



January 23, 2024

Lynne Cayting
Chief, Mobile Sources Section, Bureau of Air Quality
Department of Environmental Protection
17 State House Station
Augusta, ME 04333-0017

SUBMITTED ELECTRONICALLY TO: lynne.a.cayting@maine.gov and rulecomments.dep@maine.gov

Re: Reposting of the Proposed Rulemaking to Adopt 06-096 C.M.R. Chapter 127-A, Advanced Clean Cars II Program—Comments in Support

Rivian Automotive, LLC, (“Rivian”) is pleased to comment in support of the proposed rulemaking to adopt the Advanced Clean Cars II (“ACCII”) Program (formally noticed as 06-096 Chapter 127-A, Advanced Clean Cars II Program), recently re-posted by the Department of Environmental Protection (“DEP”). Following the postponement in December of the Board of Environmental Protection’s (“BEP’s”) scheduled vote on the proposal, Rivian acknowledges that the re-posted ACCII rule now begins in Model Year 2028 (“MY2028”) in accordance with lead-time requirements under federal law. Our position is fundamentally unchanged from that presented in our comments and testimony in 2023: Rivian strongly supports Maine’s proposed actions as part of a comprehensive strategy for addressing climate change and improving air quality in the state. The proposed vehicle emissions standards are a crucial tool at the disposal of the DEP and the state. While it is regrettable that implementation of the rules has been delayed by a year, adopting the ACCII standards beginning in MY2028 will nonetheless be a clear and crucial victory for the climate, public health, and the continued growth of the clean energy economy. **We respectfully urge the BEP to vote in favor of the regulatory proposal at the earliest opportunity this year.**

Keep the World Adventurous Forever

Founded in 2009, Rivian is an independent U.S. company. With over 16,000 employees across the globe, Rivian’s mission is to Keep the World Adventurous Forever. Rivian’s focus is the design, development, manufacture, and distribution of all-electric adventure vehicles, specifically pickups, sport utility vehicles (“SUVs”), and commercial vans. Key to the success of our mission, these vehicles will displace some of the most polluting conventional vehicles on the road today.

Rivian brought the first modern electric pickup to market in 2021 when we launched the R1T from our manufacturing facility in Normal, Illinois, followed shortly thereafter by the R1S SUV and the EDV commercial van for Amazon. The R1T and R1S provide all-electric options in segments where added utility is a necessity. The R1T has an EPA-certified range of up to 410 miles. The R1S is certified at up to 400 miles. The truck also features 11,000lbs of towing capacity, while the R1S is a seven-passenger full-sized SUV. Both are well-equipped for off-roading in a range of climates. Separately, our Class 2b and 3 commercial vans eliminate tailpipe emissions from last-mile delivery. Rivian is committed to producing 100,000 vans for our launch customer, Amazon, with more than 10,000 already in service in more than 800 U.S. cities. Beginning in January 2024, the van is now available for purchase by other fleet customers in addition to Amazon. Beyond our vehicle lineup, Rivian is also building a network of DC fast chargers across the country

known as the Rivian Adventure Network (“RAN”).

Rivian Strongly Supports Maine’s Adoption of the ACCII Regulations

Rivian’s mission to Keep the World Adventurous Forever is made manifest in its commitment to the environment and addressing climate change. We strongly support programs of ambitious emissions regulation and zero-emission vehicle (“ZEV”) sales requirements as core to our values and vision for the world. As we outlined in our comments and hearing testimony in 2023, implementation of ACCII in Maine will drive critical reductions in GHG emissions and air pollution in the state, setting the state’s new vehicle market on a course to achieve 100 percent ZEV sales in MY2035. The standards also set new limits on criteria emissions from conventional light- and medium-duty vehicles.

Expert testimony heard at the BEP hearing in August 2023 reinforced that the ACCII standards are feasible. The regulations were designed with compliance in mind and feature a variety of provisions aimed at supporting automakers, who are the regulated entities under the rule, in achieving the sales targets. Notably, even the conventional auto industry does not oppose ACCII.

The Rivian product line exemplifies how EV technology can succeed in a variety of applications and settings, including Maine. Indeed, EVs now dominate vehicle markets in countries and regions around the world with extreme weather and demanding terrain, like Norway and Iceland. We look forward to seeing Maine’s EV market grow in similar ways in response to the promulgation of these rules. For a detailed response to two commonly cited technical concerns regarding EVs, please refer to comments previously submitted by Rivian in response to the BEP regulatory proceeding considering the Advanced Clean Trucks rule in the fall of 2021. We incorporate those comments by reference into this submission.¹

The proposed ACCII rules are necessary for meeting various legal requirements and state objectives. Specifically, Maine law establishes mandatory decarbonization targets and directs the DEP to ensure compliance and prioritize emissions reductions from the most polluting sectors.² The proposed rules will also help deliver on the state’s transportation electrification goals as outlined in the action plan of the Maine Climate Council.³ With transportation accounting for 49 percent of the state’s CO₂ emissions from fossil fuel combustion, Maine cannot afford to leave any emissions reductions in this sector on the table.⁴

The ACCII regulations offer additional benefits. These include consumer assurance measures (for example, minimum battery warranties and durability standards) and long-term market certainty. Unambiguous regulatory requirements for ZEV sales are key not only for orienting capital investment in the vehicle industry but also for supporting long-range infrastructure planning by charging providers, utilities, and grid

¹ Tom Van Heeke, Rivian Automotive, LLC, *Re: Comments of the Maine Business Coalition on 06-096 Chapter 128, Advanced Clean Trucks Program, the Proposed Rule to Adopt California’s Advanced Clean Trucks Program* (December 15, 2021), submitted by email to Lynne Cayting, Maine DEP.

² 38 M.R.S. §576-A.

³ Maine Climate Council, *Maine Won’t Wait: A Four-Year Plan for Climate Action* (December 2020), available at www.maine.gov/climateplan/sites/maine.gov.climateplan/files/inline-files/MaineWontWait_EXSum.pdf.

⁴ Maine DEP, Bureau of Air Quality, *Ninth Biennial Report on Progress toward Greenhouse Gas Reduction Goals* (July 2022), available at www.maine.gov/dep/commissioners-office/kpi/details.html?id=606898.

operators.

The need for regulatory certainty is just one reason why Rivian respectfully urges the BEP to act with speed in 2024 to finalize the rules. The unforeseeable statewide emergency in December unfortunately delayed the BEP vote and thus led to a knock-on delay in the rule's implementation year due to statutory lead-time requirements under federal law. This unavoidably injects some uncertainty into the market and could chill investment. The sooner the BEP votes to adopt the rules this year, the better.

Voting to adopt ACCII will build on Maine's existing track record of success. Maine already enforces the ACCI standards for ZEVs—the precursor regulatory program to ACCII. Implementing ACCI laid a strong foundation; adopting ACCII will cement Maine's place as a true climate leader.

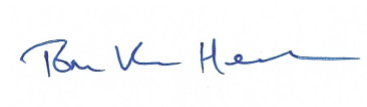
Conclusion

Rivian applauds the DEP's proposed adoption of the ACCII regulations beginning with MY2028. Rivian's products are proof that now is the time to move forward with the ACCII program.

We appreciate the DEP reposting the regulation for comment in the wake of the delayed BEP vote in December. In addition to the comments newly received this month, Rivian encourages the agency and the BEP to also refer to the detailed comments and testimony provided to board members in August 2023 that together demonstrated the breadth and depth of support for the rules. The fundamental facts and support voiced in those proceedings have not changed. We look forward to an expeditious review of the comment submissions and urge a rescheduled vote in support of the rules at the earliest opportunity.

Please contact me with any questions. Rivian looks forward to working with you to accelerate transportation electrification in Maine.

Sincerely,



Tom Van Heeke

Senior Policy Advisor

Rivian Automotive, LLC

tvanheeke@rivian.com | 641-888-0035