

August 28, 2023

via e-mail

Maine Board of Environmental Protection
Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333

Subject: Comments Regarding Proposed Chapter 128, *Advanced Clean Trucks Program*

Dear Chair Lessard and Members of the Board of Environmental Protection,

The undersigned groups write to thank the Board of Environmental Protection (Board) and the Department of Environmental Protection (Department) for commencing the rulemaking process for the Advanced Clean Trucks (ACT) Program, as well as to respectfully urge you to promulgate and implement this rule before the end of 2023.

Adoption of the Advanced Clean Trucks Program is necessary to combat the climate crisis and meet the state’s statutory climate pollution levels.

It is imperative for Maine to adopt the ACT rule in 2023 to achieve the mandatory decarbonization targets set forth in law. In 2019, bipartisan majorities of the Maine Legislature passed a new climate law to reduce greenhouse gas emissions by 45% in 2030 and 80% in 2050. 38 M.R.S. § 576-A (1), (3). Since then, Maine has also established a net-zero emissions target by 2045. *Id.* § (2-A). Maine law charges the Department with ensuring compliance with the state’s greenhouse gas levels and requires the agency to prioritize emissions from sectors that are the most significant sources. *Id.* § (4).

The transportation sector accounts for nearly half of Maine’s carbon dioxide equivalent (“CO₂e”) emissions from fossil fuel combustion. [Maine Won’t Wait, A Four-Year Plan for Climate Action](#) sets forth aggressive electrification goals based on pathway modeling showing that rapid and widespread distribution of electric vehicles is necessary to reduce emissions as the law requires. For heavy-duty vehicles, that means 55% of new sales would need to be zero emission by 2030, and 100% by 2050. The [Maine Clean Transportation Roadmap](#) is the state’s plan for hitting those goals, and emphasized the ACT as a key policy for doing so—though it also illustrated that the rule, absent complementary policies and approaches, would be inadequate to hit those numbers. Thus, to have a shot at reducing emissions 45% by 2030—now less than seven years away—the Department must adopt the ACT rule this year.

Adoption of the ACT would help address air pollution and improve Mainer’s health.

Reliance on fossil fuel vehicles not only contributes to climate change and a dependency on out-of-state fossil fuel companies, but also worsens Maine’s air quality. On-road vehicles are a significant source of toxic pollutants that are harmful to human health. The transportation sector’s detrimental impact on air quality and health is an urgent crisis that must be addressed immediately.

Medium- and heavy-duty trucks are some of the dirtiest vehicles on the road. According to a recent [American Lung Association report](#), they were only 6% of the vehicles on the road in 2020 but generated 59% of ozone- and particle-forming NO_x emissions and 55% of particulate pollution. According to a

[Clean Air Task Force analysis](#), diesel pollution from heavy-duty vehicles costs Mainers annually \$290,634,197 in health care costs, 1,032 lost work days, and 6,194 days where poor air quality restricts activity each year. Exposure to air pollution can lead to health problems including increased risk of [asthma, lung disease and cancer](#). In Maine, [40% of counties](#) that reported air quality data received poor grades due to high ozone days from the American Lung Association. By contributing greenhouse gas emissions that worsen climate change, tailpipe pollution also increases the risk of more extreme weather events, including heat waves and wildfires, that further degrade air quality.

Maine has already committed to zeroing out pollution from MHDVs by signing onto the [MHD Zero Emissions Vehicle Memorandum of Understanding \(MOU\)](#) in July 2020. While the MOU was an important first step, Maine must go further and faster to accelerate zero emission medium- and heavy-duty availability and deployment throughout the state. Adopting the ACT is a concrete, durable step that Maine can take now to accelerate transportation electrification and mitigate impacts from tailpipe emissions. An [analysis](#) by the International Council on Clean Transportation found that by adopting the ACT rule, Maine could reduce NOx emissions from medium- and heavy-duty vehicles (MHDV) by 20,440 tons, PM emissions by 182 tons, and well-to-wheel CO_{2e} emissions by 22.13 million metric tons by 2050.

The ACT will help Maine meet its ambitious greenhouse gas emission reduction targets and improve air quality throughout the state. We urge the Department to pair the ACT with targeted deployment policies to deliver outsized climate, health, and economic benefits to historically overburdened communities.

The ACT rule will provide market certainty and attract zero-emission technology investments to Maine.

Maine is ready for the Advanced Clean Trucks Program, which will gradually ramp up availability of zero emission and near-zero emission trucks in the state while providing ample flexibility to enable compliance and to ensure that no clean model is rushed into a job that it's not ready for.

There are already [more than 200 zero emission and near-zero emission](#) medium and heavy duty vehicles available in the U.S., with models for each major segment of the market including transit and school buses, delivery vans, box trucks, and combination trucks. Model availability continues to grow rapidly, while truck manufacturers advance the capacity of the trucks on the market. Zero-emission trucks and buses are increasingly cost competitive with fossil fuel alternatives due to substantial fuel and maintenance cost savings, which is why [major companies, employers, and investors support](#) the ACT rule. According to a recent study done by Roush Industries, [some trucks and buses](#) will be less expensive to purchase and operate than comparable fossil-fuel powered vehicles as soon as 2027.

But for Maine businesses to have the option to choose these, the state must adopt the ACT. According to the [Maine Clean Transportation Roadmap](#), the ACT rule will send clear, long-term signals to automakers to increase deliveries of these vehicles to our state. And those being deployed around the country are going to states with a favorable regulatory environment, including those that have adopted the ACT rule. Vehicle manufacturers and battery makers [plan to invest \\$210 billion](#) in the US to support the electric vehicle transition. The ACT rule will attract more of these dollars to our state, because gradually increasing the supply of zero-emission and near-zero emission trucks and buses along a defined trajectory will provide market certainty for private investments.

In addition to cleaning up the environment and protecting public health, the ACT rule will help drive economic growth in Maine. This is because transitioning to ZEVs will enable significant fuel and maintenance cost savings for fleets, attract large charging infrastructure investments, create high-paying jobs, and can put downward pressure on electricity rates for all customers.

Finally, the rule is technically feasible and cost-effective, with numerous compliance flexibilities built in to help manufacturers meet the requirements. Through these flexibilities, the rule can account for market fluctuations and ease compliance burdens for manufacturers.

Maine must act with haste to reduce emissions from transportation.

We urge the Board and the Department to adopt the Advanced Clean Trucks Program before the end of 2023. Delayed adoption means delayed implementation until model year 2028, and Mainers will continue to lose out on health, climate, and economic benefits. There is no time to lose. We thank the Department and the Board for their work to advance this important rule.

Sincerely,

Acadia Center
Appalachian Mountain Club
Center for an Ecology-based Economy
ChargePoint
Conservation Law Foundation
Friends of Casco Bay
Maine Audubon
Maine Climate Action Now
Maine Conservation Voters
Maine Council for Trout Unlimited
Maine Public Health Association
Maine Youth Action
National Parks Conservation Association
Natural Resources Council of Maine
Natural Resources Defense Council
Physicians for Social Responsibility
Rivian
Sierra Club Maine
Southern Maine Conservation Collaborative
Union of Concerned Scientists