



**SENATE
STATE OF COLORADO
DENVER**

September 27, 2018

The Honorable John W. Hickenlooper
Office of the Governor
State Capitol
Denver, CO 80203

Dear Gov. Hickenlooper:

During the August 16 business meeting of the Air Quality Control Commission, a motion was offered and adopted to begin rulemaking for the adoption of California's "ZEV" emission standards and Electric Vehicle sales mandates. Further, a public notice was placed on the CDPHE website announcing a "Proposed Colorado Zero Emission Vehicle Mandate," and a first stakeholders meeting on ZEV rulemaking was held on September 20. However, that August 16 vote to launch ZEV rulemaking occurred despite the fact that ZEV rulemaking was not on the published agenda for that Commission meeting, and information given to stakeholders at the August 3 stakeholders meeting (and also mailed to all stakeholders) specifically and explicitly excluded the subject of ZEV rulemaking from the August 16 meeting agenda.

We believe that action was improper. Since there was no public notice of the contemplated action on ZEV emission standards prior to the August 16 Commission meeting, clearly it was unwise and inappropriate for the commission to "count noses" on the subject and then proceed to vote on the matter. Given that ZEV opponents among stakeholders had been told the matter would not be part of the LEV rulemaking discussion on August 16, the Commission's action on ZEV rulemaking at that meeting was the exact opposite of transparency and "democracy in action."

In view of those facts, and in view of your often-repeated statement that ZEV rulemaking was not contemplated or desired by you when signing the June 19 executive order on LEV rulemaking, we request that you remind the agency's interim executive director of your opposition to ZEV rulemaking and suggest that she suspend all current and planned ZEV rulemaking activities until the Commission has had an opportunity to reconsider and rescind its August 16 action. Further, we suggest that you privately and publicly communicate your personal opposition to ZEV rulemaking to each Commission member and personally endorse the rescission of the August 16 action at the Commission's October 18 meeting. Such actions would be respectful of the Commission's independent status while reaffirming your personal views.

In view of the immense consumer costs and multi-billion dollar tax rebates involved in "incentivizing" Electric Vehicle sales over the next decade, the adoption of California's ZEV emissions standards and EV sales mandates is a subject deserving more careful fiscal examination, a professional cost-benefit analysis, and a fair and wide-ranging public debate prior to any Commission vote on the matter. We hope you will agree.

Sincerely,

Senator Kevin J. Grantham
President of the Senate

Senator John B. Cooke
Chair, Senate Transportation Committee

Cc: Karin McGowan, CDPHE Interim Executive Director
Peter Butler, Chair, Air Quality Control Commission