



November 10, 2025

DELIVERED ELECTRONICALLY

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

**Subject: Emergency Regulations – Permanent Adoption**

Dear Board Members,

The Alliance for Automotive Innovation (Auto Innovators)<sup>1</sup> appreciates the opportunity to provide comments on the California Air Resources Board (CARB) proposal to permanently adopt the Emergency Vehicle Emissions (EVE) regulations<sup>2</sup> as part of the On-Road Heavy-Duty Engine and Vehicle Omnibus rulemaking.<sup>3</sup> Our association and members are committed to working cooperatively and constructively with CARB to ensure vehicles developed and produced are efficient, clean, and affordable for all.

Auto Innovators understands and does not oppose the intent of the EVE regulations – to clarify the California Advanced Clean Cars (ACC) I<sup>4</sup> and optionally the ACC II<sup>5</sup> pathways identified in CARB MAC ECCD-2025-08<sup>6</sup>. We also recognize that the EVE regulations do not extend the zero-emission vehicle (ZEV) sales requirements in 13 CCR 1962.2 of the ACC I regulations, which sunset at the end of MY 2025. Thus, the EVE regulations should allow manufacturers to certify vehicles to CARB’s Low

---

<sup>1</sup> Auto Innovators represents the full auto industry, 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 maintain U.S. competitiveness in cutting-edge automotive technology. Representing approximately 5 percent of the country’s GDP, responsible for supporting nearly 10 million jobs, and driving \$1 trillion in annual economic activity, the automotive industry is the nation’s largest manufacturing sector. ([www.autosinnovate.org](http://www.autosinnovate.org)).

<sup>2</sup> The proposed light- and medium-duty vehicle EVE Regulations are contained in Appendices A-3, A-4-1, A-4-2, and the supplemental Initial Statement of Reasons in Appendix G.

<sup>3</sup> California Air Resources Board. (2025, September 23). *On-Road Heavy-Duty Engine and Vehicle Omnibus, Low Carbon Fuel Standard, and Emergency Vehicle Emissions Regulations*. <https://ww2.arb.ca.gov/rulemaking/2025/orhdomnibus>

<sup>4</sup> California Air Resources Board. (2012). *Advanced Clean Cars Program: LEV III Greenhouse Gas Exhaust Emission Standards and Test Procedures*. Retrieved from <https://www.arb.ca.gov/regact/2012/leviiiighg2012/leviiiighg2012.htm>

<sup>5</sup> California Air Resources Board. (2022, August 22). *Advanced Clean Cars II*. <https://ww2.arb.ca.gov/rulemaking/2022/advanced-clean-cars-ii>

<sup>6</sup> California Air Resources Board. (2025, August 25). *Manufacturers advisory correspondence (MAC) ECCD-2025-08: Regulatory guidance for engine and vehicle certification in California*. <https://ww2.arb.ca.gov/sites/default/files/2025-08/MAC%20ECCD-2025-08.pdf>

Emission Vehicles (LEV) III regulations (adopted in 2012) or optionally to the LEV IV regulations (adopted in 2022 and subject to the bipartisan Congressional resolution of disapproval under the CRA). Of course, MAC ECCD-2025-08 still allows manufacturers to alternatively certify vehicles to U.S. EPA Tier 3<sup>7</sup> (2026 model year (MY)) or Tier 4<sup>8</sup> (2027 and subsequent MY), a fact the United States District Court for the Eastern District of California relied on in denying the plaintiff's motion for a preliminary injunction related to ACC II, Advanced Clean Trucks, and Omnibus.<sup>9</sup>

We would appreciate both clarity and certainty from this rulemaking. However, as noted in our comments to OAL, which we incorporate by attachment, the proposed EVE regulations provide neither clarity nor certainty as written. With appropriate modifications identified below and in the attachments to this letter, the EVE regulations could offer a clear path for new vehicle compliance.

However, CARB must first clarify that an automaker will not face enforcement action if it follows the EVE regulations the Board adopts or its MAC ECCD-2025-08 for certification to EPA standards. Second, while we provide specific changes to clarify and correct the regulations and test procedures to ensure a clear path for certification to LEV III or optionally LEV IV, additional review and coordination with CARB Staff will certainly be required.

## Clarify Enforcement Action Will Not Be Taken if Complying with EVE Regulations or MAC ECCD-2025-08

We remain deeply concerned that CARB continues to indicate that ACC II is the only pathway available that does not risk enforcement action. Throughout the regulations and Appendix G, Initial Statement of Reasons (ISOR)<sup>10</sup>, CARB threatens manufacturers with enforcement action on vehicles that they certify under the proposed EVE regulations or U.S. Environmental Protection Agency (EPA) motor vehicle emission standards (allowed by CARB Manufacturers Advisory Correspondence (MAC) ECCD-2025-08). For example, the ISOR includes this warning on page 11:

*Regulated parties may choose to follow either the LEV IV...or the antecedent LEV III... Regulated parties, however, assume the **risk of future enforcement action** if they choose to certify only to the antecedent provisions..." (emphasis added)*

---

<sup>7</sup> Control of Air Pollution from Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards, 79 Fed. Reg. 23414 (2014).

<sup>8</sup> Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles, 89 Fed. Reg. 27842 (April 18, 2024).

<sup>9</sup> Order Granting in Part and Denying in Part Plaintiffs' Motion for Preliminary Injunction, *Daimler Truck North America, et al. v California Air Resources Board, et al.*, Case No. 2:25-cv-02255-DC-AC, E.D. Cal. (October 31, 2025)

<sup>10</sup> California Air Resources Board. (2025). *Appendix G: Supplement to Initial Statement of Reasons—Proposed Emergency Vehicle Emissions Regulations Proposed Amendments to the On-Road Heavy-Duty Engine and Vehicle Omnibus, Low Carbon Fuel Standard Regulations, and to Permanently Adopt the Emergency Vehicle Emissions Regulations.*

As a result of such language, manufacturers are left with no secure pathway to certify except under the ACC II regulations, which federal law prohibits CARB from implementing or enforcing.

The EVE regulations only provide clarity and certainty if following them does not result in enforcement action. Consequently, we recommend CARB clarify that vehicles complying with the EVE regulations or EPA regulations (included in MAC ECCD-2025-08) will NOT face enforcement action.

If California prevails in its lawsuit over the Congressional Review Act (CRA)<sup>11</sup>, it can revise its regulations to eliminate the LEV III certification pathway and rescind MAC ECCD-2025-08 for vehicle certifications going forward. However, as noted in our recommended changes in Attachment 2, CARB should allow appropriate lead time to prevent disrupting the California new vehicle market. If California prevails in its litigation, we recommend starting the updated regulations no sooner than the beginning of the second full model year.

### Direct Staff to Work with Stakeholders on 15-Day Notice Changes

Vehicle regulations and test procedures are complex and require more than just a few weeks to develop and write, and more than a few weeks for stakeholders to review and identify changes and corrections that reflect the Board and staff's intent. In the past, CARB staff worked with stakeholders for a year or more developing, drafting, correcting, and refining regulations and test procedures. Even with this level of review, there have been times when the regulations contained errors that needed correction. Correcting these errors via enforcement discretion letters is time consuming for all stakeholders.

The EVE regulations will require corrections and clarifications. We understand that CARB Staff has identified changes to be included in Staff Proposed 15-Day Changes, and we have identified others in the attachments. For example, since this is the first time OEMs have simultaneous programs (ACC II, ACC I, EPA Tier 4), maintaining various fleet average and phase-in percentages should be reviewed. However, additional time to review and collaborate with CARB staff would improve the regulations, provide clarity, and ensure the regulations reflect the Board's intent to provide a clear pathway to certification and sale of new vehicles in California.

We recommend the Board direct the Executive Officer to work with stakeholders to include any additional changes to the regulations or the test procedures in a 15-Day Notice.

---

<sup>11</sup> *State of California, et al., v. United States of America, et al.*, (ND Cal., case no. 3:25-cv-04966).

## Conclusion

We appreciate the intent of CARB and its staff to develop a clear path for certification of new vehicles in California. With the changes above, attached, and additional collaboration between CARB staff and stakeholders, we believe this intent can be met. We genuinely appreciate the opportunity to work collaboratively with CARB and staff on vehicle regulations as we have done for the past 35 years.

Sincerely,



Dan Bowerson  
Vice President, Energy & Environment  
[dbowerson@autosinnovate.org](mailto:dbowerson@autosinnovate.org)

Attachments