



California Fuels and Convenience Alliance

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Office of Administrative Law  
300 Capitol Mall, Suite 1250  
Sacramento, California 95814

**RE: CFCA Comments - Emergency Vehicle Emissions Regulations**

The California Fuels and Convenience Alliance (CFCA) represents approximately 300 members, including nearly 90% of all independent petroleum marketers in the state and more than half of the state’s 12,000 convenience retailers. Our members—predominantly small, family- and minority-owned businesses—play a vital role in California’s fuel supply chain, serving local governments, emergency services, school districts, transit companies, independent fuel retailers, and the agriculture industry.

CFCA respectfully submits these comments in opposition to the emergency rulemaking submitted by the California Air Resources Board (CARB). As discussed below, the proposed regulation does not satisfy the statutory requirements for emergency rulemaking under the California Administrative Procedure Act (APA) and should be disapproved by the California Office of Administrative Law (OAL).

**FAILURE TO DEMONSTRATE AN “EMERGENCY”**

Under the APA, emergency rulemaking is permitted only where immediate action is necessary. Government Code section 11346.1(b)(1) defines an emergency as “a situation that calls for immediate action to avoid serious harm to the public peace, health, safety, or general welfare.”

CARB has not demonstrated such a circumstance. The legal uncertainty cited – arising from federal actions affecting California’s vehicle emissions waivers – is not sudden or unforeseen, but rather part of an ongoing legal and policy dispute.

Moreover, the proposed regulation does not resolve this uncertainty. Instead, it institutionalizes a dual-standard framework that prolongs ambiguity and shifts compliance risk onto regulated entities. As such, CARB has failed to establish the immediate necessity required to justify emergency rulemaking.

**FAILURE TO IDENTIFY THE LEAST BURDENSOME ALTERNATIVE**

The APA further requires that emergency regulations “be narrowly tailored to address the emergency and be the least burdensome alternative considered by the agency” (Gov. Code § 11346.1(b)(2)).

CARB's proposal fails this requirement. By allowing both antecedent (LEV III / ACC I) and newer (LEV IV / ACC II) standards to operate simultaneously, the regulation creates parallel compliance pathways that increase complexity, cost, and legal exposure.

A less burdensome and more effective alternative exists – alignment with federal vehicle emissions standards. This approach would provide a single compliance framework, eliminate duplicative requirements, and reduce the risk of retroactive enforcement.

### **LACK OF CLARITY AND INTERNAL CONSISTENCY**

Additionally, the proposed regulation does not meet the clarity and consistency standards required under the APA. By maintaining two parallel regulatory frameworks, the rule creates real confusion for regulated parties about which standards actually apply to vehicle certification and sales, how compliance will be judged if the legal landscape shifts, and whether businesses that rely on the antecedent standards today could face enforcement risk down the line.

This kind of uncertainty makes it difficult for companies to make informed, long-term decisions and undermines their ability to confidently comply with the law, which is directly at odds with OAL's requirement that regulations be clear and understandable to those affected.

### **ECONOMIC AND PRACTICAL IMPACTS**

The proposed rule imposes significant economic and operational risks on small businesses, particularly through the cascading effects of a dual-standard framework. Fuel marketers and convenience retailers often operate on thin margins and depend on stable, predictable regulatory conditions to make long-term investment decisions.

Introducing parallel and potentially conflicting standards sets off a chain reaction: businesses may delay or scale back investments due to uncertainty, vehicle manufacturers may limit supply or increase prices to account for compliance complexity, and fleets may defer turnover as they wait for regulatory clarity. Together, these dynamics increase the likelihood of stranded investments in vehicles and fueling infrastructure, disrupt supply chains, and drive up costs across the market. These impacts are especially acute for small, family-owned operators that lack the financial flexibility to absorb prolonged uncertainty or rapidly adjust to shifting regulatory requirements.

### **CONCLUSION**

CARB's emergency rulemaking does not meet the legal standards required for approval under the APA. It fails to demonstrate an actual emergency, does not represent the least burdensome alternative, and introduces substantial ambiguity and compliance risk.

For these reasons, CFCA respectfully urges the California Office of Administrative Law to disapprove the proposed emergency regulation. CFCA appreciates the opportunity to provide these comments and stands ready to engage constructively on policies that provide regulatory certainty while supporting California's environmental objectives.

If you have any questions, please contact CFCA's Senior Policy Analyst, Gebriel Saleh, at [gebriel@cfca.energy](mailto:gebriel@cfca.energy).

Sincerely,

*Gebriel Saleh*

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