RESOURCE RECOVERY
COALITION OF CALIFORNIA

June 16, 2026

Dr. Steven Cliff
Executive Officer
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Subject: Resource Recovery Coalition of California Comments on Second 15-Day Notice of Proposed Changes to the Advanced Clean Fleets Regulation – State and Local Government Fleet (SLG) Provisions

Dear Dr. Cliff:

The Resource Recovery Coalition of California ("RRCC") appreciates the opportunity to submit comments on the Second Notice of Public Availability of Modified Text and Availability of Additional Documents for the proposed amendments to the Advanced Clean Fleets ("ACF") regulation, made available on June 1, 2026.

RRCC represents private waste and recycling companies that provide essential public services to local governments throughout California. These services are performed through long-term franchise agreements, municipal contracts, permits, and other public agency arrangements. Our members operate highly specialized waste collection fleets that are capital-intensive, route-specific, and essential to public health and safety.

RRCC previously joined comments submitted on April 17, 2026, regarding CARB's First 15-Day Notice. We continue to support the legal and practical concerns raised in those comments and submit this letter to respond specifically to the Second 15-Day Changes now available for comment.

The Second 15-Day Notice states that the new language is intended to "make explicit" an existing requirement that vehicles operated through contractual arrangements are part of a state or local government agency's fleet for purposes of ACF compliance. RRCC strongly disagrees with that characterization. The new text is not a clarification. It is a substantive expansion of the SLG Fleet provisions that is inconsistent with the original regulatory text, CARB's Initial Statement of Reasons ("ISOR"), the repeal of the High Priority Fleet requirements, and the stated purpose of the current rulemaking.

RRCC respectfully requests that CARB revise the proposed text to make clear that privately owned and operated fleets performing services under contract with public agencies are not subject to ACF compliance obligations, either directly or indirectly through the contracting public agency.

I. The Original ISOR Confirms That Private Fleets Were Not Subject to the Proposed SLG Amendments.

The central issue in this Second 15-Day Notice is whether CARB is merely clarifying the original SLG Fleet requirements or materially expanding them.

The rulemaking record demonstrates that this is a substantive expansion.

CARB's original ISOR expressly stated: "There are no private fleets subject to the Proposed SLG Amendments." That statement is not incidental. It appears in CARB's Economic Impact Analysis and reflects the basis on which CARB evaluated the costs, impacts, and alternatives associated with the proposed SLG amendments.

The Second 15-Day Changes are inconsistent with that record. If a public agency must include vehicles owned and operated by a private contractor in its ACF compliance determination, then the private contractor's fleet composition, vehicle replacement schedule, procurement decisions, reporting data, and capital investment strategy become the basis for regulatory compliance. Whether CARB labels the public agency as the regulated entity or the private contractor as an indirectly affected entity, the practical consequence is the same: private fleets are being brought within the compliance structure of the SLG Fleet provisions.

That outcome was not analyzed in the ISOR. CARB did not evaluate the cost of requiring local governments to count contracted waste fleets. CARB did not evaluate the cost to private haulers of complying through public agency contracts. CARB did not evaluate the effect on franchise agreements, rate proceedings, municipal procurement, fleet replacement cycles, infrastructure development, or service reliability. CARB did not do so because the original proposal did not include private fleets within the SLG Fleet provisions.

The Second 15-Day Changes cannot be justified as a clarification when CARB's own ISOR expressly represented that private fleets were not subject to the proposed SLG amendments.

II. CARB's Treatment of "Dispatch" Further Confirms That General Service Contracts Were Not Originally Included.

The ISOR also drew a clear distinction between directing a specific vehicle and entering into a general service contract.

In explaining the definition of "dispatch," CARB stated that the term applies only when a fleet owner provides routing direction or instructions for a specific vehicle, and not when providing general instructions to a hired entity, such as a contract that specifies the areas to be serviced by a garbage truck fleet or a contract that specifies where road repair activities must occur.

This distinction is directly applicable to the waste and recycling industry. A municipal franchise agreement may define service territory, collection days, performance standards, customer service requirements, reporting obligations, contamination programs, and other service expectations. But those provisions do not make the local government the owner, operator, dispatcher, or fleet manager of the private hauler's vehicles.

The Second 15-Day Changes effectively collapse this distinction. By adding phrases such as "contracts for the operation of," "contracted," "service contract," and related reporting and recordkeeping requirements, CARB is treating general public service contracts as if they place the contractor's fleet within the public agency's fleet. That approach is inconsistent with the original ISOR's explanation of how hired entities and general service contracts are treated under the regulation.

III. The Repeal of the High Priority Fleet Requirements Confirms That Private Fleet Regulation Was Removed, Not Relocated.

The Second 15-Day Changes also conflict with CARB's stated rationale for repealing the High Priority Fleet provisions.

CARB has stated that the repeal of the Drayage, High Priority, and Federal Fleet requirements provides greater certainty to entities that they do not need to demonstrate compliance with those requirements. CARB also explained that, without a federal waiver for the Drayage, High Priority, and Federal Fleet portions of ACF, those businesses are unlikely to comply and emissions reductions cannot be guaranteed.

Private waste and recycling fleets are private fleets. If they were regulated under ACF, they would have been regulated through the High Priority Fleet provisions, not the SLG Fleet provisions. CARB's repeal of the High Priority Fleet requirements therefore confirms that private fleets are not subject to ACF compliance obligations under this rulemaking.

The Second 15-Day Changes would effectively restore a portion of the repealed private fleet obligations by requiring local governments to count and manage privately owned contractor vehicles as part of their own fleets. That is not consistent with the purpose of the repeal. Nor is it consistent with CARB's public statement that the amended ACF regulation "does not apply to private fleets."

CARB cannot repeal the private fleet provisions to provide certainty, then reimpose those obligations indirectly through municipal contracts.

IV. CARB's Guidance Highlights the Core Contradiction.

CARB's June 1, 2026 guidance states that the proposed amended ACF regulation "does not apply to private fleets." The same guidance states that public agencies must report vehicles under contract in their fleets when determining compliance, that contracted vehicles can be placed on the ZEV Milestones Option pathway, and that public agencies may meet compliance obligations through vehicles they own, rent, lease, or contract.

These statements cannot be reconciled in practice.

If a public agency must report and achieve compliance based on vehicles owned and operated by a private contractor, the private contractor is functionally subject to the regulation. The public agency will necessarily be pressured to impose ACF-related obligations through franchise agreements, procurement documents, contract amendments, indemnity provisions, service negotiations, and rate proceedings.

This is especially problematic for solid waste services. Waste collection contracts are long-term, rate-sensitive, and structured around specialized vehicles, route density, disposal and processing infrastructure, labor agreements, service levels, and emergency response obligations. Many existing agreements were negotiated before the Second 15-Day Changes and do not contemplate accelerated zero-emission fleet conversion, vehicle-level reporting to support ACF compliance, charging or hydrogen fueling infrastructure, or the allocation of legal and financial responsibility for noncompliance.

The guidance document does not resolve this uncertainty. CARB's statement that it will emphasize education, outreach, and case-by-case compliance assistance during the first reporting cycles does not alter the legal effect of the proposed regulatory text. Public agencies and contractors must make capital and contractual decisions now. They need clear regulatory text, not informal assurances.

V. The Second 15-Day Changes Create Substantial Economic, Procurement, and Service Impacts That Were Not Evaluated.

Because the original ISOR concluded that no private fleets were subject to the Proposed SLG Amendments, the rulemaking record does not evaluate the impacts of treating private waste collection vehicles as part of a public agency fleet.

Those impacts are substantial.

Waste and recycling fleets use specialized collection vehicles that are not interchangeable with general-purpose trucks. Fleet transition decisions depend on vehicle availability, route range, payload, compaction requirements, charging or fueling infrastructure, depot capacity, utility interconnection timelines, maintenance readiness, labor training, backup fleet needs, emergency response requirements, and rate recovery. These are not abstract issues. They affect whether communities receive reliable collection service.

Public agencies generally do not own, maintain, operate, dispatch, or finance the private hauler's fleet. Existing contracts often do not give the public agency the unilateral ability to dictate vehicle procurement, require specific fleet technologies, obtain all vehicle-level compliance data, or absorb the cost of accelerated replacement. Requiring public agencies to count contractor vehicles for ACF purposes will force difficult renegotiations and may increase costs to ratepayers.

For contractors, the proposed changes create regulatory exposure without clear designation as regulated entities. Private haulers would face compliance-driven capital investment decisions, but the regulation would not clearly identify their rights, obligations, exemptions, reporting responsibilities, or enforcement exposure. This is not a workable regulatory structure.
CARB has not evaluated these impacts. A 15-day clarification notice is not an adequate vehicle for adopting a policy change of this magnitude.

VI. The Second 15-Day Changes Raise Serious Clean Air Act Preemption Concerns.

As RRCC previously explained, any attempt to require private fleets to acquire or operate vehicles with specified emissions characteristics raises serious federal preemption concerns under Clean Air Act section 209(a). The United States Supreme Court has recognized that a command requiring certain purchasers to buy vehicles with particular emissions characteristics may constitute an emissions standard subject to federal preemption.

CARB withdrew its ACF waiver request. CARB may not avoid the consequences of that withdrawal by imposing private fleet requirements indirectly through public agency contracts. Nor does the market participant doctrine solve this issue. That doctrine is narrow. It may apply when a government acts as a proprietor procuring goods or services for itself. It does not authorize a state regulatory agency to direct local governments statewide to impose emissions-based fleet transition obligations on private contractors. The Second 15-Day Changes are not about efficient procurement by an individual local agency. They are about achieving a statewide emissions policy through local contracts.

That is regulatory action, not market participation.

VII. The Second 15-Day Changes Do Not Satisfy APA Requirements.

The California Administrative Procedure Act requires regulations to meet standards of clarity, necessity, authority, consistency, reference, and nonduplication. The Second 15-Day Changes do not satisfy those standards.

First, the proposal is not clear. CARB states that private fleets are not subject to the SLG regulations, while simultaneously requiring public agencies to include contracted private vehicles in their compliance determinations. The regulated community cannot determine who is

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responsible for compliance, who must report vehicle data, who bears enforcement risk, and how existing contracts must be treated.

Second, the proposal is not supported by the ISOR. The ISOR stated that no private fleets are subject to the Proposed SLG Amendments and did not evaluate the costs or impacts of including privately owned contractor vehicles in public agency fleets.

Third, the proposal is not merely "sufficiently related" to the original 45-day proposal. The original proposal did not clearly include private contractor vehicles in public agency fleets. The Second 15-Day Changes add new applicability, definitional, purchase, reporting, and recordkeeping concepts related to contracted vehicles and service contracts. This is a substantive expansion, not a clarification.

Fourth, to the extent CARB relies on guidance or staff interpretation to require public agencies to count private contractor vehicles, that interpretation would constitute an underground regulation unless properly adopted through the APA process and supported by the required rulemaking record.

VIII. Requested Revisions.

RRCC respectfully requests that CARB make the following revisions before finalizing the proposed amendments:

1. Revise section 2013(a)(1) to remove or narrow the phrase "contracts for the operation of" so that it does not include franchise agreements, municipal solid waste service agreements, permits, licenses, or other arrangements where a private entity owns, leases, operates, maintains, controls, and dispatches its own vehicles.
2. Revise the definitions of "fleet," "total fleet," and "fleet owner" to clarify that privately owned contractor vehicles are not part of a state or local government agency's fleet solely because the agency contracts for services performed with those vehicles.
3. Revise the definition of "vehicle purchase" or "purchase" to ensure that entering into, renewing, extending, or amending a service contract or franchise agreement is not treated as adding a contractor vehicle to a public agency's California fleet.
4. Remove or narrow the proposed recordkeeping requirement for "copies of any agreement contracting for vehicles or services using vehicles" so that it does not require public agencies to maintain or produce private service contracts for the purpose of treating contractor vehicles as part of the public agency fleet.
5. Add an express clarification stating:

"For purposes of this article, a vehicle owned, leased, operated, maintained, or dispatched by a private entity shall not be considered part of a state or local government agency fleet solely because the private entity provides services to the agency under a franchise agreement, service contract, permit, license, exclusive or nonexclusive agreement, or other contractual arrangement.

This article does not impose ACF compliance obligations on private fleets, directly or indirectly through a state or local government agency contract."

6. Revise the Final Statement of Reasons and CARB guidance materials to confirm that private fleets performing services under contract with public agencies are not subject to ACF SLG compliance obligations and are not required to be counted in the public agency's compliance determination.
7. If CARB intends to regulate private fleets through public agency contracts, withdraw the proposed language and initiate a new rulemaking with adequate notice, complete economic and environmental analysis, and any required federal authorization under the Clean Air Act.

Conclusion

RRCC supports practical and legally defensible strategies to reduce emissions while maintaining reliable essential public services. Our members have invested in cleaner technologies and continue to evaluate zero-emission options where feasible. However, the Second 15-Day Changes create significant legal, operational, procurement, and ratepayer uncertainty by treating private contractor vehicles as part of public agency fleets while simultaneously stating that private fleets are not subject to the regulation.

The original ISOR, the repeal of the High Priority Fleet provisions, and CARB's withdrawal of its federal waiver request all confirm that private fleets were not within the scope of the Proposed SLG Amendments. CARB should not now use the SLG Fleet provisions to indirectly impose private fleet compliance obligations through public agency contracts.

For these reasons, RRCC respectfully requests that CARB revise the proposed regulatory text and guidance as described above.

If you have any questions, please contact me at veronica@resourcecoalition.org.

Sincerely,

Veronica Pardo

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