



Mid-Atlantic Petroleum Distributors Association
P.O. Box 711 ★ Annapolis, MD 21404
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January 3, 2023

Angela Marconi, Director
Division of Air Quality
Delaware Department of Natural Resources and Environmental Control
100 W. Water Street, Suite 6A
Dover, DE 19904

RE: Amendments to Delaware's Low Emission Vehicle Program

Dear Director Marconi:

The Mid-Atlantic Petroleum Distributors Association (MAPDA) is a regional trade association representing energy marketers throughout Delaware, Maryland and the District of Columbia. MAPDA member companies supply a majority of all finished motor and heating fuel products sold in the region including gasoline, diesel fuel, heating fuels and biofuels such as renewable diesel and biodiesel. MAPDA members also own and operate Delaware, Maryland, and DC's gas stations and convenience stores which are mostly small, family-owned and operated businesses who offer a variety of products their consumers want and have come to rely on for ease and availability of purchase.

MAPDA respectfully files these comments in response to the *draft* Amendments to 7 DE Admin. Code 1140 – Delaware's Low Emission Vehicle Program.

According to Delaware's Department of Natural Resources and Environmental Control (DNREC), this rulemaking is required because of the state's attachment to the California Low Emission Vehicle standards. That attachment was done through an Executive Order in 2014 and can be undone by the same process.

The proposed amendments mirror those of California's Advanced Clean Car II program (ACC2). In effect, adoption will phase out the sale of any new gas-powered passenger cars, trucks, and SUVs by 2035. Instead, Delawareans will only be allowed to purchase zero emission vehicles (ZEV) in the new car market. This represents a de facto ban on gas-powered vehicles.

Throughout DNREC's public outreach MAPDA, stakeholders, and members of the public have expressed grave concerns with the department's approach to the rulemaking. Those include the costs of implementation – equipment, vehicle price, ongoing costs – and the ability of the state to design and build the infrastructure needed to support a transportation sector based largely on electric vehicles.

Feeding and fueling the economy through gas, coffee, food, heating oil and propane.

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Broadly speaking, these issues and the decision to adopt a policy with such wide-ranging implications should and need to be heard and vetted through the state's policy making body – the Delaware General Assembly. As mentioned above, the proposed amendments represent a de facto ban on gas-powered vehicles. The fallout of this policy will be immense and therefore must be scrutinized by our elected officials. The legislature is in the position to do just that.

In conclusion, DNREC should reexamine the need to pursue this rulemaking under current law. Absent the legal requirement to move forward, the proposed amendments should be abandoned. Such an impactful policy decision should lie with the General Assembly as opposed to a state agency not directly responsible to Delawareans.

Sincerely,

Mike O'Halloran
On behalf of MAPDA

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