

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CONCISE EXPLANATORY STATEMENT

AGENCY: Department of Environmental Management

DIVISION: Office of Air Resources

RULE IDENTIFIER: 250-RICR-120-05-37

RULE TITLE: Part 37 “Rhode Island's Low Emission Vehicle Program”

REASON FOR RULEMAKING: The purpose of this rule is to adopt or amend key regulations that reduce greenhouse gas and criteria pollutant emissions from passenger cars, light-duty trucks, and medium- and heavy-duty vehicles that are delivered for sale or placed in service in Rhode Island. Rhode Island has previously adopted California’s emissions standards for passenger cars and trucks and, with this rulemaking, would further opt-in to California’s standards by amending 250-RICR-120-05-37 to include new standards for medium- and heavy-duty vehicles.

This suite of rules includes the adoption of California’s Advanced Clean Trucks Rule, the Low NOx Heavy-Duty Omnibus Rule, and the Phase 2 Greenhouse Gas Rule, and amendments to California’s Advanced Clean Cars program which was previously adopted in Rhode Island and incorporates previously adopted rules to control criteria and GHG emissions.

The regulation applies to light-duty, medium- and heavy-duty engine/vehicle manufacturers. The Advanced Clean Trucks Rule (ACT) requires the sale of at least 30% zero-emission trucks by 2030 (depending on vehicle classification). The Low NOx Heavy-Duty Vehicle Omnibus Rule (HD Omnibus) requires a 90% reduction in NOx emissions for model year (MY) 2027 engines. The Phase 2 Greenhouse Gas Rule (Phase 2 GHG) sets greenhouse gas emission standards for heavy-duty trucks and truck trailers. Advanced Clean Cars II (ACCI) requires that all passenger car and light-duty truck vehicles delivered for sale by 2035 meet the definition of zero emission vehicle and will further reduce smog-forming and GHG emissions from new internal combustion engine vehicles (ICEVs).

ANY FINDING REQUIRED BY LAW AS A PREREQUISITE TO THE

EFFECTIVENESS OF THE RULE: N/A

TESTIMONY AND COMMENTS: Written comments were received from 26 individual Rhode Islanders, The Truck and Engine Manufacturers Association, Penske, American Fuel and Petrochemical Manufacturers, (Green Energy Consumer Alliance, Sierra Club, Acadia Center, Public Citizen, Green Latinos, Natural Resources Defense Council, Climate Action Rhode Island, Union of Concerned Citizens, Grow Smart RI, Rhode Island Citizens’ Climate Lobby, Environment Council of Rhode Island), CERES, RIVIAN, Cummins, The U.S. Department of Defense, 12 Rhode Island Scientists, Consumer Reports, Union of Concerned Scientists,

Conservation Law Foundation, CALSTART, Rhode Island Energy, Valero, American Lung Association, Tenneco, NGV America, and The Rhode Island Trucking Association.

CHANGE TO TEXT OF THE RULE: Specific dates in the Incorporated Materials section were changed as a result of comments received. Additionally, an exemption for military tactical vehicles was explicitly added for clarification purposes. The Decision addressing the comments is attached.

REGULATORY ANALYSIS: RI DEM notes that significant steps were taken to analyze the impact on Rhode Island by adopting the proposed amendments. The accompanying economic and scientific analysis evaluates, as required by law, the anticipated impacts (both environmental and economic) of the proposed regulation against a series of alternatives. In the case of this regulatory package, RI DEM evaluated the proposed regulatory amendments against the EPA's current federal standards (which RI would adopt absent the decision to accept the proposed ACCII provisions), as well as against the proposed new federal EPA standards beginning with model year 2027. These comparisons speak directly to carbon dioxide reductions as part of the benefits calculations. Please refer to the RI DEM analysis for citations to the scientific and economic studies underpinning both the federal and RI-specific findings. The Office of Air Resources has identified no state regulations that overlap or duplicate the proposed amendments. The proposed revisions do not impose any new requirements on regulated entities including any small businesses or any city or town, therefore there is no significant adverse economic impact.

DATE THE FINAL RULE WAS SIGNED BY THE AGENCY HEAD: