

Portland Clean Energy Task Force
Regular Meeting Agenda
Mary Flood Room, Portland Library, 6:30pm, November 21, 2023

PRESENT: Andy Bauer, Heather Guilmette, Melissa Kelly, in person, Lou Pear, Kerry Darby via Zoom

ABSENT: Morgan Kennedy, John Rooney

OTHERS PRESENT: Russ Kaplan and John Greeno of East Hampton’s Task Force

1. **CHAIR CALL MEETING TO ORDER:** Andy called the meeting to order at 6:36

2. **ACCEPT AGENDA**
Move: Melissa, 2nd by Kerry
Discussion: None
AYES: 5, NAYS: 0, ABSTAINED: 0

3. **ACCEPT September Meeting MINUTES**
Move: Heather, 2nd by Melissa
Discussion: None
AYES: 5, NAYS: 0, ABSTAINED: 0

4. **PUBLIC COMMENT:**

5. **OLD BUSINESS:**

6. **NEW BUSINESS:**

7. **GENERAL DISCUSSION / COMMUNICATIONS/CORRESPONDENCE:**
The Clean Cars (Advanced Clean Cars II (ACCII) and Advanced Clean Truck (ACT) rules) vote by the Legislature’s Regulatory Review Committee will happen Tuesday, 11/28, in room 1E at the Legislative Office Building in Hartford.

These rules require manufacturers of passenger cars & light-duty trucks (ACCII) and also medium & heavy duty trucks (ACT) to meet an annual Zero Emission Vehicle (ZEV) requirement intended to increase the percentage of electric vehicles sold in Connecticut. It was developed in consultation with car manufacturers and dealers and does not start until 2027, providing time for the industry to transition and for CT’s EV charging network to expand. Please see Page 3 for a broader summary, ‘Zero Emission Vehicles Proposals’, or visit DEEP’s FAQ page at <https://portal.ct.gov/deep/air/mobile-sources/ct-proposed-emissions-standards-for-cars-and-trucks#goals%20feasible?>

CT got to this moment by implementing California's stricter tailpipe emission standards, voluntarily starting in 1994, and mandating this in 2004, which allowed us to tighten auto pollution controls as that technology advanced. Please see Page 4 for a summary, titled 'History of CT Clean Cars'.

The rules are now on the 11/28 agenda of the Legislature's Regulatory Review Committee (LRRC). A non-partisan committee of seven Democrats and seven Republicans, the mandate of the LRRC is to examine laws and regulations before they are enacted to determine whether they follow legislative intent. Because the CT General Assembly has consistently followed the California rules, William Tong, in his capacity as CT Attorney General, has determined ACCII & ACT to have met legal sufficiency.

In a surprise development, several members of the LRRC have publicly opposed the two rules on policy grounds, and are threatening to vote No. This is a first.

In the opinion of the Chair, there is no room in this committee's deliberations for policy preferences given the charge of the LRRC. Further, should policy preferences enter the determinations of the LRRC on this vote, then as few as 8 legislators will be able to overturn the collective will of their 187 general assembly colleagues. The CT Law Tribune Editorial Board has rebuked the opposition's arguments. See Page 5, 'Say 'Yes' to Updating Connecticut Clean Air Regulations' below.

The Chair has communicated these above points to Portland's CGA rep, Christie Carpino, who sits on the LRRC. He is in the process of sending them to all LRRC members and encourages anyone to contact their legislators and weigh in on this matter.

Moving on, the CT Energy Network is hosting a gathering of Energy Task Forces on Saturday, January 20, 2024, at the DeKoven House in Middletown, from 10 – 3. Any interested person is welcome. It's free (donations are appreciated!) and lunch is provided.

Andy will contact Mark Ballou of World Energy to start the process of examining town facilities for Electric Vehicle charger readiness. Ryan Curley and Ryan O'Halpin have been notified and have expressed interest in the findings.

8. ADJOURN MEETING: 7:04

Move: Heather

AYES: 5, NAYS: 0, ABSTAINED:0

Notes taken by Andy

Next meeting is December 19, 2023

Zero Emissions Vehicle (ZEV) Proposals

Advanced Clean Cars II (ACCI) and Advanced Clean Trucks (ACT)
Summarized from [DEEP's FAQ page](#), which has many more details.

What the proposal Does:

Starting in 2027, The proposal requires manufacturers to supply to CT an increasing percentage of zero emission passenger vehicles (ZEVs) and trucks, which include EVs, gas/electric plug-in hybrids, fuel cell vehicles and hydrogen vehicles.

Benefits CT gets with a Yes vote

For cars (passenger cars, vans, SUVs, pickup trucks, aka LDV or light duty vehicles):

- 95% reduction in Smog forming air pollution.
- 90% cleaner tailpipe emissions starting in 2027.
- Protects consumers with stronger warranties for EV batteries.
- Drives down the price of EVs for Low & Middle Income households by crediting manufacturers who make their EVs more affordable.

For Trucks (Medium and Heavy Duty used in contracting and industry):

- 40 - 75% New Zero Emission models by 2035 (this provides flexibility to adopting ZEV Trucks).
- 75% cleaner tailpipe emissions by 2035.
- Superior Warranty for pollution control equipment.

Be on guard: There are plenty of misleading narratives about the ZEV proposal, so:

What the proposal Does Not Do:

The proposal does *not* prohibit owning a gas powered vehicle in CT.

The proposal does *not* prohibit operating a gas powered vehicle in CT.

The proposal does *not* prohibit the purchase of a used gas powered vehicle in CT.

The proposal does *not* prohibit the purchase of a new or used plug-in gas/electric powered vehicle in CT.

What CT squanders by voting No:

CT loses economic gains from the zero emission vehicle infrastructure build out.

CT fails the opportunity to slice 16 gigatons of carbon reduction.

CT fails to clean up our air.

CT misses out on rapid ZEV and ZEV infrastructure development which will go to states that do adopt these standards.

CT residents will pay an estimated \$270 Million more for health care by 2040 due to poor air quality.

Safety Valve:

If we get to a point where it appears that the technology or the infrastructure deployment is such that we would not be able to meet the standards, the standards will change to help suit our needs. This has happened on several occasions in the past with the California standards.

Final Thought, (mine, not DEEP's): I believe the Regulatory Review Committee is on thin ice with a No vote. Both the CGA (through legislation), and the last 5 CT Governors (through EOs or signing bills), have adopted California vehicle emissions standards as they have become cleaner, and so our current DEEP ZEV proposal is in line with CT State Legislative and Gubernatorial intent & past precedence. If I understand the Regs/Review mandate correctly, that is the only criteria for this vote.

History of CT Clean Cars

1967 - Ronald [Reagan](#), Governor of California, enacts that state's first ever stricter tailpipe emission.

1970 - President Richard Nixon creates the [EPA](#) in 1970.

1994 - Under Lowell Wiecker, CT chooses to voluntarily adopted California's tailpipe emission standards

2004 - [CGA passes](#), and CT Governor John Rowland signs into law a mandate for CT to follow California's stricter clean car standards.

2010 - CT Governor Jodi Rell promoted [early adoption](#) of Electric Vehicles in CT.

2012 - CT Governor Dannel Malloy advances [low vehicle emission](#) protections.

2016 - CGA passes “[AN ACT CONCERNING ELECTRIC AND FUEL CELL ELECTRIC VEHICLES](#)”, which collects data on EV charging and requires the Utilities to plan for large scale EV charging.

2018 - CT Governor Dannel Malloy [brings a lawsuit](#) against President Trump's attempt to rollback clean tailpipe regulations.

2022 - CGA passes “[SB 4 An Act Concerning the Connecticut Clean Air Act](#)” to reduce carbon emissions by expanding public and private utilization of electric vehicles in Connecticut to protect human health and the environment..

2023 - CT Dept of Energy & Environmental Protection, as directed by the CGA, [releases proposed Emission standards](#) for Cars and Trucks.

Say 'Yes' to Updating Connecticut Clean Air Regulations

The role of the 14 members of the LRRC is not to substitute their policy preferences for the entire Legislature.

November 20, 2023 at 11:24 AM

By Connecticut Law Tribune Editorial Board | November 20, 2023 at 11:24 AM

The General Assembly's legislative process for reviewing regulations issued by executive branch agencies will undergo its most severe test in recent history when the Legislative Regulations Review Committee convenes Nov. 28 to approve or reject draft regulations issued by the state Department of Energy and Environmental Protection that would update our state's clean air regulations for cars and trucks.

We urge the committee to approve the DEEP's draft regulations based on the attorney general's determination that they are consistent with the 2004 Clean Cars statute that mandated the issuance of updated regulations. We also invite the General Assembly in a future lawmaking session to revisit the Clean Cars statute if it wishes to revise the underlying policy.

The Regulations Review Committee is one of the most powerful yet least prominent committees in the General Assembly because its 14 members act on behalf of the

entire General Assembly on issues of regulatory implementation that rarely command the klieg lights. Authorized by a state constitutional amendment in 1982 and established by statute as part of the Uniform Administrative Procedures Act, the LRRC is responsible for ensuring that an executive branch regulation does not contravene the legislative intent of the statute that authorized the issuance of the regulation.

Unlike other legislative committees, which are created by the Senate and House rules adopted each session to reflect the legislature's partisan balance, the LRRC is a statutory non-partisan committee comprising eight House members (four from each major party) and six Senators (three from each major party) who elect the two co-chairs, customarily a House and a Senate member from differing parties.

The LRCC votes to approve, disapprove or reject without prejudice draft regulations following a public hearing. It does not have the authority to amend or revise a proposed regulation. A key step in the process is the requirement that any regulation, before it is submitted to the LRRC, must receive advance approval from the attorney general of its "legal sufficiency" affirming that it does not conflict with any state statute or federal law. No regulation may go into effect without prior approval from the LRRC unless the committee fails to act.

As a general public policy matter, the draft regulations are necessary to address the strategic target of improving air quality by addressing the impact of the transportation sector. According to the Sierra Club of Connecticut, transportation accounts for 38% of our state's overall greenhouse gas emissions. Tailpipe pollution causes 67% of smog-forming pollution.

The goal of the DEEP regulation to improve air quality by reducing the number of gas-powered cars and increasing the number of electric-powered and other advanced technology vehicles on state roads is consistent with the purpose of the Clean Cars Act. The new standards would be phased in beginning in 2027 reaching a target that would require manufacturers to offer for sale 100% electric vehicles by 2035 for passenger cars (including plug-in hybrids using gasoline) and to offer for sale between 40 per cent and 75 percent EVs for medium and heavy-duty trucks. It would not regulate used vehicles or require anyone to get rid of a car or truck they already own.

Most importantly, we urge the LRRC to strictly adhere to its constitutional and statutory obligation to approve statutorily-mandated regulations that are consistent with the intent of the underlying legislation rather than to assume a general policy-making role it is not authorized to play.

We agree with Attorney General Tong's Oct. 2 determination that the DEEP's draft regulation is "legally sufficient." It is acting properly to implement the 2004 state law "An Act Concerning Clean Cars."

Opponents of the new regulation have questioned whether the 2004 law authorizes the 2023 regulation. But that law required the DEEP to adopt regulations "to implement the

...motor vehicle emission standards of the state of California, and shall amend such regulations from time to time, in accordance with changes in said standards.” The Federal Clean Air Act allows other states to adopt California’s vehicle emissions standards (subject to certain conditions). According to the DEEP, “(T)he California program delivers greater environmental benefits: 42 percent more emissions reductions than federal rules.”

Connecticut is one of 17 states that has adopted California’s emission standards. Our neighboring states in New York and Massachusetts, along with California, Oregon, Washington, and Vermont, have already adopted the new EV regulations.

Regrettably, the proposed regulation has become ensnared in the highly polarized culture wars that color our national politics. Historically, the federal government granted California a “waiver” to adopt a more restrictive emissions standard than the federal standard. But the issue became highly politicized when the Trump Administration attempted to administratively revoke California’s waiver at the request of the auto manufacturers as part of a campaign to diminish the role of federal regulations on industry.

The Biden Administration restored California’s waiver by retracting the Trump repeal effort but now opponents of the DEEP regulation are conducting a highly-partisan disinformation campaign of emails, letters and tweets to pressure the LRRC to exceed its legislative mandate and reject the regulations.

There may well be grounds for legitimate policy concerns over the future role of EVs. One legislator, for example, has questioned whether there will be enough EV charging stations in her rural district by 2035 to make the new regulation viable. But these concerns should be investigated and resolved by the 186-member General Assembly as a whole during the regular law-making process.

The role of the 14 members of the LRRC is not to substitute their policy preferences for the entire Legislature. Their limited authority is to determine whether the DEEP proposal is “legally sufficient” and consistent with the 2004 Connecticut law that adopted California vehicle emissions standards and required that our state’s regulations be updated to implement these standards. It would set a bad precedent if the LRRC rejects a regulation that is consistent with the underlying statute merely because some of its members now hold views that are inconsistent with a previously-adopted law.

We urge the LRRC to vote “yes” on November 28.