



April 17, 2026

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

Via electronic submittal

Re: CARB Should Adopt the Proposed 15-Day Changes to the Advanced Clean Fleets Regulation with the Following Recommendations

Chair Sanchez and Members of the California Air Resources Board:

Thank you for the opportunity to comment on the California Air Resources Board's (CARB) proposed 15-day changes to the State and Local Government Agency Fleet (Public Fleets) Requirements of the Advanced Clean Fleets (ACF) regulation.

CARB maintains a sound legal basis to adopt the proposed 15-day changes, which direct state and local governmental entities to purchase, procure, lease, or contract for the use of compliant truck fleets. Overall, we strongly support CARB adopting the proposed amendments and also urge CARB to incorporate the modifications noted below.

I. CARB's Authority to Adopt the Proposed 15-Day Changes Has Been Plainly Affirmed by the Ninth Circuit.

CARB's authority to require such measures has been squarely affirmed by the Ninth Circuit Court of Appeals in *Engine Manufacturers Association v. South Coast Air Quality Management District*, 498 F.3d 1031, 1045 (9th Cir. 2007). In that case, the South Coast Air Quality Management District (SCAQMD) adopted six fleet rules (Fleet Rules) directing state and local government entities to meet certain criteria when purchasing, leasing, procuring, and contracting with private entities for the use of light-, medium-, and heavy-duty vehicles, including street sweepers (Rule 1186.1), light- and medium-duty public fleet vehicles (Rule 1191), transit buses (Rule 1192), refuse collection vehicles (Rule 1193), commercial airport ground access vehicles (Rule 1194), and heavy-duty public fleet vehicles (Rule 1196).¹

The Engine Manufacturers Association (EMA) challenged the Fleet Rules as preempted by the federal Clean Air Act.² The Ninth Circuit disagreed. The Court "conclude[d] that these provisions directing state and local governmental entities to purchase, procure, lease, or contract

¹ SCAQMD, Fleet Rules, <https://www.aqmd.gov/home/rules-compliance/rules/fleet-rules>.

² *EMA v. SCAQMD*, 498 F.3d at 1039.

for use of vehicles meeting specified air pollution criteria constitute direct state participation in the market,” and that the “market participant doctrine therefore saves those provisions of the Fleet Rules from preemption by the Clean Air Act.”³

ACF’s Public Fleets requirements, including any that apply to state and local government contracts with private entities, are saved from Clean Air Act preemption in the same way. This exact issue has been addressed and decided by the Ninth Circuit. CARB’s proposed actions here are squarely within its authority. CARB should reject requests from private companies that are performing contracted work for governments to evade requirements of the ACF’s Public Fleets requirements.

II. CARB Must Remain on Track by Maintaining the Existing Schedule for 100% ZEV Purchases Starting in 2027.

We urge CARB to maintain the existing Public Fleets transition schedule, which provides that 100% of new vehicle purchases must be zero-emissions starting in 2027. CARB’s proposed amendment would push this schedule back by three years, unnecessarily delaying California’s goals and CARB’s commitment to making it safe for every Californian to breathe clean air. As CARB staff noted at the October 2025 board meeting, recent federal attacks on CARB’s programs will result in the loss of 175 tons of NOx emissions per day, with a significant portion of those reductions being from trucks.⁴ These federal actions will result in a 40% increase in NOx emissions and 18% increase in fine particulate matter emissions in 2037—leading to over 14,500 additional cardiopulmonary deaths, 5,000 additional hospitalizations for cardiovascular and respiratory illness, and 6,700 additional emergency room visits.⁵ California is also at risk of sanctions for failing to meet our State Implementation Plan requirements.⁶

It is therefore critical that CARB keep on track with the existing schedule. CARB is already going above and beyond to accommodate fleets by incorporating robust exemptions and extensions. The included flexibilities already account for potential infrastructure delays, mileage concerns, purchase issues, and various other scenarios. Pushing the transition deadlines out further only delays California’s goals. Our communities cannot afford such delays.

III. CARB Should Remove or Significantly Cabin the ‘Captive Biofuel Use Exemption.’

The ‘Captive Biofuel Use Exemption’ creates a huge loophole that allows public fleets to avoid transitioning—or even planning to transition—to zero-emissions for another decade. CARB has been directed by Governor Newsom in N-27-25 “to accelerate the deployment of zero-emission technologies, including passenger, medium- and heavy-duty vehicles, consistent

³ *Id.* at 1046–48.

⁴ CARB, Annual Update on California State Implementation Plans at 18 (Oct. 23, 2025), <https://ww2.arb.ca.gov/sites/default/files/barcu/board/books/2025/102325/25-7-2pres.pdf>.

⁵ *Id.* at 19.

⁶ *Id.* at 21.

with the deployment targets and other actions directed in Executive Order N-79-20.”⁷ Instead, this exemption cements a captive fleet of methane-burning trucks in California’s state and local agencies and on California’s roads. This exemption must be removed from the regulation, or at the very least limited to 2 years, instead of until 2035.

Thank you for the opportunity to submit these comments. Please do not hesitate to reach out to us to discuss this further.

Sincerely,

Earthjustice
Yasmine Agelidis
Adrian Martinez
Candice Youngblood

Sierra Club CA
Jakob Evans

Natural Resources Defense Council
Guillermo Ortiz

⁷ Governor Newsom Executive Order, N-27-25 (June 12, 2025), https://www.gov.ca.gov/wp-content/uploads/2025/06/CRA-Response-EO-N-27-25_-ATTESTED.pdf.