



Board of County Commissioners Agenda Request

3A
Agenda Item #

Requested Meeting Date: February 9, 2021

Title of Item: Clean Car Standards Discussion

<input checked="" type="checkbox"/> REGULAR AGENDA <input type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> INFORMATION ONLY	Action Requested: <input type="checkbox"/> Approve/Deny Motion <input type="checkbox"/> Adopt Resolution (attach draft) <i>*provide copy of hearing notice that was published</i>	<input type="checkbox"/> Direction Requested <input checked="" type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing*
Submitted by: Jessica Seibert	Department: Administration	
Presenter (Name and Title): Jessica Seibert, County Administrator		Estimated Time Needed: 20 min.
Summary of Issue: Brian Martinson, AMC Environment and Natural Resources Policy Analyst, will attend remotely to brief the Board on the MPCA Clean Cars emission standards. Information is attached including the MPCA rule being considered, an overview of the standards being discussed and the MPCA rule-making process.		
Alternatives, Options, Effects on Others/Comments:		
Recommended Action/Motion: Discussion only.		
Financial Impact: Is there a cost associated with this request? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No What is the total cost, with tax and shipping? \$ Is this budgeted? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Please Explain:</i>		

1.1 **Minnesota Pollution Control Agency**

1.2 **Proposed Permanent Rules Relating to Clean Cars**

1.3 **7023.0150 SCOPE AND INCORPORATION BY REFERENCE.**

1.4 Subpart 1. **Scope.** To reduce air pollution from vehicles in the state, parts 7023.0150
1.5 to 7023.0300 establish standards for low-emission vehicles and zero-emission vehicles.

1.6 Subp. 2. **Incorporation by reference.** California Code of Regulations, title 13, sections
1.7 1900, 1956.8(h) (medium-duty vehicle greenhouse gas emission standards only), 1961.2,
1.8 1961.3, 1962.2, 1962.3, 1965, 1968.2, 1976, 1978, 2035, 2037 to 2041, 2046, 2062, 2109,
1.9 2111 to 2121, 2122 to 2135, 2139, and 2141 to 2149, as amended, are incorporated by
1.10 reference. The regulations are not subject to frequent change and are available online at
1.11 <https://oal.ca.gov/publications/ccr/>.

1.12 Subp. 3. **Term substitutions.** In applying the incorporated sections of the California
1.13 Code of Regulations, unless the context requires otherwise:

1.14 A. "California" means "Minnesota";

1.15 B. "CARB," "ARB," or "Air Resources Board" means the agency; and

1.16 C. "Executive Officer" means the commissioner.

1.17 Subp. 4. **Effective date.** Parts 7023.0150 to 7023.0300, except part 7023.0300, subpart
1.18 4, are effective on the date given in a commissioner's notice published in the State Register
1.19 after the standards incorporated by reference in subpart 2 are granted a waiver by the U.S.
1.20 Environmental Protection Agency under United States Code, title 42, section 7543. The
1.21 commissioner's notice must also designate the first effective model year in accordance with
1.22 United States Code, title 42, section 7507.

2.1 **7023.0200 DEFINITIONS.**

2.2 Subpart 1. **Applicability.** For parts 7023.0150 to 7023.0300, the terms in this part
2.3 have the meanings given. The definitions in parts 7000.0100 and 7005.0100 and California
2.4 Code of Regulations, title 13, section 1900, apply to parts 7023.0150 to 7023.0300 unless
2.5 the terms are otherwise defined in this part.

2.6 Subp. 2. **Authorized emergency vehicle.** "Authorized emergency vehicle" has the
2.7 meaning given in Minnesota Statutes, section 169.011.

2.8 Subp. 3. **CARB.** "CARB" means the California State Air Resources Board as defined
2.9 in California Health and Safety Code, division 26, part 1, chapter 1, section 39003.

2.10 Subp. 4. **First effective model year.** "First effective model year" means the first model
2.11 year for which the standards adopted in parts 7023.0150 to 7023.0300 are effective according
2.12 to the commissioner's notice under part 7023.0150, subpart 4.

2.13 Subp. 5. **Light-duty truck.** "Light-duty truck" has the meaning given under California
2.14 Code of Regulations, title 13, section 1900(b)(11).

2.15 Subp. 6. **Medium-duty passenger vehicle.** "Medium-duty passenger vehicle" has
2.16 the meaning given under California Code of Regulations, title 13, section 1900(b)(12).

2.17 Subp. 7. **Medium-duty vehicle.** "Medium-duty vehicle" has the meaning given under
2.18 California Code of Regulations, title 13, section 1900(b)(13).

2.19 Subp. 8. **Military tactical vehicle.** "Military tactical vehicle" means a land combat
2.20 or transportation vehicle, excluding a rail-based vehicle, that is designed for and used by a
2.21 branch of the United States armed forces or used as an authorized emergency vehicle by or
2.22 for a governmental agency.

2.23 Subp. 9. **Model year.** "Model year" means the manufacturer's annual production
2.24 period that includes January 1 of a calendar year or, if the manufacturer has no annual

3.1 production period, the calendar year. The model year for a motor vehicle manufactured in
3.2 two or more stages is the model year in which the chassis is completed.

3.3 Subp. 10. **Motor vehicle manufacturer.** "Motor vehicle manufacturer" means a small,
3.4 independent low, intermediate, or large volume manufacturer as defined under California
3.5 Code of Regulations, title 13, section 1900(b)(8), (9), (10), and (22).

3.6 Subp. 11. **New motor vehicle.** "New motor vehicle" means a first effective model
3.7 year or later model year motor vehicle with less than 7,500 miles of use accumulated as of
3.8 the date of sale or lease.

3.9 Subp. 12. **Passenger car.** "Passenger car" has the meaning given under California
3.10 Code of Regulations, title 13, section 1900(b)(17).

3.11 Subp. 13. **Transitional zero-emission vehicle or TZEV.** "Transitional zero-emission
3.12 vehicle" or "TZEV" has the meaning given under California Code of Regulations, title 13,
3.13 section 1962.2(c).

3.14 Subp. 14. **Used motor vehicle.** "Used motor vehicle" means a first effective model
3.15 year or later model year motor vehicle with 7,500 miles or more of use accumulated as of
3.16 the date of sale or lease.

3.17 Subp. 15. **Zero-emission vehicle or ZEV.** "Zero-emission vehicle" or "ZEV" has the
3.18 meaning given under California Code of Regulations, title 13, section 1962.2(a).

3.19 **7023.0250 LOW-EMISSION VEHICLE STANDARDS.**

3.20 Subpart 1. **Requirement.** Beginning with the first effective model year, all of the
3.21 following that are produced by a motor vehicle manufacturer and delivered for sale or lease
3.22 in the state must be certified to the standards incorporated by reference under part 7023.0150,
3.23 subpart 2, except as provided under subpart 2:

4.1 A. new motor vehicles that are passenger cars, light-duty trucks, medium-duty
4.2 passenger vehicles, and medium-duty vehicles;

4.3 B. new light- or medium-duty motor vehicle engines; and

4.4 C. motor vehicles with a new motor vehicle engine.

4.5 Subp. 2. Exceptions. This part does not apply to:

4.6 A. a used motor vehicle;

4.7 B. a new motor vehicle sold to another dealer;

4.8 C. a new motor vehicle sold to be wrecked or dismantled;

4.9 D. a new motor vehicle sold exclusively for off-highway use;

4.10 E. a new motor vehicle sold for registration out-of-state;

4.11 F. a new motor vehicle that has been certified to standards adopted under authority
4.12 granted in United States Code, title 42, section 7521, and that is in the possession of a rental
4.13 agency in the state and that is next rented with a final destination outside of the state;

4.14 G. an authorized emergency vehicle;

4.15 H. a military tactical vehicle;

4.16 I. a new motor vehicle transferred by inheritance;

4.17 J. a new motor vehicle transferred by court decree;

4.18 K. a new motor vehicle acquired by a state resident to replace a motor vehicle
4.19 that was registered to the resident and that, while out of state, was damaged, became
4.20 inoperative beyond reasonable repair, or was stolen if the replacement motor vehicle is
4.21 acquired out of state at the time the previously owned vehicle was damaged, became
4.22 inoperative, or was stolen; or

5.1 L. a new motor vehicle purchased and registered in another state by a person who
5.2 is a resident of that state and who subsequently establishes residency in Minnesota. Upon
5.3 registering the new motor vehicle in Minnesota, the person must provide evidence to the
5.4 commissioner of the previous residence and registration.

5.5 Subp. 3. **Fleet average emissions.**

5.6 A. For first effective model year motor vehicles and all subsequent model year
5.7 motor vehicles to which this part applies, a motor vehicle manufacturer must not exceed
5.8 the fleet average non-methane organic gas plus oxides of nitrogen emission values under
5.9 California Code of Regulations, title 13, section 1961.2. Credits and debits may be accrued
5.10 and used based on a manufacturer's sales in the state of motor vehicles subject to this part
5.11 according to California Code of Regulations, title 13, section 1961.2(c).

5.12 B. For first effective model year motor vehicles and all subsequent model year
5.13 motor vehicles to which this part applies, a motor vehicle manufacturer must not exceed
5.14 the fleet average greenhouse gas exhaust emission values under California Code of
5.15 Regulations, title 13, section 1961.3. For first effective model year motor vehicles and all
5.16 subsequent model year motor vehicles, manufacturers of medium-duty vehicles produced
5.17 by a motor vehicle manufacturer and delivered for sale or lease in the state must not exceed
5.18 the greenhouse gas emission standards under California Code of Regulations, title 13, section
5.19 1956.8(h)(6). Credits and debits may be accrued and used based on a manufacturer's sales
5.20 in the state of motor vehicles subject to this part according to California Code of Regulations,
5.21 title 13, section 1961.3.

5.22 Subp. 4. **Environmental performance labels.** Beginning with the first effective
5.23 model year and all subsequent model years, all new motor vehicles subject to this part
5.24 produced by a motor vehicle manufacturer and delivered for sale or lease in the state must
5.25 be affixed with emission control labels and environmental performance labels according to
5.26 California Code of Regulations, title 13, section 1965.

6.1 Subp. 5. **Warranty requirements.** For all motor vehicles subject to this part, the
6.2 motor vehicle manufacturer must provide defect warranty coverage that complies with
6.3 California Code of Regulations, title 13, sections 2035, 2037 to 2041, and 2046.

6.4 Subp. 6. **Recall requirements.** For all motor vehicles subject to this part and subject
6.5 to recall in California, the motor vehicle manufacturer must undertake a recall campaign in
6.6 this state according to California Code of Regulations, title 13, sections 2111 to 2121 and
6.7 2122 to 2135, unless the manufacturer demonstrates to the commissioner that the recall is
6.8 not applicable to motor vehicles registered in Minnesota.

6.9 Subp. 7. **Reporting requirements.**

6.10 A. By May 1 of the calendar year after the end of the model year, a motor vehicle
6.11 manufacturer must annually submit to the commissioner a report demonstrating that the
6.12 motor vehicle manufacturer has met the requirements of subpart 3, item A, for its fleet
6.13 delivered for sale in the state.

6.14 B. By May 1 of the calendar year after the end of the model year, a motor vehicle
6.15 manufacturer must annually submit to the commissioner a report demonstrating that the
6.16 motor vehicle manufacturer has met the requirements of subpart 3, item B, for its fleet
6.17 delivered for sale in the state.

6.18 C. If requested by the commissioner, a motor vehicle manufacturer must provide
6.19 reports in the same format as provided to CARB on all assembly-line emission testing and
6.20 functional test results collected as a result of compliance with this part, warranty claim
6.21 reports, recall reports, and any other reports required by CARB under the regulations
6.22 incorporated by reference under part 7023.0150. The reports must be supplemented with
6.23 data on motor vehicles delivered for sale or registered in Minnesota.

7.1 D. If the commissioner deems it necessary to administer and enforce this part, the
7.2 commissioner must require a motor vehicle manufacturer subject to this part to submit
7.3 additional documentation, including all certification materials submitted to CARB.

7.4 **Subp. 8. Record availability and retention; reporting noncompliance.**

7.5 A. Upon oral or written request of the commissioner, a person subject to this part
7.6 must furnish to the commissioner or allow the commissioner to access and copy all records
7.7 that relate to the motor vehicles that are subject to this part and that are relevant for
7.8 determining compliance with this part. Unless otherwise specified, a person subject to this
7.9 part must retain all relevant records for at least five years after creating the records.

7.10 B. If a report issued by a motor vehicle manufacturer under subpart 7 demonstrates
7.11 noncompliance with the fleet average under subpart 3 for a model year, the manufacturer
7.12 must, within 60 days, file a report with the commissioner to document the noncompliance.
7.13 The report must identify all motor vehicle models delivered for sale or lease in the state,
7.14 the models' corresponding certification standards, and the percentage of each model delivered
7.15 for sale in this state and California in relation to total fleet sales in the respective state.

7.16 **7023.0300 ZERO-EMISSION VEHICLE STANDARDS.**

7.17 Subpart 1. Requirement. Beginning with the first effective model year, a motor
7.18 vehicle manufacturer's sales fleet of passenger cars and light-duty trucks produced by motor
7.19 vehicle manufacturers and delivered for sale or lease in the state must contain at least the
7.20 same applicable percentage of ZEVs required under California Code of Regulations, title
7.21 13, section 1962.2.

7.22 **Subp. 2. Credit bank; reporting requirements; record availability and retention.**

7.23 A. Beginning in the first effective model year, a motor vehicle manufacturer
7.24 subject to this part must open an account in the California ZEV credit system for banking
7.25 credits earned in Minnesota. The account must be opened no later than March 1 of the

8.1 calendar year after the end of the first effective model year. A motor vehicle manufacturer
8.2 must notify the commissioner within 30 days of opening an account in the California ZEV
8.3 credit system for the manufacturer's Minnesota ZEV credits.

8.4 B. At least annually by May 1 of the calendar year after the close of a model year,
8.5 a motor vehicle manufacturer must submit a report to the commissioner that identifies the
8.6 necessary delivery and placement data of all motor vehicles generating ZEV credits and all
8.7 transfers and acquisitions of ZEV credits, according to California Code of Regulations, title
8.8 13, section 1962.2. The report may be amended based on late sales.

8.9 C. Upon oral or written request of the commissioner, a person subject to this part
8.10 must furnish to the commissioner or allow the commissioner to access and copy all records
8.11 that relate to the motor vehicles that are subject to this part and that are relevant for
8.12 determining compliance with this part. Unless otherwise specified, a person subject to this
8.13 part must retain all relevant records for at least five years after creating the records.

8.14 Subp. 3. **Requirement to make up ZEV deficit.** A motor vehicle manufacturer that
8.15 delivers for sale in the state fewer ZEVs or TZEVs than required to meet its ZEV credit
8.16 obligation in a given model year must make up the deficit by submitting a commensurate
8.17 amount of ZEV credits to the commissioner according to California Code of Regulations,
8.18 title 13, section 1962.2(g)(7). The number of motor vehicles not meeting the ZEV credit
8.19 obligation must be equal to the manufacturer's credit deficit, rounded to the nearest 1/100th
8.20 and calculated according to the equation in California Code of Regulations, title 13, section
8.21 1962.2(g)(8).

8.22 Subp. 4. **Early-action credits.**

8.23 A. Beginning with model year 2022 and ending at the beginning of the first
8.24 effective model year, a motor vehicle manufacturer may earn early-action ZEV credits for
8.25 delivering ZEVs for sale in the state. A motor vehicle manufacturer choosing to earn
8.26 early-action ZEV credits under this subpart must notify the commissioner to open an account

9.1 to track early-action ZEV credits in Minnesota no later than March 1 of the calendar year
9.2 after the close of the first model year for which the manufacturer intends to accrue
9.3 early-action credits.

9.4 B. New motor vehicles delivered for sale in the state under this subpart earn
9.5 early-action ZEV credits with the same values established in California Code of Regulations,
9.6 title 13, section 1962.2.

9.7 C. A motor vehicle manufacturer that notifies the commissioner under item A
9.8 must submit a report to the commissioner at least annually by May 1 of the calendar year
9.9 after the close of the model year that identifies the necessary delivery and placement data
9.10 of all motor vehicles generating early-action ZEV credits under this subpart, according to
9.11 California Code of Regulations, title 13, section 1962.2. The report may be amended based
9.12 on late sales.

9.13 D. After the reporting deadline under item C during the first effective model year
9.14 and after receiving notice from a motor vehicle manufacturer under subpart 2, item A, the
9.15 commissioner must load the ZEV credits earned by the motor vehicle manufacturer under
9.16 this subpart into the manufacturer's California ZEV credit system account.

9.17 E. This subpart is effective beginning with a motor vehicle manufacturer's model
9.18 year 2022.

9.19 **Subp. 5. Onetime credit allotment.**

9.20 A. For the first effective model year, the commissioner must deposit into each
9.21 motor vehicle manufacturer's account a credit allotment equivalent to the first effective
9.22 model year's ZEV credit requirement for that motor vehicle manufacturer.

9.23 B. The credit amount under item A must be calculated for the first effective model
9.24 year according to California Code of Regulations, title 13, section 1962.2(b)(1)(A) and (B).

- 10.1 C. The commissioner must deposit the onetime credit allotment at the same time
10.2 that the commissioner loads the ZEV credits earned by the motor vehicle manufacturer
10.3 under subpart 4, item D, into the manufacturer's California ZEV credit system account.

Office of the Revisor of Statutes

Administrative Rules



TITLE: Proposed Permanent Rules Relating to Clean Cars

AGENCY: Minnesota Pollution Control Agency

REVISOR ID: R-4626

MINNESOTA RULES: Chapter 7023

INCORPORATIONS BY REFERENCE:

Part 7023.0150, subpart 2: California Code of Regulations, title 13, sections 1900, 1956.8(h) (medium-duty vehicle greenhouse gas emission standards only), 1961.2, 1961.3, 1962.2, 1962.3, 1965, 1968.2, 1976, 1978, 2035, 2037 to 2041, 2046, 2062, 2109, 2111 to 2121, 2122 to 2135, 2139, and 2141 to 2149, as amended, available online at <https://oal.ca.gov/publications/ccr/>.

The attached rules are approved for
publication in the State Register

Cindy K. Maxwell

Cindy K. Maxwell
Assistant Deputy Revisor



About Clean Cars Minnesota



What are the clean car standards?

The clean car standards refer to two separate vehicle emission standards that individual states have adopted: the low-emission vehicle standard and the zero-emission vehicle standard.

The clean car standards only apply to **new** light- and medium-duty vehicles for sale in Minnesota. The clean car standards:

- Do not apply to off-road or heavy-duty vehicles or equipment like farm equipment or semi-trucks
- Do not apply to existing vehicles or used vehicles for sale
- Do not require emissions testing
- Do not require anyone to purchase an electric vehicle (EV)
- Do not affect biofuels or prevent Minnesota from supporting cleaner fuels

The **low-emission vehicle (LEV) standard** sets limits for tailpipe pollution for auto manufacturers, meaning it requires manufacturers to deliver new light- and medium-duty vehicles to the Minnesota market that produce lower emissions of greenhouse gas and other air pollutants. The auto industry has been successfully meeting this standard since 2012.

LEV-certified vehicles are already what's for sale on Minnesota lots. Because the federal emissions standard and the LEV standard were the same from 2012 until 2020, all new vehicles sold in Minnesota from 2012-2020 have been LEV-certified vehicles. Adopting LEV would preserve consumer access to the cleaner, more efficient vehicles that Minnesotans enjoy today.

The **zero-emission vehicle (ZEV) standard** requires auto manufacturers to deliver more vehicles with zero tailpipe emissions for sale in Minnesota, increasing each year.

There are more makes and models of EVs available in states that have adopted the ZEV standard than Minnesotans can easily acquire here. As manufacturers announce more new electric SUVs, trucks, and cars on the way, Minnesota should be at the forefront of receiving this new technology and more options for consumers. More new EVs on the market here could lead to more used EVs becoming available for consumers, too.

Why now?

Minnesota needs to meet its goal of reducing greenhouse gas (GHG) emissions by 30 percent by 2025 and 80 percent by 2050. However, we missed our target in 2015 and are not on track to meet future goals either.

Transportation is currently the largest source of climate-changing pollution in Minnesota, and represents our greatest opportunity to reduce GHG emissions. Light- and medium-duty vehicles produce more than half of all transportation emissions in Minnesota. Minnesota also has set a goal for 20 percent of all passenger vehicles in the state to be electric by 2030. Bold goals require bold action.

Meanwhile, in 2020 the federal government weakened the federal GHG emissions standards for passenger vehicles. Instead of building on the progress the auto industry has made over the last few decades, these changes would set us back and make it harder for Minnesota to reach its goals.

Clean Cars Minnesota is also the result of extensive public engagement by MnDOT, MPCA, and others about the future of transportation in Minnesota. Minnesotans have been asking for more meaningful ways to address climate change, and "regulations for car manufacturers to offer more

fuel-efficient vehicles in MN" was one of the most supported policies in a recent survey by MnDOT.

Minnesotans deserve more and better options for cleaner, more efficient vehicles. Adopting clean car standards now means Minnesota will continue moving in the right direction.

- Read more about Minnesota going electric: [Accelerating Electric Vehicle Adoption: A Vision for Minnesota](#)
- Read more about MnDOT's research and recommended actions: [Pathways to Decarbonizing Transportation in Minnesota](#)

Which states have already adopted clean car standards?

Under the federal Clean Air Act, states can choose to either follow federal emissions standards or adopt the more stringent clean car standards.

To date, 14 states and the District of Columbia have adopted the LEV standard, and 12 states have adopted both the LEV and ZEV standards. Colorado is the most recent state to adopt both standards. As of December 2020, New Mexico and Nevada are also pursuing adopting the same standards.

All states have used a similar rulemaking process to adopt the clean car standards.

Clean car states



Adopted both LEV and ZEV standards: California, Colorado, Connecticut, Maine, Maryland, Massachusetts, New Jersey, New York, Oregon, Rhode Island, Vermont, Washington. Adopted LEV standard only: Delaware, Pennsylvania, District of Columbia.

What's the process for adopting clean car standards?

On Sept. 25, 2019, Governor Tim Walz asked MPCA to take action so that Minnesotans will avoid the ramifications of any changes to federal emissions standards. To reduce GHG emissions from transportation, protect Minnesotans, and ensure continued access to better, more efficient vehicles, Governor Walz proposed adopting both of the clean car standards.

- [Clean Cars Minnesota: Governor's request for rulemaking \(aq-rule4-10g\)](#)

MPCA is the state agency with authority to adopt clean car standards through a formal rulemaking process.

As the process continues in 2021, you can stay up-to-date by visiting our [official rulemaking webpage](#) or signing up to receive emails about Clean Cars Minnesota.

What does "rulemaking" mean?

Laws are written and passed by the Legislature. Rulemaking is a different process that state agencies can use to adopt regulations specific to our programs. In 1967, the Legislature gave MPCA authority to create, change, and enforce rules.

The rulemaking process includes multiple opportunities for public input. MPCA must also submit a detailed document called the Statement of Need and Reasonableness, or SONAR. Proposed changes to state rules are ultimately determined by an administrative law judge.

As part of the rulemaking process, MPCA will hold public listening sessions around the state later this fall. MPCA must also submit a detailed document called the Statement of Need and Reasonableness, or SONAR. Proposed changes to state rules are ultimately determined by an Administrative Law Judge.

Does Minnesota have any options or flexibility when adopting clean car standards?

The federal Clean Air Act allows states to either follow federal emissions standards or choose to adopt more stringent standards that offer greater environmental protection. States that choose to adopt the alternative, more stringent standards (LEV and ZEV) must adopt identical standards.

Some flexibility is allowed for initial establishment of the zero-emission vehicle crediting system. For example, the ZEV standard allows for "early action" credits to vehicle manufacturers who accelerate ZEV sales in Minnesota before the initial implementation date of the rule.

When would the clean car standards go into effect?

The federal Clean Air Act requires two full model years between finalization and enforcement of the rule. If approved by an administrative law judge, Minnesota's clean car standards would apply to new vehicles and are anticipated to take effect beginning with model year 2025 (approximately January 2024). MPCA's proposed rule also includes an early action credit system that would encourage auto manufacturers to bring more EVs to the state sooner, starting in 2021.



Do we have a say? How can I give my input?

Whenever the state rules are changed, you have the opportunity to get involved

The Clean Cars Minnesota rulemaking began in October 2019 with an initial open comment period, when MPCA published some draft concepts of the rule and asked for feedback. Read more about the comments we received: [What we heard](#).

To share information and gather additional input, in 2019 and 2020 MPCA staff held public meetings across the state and hosted a series of technical meetings with stakeholders to help the agency develop its analysis: [Public engagement 2019-2020](#).

You can learn how you can participate in the process on our [rulemaking page](#).

To receive updates throughout the rulemaking process, please sign up for our email list.

✉ Clean Cars MN email news

Stay up to date on Minnesota's Clean Cars efforts

Email:



[Clean Cars Minnesota rule - fact sheet \(aq-rule4-10u\)](#)



Rulemaking: Clean Cars Minnesota

Amendments adopting Low-Emission Vehicle and Zero-Emission Vehicle air pollution standards (Revisor's ID R-4626)

MPCA is considering adopting rules that require vehicle manufacturers to deliver vehicles to the Minnesota market that produce lower emissions of greenhouse gases (GHG) and other air pollutants. The Clean Cars Minnesota rulemaking would enable Minnesota to adopt both the Low Emission Vehicle (LEV) and Zero Emission Vehicle (ZEV) standards.

Notice of Intent to Adopt Rule with a Hearing

On December 21, 2020, the MPCA published a Notice of Intent to Adopt Rule with a Hearing for the Clean Cars Minnesota rule in the *State Register*. It is available on the MPCA's **Public Notices webpage** and immediately below:

- [Notice of Intent to Adopt Rule With a Hearing \(aq-rule4-10o\)](#)
- [Proposed Rule \(aq-rule4-10n\)](#)
- [Statement of Need and Reasonableness \(SONAR\) \(aq-rule4-10m\)](#)
- [Technical Support Document \(aq-rule4-10v\)](#)

What this means for Minnesotans

- The MPCA is planning to adopt a new rule.
- No immediate changes to MPCA rules will go into effect.
- A new comment period has opened, and you can submit your questions, comments, and feedback to the administrative law judge (ALJ) assigned to this rulemaking by 4:30 p.m. on March 15, 2021.
- The next step in the rulemaking process is a public hearing held by the ALJ on February 22 and 23, 2021, beginning at 3 p.m. both days.

How to share your feedback during the notice period

There are two methods you can use to ask questions, propose changes to the rule, or share your views. You can choose one or use both methods.

1. Write it down and submit as a comment through the **Office of Administrative Hearings e-comments website**, or by fax or mail according to the instructions in the notice.
2. Attend the public hearing online and ask your question, share your suggested changes, or voice your opinions there.

Whether you submit a written comment or give testimony at the public hearing, your feedback will be considered equally by the ALJ.

What to expect

- MPCA staff are required to respond to all of the comments received during the notice period.
- Prior to the public hearing, MPCA staff will prepare an initial response to comments and post on this webpage.
- Our goal is to provide answers in a timely manner so you can submit a new comment based on our response, if you would like to do so, before the notice period closes.


Attending the public hearing

- The ALJ will hold a public hearing on February 22 and 23, 2021, beginning at 3 p.m. both days.
- Due to COVID-19, the public hearing will be held online via Webex.
- Links to attend the public hearing are in the notice.

Public information sessions

During the notice period, MPCA staff will hold a series of one-hour virtual public information sessions using Microsoft Teams Live Events to share the conclusions of our analysis of the proposed rule and review how you can participate in the rulemaking process. MPCA staff cannot take rulemaking comments during these information sessions; however, our presentation will cover how you can formally submit a comment into the record.

MPCA Commissioner Laura Bishop introduces the proposed Clean Cars Minnesota rule.

-  Clean Cars information session slides (aq-rule4-10w)



Links to join the Teams Live Events are available below. You do not need a Microsoft account to join. ([More tips on using Teams Live.](#))

- Tuesday, January 19, 2021 - **Recorded meeting**
- Wednesday, January 20, 2021 - **Recorded meeting**
- Wednesday, January 27, 2021 - **Recorded meeting**
- Tuesday, February 2, 2021 (6 p.m.)

[Link to join the Feb. 2 meeting](#)

Listen by phone: 651-395-7448; conference ID: 746 588 419#

Participate by computer, tablet, or smart phone: You can view and listen to a Clean Cars Minnesota information session by clicking on the Teams Live Event link from your computer, tablet, or smart phone. To ask a question for MPCA staff, you will be able to type your questions into a Q&A chat feature. You will not be able to share your audio to ask a question out loud. We recommend using a desktop computer with speaker/headphones for the best experience. To avoid problems when joining using a desktop computer, select the "Watch on the web instead" option when presented to you. On the next screen, select "Join anonymously" instead of the "sign in" option. If you are joining using a smartphone, you will be prompted to download the mobile Teams app if it is not already on your phone. Download the app and then re-select the meeting link. When asked how you would like to join the meeting using your smartphone, select "Join as guest" instead of the "Sign in" option. You may need to turn on your microphone in your phone's "settings" before the app will let you in the meeting.

Listen by phone: There is also an option to dial in to the Teams Live Event using the phone number provided, but this provides limited access to the meeting content. You will have access to listen to the information session, but you will not be able to see the visuals presented or submit your own questions during the Q&A with MPCA staff.

Can't attend an information session? We will post recorded versions of each information session [here](#).

Please visit our [public engagement page](#) for helpful tips on how you can participate in this phase of the rulemaking process.

Rulemaking documents

Request for Comments

The request for comments (RFC) published on Oct. 7, 2019, was MPCA's legal notice of its intent to begin a new rulemaking. This was the first of several opportunities for public comment and input on this rulemaking. The RFC period closed on Dec. 6, 2019. Review all written comments submitted to the agency:

- [Clean Cars MN Comments Received in Response to RFC \(aq-rule4-10l\)](#)
- [Clean Cars Minnesota: Request for Comments \(aq-rule4-10a\)](#)

Learn more about the **feedback we received in 2019**.

Supplemental resources

Detailed overview of the concepts MPCA is considering for the Clean Cars Minnesota rulemaking. This document will help readers understand the potential rules being considered and their rationale.

- [Clean Cars Minnesota: Supplement to the Request for Comments \(aq-rule4-10b\)](#)

Colorado is the most recent state to have adopted these standards. MPCA is considering using Colorado's rule language and regulatory analysis as a model from which to develop our own. Several of the questions in our supplement document refer to Colorado's materials.

- [Colorado Low Emission Vehicle \(LEV\) and Zero Emission Vehicle \(ZEV\) rules \(aq-rule4-10d\)](#)
- [Regulatory analysis - Colorado Low Emission Vehicle \(LEV\) rule \(aq-rule4-10e\)](#)
- [Regulatory analysis - Colorado Zero Emission Vehicle \(ZEV\) Rule \(aq-rule4-10f\)](#)

During the RFC period, we held a series of public meetings around the state to share information and gather input from Minnesotans. Learn more about our **public engagement efforts throughout 2019–2020**.

Contacts

Sign up to receive email notifications for public meetings and other rulemaking developments.

Questions about technical or policy aspects of the rule: Amanda Jarrett Smith, cleancarsmn.pca@state.mn.us or 651-757-2486

Questions about the rule process or schedule: Katie Izzo, cleancarsmn.pca@state.mn.us or 651-757-2595

Clean Cars MN email news



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