



May 9, 2019

Air Quality Control Commission
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South, EDO-AQCC-A5
Denver, CO 80246-1530
Via: cdphe.commentsapcd@state.co.us

Re: Consideration of Rulemaking to Adopt Zero Emission Vehicle (ZEV) program

Dear Commissioners:

Consumer Reports¹ strongly urges the Air Quality Control Commission to consider adopting the Zero Emission Vehicle (ZEV) program. Adopting the program would deliver many consumer and public health benefits for Colorado residents, which the Commission will explore upon further analysis and consideration as it goes through the rulemaking process.

As you go through this process it is also important to recognize that half-measures, like those recently proposed by the Alliance of Automobile Manufacturers (“Alliance”), would only delay or derail the Commission’s regulatory process and, critically, the benefits Coloradans deserve. For the reasons below, the Alliance’s offer is deficient both in process and results and is in no way a substitute for a ZEV program that has proven so successful in California.

1. The actions the Alliance is promising (increasing marketing efforts, increasing availability of electric vehicles at local dealerships, and making a state purchase incentive available to buyers upfront) are all steps that automakers should already be doing for car shoppers in the state, and indicate that automakers know how to increase electric vehicle sales in order to meet and exceed the requirements of a ZEV program. Instead, they have chosen to leave Colorado consumers to fend for themselves.
2. The unwillingness of automakers to make more EVs more accessible unless they have are facing the prospect of requirements that force them to do it points to why ZEV standards are so important for improving consumer choice.
3. Several members of the Alliance have been caught cheating or misleading consumers over the last five years on fuel economy and emissions. If they are finding ways to avoid

¹ Consumer Reports is an independent, nonprofit member organization that works side by side with consumers for truth, transparency, and fairness in the marketplace. We use our rigorous research, consumer insights, journalism, and policy expertise to inform purchase decisions, improve the products and services that businesses deliver, and drive regulatory and fair competitive practices. Consumer Reports has 63 state of the art labs in our consumer product and service testing center, in Westchester, New York, which is the largest nonprofit educational and consumer product testing center in the world. Consumer Reports spends \$27 million on testing, rating and reviewing products.

their responsibility to meet mandatory requirements, it will be even easier for automakers to find ways to get out of promises that have no enforcement power.

4. Most importantly, any offer made outside of the regulatory process is not subject to the deep analysis and data-driven focus of the Commission as it goes through its process.

Ultimately, if the voluntary agreement the Alliance is proposing would actually deliver the same number of EVs to Colorado, then they would have no reason to propose it. Therefore, delaying consideration of the ZEV program due to an unvetted and unenforceable proposal submitted by a private party subject to the regulation would not only be harmful to the transparency and public debate that needs to take place prior to adopting or rejecting the ZEV rule, it would hurt Coloradans who deserve the choice of cleaner air and lower transportation costs.

We therefore urge the Commission to reject the Alliance's proposal and instead continue with your plans to engage in a rulemaking to consider all the costs and benefits of the ZEV program in a robust, transparent manner that adequately considers both the public and private interests affected. If you do so, we expect that the data will deliver a clear answer that more electric vehicle choices are in the best interests of the state and its people. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads 'Shannon M. Baker-Branstetter'.

Shannon Baker-Branstetter
Manager, Cars & Energy, Consumer Reports