



REGION 9

SAN FRANCISCO, CA 94105

November 21, 2025

Edie Chang
Deputy Executive Officer
California Air Resources Board
1001 I Street
Sacramento, California 95812

Dear Deputy Executive Officer Chang,

Thank you for your letter of October 31, 2025, requesting U.S. Environmental Protection Agency (EPA) approval of Emission FACTors (EMFAC) model version EMFAC2021 off-model adjustment factors that remove the estimated emissions benefits attributed to California's Advanced Clean Trucks (ACT), Zero-Emission Airport Shuttle, Heavy-Duty Vehicle and Engine Emission Warranty and Maintenance Provisions (Warranty Phase 1), and Heavy-Duty Omnibus (Omnibus) regulations from EMFAC2021. The EMFAC off-model adjustment factors are multipliers that would be applied to vehicle emissions modeled by EMFAC2021. With this letter, the EPA is approving the use of EMFAC2021 with these adjustment factors for the Clean Air Act (CAA) purposes of State Implementation Plan (SIP) development and conformity determinations.

Background

In May 2025, the Congress enacted joint resolutions of disapproval under the Congressional Review Act for preemption waivers that the EPA had previously issued pursuant to CAA section 209, including for the ACT, Zero-Emission Airport Shuttle, Warranty Phase 1, and Omnibus regulations.¹ President Trump signed the resolutions into law on June 12, 2025.² Each resolution provides that the corresponding waiver "shall have no force or effect."³ As a result, the EPA's prior preemption waivers for these regulations have no force or effect. Accordingly, these regulations are preempted by the CAA, meaning that California can no longer enforce or attempt to enforce the regulations and that estimated emissions reductions attributed to the regulations cannot be used for the CAA purposes of SIP development or conformity determinations.

¹ See H.R.J. Res. 87; and H.R.J. Res. 89.

² See Pub. L. 119-15, 139 Stat. 65 (June 12, 2025); Pub. L. 119-17, 139 Stat. 67 (June 12, 2025). Congress similarly enacted a resolution of disapproval of EPA's waiver for the Advanced Clean Cars II (ACC II) Regulation. See H.R.J. Res. 88. President Trump signed this resolution into law as well. See Pub. L. 119-16, 139 Stat. 66 (June 12, 2025). EMFAC2021 does not purport to account for emissions reductions from ACC II.

³ *Id.*

EPA's approval

The EMFAC2021 on-road motor vehicle emissions model, which the EPA approved for SIP development and transportation conformity in California in 2022,⁴ includes estimated emissions reductions attributed to the regulations listed in your October 31, 2025 letter. The EPA approved the model in 2022 based on the understanding that the measures had “already been adopted by the enforcing jurisdiction,” per 40 CFR 93.122(a)(3)(i), and that it was therefore appropriate to include emissions reductions from these measures in the emissions analysis. Because the preemption waivers for these regulations no longer have force or effect, as described above, the regulations cannot be implemented or enforced, and it is no longer appropriate to describe them as being “adopted by the enforcing jurisdiction.”

With the approval of the adjustment factors in this letter, EMFAC2021 with the adjustment factors, is the latest approved method for modeling emissions available in California, per 40 CFR 93.111. Emissions estimates in SIP submittals, analyses for transportation plan and transportation improvement program (TIP) conformity determinations, and hot-spot analyses for project-level conformity determinations must be based on EMFAC2021 with these adjustment factors, so that emissions estimates for these CAA purposes do not include the effects of these regulations.⁵

Nothing in this letter should be understood as stating the EPA's position on the full scope and effect of the recent legislation enacted pursuant to the CRA and signed by the President in June 2025. Rather, the EPA is approving adjustment factors for EMFAC2021 in an effort to, as stated in your letter, take a “first step toward reestablishing a pathway for California to continue to meet federal air quality planning and conformity requirements.” The EPA looks forward to further engagement with CARB and other relevant stakeholders and reserves all rights and authorities to implement the CAA consistent with the Agency's legal obligations and the recent legislation.

Additional information on implementation

Under the transportation conformity regulation, there are several types of transportation activities that can proceed with interagency consultation (per 40 CFR 93.112) and without additional emissions modeling. As long as such activities do not involve the use of EMFAC, they would not be affected by the EPA's approval of the use of EMFAC2021 with the adjustment factors. First, metropolitan planning organizations and other transportation agencies, as applicable, can continue working from existing, currently conforming transportation plans and TIPs⁶ and proceeding with project-level conformity determinations involving non-exempt projects that do **not** require a carbon monoxide or particulate

⁴ 87 FR 68483 (November 15, 2022) (EPA approval and notice of availability for EMFAC2021). The EPA must approve new versions of California's emissions model, EMFAC, before they are used in a transportation conformity analysis, and in the preparation or revision of SIPs. See 40 CFR 93.111(a).

⁵ For the same reason, a SIP or conformity determination based on EMFAC2017 must not include the adjustment factors that the EPA approved for use with EMFAC2017 in 2022 (87 FR 68483, November 15, 2022). Please consult with the relevant EPA contacts on any analyses that were begun with EMFAC2017 before the end of the EMFAC2021 new model grace period.

⁶ 40 CFR 93.114.

matter hot-spot analysis.⁷ Second, projects described in 40 CFR 93.126, 93.127, and 93.128 can also be added to a transportation plan and TIP without a conformity determination, as described in the transportation conformity regulation.

Other than in the cases identified above, transportation conformity determinations must be based on EMFAC2021 with the adjustment factors in order to be consistent with the transportation conformity rule. This is the case even if modeling was started before the waivers for the regulations were disapproved. Unlike planning assumptions, which may change after a conformity analysis begins (40 CFR 93.110(a)), emissions reductions from regulations may only be included in the emissions analysis for conformity determinations under certain circumstances, per 40 CFR 93.122(a)(3). As described above, the regulations listed in CARB's October 31, 2025 letter no longer fit within these circumstances.

In addition, a transportation plan or TIP conformity determination can rely on the previous emissions analysis per 40 CFR 93.122(g) if that previous emissions analysis was based on EMFAC2021 with the adjustment factors. A conformity determination based on a previous emissions analysis that did not include adjustment factors would not meet transportation conformity requirements as described above.

For a project-level conformity determination that includes a hot-spot analysis, EMFAC2021 with the adjustment factors would meet requirements in 40 CFR 93.111(a) related to the use of the latest emissions model and ensure that the modeling does not include the effects of the regulations listed in CARB's October 31, 2025 letter. In addition, conformity determinations for projects with a hot-spot analysis based on EMFAC2021 without the adjustment factors would not meet 40 CFR 93.123(c)(1) because the estimate of emissions would include the effects of regulations that cannot be implemented and would not accurately reflect "the total emissions burden which may result from the implementation of the project." As a result, the hot-spot analysis would not also meet the requirement that the "the total concentration must be estimated" (40 CFR 93.123(c)(1)).

For further information

If you have any questions, please contact me at (415) 231-4710 and lee.anita@epa.gov, or Karina O'Connor at (415) 972-3498 and oconnor.karina@epa.gov.

Sincerely,

Anita Lee
Acting Director, Air and Radiation Division

⁷ 40 CFR 93.116 and 93.123.

cc: David Quiros, California Air Resources Board
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