawful options to meet mission-critical needs.

### **Conclusion**

For these reasons, the High-Priority and Drayage provisions of the ACF regulation were unlawful, unworkable, and harmful to the work truck industry. These provisions should be repealed to restore regulatory certainty and allow CARB to pursue approaches that are technologically feasible, legally sound, and economically sustainable.

Sincerely,

*Michael Kastner*

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NTEA – The Work Truck Association