

**BRIAN G. PETTYJOHN**

*Minority Whip*  
STATE SENATOR  
19<sup>th</sup> District



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Theresa Newman  
Hearing Officer  
Delaware Department of Natural Resources & Environmental Control  
89 Kings Highway  
Dover, DE 19901  
*Via email: DNRECHearingComments@delaware.gov*

RE: Docket #2022-R-A-0011

Dear Ms. Newman,

I am writing you today in opposition to the adoption of the Low Emission Vehicle Program, and specifically the proposed regulations referenced in Docket 2022-R-A-0011.

Before I detail my reasons for opposing the proposed regulation, I wish to clearly state that I am in no way opposed to electric vehicles. Many people throughout Delaware have electric and hybrid vehicles, and they work well for those individuals' and businesses' needs. There are driving patterns in which electric vehicles have true purpose, and I support anyone's choice to purchase and operate an electric or alternative fuel vehicle (to which I will heretofore refer as ZEV). Having said that, these decisions should be based on consumer choice, and not on a regulatory mandate.

I base my opposition to this change in regulation based on a number of factors. First, and as previously stated, purchasing a ZEV should be a choice made by consumers; not one forced upon by a state regulatory action. Placing this regulation on consumers by making an end-round and placing the restriction on new car manufacturers in delivering a certain quantity of electric vehicles to Delaware new car dealers is an ingenious tactic. The Department of Natural Resources (DNREC) is attempting to limit the supply of internal combustion (IC) vehicles available to Delawareans at the source. By mandating that a certain percentage of new vehicles delivered to Delaware dealers are ZEV, DNREC is limiting consumer choice to a vehicle that may not meet their individual need. Transportation, commuting, residence, and business patterns may not be conducive to what an electric vehicle can currently allow. Without a significant advancement in battery technology, current ZEVs do not fulfill the needs of many in the state.

Secondly, charging infrastructure is not sufficiently mature to allow for widespread adoption of electric vehicles (EVs). A significant portion of homes in Delaware, and especially homes in disadvantaged communities, lack the ability to add electrical circuitry necessary to support at-home EV charging stations. Substantial investment would be necessary for a homeowner to upgrade their service panel. Additionally, upgrades may be necessary for their service drop or transformer. Apartment complexes and areas with only onstreet parking available are also problematic. In

areas where a homeowner is unable to charge at their home, payment by credit or debit card is normally required in order to charge an electric vehicle. There are many individuals in Delaware who are outside the traditional banking environment and do not have a credit or debit card available to them. Those individuals, while able to currently purchase fuel for their IC vehicle, would be at a disadvantage if they were forced into an electric vehicle.

Thirdly, performance of ZEVs are inconsistent, and not as certain as IC vehicles. Reports and industry studies abound regarding real-world performance of ZEVs, versus advertised performance. Many owners of electric vehicles have provided real-world documentation of significantly shorter range during a wide array of activities on our nation's roadways. Factors such as extreme heat or cold, mountainous terrain, and traffic jams are factors that can significantly affect a vehicle's stated or on-board projected range, versus what an owner's expectations may be when beginning their trip.

Fourth, there is an emerging concern regarding the types of hazards EV can present, specifically when dealing with scenarios involving vehicle collisions. The most common form of energy storage in EVs, lithium-ion, is known to be susceptible to thermal runaway during incidents involving severe impact. These fires, unlike vehicle fires involving IC engines, self-sustain themselves and are very difficult for emergency personnel to extinguish. A normal IC vehicle fire can be extinguished using 500-1,000 gallons of water. EV fires involving the battery cells can take 20 or more times that amount to extinguish fully. This is a significant concern where vehicles are stored in public or private garages, transported by truck, or taken across the Delaware Bay on the Cape May – Lewes Ferry, where current practice is to place electric vehicles near the bow or stern.

Electric vehicles certainly have their place, however widespread adoption despite the myriad of concerns presented by consumers, our volunteer firefighters, and others, is premature at this point. Additionally, a regulatory body imposing this indirectly upon Delawareans through affecting the supply chain is disturbing.

I urge the Department to allow consumers to continue to choose the type of vehicle that is right for them, and abandon the plan to choke off IC vehicles to the Delaware consumer. As the private sector continues innovation and ZEVs become more affordable, charging infrastructure becomes more widespread, and economically disadvantaged communities will not be negatively impacted, consumers will begin to move to these vehicles. In the meantime, automakers worldwide have been producing more efficient, less polluting IC vehicles to deliver to the marketplace. Let's continue down the correct path of letting innovation – not regulation – lead the way.

Sincerely,

  
Brian G. Pettyjohn  
Senator