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Submitted Electronically
New Mexico Environmental Improvement Board
1190 St. Francis Srive, Suite N4050
Santa Fe, NM 97505

Re: EIB 23-56 (R)- In the Matter of Proposed Amendments to 20.2.91 NMAC – New Motor Vehicle Emission Standards

ChargePoint thanks the Environmental Improvement Board (EIB or the Board) for considering adoption of California's Advanced Clean Cars (ACC II) and Advanced Clean Trucks (ACT) regulations. ChargePoint generally supports EIB's proposed adoption of the ACC II regulations, which would require – unless subject to an exemption listed in subsection (d) of the proposed regulations – manufacturers to produce zero-emission electric vehicles (ZEV) beginning with model year 2027, with increased production targets reaching 82% ZEV sales by 2032. Likewise, the ACT regulations would require manufacturers to sell an increasing percentage of zero-emission medium and heavy duty vehicles through 2035.

ChargePoint encourages the Board to adopt the ACC II and the ACT regulations effective January 1, 2024. However, the Board should amend the ACCII rules to fully align with the 100% ZEV sales target for 2035 set by California, rather than stopping short at 82% in 2032. The Board should also prepare to adopt forthcoming amendments to minimum technical requirements for EVs model year 2026 and later, as established by the California Air Resources Board (CARB).

I. About ChargePoint

ChargePoint is a world leading EV charging network with a comprehensive set of charging solutions available to customers. Since 2007, ChargePoint has been creating the new fueling network to move all people and goods on electricity. ChargePoint is committed to making it easy for businesses and drivers to go electric. ChargePoint's cloud subscription platform and software defined charging hardware is designed internally and includes options for every charging scenario from home and multifamily to workplace, parking, hospitality, retail, corridor, and fleets of all kinds. ChargePoint's primary business model is to sell our integrated charging software and hardware solutions directly to site hosts and provide services that enable them to provide charging services that align with their specific needs.

Today, one ChargePoint account provides access to hundreds of thousands of places to charge in North America and Europe, with hundreds of public and private ChargePoint chargers located across New Mexico. To date, more than 172 million charging sessions have been delivered across more than 240,000 ChargePoint ports worldwide, with drivers plugging into the ChargePoint network on average every second.

II. Benefits of Transportation Electrification

Electrifying 100% of new light-duty vehicle sales by 2035 presents significant benefits to individuals and the state of New Mexico broadly. For instance, the fuel and maintenance savings associated with EVs

compared to gasoline vehicles are significant, with the average driver in New Mexico saving $741 annually by switching to electric fuel.[1] The benefits of transportation electrification extend to drivers who may not immediately switch to an EV. For example, the American Lung Association estimates the monetized health benefits of attaining 100% passenger ZEV sales by 2035 in New Mexico – directly tied to adopting ACC II – to be $2.1 billion.[2] Additional health benefits include an estimated avoidance of 194 premature deaths, 5,210 asthma attacks, and 22,700 lost days of work.[3]

Further, EV charging can be beneficial to the electrical distribution grid and to utility ratepayers broadly. Managed charging and other EV load management strategies, if implemented effectively, can result in significant customer savings. Over the last ten years, EV drivers across the United States have contributed approximately $1.7 billion more to utilities than associated costs, driving rates down for all customers, including those who do not drive EVs. [4]

III. Charging Infrastructure Deployment Will Support EVs Sold Through ACCII.

The EV charging industry has seen immense growth in recent years in direct response to the growing number of EVs on the road. Adoption of ACC II will provide greater certainty for the trajectory of the EV market in New Mexico and encourage more private investment in charging infrastructure deployment to meet the anticipated demand. In turn, greater charger availability will support more drivers' decisions to purchase EVs consistent with the goals of ACC II. For their part, businesses and property managers are increasingly electing to install EV charging in commercial retail areas, workplaces, multi-family buildings, and public parking areas to make charging accessible to their visitors, employees, customers, and residents. Continued investment and growth in this industry will drive New Mexico's ability to meet ACCII targets.

Federal investment will also play a key role in New Mexico to support corridor-style charging to enable long-distance travel in an EV. The Infrastructure Investment and Jobs Act (IIJA), among other actions, allocated $5 billion for EV charging infrastructure through the National Electric Vehicle Infrastructure (NEVI) Formula Program.[5] The NEVI Program aims to develop a national highway charging system by awarding federal formula funding across all 50 states. The New Mexico Department of Transportation will distribute $38.4 million through 2028 to support the deployment of chargers along federally designated Alternative Fuel Corridors (AFCs), starting with I-25, I-40, and I-10.[6] In addition, states may receive additional investment in the form of $2.5 billion awarded through competitive grants to deploy alternative fuel infrastructure, such as EV charging stations, both along highway corridors and in communities.[7] Taken together, the combined growth of private and public investment will ensure charging infrastructure is widely available to New Mexico drivers switching to EVs.

IV. The Board Should Require 100% EV Sales by 2035.

[1] https://advocacy.consumerreports.org/wp-content/uploads/2020/10/EV-Ownership-Cost-Final-Report-1.pdf
[2] https://www.lung.org/clean-air/electric-vehicle-report/driving-to-clean-air.
[3] *Id.*
[4] https://www.synapse-energy.com/sites/default/files/Electric%20Vehicles%20Are%20Driving%20Rates%20Down%20Factsheet.pdf
[5] https://www.fhwa.dot.gov/environment/nevi/.
[6] https://www.dot.nm.gov/nevi/
[7] https://highways.dot.gov/newsroom/biden-harris-administration-opens-applications-first-round-25-billion-program-build-ev.

Adopting the ACC II regulations will help move New Mexico forward with its goals to reduce greenhouse gas emissions. The ACC II regulations will also create quality jobs for New Mexico's residents to build, install, and maintain the charging infrastructure needed to support an increasingly electrified transportation and logistics industry.

However, the proposed amendments to 20.2.91 NMAC stop short of adopting the full 100% ZEV sales target set by California and instead propose adopting the regulations only up to 82% ZEVs by 2032. ChargePoint urges the Board to adopt the full requirement of 100% ZEVs by 2035. Adopting ACCII requirements through 2035 will position New Mexico as a leader in transportation electrification and will allow New Mexico's residents and businesses to reap the benefits of EVs more quickly and with more certainty in the transformative decade to come.

V. The Board Should Not Delay in Adopting ACCII.

In October 2023, California Air Resources Board (CARB) staff indicated intention to amend the ACC II regulations for vehicles model year 2026 and later, among other emerging topics and implementation updates.[8] While next steps and a potential rulemaking timeline are yet to be announced, ChargePoint anticipates this rulemaking will address minimum technical requirements for ZEVs, such as connector types, in response to many automakers' announcements this past summer regarding the adoption of the North American Connector Standards (NACS) port.

It is important and valuable for CARB to modify ACC II regulations as ZEV technology and standards evolve over time. However, possible amendments to ACCII should not delay the timeline of New Mexico's proposed adoption of the regulation. We encourage EIB to adopt the ACCII rules effective January 1, 2024, as proposed in EIB 23-56 (R) and to anticipate adopting amendments to ACC II as they are issued by CARB in the coming months and years.

VI. Minimum Technical Requirements for ZEVs Must Be Addressed.

It is important to acknowledge and identify minimum technical requirements for ZEVs effective beginning in model year 2026 that will need modification to best serve consumers as the industry develops. Beyond the evolving connector standards for automakers and charging providers, for example, the ACC II regulations currently include a requirement for each battery electric vehicle (BEV) sold to be equipped with a charging cord capable of both Level 1 and Level 2 (L1-L2) charging with adjustable amperage.[9] While well-intentioned, the requirement for variable amperage L1-L2 charging cords could do more harm than good for New Mexico's developing EV and EV charging ecosystem because it:

- Introduces electrical safety challenges. While we understand the desire to empower EV drivers to utilize, in a simple way, the electrical infrastructure at their home, portable charging cords with user-adjustable amperage are likely to be confusing to EV drivers unfamiliar with their home's electrical capacity and put New Mexico's consumers, property, and vehicles at risk. Charging

[8] https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/meetings-workshops
[9] Final Regulation Order, Amendments to Section 1962.3, Title 13, California Code of Regulations at 4.

cables that are both dual-amperage and portable (i.e, not hardwired) may conflict with guidance for electrical safety.[10]

- Limits the potential for managed charging. Electrifying the transportation sector presents the opportunity to more efficiently use the electrical grid and reduce systemwide costs, but only if charging behavior is properly managed. Best practice to manage EV charging load is to utilize charging equipment that is both ENERGY STAR certified and networked (i.e., the ability to send and receive signals to the utility and adjust charging speed remotely). L1-L2 charging cables without load management capabilities minimize the potential for beneficial load management.
- Does not eliminate drivers' needs for specialized charging equipment. Charging needs are variable, and drivers seek specialized equipment to suit their household electrical capacity, outlet type, EV model, and preference. L2 charging equipment is better suited as an aftermarket purchase to be tailored to each specific driver's needs. Mandating dual L1-L2 charging cables to be sold as standard equipment with EVs will increase vehicle costs, increase e-waste, and fail to eliminate the need for drivers to make electrical upgrades to their home to support their desired charging speeds.

We understand that the Board may be limited in its ability to introduce state-specific changes to the ACCII regulations. Nonetheless, the Board should follow the issue and consider working with other ACCII states to remove the requirement for automakers to provide a "charging cord capable of both Level 1 and Level 2 electrical charging" by removing the Level 2 requirement in 1962.3 (B) and 1962.3 (C). If amendments to address this issue are made in CARB's upcoming ACC II amendment process, the Board should immediately initiate another rulemaking process to adopt the same amendments.

VII. Conclusion

ChargePoint thanks the Board for the opportunity to provide these comments. The ACC II and ACT regulations are a key step towards New Mexico achieving its decarbonization and public health goals. ChargePoint recommends that Board adopt the Advanced Clean Cars II regulations up to the full 2035 requirements and, if not addressed in CARB's upcoming ACCII amendment process, work with other ACC II states to remove the requirement for automakers to provide a "charging cord capable of both Level 1 and Level 2 electrical charging" by removing the Level 2 requirement in 1962.3 (B) and 1962.3 (C).

ChargePoint looks forward to meeting the refueling needs of EV drivers in New Mexico in the coming years. Please do not hesitate to reach out with any questions.

Sincerely,

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[10] *See* New Buildings Institute, Electric Vehicle Supply Equipment (EVSE) Permitting & Inspection Guidelines at 6, available at: https://newbuildings.org/resource/electric-vehicle-supply-equipment-energy-storage-and-solar-permitting-and-inspection-guidelines/