

August 27, 2023

TO: Lynn Caiting, Maine Department of Environmental Protection
FROM: Maria Fuentes, Executive Director, Maine Better Transportation Association
RE: Comments on Chapter 128 Rule

On behalf of Maine Better Transportation Association (MBTA), and our 650 members, I am submitting these comments in opposition to the Chapter 128 draft rule proposing to establish a program to reduce emissions from on-road vehicles with a gross vehicle weight of over 8,500 pounds by incorporating the requirements of the Advanced California Clean trucks regulation. We understand the goal of the petition, brought on by the Sierra Club, Conservation Law Foundation, and the Natural Resources Council of Maine, is to accelerate the sales of zero-emission vehicles beginning in 2027. The goal may be well-meaning, but we don't believe it is possible, and instead could wreak havoc on the state's economy, including businesses, municipalities, and consumers who would be impacted by this.

MBTA is a statewide coalition made up of organizations and individuals who plan, design, build, maintain, operate, and use Maine's transportation infrastructure network. Members include design engineers, transportation contractors and equipment dealers, airports, shippers, marine and bus companies, public works officials and others committed to advocating for long-term funding for the state's transportation network to improve the quality of life and enhance the economy for Maine people.

We want to start by thanking the Administration of Governor Janet Mills for creating a process to air our concerns, following the 2021 rulemaking process which took members of the transportation industry by surprise. Commissioner Loyzim had told a stakeholder group of impacted parties created in 2022 and overseen by MaineDOT's Joyce Taylor, that the Administration would let the business community know up front if these rules were to be proposed again. While the current process was forced by petition, and not the Administration, we remain grateful to MaineDEP, MaineDOT, and GOPIF for communicating with us as this emerged.

MBTA, like all the associations we have worked with on this issue, support reducing greenhouse gas emission generated by the transportation sector. We were pleased to be part of the Maine Climate Council's Transportation Working Group. However, we don't believe the time is right to force California truck rules on Maine now. Businesses must have a process in which they understand how new regulations will impact their operations and should have a say in their choice of vehicles to run their companies and improve Maine's transportation system. If adopted, the Chapter 128 e rules would be a major policy change, and as such, we believe it should have been considered a major and substantive rule as opposed to a minor and technical one.

First off, there is profound concern about the power grid in Maine and elsewhere. Maine's current grid is not equipped to service heavy-duty electric trucks, not only those used for long-haul trucking, but also for equipment and trucks used in some of the state's core businesses: forestry and logging, construction, agricultural and fishing, and many others that don't have the luxury to have to stop daily operations to have to charge their vehicles.

Additionally, Maine's charging infrastructure isn't advanced enough. Maine clearly doesn't have enough charging stations to accommodate tractor-trailer trucks and other vehicles weighing over 8,500 pounds, so many fleets would have to alter and extend routes in order to accommodate charging, costing more time and money for businesses and consumers.

Electrification technology is changing rapidly, and as that happens, businesses and consumers deserve the opportunity to evaluate how this decision might affect their daily lives and daily operations. Range anxiety is real, and there are many questions relating to whether there is sufficient power, whether maintenance crews are ready for electric equipment, what changes in routes and other operations will be required due to depleted range, or how much product can be transported with additional weight from the battery.

MBTA understands that there may be savings associated with not having to buy fuel, but these could be offset and made much worse with the uncertainties we have of electric vehicles. The costs of ZEVs are significantly higher than gas and diesel vehicles, so it is impossible to make a determination on costs, especially if the appropriate charging infrastructure is not available, or if there are not enough technicians who are able to maintain vehicles, given the workforce shortage all industries are experiencing.

MBTA is also unaware how accessory equipment like snowplows, cranes, and dump trucks will operate under battery power. What downtime will be needed to ensure the equipment can safely operate? We understand that trucks could lose 40% of battery power during cold weather,

Further, we do not know how much product a Zero Emission Vehicle truck can carry. A semi-truck, including cargo, has weight limitations depending upon its configuration. The battery in a ZEV can weigh 1,600 pounds, significantly reducing the total allowed payload weight. Ultimately, this means less cargo in each load, impacting revenues for Maine trucking companies who already operate on razor-thin margins. It also means more trucks on the road to deliver the same amount of goods to Maine people, more traffic, and higher costs for Maine consumers.

Instead of adopting California policy that doesn't make sense for our state, let's allow the market in Maine to evolve and the infrastructure time to get prepared. There is clearly a place for medium and large ZEV trucks, and we believe they will have a meaningful role in decarbonizing the transportation industry. In fact, there are many applications where they already make sense. School districts across the state have been awarded rebates to purchase electric school buses. Short trips around town to bring students to and from school makes sense for this technology. Logistically the buses can charge in between shifts and be ready to go without issue.

The law of unintended consequences may prove that if Maine moves forward with the California rule, businesses could face hardships – being passed on to consumers – that could have been completely foreseeable and avoidable. For these reasons and more, we are opposed to the Chapter 128 rules before the Maine Board of Environmental Protection.

Electric vehicles are an exciting new technology capable of reducing carbon emissions, but Maine is simply not ready to adopt the California Advanced Clean Trucks rule. That's why it is a bad idea for Maine. Thank you.

Commented [BP1]: <https://www.businessinsider.com/electric-trucks-longhaul-batteries-tesla-heavy-cargo-weight-problem-2023-2>

Commented [BP2]: This is something that can be different for different trucking companies of different sizes, different routes, commodities hauled, etc. It might be better to say "Ultimately, this means less cargo in each load, impacting revenues for Maine trucking companies already struggling to keep up with inflationary pressures."