

Rulemaking Fact Sheet (5 MRS §8057-A)

AGENCY: Department of Environmental Protection

NAME, ADDRESS, PHONE NUMBER, EMAIL OF AGENCY CONTACT PERSON:

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CHAPTER NUMBER AND RULE TITLE:

06-096 127-A, Advanced Clean Cars II Program

TYPE OF RULE (*check one*): Routine Technical Major Substantive

STATUTORY AUTHORITY: 38 M.R.S. Sections 576-A, 585, 585-A, and 585-D

DATE, TIME, AND PLACE OF PUBLIC HEARING:

The proposed rule was originally posted to public comment on July 20, 2023. A public hearing was held on Augusta 17, 2023, and the comment period closed on August 28, 2023. Due to the state emergency resulting from the December 18, 2023, storm the Board of Environmental Protection meeting scheduled for December 21 was cancelled. This prevented a Board vote on whether to adopt the proposed rule, and therefore the proposed rule must be amended to begin with model year 2028. The Department is now requesting comments from the public concerning this substantial change^[1] of the proposed rule.

^[1]The Department has also proposed non-substantive changes to the proposal.

COMMENT DEADLINE: February 5, 2024

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE:

Under the Federal Clean Air Act (CAA) Section 177 (42 USC § 7507), states that choose to adopt vehicle emission standards that are more stringent than the federal standards for new vehicles may adopt standards that are identical to any standards adopted by California. Maine has previously adopted California's emissions standards for cars and passenger trucks which cover through model year 2025. This rulemaking would further opt-in to California's more stringent standards. The Advanced Clean Cars II (ACC II) regulation will accelerate sales of zero-emission vehicles and reduce greenhouse gas emissions and criteria air pollutants from on-road mobile sources in Maine. If the ACC II regulation is not adopted, Maine will revert to the less stringent federal standards, and the state will be unable to meet the goals set in the Maine's 2020 Climate Action Plan.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? YES: 13 California Code of Regulations Sections 1961.2, 1961.3, 1961.4, 1962.3, 1962.4, 1962.5, 1962.6, 1962.7, 1962.8, 2221, 2222, 2235.

ANALYSIS AND EXPECTED OPERATION OF THE RULE:

The proposed regulation requires an increasing percentage of new light-duty vehicle sales to be zero emission vehicles (ZEV) sales each year, starting with 51 percent ZEV sales in model year 2028, and leading to 82 percent in model year 2032. The Advanced Clean Cars II program also includes revised pollutant standards for passenger cars, light-duty trucks, and medium-duty vehicles with internal combustion engines. Implementation of the Advanced Clean Car II Program will transition from gasoline and diesel combustion engine vehicles to zero-emission vehicles reducing emissions of carbon dioxide, oxides of nitrogen, and fine particulate matter.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (including up to 3 primary sources relied upon)

On May 23, 2023, the Department received a citizen petition to initiate rulemaking pursuant to 5 M.R.S. § 8055. The petition was submitted by Jack Shapiro of the Natural Resources Council of Maine and included the certified signatures of more than 150 registered voters. The petition proposes to promulgate a new rule establishing motor vehicle emission standards for new passenger cars, and light-duty trucks, and medium-duty vehicles by incorporating the requirements of the California Advanced Clean Cars II regulations, beginning with the 2027 model year, and continuing through the 2032 model year. Due to the unforeseen emergency situation described above, the proposed rule has been modified to take effect with the 2028 model year.

The primary resources are California's rulemaking documents including Staff Initial Statement of Reason, Final Statement of Reason, and the Final Regulation Order effective on November 30, 2022.

ESTIMATED FISCAL IMPACT OF THE RULE:

ACC II imposes requirements on vehicle manufacturers to produce and sell vehicles in our state that may have higher upfront costs. While there are no direct costs to individuals because of these rules, vehicle manufacturers may choose to pass down costs to consumers. Overall direct cost savings to consumers from the use of the vehicles will be significant because of the fuel costs, maintenance, and longevity improvements. The rules require useful life and warranty provisions which will result in more durable components, resulting in less vehicle downtime, savings on operation costs, and limiting or even eliminating out-of-pocket costs for vehicle repairs during the vehicle warranty period. For the consumer, ZEV buyers are likely to realize as much as \$7,900^[2] in maintenance and operational savings over the first 10 years of ownership. Additionally, Maine imports gas and diesel fuels, so in theory with the adoption of more electric vehicles, the need for imported fuel would decrease.

^[2]<https://ww2.arb.ca.gov/news/california-moves-accelerate-100-new-zero-emission-vehicle-sales-2035>

***FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO
INCLUDE:***

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:
[see §8057-A(2)(A)]

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND
HOW THEY WILL BE AFFECTED: [see §8057-A(2)(B)]

BENEFITS OF THE RULE: [see §8057-A(2)(C)]

Note: If necessary, additional pages may be used.