Nissan North America, Inc. (John McDonald)

Comments are Contained in attached file.

NISSAN
GROUP OF THE AMERICAS

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SUBMITTED ELECTRONICALLY TO https://ww2.arb.ca.gov/applications/public-comments

Subject: Comments on Second 15-Day Notice of Modified Text – Proposal to Permanently Adopt the Emergency Vehicle Emissions Regulations – Alternative Section 1962.2.1, Title 13, CCR

To Whom It May Concern:

Nissan North America, Inc. ("Nissan") appreciates the opportunity to comment on the California Air Resources Board's ("CARB") Second Notice of Public Availability of Modified Text, issued on June 30, 2026, regarding the permanent adoption of the Emergency Vehicle Emissions Regulations ("EVE Regulations").

I. Issue and Requested Action

Nissan is concerned with revisions made to Alternative Section 1962.2.1 in the Second 15-Day Notice. The version of Alternative Section 1962.2.1 previously made available for public review contained no numeric Zero-Emission Vehicle ("ZEV") sales requirements, with subsections (b) through (g) designated as reserved. The Second 15-Day Notice replaces those reserved provisions with regulatory language establishing specific ZEV sales requirements, compliance obligations, deficit provisions, and associated penalty exposure.

To the extent CARB intends to remove these ZEV sales mandate provisions from the final regulatory text submitted for adoption, Nissan supports that correction. However, because the currently noticed language remains part of the official rulemaking record and is subject to public comment, Nissan submits these comments to ensure the administrative record accurately reflects the significance of the changes contained in the Second 15-Day Notice and the concerns of regulated manufacturers.

If CARB instead intends to retain numeric ZEV sales requirements within the alternative compliance pathway, Nissan believes those requirements should be advanced through a separate rulemaking process conducted in accordance with the California Administrative Procedure Act. Such a process should include appropriate notice, supporting analysis, a meaningful opportunity for public comment, and sufficient prospective implementation lead time to allow manufacturers to evaluate and comply with any new requirements.

Nissan further believes the addition of ZEV sales mandates, compliance deficits, and related enforcement provisions constitutes a significant substantive modification to the proposed regulation. Neither the original proposal nor the First 15-Day Notice provided stakeholders with notice that such requirements would be incorporated into the alternative compliance pathway. As a result, manufacturers and other interested parties have not had a meaningful opportunity to evaluate and comment on the compliance, operational, market, and legal implications of these provisions.

Nissan is also concerned that the newly added provisions could be interpreted to apply to Model Year 2026 vehicles that have already been planned, certified, produced, and sold. Manufacturers made product planning, certification, production, and compliance decisions based on the regulatory framework in place during the current model year. Introducing new sales requirements after those decisions have been made creates substantial compliance uncertainty and potential enforcement exposure.

II. Background

With over $15 billion invested in the United States, Nissan is deeply rooted in the American automotive landscape. Nearly 13,000 U.S. employees power every facet of our business—from engineering and manufacturing to consumer finance, marketing, distribution, and customer support.

Nissan's U.S. manufacturing footprint includes:

- Smyrna Vehicle Assembly Plant (Tennessee)
- Decherd Powertrain Plant (Tennessee)
- Canton Vehicle Assembly Plant (Mississippi)

Beyond manufacturing, Nissan maintains a nationwide presence anchored by Nissan North America's headquarters in Franklin, Tennessee, and supported by research and development activities, regional operations, training facilities, distribution centers, and financial services operations throughout the United States.

Through direct employment and its extensive dealer network, Nissan helps support tens of thousands of American jobs while contributing to innovation, economic growth, and mobility solutions in communities across the country.

Nissan understands, based on discussions between CARB senior management and representatives of the Alliance for Automotive Innovation ("Auto Innovators"), that the inclusion of the ZEV sales requirement provisions may have been inadvertent and that CARB intends to address this issue prior to submitting the final regulatory package for adoption. Nissan appreciates CARB's apparent recognition of this concern. Nevertheless, because the currently published Second 15-Day Notice contains regulatory language establishing specific ZEV sales requirements and associated compliance obligations, Nissan believes it is important to comment on the text as noticed and made available for public review.

III. Endorsement of Comments Submitted by the Alliance for Automotive Innovation

As a member of Auto Innovators, Nissan endorses and incorporates by reference the comments separately submitted by Auto Innovators regarding CARB's June 30, 2026 Second 15-Day Notice of Modified Text.

Nissan agrees with Auto Innovators that the addition of numeric ZEV sales requirements, compliance obligations, deficit accrual provisions, and associated enforcement exposure raises significant procedural and substantive concerns. Nissan further agrees that affected stakeholders were not provided adequate notice or a meaningful opportunity to evaluate and comment on these provisions before their inclusion in the Second 15-Day Notice.

Nissan also agrees with Auto Innovators that the addition of previously un-proposed ZEV sales mandate provisions through the emergency rulemaking and subsequent 15-day modification process does not provide regulated parties sufficient opportunity to assess the scope and implications of the proposed requirements. Given the significance of these provisions, manufacturers should have a full and meaningful opportunity to review and comment on any such requirements before they are incorporated into a final regulation.

Accordingly, Nissan adopts and incorporates by reference the procedural and substantive concerns, analyses, and recommendations set forth in Auto Innovators' comments to the extent they are consistent with Nissan's comments submitted herein.

Nothing in these comments should be construed as a waiver of Nissan's concerns regarding the procedural or substantive issues associated with the language published in the Second 15-Day Notice. Rather, Nissan is responding to the regulatory text currently before the public and preserving its concerns regarding the provisions noticed for adoption.

Nissan appreciates the opportunity to provide these comments and looks forward to continued engagement with CARB to develop clear, workable, and legally durable regulatory requirements.

Sincerely,

John McDonald

Nissan North America, Inc.