

The Connecticut General Assembly

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Memorandum

To: Legislative Regulation Review Committee
From: Legislative Commissioners' Office
Committee Meeting Date: November 28, 2023

Regulation No:	2023-22
Agency:	Department of Energy and Environmental Protection
Subject Matter:	Advanced Clean Cars II
Statutory Authority: (copy attached)	22a-174g

	Yes or No
Mandatory	Y
Federal Requirement	N
Permissive	N

For the Committee's Information:

On November 21, 2023, the Department of Energy and Environmental Protection submitted substitute pages 1, 10 and 11. This report is based, in part, on those substitute pages.

Substantive Concerns:

Technical Corrections:

1. The pages of the proposed regulation should be numbered, for proper form. Additionally, on pages 1, 10 and 11, in the heading of each page, "SUBSTITUTE PAGE" should be deleted as unnecessary.
2. Throughout the proposed regulation, "the State of Connecticut" should be "this state", for proper form.
3. On page 1, the catchline for section 22a-174-36d should appear in bold text, for proper form.
4. On page 1, in section 22a-174-36d(a), in the second line, "Vehicles IV program not defined" should be "Vehicle IV program that is not defined", for consistency and clarity; and in the third line, "and in Sections 22a-174-36b and" should be "or in section 22a-174-36b or", for proper form.
5. On page 1, in section 22a-174-36d(a)(1), in the fifth line, "the" should be inserted before "all-electric range", for consistency.
6. On page 1, in section 22a-174-36d(c)(1)(A), "1961.2 and 1962.2, and 1961.4" should be "1961.2, 1962.2 or 1961.4", for accuracy.
7. On page 2, in section 22a-174-36d(c)(3), "such" should be inserted after "All", for clarity.
8. On page 3, in section 22a-174-36d(d)(9), "vehicle as defined section" should be "vehicle, as defined in section", for proper form.
9. On page 3, in section 22a-174-36d(d)(10), "A military tactical vehicle" should be "Any military tactical vehicles and equipment", for consistency.
10. On page 3, in section 22a-174-36d(d)(12), in the third line, "that" should be deleted as unnecessary.
11. On page 3, in section 22a-174-36d(e), "2027and" should be "2027 and", for proper form.
12. On pages 3 through 8, in Table 36d-1 of section 22a-174-36d(e), the use of wording and punctuation of the titles in incorporated chapters, articles and sections should be made accurate and consistent. For example, in the title for Section 1962.2, "Zero Emission" should be "Zero-Emission" and "2026" should be "2025". Also, in the title for Section 1971.1, "and Subsequent Model Year Heavy-Duty Engines" should be inserted after "2010". Additionally, in the title for **Chapter 2**, "**Enforcement**" should be "**Surveillance**".
13. On page 8, in section 22a-174-36(g) and throughout the remainder of the proposed regulation, with the exception of subsection (n)(2) of said section, "Department" should be "department", for proper form.

14. On page 9, in section 22a-174-36d(g)(2), in the second line, the comma after "annually" should be deleted, for consistency; and in the fourth line, "that" should be "such", for clarity.
15. On page 9, in section 22a-174-36d(g)(4), in the third line, a comma should be inserted after "section", for proper form.
16. On page 9, in section 22a-174-36d(g)(5), in the second line, "including but not limited to Vehicle" should be "including, but not limited to, Vehicle", for proper form, and "data" should be inserted after "production", for clarity. These same changes should be made on page 10, in the first and second lines of section 22a-174-36d(k)(6).
17. On page 9, in section 22a-174-36d(h), in the fifth line, "within sixty (60) days file" should be "not later than sixty (60) days after the issuance of such report file" and, in the last line, "the respective state" should be "each such state", for clarity.
18. On page 9, in section 22a-174-36d(i)(1), the last line should be rewritten as follows, for proper form:
"13, Section 1962.4, Sections 2035 to 2038, inclusive, and Sections 2040 and 2046."
19. On page 10, in section 22a-174-36d(j)(1), in the fourth and fifth lines, "Sections 2101 through 2120, 2122 through 2133, and 2135 through 2149, unless within thirty (30) days of CARB" should be "Sections 2101 to 2120, inclusive, Sections 2122 to 2133, inclusive, and Sections 2135 to 2149, inclusive, unless not later than thirty (30) days after CARB", for proper form.
20. On page 10, in section 22a-174-36d(j)(2), in the third line, "that" should be deleted as unnecessary.
21. On page 10, in section 22a-174-36d(k)(1), in the first line, "requirements" should be deleted as unnecessary.
22. On page 10, in section 22a-174-36d(k)(2), in the second line, "sale" should be "sales", for consistency; and in the last line, a comma should be inserted after "Regulations", for proper form.
23. On page 10, in section 22a-174-36d(k)(3), in the last line, a comma should be inserted after "Regulations", for proper form.
24. On page 10, in section 22a-174-36d(k)(5), in the last line, "under the regulation" should be "pursuant to this section", for clarity.
25. On page 11, in section 22a-174-36d(l)(2), in the first line, "such" should be inserted before "compliance", for clarity.

Recommendation:

<input checked="" type="checkbox"/>	Approval in whole
<input checked="" type="checkbox"/>	with technical corrections with deletions
<input checked="" type="checkbox"/>	with substitute pages
<input type="checkbox"/>	Disapproval in whole or in part
<input type="checkbox"/>	Rejection without prejudice

Reviewed by: Catriona Stratton / Michael L. Tellerico

Date: November 22, 2023

Sec. 22a-174g. California motor vehicle emissions standards. (a) On or before December 31, 2004, the Commissioner of Energy and Environmental Protection shall adopt regulations, in accordance with the provisions of chapter 54, to implement the light duty motor vehicle emission standards of the state of California, and shall amend such regulations from time to time, in accordance with changes in said standards. Such regulations shall be applicable to motor vehicles with a model year 2008 and later. Such regulations may incorporate by reference the California motor vehicle emission standards set forth in final regulations issued by the California Air Resources Board pursuant to Title 13 of the California Code of Regulations and promulgated under the authority of Division 26 of the California Health and Safety Code, as may be amended from time to time. Nothing in this section shall limit the commissioner's authority to regulate motor vehicle emissions for any other class of vehicle.

(b) As part of the state's implementation plan under the federal Clean Air Act, the Commissioner of Energy and Environmental Protection may establish a program to allow the sale, purchase and use of motor vehicles which comply with any regulations adopted by the commissioner which implement the California motor vehicles emissions standards for purposes of generating any emission reduction credits under said act. Nothing in this section shall prohibit the Commissioner of Energy and Environmental Protection from establishing a program to require the sale, purchase and use of motor vehicles which comply with any regulations adopted by the commissioner which implement the California motor vehicle emissions standards.

(c) The Commissioner of Energy and Environmental Protection may adopt regulations, in accordance with the provisions of chapter 54, to implement the medium and heavy-duty motor vehicle standards of the state of California. If the commissioner adopts such regulations, the commissioner shall amend such regulations from time to time, in accordance with changes to such standards. Such regulations may incorporate by reference the California motor vehicle standards established in final regulations issued by the California Air Resources Board pursuant to Title 13 of the California Code of Regulations and promulgated under the authority of Division 26 of the California Health and Safety Code, as may be amended from time to time.