



October 1, 2012

By E-Mail and First Class Mail

Deborah Markowitz, Secretary
Vermont Agency of Natural Resources
103 South Main Street, Building 3 South
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Re: Proposed Amendments to Subchapter XI, Low Emission Vehicle Rules, Vermont Air Pollution Control Regulations

Dear Secretary Markowitz:

Please accept these public comments in full support of the proposed amendments to the Low Emission Vehicle (LEV) Rules, Subchapter XI of the Vermont Air Pollution Control Regulations, to incorporate by reference the 2012 revisions to the California Air Resources Board (CARB) regulations known as the Advanced Clean Cars Program (ACCP). We thank the Agency for this opportunity to provide public comment.

Vermont has a long history of support for encouraging cleaner transportation and supporting California's mobile source emissions standards. Vermont adopted the California motor vehicle emission standards in 1996 and since that time has regularly amended its LEV rules to remain consistent with California's standards, most recently in 2008. The transportation sector is responsible for nearly half of Vermont's greenhouse gas emissions, making these emission controls vital to achieve Vermont's greenhouse gas reduction goals. The greenhouse gas reductions contained in the proposed amendments are expected to reduce new passenger vehicle carbon dioxide emissions from their model year 2016 levels by about 32-36% by model year 2025. Additionally, the new standards are anticipated to reduce NO_x emissions by approximately 37% and PM_{2.5} emissions by 10% by 2035 (as compared to 2035 without the standards in effect). Adoption of the ACCP would also reduce costs for Vermont consumers due to improved efficiency, extended warranties, and reduced vehicle maintenance.

In general, the states are preempted from regulating mobile source emissions. 42 U.S.C. § 7543; Clean Air Act, Title II, Part A, § 209. However, California enjoys a unique exemption from that preemption so long as its mobile source emissions standards are "at least as protective of public health and welfare as applicable Federal standards." *Id.* Section 177 of the Clean Air Act allows states other than California to adopt mobile source emission standards that are more stringent than federal standards only if they are "identical to the California standards for which a waiver has been granted for such model year." 42 U.S.C. § 7507; Clean Air Act, Title I, Part D, § 177. Vermont is a "Section 177" state.

The ACCP consists of three parts:

1. Reduced criteria pollutant emission standards beginning in model year (MY) 2015, emissions labeling requirements, and greenhouse gas emissions standards for passenger vehicles, phased in between 2017-2025 ("LEV III");
2. Amendments to current zero emissions vehicle (ZEV) regulations for MY 2009-2017, and ZEV regulations for 2018 and subsequent years; and
3. California's greenhouse gas emission standards adopted in 2009 and 2010 for MY 2009-2016 passenger vehicles.

The Agency proposes to amend its LEV Rules to incorporate the ACCP by reference. The undersigned organizations believe that these amendments to the Vermont LEV Rules take great strides toward managing mobile source pollution in the state by improving air quality in order to protect public health as well as reducing climate change impacts from the transportation sector. The GHG reductions that would result from adoption of the ACCP will serve the important function of helping Vermont meet the greenhouse gas reduction and renewable energy goals established in 10 V.S.A. § 578(a) and Vermont's Comprehensive Energy Plan, including the overall goal that 90% of energy consumed be renewable by 2050 and petroleum consumption reduction goals for the Vermont transportation sector. Given the necessity for these projected emissions and energy consumption reductions, we strongly urge the Agency to proceed with this regulatory process as expeditiously as possible.

In addition to expressing support for adoption of the ACCP in Vermont, we encourage the administration to take additional steps to affirmatively pursue the development of a robust

infrastructure for low and zero emissions vehicles in the state. Because of the “travel provision,” manufacturers have been able to meet ZEV production requirements for Section 177 states by placing vehicles mostly in California. This can hinder Vermont’s ability to experience the full environmental and economic benefits of electric vehicle (EV) deployment that are available through the ACCP.

It is important to reduce barriers to EV purchase and use by expanding the necessary infrastructure for ZEVs in Vermont –for example, by establishing targeted additional financial incentives for personal EV purchases, reducing regulatory barriers for EV home charging, and reducing costs for off-peak charging. Absent such improvements, ZEV manufacturers may continue to place vehicles in California, where EV infrastructure is more broadly deployed and purchasing is more commonplace.

While the new Optional Section 177 State Compliance Path may help place some additional EVs into our region, the travel provision remains in place until at least MY 2017. Unless Section 177 states make a real commitment to expanding EV infrastructure going forward, manufacturers may choose to focus on other regions, preventing Vermont from realizing to the fullest extent the potentially transformational benefits of the ACCP. Accordingly, we urge you to carry forward your commitment to improving public health and reducing GHGs from the transportation sector by taking additional steps to advance policies in Vermont that will encourage EV purchases and infrastructure development.

We are grateful for the Agency’s efforts to advance this important program, and look forward to working together in the coming months and years to promote advanced clean vehicles in Vermont.

Sincerely,

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