

November 10, 2025

Lauren Sanchez, Chair, and Board Members
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Re: Proposed Amendments to the On-Road Heavy-Duty Engine and Vehicle Omnibus
and to Permanently Adopt the Emergency Vehicle Emissions Regulations

Dear Chair Sanchez and Honorable Board Members:

The Northeast States for Coordinated Air Use Management (NESCAUM) is writing to express strong support for the California Air Resources Board's (CARB's) proposed amendments to the on-road heavy-duty Low Nox Omnibus regulations and to permanently adopt the emergency vehicle emissions regulations.

NESCAUM is the regional nonprofit association of state air quality agencies in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. NESCAUM serves as a technical and policy advisor to its members and works with broader groups of states to develop strategies to achieve their shared air quality and climate goals. For more than three decades, NESCAUM has supported states in using the authority under Section 177 of the Clean Air Act to adopt California's motor vehicle emission standards. Currently, NESCAUM hosts a workgroup for Section 177 states across the country to assist with and coordinate state adoption and implementation of California's clean car and truck standards. NESCAUM also facilitates the Multi-State ZEV Task Force, which serves as a unique forum for galvanizing state leadership on complementary programs and policies through research and analysis, information sharing, collective strategizing, and coordinated action on shared priorities.

As described in more detail below, the proposed amendment to permanently adopt the emergency vehicle emissions regulations will ensure that regulators, regulated entities, and other stakeholders have a clear and common understanding of which regulatory provisions remain operative in the wake of federal actions that have introduced unprecedented uncertainty into CARB's longstanding motor vehicle emission standard programs. In addition, the proposed amendments to the Low NOx Omnibus regulations are needed to implement the commitment in the Clean Truck Partnership to largely align with the EPA-NOx rule for 2027 and subsequent model years (MYs).

1. Proposed Amendments To Permanently Adopt Emergency Vehicle Emission Regulations

CARB's emergency rulemaking set the record straight and pushed back against misguided attempts to dismantle California's long-standing authority. Earlier this year, Congress passed resolutions that inappropriately used the Congressional Review Act to purportedly disapprove EPA waivers of preemption for the emissions standards in the Advanced Clean Cars II (ACC II), Low NOx Omnibus, and Advanced Clean Trucks regulations. Once signed by the president, California and a coalition of ten states immediately filed a lawsuit challenging the resolutions. Because waivers are required to enforce California's standards, the resolutions create confusion and uncertainty as to which California emissions standards are currently in effect. Moreover, in recent court filings, vehicle manufacturers suggested that California standards that preceded the standards in the ACC II and Low NOx Omnibus regulations are now defunct, calling into question regulatory programs that began decades ago. We are grateful for CARB's emergency rulemaking to quickly bring clarity to its motor vehicle emission standard programs that have also been adopted by Section 177 states across the country and support permanently adopting the emergency vehicle emissions regulations.¹

For nearly six decades, the Clean Air Act has authorized the U.S. Environmental Protection Agency to establish federal emission standards for new motor vehicles and California to establish its own standards, subject to obtaining a waiver of preemption. Congress adopted this two-standard strategy for regulating motor vehicle pollution in 1967 because California was then, and still is, the nation's leader in the fight against motor vehicle air pollution. As one court explained, "Congress intended [California] to continue and expand its pioneering efforts at adopting and enforcing motor vehicle emissions standards different from and in large measure more advanced than the corresponding federal program; in short, to act as a kind of laboratory for innovation." Motor & Equip. Mfrs. Ass'n v. EPA, 627 F.2d 1095, 1111 (D.C. Cir. 1979).

In 1977, Congress amended the Clean Air Act to authorize other states to adopt standards identical to California's in lieu of weaker federal standards. In doing so, Congress elegantly balanced concerns about subjecting manufacturers to a patchwork of state standards and concerns about interfering with the legitimate police powers of states to protect public health. The end result is that the manufacturers are subject to two separate standards for motor vehicle emissions. Under this two-standard system, new motor vehicles must be designed and certified to meet either federal standards or California standards. The California standards apply in California, and any other state that has adopted California's standards pursuant to Section 177 of the Clean Air Act, provided there is a waiver of preemption.

¹ NESCAUM submitted Comments on the California Air Resources Board Emergency Amendment and Adoption of Vehicle Regulations on September 26, 2025. These comments are incorporated by reference here and available at: <https://www.nescaum.org/documents/20250926-nescaum-comments-on-carb-emergency-rulemaking-final.pdf>.

States that have adopted and benefitted from California's standards appreciate CARB's actions to quickly and now permanently clarify the regulatory provisions that remain operative during this time of unprecedented regulatory uncertainty. Over the past sixty years, California has regularly used its authority to reduce motor vehicle pollution and has become a "proving ground" for emissions standards, many of which EPA later copied as federal standards.² As a result, the entire nation has benefitted from this two-standard system because the California standards, bolstered by Section 177 state adoption, have fostered more effective federal programs, led to greater reductions in motor vehicle pollution and corresponding public health and economic benefits, and played a key role in maintaining U.S. leadership in clean vehicle technology innovation.

States continue to urgently need the mobile source reductions that the California standards have provided for decades. Despite dramatic reductions in ozone pollution in the Northeast, the New York City metropolitan area fails to comply with federal air quality standards for ozone. This affects over 20 million people living in the New York City metropolitan area, which includes northern New Jersey and over half the population of Connecticut, along with the 65 million people visiting this area each year. Nitrogen oxides (NOx) are the key pollutants promoting ozone formation in the Northeast, and, given that mobile sources are the largest sources of NOx pollution in our region, it is simply not possible for the New York City metropolitan area to meet national health-based ozone air quality standards without deep pollution reductions from the mobile source sector (see attached figure). However, other than the right to adopt and enforce emission standards for new cars and trucks that are identical to California's standards, mobile source emissions are largely under federal control. CARB's emergency rulemaking and proposal to permanently adopt the emergency regulations clarify that, at a minimum, the emissions standards for criteria pollutants for vehicles and engines in place prior to ACC II and Low NOx Omnibus remain operative, despite the ongoing uncertainty created by the federal government's actions. CARB's motor vehicle emissions standards are important tools for states to use in protecting the health of millions of people in the Northeast, especially in the absence of meaningful federal actions to reduce public exposure to ozone.

² For example, in 1987 California tightened its standards for oxides of nitrogen (NOx) beginning with the 1989 model year. Cal. Code Regs. tit. 13, § 1960.1(g)(1) (2008); 53 Fed. Reg. 36,488, 36,489 (Sept. 20, 1988). The federal government adopted similar regulations beginning with the 1994 model year. Standards for Emissions, 59 Fed. Reg. 48,472, 48,516 (Sept. 21, 1994). In 1997, EPA agreed to a National Low Emission Vehicle program that harmonized the national program with the pre-existing California program. See 62 Fed. Reg. 31,192, 31,194 (June 6, 1997). In 2007, the federal government adopted evaporative emissions standards equivalent to those that were already in use in California. 72 Fed. Reg. 8428, 8460 (Feb. 26, 2007). EPA later adopted Tier 3 standards that "are in most cases identical to those of California's LEV III program" that were already in place in California and twelve other states. 79 Fed. Reg. 23414, 23417, 23421 (April 28, 2014).

2. Proposed Amendments to the On-Road Heavy-Duty Engine and Vehicle Low NOx Omnibus Regulation

Heavy-duty vehicles are a major source of emissions of NOx that contribute to unhealthy levels of ground-level ozone and secondary fine particulate matter. As noted above, the New York City metropolitan area continues to exceed federal health-based air quality standards for ground-level ozone, and it affects the health and welfare of not only the tens of millions of people living in this region, but also those who commute to and visit the area. Thus, reducing heavy-duty vehicle-related NOx emissions is a high priority for states facing nonattainment issues. To date, nine Section 177 states have adopted the Low NOx Omnibus regulation.

The Low NOx Omnibus regulation has spurred the introduction of more NOx-reducing engine technologies to the U.S. market and will provide substantial NOx reductions for states that have adopted these standards. Also, in 2022, the EPA adopted new rules for heavy-duty engines and vehicles that set stronger national standards to further reduce ozone-forming and particulate matter emissions.³ These standards will take effect with the 2027 model year. CARB's proposal aims to align the Low NOx Omnibus regulation with key components of EPA's rule, enabling manufacturers to design and produce a single product line of engine families that comply with both standards. This alignment will also reduce compliance costs, improve the cost-effectiveness of these regulatory programs, and create administrative efficiencies for states implementing the Low NOx Omnibus regulation.

Further, CARB's proposal is an important component of its multi-part commitment in the Clean Truck Partnership (CTP) to align these programs. In the CTP, CARB agreed to propose amendments to the Low NOx Omnibus regulation to largely align with EPA's rule, and in return, the Engine Manufacturers Association, its member companies, and the Ford Motor Company agreed to comply with the Omnibus requirements in California and the 2027 and later model year provisions in the Section 177 states "irrespective of the outcome of any litigation that has been filed or may be filed challenging the waivers or authorizations for those regulations or CARB's or any state's overall authority to implement those regulations."⁴ In light of these commitments, and to achieve state air quality and public health goals, NESCAUM supports the proposed changes to the Low NOx Omnibus regulation.

³ EPA, 2022: Control of Air Pollution from New Motor Vehicles: Heavy-duty Engine and Vehicle Standards, available at: <https://www.epa.gov/regulations-emissions-vehicles-and-engines/final-rule-and-related-materials-control-air-pollution>.

⁴ California Air Resources Board, 2023: Clean Truck Partnership Agreement, available at: https://ww2.arb.ca.gov/sites/default/files/2024-10/Final%20Clean%20Truck%20Partnership%20Agreement_CARB%2C%20EMA%2C%20and%20Ford%202023_07_05.pdf.

Thank you for the opportunity to comment on CARB's proposed amendments. NESCAUM appreciates California's continued leadership in protecting the environment and public health from motor vehicle pollution.

Sincerely,

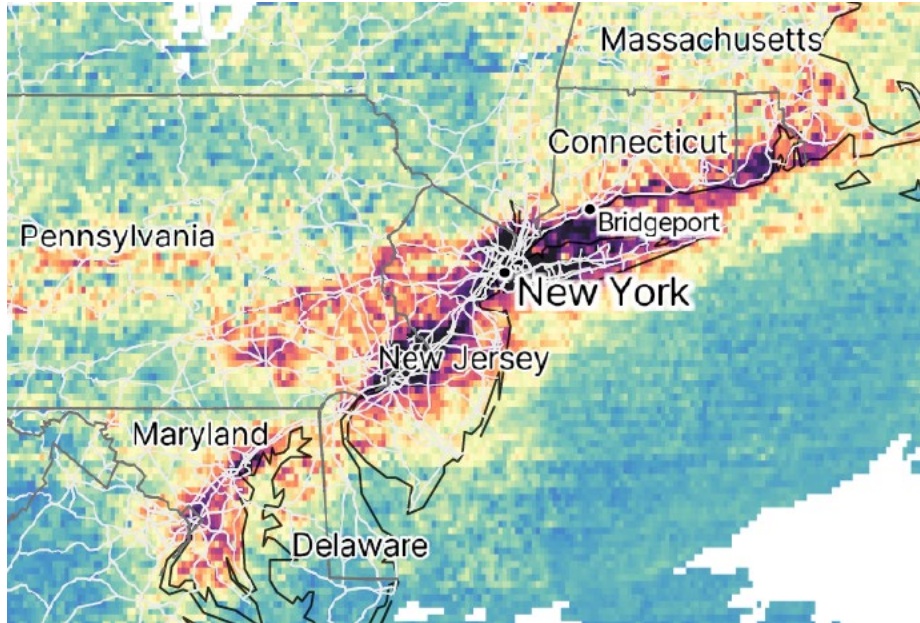
A handwritten signature in black ink, appearing to read "Paul J. Miller".

Paul J. Miller
Executive Director

cc: NESCAUM Directors

Attachment: TEMPO satellite image of NO_x (NO₂) in the Northeast

Attachment



The image above is from the Tropospheric Emissions: Monitoring of Pollution (TEMPO) instrument onboard the telecommunications spacecraft Intelsat-40e, launched in April 2023. The warmer (orange to dark purple) colors show the highest concentrations of nitrogen dioxide (NO_2), which is the major component of NO_x pollution at the earth's surface. Atmospheric chemistry involving NO_x forms ozone, and NO_x is the primary controllable pollutant at the regional scale for reducing ground-level ozone pollution. The highest NO_x concentrations closely align with the major highway arteries and urban centers of the Northeast, illustrating the large role transportation sources have in creating the region's ground-level ozone pollution problem. This image is from June 12, 2025 (8:25AM local time) and was downloaded from the TEMPO public data site at https://tempo.si.edu/data_for_public.html.