

Townsend, Erle

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To: DEP Rule Comments
Subject: Comment on Chapter 127-A: Advanced Clean Cars II Program (Reposting)

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Dear Maine Board of Environmental Protection,

I'm writing to urge the Board in the most strenuous terms to reject the proposed so-called "Advanced Clean Cars II" rule, which would dramatically alter the state's private economy and—more significantly—very way of life, by executive fiat.

Much has been said and written by others about how inappropriate this proposed rule is given Maine's economic circumstances, geography, weather, and other factors, and how ineffectual it would be in any event in moving the needle on global carbon emissions. Further, it seems a considerable irony (at best) that a state in which so many politicians have spent much of the past several years intoning about democracy would even consider imposing such a breathtakingly impactful policy without doing so through the normal legislative process, and instead would do so in response to a petition process leveraged by a small group of environmental advocacy organizations. Of course, democracy doesn't always mean getting one's way. We have a system of checks and balances for a reason. Just because appointed regulators—however expert or deeply convinced of the righteousness of their cause—may believe that this moment justifies the abrogation of the legislative process doesn't make it right for them to do so. In other words, the ends, however well-intentioned, don't justify the means.

If, following an appropriate legislative process with the opportunity for broad public participation, the people's representatives eventually enact a bill into law that would have the ultimate effect of outlawing the sale of gas-powered cars in Maine, we'll have to accept that, at least until the next session. But if the democratic process doesn't produce that result, then we'll have to accept that, too, even if it makes it more difficult to achieve the current administration's climate-policy goals. And I think we have to acknowledge that there's a good chance that such a bill would fail, given the grievous, even spiteful hardships that the policy would impose on hard-working Maine people who are already drowning trying stay afloat in the face of a torrent of burdensome state and federal legislative and regulatory burdens. In fact, I think we know that a big part of the reason activists are pushing this policy through the regulatory petition process is because the policy's legislative prospects—even with one-party control of the levers of power—would be so uncertain. As seen here and even in other liberal-leaning states, the opposition is bipartisan. Therefore, I think we have to ask ourselves: would the very point of such an end-run around the legislative process be to circumvent democracy? I think that the answer is clear—and that, knowing that, it would be cynical and wrong for the Board to adopt this regulation. As the Board no doubt is aware, Democratic Governor Ned Lamont of Connecticut recently withdrew a similar rule in that state. Even in a smaller, wealthier, more densely populated state with a more salubrious climate and better public transportation than Maine, Governor Lamont had to acknowledge that Connecticut isn't California, and that this policy is a bridge too far at this point.

I respectfully implore you to do the same, and to put a stop to this rulemaking.

Christopher R. Smith
Scarborough