



California's "Clean Truck Program" Affects Most Truckers Operating There

(NOTE: Some aspects of the "clean truck" program being implemented by the California Air Resources Board (CARB) are temporarily delayed while CARB obtains a waiver from the U.S. Environmental Protection Agency (EPA). See the entire explanation of the delay under "The CARB Advanced Clean Fleets Rule Awaits a Waiver from the U.S. EPA" on the last page.)

Most Truckers Must Comply with New CA Truck Pollution Program

Regardless of the delay in some requirements, whether or not a truck is registered in California, any carrier that hauls freight within or into the state must comply with the California Air Resources Board's (CARB's) new "clean truck" requirements.

These new requirements are an initial step toward implementing California's declaration that all trucks operated in the state must be zero-emission vehicles (ZEVs) – that is, 100% electric – by 2035 or later, depending on the size or type of truck. While 2035 is years away, some aspects of the "clean truck" registration program are happening right now, affecting hundreds of thousands of operators and trucks.

Annual Truck Registration Requirement

Any truck traveling in or through California must have been registered with CARB starting October 1, 2023, with the registration renewed every year thereafter as long as the truck is being operated in California. During the initial 3-month reporting period October 1 to December 31, truck owners were required to establish owner accounts with CARB, provide owner/vehicle information, pay a \$30/vehicle registration fee and receive a compliance certificate. As explained further, obtaining this certificate is extremely important. Those "clean truck" registration program requirements and the roadside truck pollution screening, discussed below, continue in place for trucks first registered in California after 2023.

Roadside Truck Pollution Screening

Roadside pollution checks of heavy-duty trucks started in January this year (2023) using mobile screening technology. Unlike the smoke check CARB has utilized for many years, this technology can measure unseen pollution coming from the truck.

These inspection sites are located at ports of entry, weigh stations or scale facilities or randomly in rest areas and at other roadside locations.

In addition to the pollution screening, CARB inspectors will also look to see if the malfunction indicator light on the dashboard is lit up, indicating a potential emissions problem. CARB is also permitted to request and utilize the on-board diagnostic data (OBD) for each truck manufactured after 2013.

For older trucks, CARB will continue to use smoke opacity tests that show visible truck emissions, including soot, and can continue to issue citations for excessive smoke.

Notice to Submit to Testing (NST)

Owners of trucks that are screened in roadside tests may receive a Notice to Submit to Testing (NST). These tests are more extensive and must be conducted by a certified tester.

Photo at right shows an out-of-state truck being screened for pollution at one of many roadside screening sites around California.



Carriers have two options available to them upon receiving an NST: hire an external testing service certified to conduct the tests or train someone employed in the carrier's business to perform these tests. Credentialed testers who perform these tests are listed on CARB's website. The website also offers CARB's free, online training course to obtain a testing credential.

To be approved to perform certified tests, individuals applying for testing credentials must pass the online exam and submit the results to CARB within 30 days of completion. The fleet or truck owner must purchase a CARB-approved OBD reader and software, or a smoke opacity meter if testing pre-2013 vehicles.

Semi-Annual Testing Requirement

Following initial registration, carriers must test most vehicles twice a year and submit test results to CARB. Emission testing can be completed through the described above or through a potential telematics offering. The formal testing phase of the program begins in July 2024, but it's not too soon to think about how best to comply. Non-CA plated vehicles have 90-days to conduct these tests

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Semi-Annual Testing Requirement (cont'd)

prior to their assigned month based on the last number of the VIN. (Refer to the chart below). For example, a truck with a VIN number ending in 4 will need to be tested and certified by February 1 and every six months thereafter.

Exceptions to Registration and Testing

The CARB regulations include only one type of waiver/exception in the form of a one-time 5-Day Pass, valid once a year per truck for short-term exceptions. We do not see this exception as workable except in instances where a carrier may be asked to make a one-time California pickup or delivery utilizing a vehicle not registered with CARB.

Shipper, Receiver, Broker Requirement

In addition to emissions testing required of any carrier operating trucks in California, any shipper or receiver for whom carriers haul freight, along with any brokers involved in freight transactions, must also prove that the carriers with whom they do business in California have met the registration requirement. While this requirement doesn't directly hit carriers, it is conceivable that carriers' customers will ask the carrier to provide their proof of CARB registration directly to the businesses they serve.

The CARB Advanced Clean Fleets Rule Awaits a Waiver from the U.S. EPA

While the CARB "clean truck" program, continues in effect, the CARB Advanced Clean Fleets (ACF) rule is currently in a state of limbo.

The CARB ACF regulation, adopted in April 2023, created state pollution standards for heavy-duty trucks that are much stricter than the Clean Air Act. However, in December 2023, a court told CARB that it must first obtain a waiver from the U.S. Environmental Protection Agency (EPA), or have EPA determine that a waiver is not necessary, before CARB can enforce the ACF rule's pollution standards. CARB acknowledged on December 28, 2023,

that they had not met the waiver requirement and issued a public notice that it would not enforce the ACF regulation until it obtains an EPA waiver.

Two ACF regulations scheduled to go into effect on January 1, 2024, cannot be implemented until CARB receives an EPA waiver or EPA determines that a waiver is not necessary. First, the CARB ACF rule said that as of January 1, 2024, only zero-emission (ZEV) drayage trucks – those serving California ports and railheads – could be newly registered with CARB. Existing California-registered diesel drayage trucks could continue operating for their useful life. The ZEV drayage truck registration requirement now awaits EPA action on the waiver. Meanwhile, diesel drayage trucks are still legal in California – until further notice.

The second ACF rule currently postponed concerns carriers with over 50 trucks or \$50 million in revenue. ACF requires these so-called "high priority" fleets to begin acquiring ZEV trucks as an increasing percentage of their fleet over a timetable stretching out to 2035. Meanwhile, the "high priority" fleets were required by ACF to submit significant paperwork to CARB. While most ICSA members operate fewer than 50 trucks, it is likely that the agency will begin to ratchet down that number to smaller fleets – once the EPA waiver delay is over.

Will EPA grant CARB a waiver? Most likely, yes. EPA is promoting clean energy at every turn. CARB is currently telling truckers to keep their records "as of January 1, 2024." If a waiver comes, CARB intends to implement the ACF rules retroactively to January 1, as if the delay awaiting the EPA waiver never happened.

CARB will probably not take direct enforcement action against truckers caught by the changing compliance deadlines. Instead, diesel drayage trucks not already registered with the state may find themselves denied entrance to ports and railyards.

ZEV drayage trucks and "high priority fleets" may be given new registration, paperwork filing, and procurement deadlines, again reverting to the status quo as of January 1. Other ACF regulations may be bumped into the future. ICSA will update members when the EPA waiver issue is determined and as CARB announces any new deadlines.

Assigned Testing Month for Non-CA Vehicles

Last Number of VIN	0	1	2	3	4	5	6	7	8	9
Month	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul

MORE INFORMATION ABOUT CARB'S TRUCK POLLUTION PROGRAM

ICSA members can log in to their member profile on the ICSA website (www.safecarriers.org) and listen to the recording of the webinar on the CARB Clean Truck Program. Other information is available at [Clean Truck Check \(HD I/M\)](#).

ABOUT ICSA: This Arizona-based non-profit was formed in 2019 to provide independent contractors and small carriers with safety tools, safety education, a range of services and critical information they need to be a part of improving safety on our highways. Visit our website and learn more about our team and services.

Contact ICSA today at <https://www.safecarriers.org/contact-us/> or contact@safecarriers.org