WSR 26-14-026
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Order 25-09—Filed June 23, 2026, 8:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 25-23-113.

Title of Rule and Other Identifying Information: Chapter 173-423 WAC, Clean vehicles program, rule. For more information on this rule making, visit https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-423-clean-vehicles-program.

Hearing Location(s): On August 4, 2026, at 9:00 a.m. PST [PDT], via webinar. Join online and see instructions at https://waecy-wa-gov.zoom.us/meeting/register/ti1TEXwbRhSW5w3xoVtKfQ. Presentation, followed by the hearing. You can attend from any computer using internet access. For audio, call U.S. Toll number 1-253-215-8782 and enter access code 720957. Or, to receive a free call back, provide your phone number when you join the event; and

On August 5, 2026, at 1:00 p.m. PST [PDT], via webinar. Join online and see instructions at https://waecy-wa-gov.zoom.us/meeting/register/uHoP5FiuRIuKuR6DRElKlA. Presentation, followed by the hearing. You can attend from any computer using internet access. For audio, call U.S. Toll number +1-253-215-8782 and enter access code 413099. Or, to receive a free call back, provide your phone number when you join the event.

Date of Intended Adoption: November 3, 2026.

Submit Written Comments to: Gopika Patwa, Department of Ecology (Ecology), Climate Pollution Reduction Program, P.O. Box 47600, Olympia, WA 98504-7400, email Gopika.patwa@ecy.wa.gov, web https://ecology.commentinput.com?id=7CWPchHjR, beginning June 23, 2026, 12:00 a.m., by August 13, 2026, 11:59 p.m.

Assistance for Persons with Disabilities: Contact Gopika Patwa, phone 360-338-2419, TTY 877-833-6341, Washington relay service 711, email Gopika.patwa@ecy.wa.gov, by August 1, 2026.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Ecology is proposing revisions to chapter 173-423 WAC, Washington's clean vehicles program rule. These revisions align with California's changes to vehicle emissions standards that apply to new passenger and commercial vehicles sold in Washington.

Vehicle emissions standards are an essential policy tool for addressing climate change and reducing harmful air pollution from vehicles, particularly in communities most exposed to this type of pollution. This rule making creates a path for reinstating older standards if current standards become unenforceable due to recent federal actions. Washington holds these recent federal actions as unlawful, and litigation is ongoing. The older standards that this rule making would reinstate were phased out in favor of the current, more protective standards. However, they are still a safer and more effective fallback than the federal standards Washington would default to without these rule changes.

Ecology is proposing to adopt amendments to advanced clean cars (ACC) and advanced clean cars II (ACCII), both of which apply to light-duty passenger vehicles, pickup trucks, and medium-duty vehicles. Amendments would reestablish ACC certification standards for combustion engine vehicles, which were replaced by ACCII beginning in model year 2026, as a certification option for manufacturers. These

certification standards ensure that new combustion engine vehicles sold in Washington pollute less.

Additionally, ecology is proposing to adopt components of California's 2010 medium- and heavy-duty vehicle in-use standards, which were replaced by heavy-duty low NOx omnibus (omnibus). Similar to the light-duty standards above, the 2010 in-use regulation would act as a backstop emission standard for medium- and heavy-duty vehicles if the federal government succeeds in eliminating our ability to enforce omnibus.

California Regulations Proposed for Adoption by Reference: The relevant sections that ecology is considering adopting by reference from the California Code of Regulations are listed below.

Revising Existing Sections:

- California Code of Regulations, Title 13: 1900, 1956.8, 1961.2 - 1961.4, 1962.2 - 1962.4, 1965, 1968.2, 1968.5, 1969, 1971.1, 1971.5, 1976, 1978, 2035 - 2038, 2040, 2111 - 2119, 2121, 2123, 2125 - 2131, 2137, 2139 - 2149 (including 2139.5), 2166, 2166.1, 2167, 2168, 2169, 2169.1- 2169.8, 2170, 2423, 2485
- California Code of Regulations, Title 17: 95300 - 95307, 95311, 95660 - 95663

New Sections:

- California Code of Regulations, Title 13: 1900.0.1, 1956.8.1, 1956.8.2, 1961.2.1, 1962.2.1, 1962.3.1, 1965.0.1, 1968.2.1, 1968.5.1, 1969.0.1, 1971.1.1, 1971.5.1, 1976.0.1, 1978.0.1, 2035.0.1 - 2040.0.1, 2111.0.1 - 2119.0.1, 2121.0.1, 2123.0.1, 2125.0.1 - 2131.0.1, 2137.0.1, 2139.0.1 - 2149.0.1, 2317.0.1, 2423.0.1, 2485.0.1
- California Code of Regulations, Title 17: 95300.0.1 - 95307.0.1, 95311.0.1, 95660.0.1 - 95663.0.1

Ecology is also proposing additional fleet reporting requirements, beyond the one-time report required in 2023, to authorize additional data collection. This data would be used to support utility grid planning, the development of state-funded transportation electrification grant programs, and other efforts to reduce carbon emissions from transportation.

These rule revisions are important to streamline program implementation, provide additional compliance flexibility and clarity, maintain consistency with other states and the federal government, and work toward meeting Washington's limits on greenhouse gas emissions.

Reasons Supporting Proposal: As directed by RCW 70A.30.010, ecology shall adopt rules to implement the motor vehicle emission standards of the state of California, including the zero-emission vehicle program, and shall amend the rules from time to time to maintain consistency with the California motor vehicle emission standards.

Statutory Authority for Adoption: Chapter 70A.30 RCW, Motor vehicle emission standards.

Statute Being Implemented: Chapter 70A.30 RCW, Motor vehicle emission standards.

Rule is not necessitated by federal law, federal or state court decision.

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: Ecology will conduct an environmental justice assessment in accordance with RCW 70A.02.060 as a part of this rule making.

Name of Proponent: Department of ecology, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Rebecca Sears, Lacey, Washington, 380-584-4721.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Gopika Patwa, Department of Ecology, Climate Pollution Reduction Program, P.O. Box 47600, Olympia, WA 98504-7600, phone 360-338-2419, TTY 711 to call through the Washington telecommunications relay, Ecology.wa.gov/ADA for more accessibility information, email Gopika.patwa@ecy.wa.gov.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; and rule content is explicitly and specifically dictated by statute.

Scope of exemption for rule proposal:

Is partially exempt:

Explanation of partial exemptions: Ecology baselines are typically complex, consisting of multiple requirements fully or partially specified by existing rules, statutes, or federal laws. Where the proposed rule differs from this baseline of existing requirements, it is typically subject to (i.e., not exempt from) analysis required under the Regulatory Fairness Act (RFA), chapter 19.85 RCW, based on meeting criteria referenced in RCW 19.85.025(3) as defined by the Administrative Procedure Act in RCW 34.05.310. The small business economic impact statement (SBEIS) below includes a summary of the baseline for this rule making, and whether or how the proposed rule differs from the baseline.

The proposed rule does impose more-than-minor costs on businesses.

SBEIS

This SBEIS presents the:

- Analysis of relative compliance cost burden.
- Consideration of lost sales or revenue.
- Cost-mitigating elements of the rule, if required.
- Small business and local government consultation.
- Industries likely impacted by the proposed rule.
- Expected impact on jobs.

A small business is defined by RFA as having 50 or fewer employees, at the highest ownership and operator level. Estimated compliance costs are determined as compared to the baseline (the regulatory environment in the absence of the proposed rule amendments, limited to existing federal and state requirements). Analyses under RFA only apply

to costs to "businesses in an industry" in Washington state. This means the impacts, for this part of our analyses, are not evaluated for government agencies.

This information is excerpted from ecology's complete set of regulatory analyses for this rule making. **For complete discussion of the likely costs, benefits, minimum compliance burden, and relative burden on small businesses, see the associated regulatory analyses document (ecology publication no. 26-14-052, June 2026).** We have retained the section numbering, table numbers, and chapter references from the preliminary regulatory analysis (PRA) for easier cross-referencing.

2.2 Baseline: The baseline for our analyses generally consists of existing rules and laws, and their requirements. This is what allows us to make a consistent comparison between the state of the world with and without the rule amendments.

For this rule making, the baseline includes:

Chapter 70A.30 RCW, Motor vehicle emissions standards. Specifically, RCW 70A.30.010 adopts California's vehicle emission standards and directs ecology to adopt rules implementing them, and to amend the rules to maintain consistency with the California motor vehicle emission standards and 42 U.S.C. § 7507.

Section 177 of the Clean Air Act (42 U.S.C. § 7507): Authorizes other states to choose to adopt California's standards instead of federal requirements.

Three resolutions that were adopted by the United States (U.S.) Congress and signed into law by the president in 2025 (the heavy-duty vehicle waivers: H.J.Res.87 and H.J.Res.89) (ACCII waiver, H.J.Res.88). These resolutions repealed the waivers granted by the Environmental Protection Agency (EPA) to California for vehicle emission standards adopted by Washington in 2021 and 2022.[1]

[1] U.S. Congress votes to revoke EPA waivers, https://dieselnet.com/news/2025/05us.php

Chapter 70A.15 RCW, Washington Clean Air Act.

Chapter 70A.45 RCW, Limiting greenhouse gas emissions.

The existing rule:

- Chapter 173-423 WAC, Clean vehicles program.
- Chapter 173-400 WAC, General air quality regulations for air pollution sources, establishes the regulatory framework to ensure that healthy air quality exists in Washington, including meeting federal air quality standards.

2.3 Proposed rule amendments: The proposed rule amendments would:

- Adopt by reference both new and updated sections of California's Code of Regulations regarding vehicle emissions standards.
- Require vehicle fleet operators to report fleet information to ecology every other year, if requested.

2.3.1 Adopt by reference both new and updated sections of California's Code of Regulations regarding vehicle emissions standards.

Baseline: Ecology is required by RCW 70A.30.010 to maintain consistency with California motor vehicle emission standards. Washington's currently adopted California regulations pertaining to vehicle emissions standards are known by the titles: ACC, ACCII, advanced clean trucks (ACT), and omnibus. These regulations were adopted in 2021 and 2022 and they cover vehicles ranging from passenger cars to heavy duty trucks (tractor-trailer combinations). Amendments to the ACT and omnibus standards were adopted in 2025.[2]

[2] Update_from_CA_rules, https://lawfilesext.leg.wa.gov/law/wsr/2025/21/25-21-084.html

WAC 173-423-030 specifies the adopted parts and reads: "(1) This chapter adopts by reference the California Code of Regulations in the following titles: (a) Title 13, sections 1900, 1956.8, 1960.1, 1961, 1961.1 to 1961.4, 1962.2 to 1962.8, 1963, 1963.1 to 1963.5, 1965, 1968.2, 1968.5, 1969, 1971.1, 1971.5, 1976, 1978, 2035 to 2040, 2046, 2109, 2111 to 2133, 2135, 2137, 2139 to 2149, 2166, 2166.1, 2167, 2168, 2169, 2169.1 to 2169.8, 2170, 2235, 2423, 2485 and Appendix A to Article 2.1 in section 2112; …

(c) Title 17, sections 95300 to 95307, 95311, and 95660 to 95663.

(2) Adoption or adoption by reference means the rule applies as if it was copied into this rule. California Code of Regulations means those provisions as adopted in final regulatory orders by the California Air Resources Board as they exist on ***May 6, 2025***." (Emphasis added.)

Proposed: We propose to update the adoption date for the above-mentioned California sections to ***September 26, 2026***, thereby incorporating updates within those sections.

In addition, we would adopt the following new sections:

- California Code of Regulations, Title 13: 1900.0.1, 1956.8.1, 1956.8.2, 1961.2.1, 1962.2.1, 1962.3.1, 1965.0.1, 1968.2.1, 1968.5.1, 1969.0.1, 1971.1.1, 1971.5.1, 1976.0.1, 1978.0.1, 2035.0.1 to 2040.0.1, 2111.0.1 to 2119.0.1, 2121.0.1, 2123.0.1, 2125.0.1 to 2131.0.1, 2137.0.1, 2139.0.1 to 2149.0.1, 2317.0.1, 2423.0.1, 2485.0.1.
- California Code of Regulations, Title 17: 95300.0.1 to 95307.0.1, 95311.0.1 and 95660.0.1 to 95663.0.1.

Expected impact: Since ecology is required by law to maintain consistency with California's vehicle emissions standards (i.e., does not differ from the baseline), there would be neither costs nor benefits from agency action for this part of the proposed rule.[3]

[3] Ecology to adopt California rules., https://app.leg.wa.gov/rcw/default.aspx?cite=70A.30.010

2.3.2 Require vehicle fleet operators, if requested, to report operations descriptions to ecology.

Baseline: Currently, there are no ongoing vehicle fleet reporting requirements. A one-time vehicle reporting requirement was part of the clean vehicles program and general regulations for air pollution sources rule making, which was adopted on December 19, 2022. The reporting criteria were somewhat different from those proposed here, as they omitted information requests for light vehicle fleets and required more detailed information from medium- and heavy-duty vehicle fleets. That original fleet reporting requirement was based on the large entity reporting required under ACT in California (13 CCR 2012, 2012.1, 2012.2).[4]

[4] California Regulatory Order, https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2019/act2019/fro2.pdf

Proposed:

- Beginning in 2027, allow ecology to request vehicle fleet information every two years on an ongoing basis, giving six months advance notice.
- Require reporting for entities with fleets of 10 or more vehicles equal to or less than 8,500 pounds gross vehicle weight rating (GVWR), or with five or more exceeding 8,500 lbs. This applies to

entities within Washington state, those that dispatch vehicles into Washington, and federal, state, and local agencies.
- Utility service vehicles and military vehicles are exempted from this reporting requirement.
- Optional reporting on off-road vehicles is allowed but not required.

The information required falls into four categories, summarized as:

- General information, including contacts for responsible parties, scope and classification of the business and the number of vehicles owned, operated, or subcontracted, as well as vehicles based out of state.
- Vehicle home base, including location and type of facility. This includes those with variable home bases and those stationed at private homes.
- Vehicles in each vehicle group (weight classification, etc.) along with a breakdown of usage patterns such as for regional or long-haul routes along with the vehicle's typical destination and whether the typical vehicle in each group is owned, leased, or rented.
- Fleet electrification planning: Each entity must report general information pertaining to their existing plans to electrify their fleet including information on charging infrastructure at home bases and vehicle types involved. This includes plans for hydrogen fuel cell electric vehicles.

Expected impact: We expect the proposed requirements to result in reporting costs for entities that operate fleets of vehicles in Washington state. (These costs are estimated in Section 3.2.2 below.)

We expect benefits for all Washingtonians from this information in the planning and building of electric vehicle charging infrastructure. (These benefits are considered in Section 4.2.2 in PRA.)

3.1 Introduction: We analyzed the likely costs associated with the proposed rule amendments, as compared to the baseline. The proposed rule amendments and the baseline are discussed in detail in chapter 2 of this document.

3.2 Cost analysis: The proposed rule amendments would:

- Adopt by reference both new and updated sections of California's Code of Regulations regarding vehicle emissions standards.
- Require vehicle fleet operators to report fleet information to ecology every other year, if requested.

3.2.1 Adopt by reference both new and updated sections of California's Code of Regulations regarding vehicle emissions standards: We estimate no cost from this aspect of the proposed rule from agency action. Ecology is required by statute to adopt California's vehicle emissions standards.

3.2.2 Require vehicle fleet operators to report fleet information to ecology every other year, if requested. Light-duty vehicles are those up to 8,500 GVWR. Using data from the Washington state department of licensing (DOL), we estimate there are 2,565 entities with fleets of 10 or more. Most entities have between 10 and 30 vehicles. At the very high end, the two holding companies for Enterprise and Avis rental cars each have over 20,000 vehicles registered in Washington.

We expect, as noted in California air resources board's (CARB) analysis of one of their reporting requirements, that entities with large vehicle fleets will have relatively sophisticated inventory systems that likely contain most of the information that could be requested by ecology under the proposed rule amendments. For this reason, our estimates of time required for reporting do not increase in equal proportion, i.e., linearly, with the number of vehicles in the fleet.

To estimate the cost for the entities involved, we borrow the labor cost of $65 per hour from CARB's estimate for their 2019 rule, updated for inflation. The estimates of labor time relative to fleet size is our estimate. This was informed by our contact with industry consultants who have extensive experience with Washington's prior reporting requirement, as well as similar reporting efforts in other states. Table 1 below contains our estimate of costs.

Table 1: Cost Estimate for Fleets for 10 or More Light-Duty Vehicles

Fleet size range	Number of entities	Estimated hours/entity	Cost/entity at $65/hour	Estimate totals
10 to 29	1711	8	$520	$889,720
30 to 59	518	10	$650	$336,700
60 to 119	213	12	$780	$166,140
120 to 299	94	20	$1,300	$122,200
300 to 599	14	24	$1,560	$21,840
600 to 1199	9	28	$1,820	$16,380
1200 to 3999	3	30	$1,950	$5,850
4000 to 9999	0	36	$2,340	$-
10,000 to 19,999	1	40	$2,600	$2,600
more than 20,000	2	42	$2,730	$5,460
Total per reporting year	2,565	24,070	NA	$1,566,890

For the heavier vehicles, we estimate there are 7,576 entities with fleets of five or more vehicles over 8,500 lbs. Some entities meet the proposed fleet reporting threshold for both categories. These include familiar large corporate entities such as Amazon Logistics, the Boeing company, and Hertz. The majority of entities with five or more vehicles over 8,500 lbs GVWR have fewer than ten of these vehicles.

At the high end, we estimate Amazon Logistics to have nearly 3,200 of these larger vehicles.

As for the light-duty vehicles above, we use CARB's estimate of labor cost for heavy-duty fleet reporting and adjust for inflation. CARB notes, "most large companies that own trucks or buses will have fleet software or other data management systems to pull information about their fleet and company quickly." Labor time estimates were informed by contact with industry consultants.

Table 2 presents our cost estimates for fleet reporting for the heavier vehicles.

Table 2: Estimate of Fleet Reporting Costs from Vehicles Over 8,500 GVWR

Number of vehicles in fleet	Number of entities	Estimated reporting hours	Estimated cost at $65/hour per entity	Estimated total cost
5 to 9	4530	4	$260	$1,177,796
10 to 24	2065	8	$520	$1,073,800

Number of vehicles in fleet	Number of entities	Estimated reporting hours	Estimated cost at $65/hour per entity	Estimated total cost
25 to 49	606	16	$1,040	$630,240
50 to 99	234	20	$1,300	$304,200
100 to 249	103	24	$1,560	$160,680
250 to 499	25	32	$2,080	$52,000
500 to 999	7	40	$2,600	$18,200
1000 or more	6	48	$3,120	$18,720
Totals per reporting year	7,576	52,856	NA	$3,435,636

Combined, the estimated cost of these two reporting categories amounts to $5.0 million in reporting costs for each year they apply. In recognition that an estimated 62 utility service vehicle fleets are exempt from the reporting requirement, we round this down to $4.9 million per reporting period. This assumes the average utility fleet is around 100 vehicles and would spend 24 hours assembling and submitting the requested information. Puget Sound Energy appears to possess the largest exempt fleet, with 609 vehicles in this category.

The proposed reporting requirements ask for less information than ecology's 2022 requirements. We allow for a lower end cost estimate using a 25 percent reduction in the costs estimated above, based on the reduced requirements.

The first year these costs might occur is 2027. We project them to continue biannually until 2047, per our typical 20-year time horizon.

Estimate range of total reporting costs: $3.7 - $4.9 million per reporting year.

Estimated present value range, through 2047, using a two percent real discount rate: $32.8 - $43.7 million.

These estimates have some uncertainty associated with them. The labor time required is informed by communication with industry contacts regarding effort involved in meeting the one-time reporting requirement from the 2022 rule making (see the Background section). The labor time estimate is roughly six-fold that of CARB's estimate for meeting their similar reporting requirements in 2019.

Some entities deploy vehicles within Washington that are registered outside of the state. An analysis from the Rocky Mountain Institute indicates roughly 30 percent of medium- and heavy-duty vehicles' miles are driven outside of their home state. Accordingly, some facilities may have fleets larger than our data from DOL indicates.

Additionally, data received from DOL contained what appeared to be duplicate entries, with slight spelling variations, for the same entity. We adjusted for this by random sampling of the data to estimate the number of duplicate entities. Sampling five different sets of records at random locations in the data set, we estimate that just over 25 percent of the entries are duplicates for the same entity. The data entries "Uhaul" and "U-haul" would be an example of this. The standard error of the estimate of the mean value of unique entries is 5.9 percent. This implies a 95 percent confidence interval of 11.6 percent.

The two percent discount rate used above was chosen since it is a relatively conservative rate for costs incurred by entities. Social discount rates, for costs or benefits incurred by society at large, would typically have a lower real discount rate than the rate for specific economic actors.

3.2.3. Environmental justice costs: While the adoption of California's regulations are required by Washington law, the reporting requirement in the proposed rule is intended to facilitate the transition to widespread adoption of electric vehicles.

We haven't identified any disproportionate negative impacts of the proposed reporting requirements on the environmental health of overburdened communities. These requirements would apply statewide and consist of a relatively small cost as a fraction of business operations. For a firm with the minimum of five vehicles, for example, we estimate a biannual reporting cost of $460. At an estimated cost of a 2026 vehicle of this weight rating of around $70,000, the annual estimated expense would be less than 0.1 percent of the vehicles' value.

Regarding electric vehicle adoption, ecology is developing an environmental justice assessment of the proposed rule. This ongoing work notes that zero-emission vehicles tend to be heavier than similar internal combustion engine vehicles. The proposed rule may lead to an increase in stormwater runoff directly related to the impact of brake and tire wear particles from heavier vehicles. One chemical of concern is 6PPD-quinone. This is formed when 6PPD, a chemical used in tires to reduce rubber degradation over time, reacts with ozone in the air. Tire wear particles then wash into stormwater and negatively impact aquatic life caught and consumed by nearby communities. This can disproportionately impact tribes and indigenous communities because salmon are central to their culture, health, and way of life. Ecology is actively undertaking efforts to mitigate this issue, possibly by reducing or eliminating the use of 6PPD in tires.

7.1 Introduction: RFA (RCW 19.85.070) requires ecology to perform a set of analyses and make certain determinations regarding the proposed rule amendments. This chapter presents the:

- Analysis of relative compliance cost burden.
- Consideration of lost sales or revenue.
- Cost-mitigating elements of the rule, if required.
- Small business and local government consultation.
- Industries likely impacted by the proposed rule.
- Expected impact on jobs.

A small business is defined by RFA as having 50 or fewer employees, at the highest ownership and operator level. Estimated compliance costs are determined as compared to the baseline (the regulatory environment in the absence of the proposed rule amendments, limited to existing federal and state requirements). Analyses under RFA only apply to costs to "businesses in an industry" in Washington state. This means the impacts, for this part of our analyses, are not evaluated for government agencies.

7.2 Analysis of relative compliance cost burden: We calculated the estimated per-business costs to comply with the proposed rule amendments, based on the costs estimated in chapter 3 of this document. In this section, we estimate compliance costs per employee.

The average affected small business likely to be covered by the proposed rule amendments employs about 21 people. The largest 10 percent of affected businesses employ an average of 34,000 people. Based on cost estimates in chapter 3, we estimated the following compliance costs per employee.

Table 3: Compliance Costs Per Employee

	Estimated average employment	Estimated cost per business	Estimated cost per employee
Impacted small businesses (<50 employees)	21	$400	$26.35
Largest 10 percent of businesses	34,000	$1,372	$0.04

We conclude that the proposed rule amendments are likely to have disproportionate impacts on small businesses, and therefore ecology must include elements in the proposed rule amendments to mitigate this disproportion, as far as is legal and feasible.

7.3 Action taken to reduce small business impacts: RFA (RCW 19.85.030(2)) states that:

"Based upon the extent of disproportionate impact on small business identified in the statement prepared under RCW 19.85.040, the agency shall, where legal and feasible in meeting the stated objectives of the statutes upon which the rule is based, reduce the costs imposed by the rule on small businesses. The agency must consider, without limitation, each of the following methods of reducing the impact of the proposed rule on small businesses:

(a) Reducing, modifying, or eliminating substantive regulatory requirements;

(b) Simplifying, reducing, or eliminating recordkeeping and reporting requirements;

(c) Reducing the frequency of inspections;

(d) Delaying compliance timetables;

(e) Reducing or modifying fine schedules for noncompliance; or

(f) Any other mitigation techniques including those suggested by small businesses or small business advocates."

We considered all of the above options, and the goals and objectives of the authorizing statutes (see chapter 6). We limited compliance cost-reduction methods to those that:

- Are legal and feasible.
- Meet the goals and objectives of the authorizing statute.

The scope of this rule making was limited to adopting California's recent regulatory updates and establishing fleet reporting requirements, so we could not legally include options (a) and (c) - (f).

Finally, we included the following elements in the rule amendments to reduce costs to small businesses.

We simplified, reduced, and eliminated reporting requirements, including rejection of alternatives that would have been more burdensome. This entailed eliminating some previous reporting requirements including, but not limited to, daily and annual mileage, engine and chassis model year. See chapter 6 for more details.

7.4 Small business and government involvement: We invited small businesses, local governments, and the general public to participate in the development of the proposed rule amendments through broad public notice. Opportunities for learning and sharing input included:

- An informational meeting, Monday, December 15, 2025, to provide an overview of the rule making and an opportunity to share general input.
- An industry-focused meeting, Monday, January 12, 2026, to provide an opportunity for members of the regulated industry to learn about the rule language revisions and share input on the rule language drafts.
- Environmental justice-focused community forum, Thursday, January 15, 2026, to gather feedback from potential overburdened and vul-

nerable communities, environmental justice organizations, and other members of the public on environmental justice issues related to these rule makings.

Recordings of these presentations are available on the rule-making web page for public viewing. Additionally, drafts of proposed rule language were published in January and March of 2026. Public comment periods were also held to provide opportunities to submit written comments online about the draft rule language.

7.5 North American Industry Classification System (NAICS) codes of impacted industries: The proposed rule amendments likely impact the following industries, with associated NAICS codes. NAICS definitions and industry hierarchies are discussed at https://www.census.gov/naics/.

Table 4: Table of Impacted Industries and Their NAICS Codes

Long-haul freight transport companies	484121
Local freight transport companies	484110
Shipping and delivery companies (e.g., FedEx, UPS)	492110
Drayage truck dispatchers	488510
Logging companies	113000
Hazardous materials transport companies	562112
Fuel distributors	424720
Specialized freight haulers (e.g., gravel, grain, seafood)	484220
Construction and mining companies with HD fleets	53241
Transport logistics operators	488510
HVAC and plumbing contractors	238220
Distribution fleets for retail companies (e.g., Walmart, Amazon, Safeway)	425120
Distribution fleets for retail products (e.g., Coca-Cola, Frito-Lay)	424490
Restaurant food distribution fleets (e.g., Sysco)	423850
Motor vehicle transport companies	488490 and 423110
Truck rental companies (e.g., Enterprise, Ryder, U-Haul)	532120
Motor coach operators	485113
Federal agencies with HD fleets in WA	999000
U.S. Postal Service	491
State agencies with HD fleets	999200
School districts and pupil transporters	485410
Local agencies with HD fleets	999300
Waste collection with HD fleets	5621
Waste treatment and disposal with HD fleets	5622
Remediation and other waste management services	5629
Services to buildings and dwellings (landscaping, janitorial services, etc.) with LD, MD, or HD fleets	5617
Crop production with LD, MD, or HD vehicles	111
Support activities for agriculture and forestry with LD, MD, or HD vehicles	115
Corporate offices with light-duty fleets	
Other fleets with LD vehicles	
Other fleets with HD trucks	

7.6 Loss of sales or revenue and impacts on jobs: Businesses that would incur costs could experience reduced sales or revenues if the

proposed rule amendments significantly affect the prices of the goods they sell. The degree to which this could happen is strongly related to each business's production and pricing model (whether additional lump-sum costs would significantly affect marginal costs), as well as the specific attributes of the markets in which they sell goods, including the degree of influence each firm has on market prices, as well as the relative responsiveness of market demand to price changes. Finally, overall shifts in economic activity in the state, including competition within markets and attributes of the labor market simultaneously adjust in response to changes in compliance costs.

Similarly, employment within directly impacted industries, other industries in Washington, the labor market within and outside of the state, and in the state as a whole will also adjust in response to a change in costs.

We used the Regional Economics Model, Inc.'s (REMI) E3+ model for Washington state to estimate the impact of the proposed rule amendments on directly affected markets, accounting for dynamic adjustments throughout the economy. The model accounts for variables including, but not limited to: Interindustry impacts; price, wage, interstate and international trade, and population or labor market changes; and dynamic adjustment of all economic variables over time. We apportioned, based on the number of entities in each category, the estimated costs from chapter 3 among the following sectors and NAICS groupings for REMI inputs.

- Wholesale Trade - 42
- Truck Transportation - 484
- Scenic and Sightseeing Transportation and Support Activities for Transportation - 487, 488
- Forestry and Logging - 113
- Construction - 23
- Couriers and Messengers - 492
- Automotive Equipment Rental and Leasing - 5321
- Waste Management and Remediation Services - 562

The REMI +3 [REMI E3+] model returned the following estimates for economy wide and sector impacts for output and employment.

Table 5: Impacts on Jobs and Output

Industry	Estimated Initial Jobs Impact, 2027	Peak Jobs Impact, 20XX	Initial output impact (2017, $ millions)	Output impact in 20 years
Whole state	-41	-47 (2029)	-8	-11
IMPACTED INDUSTRIES				
Construction	-1	-8 (2033)	-1	-1
Real Estate	-3	-3 (2035)	-1	-1
Truck Transportation	-1	-1 (2027-2047)	0	0
Couriers and Messengers	-1	-2 (2043)	0	0

Washington state's gross domestic product in 2017 dollars was estimated at $722 billion in the fourth quarter of 2025. REMI's modeled annual impact of around -$8 million amounts to 0.001 percent of the overall economy.

REMI's model job loss, given Washington's estimated overall employment, 3.9 million, also amounts to around 0.001 percent.

A copy of the statement may be obtained by contacting Gopika Patwa, Department of Ecology, Climate Pollution Reduction Program, P.O.

Box 47600, Olympia, WA 98504-7600, phone 360-338-2419, TTY 711 to call through the Washington telecommunications relay, Ecology.wa.gov/ADA for more accessibility information, email Gopika.patwa@ecy.wa.gov.

June 23, 2026
Heather R. Bartlett
Deputy Director

RDS-7179.1

AMENDATORY SECTION (Amending WSR 25-21-084, filed 10/16/25, effective 11/16/25)

WAC 173-423-030 Adoption by reference. (1) This chapter adopts by reference the California Code of Regulations in the following titles:

(a) Title 13, sections 1900, 1956.8, 1960.1, 1961, 1961.1 to 1961.4, 1962.2 to 1962.8, 1963, 1963.1 to 1963.5, 1965, 1968.2, 1968.5, 1969, 1971.1, 1971.5, 1976, 1978, 2035 to 2040, 2046, 2109, 2111 to 2133, 2135, 2137, 2139 to 2149, 2166, 2166.1, 2167, 2168, 2169, 2169.1 to 2169.8, 2170, 2235, 2423, 2485, and Appendix A to Article 2.1 in section 2112;

(b) The alternative sections from Title 13 include sections: 1900.0.1, 1956.8.1, 1956.8.2, 1961.2.1, 1962.2.1, 1962.3.1, 1965.0.1, 1968.2.1, 1968.5.1, 1969.0.1, 1971.1.1, 1971.5.1, 1976.0.1, 1978.0.1, 2035.0.1 to 2040.0.1, 2111.0.1 to 2119.0.1, 2121.0.1, 2123.0.1, 2125.0.1 to 2131.0.1, 2137.0.1, 2139.0.1 to 2149.0.1, 2317.0.1, 2423.0.1, and 2485.0.1;

(c) Exception to adopting Title 13 by reference. The following sections are not adopted by reference:

(i) Section 1956.8 (a)(2)(F); and

(ii) Section 1962.4 (e)(2)(A)3.a.i and ii; ((~~and (c)~~)) (d) Title 17, sections 95300 to 95307, 95311, and 95660 to 95663; and

(e) The alternative sections from Title 17, sections 95300.0.1 to 95307.0.1, 95311.0.1, and 95660.0.1 to 95663.0.1.

(2) Adoption or adoption by reference means the rule applies as if it was copied into this rule. California Code of Regulations means those provisions as adopted in final regulatory orders by the California Air Resources Board as they exist on ((~~May 6, 2025~~)) September 26, 2026.

(3) Copies of the relevant sections of California Code of Regulations adopted by reference in this chapter are available on ecology's website or by contacting:

Washington State Department of Ecology
Climate Pollution Reduction Program
300 Desmond Drive
Lacey, WA 98503
360-407-6800

(4) For purposes of applying the adopted sections of California Code of Regulations in Washington, unless the context requires otherwise:

(a) "California" means "Washington";
(b) "CARB," "ARB," or "air resources board" means "ecology"; and
(c) "Executive officer" means "ecology."

AMENDATORY SECTION (Amending WSR 23-01-102, filed 12/19/22, effective 1/19/23)

WAC 173-423-060 Exemptions. (1) The following vehicles are not subject to this chapter:

((~~(1)~~)) (a) Military tactical vehicles;

((~~(2)~~)) (b) Vehicles sold for registration and use out-of-state;

((~~(3)~~)) (c) Previously registered vehicles where the mileage at the time of sale exceeds 7,500 miles, provided that for vehicle dealers, the mileage at the time of sales is determined by the odometer statement at the time the vehicle dealer acquired the vehicle;

((~~(4)~~)) (d) Vehicles that are only available for rent to a final destination outside of Washington;

((~~(5)~~)) (e) Vehicles purchased by a nonresident prior to establishing residency in Washington, regardless of the mileage on the vehicle;

((~~(6)~~)) (f) Vehicles transferred by inheritance or as a result of divorce, dissolution or legal separation;

((~~(7) Motor vehicles purchased for use by a local police department, county sheriff, fire district, or the Washington state patrol~~)) (g) Authorized emergency vehicles, as defined in RCW 46.04.040; and

((~~(8)~~)) (h) Motor vehicles acquired by a resident who is a member of the military stationed outside Washington pursuant to military orders.

((~~(9)~~)) (2) The following vehicles are exempt only from WAC 173-423-081: ((~~(a)~~)) Beginning on January 1, 2025, new diesel-fueled buses sold to a transit agency, provided that they comply with applicable motor vehicle emission standards for transit agency vehicles set out in this chapter;

((~~(b) Authorized emergency vehicles, as defined in RCW 46.04.040.~~))

AMENDATORY SECTION (Amending WSR 23-01-102, filed 12/19/22, effective 1/19/23)

WAC 173-423-070 Low emission vehicles. (1) **Requirement to meet California vehicle emission standards.** Except as provided in (c) of this subsection, all vehicles subject to this chapter must be certified to the standards adopted by reference in WAC 173-423-030 to be registered, leased, rented, licensed, or sold for use in Washington:

(a) Starting with model year 2009: Passenger car, light-duty truck, or medium-duty passenger vehicle; and

(b) Starting with model year 2025: Medium-duty vehicle.

(c) Unless and until a court of competent jurisdiction issues a final ruling that H.J. Res. 87 (199th Congress), H.J. Res. 88 (119th Congress), and H.J. Res. 89 (119th Congress) are invalid or that the waivers U.S. EPA granted California on April 6, 2023 (88 Federal Register 20688), and January 6, 2025 (90 Federal Register 642 and 90 Federal Register 643) are in effect, regulated parties may choose to fol-

low either: The standards referenced in WAC 173-423-030 (1)(a) and (d); or the alternative standards referenced in WAC 173-423-030 (1)(b) and (e). If there is no corresponding alternative standard, the original standards referenced in WAC 173-423-030 (1)(a) and (d) must be followed.

(d) However, if a court of competent jurisdiction issues a final ruling that H.J. Res. 87 (119th Congress), H.J. Res. 88 (119th Congress), and H.J. Res. 89 (119th Congress) are invalid, or that the waivers U.S. EPA granted California on April 6, 2023 (88 Federal Register 20688), and January 6, 2025 (90 Federal Register 642 and 90 Federal Register 643) are in effect, the regulated parties are subject to the requirements of the standards referenced in WAC 173-423-030 (1)(a) and (d) to the extent consistent with the court's final ruling. Notice of the court's ruling will be posted on ecology's website, https://ecology.wa.gov.

(2) **Fleet average emissions - Nonmethane organic gas (NMOG) plus oxides of nitrogen exhaust.**

(a) Effective model year 2009 through 2014, except as provided in this subsection, each motor vehicle manufacturer's NMOG fleet average emissions from passenger cars and light-duty trucks delivered for sale in Washington must not exceed the fleet average NMOG exhaust emission requirement in California Code of Regulations, Title 13, section 1961(b). For the 2014 model year only, a manufacturer may comply with the fleet average NMOG + NOx values in (b) of this subsection in lieu of complying with the NMOG fleet average emissions in this subsection. A manufacturer must either comply with the NMOG + NOx fleet average requirements for both its PC/LDT1 fleet and its LDT2/MDPV fleet or comply with the NMOG fleet average requirements for both its PC/LDT1 fleet and its LDT2/MDPV fleet. A manufacturer must calculate its fleet average NMOG + NOx values using the applicable full useful life standards.

(b) For model year 2015 through 2025, a motor vehicle manufacturer must comply with the fleet average nonmethane organic gas plus oxides of nitrogen emission values as provided in California Code of Regulations, Title 13, section 1961.2(b).

(c) Emission credits and debits may be accrued and used as provided in California Code of Regulations, Title 13, sections 1961.2(c), 1961.4(d), and 1961.4(e).

(d) Starting with model year 2026, a motor vehicle manufacturer must comply with the fleet average nonmethane organic gas plus oxides of nitrogen emission values as provided in California Code of Regulations, Title 13, sections 1961.4(d) and 1961.4(e).

(e) Each manufacturer must submit a report to ecology by March 1st of the calendar year containing the fleet average emissions for the model year that ended most recently. The report must follow California Code of Regulations, Title 13, sections 1961.2 and 1961.4, and must be in the same format used to report the information to the California air resources board.

(f) If a report submitted by the manufacturer under (e) of this subsection demonstrates that the manufacturer does not comply with the fleet average emission standard, the manufacturer must submit to ecology within 60 days a fleet average enforcement report. The fleet average enforcement report must:

(i) Describe how the manufacturer intends to equalize any accrued debits, as required in California Code of Regulations, Title 13, sections 1961.2 (c)(3) and 1961.4 (e)(3);

(ii) Identify all vehicle models delivered for sale in Washington, their corresponding certification standards, and the percentage of each model delivered for sale in Washington and California in relation to total fleet sales in the respective state;

(iii) Describe how the manufacturer plans to achieve compliance with the fleet average in future model years.

(3) **Fleet average emissions - Greenhouse gas exhaust.**

(a) Starting with model year 2009, a motor vehicle manufacturer must comply with the emission standards, fleet average greenhouse gas exhaust emission requirements, and other requirements provided in California Code of Regulations, Title 13, sections 1961.1 and 1961.3.

(b) Emissions credits and debits may be accrued and used in accordance with California Code of Regulations, Title 13, sections 1961.1(b) and 1961.3(b).

(c) Each manufacturer must submit a report to ecology by March 1st that includes end-of-model year data calculating the fleet average greenhouse gas emissions for the model year that has just ended. The report must include the number of greenhouse gas vehicle test groups, delineated by model type, certified pursuant to California Code of Regulations, Title 13, sections 1961.1 and 1961.3. The report must follow the procedures in California Code of Regulations, Title 13, sections 1961.1 and 1961.3 and must be in the same format used to report this information to the California air resources board.

(d) If the report submitted by the manufacturer under this subsection demonstrates that the manufacturer does not comply with the fleet average emission standards, the manufacturer must submit to ecology within 60 days a fleet average enforcement report. The fleet average enforcement report must:

(i) Describe how the manufacturer intends to equalize any accrued debits, as required in California Code of Regulations, Title 13, sections 1961.1(b) and 1961.3(b), as appropriate.

(ii) Identify all vehicle models delivered for sale in Washington, their corresponding certification standards, and the percentage of each model delivered for sale in Washington and California in relation to total fleet sales in the respective state.

(iii) Describe how the manufacturer plans to achieve compliance with the fleet average in future model years.

(4) **Manufacturer delivery reporting requirements.**

(a) The manufacturer must submit to ecology one copy of the California executive order and certificate of conformity for certification of new motor vehicles for each engine family to be sold in Washington within 30 days of ecology's request. If these reports are available electronically, the manufacturer must send the record in an electronic format acceptable to ecology.

(b) Commencing with the 2009 model year and prior to the beginning of each model year, upon request, each manufacturer must submit to ecology a list of all models of medium-duty vehicles and medium-duty passenger vehicles that will be delivered to Washington dealers.

(c) Upon request, each manufacturer must report to ecology the vehicle identification numbers (VIN) of each passenger car, light-duty truck, medium-duty passenger vehicle, and medium-duty vehicle delivered to each Washington dealer that is not certified to California emission standards.

(d) For the purposes of determining compliance with this chapter, ecology may require a vehicle manufacturer to submit documentation ecology deems necessary to the effective administration and enforce-

ment of this chapter, including all certification materials submitted to the California air resources board.

(5) **Warranty requirements.**

(a) For all 2009 and subsequent model year vehicles subject to the provisions of this chapter, each manufacturer must provide, to the ultimate purchaser and each subsequent purchaser, a warranty that complies with the requirements in California Code of Regulations, Title 13, sections 2035 through 2038, 2040, and 2046.

(b) For all 2009 and subsequent model year vehicles subject to the provisions of this chapter, each manufacturer must include the emission control system warranty statement that complies with the requirements in California Code of Regulations, Title 13, section 2039. Manufacturers may modify this statement as necessary to inform Washington vehicle owners of the applicability of the warranty. The manufacturer must provide a telephone number appropriate for Washington residents.

(c) All manufacturers must submit to ecology failure of emission-related components reports as defined in California Code of Regulations, Title 13, section 2144 for vehicles subject to this chapter. For purposes of compliance with this requirement, manufacturers may submit copies of the failure of emission-related components reports that are submitted to the California air resources board, in lieu of submitting reports for vehicles subject to this chapter. Manufacturers may discontinue submitting these reports if notified by ecology.

AMENDATORY SECTION (Amending WSR 23-01-102, filed 12/19/22, effective 1/19/23)

WAC 173-423-075 Zero-emission vehicle standards. (1) **Requirement to meet California vehicle emission standards - Passenger cars, light-duty trucks, and medium-duty vehicles.**

(a) Applicability.

(i) Unless and until a court of competent jurisdiction issues a final ruling that H.J. Res. 87 (199th Congress), H.J. Res. 88 (119th Congress), and H.J. Res. 89 (119th Congress) are invalid or that the waivers U.S. EPA granted California on April 6, 2023 (88 Federal Register 20688), and January 6, 2025 (90 Federal Register 642 and 90 Federal Register 643) are in effect, regulated parties may choose to follow either the standards referenced in WAC 173-423-030 (1)(a) and (d) or the alternative standards referenced in WAC 173-423-030 (1)(b) and (e). If there is no corresponding alternative standard, the original standards referenced in WAC 173-423-030 (1)(a) and (d) must be followed.

(ii) However, if a court of competent jurisdiction issues a final ruling that H.J. Res. 87 (119th Congress), H.J. Res. 88 (119th Congress), and H.J. Res. 89 (119th Congress) are invalid or that the waivers U.S. EPA granted California on April 6, 2023 (88 Federal Register 20688), and January 6, 2025 (90 Federal Register 642 and 90 Federal Register 643) are in effect, the regulated parties are subject to the requirements of the standards referenced in WAC 173-423-030 (1)(a) and (d) to the extent consistent with the court's final ruling. Notice of the court's ruling will be posted on ecology's website, https://ecology.wa.gov.

(iii) Except as provided in this subsection, starting with model year 2025, a manufacturer's sales fleet of passenger cars, light-duty

trucks, and medium-duty vehicles delivered for sale or lease in Washington must comply with California Code of Regulations, Title 13, sections 1962.2 and 1962.3, adopted by reference in WAC 173-423-030; and

((~~(ii)~~)) (iv) Starting with model year 2026, a manufacturer's sales fleet of passenger cars, light-duty trucks, and medium-duty vehicles delivered for sale or lease in Washington must comply with the following sections of the California Code of Regulations, Title 13, adopted by reference in WAC 173-423-030:

"(G) 1962.4. Zero-Emission Vehicle Standards for 2026 and Subsequent Model Year Passenger Cars and Light-Duty Trucks;

(H) 1962.5. Data Standardization Requirements for 2026 and Subsequent Model Year Light-Duty Zero Emission Vehicles and Plug-in Hybrid Electric Vehicles;

(I) 1962.6. Battery Labeling Requirements;

(J) 1962.7. In-Use Compliance, Corrective Action and Recall Protocols for Zero Emission for 2026 and Subsequent Model Year Passenger Cars and Light-Duty Trucks;

(K) 1962.8. Warranty Requirements for Zero Emission and Batteries in Plug-in Hybrid Electric 2026 and Subsequent Model Year Passenger Cars and Light-Duty Trucks;"

(b) Reporting requirements. Beginning with model year 2025, a manufacturer must submit a report to ecology for each on-road vehicle produced and delivered for sale in Washington for each model year as required by California Code of Regulations, Title 13, sections 1962.2 and 1962.4.

(c) ZEV credits and values.

(i) ZEV credits may be earned for ZEV sales of model year 2023, 2024, and 2025 vehicles, as allowed by California Code of Regulations, Title 13, section 1962.2 (Advanced Clean Cars I).

(ii) ZEV values may be earned as allowed by California Code of Regulations, Title 13, section 1962.4 (Advanced Clean Cars II).

(2) **Requirement to meet California vehicle emission standards - On-road vehicles over 8,500 GVWR.** (California advanced clean trucks regulation)

(a) Applicability.

(i) Unless and until a court of competent jurisdiction issues a final ruling that H.J. Res. 87 (119th Congress), H.J. Res. 88 (119th Congress), and H.J. Res. 89 (119th Congress) are invalid or that the waivers U.S. EPA granted California on April 6, 2023 (88 Federal Register 20688), and January 6, 2025 (90 Federal Register 642 and 90 Federal Register 643) are in effect, regulated parties may choose to follow either the standards referenced in WAC 173-423-030 (1)(a) and (d) or the alternative standards referenced in WAC 173-423-030 (1)(b) and (e). If there is no corresponding alternative standard, the original standards referenced in WAC 173-423-030 (1)(a) and (d) must be followed.

(ii) However, if a court of competent jurisdiction issues a final ruling that H.J. Res. 87 (119th Congress), H.J. Res. 88 (119th Congress) and H.J. Res. 89 (119th Congress) are invalid or that the waivers U.S. EPA granted California on April 6, 2023 (88 Federal Register 20688), and January 6, 2025 (90 Federal Register 642 and 90 Federal Register 643) are in effect, the regulated parties are subject to the requirements of the standards referenced in WAC 173-423-030 (1)(a) and (d) to the extent consistent with the court's final ruling. Notice of the court's ruling will be posted on ecology's website, https://ecology.wa.gov.

(iii) Except as provided in this subsection, starting with model year 2025, any manufacturer that certifies on-road vehicles over 8,500 pounds GVWR for sale or lease in Washington must comply with California Code of Regulations, Title 13, sections 1963 through 1963.5, adopted by reference in WAC 173-423-030.

((~~(i)~~)) (A) Section 1963. Advanced Clean Trucks Purpose, Applicability, Definitions, and General Requirements;

((~~(ii)~~)) (B) Section 1963.1. Advanced Clean Trucks Deficits;

((~~(iii)~~)) (C) Section 1963.2. Advanced Clean Trucks Credit Generation, Banking, and Trading;

((~~(iv)~~)) (D) Section 1963.3. Advanced Clean Trucks Compliance Determination;

((~~(v)~~)) (E) Section 1963.4. Advanced Clean Trucks Reporting and Recordkeeping; ((~~and~~

~~(vi)~~)) (F) Section 1963.5. Advanced Clean Trucks Enforcement.

(b) Reporting requirements. Beginning with model year 2025, a manufacturer must submit a report to ecology for each on-road vehicle produced and delivered for sale in Washington for each model year as required by California Code of Regulations, Title 13, section 1963.4.

AMENDATORY SECTION (Amending WSR 25-21-084, filed 10/16/25, effective 11/16/25)

WAC 173-423-081 Medium- and heavy-duty vehicle emission standards. (1) Requirements to meet California vehicle emission standards. These standards establish criteria and procedures for the manufacture, testing, distribution and sale of new medium- and heavy-duty trucks and engines in Washington as adopted by reference in WAC 173-423-030.

(2) Applicability.

(a) Unless and until a court of competent jurisdiction issues a final ruling that H.J. Res. 87 (119th Congress), H.J. Res. 88 (119th Congress), and H.J. Res. 89 (119th Congress) are invalid or that the waivers U.S. EPA granted California on April 6, 2023 (88 Federal Register 20688), and January 6, 2025 (90 Federal Register 642 and 90 Federal Register 643) are in effect, regulated parties may choose to follow either the standards referenced in WAC 173-423-030 (1)(a) and (d) or the alternative standards in WAC 173-423-030 (1)(b) and (e). If there is no corresponding alternative standard, the original standards referenced in WAC 173-423-030 (1)(a) and (d) must be followed.

(b) However, if a court of competent jurisdiction issues a final ruling that H.J. Res. 87 (119th Congress), H.J. Res. 88 (119th Congress), and H.J. Res. 89 (119th Congress) are invalid or that the waivers U.S. EPA granted California on April 6, 2023 (88 Federal Register 20688), and January 6, 2025 (90 Federal Register 642 and 90 Federal Register 643) are in effect, the regulated parties are subject to the requirements of the standards referenced in WAC 173-423-030 (1)(a) and (d) to the extent consistent with the court's final ruling. Notice of the court's ruling will be posted on ecology's website, https://ecology.wa.gov.

(c) Starting with model year 2026, on-road heavy-duty engines, trucks and trailers delivered for sale or sold in Washington, except as provided in WAC 173-423-060 or in (a) of this subsection, must comply with California Code of Regulations, Titles 13 and 17, adopted by reference in WAC 173-423-030.

((~~(b)~~)) (d) Requirement to meet vehicle emission standards, testing procedures, warranty, reporting, enforcement, recall and other California provisions adopted by reference.

(i) Starting with the 2026 engine model year and for each engine model year thereafter no person may deliver for sale, or sell, in Washington any new on-road heavy-duty engine unless the engine is certified to the California emission standards as required under WAC 173-423-030, except as provided in WAC 173-423-060 ((~~Exemptions~~)) or in (a) of this subsection.

(ii) Except as provided in (a) of this subsection, each manufacturer of new 2026 and subsequent model year on-road medium- and heavy-duty engines and trucks and trailers must comply with each of the following applicable standards specified in California Code of Regulations, Title 13 adopted by reference in WAC 173-423-030:

(A) Section 1956.8 (a) - (f) and (i) Exhaust Emission Standards and Test Procedures - 1985 and Subsequent Model Heavy-Duty Engines and Vehicles. Except that California Code of Regulations, Title 13, Section 1956.8 (a)(2)(F) "Transit Agency Diesel-Fueled Bus Engine Exemption Request" must be disregarded and is not incorporated by reference;

(B) Section 1971.1 On-Board Diagnostic System Requirements - 2010 and Subsequent Model-Year Heavy-Duty Engines;

(C) Section 2036 Defects Warranty Requirements for 1979 Through 1989 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles; 1979 and Subsequent Model Motorcycles and Heavy-Duty Vehicles; and Motor Vehicle Engines Used in Such Vehicles; and 2020 and Subsequent Model Year Trailers;

(D) Section 2121 Penalties;

(E) Section 2137 Vehicle, Engine, and Trailer Selection;

(F) Section 2139 Testing;

(G) Section 2139.5 CARB Authority to Test for Heavy-Duty In-Use Compliance;

(H) Section 2140 Notification and Use of Test Results;

(I) Section 2166 General Provisions;

(J) Section 2166.1 Definitions;

(K) Section 2167 Required Recall and Corrective Action for Failures of Exhaust After Treatment Devices, On-Board Computers or Systems, Urea Dosers, Hydrocarbon Injectors, Exhaust Gas Recirculation Valves, Exhaust Gas Recirculation Coolers, Turbochargers, Fuel Injectors;

(L) Section 2168 Required Corrective Action and Recall for Emission-Related Component Failures;

(M) Section 2169 Required Recall or Corrective Action Plan;

(N) Section 2169.1 Approval and Implementation of Corrective Action Plan;

(O) Section 2169.2 Notification of Owners;

(P) Section 2169.3 Repair Label;

(Q) Section 2169.4 Proof of Correction Certificate;

(R) Section 2169.5 Preliminary Tests;

(S) Section 2169.6 Communication with Repair Personnel;

(T) Section 2169.7 Recordkeeping and Reporting Requirements;

(U) Section 2169.8 Extension of Time;

(V) Section 2423(n) Exhaust Emission Standards and Test Procedures - Off-Road Compression-Ignition Engines; and

(W) Section 2485 Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling.

(iii) Except as provided in (a) of this subsection, each manufacturer of new 2026 and subsequent model year on-road medium- and heavy-duty engines and trucks and trailers must comply with each of the following applicable standards specified in California Code of Regulations, Title 17 adopted by reference in WAC 173-423-030:

(A) Section 95660 Purpose;

(B) Section 95661 Applicability;

(C) Section 95662 Definitions; and

(D) Section 95663 Greenhouse Gas Exhaust Emission Standards and Test Procedures for New 2014 and Subsequent Model Heavy-Duty Vehicles.

(3) Recalls. Any order issued or enforcement action taken by the California Air Resources Board to correct noncompliance with any section of California Code of Regulations, Title 13, that results in the recall of any vehicle as required under California Code of Regulations, Title 13, sections 2109 - 2135, for a vehicle subject to the requirements adopted by reference in WAC 173-423-030, will be prima facie evidence concerning vehicles registered in Washington. If the manufacturer can demonstrate to ecology's satisfaction that the order or action is not applicable to vehicles registered in Washington, ecology will not pursue a recall of vehicles registered in Washington.

(4) Inspections and Information Requests.

(a) Ecology may inspect new and used motor vehicles and related records for the purposes of determining compliance with the requirements of this section. Ecology inspections will occur during regular business hours on public property or on any premises owned, operated, or used by any truck dealer or truck rental agency for the purposes of determining compliance with the requirements of this division.

(b) For the purposes of determining compliance with this section, ecology may require any truck dealer or truck rental agency to submit to ecology any documentation that ecology deems necessary to the effective administration and enforcement of this section. This provision does not require creation of new records.

AMENDATORY SECTION (Amending WSR 23-01-102, filed 12/19/22, effective 1/19/23)

WAC 173-423-083 Fleet reporting requirement. (1) Applicability.

(a) Except as provided in subsection (2) of this section, the following entities must submit to ecology all of the information in subsection (3) of this section. Ecology may request this information on an ongoing basis from fleets, but no more than once in a two-year period, beginning with calendar year 2027. Ecology must publicly announce a reporting requirement at least six months before any individual reporting period occurs. As used in this section, all operations conducted by entities under common ownership or control must be aggregated and considered to be one entity to determine fleet reporting applicability.

(i) ((~~Any entity that has gross annual revenues greater than $50,000,000 in the United States for the 2022 tax year, including revenues from all subsidiaries, subdivisions, or branches, and that operated a facility in Washington in 2022 that had one or more vehicles over 8,500 pounds GVWR that operated in Washington in 2022.~~

~~(ii)~~)) Any fleet owner or operator that owns or operates a facility in Washington and that, in the ((~~2022 calendar~~)) reporting year, owned or operated five or more vehicles with a GVWR greater than

8,500 pounds or 10 or more vehicles with a GVWR equal to or less than 8,500 pounds.

((~~(iii)~~)) (ii) Any broker or entity that, in the ((~~2022 calendar~~)) reporting year, dispatched five or more vehicles with a GVWR greater than 8,500 pounds or 10 or more vehicles with a GVWR equal to or less than 8,500 pounds into or throughout Washington.

((~~(iv)~~)) (iii) Any Washington government agency, including state and local government, that operated five or more vehicles with a GVWR over 8,500 pounds ((~~GVWR~~)) or 10 or more vehicles with a GVWR equal to or less than 8,500 pounds in Washington in ((~~2022~~)) the reporting year.

((~~(v)~~)) (iv) Any federal government agency that operated five or more vehicles with a GVWR over 8,500 pounds ((~~GVWR~~)) or 10 or more vehicles with a GVWR equal to or less than 8,500 pounds in Washington in ((~~2022~~)) the reporting year.

(b) The following vehicles are exempt from the reporting requirements in this section:

(i) Vehicles awaiting sale; ((~~and~~))

(ii) Military tactical vehicles and military tactical facilities owned or operated by the United States Department of Defense, the United States military services, and/or the Washington state military department;

(iii) Utility service vehicles, as defined by 49 C.F.R. Sec. 395.2 (2025); and

(iv) Authorized emergency vehicles.

(2) General requirements.

(a) All entities required to report under this rule must report information to ecology no later than ((~~September 30, 2023~~)) December 31st of the year following the reporting year.

(b) Subsidiaries, parent companies, or joint ventures may independently report information for each vehicle ((~~over 8,500 pounds~~)). Alternatively, the corporate parent or joint venture business may report on behalf of its subsidiaries, as long as the information for all vehicles ((~~over 8,500 pounds~~)) is reported for each subsidiary, corporate parent, and joint venture.

(c) ((~~An entity subject to this subsection and that has brokerage or motor carrier authority, or both, must submit a report, even if no vehicles are owned by the entity.~~

~~(d)~~)) Information pertaining to vehicles that are under common ownership or control may be submitted separately by each fleet owner.

((~~(e)~~)) (d) Entities subject to this subsection may report vehicle data as the fleet was comprised on any date of the entity's choosing, so long as that date falls between January ((~~1, 2022,~~)) 1st and December ((~~31, 2022~~)) 31st of the reporting year.

(3) Fleet reporting requirement. An entity required to report under this section must report the information according to the requirements of each provision of this section. The reporting must include information for each and every operation under common ownership or control.

(a) General information.

(i) Name (i.e., if a business, the registered business name) and all business names that the entity does business as (i.e., all "dba" or "doing business as" names);

(ii) Mailing address including street name or P.O. box, city, state, and zip code;

(iii) Name of the responsible official;

(iv) Responsible official's email address;

(v) Responsible official's phone number;

(vi) Name of corporate parent or governing body, as applicable;

(vii) ((~~Federal taxpayer identification number of corporate parent or other entities with which the reporting entity has vehicles under common or control;~~

~~(viii) For a government agency, the jurisdiction (federal, state, or local); federal taxpayer identification number;~~)) Primary six-digit North American Industry Classification System code;

((~~(ix) For a nongovernmental entity, the total annual revenue for the entity in the United States for 2022;~~

~~(x) Broker authority under the Federal Motor Carrier Safety Administration;~~

~~(xi) The operating authority numbers, including motor carrier identification number, United States Department of Transportation number, and International Registration Plan number;~~

~~(xii) The number of entities with whom the reporting entity had a contract to deliver items or to perform work in Washington using vehicles over 8,500 pounds GVWR in 2022;~~

~~(xiii)~~)) (viii) The estimated number of ((~~subhaulers~~)), vehicles operated by subhaulers((~~, and the number of vehicles operated by subhaulers that operated under the reporting entity's motor carrier authority~~)) or contractors; and

((~~(xiv)~~)) (ix) The number of vehicles ((~~with a GVWR over 8,500 pounds~~)) the reporting entity owned and operated in Washington in ((~~2022~~)) the reporting year that do not have a vehicle home base in Washington.

(b) Vehicle home base. An entity required to report under this section must report general information about the vehicle home base. Vehicles that accrue a majority of their annual miles in Washington but are not assigned to a particular location in Washington must be reported as part of ((~~the entity's headquarters or the location where the vehicles' operation is managed~~)) a variable home base or take-home fleet. The entity must report for each vehicle home base:

(i) Facility address including street name, city, state, and zip code;

(ii) Facility type category, using one of the following categories:

(A) Administrative/office building;

(B) Distribution center/warehouse;

(C) Hotel/motel/resort;

(D) Manufacturer/factory/plant;

(E) Medical/hospital/care;

(F) Multibuilding campus/base;

(G) Restaurant;

(H) Service center;

(I) Store;

(J) Truck/equipment yard; and

(K) Any other facility type;

(iii) Name of responsible official;

(iv) Responsible official's email address;

(v) Whether the facility is owned or leased by the entity((~~;~~

~~(vi) What type of fueling infrastructure is installed at the facility;~~

~~(vii) Whether the refueling infrastructure at the facility was initially installed on or after January 1, 2010; and~~

~~(viii) The types of trailers the reporting entity pulls, if it has tractors assigned or domiciled at this facility~~)).

(c) Vehicles. For each vehicle home base, an entity may report the information on their vehicles grouped by vehicle body type, ((~~and~~)) weight class bins, and fuel type. An entity may complete responses for each individual vehicle and include the vehicle's body type, weight class bin, and fuel type. If applicable, an entity must separately report vehicles dispatched under their brokerage authority. When responding, each vehicle must only be counted once for each response. An entity must report:

(i) Number of vehicles in each vehicle group;

(ii) ((~~Model year of the vehicle and engine for each reported vehicle;~~

~~(iii)~~)) The percent of the vehicles in each vehicle group with operating characteristics including, but not limited to: ((~~Daily mileage,~~)) Usage patterns, refueling, ((~~trailer towing,~~)) and other such characteristics as specified by ecology. The term "usage pattern" shall include:

(A) ((~~Average number of trips per day~~)) Whether the vehicle is used for regional haul, long-haul, or other route types as defined by ecology;

(B) Typical destination points for vehicles within each group;

((~~(C) Locations where trucks are parked for two hours or more per day, if different from the vehicle home base;~~

~~(iv) The average annual mileage for a typical vehicle in this vehicle group;~~

~~(v) The average length of time a typical vehicle in this vehicle group is retained by the reporting entity after acquisition;~~

~~(vi) Whether the reporting entity is the fleet owner for this group of vehicles, or if they are dispatched under the reporting entity's brokerage authority~~)) (iii) Whether the typical vehicle in this vehicle group is owned, leased, or rented; and

((~~(vii)~~)) (iv) The start and end date of the analysis period selected by the reporting entity as required under ((~~(d)~~)) (e) of this subsection.

(d) Fleet electrification planning. Each entity must report general information pertaining to their plans to electrify their fleet as defined by ecology, including information on charging infrastructure at home bases and vehicles. Entities may optionally report on plans for off-road vehicle electrification, including forklifts, yard tractors, and other off-road equipment. An entity must report:

(i) Whether the entity is currently planning to electrify any portion of their Washington-based or operating on-road fleet, including battery electric vehicles, plug-in hybrid electric vehicles, and hydrogen fuel cell electric vehicles;

(ii) What on-road vehicle types in the entity's fleet are currently planned for electrification;

(iii) What home bases are planned to receive charging or hydrogen fuel generation infrastructure; and

(iv) Contact information, if applicable, for a project manager in charge of fleet electrification efforts.

(e) An entity must choose a period of time, for example annual or quarterly data averaged for work days during the period selected to determine responses. For example, if an entity selects annual data to determine vehicle daily mileage, the entity must average the annual mileage accrued based on the number of work days that year.

(i) A shorter analysis period may be used if the reporting entity deems it more representative of periods of high vehicle utilization when answering questions about typical daily operation. For example,

if a reporting entity with seasonal workload fluctuations determines that a week or month during the busy season is representative, average the data records for that week or month when determining a response.

(ii) If an alternative analysis period is used, the reporting entity must be prepared to describe their reasoning at the request of ecology.

((~~(e)~~)) (f) For information reported for a vehicle group at one location, a reporting entity may repeat that information for the same vehicle group at another vehicle home base if the reporting entity determines that the operation at the second location is substantially similar to that at the first location.

((~~(f) A broker must provide information about vehicle usage that is dispatched under contract, such as if a broker hires a truck to move a load, only the miles driven under that contract are required for the response. If known, the broker may voluntarily report information about the miles driven outside the contract.~~))

(4) Fleet reporting recordkeeping.

(a) An entity required to report must maintain all of the following records related to the reporting for five years after the reporting deadline:

(i) For owned on-road vehicles, mileage records and dates from records, such as maintenance logs, vehicle logs, or odometer readings, or other records with the information that the reporting entity used to prepare the information the entity submitted;

(ii) For on-road vehicles not owned, but dispatched by the entity, dispatch records and dates, contracts, or other records with the information that the reporting entity used to prepare the information the entity submitted;

(iii) Vehicle registration for each owned vehicle operated in Washington; and

(iv) Contracts with entities, or contracts with subhaulers, or other records with the information that the reporting entity used to prepare the information the entity submitted.

(b) An entity subject to this section must respond to requests for clarification of reported information within 14 days of receiving the request from ecology.