

**Committee:** Environment & Transportation  
**Testimony on:** SB224 - Dept. of Environment-Zero-Emission Medium and Heavy Duty Vehicles-Regulation (Clean Trucks Act of 2023)  
**Organization:** Individual  
**Submitting:** Deborah Cohn, Bethesda 20817  
**Position:** Favorable  
**Hearing Date:** March 29, 2023

Dear Mr. Chairman and Committee Members:

Thank you for allowing my testimony today. I urge a favorable report on SB224.

The Clean Trucks Act would require Maryland's Department of the Environment (MDE) to adopt regulations establishing requirements for the sale of new zero emission medium- and heavy-duty vehicles, in effect adopting California's Advanced Clean Truck Rule (ACT Rule). Maryland's ACT Rule would not require local businesses to purchase these zero emission vehicles (ZEVs). Rather, it would require that vehicle manufacturers sell an increasing annual percentage of new zero emission medium- and heavy-duty vehicles between Model Years 2027 and 2035.

**Senate Amendment Requiring a Needs Assessment and Deployment Plan and Authorizing the Maryland Department of the Environment (MDE) to Delay Implementation of the Advanced Clean Trucks Rule**

Adopting the ACT Rule is critical for improving the health of Maryland residents and allowing Maryland to achieve its ambitious fossil fuel reduction goals. SB224 includes an amendment, however, that requires MDE to prepare a needs assessment and deployment plan that considers, *inter alia*, electrical capacity, transmission, distribution demands and hydrogen fueling demands resulting from the ACT Rule, the ability of Maryland's electric utilities, grid and hydrogen infrastructure to meet those demands, the number of recharging and refueling stations, and certain purchase incentives and other funds available to facilitate compliance with the ACT Rule. The amendment authorizes MDE to delay implementation of regulations if MDE determines implementation is not feasible.

This amendment is unnecessary and may render the Clean Trucks Act a nullity. Even absent the amendment MDE would need to take into account several factors, like those specified in SB224, when issuing regulations. Moreover, under the ACT Rule MDE already has the power to delay enforcement of the regulations if circumstances warrant that delay. For the Clean Trucks Act to be meaningful, however, the Environmental Protection Agency (EPA) must determine that the Maryland ACT Rule is sufficiently similar to the California ACT Rule that the Maryland Rule would be covered by the waiver EPA granted to California. EPA never granted a waiver to Maryland, so too great a variance from the California's ACT

Rule would render Maryland's ACT Rule a nullity. Accordingly, before including the Senate amendment within the version of SB224 reported favorably by this Committee, the Committee may wish to confirm with MDE that it anticipates the EPA would conclude that a Maryland ACT Rule satisfying the additional requirements included in SB224, as amended, is sufficiently similar to the California ACT Rule that Maryland's regulation would be covered by the waiver EPA granted to California.

### **Adopting the ACT Rule Critical for Improving the Health of Maryland Residents and Achieving Maryland's Ambitious Fossil Fuel Reduction Goals**

Regardless of what this Committee decides as to the Senate amendment, I urge this Committee to issue a favorable report on SB224. The transportation sector is Maryland's number one generator of climate-damaging greenhouse gas emissions. The state's 2017 Greenhouse Gas Emissions Inventory<sup>1</sup> shows that gasoline and diesel powered on-road and off-road vehicles accounted for roughly 40 percent of state greenhouse gases; the 2020 Greenhouse Gas Emissions Inventory shows emissions from both types of vehicles rising to 46 percent of state greenhouse gas emissions.<sup>2</sup>

Tailpipe emissions from these vehicles are hazardous to our health and contribute to cancers, heart disease, asthma, emphysema and other respiratory diseases. Nitrogen oxides and fine particulate matter (PM2.5) help create soot, smog and ozone. More than 80% of Marylanders live in counties that do not meet federal clean air standards for ozone, due in significant part to tailpipe emissions. Data from a report<sup>3</sup> by the International Council on Clean Transportation show that by adopting the California ACT Rule, Maryland would significantly reduce nitrogen oxides and PM2.5 and thus reduce respiratory illnesses.

SB224 will make it easier for local governments and businesses to purchase zero emission buses and other medium- and heavy-duty vehicles. Without the ACT Rule, manufacturers will shift their supply and sales to states with the ACT Rule such as California, Massachusetts, New Jersey, New York, Oregon, Washington and Vermont.

Maryland seeks to reduce state greenhouse gas emissions 60% by 2031 (compared to 2006 levels) and 100% by 2045. SB224 would significantly increase the likelihood the state will meet its greenhouse emission reduction goals and improve the lives of its residents.

Accordingly, I request that this Committee issue a **FAVORABLE** report on SB224.

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<sup>1</sup> [MD GHG EI Base Year and Projection Years \(maryland.gov\)](https://www.maryland.gov), Figure ES-1 and Section 1.3.3.

<sup>2</sup> Ibid, Figure ES-2.

<sup>3</sup> International Council on Clean Transportation, "Benefits of adopting California's Advanced Clean Truck Program, Heavy-Duty Vehicle Omnibus Standards and a 100% sales requirement in Maryland (Sept. 2022), <https://theicct.org/wp-content/uploads/2022/09/HDV-fact-sheet-MD-092122.pdf>