

Subject: Delaware EV Mandate Comments
Date: Saturday, May 13, 2023 at 7:56:53 AM Eastern Daylight Time
From: Doug
To: HearingComments, DNREC (MailBox Resources)
Attachments: Public_Comments_to_Proposed_Amendment_to_Adopt_California_ACC_II_Low_Emission_Vehi

Dear DNREC Hearing:

I have been against the EV mandate since I heard about your proposal and I am even more so now.

To help me better understand the EV mandate, I have attended the EV mandate meeting at the Millsboro Senior Center in April 2023. I have also read the evaluation by the Caesar Rodney Institute(CRI) shown below and read their [full report here](#). If everything that the CRI has documented is true, I am really concerned that the DNREC is trying to get this mandate passed on so many misleading statements. I am very concerned that our DE state officials are not being totally truthful. I also am concerned that we are following another states regulations(California) that is located thousands of miles away from us. Why do we not have our own regulations based on what is right for Delaware?

Again, I am against the State of Delaware mandating what vehicle I must buy.

Douglas Griffith
Millsboro, Delaware

From: [CRI Energy Update!](#)
Sent: Friday, May 12, 2023 4:01 PM
To:
Subject: Flawed Assumptions Undermine Gasoline-Powered Car Ban Regulation

Flawed Assumptions Undermine Gasoline-Powered Car Ban Regulation

DNREC provides no clear path on how the low-income communities with no dedicated off-street parking or those living in multi-family rentals will charge their EVs at home.

By [David T. Stevenson](#), Director
Center for Energy & Environmental Policy

NEWARK, DE (May 12, 2023) -- The *Delaware Department of Natural Resources and Environmental Control* (DNREC) has issued a required “technical support document” for their proposed *regulation* that effectively bans registering new gasoline and diesel-fueled cars and trucks by 2034.

Many of the assumptions and justifications listed in the technical support document are available for the first time, and they are mostly wrong by a country mile. For example:

- DNREC misuses existing legislated authority to create the new EV regulation. The legislature did agree to require power plants to purchase

allowances to emit carbon dioxide (CO₂). DNREC claims they can apply this to regulating CO₂ emissions from cars and trucks. However, the underlying authority to regulate emissions clearly states, “No such rule or regulation shall extend, modify or conflict with any law of this State.” Clearly, DNREC is trying to illegally extend the power plant regulation to motor vehicles.

- DNREC claims they may adopt rules to comply with federal regulations. The federal government has passed no law to regulate CO₂, which was the crux of a Supreme Court decision to ban the Environmental Protection Agency from regulating such a major issue without authorizing legislation. The Delaware legislature is considering legislation to regulate greenhouse gases. DNREC should await the passage of such legislation before a regulation is prepared.

Additionally, Delaware is following a federal waiver that was granted to California to write their air pollution regulations for motor vehicles due to especially high air pollution caused by a combination of unusual weather and geographic conditions.

The federal waiver has a limiting codicil that says, “No such waiver shall be granted if the (EPA) Administrator finds that such State does not need such State standards to meet compelling and extraordinary conditions.” All three Delaware counties meet *all* air pollution standards by a significant margin, suggesting *no* compelling reason to follow the California waiver.

New EV Requirements for Car Dealerships start in 2026

DNREC has emphasized they want to make buying an electric vehicle (EV) easier by requiring automotive manufacturers to stock an ever-increasing number of such vehicles on auto dealer lots.

The new EV regulation starts the requirement at 43% in stock in the 2026 calendar year, rising to 100% by 2034. They claim there have been few EVs on dealers’ lots. *DNREC doesn’t acknowledge there has been a shortage of all new cars over the last few years or statements by dealers they have EVs in stock now that are not selling.*

Dealers must buy stocked vehicles from the manufacturers. *DNREC has no answer to the question of what dealers are supposed to do with EVs that don’t sell. One of DNRECs’ key assumptions is the vehicles will simply sell because they are on the lot.* In reality, the

dealers' likely reaction will be stocking a minimal number of vehicles for test drives, followed by delayed deliveries from manufacturers following the Tesla sales model. The new EV regulation will actually reduce dealer inventory, making buying an EV more difficult.

DNREC expects almost 300,000 EVs will be sold between 2026 and 2034, and bases its benefit analysis on those sales.

Each year the *US Energy Information Agency* provides the official federal estimate of future vehicle sales by technology type and price. The latest forecast version estimates that only about 8% of new vehicle sales will be EVs in 2034.

Therefore, based on this report's estimate, only about 30,000 EVs will be sold in Delaware by 2034, one tenth the DNREC forecast.

Additionally:

- DNREC's own analysis estimates that States following the California regulation only sold 5% more EVs in 2022 than States that didn't follow California.
- DNREC ignores emissions from electric generation to overstate health benefits.

Quite simply, all of DNREC's benefit calculations should be 98% lower, meaning that Delaware will only be 0.3% closer to its carbon reduction goal with essentially no health benefits.

New EV Regulation will NOT Help Low-income Communities

One of the most disturbing assumptions is how the new EV regulation will help the low-income and minority *Environmental Justice* communities.

With no supporting documentation, DNREC claims *air pollution from motor vehicles hurts the poor the most because of their proximity to a major highway*. So, basically, they are talking about Interstate 95 near Wilmington. Perhaps DNREC hasn't noticed there are people in Wilmington of all races and incomes, or perhaps DNREC isn't aware there are many low-income folks throughout the state, including rural communities.

National air quality standards are based on minimizing health impacts with a margin of safety. All Delaware air quality stations meet the standards, including one 900 feet east of I-95 in

Wilmington.

Home charging for EVs is about a third of the cost of using public charging stations. DNREC provides no clear path on how the low-income communities with no dedicated off-street parking or those living in multi-family rentals will charge their EVs at home.

EVs are selling for a \$14,000 premium price now, and the EIA forecast suggests there may still be a \$6,000 premium in 2034. Low-income individuals will eventually be forced to buy used EVs. However, battery warranties end at 8 years or 100,000 miles. The poor may buy a used EV only to find they need a battery replacement that currently may cost \$17,000.

DNREC's plan also includes building more sidewalks, bike lanes, and buses (already being underused) and providing funds for car share programs like Uber. *The underlying message is that the poor should give up their dream and freedom to own a car.*

There are several other mistaken assumptions and real concerns that DNREC is not taking into consideration, which include the following:

- 1) The cost of EVs will decrease as battery costs decrease. DNREC uses a California estimate battery prices will fall to \$59 per kWh by 2034. Still, the EIA says \$130.00, with the premium price of a vehicle dropping from about \$13,000 to \$6,000. Both estimates may be wrong as battery costs actually rose 7% from 2021 to 2022 because of higher material costs and the historic trend to lower battery prices appears to be at its end.
- 2) The Ford 150 pickup EV has a distance range of about 280 miles that drops significantly to 90 miles with a 7,000 pound-trailer attached. *This is unacceptable for small businesses and campers.*
- 3) DNREC estimates a \$30 million Highway Trust Fund loss from fewer gas-powered vehicles paying a gas tax but is not putting an alternative in place.
- 4) The spontaneous combustion of batteries after an accident are very hot, difficult-to-control fires that are left to the Fire Department to figure out. DNREC has shown no effort to support training or research on this topic.
- 5) Similarly, DNREC is moving forward despite no definitive answer about requiring battery recycling or stopping child labor and bad environmental practices at foreign material mines.
- 6) Our regional grid operator has issued a warning about an electricity shortfall as early as 2026, but DNREC isn't letting that stop the increase in electric demand to charge batteries.
- 7) DNREC's own survey shows 60% of the population is not interested

in buying an EV, and two other studies showed that 73% and 80% oppose this EV mandate.

In conclusion, DNREC is basing this new EV regulation on false and misleading information and dismissing serious concerns with no actions in place to mitigate the problems. This is irresponsible and dangerous. Please read our full Public Comments for details by [CLICKING HERE](#).

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