

Subject: RE: (Docket #2022-R-A-0011) regarding amendments to regulation 7 DE Admin. Code 1140 - Delaware's Low Emission Vehicle Program

Date: Wednesday, April 26, 2023 at 1:28:10 PM Eastern Daylight Time

From: mforzley@comcast.net

To: HearingComments, DNREC (MailBox Resources)

RE: amendments to 7 DE Admin. Code 1140 - that proposed to update the adoption by reference of California's Advance Clean Car II (ACC II) low emission vehicle and greenhouse gas standards and add the requirements for zero emitting vehicles for model year 2027 and beyond.

I am Michele Forzley and live in Lewes, DE. Most reasonable folks want to protect the environment and to that end are in favor of alternative energy sources. I stand among them, but I also stand with most Delawareans that oppose this regulation. The initiative sounds good in theory but will be disastrous in practice because more thought and planning are essential to avoid unintended consequences that are easy to predict. Delawareans need well designed, intelligent, and consumer-friendly regulations, not a sledgehammer as this regulation is.

So, what will happen if the reg is adopted? EVs in the U.S. are overwhelmingly purchased by upper-income households as second vehicles and driven less than their gas-powered cars. That will continue. Those that cannot afford an electric vehicle will continue to use older gas-powered vehicles that are dirtier than new ones such as myself who believes the technology and infrastructure are not there yet.

Moreover, I like many will delay the purchase of an EV as the costs to own are too high— the up-front purchase price, the cost of maintenance, replacement, and repair. What about the waste management of batteries, and the tires that must be replaced more often than in a gas-powered vehicle. Federal tax credits do not make up the difference on these costs.

Worse yet, it is hard to buy an electric car and critically the US does not have reliable sources of the minerals needed to produce EVs. Delaware should support the economic development of Delaware not China or other countries where lithium and other metals are sourced.

In addition, the law of DE does NOT give DNREC the authority to make this rule. I am hoping that DNREC will not go the way of the legislature that last year passed a clearly unconstitutional law and knew it was doing so but did it anyway. It took litigation in the courts to overturn the law. I hope this state has learned that good governance calls for a higher standard of behavior.

Finally, this regulation makes me wonder if DNREC needs a lesson in geography. DE is not CA. To copy a regulation from CA or the federal government to our books is not good governance. It is irresponsible.

What can DNREC do instead? First pull the reg and convene multiple listening sessions inviting all sort of stakeholders, citizens, sister agencies of government and our neighbors, to learn what can work for Delawareans, capture the know how to build the essential infrastructure over time to make EV ownership feasible, stage the introduction of the rules over time and finally draft a new regulation based on this information. Thank you.

Michele Forzley