

February 27, 2024

The Honorable Michael S. Regan  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20004

**RE: Support for California's Request for a Waiver of Federal Preemption to Implement the Advanced Clean Cars II Program**

Dear Administrator Regan,

On behalf of the undersigned companies and stakeholder organizations, we write to express our collective support for the Environmental Protection Agency (EPA) granting California's request for a waiver of federal preemption to implement the Advanced Clean Cars II program (ACC II).<sup>1</sup> We believe the state has met the necessary requirements for approval and encourage the agency to grant California's request without delay.

Our companies and organizations collectively represent the electric vehicle supply equipment (EVSE) supply chain, including EV charging infrastructure manufacturers and network operators. We employ hundreds of thousands of people who, along with the rest of California's 40 million residents, stand to breathe cleaner air if this waiver request is granted. Not only would our employees' individual health benefit but the California economy stands to benefit as well. EV charging operations in California have generated millions of dollars in private investment, supported thousands of well-paying California jobs, and generated millions of dollars in local and state tax revenue. These investments help support the Biden-Harris Administration's goal of deploying 500,000 chargers across America by 2030.<sup>2</sup>

California is home to nearly 16,000 public DC Fast and Level 2 charging stations with over 43,000 individual ports.<sup>3</sup> California has the most charging stations in the nation by far and with the National Electric Vehicle Infrastructure (NEVI) program and the Charging and Fueling Infrastructure (CFI) Grant program, that number will only grow in the coming years. The NEVI program allocated nearly \$384 million to California over five years to build out the state's network of EV chargers.<sup>4</sup> Of the most recent round of 47 awards under the CFI program,

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<sup>1</sup> See 88 *Fed. Reg.* 88908 (December 26, 2023)

<sup>2</sup> <https://www.whitehouse.gov/briefing-room/statements-releases/2023/02/15/fact-sheet-biden-harris-administration-announces-new-standards-and-major-progress-for-a-made-in-america-national-network-of-electric-vehicle-chargers>

<sup>3</sup> [https://afdc.energy.gov/fuels/electricity\\_locations.html#/analyze?fuel=ELEC&country=US&region=US-CA](https://afdc.energy.gov/fuels/electricity_locations.html#/analyze?fuel=ELEC&country=US&region=US-CA); accessed February 27, 2024.

<sup>4</sup> <https://www.energy.ca.gov/programs-and-topics/programs/national-electric-vehicle-infrastructure-nevi-formula-program>

California organizations received twelve of them, bringing over \$165 million to the state to continue building out a robust EV charging network.<sup>5</sup> While these federal programs are important, California state policies such as ACC II, ensure EVSE manufacturers and operators have the regulatory certainty needed to protect past, present, and future investments.

The intent of programs such as ACC II is to reduce vehicle tailpipe emissions and protect public health. California's analysis projects the ACC II program will reduce emissions in the state by 30.4 tons per day of NOx, 2.0 tons per day of PM2.5, and 58.4 million metric tons per year of greenhouse gases by 2040.<sup>6</sup> We believe the goals of the ACC II program are achievable and EPA's approval of California's request will ensure the supply chain has the regulatory certainty needed to protect our investments and put the transportation sector on a path to zero emissions. Failure to grant California's request would introduce significant uncertainty for our industry at a critical time and could risk stranding domestic investments in EVSE manufacturing and deployment. Accordingly, **we urge EPA to grant California's request without delay.**

Sincerely,

Beam Global  
ChargePoint  
Chargie LLC  
DC-America  
Electric Vehicle Charging Association  
Enel X Way  
EVBox  
EVCS  
EverCharge  
EVGo  
EVPassport  
FLO EV Charging  
FreeWire Technologies  
Rivian  
Siemens  
SWTCH  
Xeal Energy  
Zero Emission Transportation Association

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<sup>5</sup> <https://highways.dot.gov/sites/fhwa.dot.gov/files/CFI%20Grant%20Awards%20Project%20Descriptions%20FY22-23.pdf>

<sup>6</sup> <https://www.regulations.gov/document/EPA-HQ-OAR-2023-0292-0034>