

Notice of Intent to Repeal Obsolete Rules

Minnesota Pollution Control Agency

Proposed Repeal of Obsolete Rules Relating to Clean Cars Minnesota, *Minnesota Rules*, parts 7023.0150, 7023.0200, 7023.0250, and 7023.0300; Revisor’s ID Number R-04990; CAH Docket Number 25-9003-41517

Introduction. The Minnesota Pollution Control Agency (MPCA) intends to repeal obsolete rules relating to Clean Cars Minnesota (CCM) under the rulemaking process in the Administrative Procedure Act, *Minnesota Statutes*, section 14.3895. The MPCA identified *Minnesota Rules*, parts 7023.0150, 7023.0200, 7023.0250, and 7023.0300 as obsolete in the agency’s annual obsolete rules report submitted to legislature in December 2025.

The CCM Rule, Minn. R. Pts. 7023.0150-7023.0300 will be obsolete after reporting is complete for model year (MY) 2025. The Zero Emission Vehicle (ZEV) Standards and the criteria pollutant Low Emission Vehicle (LEV) Standards for light-duty vehicles both only apply to vehicles delivered for sale in Minnesota through MY 2025. Manufacturers ceased making MY 2025 vehicles before January 1, 2026, which makes the CCM rule obsolete for those two requirements. The greenhouse gas (GHG) LEV Standards do not end after MY 2025; however, under the federal Clean Air Act (CAA), states must either rely on federal vehicle emissions standards or adopt standards identical to California. MPCA therefore cannot enforce just the GHG emissions standards portion of CCM alone.

You may submit written comments on the proposed repeal of obsolete rules until **4:30 p.m. on Friday, August 28th, 2026.**

Subject of Rules. Under the CAA, the federal government has the primary responsibility for setting standards for new vehicle air pollution emissions. The U.S. Environmental Protection Agency (EPA) sets default vehicle emissions standards for the country. The CAA, however, creates a regulatory structure for states to adopt vehicle emissions standards under certain circumstances. Although section 209(a) of the CAA prohibits states from adopting their own emission standards for new motor vehicles, section 209(b) contains one exception. That exception allows one state – California – to adopt its own, more stringent emissions standards for new motor vehicles if it receives a waiver from the EPA. CAA section 177 then allows other states to choose to adopt these California standards. States that adopt California standards under section 177 of the CAA are often collectively referred to as “section 177 states.” The CAA requires that standards adopted by section 177 states must be identical to California’s.

The MPCA adopted the CCM rules on July 26, 2021, by incorporating by reference, as amended, the California LEV and ZEV standards in effect at the time (California Code of Regulations, title 13, sections 1961.2, 1961.3, and 1962.2). At the time, the California criteria pollutant LEV standards were for 2015 and subsequent model years, GHG LEV standards were for 2017 and subsequent model years, and ZEV standards were for 2018 and subsequent model years. Collectively these standards are called Advanced Clean Cars I (ACCI). However, on August 25, 2022, California adopted new LEV standards for criteria pollutants and new ZEV standards starting in MY 2026 (California Code of Regulations, title 13, sections 1961.4 and 1962.4), called Advanced Clean Cars II (ACCII). As part of the ACCII rulemaking, California updated the standards MPCA had adopted by reference as part of the CCM rulemaking (California Code of Regulations, title 13, sections 1961.2 and 1962.2) to end after MY 2025. This effectively cut off the criteria pollutant LEV and ZEV rules adopted by MPCA as of MY 2025. To maintain the same vehicle emissions standards as California, the MPCA would need to adopt the ACCII standards, which it has not.

The GHG LEV rules were not modified and do continue into subsequent model years. However, CAA section 177 requires vehicle emissions standards adopted by states to be identical to California's standards. California does not have a GHG-only program. Thus, MPCA may not enforce GHG standards alone, making the GHG emissions standards in Minnesota's regulations obsolete as well.

The CCM rule also includes provisions that are specific to medium-duty vehicles, which were adopted as part of a package with the light-duty vehicle requirements. The medium-duty regulations in California Code of Regulations, title 13, section 1961.2, as incorporated by reference and as amended, remain in place through MY 2028. However, the federal medium-duty vehicle standards that are in place for these years are already as stringent as the medium-duty standards incorporated in CCM, thus rendering any impact of the state rule obsolete.

On June 12, 2025, the federal government purported to disapprove California's waiver to implement ACCII. California and section 177 states are challenging this action in court. California subsequently adopted an emergency rulemaking clarifying applicable vehicle emissions standards for California, giving manufacturers the choice of following ACCI or ACCII until a court of competent jurisdiction rules on the matter. Since MPCA has not adopted the ACCII standards, this emergency rulemaking does not impact the standards applicable in Minnesota.

7023.0150 Scope and Incorporation by Reference.

This rule language is obsolete after reporting for MY 2025 is complete. Reporting for MY 2025 was due May 1, 2026. The following rule parts incorporated by reference as amended

terminate at the end of model year 2025: California Code of Regulations, title 13, sections 1961.2, exhaust emission standards and test procedures for 2015 through 2025 model year passenger cars and light-duty trucks, and 1962.2, zero-emission vehicle standards for 2018 through 2025 model year passenger cars, light-duty trucks, and medium-duty vehicles.

The following rule parts are obsolete because they provide detail to the implementation of the standards in 1961.2 and 1962.2 that became obsolete after MY 2025: California Code of Regulations, title 13, sections 1962.3, 1965, 1968.2, 1976, 1978, 2035, 2037 to 2041, 2046, 2062, 2109, 2111 to 2121, 2122 to 2135, 2139, and 2141 to 2149.

The GHG LEV standards in 1961.3 do not end after MY 2025. However, Section 177 of the CAA allows states to adopt vehicle emissions standards only if they are “identical to the California standards for which a waiver has been granted for such model year.” Section 177 also specifies states cannot “create, or have the effect of creating, a motor vehicle or motor vehicle engine different than a motor vehicle or engine certified in California under California standards (a ‘third vehicle’) or otherwise create such a ‘third vehicle.’” Having only GHG LEV standards applicable in Minnesota would make Minnesota’s rules no longer identical to California’s. The CAA requirement that an adopting state’s rules be identical to California’s means that MPCA cannot enforce the GHG LEV standards in section 1961.3 alone. Thus, the GHG LEV standards are obsolete.

The medium-duty vehicle standards in California Code of Regulations, title 13, 1961.2 continue through MY 2028. However, the federal regulations for medium-duty vehicles are as stringent as 1961.2, rendering the impact of this rule part obsolete.

7023.0200 Definitions.

This rule part defines 15 relevant terms and phrases for rule parts 7023.0150, 7023.0200, 7023.0250, and 7023.0300. These terms are used to clarify the meaning of the standards adopted by reference in 7023.0150. These terms no longer need to be defined in rule because the incorporations by reference in 7023.0150 are obsolete.

7023.0250 Low-Emission Vehicle Standards.

This rule language provides detail to the implementation of the standards adopted by reference in 7023.0150. These rule parts are no longer needed because the standards adopted by reference in 7023.0150 are obsolete.

7023.0300 Zero-Emission Vehicle Standards.

This rule language provides detail to the implementation of the standards adopted by reference in 7023.0150. These rule parts are no longer needed because the standards adopted by reference in 7023.0150 are obsolete.

Overall effect of repealing these rule parts

The CCM rules were applicable through MY 2025. Reporting was due for MY 2025 as of May 1, 2026. Once reported data is finalized for MY 2025, there are no further obligations to regulated parties under these rules; thus, the rules are obsolete and have no enforceability. Repealing the rules would have no impact, as they are not enforceable after MY 2025. Repealing the rules will also clarify for vehicle manufacturers that the CCM rules are no longer in effect in Minnesota after reporting for MY 2025.

Statutory Authority. The agency identified the proposed obsolete rules to be repealed in its annual obsolete rules report under Minnesota Statutes section 14.05, subdivision 5. The statutory authority to repeal the obsolete rules is found in Minnesota Statutes, section 14.3895. The initial statutory authority under which these rules were created is found in Minnesota Statutes, section 116.07, which gives the Commissioner of the MPCA the authority to make rules to regulate sources of air pollution.

Publication of Proposed Rules. A copy of the proposed obsolete rules to be repealed is published with this Notice in the *State Register*. The proposed obsolete rules to be repealed may also be viewed electronically on the MPCA's rulemaking webpage at <https://www.pca.state.mn.us/get-engaged/proposed-rules>. To obtain a paper copy of the proposed obsolete rules to be repealed, contact the MPCA Contact Person listed below.

MPCA Contact Person. The agency contact person is Taylor Traufler at Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, MN 55155, 651-757-2828, or taylor.traufler@state.mn.us. You may also call the MPCA at 651-296-6300 or 1-800-657-3864; use your preferred relay service. **Please note that comments must be submitted according to the instructions in the Public Comment section of this Notice; the MPCA cannot take rulemaking comments by phone or email.**

Public Comment. You have until **4:30 p.m. on Friday, August 28th, 2026**, to submit written comment in support of or in opposition to the proposed repeal of obsolete rules and any part or subpart of the repeal. Your comment must be in writing and received by the Court of Administrative Hearings (CAH) by the due date. Your comment should identify the portion of the proposed obsolete rules to be repealed addressed and the reason for the comment. In addition, you may object to the repeal of any part or subpart. You must also make any comments that you have on the legality of the proposed rules during this comment period. If

the proposed repeal of obsolete rules affects you in any way, the agency encourages you to participate in the rulemaking process.

Submit written comments via:

- The Court of Administrative Hearings eComments portal (<https://minnesotaoah.granicusideas.com>);
- U.S. Mail delivered to the Court of Administrative Hearings attn: William Moore, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620; or
- Fax (651) 539-0310.

You may view frequently asked questions about the CAH Rulemaking eComments website at https://mn.gov/oah/assets/ecomments-faq_tcm19-82012.pdf. Any questions about submitting comments via the eComments website should be directed to William Moore at the CAH at 651-361-7900 or by email at william.t.moore@state.mn.us; **please note that you may not submit rulemaking comments by phone or email.**

All comments or responses received are public data and will be available for review at the CAH Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/discussions>, and at <https://www.pca.state.mn.us/get-engaged/proposed-rules> as soon as Agency staff can update it.

Request for Hearing. In addition to submitting comments, you may also request that the agency hold a public hearing on the rules. You must make your request for a public hearing in writing by **4:30 p.m. on Friday, August 28th, 2026**. You must include your name and address in your written request for hearing. You must identify the portion of the proposed repealed rules that you object to or state that you oppose the entire set of rules. You are also encouraged to state the reason for the request and any changes you want made to the proposed repealed rules. Any request that does not comply with these requirements is not valid and the agency cannot count it for determining whether it must hold a public hearing.

Effect of Requests. If 25 or more people submit a written request for a hearing, the agency must meet the requirements of *Minnesota Statutes*, sections 14.131 to 14.20 for rules adopted after a hearing or the requirements of *Minnesota Statutes*, sections 14.22 to 14.28 for rules adopted without a hearing, including the preparation of a statement of need and reasonableness and the opportunity for a hearing.

Modifications. The agency might modify its choice of these designated rules or parts proposed for repeal (for example, fixing a typo or deciding not to repeal a rule because the rule is discovered not to be obsolete), based on comments and information submitted to the agency.

If the final rules are identical to the rules originally published in the *State Register*, the agency will publish a notice of adopting the repealer(s) in the *State Register*. If the final rules are different from the rules originally published in the *State Register*, the agency must publish a copy of the changes in the *State Register*.

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the MPCA Contact Person at the address or telephone number listed above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-296-5148 or 1-800-657-3889.

Repeal and Review of Obsolete Rules. If no hearing is required, the agency may repeal the obsolete rules after the end of the comment period. The agency will submit the rules and supporting documents to the Court of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want to receive notice of this, to receive a copy of the repealed obsolete rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

May 28, 2026

Date

Katrina Kessler

Katrina Kessler, Commissioner
Minnesota Pollution Control Agency