



California Will Establish Conditional Approval Path for Aftermarket Parts

SEPTEMBER 18, 2026

By [Caitlin Meisenbach](#), [Britt Speyer Fleming](#), [Tom Stricker](#), and [Richard Penna](#)

On September 16, 2026, California Governor Gavin Newsom signed into law SB 1069, which directs the California Air Resources Board (CARB) to establish a new conditional approval pathway for qualifying aftermarket emission-related parts.¹

The new law was authored by CA Senator Tim Grayson and sponsored by the Specialty Equipment Market Association (SEMA). It comes just two months after EPA's Office of Enforcement and Compliance Assurance agreed that the association's "SEMA Certified-Emissions" program materials satisfy the criteria of EPA's Tampering Policy.^{2,3} SEMA CEO Mike Spagnola touts this legislation as "a meaningful new pathway to bring qualifying products to market faster in California."⁴

SB 1069 Sets out to Change Process, not Substance

Under the new law, CARB will establish a conditional approval process for "manufacturers with a demonstrated record of compliance and transparent engagement in the executive order program".⁵ The Board has until July 1, 2028, to do so.

Conditional approval will only be available to manufacturers that have received at least ten EOs in the past and at least one in the same category of parts as the current application. To be granted conditional approval, the manufacturer must submit a complete application, including test data from a qualified laboratory. Unless CARB determines that the application is incomplete, the manufacturer will generally be deemed to have conditional approval to sell the part 30 days after submission of the application. However, the law does give CARB the ability to extend that timeframe if they receive a large number of applications in a single timeframe.

¹ Office of Governor Gavin Newsom, Governor Newsom Visits Jay Leno's Garage to Sign Legislation Celebrating and Preserving California's Classic Car and Lowrider Heritage (Sept. 16, 2026), <https://www.gov.ca.gov/2026/09/16/governor-newsom-visits-jay-lenos-garage-to-sign-legislation-celebrating-and-preserving-californias-classic-car-and-lowrider-heritage/>.

² U.S. Env'tl. Prot. Agency, Response to SEMA (July 2026), <https://www.epa.gov/system/files/documents/2026-07/epa-response-to-sema.pdf>.

³ U.S. Env'tl. Prot. Agency, EPA Tampering Policy: EPA Enforcement Policy on Vehicle and Engine Tampering and Aftermarket Defeat Devices, <https://www.epa.gov/enforcement/epa-tampering-policy-epa-enforcement-policy-vehicle-and-engine-tampering-and> (last visited Sept. 18, 2026).

⁴ Specialty Equip. Mkt. Ass'n, Governor Newsom Signs SEMA-Backed Bill to Speed Aftermarket Products to Market, <https://www.sema.org/news-media/press-release/governor-newsom-signs-sema-backed-bill-speed-aftermarket-products-market> (last visited Sept. 18, 2026).

⁵ CalMatters Digital Democracy, S.B. 1069, 2025-2026 Reg. Sess. (Cal. 2026), https://calmatters.digitaldemocracy.org/bills/ca_202520260sb1069.

The legislation specifies that this is not intended to change any underlying emissions requirements or CARB's authority to ultimately approve or deny an application. CARB may suspend or revoke conditional approval if it later determines that an application was inaccurate or misleading or if the manufacturer fails to provide requested records. And, upon withdrawal, revocation, or expiration of a conditional approval, CARB may require environmental remedies for past sales.

Under the Conditional EO Paradigm, Manufacturers Bear Uncertainty

If a manufacturer proceeds to produce and sell parts under a conditional approval, it bears the risk that CARB may later disapprove the application and require environmental remedies, including recall, corrective action, stop-sale, or other remedies. In some ways, this mirrors the uncertainty that manufacturers face if they avail themselves of the "reasonable basis" criteria in EPA's Tampering Policy. Notably, however, CARB will only be authorized to assess civil penalties for revoked conditional approvals where a manufacturer fails to comply with a recall or corrective action plan.

Possible Unintended Consequences for Downstream Entities

It remains to be seen whether CARB will include conditional approvals in its database of approved Aftermarket Parts EOs.⁶ Given that the impetus for this legislation was CARB's struggle to process applications in a timely manner, that seems somewhat unlikely. If manufacturers are conditionally approved to sell parts but those parts are not reflected in the database, then retailers, distributors, and installers may face a lack of reliable information about the legality of the parts they sell and install.

Next Steps

CARB has until July 1, 2028, to revise its exemption procedures and the associated forms, guidance, and regulations. The Board has not yet published any information regarding the new law, declining to comment before the Governor's signature. There will likely be opportunities for industry input as the program is developed, including a public comment period on any regulations. In the interim, CARB approval of EOs is still required for sale and installation in California.

For More Information

Van Ness Feldman closely monitors and counsels clients on air quality law and policy, including the Clean Air Act. For further details or assistance with assessing the impacts of this final rule, please contact [Britt Speyer Fleming](#) or any member of VNF's Environmental Team.

© 2026 Van Ness Feldman, LLP. All Rights Reserved. This document has been prepared by Van Ness Feldman for informational purposes only and is not a legal opinion, does not provide legal advice for any purpose, and neither creates nor constitutes evidence of an attorney-client relationship.

⁶ Cal. Air Res. Bd., Aftermarket Parts Database, <https://ww2.arb.ca.gov/applications/aftermarket-parts-database> (last visited Sept. 18, 2026).