



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM  
COMMISSIONER

TESTIMONY  
OF  
JEFFREY S. CRAWFORD  
DIRECTOR, BUREAU OF AIR QUALITY  
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

SPEAKING AGAINST L.D. 1138

AN ACT TO REDUCE POLLUTION ASSOCIATED WITH TRANSPORTATION IN  
ALIGNMENT WITH THE STATE'S CLIMATE ACTION PLAN

PRESENTED BY SEN. BRENNER  
BEFORE THE JOINT STANDING COMMITTEE  
ON  
TRANSPORTATION

DATE OF HEARING:

May 1, 2025

Senator Nangle, Representative Crafts, and members of the Committee, I am Jeffrey S. Crawford, Director of the Bureau of Air Quality at the Department of Environmental Protection, speaking against L.D. 1138.

Before proceeding with the Department's specific concerns with this proposal, I think it would be helpful to provide a little background for the Committee. In 2023, I was asked

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826

BANGOR  
106 HOGAN ROAD, SUITE 6  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

PORTLAND  
312 CANCO ROAD  
PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769  
(207) 764-0477 FAX: (207) 760-3143

to co-chair the Maine Climate Council's Transportation Working Group (TWG) along with Joyce Taylor, Chief Engineer at the Maine Department of Transportation (MDOT). The TWG is one of six Climate Council working groups and was charged with evaluating and recommending short- and long-term mitigation strategies to reduce gross and net annual greenhouse gas emissions from Maine's transportation sector, as well as evaluating and recommending short- and long-term strategies and actions for adaptation and resilience to climate change. TWG convened numerous times between November 2023 and May 2024, and reached consensus on a number of strategies to reduce greenhouse gas (GHG) emissions from the transportation sector.

The TWG recommended actions to implement each strategy, including a recommendation that transportation projects adding new capacity invest in modes, projects, and/or programs that offset those modeled emissions. This recommendation was adopted by the Maine Climate Council and incorporated in Maine Won't Wait 2.0<sup>1</sup> as the following action:

"Invest in clean transportation programs and projects that offer low-carbon alternatives to help offset emissions from other transportation projects that could increase vehicle traffic."

The back story is important, for although the TWG and Maine Climate Council endorsed the concept of mitigating modeled GHG increases from new capacity, the bill before you goes far beyond the actions discussed and approved by the Maine Climate Council. I am going to defer to my colleagues from MDOT to elaborate on their concerns about other sections of this bill, and focus on Section 6, which requires the Department of Environmental Protection to adopt rules establishing greenhouse gas emissions limits

---

<sup>1</sup> <https://www.maine.gov/climateplan/sites/maine.gov.climateplan/files/2024-11/MWW 2024 Book 112124.pdf>

specific to different source categories within the transportation sector that are designed to be achieved through biennial targets imposed over a 10-year period.<sup>2</sup>

Although Maine's Climate Action Plan includes a wide range of recommendations regarding regulatory measures and other State actions to ensure attainment of the statewide greenhouse gas emission limits, it does not establish *sector-specific* emission targets. Statewide greenhouse gas emission limits are established in statute at Title 38 Section 576-A, which specifies statewide gross (or aggregate) greenhouse gas emission reduction goals<sup>3</sup> which include all statewide emissions. Although the statute states that future rulemaking should prioritize greenhouse gas emission reductions by sector, it does not require specific reduction goals by sector.

Mandating sector-specific emission reduction targets (in this case the transportation sector) could significantly reduce our ability to best leverage either existing or future greenhouse gas abatement opportunities, whether regulatory or non-regulatory in nature. The transportation sector provides a case in point for greater, not lesser flexibility in achieving greenhouse gas emission reductions. Although Maine's Climate Action Plan identifies the policies, programs, and regulatory changes needed to continue decarbonizing Maine's transportation sector in coming years, our implementation of these recommendations may be significantly hampered by funding limitations and an uncertain federal regulatory environment.

Sector specific targets, even if non-binding, could also further expose the Department and state to disruptive legal actions that do nothing to further our greenhouse gas reduction goals. In April 2024, a group of environmental organizations sued the Department and the Board of Environmental Protection for failing to adopt rules

---

<sup>2</sup>These limits would be established to ensure compliance with established gross and net annual greenhouse gas emissions levels and with the transportation-specific greenhouse gas emissions reductions projections established in the climate action plan under the Maine Revised Statutes, Title 38, section 577, subsection 5-A.

<sup>3</sup> The Department's 06-096 C.M.R ch. 168 Statewide Greenhouse Gas Emission Regulation (effective date 11/28/21) quantifies the statutory GHG percentage reduction requirements as 14.41 and 25.62 MMTCO<sub>2e</sub> for 2030 and 2050 respectively.

ensuring compliance with the greenhouse gas emission goals established in Maine's Greenhouse Gas Law (38 M.R.S. §576-A). In their suit, the Plaintiffs alleged that the Department and the Board of Environmental Protection (Board) are obligated under existing statute to adopt rules to ensure compliance with Maine's Climate Law requirements and asked the Court to order the Board to adopt rules ensuring compliance with Maine's Climate Law requirements and prioritize emissions reductions from the transportation sector, including the adoption of the Advanced Clean Cars II program or alternative rules providing similar emission reductions from the transportation sector. On December 6, 2024, the Court dismissed the Plaintiff's case for lack of standing, but the plaintiffs subsequently filed a motion to amend their complaint and address their standing in late December.<sup>4</sup> As of May 1, 2025, the Court has not ruled on the merits of the amended motion.

In closing, we feel that we have ample direction from Maine Won't Wait 2.0 to take meaningful action; the policies recommended in Maine Climate Plan are already based on sector-specific emissions reduction goals. The Department currently reports Maine's progress toward meeting the State's greenhouse gas reduction goals and progress toward implementing the Climate Action Plan. Our most recent report, published in 2024, provides a quantitative evaluation of Maine's progress toward meeting the statutory goals. Targets, even non-binding ones, will not further these efforts.

Thank you for your consideration in allowing this testimony. I'm joined here today by the Bureau of Air Quality's Allison Montgomery, and together we would be happy to answer any questions that you might have.

---

<sup>4</sup> As of May 1, 2025, the Court has not ruled on the merits of the amended motion.