



May 4, 2023

Theresa Newman, Hearing Officer
DNREC—Office of the Secretary
89 Kings Highway
Dover, DE 19901

ELECTRONIC MAIL TO: DNRECHearingComments@delaware.gov

Docket #2022-R-A-0011

Re: Support for Amendments to 7 DE Admin. Code 1140—Delaware’s Low Emission Vehicle Program, to Adopt the Advanced Clean Cars II (“ACCII”) Regulations

Rivian Automotive, LLC, (“Rivian”) appreciates the opportunity to comment on the proposed amendments to 7 DE Admin. Code 1140—Delaware’s Low Emission Vehicle Program, by which the Department of Natural Resources and Environmental Control (“DNREC”) would adopt by reference California’s ACCII regulations. Rivian strongly supports this proposed action. Delaware continues to demonstrate impressive leadership in addressing climate change, protecting public health, and supporting the transition to a clean technology economy.

Keep the World Adventurous Forever

Founded in 2009, Rivian is an independent U.S. company with more than 13,000 employees worldwide. It is Rivian’s mission to Keep the World Adventurous Forever. Our focus is the design, development, manufacture, and distribution of all-electric adventure vehicles, specifically pickups, sport utility vehicles (“SUVs”), and commercial vans. Key to the success of our mission, these vehicles will displace some of the most polluting passenger vehicles and trucks on the road today.

Rivian brought the first electric truck to market in 2021 when we launched the R1T pickup from our manufacturing facility in Normal, Illinois, followed shortly thereafter by the R1S SUV and a commercial delivery van for Amazon. All our current vehicles satisfy the requirements of the ACCII rules. The R1T and R1S provide all-electric options in segments where added utility is a necessity. The R1T has an EPA-certified 328-mile range and 11,000lbs of towing capacity, while the R1S is a seven-passenger full-sized SUV with 321-mile range; both are well-equipped for off-roading in a range of climates. Separately, our Class 2b and 3 electric vans eliminate tailpipe emissions from last-mile delivery and Rivian is committed to producing 100,000 vans for our launch customer, Amazon.

Rivian Strongly Supports Delaware’s Adoption of the ACCII Regulations

Rivian’s mission to Keep the World Adventurous Forever is made manifest in its commitment to the environment and addressing climate change. We strongly support programs of ambitious emissions regulation and zero-emission vehicle (“ZEV”) sales requirements as core to our values and vision for the

world. Implementation of the proposed amendments will drive critical reductions in GHG emissions and air pollution in Delaware in part by fully transitioning the state’s new vehicle market to 100 percent ZEV sales by 2035. The standards also set new limits on criteria and GHG emissions from conventional light- and medium-duty vehicles. These reductions are necessary to address non-attainment of federal air quality standards in portions of Delaware, and would represent a down payment on ever stronger public health improvements and the achievement of larger climate goals.¹ Delaware has also identified adoption of ACCII as a key “action category” in its climate action plan.² With transportation contributing more to Delaware’s GHG emissions than any other economic sector, the state cannot afford to leave any emissions reductions in this sector on the table.

The ACCII regulations offer additional benefits. These include consumer assurance measures (for example, minimum battery warranties and durability standards) and long-term market certainty. Unambiguous regulatory requirements for ZEV sales are key not only for orienting capital investment in the vehicle industry but also for supporting long-range infrastructure planning by utilities and grid operators.

Rivian’s vehicles meet the requirements of the ACCII standards and are proof that these regulations are achievable. In fact, analysis presented by DNREC as part of the public hearing shows that industrywide compliance with the proposed sales targets in Delaware would require slightly less than 16,000 ZEV sales in MY2027, the first year of obligations, and approximately 48,000 ZEV sales in MY2035 to achieve the full 100 percent requirement in that year.³ Rivian alone expects to produce 50,000 all-electric vehicles this year as we continue to ramp up manufacturing.

Because of lead-time requirements under the federal Clean Air Act, it is critical that DNREC adopt ACCII in calendar year 2023 to ensure implementation as soon as possible, beginning no later than MY2027. Further delays will only prevent Delaware from timely realization of the benefits of the regulation and jeopardize the state’s progress on emissions reductions and ZEV market development. DNREC should complete the rulemaking this calendar year.

Conclusion

Rivian applauds DNREC’s proposed adoption of the ACCII regulations. In our collective efforts to address climate change and poor air quality, we should all act with urgency and a level of ambition sufficient to the task. With this proposal, DNREC has certainly done so. Rivian’s products are proof that now is the time for Delaware to adopt California’s ZEV regulations for the first time and continue strengthening its existing Low Emission Vehicle standards.

¹ See Exhibit 14, “Department Statement—Presentation,” available at www.dnrec.alpha.delaware.gov/events/public-hearing-low-emission-vehicle-program/.

² Delaware Department of Natural Resources and Environmental Control, *Delaware’s Climate Action Plan*, November 2021, available at www.documents.dnrec.delaware.gov/energy/Documents/Climate/Plan/Delaware-Climate-Action-Plan-2021.pdf.

³ See Exhibit 17, “ERG Delaware,” available at www.dnrec.alpha.delaware.gov/events/public-hearing-low-emission-vehicle-program/.

Please contact me with any questions. Rivian looks forward to continuing our work with you and all stakeholders to accelerate transportation electrification in Delaware.

Sincerely,

A handwritten signature in blue ink that reads "Tom Van Heeke". The signature is written in a cursive style and is positioned to the left of a vertical line.

Tom Van Heeke
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