Brandon Craighead

See the attached concerns.

July 22, 2026

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

Subject: Comment on Third Notice of 15-Day Changes – Permanent Adoption of Emergency Vehicle Emissions Regulations, OAL Regulatory Action No. 2025-0922-01E

Dear Members of the Board,

I am writing as a member of the public in opposition to the permanent adoption of the Emergency Vehicle Emissions Regulations as currently drafted, and to urge the Board to withdraw or substantially revise this rulemaking before finalizing. My concerns are practical and economic, and I believe they reflect the interests of Californians who will ultimately bear the costs of this regulatory approach.

This regulation would keep two separate emissions regimes simultaneously intact: the pre-2022 standards, and the Advanced Clean Cars II/Omnibus standards that CARB may still enforce later depending on the outcome of pending federal litigation. Rather than giving manufacturers, dealers, and fleet operators a single, stable standard to design and plan around, this approach asks industry to prepare for two possible regulatory futures at once. That is not a minor inconvenience. Vehicle design, certification, and supply chain planning operate on multi-year cycles; asking businesses to hedge against two divergent outcomes drastically contributes to compliance and operational costs rather than reducing them.

Manufacturers and dealers do not absorb increased compliance, testing, and legal costs themselves. Historically, these costs are priced into the vehicles Californians purchase, whether it's vehicles for personal use or commercial vehicles. A regulation whose central feature is prolonged legal and regulatory ambiguity should expect to raise, not lower, the price of conducting business in this state. Unfortunately for the consumer, those increases will land on everyday customers and businesses who operate vehicles or fleets, not just on the manufacturers.

Companies that manufacturer, certify, and/or sell vehicles and engines need predictability to justify continued investment in this state. A regulation whose ultimate reach depends on the outcome of ongoing, unresolved litigation gives companies a strong incentive to locate new investment for testing and job creation elsewhere is states that have clearer, more stable and business-friendly regulatory environments. The Board must not underestimate how regulatory unpredictability alone can push economic activity elsewhere.

This rulemaking began as an emergency action and has now proceeded through three separate rounds of 15-day changes rather than a standard notice-and-comment rulemaking with a complete economic impact analysis. Given the significant compliance and cost implications described above, I do not believe the record reflects a rigorous, independent assessment of the costs this dual-track approach will impose on manufacturers, dealers, fleets, and ultimately consumers of goods provided by those fleets. Before finalizing this regulation, CARB needs to commission and publish a full economic impact analysis specific to the costs of maintaining two parallel emissions standards, rather than relying on the "emergency" rulemaking record from September 2025.

If the Board proceeds with the permanent adoption, despite concerns from the public and industry, as well as legal legitimacy, I urge the Board to add a clear, binding mechanism, such as automatic sunset or expedited review trigger tied to a specific court ruling so that businesses and consumers are not left indefinitely uncertain which standard ultimately will govern. Open-ended dual applicability with no defined end point imposes exactly the kind of prolonged uncertainty this comment describes.

The Board’s authority to enforce the underlying standards is solely disputed, pending federal litigation. Congress’ June 2025 Congressional Review Act resolutions purported to nullify the EPA waivers that has authorized CARB to enforce the ACT II, Omnibus, and ACT regulations as if those waivers have never taken effect. The U.S. Department of Justice has since sued CARB directly, seeking a permanent injunction barring CARB from enforcing or adopting these standards, and has separately taken the position that CARB’s zero-emission vehicle mandates are independently preempted by the Energy Policy and Conservation Act regardless of any Clean Air Act waiver. California disputes this and has its own suit pending, arguing the CRA resolutions themselves were invalid, but that litigation remains unresolved. Given this, the Board should not finalize a regulation premised on authority that federal courts have not yet confirmed.

By reserving the right to enforce the newer standards retroactively if pending litigation is resolved in the Board's favor, this regulation asks manufacturers, dealers, and ultimately consumers to bear the financial risk of an unresolved legal question that only a federal court can answer. DOJ has already taken the position, including through a formal cease-and-desist letter to leading manufacturers, that continued compliance with the disputed standards is itself unlawful. Codifying the threat of retroactive enforcement while that dispute remains unresolved does not provide the regulatory clarity the public and the regulated community deserve, and risks placing businesses in an impossible position between conflicting state and federal directives.

The Board is a public entity consisting of public servants, and this regulation should be judged first and foremost by whether it serves the public's interest. As explained above, this regulation's central effect is to prolong regulatory uncertainty rather than resolve it, and that uncertainty carries real costs that will be passed through to consumers in the form of higher vehicle prices. Contributing to inflationary pressure on the cost of vehicles, at a time when Californians are already burdened by high costs of living, is not in the best interest of the public the Board is charged with serving. I urge the Board to weigh this public interest heavily and to choose the path that provides clarity and cost stability over one that preserves ambiguity and risk.

Sincerely,
Brandon Craighead