STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
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Scope update: Chapter 173-423 WAC Clean Vehicles Program rule

Background on the Original Proposal

On June 23, 2026, Ecology proposed revisions to chapter 173-423 WAC, Washington's Clean Vehicles Program rule, to adopt amendments to California's Advanced Clean Cars (ACC), Advanced Clean Cars II (ACCII), and Heavy-Duty Low NOx Omnibus (Omnibus) rules, along with components of California's 2010 medium and heavy-duty vehicle in-use standards.

These amendments were proposed to act as a fallback emission standard for combustion engine vehicles in the event that the current, more protective standards become unenforceable due to recent federal actions and ongoing litigation.

Adjustments to the Current Rulemaking

After careful review, Ecology has decided to remove the proposed California regulation amendments from the current rulemaking scope. While California's final adoption of these amendments occurred on November 6th, 2026, they had not been adopted while we were completing the final preparations of our rule adoption. As a result, Ecology removed these amendments to ensure we did not inadvertently adopt standards prior to California's adoption, or regulations that are inconsistent with their final rules. We will continue to support litigation against unlawful attempts to undermine EPA waivers that are the foundation of our current emission standards that we have adopted from California.

We recognize and appreciate that many commenters expressed strong support for these amendments. Due to a statutory requirement (RCW 70A.30.010) that Ecology update our rules "from time to time" to maintain consistency with California's motor vehicle emission standards, Ecology will consider the California Air Resource Board's newly finalized amendments, which became effective on November 6, 2026, for a future rulemaking. We are still moving forward with the fleet reporting provision in this current rule.

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

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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. While we are removing these specific fallback measures from the current rulemaking, Washington continues to hold recent federal actions to reclassify and revoke California's waivers as unlawful and is actively engaged in litigation. Moving forward with a fleet reporting provision ensures that we continue building the foundation for cleaner transportation in Washington.

Provisions Excluded from Final Adoption

- Alternative CCR Title 13 and 17 sections have been removed from WAC 173-423-030(1).
- Adoption date has been reverted to May 6, 2025, from September 26, 2026, in WAC 173-423-030(1).
- Language that had been added to WAC 173-423-070 (1), 173-423-075(1) and (2), and 173-423-081(2), to explain which standards are in effect depending on the status of litigation, has been removed.

How can I stay informed?

- Visit the rulemaking webpage for the CVP Rule.
- Subscribe to our CVP Rulemaking distribution list to receive all updates for this rulemaking, including reminders about public hearings and comment periods.
- Join our AQ Rule and SIP Updates distribution list to receive updates for this and all other Ecology air quality and climate rulemakings and implementation plans.
- Read the rulemaking adoption (CR-103) for details about this rulemaking.

Questions?

- Please contact Gopika Patwa at gopika.patwa@ecy.wa.gov or call (360) 338-2419 if you have any questions about this rulemaking.
- For compliance or technical assistance, please reach out to:

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Accessibility

To request ADA accommodation, email gopika.patwa@ecy.wa.gov or call (360) 338-2419, or dial 711 to call through the Washington Telecommunications Relay for services like text telephone (TTY). Visit Ecology.wa.gov/ADA for more accessibility information.