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Strategy and Funding Request to Defeat CARB Advanced Clean Fleets (ACF) for State and Local Government (SLG) to Force Private Contractors to Buy Zero Emission Vehicles (ZEVs) May 2026

The Western States Trucking Association (WSTA) is a non-profit organization with interstate and instate motor carrier members that are impacted by the ACF Regulation. CARB successfully passed ACF as an official state regulation with an October 1, 2023 effective date.¹ WSTA obtained a safe harbor for hiring parties via a revised Enforcement Notice from CARB in October 2024.² CARB formally withdrew its request for federal approval on January 13, 2025.³ This document summarizes the WSTA legal strategy and seeks financial support to seek a permanent injunction and against CARB and the invalidation of the ACF Regulation in its entirety.

What's New and Alarming Contractors, Labor and Product Delivery Companies

In addition to all state and local government agencies replacing their own fleet with ZEVs, all privately-owned contractors that perform waste collection, street sweeping and other public works are under an immediate assault by CARB. While many private fleet owners breathed a sigh of relief late last year when CARB announced it would repeal the "HPF" ZEV mandate, over the past six weeks CARB has initiated an illegal end run that seeks to make state and local agencies that hire privately-owned contractors to make their contractors replace internal combustion contracted vehicles with ZEVs. Among the possible outcomes of this multi-billion dollar unfunded mandate are: a) public works dollars are diverted as the public agencies replace their own fleet with ZEVs; b) outsourcing public works functions to private contractors is prohibited under the SLG proposal so contractor jobs are fewer so labor hours are reduced drastically, and c) project delivery of critical infrastructure grinds to a halt as CARB foists unproven ZEV technology onto the contracting parties and deliveries using public funds.

As of this writing, new bill AB 1777 (Garcia) is moving through the California Assembly and seeks to give CARB new "indirect source" authority statewide to regulate private fleets at stationary sources (which CARB could interpret broadly to include parking lots, construction jobsites, landfills, etc.). If CARB gets its way on the current regulatory actions and is given added authority over indirect sources, the impact on the state economy would be devastating and severe for contractors, labor and companies that deliver products or services to state or local agencies. From Caltrans to the City/County public works department, billions of dollars diverted for a pie in the sky mandate will ensure a public contracting disaster for current and future work for decades to come.

The ZEV Fleet "Manifesto"

¹ https://ww2.arb.ca.gov/news/california-approves-groundbreaking-regulation-accelerates-deployment-heavy-duty-zevs-protect?search_api_fulltext=2025

² [Advanced Clean Fleets Enforcement Notice - December 28, 2023 \(Updated October 25, 2024\)](#)

³ <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets> (see ACF Waiver Update)

INTEGRITY ◊ PROFESSIONALISM ◊ EDUCATION ◊ SAFETY

On March 20, 2026 CARB's "ZEV Fleet" staff declared in writing (attached), "When a city, county, or other local agency contracts with a private company to perform public services (e.g., waste collection, street sweeping, or maintenance), the local government remains responsible for ensuring compliance with the SLG requirements for vehicles used to carry out those services. The government agency must include vehicles used under contract when determining its compliance with the ACF regulation, including required ZEV purchases or phase-ins. In such cases, while the private fleet is not itself the regulated entity, the government agency must account for the emissions and vehicle types used under contract and may impose contractual requirements to ensure regulatory compliance." WSTA believes this is an underground regulation and will be seeking an injunction against CARB.

The ACF State and Local Government (SLG) Amendments

Through a series of last-minute text changes and procedural maneuvering, the ACF April 2, 2026 regulatory language seeks to implement the ZEV Fleet Manifesto. The language would force State and Local Government (SLG) fleet owners to take on new responsibility for their contracted waste haulers (and perhaps other contractors). In September 2025, the CARB board left the final decision on these amendments to its Executive Officer. The final regulatory language is not certain but this is a blatant attempt to re-regulate private fleet owners that the US Congress and President told CARB they cannot force to buy ZEVs (i.e. Congressional Review Act, 6/12/2025). WSTA filed a 339-page legal brief in opposition to this action.⁴

CARB Chair Discussion

As of May 7, 2026 the CARB Chair's office informed us:

- The CARB Executive Officer will be completing the ACF amendments by August 2026 without further public hearings; and,
- CARB intends to initiate another 12-month period of ACF amendments starting later in 2026; and,
- Governor Newsom's Drive Forward strategy is alive and well and seeks to maximize ZEVs despite federal actions limiting CARB's legal authority.

Based on this information it appears unlikely that CARB will reverse its course and stated intent to make the proposed changes prior to August 2026.

Background on WSTA's Current Litigation

During the development of the ACF in 2022 to present, WSTA retained legal counsel Wanger, Jones and Helsley (WJH) and technical expert Clean Fleets.net (CF). The WSTA Legal Fund obtained and dispersed contributions in excess of \$230,000 from more than 30 contributor associations and member companies in order to register our objections and maintain legal standing to seek justice for our members. The Fund has been depleted and will now need to be replenished to carry on with the litigation below.

⁴ https://scs-public.s3-us-gov-west-1.amazonaws.com/env_production/oid377/did200185/pid_214073/assets/merged/n20li0j3xkj_document.pdf?v=20259

State Litigation Summary

Western States Trucking Association vs. Steven Cliff

Filed in July 2023 (Fresno County Superior Court, Case No. 23CECG02964)

The suit requests a temporary and permanent injunction that would halt the implementation of ACF. The causes of action relate to 1) inadequate CEQA analysis; 2) improper cost analysis; 3) lack of scientific review and 4) procedural violations by removing documents from the public record. Through the California Attorney General's office CARB engaged in pre-trial settlement discussions. Those resulted in the October 2024 revised Enforcement Notice⁵ to relieve hiring parties from potential ACF liability for their contractors. While CARB indicated it would repeal portions of the ACF, this litigation remains necessary in order to reduce CARB's ability in the future to do improper environmental, economic and scientific analysis.

Victor Vasquez Sr. and Western States Trucking Assn v. Calif Air Resources Board

Filed in October 2025 (Fresno County Superior Court, Case No. 25CECG04967)

The suit requests the Court to set aside the environmental document for the ACF Regulation (including SLG) and to grant a temporary restraining order, preliminary injunction, and a permanent injunction, enjoining Respondents (CARB) from enforcing the ACF Regulation until they comply with their obligations under the California Constitution, CEQA, the APA, the Health & Safety Code, 17 C.C.R. § 60004.2 and the Code of Civil Procedure. To date, the only active litigation that we are aware of that seeks an injunction against CARB for the SLG requirements. This case is of critical importance as CARB seeks to ramrod through the requirements previously identified.

CARB and WSTA agreed to pause both cases until July 2026 during the ACF Repeal process but we expect to have a trial date later this year. A successful outcome would be expected to reduce CARB's ability to misrepresent the environmental, economic and scientific impacts without following the letter of the law. WSTA believes that this will cut the head off the snake that recently bit our members during the HPF battle. With the prospect of CARB getting Indirect Source Rule authority (e.g. AB 1117 Garcia), future regulations must follow the appropriate environmental, economic and scientific reviews that CARB has ignored during the ACF Regulation.

Total Go-forward Budget Through Expected Appeal: \$250,000

(WJH estimate \$150,000+ CF estimate \$50,000 + Costs & Contingency \$50,000)

Federal Litigation Summary

Western States Trucking Association, Inc., et al v. EPA, et al

Filed on June 5, 2023 in the U.S. Court of Appeals, D.C. Circuit

In early 2023, EPA held hearings on three CARB "waiver" requests that would allow CARB to enforce electric truck manufacturing mandates ("ACT"), Emissions Warranty and Airport Shuttle Bus operator requirements to buy only ZEVs. EPA granted the waivers. WSTA took rapid action to file the lawsuit. An additional lawsuit and two

⁵ https://ww2.arb.ca.gov/sites/default/files/2024-10/241025acfnote_ADA.pdf

administrative petitions have been filed. All are held in abeyance pending other federal litigation. We hope for movement later this year.

Total Budget Through Expected Appeal: \$200,000
(TPPF estimate based on prior litigation)

Grand Total for State and Federal Litigation: \$450,000

Why we Need to Continue the Fight

CARB is not backing down from this illegal end run on private fleet owners. The impact of a ZEV mandate on contracted private fleets would be devastating. The public agencies that are mandated to hiring only contractors with ZEVs would also suffer greatly if this late hit becomes a reality as everyone from Caltrans to your City/County public works department is impacted. Apart from the infeasibility of ZEVs for all but a narrow segment of local delivery trucks, when you add up the thousands of existing public works and public services contracts and consider the billions in new costs that CARB seeks to impose this is clearly a public contracting disaster for current work let alone future work for decades to come. CARB seeks to place the costs and performance related problems of ZEVs on public agencies and their contracted service providers with no consideration of their existing contract relationship or terms, requirements or needs. CARB continues to push the narrative that ZEVs are cheaper to own and operate despite reliable studies that are in the public domain. This cannot stand.

The Ask

WSTA is requesting interested parties to consider a contribution to the Legal Fund by going to <https://westrk.org/wsta-fights-carbs-acf-regulation/>

Entity Type	Requested Contribution
Trade Association	\$20,000
Fleet Owner (>50 trucks or >\$50 million annual revenues)	\$10,000
Fleet Owner (<50 trucks or \$50 million)	\$5,000
Associate Members (no trucks)	\$2,500

Questions & Meeting Requests

Questions and meeting requests may be addressed to:

Lee Brown
Executive Director, WSTA
Leebrown@westruk.org
(909) 982-9898

Sean Edgar
Director, CleanFleets.net
Sean@CleanFleets.net
(916) 718-7050

ATTACHMENTS

WSTA is sharing the following documents:

CARB ZEV Fleet email to J. Costantino regarding SLG requirements relating to contractors, March 20, 2026

Testimony of Sean Edgar to CARB Board, March 25, 2026

“First legal steps taken, this time by WSTA, to untangle the legal knot of the Clean Truck Partnership,” Freightwaves, June 30, 2025

Sean Edgar

From: Jon Costantino <jon@tradesmanadvisors.com>
Sent: Tuesday, April 7, 2026 3:15 PM
To: Sean Edgar
Subject: Fwd: SLG ACF Question

FYI.

Jon Costantino
Principal
Tradesman Advisors Inc.
[10556 Combie Rd, Suite 6127](https://www.tradesmanadvisors.com)
[Auburn, Ca 95602](https://www.tradesmanadvisors.com)
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Begin forwarded message:

From: ARB ZEV Fleet <zevfleet@arb.ca.gov>
Date: March 20, 2026 at 9:36:27 AM PDT
To: Jon Costantino <jon@tradesmanadvisors.com>
Subject: Re: SLG ACF Question

Hi Jon,

Sorry for the delayed response.

When a city, county, or other local agency contracts with a private company to perform public services (e.g., waste collection, street sweeping, or maintenance), the local government remains responsible for ensuring compliance with the SLG requirements for vehicles used to carry out those services. The government agency must include vehicles

used under contract when determining its compliance with the ACF regulation, including required ZEV purchases or phase-ins. In such cases, while the private fleet is not itself the regulated entity, the government agency must account for the emissions and vehicle types used under contract and may impose contractual requirements to ensure regulatory compliance.

Please let us know if you have any question.

Thanks.

Balbir
ACF Staff

From: Jon Costantino <jon@tradesmanadvisors.com>
Sent: Tuesday, March 17, 2026 5:18 PM
To: ARB ZEV Fleet <zevfleet@arb.ca.gov>
Subject: Re: SLG ACF Question

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Team CARB,
Any update on the original 'hiring' question below?

Thanks,
Jon

Jon Costantino
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From: ARB ZEV Fleet <zevfleet@arb.ca.gov>
Date: Thursday, January 8, 2026 at 8:28 AM
To: Jon Costantino <jon@tradesmanadvisors.com>
Subject: Fw: SLG ACF Question

Hi Jon,

Thank you for reaching out to us.

We are coordinating with CARB management to prepare a detailed response to your inquiry.

Please stay tuned for further updates.

Thanks.

Balbir
ACF Staff

From: Arneja, Paul@ARB <Paul.Arneja@arb.ca.gov>
Sent: Wednesday, January 7, 2026 6:26 PM
To: Jon Costantino <jon@tradesmanadvisors.com>; ARB ZEV Fleet <zevfleet@arb.ca.gov>
Subject: Re: SLG ACF Question

Hi Jon, thanks for reaching out. I'll pass your email to ZEVfleet, they should be better suited to respond.

-Paul



Paul Arneja, P.E.
Air Resources Supervisor
In-Use Control Measures Section
Mobile Source Control Division
(279) 208-7342

From: Jon Costantino <jon@tradesmanadvisors.com>
Sent: Wednesday, January 7, 2026 4:47 PM
To: Arneja, Paul@ARB <Paul.Arneja@arb.ca.gov>
Subject: SLG ACF Question

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Paul,

I had a question on the SLG related to Hiring Compliant Fleets. Just wanted to make sure I understood this correctly:

- SLG fleets are the only fleets subject to ACF, therefore, only SLG fleets can show compliance under the 'Hiring Compliant Fleets' section of the regulations.

Stated another way, if your fleet is not a SLG fleet, you are not subject to ACF even if you contract with a SLG for services, e.g. construction, tree trimming, waste hauling, street sweeping, etc.

Any clarity you could provide on this topic would be both appreciated, and calm some nervous rumors out here. Happy to chat if you want to call instead, or I can send into ZEVFleet@arb.ca.gov. Let me know.

Thanks,

Jon

Jon Costantino

Principal

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OPEN COMMENT BY SEAN EDGAR TO
CARB MARCH 26, 2026 HEARING

The Board's attention and intervention is needed immediately to publish the legal authority your staff claims to force ZEV purchases on the privately-owned contractors that contract with public agencies. This appears to me to be an underground regulation that would reverse what you, the Board, voted for unanimously last September to repeal the High Priority portion of the ACF. Allow me to briefly break this down with the goal of prompt dialogue and action on this matter. The reason for urgency relates to guidance that was emailed last week by your ZEV Fleet staff that comes just days before the April 1 annual certification for State and Local Government (or SLG) fleets.

Under the March __ email from staff, local government: 1) "***remains*** responsible for ensuring compliance with the SLG requirements," of private contractors, and 2) "***must include vehicles*** used under contract when determining its compliance," and 3) "while the private fleet is not itself the regulated entity, the government agency ***must account for the emissions and vehicle types used under contract*** and may impose contractual requirements to ensure regulatory compliance." None of these requirements is contained in the SLG portion of ACF approved by this Board. Well over 25,000 privately-owned heavy duty vehicles are contracted annually by public agencies, including state agencies. Nowhere in the past five years of the public record and required analysis has

OPEN COMMENT BY SEAN EDGAR TO
CARB MARCH 26, 2026 HEARING

the Board nor the public been informed on the impacts of this post-hearing interpretation by your staff. Furthermore, ***none of the hundreds of public agencies or private contractors*** that my team serves ***are aware of this*** staff interpretation. I serve on the Drive Forward effort as a panelist for Outreach and there was no announcement at our most recent March 16 public meeting, nor any prior meeting, about this urgent matter affecting April 1 compliance.

Absent immediate and clear direction from the Board, next week there will be hundreds of state and local agencies out of compliance and subject to enforcement penalties. ***Private contractor fleets that the Board has agreed to exempt would now be subject to what is effectively an underground regulation that will not pass muster when heard in a court of competent jurisdiction.*** Time is of the essence and regulated community deserves clear written guidance on ACF compliance obligations of public and private fleets. Thank you.

First legal steps taken, this time by WSTA, to untangle the legal knot of the Clean Truck Partnership

Without various California regulations in place, can the deal work on a practical basis, beyond legal issues?



John Kingston • Monday, June 30, 2025



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Key Takeaways:



The fate of the Clean Truck Partnership (CTP), the [2023 grand bargain](#) between California and the nation's engine manufacturers, has been a subject of debate with the end of the federal government's waiver that served as a catalyst for the deal.

And now direct action has been taken against it. The Western States Trucking Association (WSTA) has petitioned the California Office of Administrative Law to determine whether the CTP was properly reached under California law.

Sean Edgar, the environmental policy & media advisor at WSTA, described the CTP in an interview with FreightWaves as "an unholy alliance between original equipment manufacturers and the California Air Resources Board (CARB) that is resulting in tremendous chaos and distress for the trucking industry."

The WSTA has filed multiple lawsuits in different venues over the years regarding the regulation of transportation fuels and emissions. Driving this particular action targeting the CTP, Edgar said, is the organization's belief that "it is pretty apparent that CARB has completed disrespect for federal law," citing the Congressional action under the Congressional Review Act (and [subsequently signed by President Trump](#)) that targeted a key California regulation—the Omnibus NOx rule—that is key to the CTP.

Beyond the WSTA action, whether the CTP could survive given the changed regulatory landscape has become a significant question among trucking regulatory observers in the last six months, starting with the decision by CARB to [withdraw its request for a waiver](#) from the Environmental Protection Agency (EPA) that would allow the implementation of the state's Advanced Clean Fleets (ACF) rule.

The Congressional Action followed, later signed by President Trump, that revoked waivers granted by the Biden administration's EPA allowing the implementation of California's Advanced Clean Trucks (ACT) rule and the Omnibus nitrogen oxide (NOx) rules. The ACT required OEMs to sell a growing percentage of zero emission trucks into the state on the

way to a diesel-free fleet in the 2040's. The NOx rule required a reduction starting in 2027 of emissions of that pollutant from heavy-duty engines.

The CTP was a deal [reached in July 2023](#) among CARB, several truck manufacturers and the OEM's trade association, the Engine Manufacturers Association. Under the CTP, CARB agreed to align its proposed rules on NOx emissions with federal standards, thereby putting off a more stringent state deadline until 2027.

It also saw CARB agree to a moratorium on any new regulations for at least three years' implementation and four years' lead time, and the truck manufacturers and EMA agreed they would meet the CARB standards "regardless of any attempts by other entities to challenge California's authority."

The conundrum then in the wake of the last few months of regulatory upheaval is that the ACT and the ACF were to work together, with the ACF laying out requirements on what fleets needed to buy and the ACT pushing OEMs to make those zero emission vehicles. Separately, the Omnibus NOx rule was going to clean up the diesel engines that were to be sold, and with the engine manufacturers onboard via the CTP, the road to cleaner engines appeared to be well-paved.

But then the ACF waiver request was withdrawn, effectively killing the core of the program, which raised the question whether the OEMs could find buyers for the ZEVs they were required to sell in the state. Waivers for the ACT and the NOx rule were killed by the Congressional action under the CRA, and the [court battle to have that overturned](#) would take some time to have impact if it is ultimately successful.

Gotta stick to the deal?

And adding to the uncertainty, the CTP contains that problematic requirement, considering the events of the past weeks, that all parties proceed regardless of those outside attempts to push back against California's action.

The filing by the WSTA is the first concrete step taken by a CTP foe since those regulatory shifts took place.

In a brief statement, a CARB spokeswoman said the agency can not comment on the WSTA petition to OAL. But she added, "CARB believes there's been no change to the Clean Truck Partnership."

Edgar said under state procedures, the Office of Administrative Law (which is under the state's executive branch) has 60 days to respond to the petition filed by WSTA. After that response, Edgar said, his organization will decide what steps to take next.

He added the agency is not seen as a rubberstamp for all regulatory actions. Edgar cited a [rejection by OAL earlier this year](#) of some changes in California's Low Carbon Fuel Standard. Revised LCFS standards will be going into effect July 1. The LCFS is a credit-based program designed to incentivize the use of lower carbon transportation fuels, such as renewable diesel.

No news from Nebraska

There is another legal action against the CTP: a suit filed in November by the state of Nebraska, the trade groups Energy Marketers of America and Renewable Fuels Nebraska against the EMA and the diesel manufacturers that signed the CTP: Navistar, Paccar and Volvo North America.

A look at the docket in that case reveals that little has happened with it since it was filed. The parties were all just given 90-day extensions on various filing deadlines in the case, which is in the state district court for Lincoln County, Nebraska.

In a formal statement on the action it took, the WSTA said CARB did not comply with the state's Administrative Procedures Act (APA) in entering into a private agreement with the OEMs and the EMA "to adhere to selling only zero emission trucks to California (despite federal action to block the rule) and not inviting public comment to the agreement (a cornerstone to the APA)."

WSTA said the "net effect" of those actions "is a result termed 'underground regulation,' which is precisely what the APA is intended to avoid."

The association does not represent over the road trucking companies in California; that's the province of the California Trucking Association. The bulk of its membership represents fleets of various types of work trucks, such as dump trucks and water trucks.

According to the WSTA, former CARB deputy executive officer Craig Segall has said the CTP is "legally binding" despite the various blows to the regulations underpinning the CTP, possibly a reference to a statement [Segall made in this article](#).

They shook hands

Segall also issued a statement last week through a representative about the CTP's legal status. He was one of the negotiators who put together the deal.

"The companies shook hands with California on a workable path forward," Segall said in the statement. "Will they now stand behind their commitments as others attack them? Or will they stay silent during this attack? My hope is that they will stand up for the electric future they claim to support."

An email to the EMA had not been responded to by publication time.

An observer of the trucking regulatory scene described the engine manufacturers as “stuck between a rock and a hard place” over the CTP that it signed following the demise of the NOx waiver, the existence of which presumably was one of the reasons the organization came to the table.

[More articles by John Kingston](#)

[State of Freight Takeaways: English language rule for truckers takes effect, early impacts emerging](#)

[SCOTUS decision on California Clean Cars waiver could have benefit to trucking later](#)

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0 replies

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 **FREIGHTWAVES**
FORUMS



John Kingston

John has an almost 40-year career covering commodities, most of the time at S&P Global Platts. He created the Dated Brent benchmark, now the world’s most important crude oil marker. He was Director of Oil, Director of News, the editor in chief of

Platts Oilgram News and the “talking head” for Platts on numerous media outlets, including CNBC, Fox Business and Canada’s BNN. He covered metals before joining Platts and then spent a year running Platts’ metals business as well. He was awarded the International Association of Energy Economics Award for Excellence in Written Journalism in 2015. In 2010, he won two Corporate Achievement Awards from McGraw-Hill, an extremely rare accomplishment, one for steering coverage of the BP Deepwater Horizon disaster and the other for the launch of a public affairs television show, Platts Energy Week.

