



Caesar Rodney Institute  
Center for Energy & Environment  
PO Box 18  
Lewes, DE 19958  
WWW.CaesarRodney.org

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Kyle Krall  
DNREC – Division of Air Quality  
715 Grantham Lane  
New Castle, DE 19720

10/24/2022

RE: Public Comments on Start of Action Notice 2022-01; Amendments to 7 DE Admin. Code 1140, Delaware Low Emission Vehicle

These comments are in addition to comments sent 10/3/22 after participation in the 10/13/22 stakeholders meeting. DNREC reiterated in the stakeholders meeting the primary goal is bringing Delaware into attainment with the National Ambient Air Quality Standard (NAAQS) for ozone which is a maximum 70 PPB averaging the 4<sup>th</sup> highest day for the most recent three years. With the ozone season over for 2022 the three year average for 2020 to 2022 is highest at the Martin Luther King, Jr. air quality monitoring station (AQM) in Wilmington at 65 PPB. Therefore, Delaware is in attainment for the ozone NAAQS. DNREC should be petitioning the EPA to exclude New Castle County from the greater Philadelphia area non-attainment zone as has been successfully done in prior years for Sussex and Kent Counties.

Instead DNREC stated the US EPA was requiring a new State Implementation Plan to come into attainment based on averaging 2018 to 2020. Besides using out-of-date information the air quality in those years were highly influenced by smoke from western wild fires. States can petition to exclude high smoke days as exceptional events but DNREC made no such petition. With attainment status comes lower requirements for emission permitting which even the EPA admits is an economic development advantage.

In addition, as detailed in my previous comments, a case can be made the greater Philadelphia region is now in attainment as twenty of twenty-one AQMs are now in attainment. We note the 2021 77 PPB result at Bristol seems out of line with the 70 in 2022 and 71 in 2020. A little research turned up high days matched high wildfire smoke days from western wild fires on at least three occasions. The EPA includes counties in the region as they may contribute to high days because of prevailing winds. However, there are ten AQM's upwind that are in attainment between Wilmington and Bristol suggesting air pollution from Delaware is unlikely to be impacting Bristol, PA.

A case can be made regulations requiring motor vehicle manufacturers to eventually sell only Electric vehicles (EVs) should exclude Kent and Sussex Counties as those counties are already considered to be in attainment by the EPA.

In the stakeholders meeting DNREC stated the regulations only require auto manufacturers to offer EV's for sale, and did not ban the sale of gasoline and diesel powered vehicles as long as they met California Low Emission Vehicle Standards. However, starting in 2035 only EVs will meet the standard effectively banning the sale and registration of gasoline and diesel powered vehicles in Delaware. History shows a trend of accelerating the compliance dates of such regulations so the ban could come sooner. DNREC's claim they are not banning conventional motor vehicles is simply not true.



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There are several problems with banning the sale of conventionally powered vehicles:

- EVs sell for an average \$13,800 premium and are simply not affordable for most people (see Table 1)
- 85% of charging occurs at home in driveways and garages. Many people do not have driveways and garages, or dedicated parking spaces
- Public charging stations have very low rates of utilization making them unprofitable resulting in poor maintenance
- Hybrid gasoline/battery vehicles are affordable, and often offer 50% higher mileage and low emissions but would also be banned.
- The non-profit Alliance of Automotive Innovations, in a letter to the governor, estimated our state government would need to spend \$100 million on chargers and EV purchase subsidies to meet the regulatory goals. Such funding has not been approved by the legislature.
- The underlying authority for the regulation is a waiver granted to California that is under legal challenge so Delaware regulations should await the resolution of those challenges.

Table 1: Price comparison Electric Vehicle versus an Equivalent Gasoline Power Vehicle 2022 MY

Manufacturer	EV Model	Base Price	ICE Model	Base Price	\$ Difference
Mazda	MX30	\$ 33,470	CX30	\$ 22,950	\$ 10,520
Hyundai	Kona	\$ 34,000	Kona	\$ 21,990	\$ 12,010
Kia	Niro	\$ 39,450	Niro	\$ 26,490	\$ 12,960
VW	ID4	\$ 37,495	Taos	\$ 24,155	\$ 13,340
Audi	Etron	\$ 48,800	Q3	\$ 38,700	\$ 10,100
Volvo	XC40 Recharge	\$ 55,300	XC40	\$ 36,350	\$ 18,950
BMW	Edrive 40	\$ 55,900	330i	\$ 42,300	\$ 13,600
Toyota	BZ4X	\$ 42,000	RAV4	\$ 27,575	\$ 14,425
Ford	F150 Lightening	\$ 51,974	F150	\$ 33,695	\$ 18,279
Average					\$ 13,798

DNREC also focused in the stakeholders meeting on the importance of Environmental Justice. Yet it is the very low income families DNREC supposedly cares about who can least afford EVs, have no dedicated space for charging their vehicles, and could least afford the potential \$15,000 to \$20,000 cost of replacing a battery pack in a used vehicle. It is noted one of the mitigations proposed is to develop a car



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sharing option for low income families. That basically assumes low income families could not look forward to private vehicle ownership in the future. Environmental Justice apparently only means reducing air pollution in urban areas, a great goal, but again the entire state is now in compliance with all air quality standards so the goal has been met.

The legislature needs to pass specific legislation supporting such major actions limiting individual freedom to purchase a product such as motor vehicles so central to mobility for work, communal worship, health care, shopping for necessities, and pleasure.

David T. Stevenson  
Director, Center for Energy & Environment  
Caesar Rodney Institute  
e-mail: [DavidStevenson@CaesarRodney.org](mailto:DavidStevenson@CaesarRodney.org)  
Cell Phone: 302-236-2050