



VIA eREGULATIONS SYSTEM

Senator John A. Kissel
Representative Lucy Dathan
Legislative Regulation Review Committee
State Capitol, Room 011
Hartford, Connecticut 06106

Re: Legislative Regulation Review Committee Review of a Proposal to Amend the Air Quality Regulations to Adopt the California Light-Duty Vehicle “Advanced Clean Cars II” Standard, PR2023-023

Dear Senator Kissel and Representative Dathan:

Pursuant to section 4-170 of the Connecticut General Statutes (CGS) and as required by CGS section 22a-174g(a), I am submitting for your consideration and approval a regulatory proposal concerning the adoption of section 22a-174-36d of the Regulations of Connecticut State Agencies (RCSA) which will enable the Department of Energy and Environmental Protection (Department) to implement a suite of emissions standards applicable to new light-duty motor vehicles offered for sale in Connecticut beginning with the 2027 model year (MY).

What do these standards do?

Proposed RCSA section 22a-174-36d would adopt the California light-duty vehicle (LDV) emissions regulations known “Low Emissions Vehicle IV” (LEV IV) and “Advanced Clean Cars II” (ACCII) for new model year 2027-2035 vehicles. The LEV IV proposal would adopt emission standards for 2027-2035 MY applicable to manufacturers who produce new LDV internal combustion engines (ICE) for sale in Connecticut. The ACCII, building upon the successful adoption and implementation of ACCI from 2008, will require manufacturers to ensure an increasing portion of all 2027-2035 LDV vehicle sales are advanced technology (e.g., plug-in hybrid) or zero emission vehicles, culminating with a target of 100% advanced technology vehicle sales by 2035.

We have prepared a fact sheet on the regulations to put some of this information in more plain language as well: [Proposed Emissions Standards for Cars and Trucks \(egov.com\)](#).

Why are these standards being proposed?

The Department is proposing to adopt these regulations because the General Assembly required the Department to do so in CGS section 22a-174g(a), which states:

On or before December 31, 2004, the Commissioner of Energy and Environmental Protection *shall adopt regulations*, in accordance with the provisions of chapter 54, to implement the light duty 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.*

(Emphasis added).

Why are we adopting California’s standards?

California has been setting emissions standards for new vehicles for decades – even prior to the inception of the U.S. EPA. As such, Congress has provided California unique authority to regulate vehicle emissions provided the standards are at least as stringent as those adopted by EPA. Section 177 of the federal Clean Air Act (CAA) allows states to adopt California’s vehicle emission standards—but the standards must be “identical”, and they must provide a two-model year (four calendar year) lead-time. As a result, in order to regulate the 2027 MY vehicles, the regulations would have to be promulgated by the end of this year, i.e., four calendar years in advance. To be clear, we cannot create a “Connecticut standard”; Congress gave states two choices, either follow the federal program or follow the California program.

What are some of the benefits of these standards?

In addition to following the direction of the General Assembly, adopting these regulations is necessary to protect public health and the environment. They will significantly reduce air pollution from new vehicles subject to these standards. Connecticut’s air quality is among the worst in the nation and fails to meet several federal health-based air quality standards for ground level ozone (smog) and is designated by EPA as “severe” nonattainment in three counties while the remaining five are currently designated as “moderate” nonattainment. In addition to the public health impacts of Connecticut’s continued noncompliance with federal health-based air quality standards, continued failure to meet these standards compels DEEP to impose ever more stringent and costly emission reduction requirements on stationary source owners and operators.

Ozone is produced when air pollution, including emissions from cars and trucks, reacts in the air from March to September. Breathing unhealthy levels of ozone impacts everyone, but is especially dangerous for pregnant women, children and teens, the elderly, people who work or exercise outdoors and those who have pre-existing health conditions such as asthma, emphysema, chronic bronchitis or chronic obstructive pulmonary disease (COPD).

Cars and trucks account for nearly 70% of emissions of nitrogen oxides (NOx), a precursor to ozone formation. Therefore, reducing air pollution in the transportation sector is one of the most significant ways to reduce ozone levels in Connecticut and protect public health, especially for those who live near busy roads and highways.

Moreover, these standards will help provide Connecticut residents with the choices that they will need as the market definitively shifts toward electric vehicles, and provides flexibility for manufacturers and dealers, while not imposing any ban on the sale of gas-guzzling vehicles prior to 2034 or regulating the used car market.

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What public process was held on these standards?

The Department held a virtual, well attended public hearing on these proposed standards on August 22, 2023. Due to increased interest, the Department extended the comment period deadline from August 23, 2023 to August 30, 2023. The public response to this proposal has been significant—more than 4,000 comments were submitted to the Department. Despite some misinformation about the intent and effect of these proposed standards, comments submitted by the regulated community overwhelmingly favored adoption, as did comments from environmental and public health advocacy groups.

If you have any general questions regarding this submission, please contact Harrison Nantz of DEEP by electronic mail to harrison.nantz@ct.gov. If you have any substantive or rule drafting questions, please contact Paul Farrell at Paul.Farrell@ct.gov. Thank you for your assistance with this matter.

Sincerely,



10/3/2023

Katherine S. Dykes
Commissioner

Date

cc: Harrison Nantz, DEEP
Paul Farrell, DEEP