



June 15, 2023

President Pro Tem Toni Atkins  
California State Senate

Speaker Anthony Rendon  
California State Assembly

The Honorable David Alvarez  
Chair, Joint Legislative Audit Committee  
California State Assembly

The Honorable Catherine Blakespear  
Vice Chair, Joint Legislative Audit Committee  
California State Senate

RE: Opposition to consideration of state audit of the California Air Resources Board's Advanced Clean Fleets Rule

Dear Pro Tem Atkins, Speaker Rendon, Assembly Member Alvarez and Senator Blakespear,

The undersigned organizations and businesses are strongly opposed to efforts to audit the California Air Resources Board's Advanced Clean Fleets Rule. While we value the oversight and transparency role that the Legislature and the Joint Legislative Audit Committee play in our state government, we oppose the political weaponization of this process to undermine a health protective rule. This action is premature at best and potentially deeply harmful to clean air efforts in California and nationally. We urge you to remove Item 5 - 2023-125 California Air Resources Board—Land Ports of Entry (Assembly Member Alvarez) from the June 26, 2023 committee meeting agenda.

The California Air Resources Board unanimously approved the Advanced Clean Fleets (ACF) rule on April 28, 2023. This was after over three years of public workshops and listening sessions, industry and community engagement, and multiple versions of rule language. However, this rule is not finalized until the Department of Finance and the Office of Administrative Law complete their review. This is a process mandated by the Legislature and requires DOF and OAL to evaluate the feasibility of a new rule, the cost of implementation, etc. As such, this rule has not gone into effect yet, and any efforts to audit the rule or process before it is complete is premature and undermines the process the Legislature itself established in the Administrative Procedures Act. Such a step by the Legislature would be unprecedented, which historically has waited for programs to be implemented before considering an audit.

Second, there was significant Legislative support for the adoption of the ACF rule. In October, 2022, 32 members of the State Senate and Assembly sent a letter to CARB voicing their strong support for the then-draft rule stating that “the Advanced Clean Fleets regulation is one of California’s most significant opportunities for addressing our climate and environmental justice crises while encouraging high road jobs and economic justice.”<sup>1</sup> Moving forward to consider this audit contradicts the strong support previously offered by the Legislature.

Implementation of the ACF rule is eminently feasible and brings economic benefits for California. Indeed this transition is already happening. Electric truck technology is here now and will continue to grow: the number of available models of zero-emitting commercial trucks and buses is expected to increase almost 26% globally from 2020 to 2023, up to 544 models.<sup>2</sup> Hundreds of electric trucks and buses have already been deployed in California, including more than 400 battery-electric delivery trucks and nearly 100 battery and fuel cell electric transit buses.<sup>3</sup> Nearly 40 electric drayage trucks are also planned for demonstration projects in California. Utilities across California are making major investments in charging infrastructure specifically for electric trucks because demand is increasing and will only grow.<sup>4,5</sup> Every major semi-truck manufacturer is offering or developing an electric version of their trucks: there are more than 125 zero-emission medium-duty and heavy-duty trucks in production or development in the U.S and this is projected to increase 300% in 2023 alone.<sup>6,7</sup>

Furthermore, the ACF rule will reduce health-related costs due to air pollution, especially for residents in communities exposed to high truck traffic. Transitioning truck fleets from diesel engines to zero-emission motors will reduce harmful air pollution and have significant health impacts that disproportionately affect communities of color. Heavy-duty trucks are the largest source of smog-forming pollution in California, and emit nearly 40% of the state’s diesel soot.<sup>8</sup> The ACF rule will result in an estimated 5,000 fewer premature deaths from these harmful pollutants and generate \$57 billion in health savings by 2050.<sup>9</sup>

Lastly, rather than auditing a rule that hasn’t even taken effect, California’s legislature should be focused on supporting the Advanced Clean Fleets rule’s successful implementation. Undermining the regulation with an ill-timed hearing to consider an audit of the Advanced Clean

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<sup>1</sup><https://static1.squarespace.com/static/60e541a40b8cea368db30028/t/634f1ddfaa801124f1e2f949/1666129376617/FINAL+Advance+Clean+Fleet+Rule+Leg+Letter+Signed+-+10.17.22+Final.pdf>

<sup>2</sup>[https://blogs.edf.org/climate411/files/2022/09/ERM-EDF-Electric-Vehicle-Market-Report\\_September2022.pdf](https://blogs.edf.org/climate411/files/2022/09/ERM-EDF-Electric-Vehicle-Market-Report_September2022.pdf)

<sup>3</sup> <https://www.ucsusa.org/sites/default/files/attach/2016/10/UCS-Electric-Buses-Report.pdf>

<sup>4</sup><https://blog.ucsusa.org/jimmy-odea/a-billion-dollar-policy-for-electric-vehicles-that-you-probably-havent-heard-of>;

<sup>5</sup><https://blog.ucsusa.org/jimmy-odea/more-charging-infrastructure-coming-for-electric-trucks-and-buses-in-california>

<sup>6</sup>[https://www.2035report.com/transportation/transportation-new/wp-content/uploads/2020/05/2035\\_Transportation\\_Report.pdf?hsCtaTracking=544e8e73-752a-40ee-b3a5-90e28d5f2e18%7C81c0077a-d01d-45b9-a338-fcaef78a20e7](https://www.2035report.com/transportation/transportation-new/wp-content/uploads/2020/05/2035_Transportation_Report.pdf?hsCtaTracking=544e8e73-752a-40ee-b3a5-90e28d5f2e18%7C81c0077a-d01d-45b9-a338-fcaef78a20e7)

<sup>7</sup><https://www.fleetowner.com/emissions-efficiency/article/21261582/electric-truck-production-expected-to-triple-in-2023>

<sup>8</sup> <https://www.ucsusa.org/sites/default/files/attach/2016/10/delivering-opportunity-executive-summary.pdf>

<sup>9</sup> <https://www2.arb.ca.gov/sites/default/files/barcu/regact/2022/acf22/isor2.pdf>

Fleets rule opens the door for polluting interests to delay implementation of these lifesaving rules through lawsuits, challenges to California's unique regulatory authority and other bad faith legal attacks. This in turn further delays the critical clean air and climate benefits that California's communities are counting on and that California's climate and clean transportation laws require.

For these reasons, we urge you to remove Item 5 - 2023-125 California Air Resources Board—Land Ports of Entry (Assembly Member Alvarez) from the upcoming hearing agenda.

Sincerely,

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