HB 92 - AS INTRODUCED

2023 SESSION

23-0058
08/05

HOUSE BILL ***92***

AN ACT requiring the adoption of innovative vehicle emissions standards pursuant to section 177 of the federal Clean Air Act.

SPONSORS: Rep. McWilliams, Merr. 30; Rep. Chretien, Hills. 41; Rep. Toll, Ches. 15; Rep. Seibert, Hills. 21; Rep. Preece, Hills. 17; Sen. Watters, Dist 4; Sen. Whitley, Dist 15

COMMITTEE: Science, Technology and Energy

ANALYSIS

This bill requires the adoption of California Low Emission/Zero Emission vehicle standards to protect public health, enable New Hampshire automotive customers to utilize the extended emissions-specific warranty, and to enable New Hampshire automotive dealers to carry Zero Emissions Vehicles in stock. The bill also increases the inspection sticker fee and makes an appropriation to the department of environmental services to fund an additional position.

- -

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

23-0058
08/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT requiring the adoption of innovative vehicle emissions standards pursuant to section 177 of the federal Clean Air Act.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Statement of Purpose. The general court finds that:

I. Implementation of the California Low Emission/Zero Emission Vehicle (LEV/ZEV) program pursuant to section 177 of the Clean Air Act will result in consumer, public health, and environmental benefits for citizens of the New Hampshire. Currently the states of Vermont, Maine, Massachusetts, New York, New Jersey, Connecticut, Oregon, Rhode Island, Maryland, and Colorado have adopted the LEV/ZEV standards, while the states of Delaware, Pennsylvania, and Washington have adopted only the LEV requirements. New Hampshire is the only state north of New Jersey that has not yet adopted this program.

II. Motor vehicles account for approximately one-half of the emissions of air pollutants that cause the formation of ground level ozone and over one-third of the state's greenhouse gas emissions. Ground level ozone is a respiratory irritant that can cause severe health impacts to the sick, the very young, the elderly, and those with chronic respiratory conditions such as asthma. Greenhouse gases contribute to climate change, which is causing more frequent and more extreme weather events that have led to loss of life and significant damage to statewide infrastructure, particularly roads and bridges.

III. Although vehicles sold in New Hampshire currently comport with the California emissions standards (as a result of the harmonization of federal and California standards through 2025), New Hampshire consumers cannot benefit from the 8-year, 80,000 mile extended warranty provisions of the California standards because New Hampshire has not formally adopted the California standards. Also New Hampshire automobile dealers currently cannot obtain some types of vehicles that manufacturers only allocate to ZEV states, thus limiting consumer choice of these vehicles. In addition, New Hampshire will benefit from reduced emissions upon California's adoption of post-2025 standards, when the federal and California emissions standards will no longer be in alignment.

2 New Sections; Adoption of California Air Resources Board Standards. Amend RSA 125-C by inserting after section 21 the following new sections:

125-C:22 Adoption of Vehicle Emissions Standards; Federal Clean Air Act.

I.(a) Notwithstanding RSA 541-A:3-b, on or before January 1, 2024, the commissioner of the department of environmental services shall adopt rules, in accordance with the provisions of RSA 541-A and RSA 125-C, to implement the light duty motor vehicle exhaust emission standards of the

state of California section 1961.2 and the light duty motor vehicle greenhouse gas exhaust emission standards of the state of California section 1961.3, and shall amend such regulations from time to time, in accordance with changes in said standards. Such regulations shall be applicable to new motor vehicles sold in the state of New Hampshire after January 1, 2024, with a model year of 2025 and later. Such regulations may incorporate by reference the California motor vehicle emissions standards set forth in final regulations issued by the California Air Resources Board pursuant to Division 3 of 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.

II.(a) Rules adopted pursuant to this section shall also include requirements for the sale of zero emissions vehicles (ZEV) or related provisions set forth in California Code of Regulations, section 1962.2 starting on January 1, 2024, and using New Hampshire specific vehicle numbers.

(b) Such rules shall include a credit system for manufacturers of low emission vehicles (LEVs) and ZEVs. Manufacturers shall receive credits for LEV/ZEV vehicles delivered to New Hampshire lots beginning January 1, 2022. Credits received between January 1, 2022 and January 1, 2024 shall be treated as received on January 1, 2024 for purposes of expiration. Credits received by January 1, 2024 shall not be traded or shared with other states of manufacturers.

III.(a) The requirements of this section shall be funded through the air pollution abatement fund established by RSA 125-S:3.

125-C:23 Penalties. The commissioner of the department of environmental services shall:

I. Impose a civil penalty not to exceed $37,500 on any manufacturer who sells, attempts to sell, or causes to be offered for sale a new motor vehicle that fails to meet the applicable emission standards in RSA 125-C:22.

II. Impose a civil penalty not to exceed $5,000 per zero-emission vehicle credit on a manufacturer that produces and delivers for sale in New Hampshire fewer ZEVs or ZEVs than required to meet its ZEV credit obligation under rules adopted by the department in a given model year.

3 Inspection Stickers; Fees. Amend RSA 266:2 to read as follows:

266:2 Fees. The fee for inspection stickers shall be [~~$3.25~~] ***$3.75*** for each sticker furnished an approved inspection station. The division shall transfer [~~$.25~~] ***$.50*** of each fee collected under this section to the motor vehicle air pollution abatement fund established by RSA 125-S:3 and [~~$.25~~] ***$.50*** of each fee collected under this section to the general fund. All unused stickers returned by the approved inspection station to the division shall be refundable at the rate of [~~$3.25~~] ***$3.75*** each, except that unused stickers purchased from the division for a fee of $2.50 shall be refundable at the rate of $2.50 each.

4 Department of Environmental Services; Positions Established; Appropriation. There is established within the department of environmental services one classified environmentalist III position for the purposes of implementing the requirements of RSA 125-C:22. The sum necessary to pay the salary, benefits, and other costs related to the positions established in this section is hereby appropriated to the department of environmental services for the biennium ending June 30, 2025. This appropriation shall be in addition to any other appropriations made to the department. The governor is authorized to draw a warrant for said sum out of any money in treasury not otherwise appropriated.

5 Effective Date. This act shall take effect 60 days after its passage.

REGULAR CALENDAR

February 3, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Science, Technology and Energy to which was referred HB 92, requiring the adoption of innovative vehicle emissions standards pursuant to section 177 of the federal Clean Air Act.

WITHOUT RECOMMENDATION

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Science, Technology and Energy**
Bill Number:	**HB 92**
Title:	**requiring the adoption of innovative vehicle emissions standards pursuant to section 177 of the federal Clean Air Act.**
Date:	**February 3, 2023**
Consent Calendar:	**Regular Calendar**
Recommendation:	**WITHOUT RECOMMENDATION**

Statement in support of Inexpedient to Legislate: This bill is focused on having lower/zero emission vehicles sold in this state by government mandate, but at a cost. It would adopt the vehicle emissions standards pursuant to Section 177 of the Federal Clean Air Act. It would require the Commissioner of the Department of Environmental Services to adopt rules in accordance with California emission standards for light duty exhaust vehicles and adhere to any subsequent changes in California standards. It would require and set a quota for the sale of low and zero emission vehicles, set up a credit system for manufactures of said vehicles, require a $37,500 fine each time a vehicle is sold that does not meet the standards, a $5,000 fine if the sale of low/zero emission vehicles do not meet the sales quota, eventually prohibits the sale of any light duty vehicle powered by a combustible engine, and increases registration fees. Ten members of this committee feel the free market and not the government should dictate what consumers can buy. The government enticements should be weighed against the cost, environmental effects of strip mining for the rare minerals needed for batteries and other material needed for electric vehicles, and the social impacts of child labor in these mines. For these reasons and more, we recommend ITL.

Rep. Douglas Thomas

Statement in support of Ought to Pass: Establishing a Commission to study the adaption of innovative vehicle emissions standards addresses a few not yet fully resolved issues pertaining to electric and hydrogen fueled vehicles. NH is serially behind on getting low emissions vehicles to dealer lots because we have not adopted Section 177 of the Federal Clean Air Act like the rest of the Northeast. To be fair, the bill's sponsor agrees that what may be a solution for California is not necessarily a solution for New Hampshire. A commission is an opportunity for the Granite State to chart its own course and develop our own comprehensive strategy to plan the statewide transition to low emissions vehicles. The intent of this bill is to get NH back on track to participate in the transition planned by all major vehicle manufacturers, who have signaled that they are going to implement low or zero emissions vehicles (including hydrogen) by either 2030 or 2040. A commission would benefit NH residents and businesses in a variety of ways. Currently, those looking to purchase electric vehicles struggle to find cars and trucks to test drive, or to comparison shop. Businesses who could cut their fleet costs find too few options available and electric vehicle infrastructure remains undeveloped. NH is the only Northeast state that has not taken significant steps to ensure consumers can purchase low emissions vehicles quickly and easily in-state. The market has spoken, electric and hydrogen vehicles are coming. This commission will address the challenge of market readiness and infrastructure in New Hampshire for the incoming wave of low emissions vehicles.

Original: House Clerk

Cc: Committee Bill File

Rep. Rebecca McWilliams

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Science, Technology and Energy
HB 92, requiring the adoption of innovative vehicle emissions standards pursuant to section 177 of the federal Clean Air Act. **WITHOUT RECOMMENDATION**
Statement in support of Ought to Pass: Establishing a Commission to study the adaption of innovative vehicle emissions standards addresses a few not yet fully resolved issues pertaining to electric and hydrogen fueled vehicles. NH is serially behind on getting low emissions vehicles to dealer lots because we have not adopted Section 177 of the Federal Clean Air Act like the rest of the Northeast. To be fair, the bill's sponsor agrees that what may be a solution for California is not necessarily a solution for New Hampshire. A commission is an opportunity for the Granite State to chart its own course and develop our own comprehensive strategy to plan the statewide transition to low emissions vehicles. The intent of this bill is to get NH back on track to participate in the transition planned by all major vehicle manufacturers, who have signaled that they are going to implement low or zero emissions vehicles (including hydrogen) by either 2030 or 2040. A commission would benefit NH residents and businesses in a variety of ways. Currently, those looking to purchase electric vehicles struggle to find cars and trucks to test drive, or to comparison shop. Businesses who could cut their fleet costs find too few options available and electric vehicle infrastructure remains undeveloped. NH is the only Northeast state that has not taken significant steps to ensure consumers can purchase low emissions vehicles quickly and easily in-state. The market has spoken, electric and hydrogen vehicles are coming. This commission will address the challenge of market readiness and infrastructure in New Hampshire for the incoming wave of low emissions vehicles.

Rep. Rebecca McWilliams

Statement in support of Inexpedient to Legislate: This bill is focused on having lower/zero emission vehicles sold in this state by government mandate, but at a cost. It would adopt the vehicle emissions standards pursuant to Section 177 of the Federal Clean Air Act. It would require the Commissioner of the Department of Environmental Services to adopt rules in accordance with California emission standards for light duty exhaust vehicles and adhere to any subsequent changes in California standards. It would require and set a quota for the sale of low and zero emission vehicles, set up a credit system for manufactures of said vehicles, require a $37,500 fine each time a vehicle is sold that does not meet the standards, a $5,000 fine if the sale of low/zero emission vehicles do not meet the sales quota, eventually prohibits the sale of any light duty vehicle powered by a combustible engine, and increases registration fees. Ten members of this committee feel the free market and not the government should dictate what consumers can buy. The government enticements should be weighed against the cost, environmental effects of strip mining for the rare minerals needed for batteries and other material needed for electric vehicles, and the social impacts of child labor in these mines. For these reasons and more, we recommend ITL.

Rep. Douglas Thomas

Original: House Clerk
Cc: Committee Bill File

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill #: HB92 Date: 1/24/23

Committee: Science

**** Please Print All Information ****

Name	Address	Phone	Representing	Pro	Con
GREG MOORE		603-303-9297	AFP-NH		✓
BOB SCULLEY		603-224-7337	NHMTA		✓
Lawrence Katz		603-566-1667	Myself		✓
REP. THOMAS WALSH			MER-10		✓
Rep Latha Mangipudi			Hills 11	✓	

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

PUBLIC HEARING ON HB 92

BILL TITLE: **requiring the adoption of innovative vehicle emissions standards pursuant to section 177 of the federal Clean Air Act.**

DATE: **January 24, 2023**

LOB ROOM: **302-304** **Time Public Hearing Called to Order:** **1:03 p.m.**

Time Adjourned: **3:40 p.m.**

Committee Members: Reps. Vose, D. Thomas, Bernardy, Notter, Harrington, Merner, Lewicke, Berezhny, Ploszaj, Summers, McGhee, McWilliams, Chretien, Parshall, Caplan, Muns, Noel, W. Thomas, Cormen and Raynolds

Bill Sponsors:

Rep. McWilliams	**Rep. Chretien**	**Rep. Toll**
Rep. Seibert	**Rep. Preece**	**Sen. Watters**
Sen. Whitley		

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep Rebecca McWilliams introduced the bill

- Low emission/ Zero emission vehicle
- Implement CA LEV/ZEV programs
- Rationale: Air quality issues - yet we have essentially none
- Required to have stock on lots by January 1, 2024
- Penalty is $37,000 per manufacturer
- Requires DES positive - pd by inspection sticker fee of $.50
- Addresses vehicles on lots - not in public
- Need to revise bill to reflect Federal Emission Standards
- Balance Emissions = Switching gas for natural gas, Coal, Nuclear

Michael Fitzgerald - DES

- No position on bill
- CA gets waiver from the Federal Clean Air Act
- CA and Federal vehicle standards are _____ through 2025
- Date not possible for rulemaking in the bill
- EVs are more efficient in operation when reflecting power plant emissions

Lawrence Artz - Nashua, self

- Heavily Opposed
- All about CA history

William Hall - Dublin, self

- Opposed
- CO2 does not impact roads - Wt and road salt does
- CA has made many mistakes, don't need to repeat

Dave Bennett - NH Auto Dealers Assoc

- Topic worth study - Don't need a CA plan but a NH plan
- Need charging infrastructure
- Look at ways to get car on the road

- State law doesn't matter - it's a manufacturer issue (availability)
- 1.5 million inspections x $.50 = $750,000
- Focus on innovative ways to get EVs sold
- Big jump to get to 25% EVs
- CA pays for EV drive train warranties
- Key to success - make customer happy
- No new internal combusters in vehicles after 2035

Tracy Beaurivage - NH Motorcycle Rights

- Doesn't know if in or out for motorcycles (80,000 in NH)
- Opposed if its a requirement
- Motorcycles do not have distance beyond 135-150 miles
- Would require greater number of charging stations

House Remote Testify

Science, Technology and Energy Committee Testify List for Bill HB92 on 2023-01-24

Support: 36 Oppose: 22 Neutral: 0 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	Signed Up
Smith, Julie	Nashua, NH cantdog@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/18/2023 4:59 PM
Kaw-uh, Bryce	Manchester, NH bryce.kawuh@gmail.com	A Member of the Public	Myself	Support	No	No	1/20/2023 11:17 AM
Hill, Bonnie	South Sutton, NH hillbonnie@aol.com	A Member of the Public	Myself	Support	No	No	1/20/2023 2:31 PM
Holstein, Susanne	Bedford, NH srholstein@comcast.net	A Member of the Public	Myself	Support	No	No	1/20/2023 2:43 PM
Beffa-Negrini, Patricia	Nelson, NH pbeffa@me.com	A Member of the Public	Myself	Support	No	No	1/20/2023 2:48 PM
Beuchelt, Gerald	Bethlehem, NH gerald@beuchelt.com	A Member of the Public	Myself	Oppose	No	No	1/20/2023 11:15 PM
Opal, Susan	Richmond, NH SusanOpalWyatt@gmail.com	A Member of the Public	Myself	Support	No	No	1/21/2023 9:01 AM
Watters, Senator David	Dover, NH david.watters@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/21/2023 11:33 AM
Berrio, Simon	Holderness, NH quahog319@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/21/2023 12:28 PM
Foss, Carol	Penacook, NH cfoss@nhaudubon.org	A Lobbyist	New Hampshire Audubon	Support	No	No	1/21/2023 12:38 PM
Kudlik, Cindy	Grafton, NH CindyKudlik@protonmail.com	An Elected Official	Myself	Oppose	No	No	1/22/2023 2:04 AM
Dalrymple, Dave	Northfield, NH davedalrymple@myfairpoint.net	A Member of the Public	Myself	Oppose	No	No	1/22/2023 9:53 AM
Spier, Carry	Nashua, NH carry.spier@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/22/2023 11:55 AM

Damon, Claudia	Concord, NH cordsdamon@gmail.com	A Member of the Public	Myself	Support	No	No	1/22/2023 5:29 PM
Taylor, Gale	Concord, NH galeforcefacilitators@gmail.com	A Member of the Public	Myself	Support	No	No	1/22/2023 6:38 PM
Casino, Joanne	Concord, NH joannecasino@comcast.net	A Member of the Public	Myself	Support	No	No	1/22/2023 7:45 PM
berk, bruce	Pittsfield, NH bruce.berk.nh@gmail.com	A Member of the Public	Myself	Support	No	No	1/22/2023 8:05 PM
Coon, Kate	Peterborough, NH kate2coon@gmail.com	A Member of the Public	Myself	Support	No	No	1/22/2023 8:14 PM
Liebowitz, Susan	Plainfield, NH supawali@hotmail.com	A Member of the Public	Myself	Support	No	No	1/22/2023 8:36 PM
Preece, David	Manchester, NH David.Preece@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/22/2023 8:58 PM
Creem, Jeffrey	Nashua, NH jeff@thecreems.com	A Member of the Public	Myself	Oppose	No	No	1/22/2023 10:19 PM
Reed, Barbara	North Swanzey, NH BDReed74@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 6:44 AM
Jernstedt, Margaret	Hanover, NH Margaret.Jernstedt@comcast.jet	A Member of the Public	Myself	Support	No	No	1/23/2023 7:52 AM
Garland, Ann	Lebanon, NH annhgarland@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 9:46 AM
Medeiros, Jesse	Plainfield, NH bgtrck458@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/23/2023 10:00 AM
Hurley, Jack	Claremont, NH jrhurjd@aol.com	A Member of the Public	Myself	Support	No	No	1/23/2023 11:09 AM
Cote, Lois	Manchester, NH, NH lcote06@outlook.com	A Member of the Public	Myself	Support	No	No	1/23/2023 11:50 AM
Liberman, Sheryl	Merrimack, NH saml54@comcast.net	A Member of the Public	Myself	Support	No	No	1/23/2023 11:57 AM
Schweiker, Roy	Concord, NH royswkr@hotmail.com	A Member of the Public	Myself	Oppose	No	No	1/23/2023 12:12 PM
Sweet, Elizabeth	Rye, NH lisacsweet@comcast.net	A Member of the Public	Myself	Support	No	No	1/23/2023 12:54 PM
Karney, Stephen	Amherst, NH stephenakarney@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/23/2023 1:03 PM

Artz, Lawrence	Nashua, NH nashuarep@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/23/2023 4:46 PM
Moore, Susan	Franconia, NH susan.moore.franconia@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 5:03 PM
Phillips, Betsey	Bethlehem, NH bphill36@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 5:14 PM
FRIEDRICH, ED	Loudon, NH erfriedrich@yahoo.com	A Member of the Public	Myself	Support	No	No	1/23/2023 7:51 PM
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 7:52 PM
Hennessey, Martha	Hanover, NH Msh4wt@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 9:13 PM
Manion, Alicia	Somersworth, NH aliciamanion@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 10:39 PM
Allen, Mary Grace	Dover, NH marygracekatherine@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 10:39 PM
Smith, Hayden	Hanover, NH hasmith1520@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 11:39 PM
Steel, Sandy	PLAINFIELD, NH selizabethsteel@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2023 8:45 AM
O'Donnell, Alex	Weare, NH arodonnell22@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2023 10:18 AM
Hobson, Deborah	East Kingston, NH deb.hobson@me.com	An Elected Official	Myself	Oppose	No	No	1/24/2023 10:19 AM
Toll, Amanda Elizabeth	Keene, NH Electamandanh@gmail.com	An Elected Official	Cheshire 15	Support	No	No	1/24/2023 11:13 AM
Koch, Laurie	Concord, NH kochlj@aol.com	A Member of the Public	Myself	Support	No	No	1/24/2023 1:48 PM
Corkery, Catherine	Concord, NH catherine.corkery@sierraclub.org	A Lobbyist	NH Sierra Club	Support	No	No	1/24/2023 1:54 PM
Fader, Matthia	Goffstown, NH tiafader@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/24/2023 2:01 PM
Alleman, Bill	Weare, NH gencourt@allemanse.com	A Member of the Public	Myself	Oppose	No	No	1/24/2023 2:02 PM
Bowley, Bonnie	Danville, NH, NH gracepaul517@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/24/2023 2:50 PM

Saunders, Shelley Lyn	Portsmouth, NH ShelleySaunders4@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/24/2023 2:53 PM
Mercer, Brian	Nashua, NH bsmercer1962@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/24/2023 3:30 PM
Levasseur, Donna	Hollis, NH westwind1@tds.net	A Member of the Public	Myself	Oppose	No	No	1/24/2023 3:37 PM
Koch, Helmut	Concord, NH helmut.koch.2001@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2023 3:50 PM
Gildersleeve, Darlene	Hopkinton, NH Dmcote88@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/24/2023 5:17 PM
Potucek, John	Derry-Rockingham Dist. 13, NH potucek1@comcast.net	An Elected Official	Myself	Oppose	No	No	1/24/2023 6:45 PM
Levell, Michelle	Auburn, NH mlevell@hotmail.com	A Member of the Public	Myself	Oppose	No	No	1/24/2023 6:57 PM
Curtis, Peter	Dover, NH curtisystems@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/24/2023 8:15 PM
Rider, Diane	Pittsfield, NH jfrider2005@yahoo.com	A Member of the Public	Myself	Oppose	No	No	1/24/2023 9:32 PM

January 24, 2023

Representative Michael Vose, Chair

NH State House – Science, Technology and Energy Committee

Re: HB 92

Dear Chair Vose and Science, Technology, and Energy Committee,

I'm David Preece, representative from District 17, Hillsborough County, City of Manchester, and I support HB 92. This bill would adopt the innovative vehicle emissions standards according to section 177 of the federal Clean Air Act.

Approving HB 92 will assist in reducing health risks to individuals impacted by the emissions from mobile sources. In addition, having cleaner vehicles on the road will reduce air pollution in communities located along and near major transportation corridors, ports, industries, warehouses, and other areas with high volumes of truck traffic.

I appreciate your consideration.

David Preece

Representative, Hillsborough County – 17, City of Manchester

I am heavily OPPOSED to HB92, AN ACT requiring the adoption of innovative vehicle emissions standards pursuant to section 177 of the federal Clean Air Act.

This bill sets a dangerous precedent. It essentially hands over legislative and rulemaking authority directly to unelected bureaucrats from the State of California Air Resources Board (CARB), and perhaps even to the California Bureau of Auto Repair (BAR) and gives them broad authority to set California-style air quality policy for the State of New Hampshire by a few, if any members without ties, or knowledge of New Hampshire, its people or culture. This bill hamstrings New Hampshire to automatically implement force and effect of laws/rules created by California, particularly in the manufacture and sale of motor vehicles as well as imposing onerous rules onto end user owners of these vehicles.

New Hampshire is NOT California. Our climate does not lend itself well to outright internal combustion vehicle bans which this bill will ultimately target. It may work in Southern California, with their year-round warm weather, no snow and perfect roads, but not here. We have our own issues with motor vehicles unheard of in California like cold winters, salted roads and rust.

This bill will impact New Hampshire residents in a negative way. If a NH resident travel to the Carolinas, Georgia, Florida, etc., and they get into an accident and destroy their vehicle, they will be prohibited from buying a "new" vehicle in those states to replace their destroyed one simply because it is brand new and only meets "federal" emission standards, not California standards. In addition, they may also be denied the ability to inherit, acquire in a divorce settlement, lawsuit, a gift, etc. or buy a vehicle they find and really like and be able to register it in New Hampshire unless it is a "California" vehicle. This may mean the only way to obtain an out of state vehicle, they will have to settle for an older, perhaps a more polluting vehicle as an alternative.

These emissions restrictions going back to the early 1980s have greatly disincentivized me from owning a new model vehicle. The Nashua area tailpipe emissions law passed in 1985 was the deciding factor for me to keep, and refurbish my 1972 Volkswagen Super Beetle, a car that pre-dated catalytic converters, just made the age to be exempt from that upcoming law and to which I started driving in 1980. I remember it as if it was yesterday. It was October of 1984, my Volkswagen was to need work as rust started to take hold of it, and then I read about how the EPA was jamming a tailpipe emissions testing program down our throats only for those that live in the Nashua area with a threat by the EPA to withhold federal highway money…all based on ONE DAY of air quality carbon monoxide violations at one intersection in downtown Nashua that occurred in March of 1978, which at that time only three model years' worth of catalytic converter-equipped vehicles were in existence as they were introduced, along with unleaded gasoline in 1975. It was at that time I made the decision to spend a couple Grand and totally rebuild that Volkswagen so that I can keep it on the road and not have to deal with this then-new emissions testing fiasco, which they stated was to begin in October of 1987. Back then, they said if the vehicle was either 15 years old or heavier than 8,000 pounds, it was to be exempt…well the VW was 15 years old in 1987, and its registration was renewed before the law's effective date, so I started buying body and mechanical parts for it and I made that 1972 VW into a "new car" again. To this very day I still own that vehicle and it is still operational and it is now

approaching a quarter million miles on it, as the odometer rolled back to zero twice in the following years. That law, along with the threat of enhancing the law in the 1990s after the clean Air Act of 1990 was passed and the politicians were gearing up to force all the old cars off the road, they strived to expand this "centralized enhanced emission test law" to include the 1968 model year led me to focus exclusively on only buying and driving pre-emission control era (pre-1968) vehicle in later years – my 1966 Chevy II Nova and two more pre-1968 station wagons – a 1963 Chevy II Nova and a 1967 Chevy II Nova along with my massive hoarding of parts for these vehicles to allow their operation for many more decades as I cleaned out junkyards out of their Chevy II parts in NH and Mass. Fortunately, massive public outcry and pressure from then Governor Stephen Merrill and the outcome of the massive Democratic defeat in the 1994 miderm elections led the NH legislature to abandon their efforts to go after the 1968 to pre-1975 pre-catalytic era vehicle owners (federal law prohibited going after pre-1968 vehicles because they preexisted clean air laws) and a huge scaledown of their onerous centralized emissions testing empire plans, which the state was to contract Envirotest, a huge emission testing empire at the time to implement California style Smog Check in 1995.

To this day, the newest vehicle I own is a 1992 model – a Chevy Silverado longbed that I acquired from my father. With low miles and an extremely solid body and frame, I made a special effort to heavily rustproof the underside and body panels with an annual application of a full gallon of Fluid Film rustproofing lanolin oil to prolong its operating life to near indefinite time. I have been spraying that truck for many, many years now. As that vehicle is now 31 years of age, it is absolutely solid with zero rust anywhere and I have absolutely no plans to replace that truck with anything newer since 1. The truck is one of the last model years to use that pre-OBD II and ultra-reliable throttle body fuel injection system (problems plagued the 1996 and newer GM trucks), and 2. It is over 20 years of age and totally exempt from the requirements under RSA 266:59(b), the emission control inspection law.

Because of the threatened internal combustion vehicle ban, which becomes automatic under this bill, threats of "going California" through bills such as this one, and the current emissions inspection OBD II law, I have an absolute zero motivation or desire to ever own a motor vehicle in this state newer than a 1995 model year (which is the final year without federal OBD II mandates), or at maximum, any vehicle in this state less than 20 model years of age now exempt under current state law. I certainly will not be bullied into owning an electric vehicle. I would rather import into this state another Southwest climate rust-free 1950s-1970s vehicle than buy a new one. I'm currently remanufacturing my 1963 Chevy II Nova wagon once again while it is still legal for me to buy automotive paint and primer, after 30+ years and 180,000+ miles ago of building it the first time around in order to have the motor vehicle that I want to drive for the coming decades as I reach my retirement. Thanks to the ever-growing parts suppliers and internet sales that strive to keep those older, pre-emission era vehicles on the road, it is easier than ever to restore it today than it was back in 1989-1990 when I restored it the first time around. If I live out the rest of my days without ever owning a "late" model vehicle, then so be it. It is a sad state of affairs when Cuba becomes an inspiration to keeping older vehicles running and on the roads due to bad policy, but that country proves that one can keep older, more "polluting" vehicles on the road for near a century or longer. I'm sure that I am not alone in this

position on legislation like this. Like it or not, the mean vehicle age continues to climb to new records, and legislation like this only serves to reinforce this.

Lawrence A. Artz

7 Fountain Lane

Nashua, NH

Gerald Beuchelt

This bill has no merit and should not pass:

1. There is no evidence provided that NH will benefit materially from potential emission reductions promised by the proposed regulation. NH is a very rural state, with only few densely populated areas which may rarely develop ground ozone or similar issues.
2. Additional vehicle options such as Electric Vehicles are unsuitable for rural NH regions due to limited range and susceptibility to cold temperatures.
3. The additional car choices are typically very expensive and will not benefit most NH citizens. Those that can afford these vehicle can also aquire them in neighboring states.
4. Additional negotiations with car companies can be used to expand other options as well.

Cindy Kudlik

Dave Dalrymple

No to this bill

Gale Taylor

Clean air and the environment is important and we need to stay on top of emission standards.

Jeffrey Creem

EVs are inevitable and we don't need mandates to force them before they are ready. There are already plenty of EV choices in the state. I drive an EV.

Yet another example of careless drafting. What about stickers purchased for $3.25? Why not just say the state will refund what amount they paid?

ED FRIEDRICH

...

Amanda Elizabeth Toll

Dear Honorable Members of the Science, Energy, and Technology Committee, My name is Amanda Elizabeth Toll. I represent Cheshire 15 encompassing Keene, Westmoreland, Surry, Chesterfield, Hinsdale, and Walpole. I am writing today in support of HB92, requiring the adoption of innovative vehicle emissions standards pursuant to section 177 of the federal Clean Air Act. This is a concrete way we can create a more sustainable New Hampshire and protect our natural resources. With the climate crisis causing increased environmental catastrophe, we really owe it to the next generation to do everything we can to protect the environment, which will directly benefit all its inhabitants. This bill is an important step in the right direction for the Granite State to do our part to fend off global warming and care for our natural resources so our kids and grandkids can enjoy them for generations to come. Respectfully,Amanda Elizabeth Toll

Matthia Fader

NO!

Bonnie Bowley

This bill will directly HURT NH residents!

Shelley Lyn Saunders

No!!!! Please vote NO, this is not CA, we are NH

Brian Mercer

As a citizen of New Hampshire I strongly oppose the adoption of California emission standards.

Darlene Gildersleeve

HB92-Oppose

John Potucek

This Bill is terrible!

Peter Curtis

I oppose this bill if the ultimate effect of this legislation would be to phase out internal combustion engines in consumer automobiles.

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

EXECUTIVE SESSION on HB 92

BILL TITLE: requiring the adoption of innovative vehicle emissions standards pursuant to section 177 of the federal Clean Air Act.

DATE: February 3, 2023

LOB ROOM: 302-304

MOTIONS: **INEXPEDIENT TO LEGISLATE**

Moved by Rep. D. Thomas Seconded by Rep. Notter Vote: 10-10

☑ **WITHOUT RECOMMENDATION**

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep JD Bernardy, Clerk

OFFICE OF THE HOUSE CLERK

1/31/2023 2:59:26 PM
Roll Call Committee Registers Report

2023 SESSION

Science, Technology and Energy

Bill #: HB 92 Motion: ITL AM #: Exec Session Date: 3 Feb 2023

Members	YEAS	Nays	NV
Vose, Michael Chairman	1		
Thomas, Douglas W. Vice Chairman	1		
Notter, Jeanine M.	1		
~~Harrington, Michael D.~~ Love, Dave	1		
~~Merner, Troy E.~~ Davis, Arnold	1		
~~Lewicke, John~~ Brown, Carroll	1		
Berezhny, Lex	1		
Bernardy, JD Clerk	1		
Ploszaj, Tom	1		
Summers, James	1		
~~McGhee, Kat~~ Grill, Jessica		1	
McWilliams, Rebecca J.		1	
~~Chretien, Jacqueline H.~~ Spier, Carry		1	
Parshall, Lucius		1	
Caplan, Tony		1	
Muns, Chris		1	
Noël, Henry W.		1	
Thomas, Wendy E.N.		1	
Cormen, Thomas H		1	
~~Raynolds, Ned~~ Howard, Heath		1	
TOTAL VOTE:	10	10	

OFFICE OF THE HOUSE CLERK

1/31/2023 2:59:26 PM
Roll Call Committee Registers Report

2023 SESSION

Science, Technology and Energy

Bill #: HB 92 Motion: Agree w Challenge to Chair AM #: _____ Exec Session Date: 3 Feb 2023

Members	YEAS	Nays	NV
Vose, Michael Chairman		1	
Thomas, Douglas W. Vice Chairman		1	
Notter, Jeanine M.		1	
~~Harrington, Michael D.~~ Love, Dave		1	
~~Merner, Troy E.~~ Davis, Arnold		1	
~~Lewicke, John~~ Brown, Carroll		1	
Berezhny, Lex		1	
Bernardy, JD Clerk		1	
Ploszaj, Tom		1	
Summers, James		1	
~~McGhee, Kat~~ Grill, Jessica	1		
McWilliams, Rebecca J.	1		
~~Chretien, Jacqueline H.~~ Spier, Carry	1		
Parshall, Lucius	1		
Caplan, Tony	1		
Muns, Chris	1		
Noël, Henry W.	1		
Thomas, Wendy E.N.	1		
Cormen, Thomas H	1		
~~Raynolds, Ned~~ Heath, Howard	1		
TOTAL VOTE:	10	10	