

**SB 224/HB 230**  
**Timothy A. French ([tfrench@clpchicago.com](mailto:tfrench@clpchicago.com))**  
**Truck and Engine Manufacturers Association**

**Favorable Only With Amendments**

## **EMA Testimony on Maryland Legislation to Incorporate by Reference California's Advanced Clean Truck Rule**

The Truck and Engine Manufacturers Association (EMA) respectfully opposes the proposed bill, as currently drafted, to incorporate by reference California's Advanced Clean Trucks (ACT) regulations because those increasing ZEV-truck sales mandates, unaccompanied by any provisions to ensure that the necessary ZEV-truck purchase incentives and infrastructure build-out are assessed and planned for, will frustrate, not foster, the accelerated deployment of ZEV trucks in Maryland. EMA represents the world's leading manufacturers of medium-duty and heavy-duty trucks and truck engines — the types of commercial vehicles that would be covered under the proposed opt-in to California's ACT Rule. EMA actively participated in the underlying California rulemaking process.

EMA and its members fully support a conversion of the commercial trucking fleet to ZEVs, and agree that 2040 could be a reasonable target date for the broad deployment of ZEV trucks wherever feasible. EMA members are spending billions of dollars toward that end, and already are producing ZEVs for some applications. However, to bring about our shared vision for the future, **a comprehensive and coordinated state and federal strategy is required** to develop and implement the widespread deployment of ZEV trucks, not the adoption of naked stand-alone state-specific ZEV-truck sales mandates.

To ensure the successful deployment of ZEV trucks on an accelerated timeline, very large public investments will be required **up-front**, not after ZEV-sales mandates take effect. More

specifically, a critical first step in accelerating the deployment of ZEV trucks – **before** the imposition of increasing sales mandates under CARB’s ACT program – is the assessment and establishment of a comprehensive program to invest in and develop the robust electric and hydrogen infrastructure necessary to recharge or refuel ZEV trucks. Maryland can and must be a leader in those broad-based **up-front** ZEV-readiness efforts which, for trucks, will involve longer infrastructure-planning and installation timelines (for both battery-powered and hydrogen-fueled trucks), much greater demands on the State’s electricity grid and inter-connections, and significantly larger public investments than for passenger cars.

In addition, since the cost of a ZEV-truck is currently 2-3 times higher than for a conventionally-fueled truck, and since there is no obligation under the ACT program that any fleet operator **buy** a more costly ZEV truck, other significant public investments will need to be assessed and implemented in Maryland. In particular, and as another critical first step **before** implementing CARB’s ACT Rule, Maryland will need to assess and provide sustained incentive funding to offset the significantly higher price differential for ZEV trucks. Otherwise, the assumed increasing purchases of ZEV trucks will simply not occur. Moreover, Maryland should set an example by requiring the purchase of ZEV trucks for a portion of all of the State’s purchases of new heavy-duty vehicles going forward.

EMA and other stakeholders have discussed with Delegate Love and other legislators potential amendments to the bill at issue that would address the significant concerns that EMA has raised. A copy of the potential amendments that EMA would support is attached. The proposed amendments – which include directives for the relevant State agencies to assess and plan for the necessary ZEV-infrastructure build-out and ZEV-purchase incentives – will greatly enhance the prospects for successfully accelerating the deployment of ZEV trucks in Maryland.

In sum, successfully implementing California's ACT Rule in Maryland will require the State to assess and plan for the significant ZEV-truck infrastructure and ZEV-truck purchase incentives that will be necessary to ensure the deployment of heavy-duty and medium-duty ZEVs on the timeline and at the rate spelled out in the ACT Rule. The proposed amendments will help to ensure that the necessary planning is completed and implemented in a timely manner **before** the ACT sales mandates take effect, and will result in the type of opt-in legislation that other States can and should look to as they consider how best to transition the vitally important goods-movement industry to ZEVs. Accordingly, if the attached amendments to the bill are adopted, EMA could support its enactment.

# HOUSE BILL 230

M3  
HB 829/22 – ENT

3lr1059  
CF SB 224

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By: **Delegates Love, Fraser–Hidalgo, Charkoudian, Foley, Guyton, Moon, Queen, Terrasa, Turner, and Vogel**

Introduced and read first time: January 23, 2023 Assigned to:  
Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Department of the Environment – Zero–Emission Medium– and Heavy–Duty**  
3 **Vehicles – Regulations**  
4 **(Clean Trucks Act of 2023)**

5 FOR the purpose of requiring the Department of the Environment to adopt regulations on or before a  
6 certain date establishing requirements for the sale of new zero–emission medium– and heavy–  
7 duty vehicles in the State; and generally relating to the sale of zero–emission vehicles in the  
8 State.

9 BY adding to

10 Article – Environment Section 2–  
11 1103.1  
12 Annotated Code of Maryland  
13 (2013 Replacement Volume and 2022 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
15 That the Laws of Maryland read as follows:

16 **Article – Environment**

17 **2–1103.1.**

18 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
19 **INDICATED.**

20 **(2) “HEAVY–DUTY VEHICLE” MEANS A VEHICLE WITH A GROSS**  
21 **VEHICLE WEIGHT RATING EQUAL TO OR GREATER THAN 14,001 POUNDS.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

**\*hb0230\***

1           **(3) “MEDIUM-DUTY VEHICLE” MEANS A VEHICLE WITH A GROSS**  
 2 **VEHICLE WEIGHT RATING OF NOT LESS THAN 8,501 POUNDS AND NOT MORE THAN**  
 3 **14,000 POUNDS.**

4           **(B) (1) ON OR BEFORE DECEMBER 1, 2023, THE DEPARTMENT SHALL**  
 5 **ADOPT REGULATIONS ESTABLISHING REQUIREMENTS FOR THE SALE OF NEW**  
 6 **ZERO-EMISSION MEDIUM- AND HEAVY-DUTY VEHICLES IN THE STATE.**

7           **(2) THE REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS**  
 8 **SUBSECTION SHALL:**

9                   **(I) UPDATE EXISTING REGULATIONS; AND**

10                   **(II) INCORPORATE BY REFERENCE THE CALIFORNIA AIR**  
 11 **RESOURCES BOARD’S ~~VEHICLE STANDARDS~~ **ADVANCE CLEAN TRUCKS****  
 12 **REGULATION, AS REVISED AND UPDATED.**

13                   **(III) TAKE EFFECT STARTING IN MODEL YEAR 2027.**

**(C) ON OR BEFORE DECEMBER 1, 2024, THE DEPARTMENT OF THE ENVIRONMENT, THE**  
**DEPARTMENT OF TRANSPORTATION, AND THE MARYLAND ENERGY ADMINISTRATION SHALL**  
**PREPARE AND SUBMIT TO THE LEGISLATURE A NEEDS ASSESSMENT AND DEPLOYMENT**  
**PLAN RELATING TO THE SUCCESSFUL IMPLEMENTATION OF THE ADVANCED CLEAN TRUCKS**  
**REGULATION IN MARYLAND, WHICH SHALL, AMONG OTHER THINGS:**

**(I) ASSESS AND PLAN FOR THE ADDITIONAL ELECTRICAL CAPACITY, TRANSMISSION**  
**AND DISTRIBUTION DEMANDS THAT WILL NEED TO BE MET TO IMPLEMENT THE ADVANCED**  
**CLEAN TRUCKS REGULATION, AND THE CAPABILITY OF THE STATE’S UTILITIES AND GRID TO**  
**MEET THOSE DEMANDS;**

**(II) ASSESS AND PLAN FOR THE NUMBER OF HEAVY-DUTY AND MEDIUM-DUTY ZEV-**  
**RECHARGING AND HYDROGEN-REFUELING STATIONS THAT WILL BE REQUIRED IN THE**  
**STATE TO IMPLEMENT THE ADVANCED CLEAN TRUCKS REGULATION, AND THE COSTS,**  
**PERMITTING ISSUES, AND NECESSARY TIMELINES FOR INSTALLING THOSE STATIONS;**

**(III) ASSESS AND PLAN FOR THE ZEV PURCHASE INCENTIVES THAT WILL BE**  
**REQUIRED TO ENSURE THE SUCCESSFUL IMPLEMENTATION OF THE ADVANCED CLEAN**  
**TRUCKS REGULATION, AND THE POTENTIAL SOURCES OF THAT INCENTIVE FUNDING; AND**

**(IV) ASSESS AND PLAN FOR WHEN AND HOW QUICKLY STATE MEDIUM AND HEAVY-**  
**DUTY VEHICLE FLEET OPERATIONS, INCLUDING STATE-CONTRACTED MEDIUM AND HEAVY-**  
**DUTY VEHICLES, CAN BE CONVERTED TO ZERO-EMISSIONS.**

**(D) THE DEPARTMENT OF THE ENVIRONMENT SHALL PROVIDE REGULATORY MECHANISMS**  
**TO ALLOW FOR THE DELAY OF THE IMPLEMENTATION OF THE ADVANCED CLEAN TRUCKS**  
**REGULATION BY ONE OR MORE MODEL YEARS IF THE DEPARTMENT DETERMINES, IN**  
**CONSULTATION WITH THE DEPARTMENT OF TRANSPORTATION AND THE MARYLAND ENERGY**  
**ADMINISTRATION, THAT THE IMPLEMENTATION CRITERIA IDENTIFIED THROUGH THE NEEDS**  
**ASSESSMENT AND DEPLOYMENT PLAN HAVE NOT BEEN MET.**

**SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2023.**