



September 26, 2025

OAL Reference Attorney
300 Capitol Mall, Suite 1250
Sacramento, California 95814
Fax Number: (916) 323-6826
staff@oal.ca.gov

Via electronic submittal

RE: Comments on Emergency Amendment and Adoption of Vehicle Emissions Regulations

To Whom it May Concern:

On behalf of our coalition of public health, environmental justice, equity, community, business, science, and environmental organizations, we respectfully submit the following comments in support of the California Air Resources Board's ("CARB") Emergency Amendment and Adoption of Vehicle Emissions Regulations ("Emergency Regulation").

We greatly appreciate CARB’s continued leadership in securing an equitable, zero-emission future, especially in the face of an unprecedented convergence of federal and industry attacks on California’s long-established authority to protect its residents from dangerous air and climate pollution. These attacks strike at the very foundation of CARB’s vehicle emissions program—arguing not only against the enforceability of California’s most recent rules, such as Advanced Clean Cars II (“ACC II”), Advanced Clean Trucks (“ACT”), and the Heavy-Duty Omnibus Low-NO_x Regulations, but also against the continued operability of the prior regulations and emissions standards for which federal waivers were already granted and which are not themselves under challenge. Under this erroneous theory, once CARB updates a regulation, the older, previously authorized standards simply vanish, leaving CARB with no operative emissions standards under which it can certify new motor vehicles for sale in the state in the event of some action that disables the newer standards. However, those prior standards do not disappear, they remain the fallback standards for situations exactly like this.

These efforts to undermine California’s regulations jeopardize the air quality protections that millions of Californians—particularly children, seniors, and residents of pollution-burdened communities—depend on for their health. By claiming that neither CARB’s most recent standards nor the previously waived standards are operative, opponents would effectively strip away any enforceable emissions limits in California. That outcome would mean more smog, soot, and climate pollution in a state that already suffers from the worst air quality in the nation, with devastating consequences for frontline communities who already experience higher rates of asthma, cardiovascular disease, cancer, and other health harms. Additionally, these attacks inject unnecessary uncertainty into the vehicle market, undermining manufacturers’ ability to plan and invest in the zero-emission transition. In this existential moment, it is critical for CARB to affirm its authority to enforce operative emissions standards and certify new motor vehicles. Thus we support this Emergency Regulation, which is urgently needed to safeguard Californians’ health, provide certainty to industry, and reaffirm the state’s leadership on clean transportation.

At the same time, we urge CARB to use its legal authority to initiate the next round of on-road vehicle emission regulations for both light and heavy-duty vehicles. Because the rulemaking process can take several years to complete, CARB should begin new rulemakings immediately so that the final regulations can be submitted to the U.S. EPA for approval by 2029. Prompt rulemaking will keep California on course and provide a clear signal to automakers, fleet operators, and other states that California remains committed to its public health and air quality goals, regardless of federal interference. Early action on new, comprehensive rulemakings also reinforces California’s leadership in protecting our health and that of residents in the growing coalition of Section 177 states that incorporate CARB’s rules as part of their own programs.

California cannot afford delay. Each year of inaction means more children growing up with asthma, more families losing loved ones prematurely, and more communities denied their

right to breathe clean air. This Emergency Regulation is a vital and necessary backstop in this unprecedented moment, but Californians need the full suite of strong, enforceable regulations to ensure a healthier, more just, and more sustainable future.

We thank you for your leadership and support the adoption of the Emergency Regulation. Looking ahead, CARB must move quickly to begin developing light and heavy-duty vehicle standards to secure California's clean air and climate commitments. Our coalition stands ready to work with you to ensure that California's policies protect public health, address long-standing environmental injustices, and drive our clean energy economy forward.

Sincerely,

Katrina A. Tomas
Senior Attorney
Earthjustice

Kathy Harris
Director, Clean Vehicles
Natural Resources Defense Council

Bill Magavern
Policy Director
Coalition for Clean Air

Román Partida-López
Director and Senior Legal Counsel
The Greenlining Institute

Liya Rechtman
Senior Transportation Policy Lead
Evergreen Action

Fran Pavley
Author of AB 1493 and SB 32
Former Assemblymember and State Senator

Christina Scaringe
California Climate Policy Director, Climate
Law Institute
Center for Biological Diversity

Gracyna Mohabir
Clean Air & Energy Regulatory Advocate
California Environmental Voters

Marc Carrel
President and CEO
Breathe Southern California

Michelle Kinman
COO
Los Angeles Cleantech Incubator

Jakob Evans
Senior Policy Strategist
Sierra Club California

Janet Cox
President and CEO
Climate Action California

Eli Lipmen
Executive Director
Move LA

Juan Roberto Madrid
Sustainable Communities Program
Advocate
GreenLatinos

Joel Levin
Executive Director
Plug In America

Cathy Bennett
Representative for BHSC
**Benicians for a Healthy and Safe
Community**

Ellie Cohen
CEO
The Climate Center

Kathy Kerridge
Board Member
**Good Neighbor Steering Committee of
Benicia**

Joel Ervice
Associate Director
**Regional Asthma Management &
Prevention**

Katelyn Roedner Sutter
California State Director
Environmental Defense Fund

Darien Davis
Government Affairs Advocate, Climate &
Clean Energy
League of Conservation Voters

David Reichmuth
Senior Scientist, Clean Transportation
Program
Union of Concerned Scientists

CC: Clerk of the Board, California Air Resources Board (cotb@arb.ca.gov)