



Natural Resources Council of Maine

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Testimony in Opposition to LD 2261, An Act Designating New Motor Vehicle Emissions Rules as Major Substantive Rules

**To the Committee on Environment and Natural Resources
by Jack Shapiro, Climate and Clean Energy Program Director
March 20, 2024**

Senator Brenner, Representative Gramlich, and members of the Environment and Natural Resources Committee, my name is Jack Shapiro, and I am the Climate and Clean Energy Director at the Natural Resources Council of Maine (NRCM). NRCM has been working for more than 60 years to protect, restore, and conserve Maine's environment, and I'm here today on behalf of our 30,000 members and supporters to testify in opposition to LD 2261, An Act Designating New Motor Vehicle Emissions Rules as Major Substantive Rules.¹

This last-minute bill has come up in response to the Maine Board of Environmental Protection (BEP) considering clean cars and clean trucks standards through a citizen petition. They are currently still considering clean cars standards under their existing statutory authority and have been for nearly a year, including two public comment periods, a public hearing, several information sessions from relevant experts,² and extensive research by Department of Environmental Protection (DEP) staff,³ all of which are publicly available.

LD 2261 would retroactively classify this rulemaking as major substantive in a clear effort to undermine an ongoing rulemaking that thousands of Maine people, including many legislators, have taken part in, as well as make all future rulemakings on this issue major substantive, a sweeping change to how Maine has steadily improved air quality and lowered fuel costs for drivers for decades.

Much of the opposition and public debate around these standards has unfortunately been based on misinformation, so I want to briefly set the record straight.

¹ <https://legislature.maine.gov/bills/getPDF.asp?paper=HP1451&item=1&snum=131>

² Presentation to the Board of Environmental Protection from the Governor's Energy Office, the Maine Department of Transportation, the Efficiency Maine Trust, and Northeast States for Coordinated Air Use Management (NESCAUM). <https://www.maine.gov/dep/ftp/rulemaking/127A/public-comment/Support/NRCM%20comment%20in%20support%20of%20127-A%20appendix%20B.pdf>

³ DEP Response to Comments (Reposting) 2024.

[https://www.maine.gov/dep/bep/2024/03-20-24/Chapter%20127-](https://www.maine.gov/dep/bep/2024/03-20-24/Chapter%20127-A%20Basis%20Statement%20and%20Response%20to%20Comments.pdf)

[A%20Basis%20Statement%20and%20Response%20to%20Comments.pdf](https://www.maine.gov/dep/bep/2024/03-20-24/Chapter%20127-A%20Basis%20Statement%20and%20Response%20to%20Comments.pdf)

1. Electric vehicles save Maine people money. On average, driving an electric vehicle is equivalent to paying about \$1.25 a gallon for gas. Drivers save roughly \$20-\$30 every time they fill up their car.
2. Electric vehicles cost less to fuel and maintain than combustion engine vehicles.
3. EVs create no tailpipe pollution and are better for Mainers' health. Between the health, fuel savings, and other benefits, the clean cars rule is expected to bring \$16.9 billion in benefits to Maine.⁴
4. The average cost of a new EV was within 4% of the average cost of a gas car at the end of 2023. Several models are already below price parity, and EVs are widely expected to be below the cost of a gas equivalent in the next few years as battery manufacturing expands, and before this standard takes effect in 2028.
5. Clean cars standards would expand consumer choice. Manufacturers serve markets with high standards first. Manufacturers delivered two-thirds of all EVs in the United States to the 12 states that adopted the last program, and through June 2023, manufacturers sent 40% of all zero-emission trucks to 8 states with clean trucks standards.⁵
6. Nobody is required to buy an EV with these standards. They prevent manufacturers from leaving Maine out as our neighbors get cleaner air and vehicles that are cheaper to fuel and operate. The standards phase in slowly, starting in model year 2028, and don't apply to used vehicles.
7. Actual Mainers that drive EVs all over Maine love them. We asked. NRCM's 2022 survey of all Mainers who own EVs showed that 98% would recommend an EV to a friend or family member.⁶

The BEP, supported by DEP staff, is well equipped to make decisions informed by science and evidence, as well as through public input. In the attached response to comments document that was assembled by DEP staff, they painstakingly respond to every comment they receive, whether based on disinformation or legitimate concerns.

The Legislature first authorized the adoption of higher tailpipe pollution standards like these in the 1990s, as major substantive rules. In 2005, the Legislature removed the requirement for these rules to be major substantive. You all as legislators have very full plates, and it is not necessary to add an additional step when the BEP has, for decades, capably adopted standards that save Mainers money, improve health and air quality, and protect the environment and climate.

Undermining a year-long deliberative process through last-minute retroactive intervention is a bad approach to policy. Putting up obstacles to adopting critical climate⁷ and consumer-choice policies going forward would set Maine back, put the achievement of our statutory climate

⁴ Study conducted by The ERM International Group Limited on behalf of the Conservation Law Foundation, 2023. <https://www.clf.org/wp-content/uploads/2023/08/ME-ACCII-FullStudy.pdf>

⁵ CALSTART Zeroing in on Zero Emission Trucks Report, 2024. https://calstart.org/wp-content/uploads/2024/01/ZIO-ZET-2024_010924_Final.pdf

⁶ NRCM Maine Electric Vehicle Owner Survey, 2022. <https://www.nrcm.org/programs/climate/cleaner-transportation/2022-maine-electric-vehicle-survey/>

⁷ Clean Transportation Roadmap, 2021.

<https://www.maine.gov/future/initiatives/climate/cleantransportation>

targets in jeopardy, and will leave Maine people out of the benefits of the clean energy transition in a way they will feel every time they pay more at the gas pump.

We urge the Committee to vote Ought Not to Pass on LD 2261. Thank you for the opportunity to testify, and I would be happy to answer any questions you have.