



Maryland
Department of
the Environment

The Clean Car Program

2018 Regulation Update



Air Quality Control Advisory Committee

December 10, 2018



The Maryland Clean Car Program

- Adopted in 2007.
- Section 177 of the Clean Air Act allows Maryland to adopt the California Low Emission Vehicle Program (Cal LEV).
 - Only vehicles certified to California's lower emission standards are allowed to be sold in Maryland.
- Maryland adopted through incorporation by reference the California Regulations.
- Applies to new motor vehicles registered in Maryland.



Purpose of Regulation Update

- To retain California's standards, Maryland must remain consistent with their regulations, hence when California updates its regulations, Maryland must reflect these changes by amending our regulations.
- **Changes impact COMAR 26.11.34.02
Incorporation by Reference**



Background on Issue

- California and EPA's greenhouse gas (GHG) requirements for light-duty vehicles were cooperatively developed and harmonized in 2012.
- California adopted a "Deemed to Comply" provision that allows vehicle manufacturers to meet California's GHG standard by complying with EPA's GHG standard.
- This compliance provision was to ease the burden on vehicle manufacturers, creating one national program for manufacturers to comply with.



Background cont.

- California and EPA agreed to a mid-term review of the GHG standards to determine the regulation's feasibility.
- During this review California determined the standards to be feasible and kept the GHG regulations as originally adopted.
- In August of 2018, EPA diverged from California's finding and proposed a rulemaking to freeze light-duty GHG emission reductions after 2020.
- For the 2021 – 2026 vehicle model years EPA's proposed GHG standards will remain at the 2020 model year level, eliminating GHG reductions that would be achieved had the standards remained in place.
- Under this rulemaking, EPA has also proposed to remove the waiver granted to California and the 177 state to enforce the GHG regulations as well as the ZEV mandate.



California's Regulation Change

- On September 28, 2018 the California Air Resources Board adopted a provision that eliminates the “Deemed to Comply” provision if EPA moves forward and adopts their new rule.
- If EPA’s new rule is adopted, vehicle manufacturers would no longer be able to comply with California’s GHG standards by complying with EPA’s standards.
- They instead would need to comply with California’s GHG standards.



Maryland's Amendment

- Maryland, as a 177 state, adopted the “Deemed to Comply” provision as well.
- The proposed amendment to Maryland’s Clean Cars Program will adopt the language California adopted to remove that provision should EPA’s rulemaking be adopted.
- Vehicle manufacturers would then need to comply with the California GHG emission standards in Maryland.
- This ensures the GHG standards that are already adopted in Maryland and were previously agreed upon by EPA, California and the manufacturers will continue to be met in Maryland.



Maryland's Amendment

- In order for changes under Section 177 of the Clean Air Act to take affect, they need to be adopted two years before a vehicle model year commences.
- Vehicle model years start on January 1 of the preceding year.
- In order to capture the GHG reductions for the 2021 model year, the first year to be stagnant under EPA's rule, this update needs to be effective on or before December 31, 2018.
- MDE will propose adoption quickly