

August 17, 2023

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

RE: Proposed Chapter 128 Advanced Clean Trucks rule

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 comment on the proposed Chapter 128 Advanced Clean Trucks Program (ACT).

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 nature and people can thrive together. Working in more than 70 countries, we use a collaborative approach that engages local communities, governments, the private sector, and other partners.

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 275,000 acres. We also work across Maine to restore rivers and streams, partner with fishermen in the Gulf of Maine to rebuild groundfish populations, and develop innovative solutions to address climate change, including through our service on the Maine Climate Council. In addition to serving on the Climate Council, TNC also co-chaired the Council's Transportation Working Group.

We support the proposed Chapter 128 rule because it will further the goals of the statewide Climate Action Plan, support Maine's statutory GHG emission reduction requirements, and implement a key recommendation from the Maine Clean Transportation Roadmap.

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. One of the three recommendations for accelerating the transition to electric vehicles is to, "By 2022, create policies, incentives, and pilot programs to encourage the adoption of electric, hybrid, and alternative-fuel medium- and heavy-duty vehicles, public transportation, school buses, and ferries."¹ We believe that the ACT rule will be an important policy to encourage the adoption of electric medium- and heavy-duty (MHD) vehicles.

¹ *Maine Won't Wait: A Four-Year Plan for Climate Action* (December 2020), p. 10, https://climatecouncil.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait_December2020_printable_12.1.20.pdf

Supporting the transition to zero-emissions (ZEV) technology in the MHD sector (in addition to 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 2050.² Transportation accounts for 49 percent of Maine's carbon dioxide emissions, and MHD vehicles make up more than one-quarter of transportation sector emissions. As noted by the Department, the rule is expected to reduce CO2 equivalent emissions by 12% by 2050.

Additionally, passage of the proposed Chapter 128 ACT rule would implement a key recommendation in the Maine Clean Transportation Roadmap. In December 2021 the Governor's Energy Office (GEO), the Governor's Office of Policy, Innovation and the Future (GOPIF), and Cadmus (a strategic and technical consultancy group) developed and published the Maine Clean Transportation Roadmap. The report outlines 12 new program recommendations to help meet Maine's GHG reduction goals through clean transportation. **According to the report, "Of these new programs, ACC II and ACT are the most critically important in terms of impact on GHG emissions. Assuming they are adopted and remain unchanged in the future, these two programs together can lead to large reductions in transportation sector GHG emissions."**³

ACT will require manufacturers to sell zero emission vehicles for up to 55% of Class 2b to Class 3 trucks, 75% of Class 4 to Class 8 straight trucks, and 40% of truck tractor sales by 2035. Currently there are more than 200 zero-emission truck and bus models in production, development, or demonstration. These vehicles are available in each major segment of the heavy-duty vehicle market, including transit and school buses, delivery vans, box trucks, and combination trucks. We recognize that adopting new and emerging technology comes with risks and unknowns. These changes will inevitably have an impact on Maine automobile dealers, might not immediately be applicable in all industries or uses, and there is work to do to improve Maine's electrical grid and electric vehicle charging infrastructure. But we also know that there is significant interest in these solutions. Schools all across the state submitted applications through the EPA Clean School Bus program and 34 buses were awarded in 2022. Maine is a leader in this effort - we were ranked #4 in the country for the number of EPA awards per capita in this new program. Maine schools are benefiting from the cost savings and health benefits of their new buses.

The ACT rule is also likely to benefit Mainers' health. A recent study found that diesel-fueled trucks contribute up to half of an urban area's nitrogen dioxide pollution, despite making up only 5% of total traffic.⁴ According to the EPA, nitrogen oxides and particulate matter can cause asthma and other harmful health effects. The Department's modeling shows that by 2050, the ACT rule will reduce nitrogen oxide emissions by 13% and particulate emissions by 10%. This reduction will benefit not

² MRS 38 §576-A

³ *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>

⁴ Demetillo, Harkins, McDonald et al., Space-Based Observational Constraints on NO₂ Air Pollution Inequality From Diesel Traffic in Major US Cities (August 25, 2021), *Geophysical Research Letters*, <https://agupubs.onlinelibrary.wiley.com/doi/10.1029/2021GL094333>.

only those living close to highways and roads; it will also benefit K-12 students across the state, as the ACT rule will require increasing sales of ZEV school buses.

Lastly, it's important to note that the Department is proposing to adopt a rule that has been vetted by regulators in other states. The rule is already on the books in seven states: Washington, Oregon, Massachusetts, New Jersey, Maryland, New York, and California. This rule also builds on the light-duty ZEV rule (Chapter 127) that Maine has had on the books for many years, and which is also based on a California rule.

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

Sincerely,

Kaitlyn Nuzzo

Kaitlyn Nuzzo
Director of Government Relations
The Nature Conservancy in Maine