

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of the Environment
(DLS Control No. 14-287)**

Overview and Legal and Fiscal Impact

This regulation updates requirements related to zero-emission vehicle standards for passenger cars, light-duty trucks, and medium-duty vehicles to reflect changes in the California Low Emissions Vehicle Program on which Maryland's standards are based.

The regulation presents no legal issue of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of the Environment:

Air Quality: Low Emissions Vehicle Program: COMAR 26.11.34.02

Legal Analysis

Background

In accordance with the federal Clean Air Act, new motor vehicles sold in the United States must be certified by the manufacturer under one of two certification programs: (1) the federal program (Tier 2); or (2) the California Low Emissions Vehicle (CALEV) Program. Section 177 of the federal Clean Air Act Amendments of 1990 provides states with the ability to adopt the CALEV program in lieu of the Tier 2 program, as long as the adopted state program is identical to the CALEV program and the state allows two model years lead time from adoption to implementation.

The Maryland Clean Cars Act of 2007 (Chapters 111 and 112 of 2007) required the department to adopt regulations implementing the CALEV program in the State. Maryland's implementing regulations incorporated, by reference, the applicable California regulations. To retain California's standards and remain compliant with the Clean Air Act, Maryland's regulations must remain consistent with California's regulations.

Summary of Regulation

The regulation incorporates by reference the updated CALEV program regulations regarding zero-emission vehicle standards for passenger cars, light-duty trucks, and medium-duty vehicles. Specific changes to the California program being adopted in the regulation generally include adjustments to the (1) state optional compliance path; (2) minimum zero

emission vehicle credit requirement for manufacturers; and (3) definition of fast refueling for the purpose of determining zero emission vehicle types.

Legal Issue

The regulation presents no legal issue of concern.

Statutory Authority and Legislative Intent

The Maryland Department of the Environment cites §§ 1-404, 2-102, 2-103, 2-301, 2-1102, and 2-1103 of the Environment Article as authority for the regulation. The Secretary of the Environment has broad regulatory authority in § 1-404 to adopt regulations to carry out the provisions of law that are within the jurisdiction of the Secretary. However, the department has specific authority in § 2-1102(a) to establish a low emissions vehicle program that is authorized by § 177 of the federal Clean Air Act and is applicable to vehicles of the 2011 model year and each year thereafter. Further, § 2-1103 authorizes the department to adopt California regulations, procedures, and certification data by reference, in order to minimize the administrative impact of the low emissions vehicle program and to minimize the impact of motor vehicle emissions generated out of state on the air quality of this State. This authority is correct and complete and the regulation complies with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulation has no impact on State or local governments, as it only affects private entities. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulation has minimal or no economic impact on small businesses in the State. The regulation may slightly increase the number of zero emission vehicles sold in the State and is, therefore, unlikely to materially affect small business vehicle dealers or other associated automotive companies. The Department of Legislative Services concurs.

Contact Information

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