SPONSOR: Rep. Ramone
Reps. Briggs King, Collins, Dukes, Gray, Hensley, Hilovsky, Morris, Postles, D. Short, Shupe, Michael Smith, Spiegelman, Vanderwende, Yearick

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE RESOLUTION NO. 17

REQUESTING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL (DNREC) PAUSE AND RECONSIDER THE PROCESS OF PROMULGATING THE CALIFORNIA ADVANCED CLEAN CAR II (ACCII) REGULATIONS THAT SEEK TO RESTRICT, AND ULTIMATELY ELIMINATE, THE SALE AND REGISTRATION OF NEW LIGHT-DUTY FUEL-POWERED VEHICLES IN DELAWARE BY MODEL YEAR 2035.

WHEREAS, the Delaware Department of Natural Resources and Environmental Control (DNREC) is continuing its work to adopt California’s Advanced Clean Car II (ACCII) vehicle emission standards; and

WHEREAS, the ACCII regulations would begin aggressively phasing out the sale of new internal combustion engine (ICE) vehicles in model year 2027 (late 2026 calendar year) by requiring that 43% of all new vehicles sold in Delaware be zero-emission vehicles (predominantly electric vehicles); and

WHEREAS, while plug-in hybrids are considered zero-emission vehicles under the ACCII regulations, the rules mandate that they comprise no more than 20% of total zero-emission vehicle sales, severely restricting what may have otherwise been a pragmatic option for Delaware families; and

WHEREAS, the percentage of mandated zero-emission new vehicle sales would rapidly increase annually from model year 2027 to model year 2035, with corresponding limitations placed on the sale of new fuel-powered vehicles; and

WHEREAS, the sale and registration of new cars, trucks, and SUVs equipped with internal combustion engines (ICE) would be prohibited in Delaware in vehicle model year 2035 (late calendar year 2034); and

WHEREAS, it is unclear what sanctions the State of Delaware will impose on car manufacturers for non-compliance with meeting these sales mandates; and

WHEREAS, it has not been established what incentives the State of Delaware will implement to facilitate its imposed zero-emission new vehicle sales mandates or how much these incentives will cost taxpayers; and

WHEREAS, when considering that only 0.31% of the 967,400 vehicles registered in Delaware in 2021were EVs, the proposed ACCII regulations would result in a rapid and dramatic change in all aspects of the automotive industry and the state’s overall economy; and

WHEREAS, major logistical questions resulting from the implementation of the zero-emission new vehicle sales mandate regulations remain unanswered; and

WHEREAS, these unaddressed questions include hardships the regulations will place on Delaware's low and middle-income working families; and

WHEREAS, according to an MIT Science Policy Review analysis, electric vehicles tend to be expensive -- an average starting price in 2020 of $61,889 -- and disproportionately purchased by high-income, white households; and

WHEREAS, because Delaware lacks a right-to-repair law, and EVs require specialized training, service equipment, and proprietary parts, EV owners will be obligated to deal exclusively with vehicle dealerships, losing their current cost-effective options of repairing their own vehicle or taking it to a trusted professional mechanic; and

WHEREAS, while proponents of the ACCII zero-emission new vehicle sales mandate claim used fuel-powered vehicles will still be available for sale and use, California's Advanced Clean Car II regulations are a major part of the broader California Air Resources Board "2022 Scoping Plan for Achieving Carbon Neutrality." The plan envisions reducing demand for petroleum by 94% by 2045 relative to 2022 consumption – a goal that cannot be achieved with significant numbers of ICE vehicles on the road; and

WHEREAS, even if used ICE vehicles remain available, purchase prices will rapidly escalate under ACCII as, with fewer new ICE cars being sold each year, the pool of available local pre-owned ICE vehicles will shrink; and

WHEREAS, research by the U.S. Department of Energy indicates that 80% of EV owners charge at home; and

WHEREAS, DNREC has presented no plan for how Delaware families living in apartments and urban neighborhoods, where citizens do not own the property on which they park, will be able to recharge their EVs while at their residences; and

WHEREAS, there has been no comprehensive study of Delaware's power generation and power delivery systems to determine if Delaware's private, cooperative, and municipal electric utilities will be able to support a rapid transition to EVs, what additional investments may be needed to deal with these projected conditions; and how large of an impact any required investment will have on ratepayers; and

WHEREAS, DNREC officials maintain Delawareans need to adopt EVs because of the impact of Delaware's pollution on the downwind Philadelphia Metro Area, which includes New Castle County. But Philadelphia's Air Quality Report 2021 shows a steady, long-term dramatic improvement in air quality without any significant EV contribution. In 1981, 159 "unhealthy" days (the fourth worst category on a scale of six) were recorded. That number dropped to 6 days in 2019 (pre-pandemic). The number of "good" days (the best category) recorded jumped from 18 in 1981 to 244 in 2019; and

WHEREAS, Gov. John Carney, who directed DNREC to start the process of promulgating the zero-emission new vehicle sales mandate regulations, concedes that most of the state's air pollution is not produced by Delawareans. In a June 2018 opinion column, the governor stated, "90% of Delaware's air pollution comes from other states." The column lamented that out-of-state power plants, south and west of Delaware, were not using pollution control equipment to reduce their emissions; and

WHEREAS, according to federal data, Delaware accounted for less than eight one-hundreds of one percent of the 1.31 billion light-duty vehicles in the world (2020), and even if all cars, trucks, and SUVs in the state were immediately eliminated, there would be no appreciable worldwide difference in any pollutant linked to global warming or climate change; and

WHEREAS, many Delaware car dealers report they have new EVs for sale but that consumers are often uninterested in the vehicles; and

WHEREAS, a survey of 300 likely Delaware voters conducted by Ragnar Research in February revealed that 73% of respondents opposed banning the sale of new gasoline vehicles in Delaware; and

WHEREAS, of the nearly 5,000 public comments DNREC received during its ACCII promulgation process, over 93% expressed opposition to the zero-emission new vehicle sales mandate; and

WHEREAS, testing and performance data have revealed that electric vehicles are not the most affordable, efficient, and pragmatic option for all Delaware families and small businesses in all situations; and

WHEREAS, Delaware has the option of either following the California vehicle emissions regulations under Section 177 of the U.S. Clean Air Act or the emissions rules of the U.S. EPA; and

WHEREAS, 33 states currently follow the EPA regulations; and

WHEREAS, Pennsylvania, like Delaware, is a Section 177 state, but unlike Delaware, has chosen not to adopt the zero-emission new vehicle sales mandate; and

WHEREAS, Colorado, like Delaware, is a Section 177 state, but unlike Delaware, has adopted a far less aggressive zero-emission new vehicle sales mandate plan; and

WHEREAS, the legislature, and the citizens it represents, should have the complete facts and actively participate in any state policy change as impactful as what would be imposed by the ACCII regulations.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 152nd General Assembly of the State of Delaware that we request the Department of Natural Resources and Environmental Control to pause its ongoing process to promulgate the California ACCII regulations.

BE IT FURTHER RESOLVED that DNREC is requested to gather the information needed to determine the financial impact and opportunity costs of imposing the ACCII regulations on Delaware consumers, ratepayers, taxpayers, electric utilities, and state government.

BE IT FURTHER RESOLVED that DNREC is requested to evaluate the approach taken by fellow Section 177 states, Pennsylvania and Colorado, that appear to be environmentally beneficial but seemingly avoid many of the potential onerous impacts detailed in this resolution regarding Delaware's proposed promulgation of the ACCII rules.

BE IT FURTHER RESOLVED that DNREC is requested to evaluate the protocol observed by 33 other states in following the EPA vehicle emission regulations.

BE IT FURTHER RESOLVED that DNREC is requested to deliver a report to the General Assembly no later than March 15, 2024, which should be posted online for public access, containing the information requested by this resolution.

BE IT FURTHER RESOLVED that DNREC is requested not to take any further action on promulgating the proposed ACCII regulations until after the delivery of the report.

SYNOPSIS

This resolution requests that the Department of Natural Resources pause its ongoing process of promulgating California ACCII regulations. The Department is requested to determine the fiscal impacts of imposing the ACCII regulations on Delawareans. A further request is made that the Department evaluate the approach taken by Pennsylvania and Colorado, two states that, like Delaware, have chosen to follow California vehicle emissions regulations under Section 177 of the U.S. Clean Air Act. The Department is also requested to evaluate the protocol observed by 33 other states in following the EPA vehicle emission regulations.

A report is requested to be provided to the General Assembly by March 15, 2024. Until the delivery of the report, it is requested no further action be taken towards promulgating the proposed ACCII regulations.