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Truck and Engine Manufacturers Association Defends Clean Air Act Leadtime Requirement for Heavy-Duty Engine Standards

California Air Resources Board's new heavy-duty engine regulation fails to provide manufacturers with legally-required minimum four years of leadtime. New lawsuit would reinstate it.

CHICAGO, IL – The Truck and Engine Manufacturers Association (EMA) filed a lawsuit today seeking to ensure that the California Air Resources Board (CARB) follows the explicit requirements established by Congress in the federal *Clean Air Act* that heavy-duty on-highway engine and vehicle manufacturers must be provided at least four full model years of leadtime before new emission standards become effective. The *Clean Air Act* requires California to provide manufacturers the same minimum four-year leadtime that applies to federal emission standards adopted by the U.S. Environmental Protection Agency (EPA).

On December 22, 2021, CARB adopted the Heavy-Duty Engine and Vehicle Omnibus Regulation, a package of stringent emission standards, test procedures, and other emission-related requirements applicable to new heavy-duty on-highway engines and vehicles sold in California. The Omnibus Regulation requires heavy-duty engine and vehicle manufacturers to comply with the new standards on January 1, 2024, providing manufacturers only two years of leadtime. In recognition of California's unique air quality issues, the federal *Clean Air Act* allows California to establish its own unique standards and not be subject to the *Act's* preemption provisions, provided California meets certain requirements – including providing heavy-duty on-highway engine and vehicle manufacturers four full model years of leadtime.

EMA President Jed R. Mandel said, “Truck and engine manufacturers are proud that today’s modern engines reduce harmful emissions to near zero levels, and we are committed to building still cleaner products – but CARB must provide manufacturers the minimum four years of leadtime mandated by Congress. We acknowledge that the *Clean Air Act* gives CARB the authority to establish California-specific emissions standards and regulations; however, in doing so, CARB must follow Congress’s requirements. This lawsuit is simply to ensure that CARB follows all of the prescribed rules – one of which is intended to maximize the likelihood of the smooth and successful implementation of new emission standards.”

When enacting the *Clean Air Act*, Congress recognized that heavy-duty on-highway engine and vehicle manufacturers needed time to develop and produce products to meet stringent new emissions standards. The highly diversified and low-volume commercial engine and vehicle manufacturing industry must design multiple new engine and exhaust aftertreatment technologies, conduct extensive testing to ensure long-term durability, integrate the new systems into extensive distinct vehicle chassis, and assure customers that the new products will meet their needs through real-world demonstrations. In the *Clean Air Act*, Congress determined that four full model years is the minimum amount of time manufacturers needed to complete the product design and development process, and in 1986 the U.S. Court of Appeals for the District of Columbia Circuit reaffirmed Congress’s intent.

Mandel added, “Manufacturers and our customers should not be forced to short circuit the design, development and integration process, and CARB should not be allowed to circumvent Congress’ clear

mandate to provide adequate leadtime. We urge the U.S. District Court for the Central District of California to reaffirm the minimum four-year leadtime requirement. We hope this matter will be resolved quickly so that manufacturers have the leadtime and regulatory certainty needed to develop and build the products our customers – and our economy – depend on.”

To read the lawsuit filing, [click here](#).

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The Truck and Engine Manufacturers Association (EMA) represents the world’s leading manufacturers of medium- and heavy-duty commercial vehicles, internal combustion engines, and zero-emission powertrains. EMA works with governments and other stakeholders to help the nation achieve its goals of cleaner air and lower greenhouse gas emissions, and to ensure that regulatory standards are technology feasible, cost effective, and successful. By continually improving commercial vehicle and powertrain technologies, EMA’s members are in the forefront of providing clean and efficient products that meet their customers’ business needs and protect the environment.