

February 5, 2024

Maine Board of Environmental Protection  
17 State House Station  
28 Tyson Drive  
Augusta, Maine 04333-0017

RE: Proposed Chapter 127-A: Advanced Clean Cars II Program—Reposting

Dear Chair Lessard and members of the Board of Environmental Protection:

On behalf of The Nature Conservancy in Maine, thank you for the opportunity to again provide comment on the proposed Chapter 127-A, Advanced Clean Cars II (ACC II) Program.

The Nature Conservancy (TNC) is a nonprofit conservation organization dedicated to conserving the lands and waters on which all life depends. Guided by science, we create innovative, on-the-ground solutions to our world's toughest challenges so that both nature and people can thrive.

TNC has been a leader in conservation in Maine for more than 60 years and is the 12th largest landowner in the state, owning and managing roughly 300,000 acres. We also work across Maine to develop innovative solutions to address climate change, including through our service on the Maine Climate Council and as former co-chair of the Council's Transportation Working Group.

**TNC supports the adoption of Chapter 127-A. The proposed rule supports Maine's statutory GHG emissions reduction requirements and climate goals while preserving the ability to conduct a midway review of the program. This approach is unique to Maine and gives us additional flexibility while maintaining the benefits other states<sup>1</sup> are already seeing from ACC II.**

TNC would like to reaffirm our comments submitted during the August rulemaking for ACC II which state that accelerating Maine's transition to electric vehicles is a key strategy identified by the Climate Action Plan to reduce greenhouse gas emissions from the transportation sector. Further, Maine's Clean Transportation Roadmap found that ACC II was one of the "most critically important [strategies] in terms of impact on GHG emissions."<sup>2</sup>

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<sup>1</sup> In our region alone, Vermont, Massachusetts, New York, New Jersey, Maryland, Delaware, and Virginia have passed ACC II legislation.

<sup>2</sup> *Maine Clean Transportation Roadmap* (December 2021), p. 53,  
<https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/Maine%20Clean%20Transportation%20Roadmap.pdf>

The proposed Chapter 127-A rule continues to move us toward our goals while tailoring the approach to Maine. Our version would differ from the ACC II program adopted in other states by building in a midterm review in 2028 rather than committing Maine to a 2035 goal. Otherwise, the basics remain the same. **We suggest that the draft rule be edited to require the midterm review of the program be due no later than December 31, 2028.** The current draft rule requires a midterm review due by January 1, 2028 and while model year 2028 cars will have been available since 2027, the current “review by” date doesn’t feel like an adequate length of time to thoroughly review the “technical feasibility, cost-effectiveness, air pollution reductions, and availability of vehicles for subsequent model-years” as stated in section 11 of the proposed rule.

Adopting new technology comes with risks and unknowns, and despite its clear focus on manufacturers, the proposed rule will inevitably have an impact on Maine automobile dealers and the state’s new and used vehicle markets. There are also implications for Maine’s electrical grid, as well as a need for improvements to the state’s vehicle charging infrastructure. **The 2028 midterm review is an important Maine specific provision to this policy as it will allow us to thoughtfully consider and address any challenges that arise, and changing the date of review from January 1, 2028 to later in 2028 will allow adequate time to complete this review.**

Supporting the transition to zero-emissions (ZEV) technology in the light-duty sector will be needed to meet Maine’s statutory GHG emissions reduction requirements of 45 percent from 1990 levels by 2030 and 80 percent by 2050.<sup>3</sup> Adoption of the proposed Chapter 127-A: Advanced Clean Cars II Program will help Maine meet these goals, improve air quality and public health, and send clear, long term signals to automakers to increase deliveries of EVs to our state. **The proposed rule allows Maine to benefit from ACC II while maintaining our independence to review and adjust along the way.** TNC supports this approach and the proposed Chapter 127-A rules.

Thank you again for the opportunity to provide comments. We appreciate your consideration.

Sincerely,



Karen Blakelock  
Climate and Energy Policy Advisor  
The Nature Conservancy in Maine

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<sup>3</sup> MRS 38 §576-A