

ILLINOIS POLLUTION CONTROL BOARD  
March 10, 2025

IN THE MATTER OF: )  
) R24-17  
PROPOSED CLEAN CAR AND ) (Rulemaking - Air)  
TRUCK STANDARDS: PROPOSED )  
35 ILL. ADM. CODE 242 )

Hearing before the Illinois Pollution Control Board  
Transcript of Proceedings

March 10, 2025

Reporter: Jude Arndt, CSR, CCR, RPR  
CCR NO. 084-004847  
CSR NO. 1450

1                   The aforementioned proceedings were held  
2 on March 10, 2025, at Illinois Pollution Control Board,  
3 Springfield Office, 2520 West Iles Avenue, Springfield,  
4 Illinois, before Jude Arndt, a certified shorthand  
reporter and certified court reporter.

PRESENT:

ATTENDING BOARD MEMBERS:

6           Barbara Flynn Currie, Chair  
7           Jennifer Van Wie  
8           Michael Mankowski  
9           Michelle Gibson  
10          Angela Tin

BOARD STAFF:

11          Carlie Leoni, Hearing Officer  
12          Vanessa Horton, Hearing Officer  
13          Dr. Anand Rao  
14          Essence Brown  
15          Marie Tipsord  
16          Anupama Paruchuri  
17          Tim Fox  
18          Chloe Salk

PROPONENTS - ATTORNEYS:

19          James Dennison  
20          Robert Weinstock  
21          Albert Ettinger  
22          Nathaniel Shoaff  
23          Chase Deatrick

PARTICIPANTS - ATTORNEYS:

24          Gina Roccaforte  
            Dana Vetterhoffer  
            Jason James  
            Caitlin Kelly  
            Melissa Brown  
            Alec Messina  
            Kara Principe  
            Michael McNally  
            Melissa Binetti

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1 [9:00 a.m.]

2 HEARING OFFICER LEONI: It's  
3 9:00, so let's begin.

4 Good morning, and welcome to this  
5 Illinois Pollution Control Board hearing. My  
6 name is Carlie Leoni, and I am one of the  
7 hearing officers for this rulemaking  
8 proceeding, entitled In the Matter of Proposed  
9 Clean Car and Truck Standards, Proposed 35  
10 Illinois Administrative Code 242. The board  
11 docket number for this rulemaking is R24-17.

12 Also present today from the Board are  
13 board member Jennifer Van Wie, board member  
14 Michelle Gibson, board member Michael  
15 Mankowski, and board member Angela Tin, our  
16 other hearing officer, Vanessa Horton, board  
17 general counsel Marie Tipsord, attorney  
18 advisor Anupama Paruchuri.

19 And board staff in Chicago via video  
20 are chair of the board Barbara Flynn Currie,  
21 the Board's technical unit chief environmental  
22 scientist Anand Rao, and environmental  
23 scientist Essence Brown, board senior attorney  
24 Tim Fox, and attorney advisor Chloe Salk.

1 Participants of the rulemaking here  
2 today are the Alliance for Automotive  
3 Innovation, the Illinois Automobile Dealers  
4 Association, the Illinois Trucking  
5 Association, the Midwest Truck Alliance, and  
6 the Indiana Illinois Iowa Foundation For Fair  
7 Contracting.

8 Our witnesses today are Steven Douglas,  
9 Lawrence Doll and Mike Stieren jointly,  
10 Matthew Hart, and Matt Wells.

11 This hearing is governed by the Board's  
12 procedural rules. All information that is  
13 relevant and that is not repetitious or  
14 privileged will be admitted into the record.

15 Please bear in mind that any questions  
16 posed today by the Board and its staff are  
17 intended solely to help develop a clear and  
18 complete record for the board's decision, and  
19 do not reflect any decision on the proposal,  
20 testimony, or other questions.

21 For the sake of our court reporter,  
22 please speak clearly and avoid speaking at the  
23 same time as another person, so that we can  
24 help produce a clear transcript.

1           So for background on this proceeding,  
2   on June 27th, 2024, the Sierra Club, the  
3   Natural Resources Defense Council, the  
4   Environmental Defense Fund, the Respiratory  
5   Health Association, the Chicago Environmental  
6   Justice Network, and the Center for  
7   Neighborhood Technology filed a rulemaking  
8   that proposed the Board adopt a new Part 242  
9   of its air pollution rules.

10           The proponents request that the Board  
11   adopt three California motor vehicle emissions  
12   regulations addressing light, medium, and  
13   heavy-duty vehicles. Those are the Advanced  
14   Clean Cars 2, Advanced Clean Trucks, and  
15   Heavy-Duty NOx Omnibus rules.

16           On July 11th, 2024, the Board accepted  
17   the proposal and directed the hearing officers  
18   to proceed to hearing.

19           This first set of hearings was focused  
20   on the proponents' proposal and their  
21   witnesses. These hearings were held in  
22   Chicago on December 2nd and 3rd, 2024.

23           Today, we begin the second set of  
24   hearings, which will be focused on the

1 participants' witnesses and their testimonies.

2 We have three days scheduled for this  
3 hearing. Towards the end of the day today,  
4 I'll go off the record to discuss with  
5 everyone our plans and schedules for the  
6 second day, including remaining testimony and  
7 questions.

8 If we reach the end of the day tomorrow  
9 and have no remaining testimony or questions,  
10 then I'll go off the record at that time to  
11 discuss with everyone the schedule for  
12 post-hearing briefings.

13 Notice for this hearing was published  
14 in 10 newspapers in different geographical  
15 locations throughout the state. Those papers  
16 are the Chicago Sun-Times, the Springfield  
17 Journal-Register, the Belleville  
18 News-Democrat, the Champaign News-Gazette, the  
19 Moline Dispatch Argus, the Centralia and Mt.  
20 Vernon Morning Sentinels, the La Salle News  
21 Tribune, the Peoria Journal Star, the  
22 Metropolis Planet, and the Rockford Register.  
23 All of those publications occurred before  
24 February 6th.

1           On July 11th, 2024, the Board  
2 requested, pursuant to Section 27(b) of the  
3 Environmental Protection Act, that the  
4 Department of Commerce and Economic  
5 Opportunity conduct a study on the economic  
6 impact of the proposed rules. The letter  
7 requested that DCEO provide their response by  
8 August 26th, 2024.

9           On August 28th, 2024, DCEO responded  
10 via letter, declining to perform an economic  
11 impact study, saying it does not have the  
12 industrial engineering expertise to  
13 meaningfully participate in this rulemaking.

14           The proponents filed their post-hearing  
15 responses to questions that were posed at the  
16 first hearing on January 13th, 2025.

17           Five participants filed the written  
18 testimony of six total witnesses on January  
19 21st, 2025.

20           The Board, the agency, and proponents  
21 filed written questions on February 18th, and  
22 participants filed written answers on March  
23 5th.

24           The proponents also filed their



1 supplemental response to question number 10  
2 posed at the first hearing on March 6th, 2025.

3 Now, as to the order of today's  
4 proceedings. Five participants in this  
5 rulemaking will put forth five of six total  
6 witnesses to answer any follow-up questions  
7 that the proponents, other participants, and  
8 the Board might have regarding their testimony  
9 and written answers.

10 We will begin today with testimony from  
11 Steven Douglas, then move to joint testimony  
12 from Lawrence Doll and Mike Stieren, then to  
13 Matthew Hart, and finally to Matt Wells.

14 The court reporter will swear in all  
15 witnesses when they begin, and if they so  
16 choose, the witnesses may give a brief summary  
17 of their testimony before we start the  
18 questions.

19 Typically we enter pre-filed testimony  
20 as an exhibit as if read, and proponents'  
21 counsel -- or excuse me -- participants'  
22 counsel are allowed to give a short opening  
23 statement, if they so choose. Witnesses are  
24 also allowed a short opening summary of their

1 testimony, if they so choose.

2 As we go along today, I will be  
3 entering testimony and answers as exhibits.  
4 Following this hearing, I will issue an  
5 exhibit list.

6 I'll first start now with entering the  
7 proponents' post-hearing responses to  
8 questions posed during the December 2nd  
9 through 3rd, 2024, hearing, filed on January  
10 13th, 2025, as Exhibit 1.

11 [Document marked as Exhibit No. 1  
12 for identification.]

13 HEARING OFFICER LEONI: Next,  
14 proponents' supplemental response to question  
15 number 10 posed during the December 2nd  
16 through 3rd, 2024, hearing, filed on March  
17 6th, 2025, is entered as Exhibit 2.

18 [Document marked as Exhibit No. 2  
19 for identification.]

20 HEARING OFFICER LEONI: And court  
21 reporter, please feel free to stop me or  
22 anyone at any point if we are going too fast,  
23 talking too softly, or if anything needs to be  
24 repeated.

1           And for any participants asking  
2       questions today, I would like to just ask that  
3       you please start your question by stating your  
4       name and the organization that you are  
5       representing.

6           So since we began at 9:00 AM, I  
7       anticipate we'll go until around 10:30, and  
8       then we'll break for about 10 to 15 minutes.  
9       We'll resume at 10:45, and break for an hour  
10      lunch from noon to 1:00 PM.

11          From 1:00 to 2:00 PM, we have oral  
12      public comments, and then we will resume  
13      witness testimony at around 2:00. We'll take  
14      a 10- to 15-minute break at some point during  
15      the afternoon, and we will end today around  
16      5:00 PM.

17          As I mentioned earlier, if we have any  
18      remaining questions, we can address those  
19      tomorrow or Wednesday.

20          Tomorrow we will start at 9:00 AM with  
21      Mary Tyler's testimony. If there is time  
22      after Ms. Tyler's testimony, we can address  
23      remaining questions from today.

24          We'll have a similar break schedule to

1 today, but tomorrow we'll stop at 3:00 PM, and  
2 reconvene at 4:00 for the online public  
3 comment portion. We will conclude for the day  
4 tomorrow at 6:00 PM. And if we get to  
5 Wednesday and still have questions or  
6 remaining testimony, we will address it at  
7 that time.

8 So back to today. As many of you have  
9 seen, there is a sign-up sheet in the back of  
10 the room here in Springfield to sign up for  
11 public comment, so if there are any members of  
12 the public in-person here today, please go  
13 ahead and write your name on the list if you  
14 have not yet. We have set aside one hour for  
15 public comment, again, from 1:00 PM to 2:00 PM  
16 today.

17 And also, anyone can submit written  
18 public comments to the Board's Clerk's Office  
19 On-Line system, or as we call it, COOL, which  
20 is available on the board's website.

21 Please note that the Board weighs oral  
22 and written public comments equally.

23 And before we proceed to our  
24 testimonies, we have pre-filed questions for

1 the witnesses that we will now enter into the  
2 record as if read.

3 First, from the Illinois Environmental  
4 Protection Agency, we have pre-filed questions  
5 that we will enter as Exhibit 3.

6 [Document marked as Exhibit No. 3  
7 for identification.]

8 HEARING OFFICER LEONI: Next, we  
9 have the rule proponents' pre-filed questions  
10 that are entered as Exhibit 4.

11 [Document marked as Exhibit No. 4  
12 for identification.]

13 HEARING OFFICER LEONI: Lastly,  
14 we have the Board's pre-filed questions, which  
15 are entered as Exhibit 5.

16 [Document marked as Exhibit No. 5  
17 for identification.]

18 HEARING OFFICER LEONI: Okay.  
19 Are there any questions about the order of  
20 today's proceedings?

21 If not, we will move on to swearing in  
22 today's first witness, Steven Douglas.

23 [Steven Douglas sworn in  
24 by the court reporter.]

1 HEARING OFFICER LEONI: As  
2 mentioned earlier, the pre-filed testimony of  
3 Mr. Douglas is entered into the record as if  
4 read.

5 Does the witness wish to offer a brief  
6 introduction or summary?

7 MR. STEVEN DOUGLAS: Certainly.  
8 I wanted to thank the Board and the staff for  
9 the opportunity to be here, on behalf of the  
10 Alliance for Automotive Innovation. The  
11 Alliance represents 44 different automotive  
12 companies, including car companies that  
13 produce about 97 percent of the new vehicles  
14 that are sold in Illinois.

15 As I have stated in my testimony, we --  
16 we ask the Board to reject the proposed  
17 adoption of California's Advanced Clean Cars 2  
18 regulations.

19 We -- Illinois is simply not ready to  
20 adopt a regulation which bans gasoline-powered  
21 vehicles ultimately, and within the next two  
22 to three years, that will require 59 out of  
23 every 100 vehicles to be electric.

24 The --

1 [Discussion off the record.]

2 MR. STEVEN DOUGLAS: Illinois,  
3 the infrastructure is simply, for either  
4 residential or public, simply has not -- is  
5 not in place. The consumer adoption has just  
6 not progressed as we had hoped, and the  
7 regulations are --

8 HEARING OFFICER LEONI: Could you  
9 speak up a little bit more, Mr. Douglas?

10 MR. STEVEN DOUGLAS: Wow.

11 [Discussion off the record.]

12 HEARING OFFICER LEONI: All  
13 right. We are back on the record. Thank you,  
14 everyone. And we were in the middle of Mr.  
15 Douglas's brief introduction/summary of his  
16 testimony.

17 So Mr. Douglas, if you would like to  
18 continue, please proceed.

19 MR. STEVEN DOUGLAS: Great.  
20 Thank you -- thank you again. As I was  
21 saying, Illinois is simply not ready to adopt  
22 a mandate, a regulation that will ban the sale  
23 of new gasoline vehicles, ultimately, and in  
24 two to three years will require that 59 out of

1 100 new vehicles sold are electric.

2 The infrastructure, neither the  
3 residential nor the public is in place.  
4 Consumer demand has not developed, and this is  
5 not going to change in the next two to three  
6 years.

7 Adopting these regulations would cause  
8 significant harm to Illinois's economy, to its  
9 dealers, to its consumers, and likely to  
10 low-income drivers who will be forced to keep  
11 their older, higher-polluting, less-efficient  
12 vehicles longer, further worsening air quality  
13 in those neighborhoods.

14 With that, I appreciate your time, and  
15 I'm happy to answer questions now.

16 HEARING OFFICER LEONI: Okay.  
17 Thank you, Mr. Douglas.

18 If the witness is ready, we'll proceed  
19 to questions, but first, I would like to ask  
20 if the Alliance for Automotive Innovation  
21 would like to enter Mr. Douglas's pre-filed  
22 testimony into the record.

23 MS. MELISSA BROWN: Yes. This is  
24 Melissa Brown of Hepler Broom, outside counsel



1 for the Alliance. We would like to enter  
2 pre-filed testimony into the record, please.

3 HEARING OFFICER LEONI: Thank  
4 you. So Mr. Douglas's testimony will be  
5 entered as if read as Exhibit 6.

6 [Document marked as Exhibit No. 6  
7 for identification.]

8 HEARING OFFICER LEONI: And since  
9 the questions for Mr. Douglas have already  
10 been entered as well, would the witness like  
11 to enter their pre-filed answers as if read as  
12 well?

13 MS. MELISSA BROWN: Yes, we  
14 would. Thank you.

15 HEARING OFFICER LEONI: Thank  
16 you. Those answers will be Exhibit 7.

17 [Document marked as Exhibit No. 7  
18 for identification.]

19 HEARING OFFICER LEONI: Now, are  
20 there any additional questions for the  
21 witness?

22 MR. JAMES DENNISON: Yes.

23 HEARING OFFICER LEONI: Please  
24 introduce yourself for the court reporter.

1 MR. JAMES DENNISON: All right.

2

3 The witness, STEVEN DOUGLAS, first  
4 having been duly sworn, testified as follows:

5 EXAMINATION

6 BY MR. JAMES DENNISON:

7 Q. Good morning, Mr. Douglas. My  
8 name is Jim Dennison, and I would like to ask  
9 you some questions on behalf of the Sierra  
10 Club, the Natural Resources Defense Council,  
11 the Environmental Defense Fund, and the Center  
12 for Neighborhood Technology.

13 A. Thank you.

14 Q. How are you doing this morning?

15 A. Very good. Thank you.

16 Q. Good. So I would like to start  
17 by just making sure that I understand the  
18 scope of your testimony. First, you said in  
19 response to rule proponents' pre-filed  
20 question 1 that your testimony only concerns  
21 the Advanced Clean Cars 2 rule, or ACC2, and  
22 not the Advanced Clean Trucks or Low NOx  
23 rules, is that correct?

24 A. That's correct.

1           Q.       Okay.   So my questions will focus  
2   on the ACC2 proposal.

3           Are you aware of the analysis that  
4   Environmental Resource Management, or ERM,  
5   prepared for the rule proponents?

6           A.       I am.

7           Q.       And you are generally aware that  
8   ERM's analysis evaluates the expected  
9   emissions, health, and economic impact of  
10   adopting the proposed rules in Illinois?

11          A.       Generally, yes.

12          Q.       Your pre-filed testimony, filed  
13   on January 21st, does not mention the ERM  
14   analysis, correct?

15          A.       Not that I'm aware, no.

16          Q.       Okay.   So your pre-filed  
17   testimony did not specifically respond to  
18   ERM's assumptions, methods, or findings,  
19   correct?

20          A.       The pre-filed testimony, or the  
21   response to?

22          Q.       The pre-filed testimony.

23          A.       Yes.

24          Q.       Okay.   And your testimony does

1 not include any estimates of health impacts or  
2 net economic impacts of adopting the proposed  
3 rules, does it?

4 A. Can you state that again?

5 Q. Sure. Your testimony does not  
6 include estimates of health impacts or overall  
7 net economic impacts of adopting the proposed  
8 rules, correct?

9 A. No.

10 Q. You said in response to rule  
11 proponents' pre-filed questions 11(d) and  
12 11(f) that you do not have the expertise to  
13 dispute ERM's analysis of the net social  
14 benefits and benefits to zero-emission  
15 vehicle, or ZEV, owners from adopting ACC2?

16 A. Correct.

17 Q. Correct? Okay.

18 And one component of these net social  
19 benefits is the quantified public health  
20 benefits, correct?

21 A. Presumably.

22 Q. So would you also agree that you  
23 do not have the expertise to dispute ERM's  
24 analysis of the public health benefits from

1 adopting ACC2?

2 A. Correct.

3 Q. Okay. I would like to start by  
4 discussing a little bit more the impacts of  
5 the proposed rules on emissions.

6 In your testimony, and in response to  
7 pre-filed questions, you say that the total 50  
8 state greenhouse gas emissions are unchanged  
9 by states adopting California's ACC2  
10 requirement, correct?

11 A. That's correct.

12 Q. And you argue that this is true  
13 both because EPA's fleet-wide average  
14 greenhouse gas standards apply across all 50  
15 states, and because the EPA fleet-wide average  
16 standards are more stringent than  
17 California's? Is that --

18 A. Correct?

19 Q. -- correct? Okay.

20 [Interruption by the reporter.]

21 BY MR. JAMES DENNISON:

22 Q. Would you agree that ZEV produces  
23 zero tailpipe greenhouse gas emissions?

24 A. ZEV, as defined in the California

1 regulations, 13 CCR 1962.4, or the broad ZEV?

2 Q. Are you asking to clarify?

3 A. Yes.

4 Q. As defined in the rule.

5 A. In which rule?

6 Q. In the ACC2 standards.

7 A. Yes.

8 Q. Okay. So they do produce zero  
9 emissions?

10 A. Yes, because they are composed of  
11 a battery electric vehicle or a fuel cell  
12 vehicle, and to my knowledge, when we are  
13 talking about Illinois, who has no hydrogen  
14 infrastructure, we are only talking about  
15 BEVs.

16 Q. Okay.

17 A. Battery electric vehicles, that  
18 is.

19 Q. So would you agree also that  
20 adopting ACC2 in Illinois would require an  
21 increasing percentage of new vehicle sales in  
22 Illinois to be ZEVs?

23 A. Yes, that's the definition of a  
24 ZEV mandate.

1           Q.       Okay. So would you agree that as  
2 a result, adopting ACC2 would reduce  
3 greenhouse gas emissions from the new vehicle  
4 fleet in Illinois as the percentage of ZEV  
5 sales increases?

6           A.       It depends if the total number of  
7 new vehicles sales remain the same. But there  
8 is certainly no guar -- you are correct that  
9 the portion of the fleet that's required to be  
10 battery electric vehicles has to increase, but  
11 you can increase that proportion of the fleet  
12 by either reducing the internal combustion  
13 engine vehicle sales or by increasing the  
14 number of battery electric vehicle sales.  
15 Correct.

16          Q.       Okay. And I want to discuss your  
17 claims about how automakers will respond to  
18 the rule in just a minute, but for now, let's  
19 stay on your point about whether the rule  
20 itself has the potential to reduce additional  
21 emission reductions beyond those from the  
22 federal standards. Okay? So I'll just repeat  
23 my question.

24                Would you agree that adopting ACC2

1 would reduce greenhouse gas emissions from the  
2 new vehicle fleet in Illinois as the  
3 percentage of ZEV sales increases?

4 A. No.

5 Q. You would not agree?

6 A. No.

7 Q. And that's because of what you  
8 just said --

9 A. That's correct.

10 Q. -- about the possibility of  
11 reducing overall sales rather than increasing  
12 ZEV sales?

13 A. Correct.

14 Q. Okay. Well, we'll return to that  
15 in a moment, but for now, to give an example,  
16 after model year 2035, when ACC2 requires all  
17 new vehicle sales to be ZEVs, it would result  
18 in zero greenhouse gas emissions from new  
19 vehicle sales in Illinois. Is that correct?

20 A. Wait. I'm sorry. Could you --  
21 when you when you are talking about ZEVs, are  
22 you talking about BEVs, or ZEVs and BEVs as  
23 defined in the rule, or ZEVs as we typically  
24 talk?



1           Q.       When I refer to ZEVs, I'll be  
2 referring to them as they are applied and used  
3 throughout the rule itself.

4           A.       Okay. So I'm sorry. Repeat your  
5 question.

6           Q.       Sure. So after model year 2035,  
7 when ACC2 requires all new vehicle sales to be  
8 ZEVs, would you agree that it will result in  
9 zero greenhouse gas emissions from new vehicle  
10 sales in Illinois?

11          A.       No.

12          Q.       So we talked earlier, you had  
13 agreed that a ZEV produces zero greenhouse gas  
14 tailpipe emissions.

15          A.       Correct, but if you could restate  
16 your question.

17          Q.       Right. My question is, when ACC2  
18 requires all new vehicle sales to be ZEVs --

19          A.       They don't. It does not.

20          Q.       Is that -- why is that?

21          A.       I'm sorry. Repeat the question.

22          Q.       Why is that the case?

23          A.       Well, I think, again, when you  
24 are using the term ZEV, there is kind of the

1 broad ZEV term which includes battery electric  
2 vehicles, fuel cell electric vehicles, and  
3 plug-in hybrid electric vehicles. That's the  
4 broad term ZEV.

5 The regulatory definition of a ZEV is  
6 only battery electric vehicles and fuel cell  
7 electric vehicles.

8 Q. Okay. And you had agreed that  
9 the regulatory definition --

10 A. You have stated that the  
11 regulation requires 100 percent ZEVs by 2035,  
12 which is not correct.

13 Q. Do you dispute that the sales  
14 percentage required by the rule for model  
15 years 2035 and later is 100 percent?

16 A. 100 percent of what?

17 Q. 100 percent ZEVs as defined  
18 within the regulatory language.

19 A. No, I would not.

20 Q. All right. We can move on then.

21 So page 14 of your testimony. You say  
22 that EPA's criteria emission program is more  
23 stringent than California's, and you make a  
24 similar point that adopting California's

1 emissions will not result in criteria emission  
2 benefits as a result. Is that right?

3 A. Corr -- I'm sorry. Can you  
4 repeat the last part?

5 Q. Sure. It's a similar line of  
6 questions --

7 A. Yeah, yeah, yeah.

8 Q. -- you testified to criteria  
9 emissions.

10 You say at page 14 that EPA's criteria  
11 emission program is more stringent than  
12 California's, so adopting California's  
13 standards will not result in criteria emission  
14 benefits. Is that right?

15 A. Correct.

16 Q. And by this, you mean that the  
17 EPA criteria emission standards that apply to  
18 the combustion engine portion of the new  
19 vehicle fleet are more stringent than the  
20 California standards that apply to that  
21 portion of the fleet, correct?

22 A. I'm sorry. Can you repeat the  
23 question again?

24 Q. Sure. I understand the part of

1 your testimony we just discussed to mean that  
2 you think the EPA criteria emission standards  
3 that apply to the combustion engine portion of  
4 the new vehicle fleet, those are more  
5 stringent than the California standards that  
6 apply to the same portion of the fleet?

7 A. That's -- and I think, as I  
8 explained in the testimony, they use two  
9 different methods for determining the fleet  
10 average. California removes all of the ZEV,  
11 ZEV operations.

12 So for -- the electric vehicle  
13 operation for obviously electric vehicles, so  
14 those are removed from the fleet average, but  
15 also the combustion engine operation of a  
16 plug-in hybrid electric vehicle are also  
17 removed from the fleet average, which  
18 California's fleet average remains constant at  
19 30 milligrams per mile, whereas Illinois -- or  
20 the EPA regulations, they reduce the fleet  
21 average, but they include both the electric  
22 operation of plug-in hybrid electric vehicles  
23 and of course battery electric vehicles. And  
24 so they reduce it from 30 to 15 milligrams per

1 mile.

2 Q. Okay.

3 A. So they are kind of two different  
4 methods. The intent was to get to the same  
5 endpoint.

6 Q. The same endpoint of emissions  
7 from the combustion portion of the fleet,  
8 right?

9 A. Yeah -- well, from the total  
10 fleet.

11 Q. Okay. Well, what I want to ask  
12 about is the ZEV portion of the fleet.

13 Would you agree that ZEVs don't emit  
14 any tailpipe emissions?

15 A. Yes.

16 Q. So if adopting ACC2 results in a  
17 greater share of ZEVs in Illinois's new  
18 vehicle fleet, then criteria emissions from  
19 that new vehicle fleet will decrease also?

20 A. Yes. Yes.

21 Q. Okay.

22 A. Yeah.

23 Q. And so I'm going to ask you one  
24 more time.

1           Would you agree that adopting ACC2 over  
2     time will require the percentage of ZEVs in  
3     the new vehicle fleet to increase?

4           A.     Oh, certainly.

5           Q.     Okay. So to sum up, you agree  
6     that ACC2 can reduce both greenhouse gas and  
7     criteria emissions from Illinois's new vehicle  
8     fleet by increasing of ZEV sales? Is that  
9     fair?

10          A.     Say that again.

11          Q.     Would you agree that ACC2 can  
12     reduce both greenhouse gas and criteria  
13     emissions from Illinois's new vehicle fleet as  
14     it increases the percentage of ZEV sales?

15          A.     I certainly agree that it can  
16     reduce the criteria. And I'm assuming with  
17     ACC2 that you are including the greenhouse  
18     gas, right, from California?

19          Q.     Well, I guess my question is --  
20     I'm less concerned about the effect of the  
21     fleet-wide average standard, and more  
22     concerned about the increasing sales share of  
23     zero-emission vehicles that we've been  
24     discussing.

1           And I think I heard you say that  
2       because ZEVs produce zero tailpipe emissions,  
3       that as that percentage increases, then the  
4       overall emissions from the new fleet would  
5       decrease?

6           A.       Correct.

7           Q.       Okay. So is it fair to say that  
8       increasing the ZEV sales percentage is a  
9       different mechanism for reducing emissions  
10      than the fleet average approach used in the  
11      federal standards?

12          A.       Correct.

13          Q.       Okay.

14          A.       I believe.

15          Q.       All right. Now, we touched on  
16      this a bit before, but from your pre-filed  
17      questions, I understand that you have two main  
18      disagreements with ERM about how ACC2 will  
19      reflect ZEV deployment, and I would like to  
20      talk through those now.

21                 So first, you claim that instead of  
22      selling more ZEVs, automakers might reduce  
23      their sales of combustion vehicles in order to  
24      comply with ACC2; and second, you claim that

1 drivers might keep their older vehicles  
2 longer.

3 Is that a fair summary of your  
4 position?

5 A. Correct.

6 Q. All right. Now, as we talked  
7 about before, you said you don't have the  
8 expertise to critique other aspects of ERM's  
9 analysis, like their assessment of the  
10 emissions health and economic impacts of  
11 increasing ZEV deployment, correct?

12 A. Correct.

13 Q. So --

14 A. Or I think it was societal  
15 benefits, is what the question was.

16 Q. Okay. If ERM is right that ACC2  
17 will not affect the total number of new  
18 vehicles sold in Illinois, or how long drivers  
19 hold onto old vehicles, and it only affects  
20 the percentage of new ZEV sales, then you  
21 wouldn't have any basis for disagreeing with  
22 ERM's projections of the resulting emissions  
23 health and societal benefits, do you?

24 A. If -- so if, for example, you



1 just banned all gas cars tomorrow -- is that  
2 kind of ERM's analysis, that it would produce  
3 a large societal benefit?

4 Q. My question to you is, we just  
5 talked about your points of disagreement with  
6 ERM, and how you don't have the expertise to  
7 critique the other aspects of ERM's analysis.

8 So my question is just, if ERM is right  
9 about these two issues, that the overall fleet  
10 size won't change and that the length of time  
11 people keep vehicles in use won't change, then  
12 you wouldn't have a basis for disputing the  
13 conclusions that follow from the rest of ERM's  
14 analysis, is that right?

15 A. Well, I think I dispute the  
16 underlying assumptions, but you say if the  
17 assumptions are correct. Then -- then I'm not  
18 sure that that's --

19 Q. And the assumptions that you  
20 dispute are these two things we have  
21 identified, right?

22 A. Right. Right.

23 Q. Okay. So let's talk about those  
24 now.

1           A.       Okay.

2           Q.       Starting with your first concern  
3 about automakers reducing sales of combustion  
4 vehicles.

5           On page 26 of your testimony, you  
6 describe a scenario where automakers increase  
7 their ZEV sales by 20 percent per year, and  
8 they comply with ACC2 not by selling more ZEVs  
9 but by reducing their sales of other vehicles  
10 by 85 to 95 percent, right?

11          A.       Right.

12          Q.       And in that scenario, you say  
13 automakers would eliminate over two million  
14 vehicle sales, representing \$96 billion in  
15 lost revenue through 2035, correct?

16          A.       Correct.

17          Q.       So is it your position that  
18 automakers are more likely to leave \$96  
19 billion on the table than to increase their  
20 ZEV sales?

21          A.       Well, I think they are in -- in  
22 the analysis that you are referring to on page  
23 26, the ZEV sales did increase, so they  
24 increased 20 percent year over year, correct.

1 And then in addition to that, in addition to  
2 increasing sales, they would still have to  
3 reduce the internal combustion engine vehicle  
4 sales by 80, 85 percent.

5 Q. And in this scenario you are  
6 describing, if automakers increased their ZEV  
7 sales above the 20 percent that you have  
8 assumed, they would be able to sell more  
9 vehicles, including combustion vehicles,  
10 correct?

11 A. Right.

12 Q. And you are saying they wouldn't  
13 do this; they would instead only sell an  
14 increase of 20 percent ZEVs per year, and just  
15 curtail that \$96 billion of vehicle sales?

16 A. Yeah, I think at some point it  
17 becomes a market-driven -- I mean, you do have  
18 to have buyers for these vehicles, and so at  
19 some point it becomes market-driven.

20 Q. Now, I have some questions about  
21 your assumption that ZEV sales will grow by 20  
22 percent per year.

23 In response to rule proponents'  
24 pre-filed question 15, you acknowledged

1 several historical examples where ZEV sales in  
2 Illinois, California, and Germany grew  
3 significantly faster than 20 percent per year,  
4 didn't you?

5 A. Correct.

6 Q. In fact, the rate of ZEV sales  
7 growth in these examples is on par with the  
8 rate of growth that you project would be  
9 needed to reach ACC2's model year 2029 sales  
10 percentage, isn't that correct?

11 A. I'm sorry. Can you repeat that?

12 Q. Sure. The rate of growth in ZEV  
13 sales from these examples, that's on par with  
14 the rate of growth that you say would be  
15 necessary to reach the 2029 sales percentage?

16 A. No, not even close, not at the  
17 levels that we are talking about. I mean,  
18 there is no state in the country that has ever  
19 even exceeded 30 percent sales of ZEVs. None  
20 ever. And in Germany, the one that you  
21 referred to, after they removed the \$10,000  
22 per vehicle rebate, sales completely tanked.  
23 They dropped 27 percent the next year.

24 Q. Okay --

1           A.       And even in Germany, the ones you  
2       are talking about was 27 percent, 29 percent.  
3       So it's way below the 59 percent that's  
4       required in the first year of Illinois.

5           Q.       Okay. And we'll talk about the  
6       overall level of penetration in just a moment,  
7       but I want to focus for now on the rate.

8           And the rate of growth in these  
9       examples, year over year, is comparable to the  
10      pace at which sales would have to increase  
11      from where they are in Illinois to reach that  
12      59 percent level?

13          A.       To reach -- so it would be, what,  
14      an 80 percent year-over-year increase or  
15      something like that?

16          Q.       Yeah, something like a sixfold  
17      increase through 2029.

18          A.       Right, so in three years. So --

19          Q.       Yeah. And I just want to confirm  
20      that the pace from those examples --

21          A.       That's possible. It seems like a  
22      math problem. So --

23          Q.       Okay.

24          A.       I can't do the math right now in

1 my head. But -- but --

2 Q. But do you have any reason for  
3 disputing if I represent to you that the pace  
4 is comparable?

5 A. No, I can't dispute that if sales  
6 increase by 620 percent from today to three  
7 years from now, then I mean, that's -- that's  
8 my testimony.

9 Q. Okay.

10 A. And I don't -- I'm not familiar  
11 with, like I say, in any of the examples  
12 provided that any of those came close to being  
13 even half of the level that's required in 2029  
14 in Illinois under ACC2.

15 [Interruption by the reporter.]

16 BY MR. JAMES DENNISON:

17 Q. So I would like to talk now about  
18 these two points you have identified. The  
19 overall level of sales, and as you mentioned,  
20 sales -- sales dipping after a point in some  
21 of the examples.

22 MR. JAMES DENNISON: So Hearing  
23 Officer Leoni, I have two documents that I  
24 would like to show the witness, and I would

1 like to move these into evidence. I have got  
2 several copies that I could share. How would  
3 you like me to proceed?

4 HEARING OFFICER LEONI: So if you  
5 could state the name of the documents, and  
6 then we'll enter them one at a time as  
7 exhibits into evidence.

8 MR. JAMES DENNISON: Okay.

9 HEARING OFFICER LEONI: And  
10 that's how we'll go.

11 MR. JAMES DENNISON: The first is  
12 an article by World Resources Institute  
13 titled, "These countries are adopting electric  
14 vehicles the fastest."

15 HEARING OFFICER LEONI: Okay. So  
16 that will be entered into the exhibit -- or  
17 excuse me -- entered into the record as  
18 Exhibit 8.

19 [Document marked as Exhibit No. 8  
20 for identification.]

21 MR. JAMES DENNISON: All right.  
22 And the second is an article by Carbon Tracker  
23 titled, "S curves in the driving seat of the  
24 energy transition."

1 HEARING OFFICER LEONI: Okay.

2 And that will be entered into the record as  
3 Exhibit 9. And if you could, please, before  
4 you leave just leave copies with me and  
5 Hearing Officer Horton.

6 MR. JAMES DENNISON: Okay. I'll  
7 be happy to.

8 HEARING OFFICER LEONI: Thank  
9 you.

10 [Document marked as Exhibit No. 9  
11 for identification.]

12 BY MR. JAMES DENNISON:

13 Q. Mr. Douglas, I'll give you a copy  
14 of each of these.

15 MR. JAMES DENNISON: Should I  
16 distribute any other copies for folks to  
17 follow along?

18 HEARING OFFICER LEONI: Yes,  
19 please.

20 MR. JAMES DENNISON: Okay.

21 [Discussion off the record.]

22 HEARING OFFICER LEONI: All  
23 right. So we'll go back on the record now.  
24 And before you resume, Mr. Dennison, I would



1 just like to ask the participants if there are  
2 any objections to entering these exhibits into  
3 the record.

4 MS. MELISSA BROWN: I mean -- so  
5 they were cited in your pre-filed questions?

6 MR. ROBERT WEINSTOCK: I believe  
7 we asked the witnesses to respond to them in  
8 the pre-filed questions.

9 MS. MELISSA BROWN: Okay. But  
10 they weren't attached to the pre-filed --

11 MR. ROBERT WEINSTOCK: No, but  
12 they're publicly available, just like the  
13 dozens of links that everyone put in their  
14 testimony.

15 MS. MELISSA BROWN: Right. Well,  
16 I mean, just to clarify, we provided links,  
17 but we also attached the documents in the  
18 link --

19 MR. ROBERT WEINSTOCK: You're the  
20 only ones to do that, which we appreciate.

21 MS. MELISSA BROWN: You're  
22 welcome.

23 MR. ROBERT WEINSTOCK: But --  
24 yes.

1 MS. MELISSA BROWN: I mean, I  
2 guess I just wanted to note that in the first  
3 hearing, there was a deadline to file exhibits  
4 on COOL, the electronic system, before the  
5 rulemaking.

6 So I guess my objection would be  
7 following the same procedure as the  
8 rulemaking. I think it would have been more  
9 proper to file the full exhibit ahead of this  
10 hearing. So in that form, we'll object.

11 MR. ROBERT WEINSTOCK: And I  
12 would just note that that order -- there was  
13 no order for this hearing. The order for the  
14 first hearing only referring to demonstrative  
15 exhibits, not substantive exhibits, which at  
16 the hearing I believe Ms. Brown was actually  
17 the lawyer who introduced another -- well,  
18 maybe not.

19 There was one lawyer who introduced one  
20 of the substantive exhibits, and it was  
21 admitted then because it had been cited in the  
22 previously-filed documents, even though it  
23 hadn't been pre-filed with demonstrative  
24 exhibits.

1 HEARING OFFICER LEONI: Okay.

2 Thank you both.

3 Since we did not post a pre-filing  
4 deadline for substantive exhibits for this  
5 hearing, as counsel has pointed out, we will  
6 be allowing the exhibits into the record so  
7 that the Board can have as full and complete a  
8 record as possible in order to make our  
9 determination.

10 Anything else from the participants?

11 If not, we will proceed with Mr.  
12 Dennison's --

13 MS. MELISSA BROWN: Oh, my  
14 apologies. I would like to -- if we could  
15 pause and wait until we receive copies of it,  
16 just so I could follow along as the questions  
17 are going.

18 HEARING OFFICER LEONI: Of  
19 course. Sure. So we'll go off the record  
20 then to wait until we have copies.

21 [Discussion off the record.]

22 HEARING OFFICER LEONI: Okay. We  
23 are back on the record now, resuming with the  
24 testimony of Mr. Douglas. Mr. Dennison?

1 MR. JAMES DENNISON: All right.

2 Thank you.

3 BY MR. JAMES DENNISON:

4 Q. So Mr. Douglas, this first  
5 document that I'm showing you is an article by  
6 World Resources Institute titled, "These  
7 countries are adopting electric vehicles the  
8 fastest."

9 And the second is an article by Carbon  
10 Tracker titled, "S curves in the driving seat  
11 of the energy transition."

12 So I would like to start with page 5 of  
13 the World Resources Institute article. Do you  
14 see the chart showing EV sales percentages in  
15 different countries?

16 A. I do.

17 Q. Okay. Let's focus on sales in  
18 Norway, represented by the yellow line.

19 Norway's sales went from below 20  
20 percent in 2016 to over 60 percent in 2021.

21 Do you see that?

22 A. I do.

23 Q. So would you agree that this  
24 example shows that ZEV sales percentages well

1 above 50 percent have been achieved?

2 A. Yes, with the appropriate amount  
3 of incentives. And if I'm not mistaken, I  
4 think the incentives associated with Norway  
5 were on the order of \$40,000 per vehicle, plus  
6 free parking, plus access to bus lanes.

7 So yeah, with a -- with broad, very,  
8 very resource-intensive incentives, you can  
9 certainly increase the ZEV sales.

10 Q. Okay. And do you see how  
11 Norway's sales fell slightly from 2015 to  
12 2016, and then they continued sharply  
13 increasing?

14 A. Yes.

15 Q. Do you see that sales have also  
16 briefly leveled off but then continued to  
17 climb in the blue line representing Iceland,  
18 the green line representing the Netherlands,  
19 and the red line representing China?

20 A. Yes.

21 Q. All right. And switching to the  
22 other article now.

23 Looking at pages 6 and mostly onto page  
24 7, there is a chart of EV adoption in the

1 United Kingdom.

2 Do you see that chart?

3 A. Which page are you on?

4 Q. It's page 7.

5 A. Okay.

6 Q. Do you see how adoption in the  
7 U.K. has been following an overall upward  
8 trajectory, although there have been a few  
9 dips down at various points?

10 A. In -- I'm kind of having trouble  
11 seeing the charts.

12 Q. It's -- let's focus on the top  
13 chart, is probably easiest to see. Those dots  
14 that are kind of plotted onto a line, those  
15 represent sales percentages or market share  
16 over time.

17 Do you see that?

18 A. Yes.

19 Q. And do you see how the trend in  
20 those dots has been curving upward, although  
21 there have been a few dips along the way?

22 A. Yes. The dots, not the line.

23 Q. Correct, the dots. The line is  
24 just plotted to the dots.

1           A.       Okay.

2           Q.       Would you agree that these  
3       examples we have just been through show that  
4       if ZEV sales hit a plateau, they can continue  
5       to grow after plateauing?

6           A.       Certainly.

7           Q.       All right. Now, the ZEV sales  
8       figures for 2024 that you cited in your  
9       testimony only went through the third quarter  
10      of 2024, correct?

11          A.       Correct. Yeah.

12          Q.       All right. And I guess this is  
13      the point where I was hoping to ask a few  
14      questions about one of the documents that's  
15      being copied, so I don't know if we need to  
16      wait, or I can circle back to this topic.

17          A.       Is this another document?

18          Q.       It is.

19          A.       So I don't have that?

20          Q.       No. Yeah.

21          A.       Okay.

22                   HEARING OFFICER LEONI: It's one  
23      that hasn't yet been distributed to anyone in  
24      the room?

1                   MR. JAMES DENNISON: I think they  
2 are working on making copies of it. So we  
3 could either wait, or maybe I'll just come  
4 back to this topic. I think that's probably  
5 best.

6                   HEARING OFFICER LEONI: Let's --  
7 yeah, let's proceed and then come back to the  
8 topic after you address things that don't  
9 require additional copies at this time.

10                  MR. JAMES DENNISON: Okay.

11 BY MR. JAMES DENNISON:

12                  Well, I'll start with a few more  
13 questions then about your response to rule  
14 proponents' pre-filed question 16(b). And as  
15 we go through these questions, I'll be  
16 referring to the two documents that you have  
17 in front of you.

18                  A.       Okay.

19                  Q.       Mr. Douglas, are you familiar  
20 with the phenomenon of S curves for technology  
21 adoption?

22                  A.       Yes. You mean as they apply to  
23 non-mandated technologies?

24                  Q.       Just in general. These S curves



1 describe the pace at which a new technology is  
2 adopted in a market over time.

3 Would you agree with that?

4 A. Yes. Yeah, typically not  
5 mandated, correct. Actually, never mandated,  
6 because you don't need a mandate if you got  
7 that nice S curve. Correct.

8 Q. Okay. Would you agree that one  
9 feature of S curves is that adoption starts  
10 relatively slowly, but then it rapidly  
11 increases after reaching a tipping point?

12 A. Yes, certainly, and again, I  
13 think speaking of all the non-mandated  
14 technologies like cell phones, computers,  
15 telephones, things like that.

16 Q. Okay. Right, and I'm just  
17 interested in S curves as they apply to  
18 showing the pace at which a market can  
19 develop.

20 In your response to rule proponents'  
21 question 16(b), you go through some examples  
22 that you just mentioned, including telephones,  
23 correct?

24 A. Correct.

1           Q.       First I would just like to  
2 clarify, what was your source for the  
3 information about these examples?

4           A.       I'm not exactly certain about the  
5 source for them. I tried to summarize what I  
6 had read.

7           Q.       Okay. But using the example of  
8 telephones, you say that, quote, between 1900  
9 and 1980, penetration of telephones grew from  
10 10 to 90 percent of U.S. homes, end quote. Is  
11 that right?

12          A.       Yes.

13          Q.       And I just want to clarify, the  
14 penetration that you are referring to here,  
15 that's the number of U.S. homes that have a  
16 telephone?

17          A.       Correct.

18          Q.       Correct?

19               And the percent penetrations that you  
20 cite for your other examples also represent  
21 the portion of U.S. households that have  
22 adopted the technology?

23          A.       Correct.

24          Q.       So in the case of ZEVs, the

1 corresponding number would be the percentage  
2 of vehicles on the road that are ZEVs, is that  
3 right?

4 A. I'm -- I'm sorry. Can you  
5 restate that question?

6 Q. Right. Just to apply this --  
7 this calculation to ZEVs, their corresponding  
8 number would be the percentage of vehicles  
9 that are on the road or perhaps the percentage  
10 of U.S. households that drive a ZEV? Is that  
11 right?

12 A. I'm not -- are you -- I'm not  
13 sure exactly what the question is.

14 Q. I just want to understand what a  
15 level of penetration, compared to the examples  
16 that you gave, would look like in the case of  
17 zero-emission vehicles.

18 A. Yes, and you said the total  
19 number of ZEVs on the road? Is that --

20 Q. Yeah. It would be --

21 A. Okay. Yeah.

22 Q. So if it was, you know, 10  
23 percent penetration, that would be 10 percent  
24 of the road -- 10 percent of the vehicles on

1 the road are ZEVs, right?

2 A. Correct. Yeah.

3 Q. And that's different than a  
4 percentage of new vehicle sales that are ZEVs,  
5 right?

6 A. Correct. Yeah, because a lot of  
7 the vehicles on the road are used vehicles.

8 Q. Okay. And because --

9 A. All of them, in fact.

10 Q. Because the number of annual  
11 vehicle sales is much smaller than the total  
12 numbers of vehicles on the road, it will take  
13 longer to increase the percentage of ZEVs on  
14 the road than to increase the percentage of  
15 ZEV sales, correct?

16 A. Yeah, almost by definition.

17 Q. All right. Thank you for  
18 clarifying that.

19 So in your pre-filed answer to question  
20 16(b) from the proponents, you say the S  
21 curves typically apply to, quote, products  
22 that offer a new benefit or vastly better  
23 experience, end quote.

24 Is it fair to say that a product with a

1 lower cost than the alternative product offers  
2 a new benefit?

3 A. It's certainly a benefit, yes.

4 Q. Would you agree with the  
5 statement in World Resources Institute's  
6 article at pages 2 to 3, saying that with S  
7 curve adoption, quote, once a technology  
8 reaches a tipping point, for example, when EVs  
9 become cheaper than traditional gas- or  
10 diesel-powered vehicles, the trajectory curves  
11 upward?

12 A. I'm sorry. Where are you at?

13 Q. Bottom of page 2, the top of page  
14 3. I can read it again, if you would like.

15 A. Okay. I'm right there.

16 Q. Now, would you agree that that's  
17 a way in which S curve adoption can proceed,  
18 with the --

19 A. I'm not certain that's true. So  
20 you are just saying something that is a lower  
21 price, all of a sudden it ramps up and becomes  
22 100 percent?

23 Q. I'm saying --

24 A. Everything with a lower price

1 doesn't ramp up. You know, like for example,  
2 IBM computers were cheaper than Apple  
3 computers, but that did not lead to an S  
4 curve.

5 Q. I'm just asking if you would  
6 agree that the point at which new technology  
7 becomes lower-priced than the incumbent  
8 technology could be a tipping point.

9 A. No, I wouldn't agree.

10 Q. You don't think there are any  
11 cases where that could be a tipping point?

12 A. Certainly not in the case that we  
13 are talking about, with electric vehicles. I  
14 mean, there are more factors that consumers  
15 consider than just the cost, right? Like for  
16 example, fuel cell vehicles. If I said, oh, I  
17 can get you a hydrogen fuel cell vehicle and  
18 it's only \$10,000, that's a \$60,000 car, would  
19 that be valuable to you if you don't have any  
20 hydrogen fuel? No. It would be a yard  
21 ornament and not valuable. So --

22 Q. Okay.

23 A. So I wouldn't -- I wouldn't agree  
24 with that. And again, in the situation that

1 we are talking about.

2 Q. Okay. Just one more question on  
3 the price.

4 In response to proponents' projections  
5 that ZEVs will soon have lower upfront costs  
6 than combustion vehicles, even without  
7 incentives, you did not include any  
8 information in your testimony projecting  
9 future ZEV costs, correct?

10 A. I did not, no.

11 Q. All right. Do you have any  
12 reason to dispute the finding reported at page  
13 2 of the World Resources Institute article,  
14 which says that, quote, while EV sales have  
15 started accelerating at different years for  
16 different countries, they are all following a  
17 similar S curve pattern of growth?

18 A. And so what was the question? I  
19 read that.

20 Q. My question is, do you have any  
21 reason to dispute this finding that EV sales  
22 are exhibiting S curve patterns of growth?

23 A. No, I can't dispute it or confirm  
24 it.

1           Q.       All right. Now, please refer to  
2       the Carbon Tracker article. That's the other  
3       one at page 1.

4           Do you see where it says, quote, the S  
5       curve is a well-established phenomenon where a  
6       new technology reaches a certain catalytic  
7       tipping point, typically five to 10 percent  
8       market share, and then rapidly reaches a high  
9       market share, i.e., 50 percent or more, within  
10      just a couple years once passing this tipping  
11      point?

12           Do you see that?

13           A.       Yes.

14           Q.       You say in your testimony that  
15      ZEVs' current market share in Illinois is  
16      within that five to 10 percent range, correct?

17           A.       Certainly.

18           Q.       And if ZEV market share in  
19      Illinois were to follow an S curve like the  
20      one described in this article, reaching above  
21      50 percent market share within a few years,  
22      that would be faster than the 20 percent per  
23      year ZEV market growth that you assumed in  
24      your testimony, wouldn't it?



1           A.       If the market in Illinois jumped  
2 to 59 percent in two years?

3           Q.       If it follows the trajectory  
4 described in the article.

5           A.       Yeah, certainly if the market  
6 share of ZEVs in Illinois jumped to 59 or 60  
7 percent in the next couple years, then that  
8 would be greater than 20 percent  
9 year-over-year growth.

10           MR. JAMES DENNISON:   Okay.   It  
11 sounds like we might have copies?   Maybe I can  
12 turn back to that at this point.

13           HEARING OFFICER LEONI:   Sure.

14           MR. JAMES DENNISON:   I don't know  
15 where --

16           HEARING OFFICER LEONI:   They are  
17 circulating.   People are passing them around.

18           MR. JAMES DENNISON:   Oh, okay.  
19 Okay.

20           HEARING OFFICER LEONI:   If you  
21 would prefer to just give it a minute, it  
22 looks like they are close.

23           MR. JAMES DENNISON:   Okay.

24           HEARING OFFICER LEONI:   And can I

1 ask, do you have one or two more exhibits to  
2 enter?

3 MR. JAMES DENNISON: I have one.  
4 I -- I think the other one won't be necessary.

5 HEARING OFFICER LEONI: Okay.

6 MR. JAMES DENNISON: We could go  
7 ahead and admit it, if that would be the  
8 cleanest way. I don't really have a  
9 preference.

10 HEARING OFFICER LEONI: If you  
11 are planning to ask questions about it, we  
12 will need to admit it into the record, but if  
13 you are not, I leave it up to you.

14 MR. JAMES DENNISON: Okay. I --  
15 it discusses a topic on which I think Mr.  
16 Douglas and I won't have any disagreements,  
17 and so the article won't be necessary, but if  
18 there is any need for clarification, that  
19 would be the purpose of introducing it.

20 HEARING OFFICER LEONI: Okay.  
21 Why don't we go ahead and introduce it.

22 And as long as we are waiting for  
23 copies, I would just like to take this moment  
24 to say that though a hearing officer order

1 wasn't issued, setting a deadline, the Board's  
2 procedural rules with which everyone  
3 participating in the Board rulemaking should  
4 familiarize themselves do say that there is a  
5 21-day pre-filing deadline before a hearing to  
6 admit any evidence-related exhibits,  
7 questions, responses, and pre-filed testimony,  
8 which is what we are proceeding with today and  
9 for future board rulemakings. That is Section  
10 102.424.

11 MR. ROBERT WEINSTOCK: And  
12 just -- sorry. With the pre-filed answers  
13 only coming this Monday, and some of these  
14 documents being the things cited in those, we  
15 assume that the hearing officer orders were  
16 superseding that rule, because it would be  
17 impossible for us to provide exhibits that we  
18 didn't even know existed until six days before  
19 the hearing.

20 HEARING OFFICER LEONI: I don't  
21 know where you would have gotten the  
22 assumption that something would supersede the  
23 Board's procedural rule, when we are  
24 conducting a hearing pursuant to the Board's

1 procedural rules.

2 MR. ROBERT WEINSTOCK: Yeah,  
3 understood. Hearing officer orders often  
4 adjusts deadlines in the rules. That's why --  
5 but apologies.

6 HEARING OFFICER LEONI: Okay.  
7 Well, we didn't in this instance. So if the  
8 future, if there is anything that any  
9 participant in the rulemaking would like to  
10 address in questioning or testimony, please  
11 pre-file that with the Board. If it is later  
12 than 21 days before the hearing, so be it, but  
13 please do make an effort to pre-file with the  
14 Board's Clerk Office On-Line and serve it on  
15 all of the participants on the service list in  
16 the rulemaking.

17 So now that that's out there, Mr.  
18 Dennison, please proceed.

19 MR. JAMES DENNISON: Yeah, we  
20 really appreciate everyone's flexibility, and  
21 apologies for the misunderstanding.

22 I don't know if Mr. Douglas has a copy  
23 of the document I was hoping to turn to now.

24 A. I don't. I just have --

1                   MR. JAMES DENNISON: Is that  
2 still circulating?

3                   HEARING OFFICER LEONI: I guess  
4 we'll go off the record while we're waiting.

5                   THE REPORTER: Okay. Off the  
6 record.

7                   [Discussion off the record.]

8                   HEARING OFFICER LEONI: Okay.  
9 We'll go back on the record and address other  
10 questions.

11                  MR. JAMES DENNISON: Okay.

12 BY MR. JAMES DENNISON:

13                  Q. Thanks for bearing with me, Mr.  
14 Douglas.

15                  A. Certainly.

16                  Q. Mr. Douglas, are you familiar  
17 with the concept of technology-forcing  
18 standards?

19                  A. Yes.

20                  Q. Is it fair to describe these as  
21 standards that require the adoption of an  
22 emissions control technology that is not yet  
23 in widespread use?

24                  A. Yes, I think that's fair.

1           Q.       Would you agree that  
2       historically, technology-forcing standards  
3       have led to the successful adoption of many  
4       vehicle emission control technologies,  
5       including catalytic converters, fuel  
6       injection, and onboard diagnostics?

7           A.       Can you repeat the first part of  
8       that question?

9           Q.       Would you agree that  
10      technology-forcing standards have historically  
11      led to the successful adoption of many control  
12      technologies, including catalytic converters,  
13      fuel injection, and onboard diagnostics?

14          A.       Certainly -- well, I'm not sure  
15      about all of them, but yeah, certainly some of  
16      the technology-forcing regulations have  
17      required the spread -- I mean, most of the  
18      technologies were developed by the industry.

19                   [Interruption by the reporter.]

20      BY MR. JAMES DENNISON:

21          Q.       And are you aware of any instance  
22      where one of these technology-forcing  
23      standards resulted in automakers cutting sales  
24      by millions of vehicles and billions of

1     dollars?

2             A.       No, I think the difference in all  
3     of these technologies, onboard diagnostics,  
4     catalytic converters, they were pretty unknown  
5     by the customer.

6             So, okay, the vehicle price might have  
7     went up \$50 or \$100, but for the customer,  
8     they didn't have to change their lifestyle to  
9     use a catalytic converter. They don't have to  
10    change their lifestyle to use onboard  
11    diagnostics. They don't have to change their  
12    lifestyle to use fuel injectors.

13            That's not really the case with  
14    electric vehicles and the ZEV mandate, where  
15    you do have to -- particularly if you are  
16    low-income, you lived in multi-family housing,  
17    or you rent, or you don't have access to home  
18    charging, which is very cheap, very reliable,  
19    and very convenient.

20            So I think there is a difference  
21    between -- between what you are talking about  
22    and the zero-emission vehicle mandate.

23            Q.       Okay. And I appreciate the  
24    detail, but just to confirm, your answer to my

1 question was no?

2 A. Can you repeat the question?

3 Q. No, you're not aware of any  
4 instance of a technology-forcing standard  
5 resulting in automakers cutting their sales by  
6 millions of vehicles and billions of dollars?

7 A. No, I mean, I'm fully aware of  
8 many standards that did not proceed as the  
9 regulatory intention. I mean, many, many  
10 including the catalytic converter, you know,  
11 where there were starts and fits to it, where  
12 the regulations were adopted, they had a  
13 specific timeline, and they failed to meet  
14 those -- those -- those were changed.

15 Q. Okay. I would like to briefly  
16 turn to your other point of disagreement with  
17 ERM's analysis, your claim that adopting ACC2  
18 could cause drivers to keep their old vehicles  
19 longer.

20 If your pre-filed testimony and your  
21 responses to pre-filed questions, you don't  
22 point to any examples where emission standards  
23 have actually caused drivers to keep their old  
24 vehicles longer, do you?



1           A.       Well, I think the trend that you  
2       see is increasing cost, and the part of that  
3       increasing cost is the regulatory  
4       requirements, whether those are safety or  
5       emissions.

6           And I'm not disputing the benefit of  
7       those, but I think what you see is that  
8       vehicles are being kept longer. You know, the  
9       average age a of new vehicle now is 12 years,  
10      12-and-a-half, and before it was 10 years, so  
11      it's creeping up. So yeah, I think there's  
12      ample evidence of that.

13          Q.       Do you cite any examples in your  
14      testimony showing that the increased age of  
15      vehicles is a result of standards and not  
16      something else, like better manufactured  
17      vehicles that last longer?

18          A.       You mean increasing costs, like a  
19      correlation between the fact that vehicle  
20      prices have continued to increase and the  
21      vehicles on the road -- the average age of  
22      those vehicles has continued to increase?

23          Q.       I'm just asking if there is  
24      anything in your testimony showing that people

1 hold onto vehicles longer as a result of  
2 emission standards.

3 A. No. No.

4 Q. Your testimony doesn't point to  
5 any examples where ACC1 has caused drivers to  
6 keep their old vehicle longer, in the states  
7 that have adopted it, correct?

8 A. No, I think the trend overall --  
9 and keep in mind that ACC1 is kind of parallel  
10 with the federal program -- in fact, they are  
11 identical on the criteria side, very close on  
12 the greenhouse gas side. And so I think the  
13 trend overall in the U.S. is that the average  
14 age of vehicles is increasing, and the average  
15 price of vehicles has certainly increased.

16 Q. But just to confirm, the answer  
17 to my question is, no, you don't point to any  
18 examples of vehicles in ACC1 states being held  
19 onto longer as a result of the standard?

20 A. Yeah, no, I'm just pointing out  
21 that I'm not sure there is a lot of difference  
22 in an ACC1 state and a non-ACC1 state.

23 Q. Okay. And your testimony in  
24 pre-filed question responses don't cite to any

1 sources or steps looking at whether emission  
2 standards actually lead to this result, do  
3 they?

4 A. No, I don't believe so.

5 Q. Okay. You also don't cite any  
6 sources or studies looking at whether this  
7 would lead to an overall increase in emissions  
8 if this effect were to occur, do you?

9 A. So if you -- you are saying older  
10 cars pollute less than newer cars?

11 Q. I'm saying you don't cite any  
12 studies showing that the net effect of changes  
13 to the new vehicle fleet and whatever might be  
14 happening with the old fleet results in an  
15 overall increase in emissions.

16 You don't have anything like that,  
17 correct?

18 A. No, I thought it was self-evident  
19 that if you keep older vehicles longer, and a  
20 knowledge of the emission standards over the  
21 last 30 years will show that older vehicles  
22 are vastly higher emitting than newer  
23 vehicles, and so it seems self-evident.

24 Q. And as we discussed earlier, you

1 don't have the expertise to develop  
2 projections of how changes in the vehicle  
3 fleet will affect overall emissions and health  
4 outcomes, correct?

5 A. Well, I think what the question  
6 was, societal benefits and health outcomes. I  
7 can't predict the -- the number of  
8 hospitalizations, things like that. I think  
9 the societal benefits was what you were  
10 referencing. Societal benefits is what you  
11 were referencing.

12 Q. Correct. And -- thank you.

13 So my question, my last question on  
14 this topic is, even if this phenomenon of  
15 driving -- of vehicles holding onto -- sorry,  
16 drivers holding onto their old vehicles, even  
17 if that does occur, your testimony doesn't  
18 provide a basis for concluding that this would  
19 outweigh the emission reductions from a  
20 cleaner new vehicle fleet under ACC2, does it?

21 A. Repeat that again. I'm --

22 Q. I'm asking, even if this  
23 phenomenon of drivers holding onto their  
24 vehicles longer does occur, your testimony

1 doesn't provide any basis to support a  
2 conclusion that this would outweigh the  
3 emission reductions from a cleaner new vehicle  
4 fleet, does it?

5 A. So if people keep their older,  
6 higher-emitting cars longer, will that  
7 outweigh the increase in ZEV sales in one  
8 model year?

9 Q. Right, and I'm just asking you to  
10 confirm, your testimony doesn't have anything  
11 weighing those two effects and indicating  
12 which one would be greater, does it?

13 A. No, I don't think so.

14 MR. JAMES DENNISON: Okay. Are  
15 we perhaps ready to turn back to that other  
16 topic? Or not just yet? Okay. Okay.

17 MR. CHASE DEATRICK: I think  
18 these might be the copies.

19 MR. JAMES DENNISON: I'll look  
20 real quick. If not, it's fine. I'll just  
21 keep going. I would like to turn now to the  
22 topic of charging infrastructure.

23 BY MR. JAMES DENNISON:

24 Q. So starting at page 29 of your

1 testimony, you say there that, quote, the  
2 question remains how many chargers Illinois  
3 would need to keep pace with EV adoption. Is  
4 that right?

5 A. Correct.

6 Q. Am I correct in understanding  
7 this to mean that you do not have a specific  
8 projection for how many EV chargers would need  
9 to be installed in Illinois if it adopted  
10 ACC2?

11 A. No, I think we would rely on the  
12 National Renewable Energy Lab.

13 Q. Okay. And that's the National  
14 Renewable Energy Lab, or NREL, report that you  
15 cited in response to proponents' pre-filed  
16 question 19?

17 A. Correct. Yeah, and it's  
18 mentioned on page 28 of my testimony.

19 Q. Okay. So in that pre-filed  
20 question response, you compare the number of  
21 charging ports in the NREL report's estimate  
22 for how many chargers would be needed to  
23 support 1.1 million EVs in Illinois by 2030,  
24 you compare that with the number of

1 incremental charging points that ERM estimates  
2 Illinois will need by 2030 if it adopts ACC2.  
3 Is that right?

4 A. Correct.

5 Q. And the number of chargers from  
6 the ERM study, you say, is substantially lower  
7 than those projected by NREL, correct?

8 A. Correct. I wasn't exactly sure  
9 based on that small chart on the ERM -- in the  
10 statement of reasons, I believe -- it was kind  
11 of hard for me to decipher where those  
12 numbers, how they fell, because there were  
13 multiple scenarios, but yeah, to your point,  
14 yeah.

15 Q. Overall, you say they are lower?

16 A. Yeah. Yeah, in my pre-filed  
17 answer, I thought the ERM study showed about  
18 152,000 Level 2 home chargers.

19 Q. Now, NREL's projections are for  
20 the total number of chargers that would be  
21 needed in Illinois in a 1.1 million vehicle  
22 scenario, correct?

23 A. I'm sorry. Which one? The ERM  
24 or the NREL?

1 Q. NREL. NREL.

2 A. NREL. Yeah.

3 Q. That's for the total number of  
4 chargers?

5 A. Right.

6 Q. And are you aware that ERM's  
7 projections are for the incremental number of  
8 chargers; that is, the additional number of  
9 chargers that would need to be installed if  
10 Illinois adopted ACC2 compared to a baseline  
11 scenario where Illinois continues to implement  
12 the current EPA emission standards?

13 A. Okay. So they are using -- so an  
14 additional 152,000?

15 Q. Right. That's the incremental  
16 number, not the total number.

17 A. Right. Is that per year?  
18 Because it seems like per year was mentioned.

19 Q. Well, the chart I think that was  
20 cited in the question gives -- it's kind of a  
21 running cumulative number of incremental  
22 chargers that's updated in each year of the  
23 table.

24 A. Okay.



1           Q.       So for example, that 150-some-odd  
2       thousand that you mentioned, that would be the  
3       cumulative number of incremental chargers that  
4       had been installed through 2030 as a result of  
5       adopting the rule.

6           Does that make sense?

7           A.       No, the cumulative number of  
8       incremental -- I'm sorry. Can you repeat  
9       that?

10          Q.       Right. It's the cumulative  
11       number of chargers through 2030 that would be  
12       installed if the rule were adopted but that  
13       otherwise wouldn't have been installed if  
14       Illinois continues enforcing the federal EPA  
15       standards.

16          A.       Okay.

17          Q.       Okay. Now, the total number of  
18       chargers that would be adopted across the  
19       state is different than that incremental  
20       number we've been discussing, correct?

21          A.       Yes, I think so.

22          Q.       Okay. And you say in your  
23       testimony that the EPA's standards that are  
24       being used as the baseline by ERM, those would

1 lead to a significant level of ZEV adoption,  
2 correct?

3 A. Correct.

4 Q. So does this distinction between  
5 the total number of chargers in the NREL study  
6 and the incremental number of chargers in the  
7 ERM, does that help you make sense of the  
8 difference between the numbers that are cited  
9 in each of those two reports?

10 A. Yeah, that would make more sense.  
11 So you agree that the -- or the ERM would  
12 agree with the NREL numbers.

13 Q. Well, I guess that's -- that's my  
14 question, is you don't have any reason to  
15 believe that these two sets of numbers are --

16 A. Different.

17 Q. -- different or inconsistent  
18 with each other?

19 A. So yeah -- no, I don't. So I  
20 think the NREL is -- and what you are  
21 suggesting, or I believe what you are  
22 suggesting, is that the ERM supports the NREL  
23 numbers.

24 Q. Okay. So would you agree there

1 is nothing in your testimony or in your  
2 pre-filed responses that controverts ERM's  
3 estimates of how many additional chargers  
4 would be needed if Illinois adopts ACC2?

5 A. No, again, assuming that ERM is  
6 aligned with NREL. I think that's --

7 Q. Okay. And similar for the  
8 estimated cost?

9 If ERM's estimated incremental cost  
10 corresponds to the number of chargers that  
11 they assume will be needed, you don't have  
12 anything in your testimony that's inconsistent  
13 with that cost estimate?

14 A. No. No, I don't.

15 Q. Okay. Stepping back to discuss  
16 pages 28 to 33 of your testimony a little more  
17 generally on the charging infrastructure  
18 point.

19 A. Okay.

20 Q. In this section of testimony, you  
21 identified some of the charging needs, such as  
22 a mix of home and public charging, as well as  
23 the actors that will be needed to collaborate  
24 to make the needed investments, and some

1 challenges to getting this infrastructure in  
2 place.

3 Is that a fair summary of this section?

4 A. Yes.

5 Q. But your testimony does not  
6 discuss the existing and planned activities or  
7 investments that are being made to develop  
8 Illinois's charging network, does it?

9 A. No.

10 Q. For example, your testimony  
11 doesn't mention the \$27 million that the  
12 Illinois Environmental Protection Agency, or  
13 IEPA, made available for fast charging in  
14 2023, does it?

15 A. No, I'm not sure that -- I agree,  
16 and we certainly support that, but I'm not  
17 sure, your point.

18 Q. Okay. You also don't address the  
19 \$25.1 million that IEPA made available for  
20 charging in 2024, correct?

21 A. Correct.

22 Q. Your testimony also --

23 A. Again, I wasn't -- I don't think  
24 I provided a list of the amount that each

1 state agency, whether that's ICC or Illinois  
2 EPA, has provided to each charging station.

3 Q. Right. And so I'm just going to  
4 go through a few examples here of some of the  
5 investments that are being made and confirm  
6 that those don't appear in your testimony.

7 So you don't mention the \$5 million per  
8 year approved for home charging incentives, or  
9 the \$35 million per year approved for  
10 make-ready investments in ComEd's 2023  
11 beneficial electrification plan, do you?

12 A. No.

13 Q. Nor do you mention the pilot  
14 projects included in ComEd's beneficial  
15 electrification plan designed to address  
16 charging-related challenges such as curbside  
17 challenging (sic) and avoiding the need for  
18 electric panel upgrades, do you?

19 A. No. Have those even started, the  
20 pilot projects that you mentioned?

21 Q. I think we noted in pre-filed  
22 questions that they are slated to start in the  
23 first quarter of 2025.

24 A. So they should have started?

1           Q.       Your testimony doesn't mention  
2       the plan to existing charging investments that  
3       are being made by local governments, school  
4       districts, transit agencies, or the private  
5       sector in Illinois, does it?

6           A.       No. No. I think it's all -- you  
7       know, we certainly support that, and I think  
8       more is needed.

9           Q.       Okay. And your testimony doesn't  
10      address the additional \$100 million that ComEd  
11      recently announced in rebates for EV charging  
12      and fleet purchases, which the Board cited in  
13      its pre-filed question directed to all  
14      witnesses, correct?

15          A.       Yes. Yeah, I mean, I responded  
16      to that in the pre-filed question.

17          Q.       Okay. So in response to that  
18      question, you say you wholeheartedly support  
19      programs like these, but that, quote, a single  
20      program like the ComEd program is unlikely to  
21      significantly change the ZEV market in  
22      Illinois, end quote.

23                 Now, we have just been talking through  
24      not one but several examples of policies and

1 programs to support infrastructure  
2 development, correct?

3 A. Correct.

4 Q. And would you agree that this  
5 isn't an exhaustive list, there are other such  
6 programs beyond the ones we have discussed,  
7 including some that came up in rule  
8 proponents' pre-filed questions?

9 A. Oh, I'm certain.

10 Q. So would you agree that your  
11 testimony does not comprehensively review  
12 Illinois's investments and actions to build  
13 out the state's charging infrastructure in  
14 response to needs and challenges like the ones  
15 you identified in your testimony?

16 A. Can you repeat that question  
17 again?

18 Q. Sure. Would you agree your  
19 testimony doesn't comprehensively review the  
20 actions that are being taken to build out  
21 charging infrastructure and address challenges  
22 like the ones you identify?

23 A. No.

24 Q. All right. Just a few more

1 questions.

2 In your pre-filed testimony, you say  
3 that Illinois should follow Colorado's lead to  
4 accelerate its ZEV market, correct?

5 A. Correct.

6 Q. And in your response to rule  
7 proponents' pre-filed question 25, you say  
8 that Colorado's level of investment in  
9 developing its ZEV market is now comparable to  
10 California's, correct?

11 A. Yeah, I said the incentives that  
12 are offered by Colorado are actually higher  
13 than in California, and they apply to a  
14 broader set of consumers, vastly broader, and  
15 vastly higher.

16 Q. Okay. So you emphasize those  
17 incentives that Colorado offers in your -- in  
18 your response?

19 A. Yeah.

20 Q. In the context of this question  
21 and your testimony, I take your answer to mean  
22 that if a state invests in ZEV market  
23 development at a level that's similar to  
24 Colorado's, it will be well positioned to



1 advance ZEV adoption. Is that right?

2 A. Well, I think certainly it  
3 enhances -- I mean, Colorado is offering  
4 \$11,000 per vehicle, plus another \$12,000 from  
5 the federal government.

6 So yeah, I mean, Colorado's market has  
7 advanced pretty substantially, and I think  
8 that would be true in any state that offers  
9 that kind of incentive.

10 Q. Okay.

11 A. And they have also, you know,  
12 done -- and, again, without comprehensively  
13 reviewing Colorado's infrastructure -- but  
14 they have been very involved in that.

15 Q. Now, you mentioned Colorado's EV  
16 tax credit.

17 The credit that's available to general  
18 EV purchasers, not low-income purchasers  
19 specifically, is currently \$3,500, correct?

20 A. Correct, as of January 1st of  
21 2025. Correct.

22 Q. Okay.

23 A. And then previously I think it  
24 was \$5,000 per vehicle.

1           Q.       Okay. Are you aware that  
2 Illinois currently offers a \$4,000 state  
3 rebate for EV purchases?

4           A.       Yes, I am. I would note that  
5 Colorado has been offering this \$4,000 to  
6 \$5,000 rebate for the last seven years, and  
7 it's available year in, year out, year 'round,  
8 so there has never been a stoppage of that.

9           I thought, and maybe I'm wrong, but I  
10 thought the Illinois program was not quite as  
11 broad that's available to everyone, as the  
12 Colorado program which is.

13          Q.       Okay.

14          A.       And again, maybe I'm wrong on  
15 that.

16          Q.       You're not aware of any  
17 restrictions on eligibility for Illinois's EV  
18 state-level rebate, correct?

19          A.       Yeah -- no, I'm not sure if there  
20 are any restrictions on the eligibility, nor  
21 am I aware -- familiar with kind of  
22 restrictions on, you know, is it \$4,000 per  
23 vehicle on every electric vehicle sold  
24 throughout the year or for how many years it's

1 available on that. Again, maybe it is.

2 Q. Are you aware that the first  
3 transportation electrification plan from a  
4 Colorado utility was approved in 2021?

5 A. The first transportation  
6 electrification -- yeah, that seems about  
7 right.

8 Q. Are you aware that this was two  
9 years after Colorado enacted a rule to adopt  
10 ACC1 in 2019?

11 A. That's certainly possible that it  
12 was involved in that.

13 Q. Okay. Are you aware that ACC1  
14 went into effect in Colorado in model year  
15 2022?

16 A. That seems about -- seems about  
17 right. I thought it was 2023, but you're  
18 probably right.

19 Q. Are you aware that the first  
20 beneficial electrification plan from Illinois  
21 utilities, those were approved in 2023, just  
22 two years after Colorado's first  
23 transportation electrification plan?

24 A. Can you repeat the question? I'm

1 not sure I follow that.

2 Q. Are you aware that the first  
3 beneficial electrification plans from Illinois  
4 utilities were approved in 2023?

5 A. I was not aware of the timing of  
6 the beneficial electrification plan in  
7 Illinois.

8 Q. Would you have any reason to --

9 A. No, I don't dispute it.

10 Q. -- dispute that? Okay.

11 A. Just you asked me if I was aware  
12 of it, and I said I wasn't.

13 Q. Fair enough. Let me see if I can  
14 turn back to that other topic we skipped over  
15 just briefly. And we'll see if --

16 HEARING OFFICER LEONI: Excuse  
17 me, Mr. Dennison. Before you start a new line  
18 of questioning, I'm just thinking, it's about  
19 10:30. This might be a good time for an  
20 official 10-minute break, 10- to 15-minute  
21 break for us, if that works for you, unless  
22 this is a very brief amount of questioning.

23 MR. JAMES DENNISON: It is very  
24 brief, but I would be fine either way.

1 HEARING OFFICER LEONI: Yeah, if  
2 it will take less than five minutes, go ahead.

3 MR. JAMES DENNISON: Okay. Oh,  
4 and it sounds like we have the document?  
5 Okay.

6 HEARING OFFICER LEONI: Actually,  
7 you know what, if it pertains to a new  
8 document, let's break now.

9 MR. JAMES DENNISON: Okay. Sure.  
10 Okay.

11 HEARING OFFICER LEONI: We'll go  
12 off the record for a 10-minute break, and  
13 we'll reconvene at 10:40.

14 [A recess was taken.]

15 HEARING OFFICER LEONI: It is  
16 10:45, so we are going to resume with the  
17 questioning of Mr. Douglas now, and we'll go  
18 back on the record, as long as everyone is  
19 here.

20 [Interruption by the reporter.]

21 HEARING OFFICER LEONI: Now back  
22 on the record. And now, Mr. Dennison, if you  
23 would like to proceed.

24 BY MR. JAMES DENNISON:

1           Q.       All right, Mr. Douglas. Just a  
2       few more questions here.

3           Let's return to earlier in our  
4       conversation, where we were discussing the ZEV  
5       sales figures for 2024 from your pre-filed  
6       testimony that only went up through the third  
7       quarter.

8           A.       Correct.

9           Q.       Correct? Okay.

10          Now, you should have in front of you a  
11       document by Cox Automotive titled, "Electric  
12       vehicles sales jump higher in Q4, pushing U.S.  
13       sales to a record 1.3 million."

14                 MS. MELISSA BROWN: And Melissa  
15       Brown for the Alliance. We just want to  
16       preserve our objection to this rulemaking,  
17       that it's against the Part 102 of the Board's  
18       rules, it was not filed electronically within  
19       21 days or before 21 days of this hearing.

20                 HEARING OFFICER LEONI: Ms.  
21       Brown's objection is noted. Any other  
22       comments?

23           Okay. Please proceed.

24                 MR. JAMES DENNISON: Noting that

1 objection, we would like to move to admit it  
2 into evidence.

3 HEARING OFFICER LEONI: Yes, the  
4 exhibit -- or excuse me, the article will be  
5 admitted into evidence as Exhibit 10, with Ms.  
6 Brown's objection noted.

7 MR. JAMES DENNISON: Okay. Thank  
8 you.

9 [Document marked as Exhibit No. 10  
10 for identification.]

11 BY MR. JAMES DENNISON:

12 Q. Mr. Douglas, are you familiar  
13 with Cox Automotive, who publishes information  
14 about vehicle sales through its Kelley Blue  
15 Book?

16 A. Yes.

17 Q. In fact, you cited some  
18 information from Kelley Blue Book in your  
19 pre-filed testimony, correct?

20 A. Correct.

21 Q. Would you say that Cox Automotive  
22 and Kelley Blue Book provide reliable  
23 information about the automotive industry and  
24 vehicle sales?

1           A.       Sure.    Yes.

2           Q.       Do you see the first sentence on  
3 page 1 of this document saying that U.S. EV  
4 sales, quote, jumped 15.2 percent year over  
5 year of the fourth quarter of 2025 to 265,824,  
6 setting a new volume record for any quarter?

7           A.       Yes.

8           Q.       Do you see the next sentence,  
9 saying 2024's full year EV sales were 7.3  
10 percent higher than 2023 sales?

11          A.       Yes.

12          Q.       And on the last paragraph of page  
13 3, do you see where it says that in spite of  
14 policy changes in Washington, quote, Cox  
15 Automotive is expecting 2025 to set another  
16 record for EV volume?

17          A.       Yeah, the sentence after the one  
18 that says that many buyers might jump in  
19 before changes are made, yes.

20          Q.       Yes.    Do you see that, though?

21          A.       Yes, I see it.

22          Q.       Okay.  Is it fair to say these  
23 results indicate that the 2024 plateau or  
24 stagnation in EV sales that you described in



1 your testimony could be starting to reverse?

2 A. It's possible. I can't conclude  
3 anything based on that.

4 MR. JAMES DENNISON: All right.  
5 That's all my questions. Thank you, Mr.  
6 Douglas.

7 MR. STEVEN DOUGLAS: Thank you,  
8 Mr. Dennison.

9 HEARING OFFICER LEONI: Okay.  
10 Thank you, Mr. Dennison. And thank you, Mr.  
11 Douglas.

12 Are there any additional questions for  
13 the witness at this time?

14 MR. ROBERT WEINSTOCK: Not on  
15 behalf of the Chicago Environmental Justice  
16 Network or Respiratory Health Association.

17 HEARING OFFICER LEONI: Thank  
18 you. Okay.

19 And hearing none, that wraps it up for  
20 Mr. Douglas. Thank you, Mr. Douglas.

21 MR. STEVEN DOUGLAS: Great.

22 [Steven Douglas excused.]

23 HEARING OFFICER LEONI: Next, we  
24 have scheduled the testimony of Mike Stieren

1 and Lawrence Doll of the Illinois Automobile  
2 Dealers Association.

3 And I would just like to ask, would Mr.  
4 Doll and Mr. Stieren like to give their  
5 testimony jointly?

6 MR. LAWRENCE DOLL: Sure, please.

7 MR. MICHAEL STIEREN: Yeah.

8 HEARING OFFICER LEONI:

9 Excellent. We'll get you another chair then.

10 And once they are settled in, would the  
11 court reporter please swear in the witnesses?

12 [Lawrence Doll and Michael  
13 Stieren sworn in by the court  
14 reporter.]

15 HEARING OFFICER LEONI: Okay.

16 Thank you.

17 As mentioned earlier, the pre-filed  
18 testimony of Mr. Doll and Mr. Stieren is  
19 entered into the record as if read. That will  
20 be Exhibit Number 11.

21 [Document marked as Exhibit No. 11  
22 for identification.]

23 HEARING OFFICER LEONI: At this  
24 time, do the witnesses wish to offer a brief

1 introduction or summary, starting with Mr.  
2 Doll?

3 MR. LAWRENCE DOLL: Sure. First  
4 of all, thanks for having us.

5 The Illinois Automobile Dealership --  
6 Dealers Association represents approximately  
7 700 franchised new vehicle dealers,  
8 representing about 43,000 direct jobs and  
9 51,000 indirect jobs, collecting \$2.9 billion  
10 in sales tax every year, which is about one  
11 out of every seven sales tax dollars collected  
12 by the State of Illinois, and employing an  
13 average salary of approximately \$78,700 per  
14 dealership employee earnings.

15 So our members are obviously concerned  
16 about the impact that this ACC2 would have on  
17 jobs in Illinois, as well as tax revenue.

18 MR. MICHAEL STIEREN: Yes, not  
19 much I could add, but looking forward to the  
20 discussion.

21 HEARING OFFICER LEONI: Okay.  
22 Thank you both. And now if the witnesses are  
23 ready, we'll proceed to questions.

24 Since we have questions from the Board,

1 the agency, and proponents entered as if read,  
2 and we have entered the pre-filed -- or we  
3 have accepted, excuse me, the pre-filed  
4 answers of the witnesses, would the witnesses  
5 now like to enter their pre-filed answers as  
6 if read as well?

7 MR. LAWRENCE DOLL: Yes, please.

8 MR. MICHAEL STIEREN: Yes,  
9 please.

10 HEARING OFFICER LEONI:

11 Excellent. And so that will be Exhibit Number  
12 12.

13 [Document marked as Exhibit No. 12  
14 for identification.]

15 HEARING OFFICER LEONI: And are  
16 there any questions for the witnesses today?

17

18 The witnesses, MICHAEL STIEREN and  
19 LAWRENCE DOLL, first having been duly sworn,  
20 jointly testified as follows:

21 EXAMINATION

22 BY MR. CHASE DEATRICK:

23 MR. CHASE DEATRICK: Hi. I'm  
24 Chase Deatrack, appearing under a 711 license

1 on behalf of Chicago Environmental Justice  
2 Network and Respiratory Health Association.

3 And I guess the first question I'll ask  
4 is how best to direct my questions. I guess  
5 I'll go to you, Mr. Stieren --

6 MR. MICHAEL STIEREN: Sure.

7 MR. CHASE DEATRICK: -- and  
8 then, Mr. Doll, you can jump in?

9 MR. LAWRENCE DOLL: Sure.

10 MR. CHASE DEATRICK: That sounds  
11 good to me.

12 And so to confirm, your testimony is  
13 wholly focused towards ACC2, correct?

14 MR. MICHAEL STIEREN: That is --  
15 yes, that is correct. You know, as an auto  
16 dealer association, we are obviously focused  
17 on light-duty passenger vehicles, and our  
18 testimony speaks to that.

19 MR. CHASE DEATRICK: Sounds good.  
20 And I know you both listed some experience in  
21 response to our first pre-filed question in  
22 them right there.

23 Do either of you have experience as a  
24 decision-maker for an automobile manufacturer?

1 MR. LAWRENCE DOLL: No.

2 MR. MICHAEL STIEREN: No.

3 MR. CHASE DEATRICK: Okay. And  
4 do you both have copies of your testimony and  
5 answers in front of you?

6 MR. MICHAEL STIEREN: Yes.

7 MR. LAWRENCE DOLL: Yes.

8 MR. CHASE DEATRICK: All right.  
9 So on page 6 of your pre-filed testimony, you  
10 cite to an S&P article for the proposition  
11 that EV inventory declined from August to  
12 September in 2024, correct?

13 [Interruption by the reporter.]

14 MR. MICHAEL STIEREN: You said on  
15 page 6 of our -- of our what?

16 MR. CHASE DEATRICK: On page 6 of  
17 your testimony.

18 MR. MICHAEL STIEREN: Okay. Yes.

19 MR. CHASE DEATRICK: And that's  
20 from August to September 2024, correct?

21 MR. MICHAEL STIEREN: Correct.

22 MR. CHASE DEATRICK: And so your  
23 analysis didn't compare EV inventory trends  
24 over a longer period of time, correct?

1 MR. MICHAEL STIEREN: What we  
2 were referencing here was the fact that EVs  
3 remained on dealer lots -- this was an S&P  
4 article -- on an average of 103 days, versus  
5 ICE vehicles for 74 days.

6 MR. CHASE DEATRICK: That sounds  
7 good.

8 And just my question is, that was from  
9 August to September in 2024, correct?

10 MR. MICHAEL STIEREN: I believe  
11 so.

12 MR. LAWRENCE DOLL: Yes.

13 MR. CHASE DEATRICK: And so your  
14 testimony didn't consider any longer period of  
15 time, correct?

16 MR. MICHAEL STIEREN: I mean, I  
17 think that's a mischaracterization. I think  
18 we look at the, you know, the EV market, the  
19 car market, kind of as a whole. That specific  
20 article that we referenced only looked at  
21 those -- but -- at those months. But I don't  
22 think -- you know, our opposition to the rule  
23 is longer than a month.

24 MR. CHASE DEATRICK: Sounds good.

1           So your answer is, yes, we looked at  
2           the one month from August to September 2024?

3                   MR. MICHAEL STIEREN:   Yes.   For  
4           this article, yes.

5                   MR. CHASE DEATRICK:   And so your  
6           pre-filed testimony cites to several national  
7           figures and includes some Pew Research Center  
8           data, correct?

9                   MR. MICHAEL STIEREN:   Correct.

10                   MR. CHASE DEATRICK:   And  
11           specifically you cite to a 2024 report by Matt  
12           Trommer titled, "U.S. vehicle inventory  
13           reaches post-pandemic high in September"?   And  
14           that's at page 7.

15                   MR. MICHAEL STIEREN:   Correct.

16                   MR. CHASE DEATRICK:   And so as  
17           you mentioned, you cited that for the  
18           suggestion that EVs remained on dealer lots  
19           for an average of 103 days, and ICE vehicles  
20           remained on dealer lots for 74 days on  
21           average, correct?

22                   MR. MICHAEL STIEREN:   Correct.

23                   MR. CHASE DEATRICK:   And so  
24           elsewhere -- well, actually, in this S&P



1 article, with the 103 days for EVs and 74 days  
2 for ICE vehicles, is that what underlies your  
3 assertion on page 11 as well, that in 2024,  
4 data showed that EVs sat on dealership lots  
5 nearly twice as long as ICE vehicles?

6 MR. MICHAEL STIEREN: I think  
7 that would be fair to say, yeah.

8 MR. CHASE DEATRICK: So the  
9 nearly twice as long that you are referring to  
10 is the 74 for ICE vehicles and the 103 days  
11 for EVs?

12 MR. MICHAEL STIEREN: I mean,  
13 the -- this is something that Cox Automotive  
14 puts out probably, what, roughly every month  
15 on market trends and vehicle inventory levels.

16 MR. LAWRENCE DOLL: We are  
17 talking about apples and oranges, though. Day  
18 supply isn't the same as how fast they -- fast  
19 they will sell.

20 MR. CHASE DEATRICK: All I'm  
21 talking about right now is that you said  
22 nearly twice as long as ICE vehicles, and I'm  
23 just confirming the numbers.

24 You are referring to the 74 days for

1 EVs and the 103 days for ICE vehicles -- or  
2 103 days for EVs and 74 for ICE vehicles? I'm  
3 sorry.

4 MR. LAWRENCE DOLL: Right, with a  
5 larger number of ICE vehicles, so they are  
6 selling faster. Even though there is a 74-day  
7 supply, doesn't necessarily mean that's how  
8 long they are sticking on the lot.

9 That's kind of what I was trying to get  
10 by apples and oranges, if -- if there was the  
11 same number of EVs and internal combustion  
12 vehicles on the lot. Obviously 74 is not half  
13 of 103.

14 MR. CHASE DEATRICK: Okay.

15 MR. LAWRENCE DOLL: But when you  
16 figure in the ratio of ICE to EV on the lot is  
17 where you get to the longer selling them.

18 MR. CHASE DEATRICK: Okay. So to  
19 confirm, though, at page 11 of your testimony,  
20 that's still the citation you are relying on?

21 MR. LAWRENCE DOLL: Correct --

22 MR. CHASE DEATRICK: Or do you  
23 have another citation to a different month  
24 or -- that accounts for that analysis?

1 MR. LAWRENCE DOLL: I don't  
2 recollect. Do you?

3 MR. MICHAEL STIEREN: Yeah, I  
4 don't.

5 MR. LAWRENCE DOLL: I would have  
6 to -- I would have to double-check. I believe  
7 that's where that came from, but I'll be  
8 honest with you, I would have to -- I would  
9 have to review.

10 MR. CHASE DEATRICK: Okay. We  
11 can move on.

12 So -- and this will be on page 21 to 22  
13 of your pre-filed answers. If you want to --

14 MR. LAWRENCE DOLL: I'm sorry.  
15 You said 21 and 22?

16 MR. MICHAEL STIEREN: Uh-huh.

17 MR. CHASE DEATRICK: Yes, sir.

18 And so you refer to several Pew Research  
19 Center polls that use the American Trends  
20 Panel to source participants.

21 And can you confirm that all three of  
22 those references studies, June 2023, July  
23 2023, and June 2024, were all national  
24 studies?

1 MR. MICHAEL STIEREN: Correct.

2 MR. CHASE DEATRICK: And on page  
3 21 of your pre-filed answers still, in  
4 response to our question -- proponents'  
5 pre-filed question 7(a), you stated Illinois  
6 consumers are not exempt from the national  
7 skepticism towards EV adoption.

8 MR. MICHAEL STIEREN: Yes, I  
9 would -- I would think that's fair to say.

10 MR. CHASE DEATRICK: And so this  
11 is sourced from the national data, you just  
12 confirmed, correct?

13 MR. MICHAEL STIEREN: Yes.

14 MR. CHASE DEATRICK: And so you  
15 go on in the sentence to confirm that this is  
16 occurring in Illinois, with data from the  
17 Illinois Secretary of State's office, correct?

18 MR. MICHAEL STIEREN: What page  
19 are we looking at?

20 MR. CHASE DEATRICK: This should  
21 still be on page 21 of your pre-filed answers.

22 MR. MICHAEL STIEREN: Yes, I  
23 guess we would -- regarding the Secretary of  
24 State data, which is to show the number of EVs

1 registered in the state was around one  
2 percent, one-point-something percent; and also  
3 the fact that registrations increased only  
4 slightly, I'm going to say less than a couple  
5 hundred from the previous year, despite  
6 incentives, despite tax credits, despite all  
7 of the mechanisms or enticements for people to  
8 purchase EVs.

9 The fact that it still was not enough  
10 to, you know, massively increase EVs, I think  
11 that's -- I think that correlates that  
12 Illinois citizens would share the same  
13 concerns.

14 MR. CHASE DEATRICK: Okay. I  
15 understand. So to be clear, you are citing  
16 the Secretary of State data to --

17 MR. MICHAEL STIEREN: Yes -- yes.  
18 Correct.

19 MR. CHASE DEATRICK: Okay -- to  
20 confirm the national trends?

21 MR. MICHAEL STIEREN: Correct.  
22 Correct. Correct.

23 MR. CHASE DEATRICK: Okay.  
24 Sorry.

1 MR. MICHAEL STIEREN: To help put  
2 an Illinois, you know, emphasis on it.

3 MR. CHASE DEATRICK: Makes sense.  
4 And I believe the word you used there is  
5 "slowdown," correct? That there has been an  
6 electric vehicle slowdown?

7 MR. MICHAEL STIEREN: Is that my  
8 testimony?

9 MR. CHASE DEATRICK: Or EV --  
10 yes, it should still be on page 21 -- or  
11 sorry, page 21 of your pre-filed answers.

12 MR. MICHAEL STIEREN: Pre-filed.  
13 "Slowdown"? Sure. I mean, I think that's --  
14 that's one way to put it, yes.

15 MR. CHASE DEATRICK: And so to  
16 talk about the data for a second -- and this  
17 is on page 8 of your pre-filed testimony.  
18 Sorry to make you flip back and forth.

19 MR. MICHAEL STIEREN: No. No  
20 problem. Yes.

21 MR. CHASE DEATRICK: So the new  
22 EV registration data you are referring to,  
23 that's a fall from roughly 31,450 to 31,300,  
24 correct?

1 MR. MICHAEL STIEREN: I want to  
2 make sure. Can you just repeat the question  
3 again one more time, so I can --

4 MR. CHASE DEATRICK: Yes. So the  
5 data you cite there, the specific numbers are  
6 31,459 to 31,324.

7 MR. MICHAEL STIEREN: Yes.

8 MR. CHASE DEATRICK: So we are  
9 talking about roughly thirty one --

10 MR. MICHAEL STIEREN: Yes.

11 MR. CHASE DEATRICK: Okay.

12 MR. MICHAEL STIEREN: Yes. Yes.  
13 Yes, the 31,459 was the more recent versus the  
14 31,324 from the previous year.

15 MR. CHASE DEATRICK: So that's a  
16 decline of about 135 newly registered cars,  
17 correct?

18 MR. MICHAEL STIEREN: Correct.

19 MR. CHASE DEATRICK: And this is  
20 your evidence that the EV adoption is slowing  
21 down, right? The 31,450 roughly to the 31,300  
22 roughly decline in new EV adoptions, from  
23 2024 -- comparing 2024 to 2023?

24 MR. MICHAEL STIEREN: Yes. I

1 mean, I just believe that this -- you know, we  
2 were looking for Illinois data to help show  
3 kind of what the -- what kind of everyone has  
4 seen is that there has been, you know, a  
5 slowdown in EVs.

6 I think this is also elsewhere in the  
7 testimony, it's backed by statements from the  
8 manufacturers. There's numerous statements  
9 and articles saying that they are pulling back  
10 their production of EVs due to a slowdown in  
11 the EV market. There is also obviously the  
12 studies.

13 But yes, I think that's -- you know,  
14 with this data, along with the other  
15 information in our testimony, is to show -- is  
16 to underscore the difficulties.

17 MR. CHASE DEATRICK: And I  
18 understand that. And I want to focus a little  
19 bit more on the Illinois-specific data.

20 MR. MICHAEL STIEREN: Sure.

21 MR. CHASE DEATRICK: So  
22 specifically you noted that EV registrations  
23 in December 2023 totalled about -- and this is  
24 still on page 8 of your pre-filed testimony.



1 Sorry.

2 MR. MICHAEL STIEREN: Uh-huh.

3 MR. CHASE DEATRICK: You notice  
4 that in December 2023 they totalled about  
5 91,000, and that was an increase of about  
6 31,000 from the previous year.

7 MR. MICHAEL STIEREN: Uh-huh.

8 MR. CHASE DEATRICK: And then you  
9 note the EV registrations totalled about  
10 122,000 near the end of 2024, correct?

11 MR. MICHAEL STIEREN: I believe  
12 so, yes.

13 MR. CHASE DEATRICK: And so would  
14 you trust my math that EV registrations in  
15 2023 totalled about 91,000 -- if -- sorry.

16 MR. MICHAEL STIEREN: Yep.

17 MR. CHASE DEATRICK: If EV  
18 registrations in December 2023 totalled about  
19 91,000, and if that's an increase of 31,000  
20 from the previous year, then in December 2022  
21 EV registrations would have been about 60,000?  
22 91,000 minus 31,000?

23 MR. MICHAEL STIEREN: Yeah, I  
24 mean -- yes. Yep. Yep.

1 MR. CHASE DEATRICK: Okay.

2 MR. MICHAEL STIEREN: And all  
3 this information is readily available on the  
4 Secretary of State's website. But yes, I  
5 would agree with your math, I guess.

6 MR. CHASE DEATRICK: And so you  
7 would further agree with my math that that  
8 would reflect a 104 percent increase in EV  
9 registrations between December 2022 and  
10 December 2024?

11 MR. MICHAEL STIEREN: Could you  
12 say that again, please?

13 MR. CHASE DEATRICK: Yeah. So  
14 you agree that registrations in December 2022  
15 would have been about 60,000, and then you  
16 have got them rising to about 120 -- sorry --  
17 122,000 near the end of 2024, so that increase  
18 from 60,000 to 122,000 that you cite, that's a  
19 104 percent increase in new EV registrations?

20 MR. LAWRENCE DOLL: Over the  
21 two-year period? Yeah. I'll trust your math  
22 on it. I don't have my slide rule with me.

23 MR. CHASE DEATRICK: Okay. And  
24 do you recall at the December 3rd hearing in

1     this matter, proponents' witness Tom Cackette  
2     testified that new tech -- apologies.

3             Do you recall that at the December 3rd  
4     hearing in this matter, proponents' witness  
5     Tom Cackette testified that new technology  
6     adoption tends to follow an S curve?

7             MR. MICHAEL STIEREN:   Yes, I  
8     remember that testimony.

9             MR. CHASE DEATRICK:   Did you  
10    review that portion of Mr. Cackette's  
11    testimony?

12            MR. MICHAEL STIEREN:   Yeah, I  
13    don't -- I don't recall.

14            MR. CHASE DEATRICK:   Okay.   And  
15    did you review proponents' sources, and these  
16    were on pages 39 to 40 of proponents' initial  
17    filing, where proponents provided numerous  
18    resources indicating that rapid EV adoption  
19    has followed the enactment of similar  
20    regulations elsewhere?

21            MR. MICHAEL STIEREN:   Yes, I  
22    definitely read the filings, and I understand  
23    that's the proponents', you know, claim, is  
24    that EV, you know, adoption has been

1 accelerating. And that's my -- that's my  
2 understanding that that's their claim.

3 MR. CHASE DEATRICK: And so this  
4 would be on page 25 of your pre-filed answers,  
5 in response to proponents' pre-filed question  
6 8.

7 MR. MICHAEL STIEREN: Got it.

8 MR. CHASE DEATRICK: And so you  
9 offer what you characterize as a key data  
10 point from the Illinois Secretary of State.  
11 And you say, quote, EVs account for only 1.46  
12 percent of Illinois's total registered fleet,  
13 which is far below the trajectory required  
14 under ACC2, correct?

15 MR. MICHAEL STIEREN: Yes, that's  
16 what it says.

17 MR. CHASE DEATRICK: And so you  
18 agree that ACC2 applies to the sale of new  
19 zero-emission vehicles, correct?

20 MR. MICHAEL STIEREN: Correct.

21 MR. CHASE DEATRICK: And so you  
22 agree that it does not set any required  
23 trajectory for total EVs on the road?

24 MR. MICHAEL STIEREN: That is

1 correct, but -- yes, that's correct.

2 MR. CHASE DEATRICK: And so  
3 moving on.

4 Your pre-filed testimony referred to  
5 the motor fuel tax at pages 19 to 22, if you  
6 want to take a moment.

7 MR. MICHAEL STIEREN: Uh-huh.  
8 Yep.

9 MR. CHASE DEATRICK: And then  
10 this is else -- this is in your answers, but  
11 you have -- you have essentially stated that  
12 proponents have failed to provide any policy  
13 solution for how to replace the lost motor  
14 fuel tax revenues, correct?

15 MR. MICHAEL STIEREN: Correct.  
16 Uh-huh.

17 MR. CHASE DEATRICK: Are you  
18 aware that Cathy Harris and Mohammed Patel,  
19 who were proponents' witnesses with policy  
20 experience from NRDC, have already discussed  
21 NRDC's proposed policy solutions to issues  
22 with state gas taxes?

23 MR. MICHAEL STIEREN: Was it in  
24 the initial filing?

1 MR. CHASE DEATRICK: It was in  
2 their pre-filed answers. It was in response  
3 to the IIFFC's (sic) pre-filed question number  
4 4.

5 MR. MICHAEL STIEREN: So it was  
6 in the responses?

7 MR. CHASE DEATRICK: Yes. It was  
8 in their --

9 MR. MICHAEL STIEREN: It wasn't  
10 in the initial filing?

11 MR. CHASE DEATRICK: No, it was  
12 not in the initial filing.

13 MR. MICHAEL STIEREN: No, I think  
14 I must have missed -- must have missed their  
15 proposal.

16 MR. CHASE DEATRICK: Okay. And  
17 are you aware that EVs pay a fee when  
18 registered in Illinois, which goes towards  
19 making up lost motor fuel tax revenue?

20 MR. LAWRENCE DOLL: Except a  
21 small portion of it, yes.

22 MR. CHASE DEATRICK: And are you  
23 aware that hybrid vehicles currently do not  
24 pay any such fee?

1 MR. LAWRENCE DOLL: Right,  
2 although they would still pay some motor fuel  
3 tax.

4 MR. CHASE DEATRICK: And you  
5 agree that mile per mile, ICE vehicles with  
6 greater fuel efficiency tend to pay less than  
7 ICE vehicles with lower fuel efficiency?

8 MR. LAWRENCE DOLL: Yes. The  
9 greater the fuel efficiency, the less fuel you  
10 consume.

11 MR. CHASE DEATRICK: And so you  
12 would agree that logic extends to hybrids as  
13 well?

14 MR. LAWRENCE DOLL: Yes.

15 [Interruption by the reporter.]

16 MR. CHASE DEATRICK: And so in  
17 your response to proponents' pre-filed  
18 question 3(d), on page 18 of your pre-filed  
19 answers.

20 MR. MICHAEL STIEREN: Yep.

21 MR. CHASE DEATRICK: You note  
22 that ACC2, quote, does not allow Illinois to  
23 tailor its -- sorry -- to tailor its approach  
24 based on regional factors, rural versus urban

1     disparities, or market readiness; it simply  
2     imposes California's policies wholesale.  
3     Correct?

4                     MR. MICHAEL STIEREN:   Correct.  
5     Yes.

6                     MR. CHASE DEATRICK:   And so what  
7     you are referring to here is ACC2's  
8     zero-emission vehicle model year sales  
9     requirements, correct?

10                    MR. MICHAEL STIEREN:   Just one  
11    second.

12                    Yes, so I would -- I would state the  
13    reason we phrased it that way was just more on  
14    the fact that it's, you know, a statewide  
15    mandate, where if you look at the Secretary of  
16    State registration data, they break it out by  
17    ZIP code, they also break it out by county.

18                    You will see overwhelming number of EVs  
19    in the collar counties. Cook. Do you have --  
20    I have the data somewhere. And again, this is  
21    all just data from the Secretary of State's  
22    office on their EV -- I believe I probably  
23    referenced it. But --

24                    So Cook County, this is actually the



1 newest numbers from December -- or excuse me,  
2 January of 2025. There is 126,231 EVs. Cook  
3 County has 33,693. They list Chicago  
4 separate. So they have another 21,000.  
5 DuPage has 21,000, Lake has 19,000. So just  
6 those three counties account for 89,000 of the  
7 126,000 EVs, which is 71 percent.

8 So when I was talking about the -- you  
9 know, the flexibility, the mandate, you know,  
10 it doesn't look at, you know, Illinois  
11 adoption disparities as a whole, basically.

12 MR. CHASE DEATRICK: That makes  
13 sense. Let me rephrase my question a little  
14 bit.

15 I'm just asking, you say does not --  
16 ACC2 does not allow Illinois to tailor its  
17 approach?

18 The portion of the rules that you are  
19 referring to that Illinois cannot change are  
20 the zero -- sorry -- the zero-emission vehicle  
21 model sales re -- model year sales  
22 requirements, correct? Illinois cannot --

23 MR. MICHAEL STIEREN: Yeah.

24 MR. CHASE DEATRICK: -- set a

1 different percentage of sales? Okay.

2 MR. MICHAEL STIEREN: Yeah. I  
3 think -- that's my understanding. If that's  
4 wrong -- but yes, that's my understanding. It  
5 would adopt their regulations completely.

6 MR. CHASE DEATRICK: And so you  
7 agree that ACC2, as it applies to Illinois,  
8 applies as the state and doesn't set any  
9 regional disparities or targets for the  
10 zero-emission vehicle sales?

11 MR. LAWRENCE DOLL: Can you  
12 repeat that last bit? I'm sorry.

13 MR. CHASE DEATRICK: Yeah. The  
14 zero-emission vehicle sales requirements  
15 applies to Illinois as a whole; it doesn't  
16 apply to any specific regions of Illinois or  
17 set any subtargets on that basis?

18 MR. MICHAEL STIEREN: Yes.

19 MR. LAWRENCE DOLL: Yes.

20 MR. CHASE DEATRICK: And so would  
21 you agree that Illinois adoption of electric  
22 vehicles would require more than just a  
23 zero-emission vehicle sales mandate, even if  
24 ACC2 were adopted? And I'm specifically

1 thinking of infrastructure concerns your  
2 testimony brought up.

3 MR. MICHAEL STIEREN: Can you  
4 state that again?

5 MR. CHASE DEATRICK: Yeah. Would  
6 you agree that in Illinois was to hit, for  
7 example, the one million veh -- electric  
8 vehicles on the road by 2030, it would take  
9 more legislation, more rules and regulations,  
10 such as those related to infrastructure, to  
11 get us to that target?

12 MR. MICHAEL STIEREN: Yes, I  
13 don't think -- yes, I think the basis of  
14 our -- or a large portion of our, you know,  
15 position is that if Illinois was to reach one  
16 million EVs, simply adopting ACC2 and kind of  
17 hoping for the best wouldn't get there. There  
18 would have to be, you know, state support,  
19 state incentives, rebates massive build-out of  
20 charging throughout the state.

21 And my response, as I highlighted the  
22 fact that there is -- of the state-funded EV  
23 chargers, there is 44 counties in Illinois  
24 that have zero state-funded EV chargers.

1 There is 32 counties in Illinois that were  
2 awarded a state contract charger, but  
3 there's -- none have been implemented.

4 You know, so to your question, would  
5 more be needed? Yes, that's kind of our  
6 point.

7 MR. CHASE DEATRICK: And so you  
8 agree that Illinois has the legal authority to  
9 set its own unique rebates, funding  
10 programs --

11 MR. MICHAEL STIEREN: Yes.

12 MR. CHASE DEATRICK: --  
13 infrastructure support?

14 MR. LAWRENCE DOLL: Uh-huh.  
15 (Nodding "yes.")

16 MR. CHASE DEATRICK: And do you  
17 also agree that Illinois is only able to  
18 either choose to follow ACC2 or to follow the  
19 federal guidelines, in terms of setting any  
20 sales requirements for zero-emission vehicles?

21 MR. MICHAEL STIEREN: I don't  
22 know. I don't know if that's -- I don't know  
23 if that's true. I'm not an attorney. I  
24 wouldn't look at the law -- I mean, I just

1     can't -- the Illinois legislature -- well,  
2     look at CEJA. I mean, they set emission  
3     standards, and phased out the coal and natural  
4     gas plants in Illinois.

5             They were -- you know, they obviously  
6     have the authority to do that. I don't think  
7     that they -- I don't want to say that they  
8     lack the authority to, you know, implement  
9     targets, sales targets.

10            MR. CHASE DEATRICK: Perhaps I'll  
11     aim my question --

12            MR. LAWRENCE DOLL: Yeah -- yeah,  
13     fair enough. The state does have authority to  
14     do some regulation, as far as increased fuel  
15     economy standards or increased air requirement  
16     standards. And -- let's see. Right now, with  
17     this rule proposal, though, is an  
18     all-or-nothing, either go full California or  
19     do nothing.

20            And I think what we are trying to say  
21     is that the ACC2 can't wish people into buying  
22     EVs, if they can't afford them or if they  
23     can't refuel them efficiently to get to work  
24     or travel or, you know, recreational travel,

1 or whatever.

2 So simply mandating that OEMs can't  
3 manufacture for sale internal combustion  
4 vehicles doesn't mean people will be able to  
5 afford them, doesn't mean people won't go to  
6 Indiana or Wisconsin to buy them, doesn't mean  
7 that people won't hold onto their older  
8 dirtier cars longer.

9 MR. CHASE DEATRICK: But so to  
10 get to my question.

11 MR. LAWRENCE DOLL: Okay.

12 MR. CHASE DEATRICK: You agree  
13 that the Clean Air Act preempts the creation  
14 of any state-specific, on Illinois's part --

15 MR. LAWRENCE DOLL: Okay.

16 MR. CHASE DEATRICK: -- timeline  
17 for model year sales requirements for  
18 zero-emission vehicles?

19 MR. LAWRENCE DOLL: Yes. That --  
20 yes, Illinois would be limited to incentives  
21 such as the EPA incentive and things of that  
22 nature. Yeah.

23 MR. CHASE DEATRICK: And you  
24 agree that only California has a waiver to set

1 its own model year sales requirements for  
2 zero-emission vehicles?

3 MR. LAWRENCE DOLL: Right.  
4 Illinois can either follow the California  
5 waiver or not act on the clean air standards,  
6 beyond what the feds allow.

7 MR. CHASE DEATRICK: Okay.  
8 [Interruption by the reporter.]

9 MR. CHASE DEATRICK: And so this  
10 will relate to page 15 of your pre-filed  
11 testimony.

12 And so do you see the portion where you  
13 state additional -- quote, additionally, the  
14 proponents' filings raise questions about the  
15 clarity of their projections regarding grid  
16 impacts?

17 MR. MICHAEL STIEREN: Yes.

18 MR. CHASE DEATRICK: And so it  
19 goes on to say the ERM report projects a peak  
20 load increase of about 5,200 megawatts by 2050  
21 under ACC2 scenarios?

22 MR. MICHAEL STIEREN: I believe  
23 so, yes. Go ahead.

24 MR. CHASE DEATRICK: And so --

1 MR. MICHAEL STIEREN: I believe  
2 I'm quoting that correctly.

3 MR. CHASE DEATRICK: And then so  
4 you go on to state, however, the proponents'  
5 responses to questions provide lower figures  
6 for earlier years?

7 MR. MICHAEL STIEREN: Yeah, I  
8 think that was -- what I was -- I think there  
9 was a discrepancy from what was in the report  
10 and then in the response to questions  
11 documents, but I don't have the response --  
12 those documents in front of me.

13 But I think that's -- I believe, if I  
14 was to look, I believe there was just  
15 different numbers. They were close, but they  
16 were -- but they were different numbers.

17 MR. CHASE DEATRICK: So you  
18 specifically say there, however, the  
19 proponents' responses to questions provided  
20 lower figures for earlier years?

21 MR. MICHAEL STIEREN: Yes. Yes.

22 MR. CHASE DEATRICK: Is that the  
23 question you are referring to?

24 MR. MICHAEL STIEREN: I believe



1     so, yes.

2                   MR. CHASE DEATRICK:    So what you  
3     found questionable is that the proponents  
4     provided lower projections of grid impacts in  
5     earlier years of ACC2?

6                   MR. MICHAEL STIEREN:   No.    I  
7     mean, that would obviously logically, you  
8     know, make sense that there would be less --  
9     or, you know, it would be earlier in the  
10    timeline that there would be less EVs on the  
11    road, so, you know, naturally the demand would  
12    be -- you know, would be less.    So -- yeah.

13                  MR. CHASE DEATRICK:    Okay.   And  
14    this will be on page 34 of your pre-filed  
15    answers.

16                  You stated, we are aware of the  
17    beneficial electrification plan requirements  
18    under CEJA.

19                  Let me know when you see that in your  
20    testimony, or answers.

21                  MR. MICHAEL STIEREN:    Yes.

22                  MR. CHASE DEATRICK:    And so  
23    you're aware that the beneficial  
24    electrification plan proceedings take place

1 before the Illinois Commerce Commission?

2 MR. MICHAEL STIEREN: Yes.

3 MR. CHASE DEATRICK: And do you  
4 agree that the Illinois Commerce Commission  
5 derives its authority from separate state  
6 statutes than those giving the Board  
7 authority?

8 MR. MICHAEL STIEREN: I -- that's  
9 another attorney -- attorney question.

10 MR. LAWRENCE DOLL: I believe so.  
11 I'm not as versed on the program, but that's  
12 my understanding.

13 MR. CHASE DEATRICK: And are you  
14 aware that one statute relevant to the  
15 beneficial electrification plan proceedings,  
16 it's 20 ILCS 627-45, sets an EV adoption goal  
17 of one million cars on the -- one million  
18 electric vehicles on Illinois roads by 2030?

19 MR. MICHAEL STIEREN: Are you  
20 mentioning -- yes, one second. You said 20  
21 ILCS 627-45, Subsection A1?

22 MR. CHASE DEATRICK: Yeah, that  
23 would be it.

24 MR. MICHAEL STIEREN: Yes. It

1 says Illinois should increase the adoption of  
2 electric vehicles in the state to one million  
3 by 2030, yes.

4 MR. CHASE DEATRICK: And so  
5 perhaps this is more for Mr. Doll, but you  
6 agree that the statute we're referring to  
7 right here is for the consideration of the  
8 Illinois Commerce Commission specifically?  
9 That would be the authority --

10 MR. LAWRENCE DOLL: Under CEJA?

11 MR. CHASE DEATRICK: Yeah,  
12 specifically for the beneficial  
13 electrification plan provisions of CEJA.

14 MR. LAWRENCE DOLL: I believe so.

15 MR. CHASE DEATRICK: And so are  
16 you further aware that under Subpart D8 of  
17 this statute, a beneficial electrification  
18 plan shall at minimum specifically address  
19 make-ready investments to facilitate the rapid  
20 deployment of charging equipment throughout  
21 the state?

22 MR. MICHAEL STIEREN: Yeah.

23 MR. CHASE DEATRICK: Are you  
24 further aware that also under Subpart D8, a

1     beneficial electrification plan shall at  
2     minimum specifically address the facilitation  
3     of light-duty vehicle fleet electrification?

4             MR. MICHAEL STIEREN:   Is that --  
5     you are saying that's in the statute?

6             MR. CHASE DEATRICK:   Yes, under  
7     Subpart D8.

8             MR. MICHAEL STIEREN:   Okay.  
9     Okay.   Yes.

10            MR. CHASE DEATRICK:   Okay.   And  
11     so are you further aware -- this is also under  
12     Subpart D8, last part I'll cite -- beneficial  
13     electrification plan shall at minimum  
14     specifically address financial and other  
15     challenges to electric vehicle usage in  
16     low-income communities and strategies for  
17     overcoming those challenges?

18            MR. MICHAEL STIEREN:   Yes, that  
19     would make sense.

20            MR. CHASE DEATRICK:   And so are  
21     you aware that under Subpart F, utilities must  
22     file an update to their beneficial  
23     electrification plans every three years?

24            MR. MICHAEL STIEREN:   Yes.

1                   MR. CHASE DEATRICK:   And so you  
2   agree that that's one mechanism for tailoring  
3   charging needs as different electrification  
4   matters come up in Illinois?

5                   MR. MICHAEL STIEREN:   Yeah --  
6   yes, that's -- yes, that's a mechanism, yes.

7                   MR. CHASE DEATRICK:   And so are  
8   you aware that under Subpart C of this  
9   statute, the Illinois Commerce Commission has,  
10   among other things, initiated a workshop  
11   process for the purpose of soliciting input on  
12   the design of beneficial electrification  
13   programs?

14                  MR. MICHAEL STIEREN:   Yes.

15                  MR. CHASE DEATRICK:   And so in  
16   your pre-filed -- your pre-filed answer in  
17   response to proponents' pre-filed question  
18   19(c) -- and this is on pages 34 to 35 of your  
19   answers --

20                  MR. MICHAEL STIEREN:   Uh-huh.

21                  MR. CHASE DEATRICK:   -- confirms  
22   that you were unaware of any IADA  
23   participation in any beneficial  
24   electrification plan proceedings?

1 MR. MICHAEL STIEREN: What  
2 question was that? Or what --

3 MR. CHASE DEATRICK: This should  
4 be on pages 34 to 35. It was your response to  
5 19(c).

6 MR. MICHAEL STIEREN: It says --  
7 no, it says we are aware.

8 MR. CHASE DEATRICK: Sorry. I  
9 believe you stated that you were aware of the  
10 proceedings, but you were unaware of any  
11 participation by IADA, correct?

12 MR. MICHAEL STIEREN: You are  
13 saying 19(c)?

14 MR. CHASE DEATRICK: Well, I'm --  
15 for instance, are you aware right now of any  
16 participation by IADA?

17 MR. MICHAEL STIEREN: You mean  
18 participation, as far as --

19 MR. CHASE DEATRICK:  
20 Participation in the workshops referenced  
21 under Subpart C, for the elect -- beneficial  
22 electrification plans.

23 MR. MICHAEL STIEREN: I mean,  
24 it's something that obviously we, you know, we

1 monitor, but we -- you know, we actively don't  
2 file comments and stuff like that.

3 But like anything else, I mean, there  
4 is -- it's -- we're not -- you know, we're not  
5 a huge shop. There is only a couple of us at  
6 the association, so we can't be involved in  
7 everything.

8 So you know, it's something we are  
9 aware of, obviously, but no, we don't actively  
10 submit comments and, you know, things of that  
11 nature.

12 MR. CHASE DEATRICK: And so I  
13 want to turn to discussing compliance credits.

14 And so you mentioned that automakers  
15 assess their electrification strategies in  
16 response to real-world market conditions,  
17 correct?

18 MR. MICHAEL STIEREN: Say that  
19 one more time.

20 MR. CHASE DEATRICK: You  
21 mention --

22 MR. MICHAEL STIEREN: Yeah.

23 MR. CHASE DEATRICK: -- that  
24 automakers assess their electrification

1 strategies in response to real-world market  
2 conditions?

3 MR. MICHAEL STIEREN: Yes, I  
4 think that's fair. Yeah. Yes.

5 MR. CHASE DEATRICK: Do you agree  
6 that government regulations are part of those  
7 real-world market conditions?

8 MR. MICHAEL STIEREN: Yes. I  
9 mean, I think that we would say that it alters  
10 those market conditions, you know, obviously.  
11 But yeah, it's -- you could say that.

12 MR. CHASE DEATRICK: And so on  
13 page 28 of your pre-filed answers. I'll  
14 take -- give you a moment to get there.

15 MR. MICHAEL STIEREN: Yeah.  
16 Thank you.

17 MR. CHASE DEATRICK: And you  
18 would be responding to proponents' pre-filed  
19 question 12(b) here.

20 MR. MICHAEL STIEREN: Okay.

21 MR. CHASE DEATRICK: That  
22 question asked, why do you believe auto  
23 manufacturers would choose to shrink ICE  
24 vehicle production or limit ICE vehicle



1 allocations to Illinois when there are  
2 multiple other ways they could comply with  
3 ACC2?

4 [Interruption by the reporter.]

5 MR. MICHAEL STIEREN: So  
6 probably, you know, it seems like there is  
7 multiple, you know, reasons we would think  
8 that. First, I just wrote it down in  
9 anticipation of -- the gentleman before me  
10 from California even just said on the record  
11 that that would be an option to, you know --  
12 to meet these standards.

13 Also the -- in Day 2 of the proponents'  
14 hearing back in December, the proponents also  
15 said that that could be a mechanism that they  
16 would -- that they would use. So you know,  
17 right there, that's the proponents and the  
18 manufacturers both saying that that is -- that  
19 that's a possibility, you know, of the  
20 mechanism that they could -- you know, to meet  
21 the standards.

22 And, you know, as far as the credits,  
23 you know, we could get into it, but it's my  
24 understanding that the ACC2, that the

1 penalties are going to increase in a couple  
2 years. Is that your understanding?

3 MR. CHASE DEATRICK: That was not  
4 my understanding, but I would --

5 MR. MICHAEL STIEREN: I just  
6 didn't know if you knew.

7 MR. CHASE DEATRICK: I would  
8 probably have -- I would probably need to  
9 confer with more experienced individuals.

10 MR. MICHAEL STIEREN: Okay.  
11 Okay. Well, I believe I read it somewhere in  
12 a report that I think Maryland -- Maryland  
13 legislature, because I believe they adopted  
14 it, they -- in their report, they cited that  
15 the noncompliance penalties are going to  
16 increase.

17 And, you know, with that, the -- I  
18 think they are currently kept at five  
19 percent -- or excuse me, \$5,000.

20 You know, even if that's -- let's  
21 assume that's true, if it goes to \$20,000 --  
22 the ZEV credits, the compliance costs that  
23 Ford, GM, whoever could purchase from somebody  
24 who has a surplus, probably Tesla, Tesla is

1 kind of the dominant force in the credit  
2 market -- with noncompliance prices, you know,  
3 going up, the ZEV credits, you know, also goes  
4 up.

5 So as, you know -- and that was -- you  
6 know, to some of your questions, you know, we  
7 obviously didn't, you know, cite any specific  
8 states where manufacturers were already  
9 limiting ICE vehicles.

10 We would argue that right now there is  
11 an abundance of ZEV credits on the market,  
12 held by Tesla, held by -- the majority of it,  
13 I think they own roughly 50 percent of them.

14 You know, as -- you know, as -- but as  
15 those, I believe in ACC2, the ZEV credits are  
16 going to be gone by 2030 as well. So these  
17 were -- you know, these ZEV credits compliance  
18 transfers were a good way to kind of help out,  
19 you know, the first couple of years.

20 But, you know, as they are phased out,  
21 you know, the threat -- you know, it reduces  
22 the options. So if they can't make the sales,  
23 if they can't make the transfers, then the  
24 last -- the last thing they would do is reduce

1 ICE, ICE vehicles.

2 MR. CHASE DEATRICK: And so to be  
3 clear, you didn't cite anything to state that  
4 Tesla was dominant in this space, correct?

5 MR. MICHAEL STIEREN: No, but I  
6 mean, I think they are -- I kind of think  
7 that's, you know, oh, industry knowledge, you  
8 know, kind of common knowledge. And this is  
9 all public -- there is numerous, numerous  
10 sources.

11 MR. LAWRENCE DOLL: Based on  
12 their sales figures and the fact that they  
13 don't sell internal combustion engine  
14 vehicles, so everything they sell generates a  
15 credit.

16 MR. CHASE DEATRICK: That makes  
17 sense. So I would like to come back to this.

18 But just briefly, in response to  
19 proponents' pre-filed question 13 in each of  
20 its subparts, A, B, and C, at page 30 of your  
21 testimony, we asked if you were personally  
22 aware of automakers in California or other 177  
23 states shrinking ICE vehicle allocation in  
24 their states and asking for documents or

1 citations to that effect.

2 And can you confirm to me that your  
3 answers to proponents' pre-filed question 13  
4 in each of its subparts only refer back to  
5 your answer to proponents' pre-filed question  
6 12(b)?

7 MR. MICHAEL STIEREN: Yes, but  
8 like I just mentioned, there is no, you know,  
9 confirmed public cases where manufacturers are  
10 withholding ICE. But that's also, I think the  
11 fact of what's the current requirement now  
12 is -- I don't know, was it -- is it 25  
13 percent, five? Five percent?

14 MR. ROBERT WEINSTOCK: I'm going  
15 to object. Mr. Douglas is hand-signaling the  
16 witness on the stand. He had a chance to  
17 testify. I understand that he's --

18 MR. MICHAEL STIEREN: Sure. I  
19 mean, I think I could probably -- I could  
20 probably find that information in here. Let's  
21 just say low. Let's just say low. The  
22 current -- the current targets right now are  
23 low. The ACC2 as beginning in model year 2029  
24 are 59 percent. 2030 -- sorry. Go ahead.

1 MR. ROBERT WEINSTOCK: No, and I  
2 just wanted to clarify. I wasn't --

3 MR. MICHAEL STIEREN: Yeah, no.

4 MR. ROBERT WEINSTOCK: I'm not  
5 accusing you of doing anything wrong. Just  
6 I'm asking the hearing officer, I want the  
7 record to record to reflect that Mr. Douglas  
8 is hand-signaling numbers to the witness on  
9 the stand.

10 Ms. Brown, I would like you to ask your  
11 witness not to communicate to a witness under  
12 oath.

13 HEARING OFFICER LEONI: Excuse  
14 me, Mr. Weinstock.

15 MR. ROBERT WEINSTOCK: I'm sorry.  
16 Yes.

17 HEARING OFFICER LEONI: Thank  
18 you. You've been heard. The Board -- the  
19 hearing officers did not see anything  
20 occurring, but your observance has been noted.  
21 We'll just proceed without any direction,  
22 please, from the audience.

23 MR. MICHAEL STIEREN: Yes. So  
24 let's just say -- let's just say the

1 requirements right now are low. ACC scales up  
2 very quickly. By the time Illinois will get  
3 started -- it will be 59 by 2030, it would be  
4 68 percent.

5           You know, I don't think, you know, that  
6 we would see manufacturers have to withhold  
7 ICE vehicles at a lower target, but, you know,  
8 with the kind of understanding when they start  
9 ramping up to those higher numbers, that's  
10 when -- and, you know, also kind of in  
11 connection with credit transfers being not an  
12 option after 2030, where they couldn't just  
13 buy the credits from Tesla or whoever else, it  
14 just -- it removes a mechanism whereby they  
15 are able to meet those standards.

16           MR. LAWRENCE DOLL: Just one last  
17 comment.

18           If you can't increase the numerator of  
19 electric vehicles to meet the target, the only  
20 thing left is to reduce the denominator of  
21 internal combustion vehicles to hit the  
22 target, which is going to cost vehicle -- cost  
23 Illinois vehicle sales and lead them to other  
24 states, or a lesser market.

1 MR. CHASE DEATRICK: So just to  
2 get back to my original question. It was to  
3 confirm that your response is to proponents'  
4 pre-filed question 13 and all its sub -- and  
5 all its subparts solely referred back to your  
6 answer to proponents' question 12(b).

7 I'm just trying to make sure we can  
8 talk about your response to 12(b) --

9 MR. MICHAEL STIEREN: Sure. Yep.

10 MR. CHASE DEATRICK: -- and that  
11 covers your responses to 13 as well.

12 MR. MICHAEL STIEREN: Yep.

13 MR. LAWRENCE DOLL: Sure.

14 MR. CHASE DEATRICK: Perfect.

15 So you mentioned that one of  
16 proponents' witnesses at the second day of  
17 hearing in December testified that this could  
18 be an option, correct?

19 MR. MICHAEL STIEREN: Correct.

20 MR. CHASE DEATRICK: Are you  
21 referring to witness Tom Cackette?

22 MR. MICHAEL STIEREN: I  
23 believe -- I'm terrible with names, but I  
24 believe that's his name, yes.



1 MR. CHASE DEATRICK: And so I  
2 have a portion of Mr. Cackette's testimony, I  
3 believe is what you are referring to, but if  
4 you would like to offer an alternative  
5 citation to make sure beforehand.

6 MR. MICHAEL STIEREN: No, go for  
7 it.

8 MR. CHASE DEATRICK: Okay. And  
9 so could you perhaps read the highlighted  
10 portion of Mr. Cackette's testimony from the  
11 December 3rd hearing?

12 MR. MICHAEL STIEREN: The  
13 highlighted portion?

14 "Analytically, that's a correct  
15 statement. I don't believe that's a  
16 practical" --

17 MR. CHASE DEATRICK: And perhaps  
18 start with the original question.

19 MR. MICHAEL STIEREN: Okay.

20 MR. CHASE DEATRICK: Just to make  
21 it clear for the record.

22 MR. MICHAEL STIEREN: Yep.

23 "Do you agree that there is multiple  
24 ways to comply with the requirement, such as

1 increasing the sale of ZEVs or decreasing  
2 gasoline vehicles sold?"

3 "Analytically, that's a correct  
4 statement. I don't believe that's a practical  
5 statement -- or practical market statement. I  
6 don't believe that any of these major  
7 manufacturers would purposely decrease the  
8 number of sales of non-electric vehicles in  
9 order to reduce the sale, the percentage sales  
10 of zero-emission vehicles. And as I indicate  
11 earlier on, the flexibilities in the rule just  
12 give them many, many more pathways to do that  
13 than artificially restrict sales of other  
14 combustion vehicles in order to meet the ZEV  
15 requirements."

16 HEARING OFFICER LEONI: Excuse  
17 me. Could either Mr. Stieren or Mr. Deatrick  
18 please tell us what page of the transcript  
19 this is?

20 MR. MICHAEL STIEREN: This is  
21 page 258 of Day 2 of the testimony.

22 HEARING OFFICER LEONI: Thank  
23 you. Proceed.

24 MR. CHASE DEATRICK: Sorry.

1           And so to be clear, you don't have any  
2     citations or data referencing that Mr.  
3     Cackette was incorrect in his assumption that  
4     this wouldn't be going on in California or any  
5     177 state?

6                   MR. MICHAEL STIEREN: I think  
7     also the fact that the manufacturers -- you  
8     know, I would add that the manufacturers, the  
9     testimony previously, immediately before us,  
10    also indicated that that could be an option I  
11    think only confirms, you know, that it's  
12    just -- it's a lot -- you know, we really  
13    think it's a logical thing that could happen.

14           And again, you have to look at it in a  
15    kind of holistic basis where these credits,  
16    you know, the flexibilities, those are great.  
17    They were, you know, kind of -- my  
18    understanding of how, you know, the regs were  
19    written to help, you know, start to get the  
20    train in motion, but by 2030 those credits  
21    would be -- or the credit transfers would be  
22    no longer an option.

23           In addition to -- I don't know the  
24    exact numbers but by 2030, I think it's 68 or

1 69 percent versus whatever that the current  
2 percentage is. I think it's just you look at  
3 that logically, that might not be an option  
4 now, but as credits transfers are taken away  
5 that that would be an option.

6 MR. CHASE DEATRICK: So to  
7 confirm, you don't believe that that's an  
8 option now?

9 MR. MICHAEL STIEREN: What's an  
10 option now?

11 MR. CHASE DEATRICK: The option  
12 to reduce ICE vehicles?

13 MR. MICHAEL STIEREN: No, I -- I  
14 mean, I don't see -- I don't think there is  
15 anything in the regulations that would  
16 prohibit manufacturers from, yeah, meeting it  
17 that way.

18 MR. CHASE DEATRICK: To be clear,  
19 you aren't aware of anyone restrict -- any  
20 manufacturers restricting ICE vehicle  
21 allocations to California or other 177 states  
22 currently?

23 MR. MICHAEL STIEREN: No, I have  
24 not seen any hard, you know, data. But again,

1 it's just thinking as this rule kind of takes  
2 effect and matures that that would be on the  
3 table.

4 MR. CHASE DEATRICK: Are you  
5 aware of California or any other Section 177  
6 state imposing a civil penalty on a  
7 manufacturer for noncompliance with ACC2?

8 MR. MICHAEL STIEREN: No, but  
9 that's also due to the fact that there is --  
10 you know, the credit transfers is a viable  
11 option at this point, where, again, by 2030,  
12 those will be no longer an option.

13 MR. CHASE DEATRICK: And so I  
14 would like to move on to page 47 of your  
15 pre-filed answers, and this would be in  
16 response to proponents' question 32(g).

17 MR. MICHAEL STIEREN: Yes.

18 MR. CHASE DEATRICK: And so you  
19 state that though your testimony, quote, does  
20 not dispute that vehicle emissions impact  
21 public health, end quote, you go on to state  
22 that in support of ACC2, proponents, quote,  
23 filed a study on asthma only in the  
24 Chicagoland area, end quote.

1 Do you see that --

2 MR. MICHAEL STIEREN: Yes.

3 MR. CHASE DEATRICK: -- portion?

4 MR. MICHAEL STIEREN: Uh-huh.

5 MR. CHASE DEATRICK: And you go  
6 on to say, quote, they do not address why  
7 this -- referring to ACC2 -- is needed  
8 anywhere else in the state, end quote.

9 MR. MICHAEL STIEREN: Well, I  
10 think we -- I think if you look at the  
11 supporting documents, what I was referencing  
12 here was that this study was also -- was  
13 solely focused on Chicago.

14 There was also another study, I'm  
15 trying to think -- there was another study  
16 that was, again, only looking at the Chicago  
17 metropolitan area on health impacts.

18 Then the proponents filed that as a  
19 supporting document, where, again, you know,  
20 it just kind of goes back to our earlier  
21 comments of this being, you know, a statewide,  
22 you know, mandate where it's -- which is, you  
23 know, I think is a problem.

24 MR. CHASE DEATRICK: So do you

1 dispute proponents' finding that the ACC2 rule  
2 will also reduce Illinois, as a total state,  
3 2050 light-duty vehicle NOx emissions by up to  
4 82 percent relative to new federal standards?

5 And this was found on page 36 of our  
6 initial filing.

7 MR. MICHAEL STIEREN: No, I take  
8 your -- yeah, I would take your word for it.  
9 But I would also just mention that on page 1  
10 of the rule -- or excuse me, the ERM report,  
11 the modeling tool that was used for this  
12 analysis could not apportion these estimated  
13 benefits to individual communities within  
14 Illinois, meaning that they would be on a  
15 whole.

16 So I would -- yeah, I would agree.

17 MR. CHASE DEATRICK: Okay.  
18 Sounds good.

19 And so would you agree that we cited a  
20 similar reduction of PM2.5 of up to 80  
21 percent, given the adoption of ACC2?

22 MR. MICHAEL STIEREN: Yeah.

23 MR. CHASE DEATRICK: And so you  
24 would also similarly not dispute proponents'

1 prediction that the adoption of ACC2 in  
2 Illinois would avoid up to 193 premature  
3 deaths, 194 hospital visits, and over 113,000  
4 respiratory illnesses, restricted activity  
5 days, and lost work days, and this being an  
6 annual figure -- statewide annual figure?

7 MR. LAWRENCE DOLL: That  
8 presupposes electric vehicle adoption at the  
9 current market rate of vehicle purchases,  
10 where increased price of electric vehicles is  
11 going to reduce sales. Illinois is surrounded  
12 by states that don't have ACC2 that can sell  
13 into Illinois.

14 So if everybody magically bought  
15 vehicles at the figures predicted in that  
16 study, I have no reason to dispute that; I  
17 just don't see the rule getting to that level  
18 of EV adoption to see those savings until a  
19 lot of infrastructure is put into place to  
20 support an electric vehicle network.

21 MR. CHASE DEATRICK: But you  
22 agree that these would be the health impacts  
23 if the rules were adopted and targets met?

24 MR. LAWRENCE DOLL: If the



1 targets were met, yes, that's entirely  
2 possible.

3 MR. MICHAEL STIEREN: And I think  
4 I would also just note, too, that the  
5 assumptions made by ERM for their  
6 environmental benefits also just, you know,  
7 assume that Illinois meets its CEJA goals of  
8 carbon reduction.

9 So obviously there is a huge -- you  
10 know, that's doing a lot of heavy lifting,  
11 that the ERM assumes that Illinois effectively  
12 by 2050 completely removes all coal and  
13 natural gas plants from Illinois, too.

14 MR. CHASE DEATRICK: So you would  
15 agree that the further we are from electric  
16 vehicle goals and total electrification, the  
17 worse the impacts are for human health?

18 MR. LAWRENCE DOLL: I don't think  
19 that's the only way to get there. I think a  
20 rapid adoption of hybrid vehicles would get to  
21 a faster result on cleaner air without the  
22 range anxiety or other problems incident to  
23 the need for build-out of the charging  
24 infrastructure.

1 MR. MICHAEL STIEREN: Yeah, and I  
2 believe -- you know, there is other ways, yes,  
3 that could meet those goals.

4 MR. CHASE DEATRICK: So I would  
5 like to talk a little bit about hybrids, if we  
6 could.

7 MR. MICHAEL STIEREN: Yep.

8 MR. CHASE DEATRICK: And so on  
9 page 1 of your pre-filed answers, in response  
10 to proponents' pre-filed question 6, you  
11 stated studies from MIT and emissions  
12 analytics show that hybrids can reduce CO2  
13 emissions up to 14 times more effectively than  
14 BEVs, battery electric vehicles, per vehicle.

15 You see this portion of your testimony?

16 MR. MICHAEL STIEREN: You said  
17 21?

18 MR. CHASE DEATRICK: 21, in  
19 response to proponents' pre-filed question 6.

20 MR. MICHAEL STIEREN: Yes.

21 MR. CHASE DEATRICK: And so can  
22 you confirm that the MIT study to which you  
23 refer is from the Ask MIT Climate Portal that  
24 was cited in page 25 of your original

1 testimony.

2 MR. MICHAEL STIEREN: Yes --

3 MR. CHASE DEATRICK: And I can  
4 provide a copy, if that would help.

5 MR. MICHAEL STIEREN: Sure,  
6 please. Yeah. Yeah.

7 MR. CHASE DEATRICK: Hearing  
8 Officer Leoni, I would like to move to  
9 introduce -- it was in their pre-filed  
10 testimony, but it's the Ask MIT Climate page,  
11 responding to the question, "In the right  
12 circumstances, could a hybrid car be cleaner  
13 than an electric vehicle?"

14 HEARING OFFICER LEONI: Was this  
15 something that was linked in their testimony,  
16 or did they submit this article?

17 MR. CHASE DEATRICK: It was  
18 linked in their testimony.

19 HEARING OFFICER LEONI: Okay. So  
20 then you are moving to --

21 MR. CHASE DEATRICK: Introduce it  
22 as an exhibit.

23 HEARING OFFICER LEONI: --  
24 introduce it as an exhibit?

1 MR. CHASE DEATRICK: Correct.

2 HEARING OFFICER LEONI: Are there  
3 any objections to Mr. Deatricks motion?

4 Any objections, Mr. Doll?

5 MR. LAWRENCE DOLL: No.

6 HEARING OFFICER LEONI: Okay. No  
7 objections. Then we will admit that into the  
8 record as Exhibit Number 13. Thank you.

9 [Document marked as Exhibit No. 13  
10 for identification.]

11 HEARING OFFICER LEONI: And along  
12 with the other exhibits introduced -- yeah,  
13 just pass those around, please, as long as  
14 everyone up here has them.

15 Along with the other exhibits  
16 introduced for the first time today, I would  
17 just like to ask proponents to please file  
18 this in accordance with the Board's procedural  
19 rules in Section 101.302(h), at the end of the  
20 hearing today.

21 So please proceed, Mr. Deatricks.

22 MR. CHASE DEATRICK: Sounds good.  
23 Thank you to the Board for printing these off  
24 for us.

1           So in preparing your testimony, did you  
2     read this article?

3                     MR. MICHAEL STIEREN:   Yes.

4                     MR. CHASE DEATRICK:   And so did  
5     you conclude it would be a useful resource for  
6     the Board to consider?

7                     MR. MICHAEL STIEREN:   Yes.

8                     MR. CHASE DEATRICK:   And so you  
9     cite this study for the proposition that  
10    hybrids might be a better deal for the climate  
11    and by reducing more life cycle emissions than  
12    EVs, correct?

13                    MR. MICHAEL STIEREN:   Could you  
14    say that again?

15                    MR. CHASE DEATRICK:   You cited  
16    this MIT study for the proposition that  
17    hybrids could be a better deal for the  
18    environment and the climate --

19                    MR. MICHAEL STIEREN:   Oh, I don't  
20    know if I said a better deal for the  
21    environment.   You know, I think hybrids are --  
22    have been shown to be more -- you know, with  
23    lower emissions, higher fuel efficiency.

24                    MR. CHASE DEATRICK:   Than EV --

1     you cited this in your original testimony for  
2     the idea that hybrids could be a better  
3     deal -- or better for the environment than  
4     electric vehicles. And I'm referring to page  
5     25 of your original testimony right now.

6                     MR. MICHAEL STIEREN: What I said  
7     was hybrids are increasingly being recognized  
8     as a viable alternative to BEVs for reducing  
9     emissions without requiring extensive  
10    infrastructure investments.

11                    MR. CHASE DEATRICK: And --

12                    MR. LAWRENCE DOLL: I don't know  
13    what the ratio is, but a lot of hybrids are  
14    going to do more benefit than a few electric  
15    vehicles, while giving manufacturers time to  
16    refine battery technology to get cleaner,  
17    faster charging, longer-running batteries,  
18    that will make EVs eventually more practical  
19    for the average driver than they are now.

20                    MR. CHASE DEATRICK: And so the  
21    quote I'm referring to on page 25 is,  
22    "Charging BEVs, battery electric vehicles, on  
23    a fossil fuel dependent grid can result in  
24    higher life cycle emissions than using hybrids

1 or lightweight ICE vehicles, as highlighted by  
2 the MIT Climate Portal."

3 Correct? Or you see this portion on  
4 page 25 here?

5 MR. MICHAEL STIEREN: Oh, I see  
6 it.

7 MR. LAWRENCE DOLL: Just found  
8 it. Give me one second.

9 MR. CHASE DEATRICK: And so did  
10 you think that this MIT Climate Portal was a  
11 useful study for the Board to consider in  
12 determining whether hybrids might be too  
13 phased out or ignored by the ACC2 rule?

14 MR. MICHAEL STIEREN: I'm sorry.  
15 One more -- one more time.

16 MR. CHASE DEATRICK: Yeah. When  
17 you read this study and reviewed it, did you  
18 believe it would be -- this MIT study --

19 MR. MICHAEL STIEREN: Yes --

20 MR. CHASE DEATRICK: -- would be  
21 useful for the Board to consider in  
22 determining whether hybrids --

23 MR. MICHAEL STIEREN: Yes, but  
24 there is -- yes. There is also -- I mean,

1     there are other sources of information out  
2     there that talk about the benefits of  
3     hybrid -- or, you know, lower emissions and  
4     increased fuel efficiency and stuff like that.

5                   MR. CHASE DEATRICK:   And  
6     specifically -- specifically on page 25, the  
7     quote I just referred to, you are comparing  
8     charging battery electric vehicles with  
9     hybrids or lightweight ICE vehicles, correct?  
10    You're not comparing them --

11                   MR. MICHAEL STIEREN:   Yes.

12                   MR. CHASE DEATRICK:   You're not  
13    comparing them to other ICE vehicles?   You are  
14    compar -- you're not comparing hybrids or  
15    lightweight ICE vehicles --

16                   MR. MICHAEL STIEREN:   Sure.

17                   MR. CHASE DEATRICK:   -- to ICE  
18    vehicles, to --

19                   MR. MICHAEL STIEREN:   I --

20                   [Interruption by the reporter.]

21                   MR. CHASE DEATRICK:   To state  
22    this clearly, on page 25 of your testimony,  
23    you are comparing the environmental impacts of  
24    charging battery electric vehicles to



1     lightweight ICE or hybrid vehicles, but not  
2     comparing hybrid vehicles or ICE vehicles to  
3     other hybrid or ICE vehicles, correct?

4                   MR. MICHAEL STIEREN:   Yes, I  
5     think that's fair to say.

6                   MR. CHASE DEATRICK:   So did you  
7     believe this study was useful for the Board's  
8     consideration in determining whether electric  
9     vehicles could have lower life cycle emissions  
10    than battery electric vehicles?

11                  MR. MICHAEL STIEREN:   Yes.

12                  MR. CHASE DEATRICK:   So if you  
13    believe this is useful for the Board, would  
14    you be willing to read the highlighted portion  
15    in the color copy I have passed Mr. Doll?

16                  MR. MICHAEL STIEREN:   The purple?

17                  MR. CHASE DEATRICK:   No, the  
18    orange highlight, right there.

19                         [Interruption by the reporter.]

20                  MR. MICHAEL STIEREN:   "Could  
21    hybrid vehicles be a better deal for climate  
22    than full EVs?  You could construct those  
23    cases and get the answer, says Sergey Paltzev,  
24    deputy director at MIT of research.  However,

1     it might require cherry-picking data to find a  
2     very specific set of circumstances."

3                   MR. CHASE DEATRICK:    So is it  
4     correct to say that you relied on no data to  
5     form this opinion?

6                   MR. MICHAEL STIEREN:   I would --  
7     no, I mean, we looked at a number of different  
8     articles, sources. I mean, if the contention  
9     is that I didn't provide adequate sources,  
10    that's a point taken, and we can provide, you  
11    know, better sources for, you know, for this  
12    claim.

13                   MR. CHASE DEATRICK:   Okay. And  
14    are you aware that the final paragraph of the  
15    cited MIT Portal -- of the cited MIT Climate  
16    Portal article concludes that the research is  
17    clear that EVs are the best choice for the  
18    climate?

19                   And that's at the very end of the  
20    article.

21                   MR. MICHAEL STIEREN:   "Driving a  
22    hybrid can dramatically reduce climate  
23    pollution compared to owning a gasoline-only  
24    vehicle. If that's the right choice for some

1 drivers, then he encourages they make it.  
2 Every ton of CO2 that we can reduce matters,  
3 he says."

4 MR. CHASE DEATRICK: So would you  
5 agree in the last paragraph where it says the  
6 article's research is clear, that electric  
7 vehicles are the best choice for the climate?

8 MR. MICHAEL STIEREN: Yes, but  
9 then the sentence after that says, "Driving a  
10 hybrid can dramatically reduce climate  
11 pollution compared to owning a gas-only  
12 vehicle. If that's the right choice for some  
13 drivers, then he encourages they make it.  
14 Every ton of CO2 that we reduce matters, he  
15 says."

16 MR. CHASE DEATRICK: And the  
17 article is also saying that hybrid vehicles  
18 could reduce life cycle emissions compared to  
19 EVs even, correct? That was the entire point  
20 of the article?

21 MR. LAWRENCE DOLL: Yeah. Yeah.  
22 Yes.

23 MR. CHASE DEATRICK: And so you  
24 agree that from the portion you just read that

1 you could construct those cases if you  
2 cherry-pick the data?

3 MR. MICHAEL STIEREN: Sure --

4 MR. LAWRENCE DOLL: Well, I would  
5 say if -- again, presupposing that every  
6 internal combustion vehicle was replaced with  
7 an electric vehicle, theoretically then you  
8 would hit those targets.

9 For people with long drives, or who  
10 take long trips -- for people who can afford  
11 EVs, that's fine, but for many drivers, it's  
12 not practical. If you don't live in a  
13 car with -- home with an attached garage to  
14 charge your vehicle at night and, you know,  
15 you have to park a couple of blocks away from  
16 your apartment that doesn't even have a  
17 charger anyway, perhaps, an electric vehicle  
18 isn't feasible, with larger charging time,  
19 with availability and unreliability at this  
20 point of charging stations.

21 So if we had the infrastructure for  
22 charging and they were as affordable as the  
23 average internal combustion vehicle, then  
24 maybe we would see that benefit.

1                   MR. MICHAEL STIEREN: Yes, and if  
2     you guys reject the source, you know, I think  
3     it also kind of goes against just the general,  
4     you know, almost common understanding that  
5     hybrids were introduced to be more  
6     fuel-efficient and being less polluting. We  
7     would be happy to find other sources to, you  
8     know -- to provide to the Board.

9                   But, you know, again, when we were  
10    speaking about hybrids here, we also in our  
11    testimony say, you know, they offer, you know,  
12    an efficient way to lower emissions while  
13    Illinois continues to transfer to renewable  
14    energy, and I probably should have said EVs as  
15    well. And encouraging hybrid adoption can  
16    ensure emission reductions can be achieved  
17    equitably across regions, for rural and  
18    underserved areas where charging  
19    infrastructure is limited.

20                  MR. CHASE DEATRICK: And so  
21    hybrid vehicles reduce these emissions by  
22    using less fuel, correct, than a traditional  
23    ICE vehicle?

24                  MR. MICHAEL STIEREN: Yeah, I

1 think --

2 MR. LAWRENCE DOLL: Yes.

3 MR. CHASE DEATRICK: And you  
4 agree that they don't pay any replacement into  
5 the motor fuel tax through a registration fee?

6 MR. LAWRENCE DOLL: No, they --  
7 they pay the same registration fee as internal  
8 combustion vehicles, if that's your question.

9 MR. CHASE DEATRICK: And not the  
10 extra fee?

11 MR. LAWRENCE DOLL: Not the extra  
12 \$100.

13 MR. CHASE DEATRICK: Okay. That  
14 concludes my questions.

15 MR. LAWRENCE DOLL: I guess just  
16 one last comment is that adoption of hybrids  
17 is kind of the fastest way to see an immediate  
18 environmental benefit, because people can  
19 drive hybrids without totally changing their  
20 driving habits or their refueling habits, and  
21 without -- with large access to refueling  
22 through gas stations.

23 So it's kind of the fastest way to  
24 clean the air as fast as possible in the short

1 term while we build out the technology on EVs  
2 for the longer term.

3 MR. CHASE DEATRICK: That  
4 concludes my questions.

5 HEARING OFFICER LEONI: Okay.  
6 Thank you.

7 Are there any other questions here in  
8 Springfield for Mr. Doll and Mr. Stieren?

9 EXAMINATION

10 BY MR. JAMES DENNISON:

11 MR. JAMES DENNISON: I did have  
12 just a couple follow-up points on behalf of  
13 Sierra Club, NRDC, EDF, and Center for  
14 Neighborhood Technology.

15 Mr. Stieren, you mentioned early on,  
16 and then Mr. Doll, I think you mentioned  
17 later, that consumers might buy noncompliant  
18 vehicles in Indiana or Wisconsin.

19 Do you recall that?

20 MR. LAWRENCE DOLL: Yes. Excuse  
21 me. Yes.

22 MR. JAMES DENNISON: Are you  
23 aware that the rule proposal would prohibit  
24 registration of noncompliant new vehicles in

1 Illinois, even if those are purchased in  
2 Indiana or Wisconsin, unless an exception  
3 applies?

4 MR. LAWRENCE DOLL: I was not  
5 aware of that, but that does not stop people  
6 from buying a late model used vehicle from  
7 out-of-state, or in-state, either way. So --

8 MR. MICHAEL STIEREN: And I would  
9 just reference back to the Day 2 of the  
10 proponents' testimony. I know you guys took a  
11 lot of questions from -- on this topic of  
12 out-of-state sales, and who is going to  
13 enforce it, and stuff like that.

14 And it was -- you guys made the  
15 argument that Secretary of State would just  
16 not register them? Is that -- is that the  
17 enforcement mechanism?

18 MR. JAMES DENNISON: Well, I'm  
19 the one asking the questions here.

20 MR. MICHAEL STIEREN: Okay.  
21 Okay.

22 MR. JAMES DENNISON: But I think  
23 I understand.

24 MR. MICHAEL STIEREN: Okay. I



1 just think there was -- there was discussion,  
2 and kind of that was what -- that was I think  
3 a mechanism that you guys proposed that would  
4 help -- or, you know, help prevent people from  
5 going out-of-state.

6 MR. JAMES DENNISON: Okay.  
7 Another topic you mentioned, the possibility  
8 that there could be a decrease in combustion  
9 engine sales as a result of adopting the  
10 standards.

11 Do you recall that?

12 MR. LAWRENCE DOLL: Yes.

13 MR. MICHAEL STIEREN: Yes.

14 MR. JAMES DENNISON: Okay. Now,  
15 if GM stopped selling vehicles in order to  
16 comply with the standards, that's a sale that  
17 Ford could get if they are able to sell more  
18 zero-emission vehicles or buy credits from  
19 another manufacturer, right?

20 MR. LAWRENCE DOLL: It is. It's  
21 also a sale that a Chevy dealer in a  
22 neighboring state would get.

23 MR. JAMES DENNISON: Well, we  
24 talked a minute ago about the

1 in-state/out-of-state issue.

2 MR. LAWRENCE DOLL: Right.

3 Right.

4 MR. JAMES DENNISON: So let's  
5 focus on Illinois right now.

6 MR. LAWRENCE DOLL: Okay.

7 MR. JAMES DENNISON: Automakers  
8 are competing with one another for sales,  
9 correct?

10 MR. LAWRENCE DOLL: Yes.

11 MR. JAMES DENNISON: And if one  
12 automaker is leaving sales on the table and  
13 another automaker is able to find a way to  
14 increase their ZEV sales or buy credits, they  
15 could get those sales, right?

16 MR. LAWRENCE DOLL: That's  
17 possible.

18 MR. JAMES DENNISON: All right.

19 Mr. Doll, you mentioned a little later  
20 on that the sales targets contemplated by the  
21 ACC2 rule could be hit if EVs become  
22 cost-competitive and if the charging  
23 infrastructure network gets built out, is that  
24 right?

1 MR. LAWRENCE DOLL: They could  
2 be.

3 MR. JAMES DENNISON: Do you have  
4 any response in your testimony or pre-filed  
5 question responses to the analysis by rule  
6 proponents, by ERM, and by witness Tom  
7 Cackette, indicating that EVs will reach cost  
8 parity with combustion vehicles within the  
9 next three years even without accounting for  
10 incentives?

11 MR. LAWRENCE DOLL: I don't  
12 recollect off the top of my head.

13 MR. JAMES DENNISON: So no, you  
14 don't have a response to those projections  
15 from the rule proponents?

16 MR. LAWRENCE DOLL: I -- well, my  
17 only response is cost is part of the answer to  
18 EV adoption. The other is reliable charging  
19 network.

20 MR. JAMES DENNISON: Okay. Let's  
21 turn to the charging network now.

22 Do you recall my discussion with Mr.  
23 Douglas earlier about charging networks?

24 MR. LAWRENCE DOLL: Yes.

1 MR. JAMES DENNISON: Okay. And  
2 we talked about the various programs,  
3 investments, that are both underway and that  
4 are planned throughout Illinois to develop the  
5 charging infrastructure.

6 Do you recall that discussion?

7 MR. LAWRENCE DOLL: Yes.

8 MR. JAMES DENNISON: And could  
9 the types of programs that we were discussing  
10 help develop the charging network along the  
11 lines that you were mentioning?

12 MR. LAWRENCE DOLL: They could  
13 help, yes.

14 MR. JAMES DENNISON: All right.  
15 Turning to the penalty provisions. You  
16 mentioned I think penalty provisions in  
17 Maryland increasing at some point.

18 Do you recall that?

19 MR. MICHAEL STIEREN: Yes, I  
20 think I was referring to a document that -- it  
21 was the department of Maryland --

22 MR. JAMES DENNISON: Okay. We  
23 can pull it up if we need to.

24 MR. MICHAEL STIEREN: But yes.

1 Yes.

2 MR. JAMES DENNISON: But here's  
3 my question. Are you aware that penalty  
4 provisions vary state by state?

5 MR. LAWRENCE DOLL: I would  
6 imagine that they do.

7 MR. JAMES DENNISON: And are you  
8 aware that the rule proposal uses penalty  
9 provisions that are based on Illinois's civil  
10 penalty statute?

11 MR. MICHAEL STIEREN: Is that the  
12 \$50,000 -- is that the one that was imposed by  
13 EPA that was referenced in the rules?

14 MR. JAMES DENNISON: These are  
15 the civil penalties that are provided for by  
16 Illinois statute for violations of air  
17 pollution regulations.

18 MR. MICHAEL STIEREN: I'm not  
19 being argu -- is that the one -- is it  
20 enforced by the EPA?

21 MR. JAMES DENNISON: In other  
22 context, it -- and it would be enforced by  
23 Illinois EPA.

24 MR. MICHAEL STIEREN: And was it

1     \$50,000?

2                   MR. JAMES DENNISON:   Under the  
3     statute, correct.

4                   MR. MICHAEL STIEREN:   Yeah.

5                   MR. JAMES DENNISON:   Okay.   Are  
6     penalty provisions, the level at which a  
7     penalty is set, is that the only determinant  
8     of a cost of an emissions credit?

9                   MR. MICHAEL STIEREN:   So no, it's  
10    my understanding that the emission credits  
11    are -- like the actual credits themselves are  
12    private.   They're not -- I don't know if they  
13    are set by ACC2, but I know when I was -- when  
14    we were looking into credits, you couldn't  
15    find the actual price of what the credits  
16    were.

17                   There was multiple, you know, articles  
18    out there where people looked at -- but then  
19    CARB does track when a manufacturer does sell  
20    credits to another manufacturer for  
21    compliance.   And people kind of, you know,  
22    back door, try to figure out how much those  
23    credits were.

24                   They looked at Tesla's annual financial

1 statements and financial records, and they  
2 were showing profit based off of a number of  
3 credits, you know, per year, kind of trying to  
4 figure out what that's worth.

5 I believe the current penalty is  
6 \$5,000, so also you would have to just  
7 generally -- generally think, you know, it  
8 would be less than that, because they would  
9 just pay the fine versus the credit. So the  
10 credit would be smaller than that amount.

11 Does that make sense?

12 MR. JAMES DENNISON: Okay. I  
13 appreciate all the detail. We can get into it  
14 more if we need to.

15 MR. MICHAEL STIEREN: Okay.

16 HEARING OFFICER LEONI: Excuse  
17 me, gentlemen. I'm sorry. Because it is noon  
18 and we are starting the public comment portion  
19 at 1:00 PM today, I would like to stop here  
20 for now, and we'll break for lunch for just  
21 shy of one hour, and we'll resume at 1:00 PM  
22 with the in-person public comments.

23 And then at 2:00 PM, after that hour  
24 concludes, we can resume the questioning of

1 Mr. Doll and Mr. Stieren, any remaining  
2 questions that you have.

3 MR. JAMES DENNISON: Okay. I  
4 would be happy to proceed that way. I have  
5 two more questions.

6 HEARING OFFICER HORTON: I think  
7 we should break.

8 MR. JAMES DENNISON: Okay.

9 HEARING OFFICER LEONI: We should  
10 break.

11 MR. JAMES DENNISON: Sure.

12 HEARING OFFICER LEONI: Thank  
13 you.

14 THE REPORTER: Off the record.

15 [A recess was taken.]

16 HEARING OFFICER LEONI: Hi.  
17 Thank you very much. It's 1:00 now, so we  
18 will reconvene the afternoon portion, starting  
19 with public comments of this Illinois  
20 Pollution Control Board hearing, in the  
21 rulemaking numbered R24-17, Proposed Clean Car  
22 and Truck Standards.

23 So can everybody hear me in the back?  
24 I know some of you can't see me very well.



1     Okay.   Great.   Hard to hear?   I'm sorry.   I'll  
2     do my best to project.   I don't have a  
3     microphone up here.

4             So here in Springfield, we have about  
5     25 to 30 people who have signed up to offer  
6     public comment in-person.   We have one hour  
7     allotted for in-person public comments today,  
8     so we are going to cap each comment at two  
9     minutes.

10            Please try to keep your comment to two  
11    minutes in length.   I'll be timing you and  
12    letting you know.   I'll signal you when you  
13    have got about 10 seconds left.

14            If we do not get to everyone's comments  
15    today, anyone is welcome to submit written  
16    public comments to the Board through the  
17    Board's Clerk Office On-Line, and I would like  
18    to note that the Board weighs oral and written  
19    public comments equally.

20            So with that, we'll proceed to the  
21    in-person public comments.

22            I'm going to call you up two people at  
23    a time, and if you could please file around  
24    the back of the room along the side here,

1 behind the court reporter, and the first  
2 person called can just sit right in the chair  
3 at the end there, and the second person can  
4 wait behind the court reporter. And please  
5 spell your name for the court reporter. I  
6 apologize for any mispronunciations on my end.

7 So first up, we have Larry Evans and  
8 then Griselda Chavez.

9 Is Mr. Evans here?

10 Not here? Okay. Then we'll start with  
11 Ms. Chavez, and then next Jason Dake. Okay.  
12 Ms. Chavez, please come sit.

13 GRISELDA CHAVEZ: Hi. My name is  
14 Griselda Chavez, and I'm an environmental  
15 justice organizer with Warehouse Workers for  
16 Justice. I drove two-and-a-half hours to  
17 Springfield from Joliet to represent the  
18 voices and lived experiences of families and  
19 workers in Will County, Illinois, which is  
20 home to North America's largest inland port.

21 Illinois Pollution Control Board should  
22 adopt the clean vehicle rules, and the time to  
23 act is now. I care about this issue because  
24 air pollution is an equity issue, and it is

1 clear air pollution is a segregated issue,  
2 especially in Will County, Illinois.

3 Black and brown and low-income  
4 communities in and around Joliet are  
5 disproportionately affected by diesel  
6 pollution, large amounts of truck traffic, and  
7 increasing growth of the warehouse industry,  
8 which only means added stress and health risks  
9 added to the burdens workers and families face  
10 every day.

11 At Warehouse Workers for Justice, we  
12 work to organize workers and community members  
13 around labor rights and environmental justice,  
14 because we believe our frontline workers and  
15 their families deserve safe working conditions  
16 and fair protection from harmful contaminants  
17 and poor air quality.

18 We have seen our community show  
19 enthusiasm and support for policies and  
20 efforts that promote clean air and public  
21 health equity, because their daily experiences  
22 are quantified through community-led air  
23 quality testing, where folks can see the  
24 particulate matter levels in real time,

1 dealing with unsafe working conditions and  
2 inequitable access to health care when  
3 respiratory and other health issues arise.

4 We come together in solidarity to  
5 listen to community concerns from people who  
6 bear the most impact, while greedy  
7 corporations are putting profits before  
8 people.

9 Everyone consumes from these  
10 industries, but not everyone is being impacted  
11 by this consumption the same way. And  
12 environmental justice means equitable access  
13 to decisions that are being made and making  
14 sure our people have access to these  
15 decisions.

16 Elected officials at the local, state,  
17 and federal level should advocate for our  
18 communities now more than ever, as a matter of  
19 human dignity and a matter of equity for our  
20 families and children that are going to bear  
21 the most brunt when those impacts continue  
22 to -- continue in our community.

23 HEARING OFFICER LEONI: Ms.  
24 Chavez.

1                   GRISELDA CHAVEZ: With this, I  
2     urge the Pollution Control Board and everyone  
3     to take action, because the future and health  
4     of those we care about most depend on it.  
5     Thank you.

6                   HEARING OFFICER LEONI: Thank  
7     you.

8                   Okay. Next up, Mr. Dake.

9                   JASON DAKE: My name is Jason  
10    Dake. I'm vice president of regulatory  
11    affairs for Orange EV. We manufacture an  
12    electric terminal tractor that's deployed here  
13    in Illinois, and I appreciate the opportunity  
14    to comment on the proposed Clean Car and Truck  
15    Standards as they stand today.

16                  To give you a little background about  
17    Orange EV, we have more than -- we have around  
18    1,500 electric terminal tractors deployed  
19    across the United States. They are deployed  
20    in 40 states. We have -- our first commercial  
21    deployment of an electric terminal tractor was  
22    in Chicago in 2015. That truck has been in  
23    continuous operation on a 24/7 shift cycle  
24    since 2015, and is in continuous operation

1 with the original battery pack.

2 I say that to establish that electric  
3 vehicles in the heavy-duty truck space are  
4 available, they are in the market, they are  
5 successful, and don't let anyone tell you that  
6 they aren't. So that should not be an  
7 impediment to adopting this rule.

8 With regard to why adopt a clean trucks  
9 rule: Our partner CALSTART has conducted  
10 comprehensive studies of clean car and truck  
11 standards across the U.S. Like these, they  
12 are proving their feasibility in the myriad of  
13 benefits, not the least of which is providing  
14 certainty to allow for long-term planning and  
15 investment by industry, as well as state and  
16 local governments.

17 Programs like these set ambitious but  
18 still cost-effective goals with manufacturer  
19 sales requirements. By establishing the  
20 manufacturer sales requirements, they are  
21 creating the market for the purchase of these  
22 vehicles and incentivizing OEMs to move away  
23 from the industrial (sic) combustion engines  
24 that they have built their whole industry on,

1 and move to the next generation of  
2 zero-emission vehicles.

3 The advanced clean trucks programs like  
4 these reduce pollution, improve public health,  
5 and benefit both businesses and communities in  
6 which they operate. And we -- Orange EV fully  
7 supports this proposal of this regulation, and  
8 would encourage the Board to direct the  
9 Illinois EPA to move forward with adoption.

10 And we'll be submitting lengthier  
11 comments after this, but feel free to contact  
12 me with any questions on this, and thank you  
13 for your time, and we really appreciate  
14 everything you are doing here in the State of  
15 Illinois.

16 HEARING OFFICER LEONI: Thank  
17 you, Mr. Dake.

18 Next up, we have Virginia Woulfe and  
19 Shreepade Tripathy.

20 VIRGINIA WOULFE-BEILE: Hi. Good  
21 afternoon. Thank you for this opportunity.  
22 My name is Virginia Woulfe-Beile. I'm a  
23 staffperson at the Piasa Palisades group of  
24 the Sierra Club.

1 I'm also a board member of the United  
2 Congregations of the Metro-East, and I live in  
3 Godfrey, Illinois, in Madison County, and  
4 that's the St. Louis Metro-East area, and you  
5 may be aware that Madison County has some of  
6 the worst air quality in the state, and the  
7 state is the seventh most polluting state in  
8 the nation.

9 So -- and if you look at the U.S. EPA  
10 air quality maps, Madison County is dark blue,  
11 but only dark blue meaning high on the chart,  
12 high numbers in PM2.5, PM10, as well as sulfur  
13 dioxide and nitrous -- nitrogen oxide.

14 This air pollution has affected me and  
15 my family and the community I live in in so  
16 many ways. All three of my adult brothers and  
17 my husband and my father all suffer from  
18 asthma or COPD, all of them but one adult  
19 onset, and none of these people were smokers.

20 So knowing that transportation is the  
21 number one CO2 emitter in the state, I am very  
22 worried every time I'm near the intersection  
23 of I-255 and I-270 corridor in neighboring  
24 communities of Edwardsville and Pontoon Beach,



1 where in the last decade acres upon acres of  
2 warehouse distribution centers have been built  
3 on river bottom farmland, with new facilities  
4 that are always under construction.

5 The diesel tractor-trailer traffic and  
6 gasoline delivery truck traffic have increased  
7 exponentially over the years. This, combined  
8 with the cumulative impacts of industrial  
9 stack emissions, threatens the health of my  
10 community.

11 More and more, my family, friends, and  
12 neighbors suffer from red eye -- red watery  
13 eyes, persistent sore throats, coughs, asthma,  
14 and other respiratory problems, and it doesn't  
15 matter what season. I worry more and more  
16 about the long-term exposure to diesel  
17 emission, such as lung cancer, bladder cancer,  
18 heart disease, then the worsening asthma and  
19 allergies and other lung diseases.

20 To protect my community's health and  
21 the people who live and work there, the  
22 drivers, the warehouse workers, the children,  
23 and the elderly, we need more independent data  
24 from downstate concerning diesel pollution.

1 We need --

2 HEARING OFFICER LEONI: Ms.  
3 Woulfe, that's been two-and-a-half minutes.

4 VIRGINIA WOULFE-BEILE: Okay.

5 HEARING OFFICER LEONI: Thank  
6 you. I'm sorry.

7 VIRGINIA WOULFE-BEILE: Well,  
8 thanks very much for the opportunity.

9 HEARING OFFICER LEONI: Next up,  
10 Mr. Tripathy.

11 SHREEPADE TRIPATHY: A lot of  
12 people here. That's kind of cool.

13 HEARING OFFICER LEONI: Go ahead.

14 SHREEPADE TRIPATHY: So hi.  
15 Thank you all for coming today. So my name is  
16 Dr. Shreepade Tripathy. I did not find this  
17 coat on the street; I am in fact a  
18 pediatrician actually here in our community.  
19 I'm a hospital pediatrician.

20 And my job is to care for children who  
21 require hospitalizations for serious health  
22 conditions, children who are often too young  
23 to fully understand why they can't breathe,  
24 why they are in pain, or why they are stuck in

1 a hospital bed instead of playing outside.

2 I'm here today to speak about a public  
3 health crisis that is both preventable and  
4 urgent, the relationship between air pollution  
5 and childhood asthma.

6 Asthma is one of the most chronic  
7 conditions among children. In Illinois, one  
8 in every 13 children suffers from asthma, and  
9 for too many of them, this is not a mild  
10 condition. This can truly be  
11 life-threatening.

12 On average, there are around 8,000  
13 hospitalizations for asthma in Illinois, and  
14 around 64,000 ER visits for asthma in  
15 Illinois. These are not just numbers. Behind  
16 every statistic is a scared child, gasping for  
17 air, and a terrified parent holding their  
18 hand, wondering if their child will ever be  
19 able to breathe again without help.

20 And while most children do recover from  
21 asthma, last year, there are children that in  
22 fact died from asthma-related complications,  
23 deaths that could have been prevented.

24 In a nation as advanced as ours, and

1 especially in a state like Illinois, it is  
2 truly unacceptable that children are still  
3 dying from a condition that is entirely  
4 manageable with the right interventions.

5 One of the biggest and most preventable  
6 factors making asthma worse is air pollution.  
7 Research and my own clinical experience has  
8 shown that there is a clear and undeniable  
9 link between pollution levels and asthma  
10 severity.

11 Simply put, when pollution levels rise,  
12 so do hospital emissions. Poor air quality  
13 makes asthma attacks more frequent, more  
14 severe, and more difficult to treat. The  
15 consequences are particularly devastating for  
16 children who live in communities that are  
17 already facing socioeconomic challenges, where  
18 access to health care, nutritious food, and  
19 stable housing is already limited.

20 We cannot afford to ignore the primary  
21 source of harmful emissions driving this  
22 crisis, vehicle pollution. That is why I'm  
23 here today, to urge this board to take action  
24 by adopting the Advanced Clean Cars 2,

1 Advanced Clean Truck, and Heavy-Duty Omnibus  
2 NOx rules.

3 HEARING OFFICER LEONI: 10  
4 seconds.

5 SHREEPADE TRIPATHY: These  
6 policies directly impact -- directly target  
7 our largest contributors of air pollution,  
8 vehicle emissions, and will significantly  
9 reduce the pollutants that worsen asthma and  
10 other respiratory conditions. Thank you for  
11 your time.

12 HEARING OFFICER LEONI: Thank  
13 you.

14 Next up, we have Toni Oplt and Tracey  
15 Gragg or "Cragg." If Tracey is not available,  
16 then --

17 TRACEY GRAGG: I'm available.

18 HEARING OFFICER LEONI: Okay.

19 TONI OPLT: My name is Toni Oplt.  
20 I live in Edwardsville, Illinois. I am a  
21 resident of Madison County, the 11th-worst  
22 county in the state for diesel engine PM2.5  
23 air pollution, according to the Respiratory  
24 Health Association.

1           Along the outskirts of my hometown,  
2     warehouses line the 255 interstate for miles.  
3     What was once farmland is now vast fields of  
4     asphalted pads that accommodate a constant  
5     stream of heavy-duty trucks arriving and  
6     leaving the warehouse bays, idling for long  
7     periods as shipments are loaded and unloaded.  
8     These trucks, never once seen inside our city  
9     limits, are granted further leniency for  
10    through traffic every year.

11           Along with increased truck traffic has  
12    come the increase in poor air quality for days  
13    on end in our area. Over the past five years,  
14    I have learned to continually check air  
15    quality to see if it is safe to go outside, to  
16    take a walk to town, to ride my bike, to work  
17    in the garden.

18           For days on end, the air never improves  
19    above moderate. Most days, like yesterday for  
20    instance, it was poor.

21           Since I suffer from severe dust  
22    allergies, particulate matter becomes a real  
23    threat, but my complaints are pale in  
24    comparison to the high levels of childhood

1     asthma in our county.

2             The hundreds of days children and  
3     vulnerable adults spend in emergency rooms,  
4     the lost work days and sometimes jobs for  
5     parents, the lost school days for our future  
6     generations, add up to a massive cost burden,  
7     calculated in human suffering and economic  
8     hardship.

9             But there is another factor of concern  
10    here that is often left out of our political  
11    and legal conversations: The devastation  
12    caused by cumulative impact.

13            As someone who has stood before many  
14    agencies to give public comment, including  
15    this board, I have come to realize that  
16    cumulative impact is never considered. There  
17    are loopholes in permit language, there are  
18    narrow definitions of what can be acknowledged  
19    as relevant, and a myopic view of what really  
20    needs to be done or changed.

21                   HEARING OFFICER LEONI:   10  
22    seconds.

23                   TONI OPLT:   Yet for people like  
24    me, in counties like mine, scarred by heavily

1 industrial pollution as well as diesel exhaust  
2 and agricultural drift, the loopholes are  
3 important. For us, everything matters.

4 So I ask you to pass the Advanced Clean  
5 Truck and Heavy-Duty Low NOx Omnibus rules as  
6 a necessary and positive step toward making  
7 life better for people in Illinois. Thank  
8 you.

9 HEARING OFFICER LEONI: Thank  
10 you.

11 TRACEY GRAGG: Good morning,  
12 everyone. My name is Tracey Gragg, and I'm a  
13 leader with Faith Coalition Environmental Task  
14 Force. I'm here today because diesel  
15 pollution is harming our air, our health, and  
16 our communities.

17 As a bus rider, I have personally  
18 experienced the effects of diesel pollution.  
19 I live on the southeast side of Springfield,  
20 where diesel trucks drive back and forth  
21 through. As I'm waiting at the bus stop,  
22 truck after truck passes, and the fumes from  
23 the trucks give me a headache.

24 [Interruption by the reporter.]



1                   TRACEY GRAGG: Even once the bus  
2 arrives, there is no relief; I'm hit with a  
3 strong smell of gas as it arrives. One time,  
4 I was sitting at the back of the bus, and the  
5 diesel fumes were so overwhelming, they made  
6 me nauseous.

7                   These experiences are not unique to me.  
8 They are the reality for countless people like  
9 me, living on the southeast side of  
10 Springfield. Diesel is among the leading  
11 causes of air pollution in Illinois and across  
12 the country.

13                  Diesel exhaust is especially dangerous  
14 because it contains harmful compounds that  
15 have been linked to serious health conditions,  
16 such as asthma and lung cancer, and a  
17 worsening of chronic heart and lung diseases.

18                  Our most vulnerable, children, seniors,  
19 and those with preexisting conditions, are at  
20 even -- are at even greater risk.

21                  To the Pollution Control Board, the  
22 future of Illinois transportation must be  
23 clean. Zero-emission trucks, buses, and  
24 delivery vans are not just an option; they are

1 a necessity for protecting public health and  
2 ensuring a sustainable future. The time to  
3 act is now. Thank you.

4 HEARING OFFICER LEONI: Thank  
5 you.

6 Next up, we have Anne Logue and Dale  
7 Wojtkowski. Is Dale here? Yes. Okay.

8 And please spell your full name for the  
9 court reporter.

10 ANNE LOGUE: Anne, A-N-N-E,  
11 Logue, L-O-G-U-E, with the Faith Coalition for  
12 the Common Good.

13 Why clean transportation? Five years  
14 ago, I had the opportunity to scour  
15 Springfield, Illinois's urban area, and I was  
16 riveted by the challenges many faced in the  
17 marginalized community. Car ownership was  
18 cited as a luxury, and getting to work,  
19 keeping a job, was directly connected to being  
20 able to have regular public transportation.

21 Public buses, while essential to this  
22 area, go up and down residential areas,  
23 constantly pouring diesel emissions, and  
24 diesel is directly related to childhood

1     asthma.

2             An SIU Med study in Springfield showed  
3     that asthma rates in children in the poorest  
4     ZIP codes are 15 times higher than the  
5     wealthiest areas. We are not protecting our  
6     children.

7             Asthma attacks affect many areas of the  
8     child's life as well as the parents. As you  
9     have heard, taking time off to take your child  
10    to the ER due to asthma attack risk, the  
11    parents' job, hours off their paycheck, vital  
12    money that they could have been earning, and  
13    days missed from school for the child.

14            These traffic emissions can be directly  
15    related to asthma attacks. According to the  
16    American Lung Association, exposure to diesel  
17    exhaust can lead to serious health issues, and  
18    children's developing lungs are especially  
19    sensitive to these effects.

20            In a study, a cross-sectional analysis  
21    of a multiracial cohort of children, areas of  
22    high-traffic roadways have much higher levels  
23    of pollution than the rest of the community.  
24    Results show that the odds of having past or

1 current asthma/asthma-like symptoms among  
2 children with reported high neighborhood  
3 traffic were 101 percent higher than the odds  
4 for children without reported high traffic.

5 There is also a marked racial ethnic  
6 disparity in the prevalence of past or current  
7 asthma/asthma-like symptoms.

8 In addition, transportation makes up 28  
9 percent of greenhouse gas emissions, fueling  
10 the ever-increasing dangers of climate change.

11 HEARING OFFICER LEONI: 10  
12 seconds.

13 ANNE LOGUE: It is estimated we  
14 have a short window to reduce global  
15 temperature rise before it goes to an  
16 irreversible escalation that will not support  
17 life as we know it.

18 In the end, it comes down to the  
19 children, and the ones here are exposed now  
20 and the ones that will pay a much higher price  
21 for our neglect in the future.

22 HEARING OFFICER LEONI: Thank  
23 you.

24 Mr. Wojtkowski, please spell your full

1 name for the court reporter.

2 DALE WOJTKOWSKI: Excuse me?

3 HEARING OFFICER LEONI: Oh, could  
4 you please spell your full name for the court  
5 reporter?

6 DALE WOJTKOWSKI: Oh. Yes. My  
7 name is Dale Wojtkowski. D-A-L-E  
8 W-O-J-T-K-O-W-S-K-I, and I am the chair of the  
9 Kaskaskia Group of the Illinois chapter of the  
10 Sierra Club, and we represent many -- well, we  
11 represent the St. Clair County area, which  
12 includes East St. Louis and Belleville.

13 And we have -- I have personally seen  
14 the testimony from the people living on -- in  
15 the Metro-East that are affected by this type  
16 of pollution, and how much misery it brings to  
17 their lives, their children's lives, and their  
18 grandchildren's lives.

19 And I myself have asthma, and when I  
20 enter these areas, I have to make sure I bring  
21 my respirator or my inhaler with me, because  
22 I'm subjected to asthma attacks, too.

23 So that's why we are supporting the  
24 Advanced Clean Truck and the Advance Clean

1 Cars 2 and the Heavy-Duty Omnibus -- well,  
2 whatever, both those -- all those three things  
3 that we support.

4 And that's all I got to say. I'm  
5 sorry. I'm not very good at speaking in  
6 public.

7 HEARING OFFICER LEONI: Just  
8 fine. Okay. Thank you.

9 Next up, we have Sally Burgess and  
10 Adelaide Zwick.

11 Adelaide is not here. Thank you.

12 Then next up will be Susan Mudd --  
13 Mudd? Thank you. Yes. Cursive. Okay.

14 So Ms. Burgess, please --

15 SALLY BURGESS: I'm the downstate  
16 organizing manager for the Illinois chapter of  
17 Sierra Club, and have lived in the Metro-East  
18 for the last 25 years -- 35 years, I'm sorry.

19 I live outside of Edwardsville, with  
20 farm fields to the north, that's what you see  
21 from my front porch, and to the west, so I get  
22 wonderful sunsets almost every evening. It's  
23 a lovely peaceful place, and I feel grateful  
24 every day to live there, but I have noticed

1 over the years that the air quality has  
2 worsened.

3 This morning, for instance, the first  
4 thing I noticed when I let the dogs out at  
5 4:30 was the smell of chemicals of some sort.  
6 I call it chewable air.

7 Now, I can't trace it directly to  
8 diesel fuel, though we are surrounded by  
9 Amazon distribution centers in the Metro-East.  
10 Most likely it's a cumulative odor of diesel,  
11 refineries, and farm chemicals.

12 So though I don't know exactly what I  
13 was breathing in this crisp cool morning, I  
14 know it wasn't fresh country air.

15 As my colleagues and I carpooled here  
16 today, we decided to count the number of  
17 diesel semi trucks we saw along the highway.  
18 From Hamel to the I-55 turnoff into  
19 Springfield is about 65 miles. 320. In the  
20 relatively short time we were on the highway,  
21 we passed 320 diesel semis.

22 All along our route, on both sides of  
23 the highway, farm fields, rustic barns, cows  
24 and other farm animals, homes. Some would

1 refer to it as a bucolic rural setting, and  
2 the highways were clogged with semi diesel  
3 trucks.

4 Making the transition from smelly and  
5 polluting diesel trucks to zero-emissions  
6 electric vehicles would improve the air  
7 quality in cities, for sure, but also in the  
8 country.

9 So I join my friends and colleagues in  
10 calling on the Pollution Control Board to  
11 adopt the Advanced Clean Truck and Heavy-Duty  
12 Low NOx Omnibus rules. It will be especially  
13 beneficial for frontline communities and BIPOC  
14 communities, and it will also benefit those of  
15 us who live in rural areas.

16 Please, let Illinois be the next state  
17 to state emphatically that clean air is a  
18 unalienable right for all of us. Thank you.

19 HEARING OFFICER LEONI: Thank  
20 you.

21 SUSAN MUDD: Good afternoon, and  
22 thank you for this opportunity to comment on  
23 Illinois adopting the ACT, HDO, and ACC2  
24 rules.



1 I'm a senior policy advocate at the  
2 Environmental Law and Policy Center, and we  
3 strongly support adopting all three of these  
4 rules, although I will focus my remarks on the  
5 ACT rule.

6 Currently the overwhelming majority of  
7 trucks and buses crisscrossing Illinois are  
8 diesel. This includes some 22,000 school  
9 buses.

10 Among those impacted are the nearly one  
11 million Illinois schoolchildren who daily ride  
12 diesel school buss. Riding old diesels buses  
13 has been shown to impede their lung growth and  
14 contribute to missed school days.

15 Thanks to Illinois EPA, VW, and federal  
16 funds, in just the last few years, Illinois  
17 schools and companies have been awarded 700  
18 zero-emission school buses. Children on these  
19 buses have a cleaner and quieter ride to  
20 school, leaving them and their drivers  
21 healthier, calmer from not having to breathe  
22 diesel fumes nor yelling to be heard over the  
23 diesel engine roars.

24 Adapting the ACT rule would lead

1 manufacturers to offer more such cleaner  
2 choices to Illinois fleet owners, with  
3 flexibility as to how to meet it. The daily  
4 mileage of most school bus routes fits well  
5 within the range of the 20 currently available  
6 electric school bus models, so most buses  
7 could run their daily routes on electric  
8 buses, recharge overnight at schools, depots,  
9 or bus drivers' homes.

10 Were manufacturers including  
11 replacement of Illinois school buses as part  
12 of their implementation strategy of ACT, it  
13 would help children's health in learning,  
14 improve air quality in communities, benefit  
15 school districts from reduced operation and  
16 maintenance costs, and accelerate Illinois's  
17 ability to meet the state goal of a million  
18 EVs on the road by 2030.

19 Illinois need not feel alone or afraid  
20 in adopting ACT; it would join 11 other states  
21 already doing so. NESCAUM, the Northeast  
22 States For Coordinated Air Use Management, a  
23 nonprofit association that guides and supports  
24 state government efforts to accelerate the

1 nation's transition to clean transportation,  
2 can provide regulatory and technical expertise  
3 and support.

4 HEARING OFFICER LEONI: 10  
5 seconds.

6 SUSAN MUDD: It has already  
7 supported states in adopting such regulations,  
8 conducted emissions testing for trucks,  
9 analyzed benefits of a number of truck  
10 standard adaptation scenarios, and is in an  
11 excellent position to aid Illinois in adopting  
12 ACT.

13 Steadily shifting to EVs by  
14 implementing ACT and HDO and ACC2 will speed  
15 up the day when Illinois children and adults  
16 can breathe the clean air that all deserve.  
17 Thank you.

18 HEARING OFFICER LEONI: Thank  
19 you.

20 Next up we have Neda Deylami and Thomas  
21 Serelus.

22 Is Thomas here? No?

23 Then next, we'll have McKenna Mason.  
24 McKenna? Okay, great.

1                   NEDA DEYLAMI: My name is Neda,  
2                   N-E-D-A, Deylami, D-E-Y-L-A-M-I.

3                   I'm an attorney with the Environmental  
4                   Defense Fund. Today, however, I speak to you  
5                   as an Illinoisan, a renter, and an EV owner  
6                   since 2017, one of the first five percent of  
7                   Illinoisans to make the switch, so I want to  
8                   share why I think Clean Car and Truck  
9                   Standards are feasible for Illinois.

10                  Charging infrastructure is keeping up  
11                  with EV sales. Most EV owners will charge at  
12                  home and rarely ever have to use a public  
13                  charger. Same for fleet vehicles that have  
14                  long dwell times in depots; it only takes five  
15                  seconds to plug in, and wake up to a full  
16                  tank.

17                  Under the EV Charging Act --

18                         [Interruption by the reporter.]

19                  NEDA DEYLAMI: Sorry -- renters  
20                  and those in multifamily homes like me have a  
21                  right to charge, and every new home in  
22                  Illinois is now built to support future  
23                  charging needs.

24                  For road tips, the range of EVs these

1 days tends to be much, much longer than the  
2 average bladder. I drove 220 miles here  
3 today. I stopped once, went to the bathroom,  
4 and by the time I was done, my charge was  
5 charged.

6 The standards actually help build  
7 charging infrastructure by helping charging  
8 providers and utilities plan for it.

9 ZEV sales are also booming. Battery  
10 tech is improving at such a rapid rate that  
11 the battery size in my first EV costs the same  
12 now as a vehicle with at least three times the  
13 range. States that have already adopted  
14 standards have the widest availability of  
15 vehicles and lower prices, and we know that  
16 manufacturers are selling more ZEVs in those  
17 states than they need to meet requirements  
18 there, which means they can do it here, too.

19 I love my EV. I love not having to  
20 think about oil changes or gas prices. I love  
21 that the only maintenance I have done over  
22 50,000 electric miles is wiper fluid and tire  
23 rotation. I love warming up my car in a  
24 garage on a freezing winter morning and not

1 poisoning anybody.

2 I want every Illinoisan to have the  
3 opportunity to experience these benefits, and  
4 these standards give them that choice.

5 This isn't a matter of technical  
6 feasibility, but rather the will to meet the  
7 people where they are in demanding choices,  
8 demanding cleaner air, and demanding a  
9 habitable planet.

10 It won't happen overnight, but the ZEV  
11 revolution is inevitable. The question that  
12 remains is whether the State of Illinois,  
13 whether this board will meet its duty to  
14 protect the health and well-being of  
15 Illinoisans that you serve to take the action  
16 needed, or will you dig us even deeper into  
17 the hole of the climate and pollution crisis  
18 that threatens all of us and kills hundreds of  
19 Illinoisans a year. Thank you.

20 HEARING OFFICER LEONI: Thank  
21 you.

22 MCKENNA MASON: Hi. My name is  
23 McKenna Mason, and I have recently moved here  
24 to Chicago from rural Missouri. I am the

1 manager of policy and advocacy of the  
2 Respiratory Health Association, and I am here  
3 in my own personal capacity today.

4 I've been thinking about these issues  
5 quite a lot lately. Three weeks ago, I made  
6 an eight-hour trip Weldon, Iowa. My  
7 grandmother had been admitted to the hospital.  
8 She was diagnosed with brain, liver, and lung  
9 cancer, and she was given two weeks left to  
10 live.

11 Lying in her hospital bed, you could  
12 barely tell the small fierce woman was sick,  
13 until she tried to draw in a breath, and her  
14 lungs rattled and struggled with effort.

15 This past weekend, I repeated the  
16 drive. This time, it was for her funeral.

17 We know that emissions from vehicles  
18 are incredibly harmful. Toxic fumes enters  
19 our lungs and increase our risk of cancer and  
20 other respiratory illnesses. This issue is  
21 also disproportional. People experiencing  
22 poverty are exposed to 35 percent more air  
23 pollution than the average American.

24 Statistics are easy to cast off in our

1 head as numbers. It's a different story when  
2 you are watching your family member lying in a  
3 hospital bed, dying from lung cancer.

4 This is a serious issue across our  
5 state, but we have hope. We have a way to  
6 solve this issue to prevent others from  
7 watching their loved ones slowly pass away in  
8 front of them.

9 I moved to Illinois to continue the  
10 mission I began in Missouri. I worked to get  
11 people elected who promised to work for a  
12 better future for us all. I will continue  
13 that fight today.

14 13 out of 23 counties in Illinois  
15 received a C or lower on the State of the Air  
16 report. We can do better for our people and  
17 for our state. Illinois has the capability to  
18 be a leader in EV technology and clean  
19 emissions.

20 No one should have to go through what  
21 my family did, adopt the ACT, HDO, and ACC2  
22 rules for a better, cleaner future for our  
23 state. Thank you for your time today.

24 HEARING OFFICER LEONI: Thank



1     you.

2                 Next, we have Nick Dodson and Caroline  
3     Wooten.

4                         NICK DODSON:   My name is Nick  
5     Dodson, and I serve as the chair of the  
6     Sangamon Valley Sierra Club here in  
7     Springfield.  I'm here today because Illinois  
8     has an opportunity to take real action on one  
9     of the biggest environmental and public health  
10    threats we face, transportation pollution.

11                        For years, locally we fought for  
12    cleaner air and water in central Illinois.  We  
13    worked to shut down Springfield's municipal  
14    coal plant, opposed dangerous CO2 pipelines,  
15    and stood against fracked gas plant threats,  
16    but we continue to make strides, especially in  
17    transportation.

18                        Illinois ranks as the seventh most  
19    polluting state in our nation for CO2  
20    emissions, with transportation as the number  
21    one contributor.

22                        And this isn't just about climate  
23    change; it's about the air we breathe every  
24    single day.  Diesel pollution is choking our

1 communities.

2 According to the Respiratory Health  
3 Association, in 2023 alone diesel pollution in  
4 Illinois was projected to cause nearly 200  
5 heart attacks and over 5,000 asthma attacks.

6 Think about what this means. That's  
7 hundreds of families sitting in hospital  
8 rooms, hoping their loved ones survive.  
9 That's thousands of children struggling to  
10 breathe, missing school, suffering lifelong  
11 health consequences. And at what cost?

12 But we do have a solution. By adopting  
13 the Advanced Clean Truck standard, the Heavy  
14 Trucks Omnibus rule, and the Advanced Clean  
15 Cars 2 standard, Illinois can cut pollution at  
16 its source. We can get more electric trucks  
17 and cars on the road, reduce dangerous  
18 emissions, and invest in cleaner air for  
19 everyone.

20 This is about more than just policy;  
21 it's about justice. It's about holding  
22 corporate polluters accountable instead of  
23 letting them put profits over people.

24 Springfield sits at a crossroads of

1 I-55 and I-72. We know what diesel and gas  
2 pollution do in our community. We feel it in  
3 our lungs, we see it in our hospitals, and we  
4 live with those consequences every day.

5 I urge the Illinois Pollution Control  
6 Board to do the right thing. Stand up for  
7 working families, and stand up for public  
8 health.

9 HEARING OFFICER LEONI: Thank  
10 you.

11 And I know we only have about two  
12 minutes per comment, but if everyone could try  
13 to speak clearly for the court reporter, that  
14 would be great. Thank you all very much.

15 Ms. Wooten?

16 CAROLINE WOOTEN: So my name is  
17 Caroline. I live in the Bridgeport  
18 neighborhood of Chicago. I urge the Pollution  
19 Control Board to use your power to ensure  
20 Illinois adopts the Clean Vehicles Standards.

21 Despite some big strides forward on  
22 building the clean energy economy, Illinois is  
23 still the 7th most polluting state in the  
24 nation, and transportation is the leading

1     cause of that CO2 pollution.

2             It feels like every season we witness a  
3     new unnatural disaster, from devastating  
4     hurricanes to wildfires to bitter and  
5     extreme -- to bitter cold and extreme heat.  
6     These disaster are exacerbated by our rapidly  
7     warming climate and take lives, health,  
8     livelihood, communities and more.

9             I remember how absolutely demoralizing  
10    it was to walk outside with a mask on to  
11    protect myself from the heavily polluted air  
12    during the summer of 2023, when Canadian  
13    wildfire smoke made the air quality in Chicago  
14    dirty and dangerous.

15            Living in Chicago, summer is something  
16    you look forward to, and it felt like so many  
17    summer weekends were lost to poor air quality.  
18    This is a small loss compared to what some  
19    have lost and will lose to climate change, but  
20    the feeling of hopelessness and powerlessness  
21    is something I won't forget.

22            It's not just wildfires that pollute  
23    our air. Cook County is the top one percent  
24    of counties when it comes to diesel pollution.

1 In my old apartment, I wouldn't go on runs  
2 because the pollution from the trucks going up  
3 and down Halsted and in and out of the old  
4 stockyards, as well as trucks coming and going  
5 from the Norfolk Southern railway yard, just  
6 made the air too polluting.

7 Being outside was unpleasant, and it  
8 was -- it's about more than just enjoyment.  
9 Diesel pollution is linked to many health  
10 problems. Lung cancer, bladder cancer, asthma  
11 attacks, heart disease, and more.

12 I'm lucky that I live further from  
13 industrial zones than I did then, but not  
14 everyone has that choice, and honestly, there  
15 is still a lot of pollution in my  
16 neighborhood, much of it from I-55 and I-90.

17 I urge you to use your power as the  
18 Pollution Control Board to adopt the ACT, HDO,  
19 and ACC2. Not only will it help us do our  
20 part as a state when it comes to climate  
21 change; these rules will quite literally save  
22 lives in the short term. Thank you.

23 HEARING OFFICER LEONI: Thank  
24 you.

1           Next up, we have Nicole Saulsberry and  
2 Ann Schreifels. Schriver -- it's hard to  
3 read. I apologize. Is Ann with Sierra Club  
4 here? Okay.

5           NICOLE SAULSBERRY: Good  
6 afternoon, ladies and gentlemen. My name is  
7 Nicole Saulsberry. I'm the state government  
8 representative of the Sierra Club Illinois  
9 chapter. I am based here in Springfield, and  
10 I'm honored to be here on this momentous  
11 occasion to urge all of you to adopt the Clean  
12 Vehicle Standards for the Clean Transportation  
13 Package.

14           I am sure that all of you are aware of  
15 the startling statistics regarding the top 12  
16 counties in Illinois that suffer most from  
17 transportation pollution, especially  
18 particulate matter.

19           The health costs are extremely  
20 disconcerting. Tailpipe pollution has been  
21 the cause of so many ailments for many  
22 Illinoisans.

23           A report entitled "The Dirty Dozen: The  
24 impacts of diesel engine pollution in

1 Illinois," which was published by the  
2 Respiratory Health Association, stated that  
3 particulate matter 2.5 exposure has been  
4 associated with asthma attacks, use of asthma  
5 medications for children, and more frequent  
6 visits to the emergency room.

7 Other ailments include acute  
8 bronchitis, lung cancer, bladder cancer,  
9 irritation of the eyes, nose and throat, and  
10 the list goes on and on. I strongly believe  
11 that that these respiratory illnesses can be  
12 reduced if we transform the way we think about  
13 the future of transportation.

14 By adopting the Clean Vehicle  
15 Standards, you can alleviate the overburdened  
16 health care system in Illinois. Fewer  
17 hospital visits mean less time off from work  
18 and school, hence more productivity. But the  
19 most important result is that we are saving  
20 lives.

21 Millions of Illinois residents will be  
22 able to breathe cleaner air as a result of the  
23 policies -- policies that we adopt this year.

24 Personally, I don't have a respiratory

1 illness, and I don't know of anyone who has.  
2 However, I'm here to speak up for those who  
3 suffer from such illnesses who aren't here. I  
4 care about the future health of all  
5 Illinoisans.

6 We are at a crossroads right now. We  
7 have the ability and the power to act now.  
8 There is enough information about the health  
9 consequences stemming from transportation.  
10 There needs to be a cultural shift in  
11 achieving the goal of cleaner air.

12 I strongly you to adopt the Clean  
13 Vehicle Standards this year. Clean air can't  
14 wait and shouldn't wait. Just like clean  
15 water, clean air is a non-negotiable human  
16 right, regardless of race, socioeconomic  
17 background, sexual orientation, age, or  
18 religion.

19 HEARING OFFICER LEONI: 10  
20 seconds.

21 NICOLE SAULSBERRY: Okay. If  
22 Illinois wants to achieve its decarbonization  
23 goals set forth in CEJA, we must continue in  
24 the same vein and push forward and not cower.



1 Many people are counting on you, and the final  
2 decision you make will determine whether or  
3 not Illinois can look forward to cleaner air  
4 in the future. Thank you.

5 HEARING OFFICER LEONI: Thank  
6 you.

7 ANN SCHREIFELS: Good afternoon,  
8 everyone. Thank you for hearing from the  
9 public on this.

10 My name is Ann Schreifels, and I  
11 retired from Caterpillar about five years ago.  
12 And so I want to be clear, I'm not speaking on  
13 behalf of the company, but it's relevant to  
14 the story that I'm going to tell you.

15 And that is, in the early 2000s, my job  
16 at Caterpillar, I was the launch manager for  
17 emissions-reduction engines. This was back  
18 when the Tier 1 through Tier 4 mandate was in  
19 effect for heavy-duty diesel engines.

20 So my job as the launch manager is to  
21 make sure that these engines made it into the  
22 world. And I'm going to tell you, there was a  
23 lot of complaining. There was a lot of  
24 griping. Caterpillar didn't want to go

1 through this, but it was a mandate and had no  
2 choice. But I also want to tell you that  
3 Caterpillar could not have done this on their  
4 own. They could not have responded to  
5 customer demand, and there was customer demand  
6 for cleaner-burning engines.

7 It took the mandate for this to happen,  
8 because it took the fuel companies, it took  
9 the fuel suppliers, it took the filter  
10 manufacturers, the software engineers, the  
11 turbo designers, it took everybody in the  
12 industry to pull together to make this happen.

13 And since it was a phased approach,  
14 this could happen step by step by step. But  
15 had that mandate not been put in place, there  
16 was absolutely no way that any one company  
17 could have made a difference and could have  
18 moved the needle that far.

19 So that's what I'm asking you today, is  
20 that you as the Board make it easier for  
21 everybody to work together and pull the  
22 industry into a direction that makes life  
23 better for everyone. Not only the people that  
24 profit from the industry, the truck

1 manufacturers, the car manufacturers, the  
2 charging infrastructure, but the people that  
3 live here, too.

4 Now, I'm -- as part of the -- as part  
5 of the launch manager's job, I needed to, you  
6 know, sell the benefits of this new engine.  
7 And honest to goodness, it was the best engine  
8 that Caterpillar ever made, in terms of fuel  
9 efficiency, in terms of reliability, in terms  
10 of durability, but we could never have gotten  
11 there unless this mandate was in place.

12 Also, as the launch manager, I had to  
13 learn about the emissions benefits of this new  
14 engine, and that's not something that I --  
15 that I knew prior.

16 But learning about that -- you know how  
17 science sometimes makes you less fearful of --  
18 when you understand something, you are less  
19 afraid of it? This was the exact opposite.

20 I started to understand particulate  
21 matter, and I started to understand NOx, and I  
22 became more fearful, because I'm a runner, and  
23 I was putting a high quantity of air through  
24 my lungs.

1 HEARING OFFICER LEONI: 10  
2 seconds.

3 ANN SCHREIFELS: I started to  
4 question, what was that doing to me?

5 So I ask you to support these  
6 rulemaking processes and to make the air a  
7 cleaner place for everyone to breathe and  
8 operate in. Thank you.

9 HEARING OFFICER LEONI: Thank  
10 you.

11 Next, we have Joyce Blumenshine and  
12 Jenny Minnelli.

13 If Jenny is not here, we have Bill  
14 Bodine.

15 JOYCE BLUMENSHINE: And I want to  
16 thank the Pollution Control Board, all your  
17 staff here today. I'm from Peoria.

18 I have a long connection to clean air  
19 issues for Illinois, because I grew up in a  
20 family where my father died of lung cancer, my  
21 mother died of COPD, the chronic breathing  
22 problems. So when you go through that with  
23 family members for years, you value breath.

24 And I know that you, the Pollution

1 Control Board, value your role here in  
2 Illinois. We, as citizens, certainly do. We  
3 see that you have the power and the authority  
4 to affect practical comprehensive rules that  
5 will help not only people like me and my  
6 family and my sister and her kids and  
7 everybody here, but for generations in the  
8 future.

9 And that's why I'm here today this  
10 afternoon, because I really want to ask you to  
11 please consider and proceed with your clean  
12 truck and clean car tailpipe emissions,  
13 because your leadership now at this time for  
14 our state, and the country, will really make a  
15 difference.

16 And it's not just a difference for our  
17 health, and the budgets people pay on asthma  
18 medicine, and the medicines I -- some of my  
19 family have to take care of, but it makes a  
20 difference for our economy.

21 Just 40 minutes from where I live is  
22 Rivian. It is one of the new electric vehicle  
23 producers here in Illinois, with thousands of  
24 new workers. It has brought a booming economy

1 to that area, and we can see progress on  
2 multiple levels in our state with clean  
3 tailpipe emissions rules.

4 Those regulations can be done in  
5 concert with the progress with the entities,  
6 because the technology is here. The trucks  
7 are here, the cars are here, and I as a  
8 willing consumer is here. I drive a hybrid,  
9 but I have got a plug-in now in my garage.

10 So I think it can -- this change can  
11 happen, but, you know, change is hard for  
12 regular people. It's hard for all of us. It  
13 takes a push. And you have the authority and  
14 the ability for that push with reasonable  
15 regulations, which I'm here to ask you please  
16 to do.

17 The clean act for trucks, the diesel  
18 NOx concerns, and the Clean Car 2, because  
19 those tailpipe rules will make a huge  
20 difference for all of us. Thank you so much.

21 HEARING OFFICER LEONI: Thank  
22 you.

23 Is Jenny Minnelli here? No?

24 All right. Then Bill Bodine.

1 BILL BODINE: Yes. Thank you.  
2 My name is Bill Bodine. I'm director of  
3 business and regulatory affairs for the  
4 Illinois Farm Bureau. We are the state's  
5 largest general farm organization, and we  
6 represent more than 70,000 farmers and  
7 landowners in Illinois.

8 [Interruption by the reporter.]

9 BILL BODINE: I'm going to  
10 summarize a more lengthy public comment that I  
11 will be filing in writing, due to our time  
12 limitations today.

13 IFB members support market-based  
14 solutions rather than state-mandated emission  
15 limits or vehicle sales mandates to achieve  
16 emission reductions from our transportation  
17 sector.

18 The rule proposal before the Board will  
19 disproportionately impact farmers and rural  
20 residents, it will harm the ag industry, and  
21 IFB urges the Board to reject it.

22 In its place, IFB would encourage the  
23 Board to explore opportunities to reduce or  
24 eliminate greenhouse gas emissions from the

1 transportation sector by increasing the use of  
2 biofuels.

3 Farmers are facing their third year of  
4 net negative returns, with no end in sight to  
5 their financial stress. They are unable to  
6 recapture increased costs, because they  
7 participate in commodity markets, so they can  
8 ill afford to absorb the higher upfront  
9 investment costs for vehicles that this rule  
10 will mandate upon them.

11 In information provided by proponents  
12 of the rule, they clearly stated that rural  
13 residents will likely be required to invest in  
14 more expensive zero-emission vehicles than  
15 their urban counterparts to meet their  
16 increased mileage requirements for daily  
17 driving activities.

18 This places an unfair and greater  
19 burden on farmers and rural residents to meet  
20 the requirements of the rule.

21 IFB is also concerned with the lack of  
22 charging infrastructure in rural areas, the  
23 inability of the rural electric grid to meet  
24 increased electricity demand, and the lack of



1 resource adequacy for electricity generally in  
2 Illinois. These concerns will also lead to  
3 increased costs for our farmers that they can  
4 ill afford to absorb.

5 Proponents again try to address these  
6 issues by discussing programs and efforts of  
7 the regulated utilities in Illinois, ComEd and  
8 Ameren. However, IFB would point out that  
9 many of our members are not served by the  
10 regulated utilities in Illinois; they are  
11 served by rural electric cooperatives.

12 Rural electric cooperatives may not  
13 have the ability to offer the same incentives  
14 for infrastructure, for chargers, for  
15 zero-emission vehicles, that their regulated  
16 utility counterparts could, again  
17 disproportionately impacting rural residents  
18 and farmers.

19 Rather than approve regulations that  
20 mandate zero-emission vehicles and eliminate  
21 consumer choice, IFB encourages the Pollution  
22 Control Board to explore opportunities to  
23 reduce or eliminate greenhouse gas emissions  
24 from the transportation sector by expanding

1 the use of biofuels.

2 The U.S. Department of Energy's  
3 Bioenergy Technologies Office has proven that  
4 biofuels cannot only be net zero greenhouse  
5 gas emission transportation fuels, but they  
6 can be net negative greenhouse gas emission  
7 transportation fuels.

8 HEARING OFFICER LEONI: 10  
9 seconds.

10 BILL BODINE: So utilizing and  
11 expanding the use of biofuels will reduce  
12 greenhouse gas emissions, it will support  
13 rural economic development, it will support  
14 farmers in the ag industry that are the  
15 economic engine for downstate Illinois.

16 So the Illinois Farm Bureau would,  
17 again, urge the Board to reject this proposal  
18 that disproportionately harms farmers and  
19 rural residents and ignores the benefits that  
20 biofuels could bring to Illinois's environment  
21 and economic development.

22 HEARING OFFICER LEONI: Thank  
23 you.

24 BILL BODINE: Thank you.

1 HEARING OFFICER LEONI: Next, we  
2 have Ginny Wojtkowski and Noah Finley.

3 GINNY WOJTKOWSKI: Hi. I'm Ginny  
4 Wojtkowski, and I live and breathe in the  
5 Metro-East part of Illinois.

6 Kind of reluctant to get up here to  
7 speak. It makes me uncomfortable. But a few  
8 days ago, I woke up to an NPR report that the  
9 U.S. State Department said it would stop  
10 publishing global air pollution data.

11 This is a program that has set  
12 worldwide standards for measuring air quality,  
13 and has had the effect of reducing pollution  
14 in many areas of world, just having the data.

15 So it is imperative that we act --  
16 since we have to act locally, it's imperative  
17 that we do so for our communities and our  
18 people. We can't relax and assume that a  
19 larger entity will take care of it, and  
20 Illinois can be a mover in this area.

21 Data provided by the Clean Air Task  
22 Force, Respiratory Health Association, was  
23 able to identify the Illinois counties that  
24 most -- counties most affected by diesel

1 engine air pollution.

2 An analysis of these data reveal that  
3 12 of Illinois's 102 counties rank in the top  
4 nine percent of all U.S. counties at risk of  
5 the health, social, and economic impacts  
6 caused by diesel fine particle pollution.

7 Illinois, by virtue of its location, is  
8 a transportation crossroads and hub.

9 Metro-East, which shares highways and bridges  
10 with St. Louis, another large city, is a  
11 hotspot for the air pollution caused by  
12 transportation. And this is part of our  
13 danger.

14 Despite knowing that Metro-East is a  
15 transport hub and hotspot, there is not much  
16 accessible data on diesel pollution that is  
17 specific to Madison and St. Clair Counties.  
18 Health data for those cities within these  
19 counties are limited and sometimes not  
20 representative.

21 This shows an urgent need for the  
22 independent data collection on truck count and  
23 location, and accurate and complete data on  
24 health risks for BIPOC communities in those

1 counties.

2 HEARING OFFICER LEONI: 10  
3 seconds.

4 GINNY WOJTKOWSKI: Okay. So I  
5 finally worked up the nerve to speak. We have  
6 to -- we want to urge you to pass the Advanced  
7 Clean Truck, Heavy-Duty Omnibus rules for Low  
8 NOx, and Advanced Clean Cars 2.

9 Together, with better data, these rules  
10 reduce pollutants in the air, bring health  
11 benefits to communities living in areas  
12 concentrated with diesel pollution, and can  
13 bring more clean vehicles to the state, which  
14 can have a wider beneficial ripple effect.  
15 Thank you for your time.

16 HEARING OFFICER LEONI: Thank  
17 you.

18 NOAH FINLEY: Good afternoon. My  
19 name is Noah Finley, and I'm the state  
20 director for the National Federation of  
21 Independent Business, or NFIB. We are a small  
22 business advocacy organization, the largest in  
23 the state, with approximately 10,000 members  
24 spread throughout Illinois.

1           NFIB member businesses are  
2   independently owned and reflect the diversity  
3   of Illinois's small business community. They  
4   come from transportation, agriculture,  
5   professional services, manufacturing,  
6   hospitality. Pretty much any type of small  
7   business, they are in our organization.

8           In a recent survey of NFIB members in  
9   Illinois, an overwhelming majority, 99 percent  
10  of them, opposed the banning of the sale of  
11  new gas- and diesel-powered vehicles.

12          In a follow-up survey that we did for  
13  our members, 90 percent of small business  
14  respondents indicated that these rules that  
15  are under consideration today would impact  
16  their businesses. Many indicated that if  
17  these rules were adopted, they would  
18  reevaluate their current business practices,  
19  and a significant percentage of them also  
20  indicated that they would consider moving  
21  out-of-state.

22          In NFIB's monthly small business  
23  economic trend surveys, inflation and rising  
24  costs consistently ranked as the number one

1 small business issue. These proposed rules  
2 would make it more expensive for small  
3 business owners to do business in Illinois,  
4 and remove their ability to choose what is  
5 best for their families, their employees,  
6 their businesses, and their communities.

7 Small business owners want to invest in  
8 their businesses, create thriving communities,  
9 and build a better tomorrow; but top-down  
10 mandates like these would put their small  
11 businesses at a disadvantage compared to  
12 competitors in neighboring states,  
13 jeopardizing their investments in communities  
14 across Illinois.

15 So on their behalf, I'm asking the  
16 Board today to say no to these costly top-down  
17 one-size-fits-all mandates, and preserve our  
18 small business communities. Thank you.

19 HEARING OFFICER LEONI: Thank  
20 you.

21 Next, we have the final two listed  
22 comments, Jim Randolph and Zumbi Bayano.

23 JIM RANDOLPH: Thank you. My  
24 name is Jim Randolph. I am the executive

1 director for the Illinois Ready Mixed Concrete  
2 Association. I had 47 years in the ready  
3 mixed concrete business, just in Taylorville,  
4 Pana, outside of the Springfield area.

5 I'm here because I want to make the  
6 Board aware of the consequences to our  
7 industry, in that number one, we are probably  
8 the most sustainable greenest product,  
9 building product that's used by all today.

10 We have reduced our carbon footprint by  
11 over 30 percent in just the last five years,  
12 and we're on a fast track to reduce it even  
13 more. We do that by capturing carbon within  
14 our concrete, as well as building with  
15 concrete construction that embodies and saves  
16 energy, so we are doing our part in that.

17 When it comes to the trucking side of  
18 it, our trucks do one thing: Mix concrete.  
19 That's all they can haul. Our trucks sit  
20 seasonally, much of the year not doing  
21 anything. So they last, and they last a good  
22 while.

23 I did a survey, and if this in its  
24 current form was passed, over 80 percent of



1     our producers would have to ditch their  
2     trucks. There would be no resale for it, and  
3     it would be extremely expensive to replace  
4     them. Just since 1999 to current, a truck  
5     itself costs two-and-a-half to three times  
6     what it did back in the day.

7             Another problem for us would be the  
8     bordering states that have plants on the  
9     borders that would not have to meet these  
10    standards, and so that would be a totally  
11    unfair competitive edge given that would  
12    affect our employees, let alone our  
13    businesses, and it would be a great number of  
14    people.

15            So I would just say, in regards to our  
16    industry, it would be very difficult, if not  
17    impossible, to meet your standards, it would  
18    put our businesses, many of them out of  
19    business, many of them family-owned still and  
20    otherwise.

21            So I hope that you'll reject the  
22    standard in its current form and take all of  
23    these consequences into consideration as you  
24    move forward. Thank you.

1 HEARING OFFICER LEONI: Thank  
2 you.

3 ZUMBI BAYANO: And I'm here to  
4 speak on behalf of the community today, the  
5 east side community, also Derek Groves (sic).  
6 I was invited by a friend, Nick Dodson back  
7 here, to speak on the issues of air pollution.

8 And I'm a person that has two kids that  
9 have suffer from pulmonary obstruction  
10 disease. They have been diagnosed with static  
11 asthma, and so we have continuous dealings  
12 with hospital issues. And what I'm seeing  
13 today right now is, right, we have a dilemma  
14 here.

15 We have capitalist-driven individuals  
16 up there, trying to protect the well-being of  
17 people that's up here describing the harmful  
18 effects of this pollution in the air.

19 Now, the thing about this is, is like  
20 how long are we going to continue to let  
21 capital drive what's harming the rest of the  
22 earth in the ground? And that's what going on  
23 right here, is this capital-driven society.  
24 It's always money.

1           Everybody in here should value air,  
2       because if you hold your breath for 30  
3       minutes, let me see if you can do it. Who can  
4       in here survive without air?

5           So good air pollution should be a  
6       primary there -- there should not be no  
7       discrepancy, and we should not be driven by  
8       capital, because the only thing we sitting up  
9       here talking about is preserving money but not  
10      the health and the well-being of the people,  
11      and I'm standing on that. So that's where I'm  
12      at.

13                   HEARING OFFICER LEONI: Thank you  
14      very much. And thank you again to everyone  
15      who gave public comments.

16           I understand that we have a few  
17      additional members of the public who would  
18      like to give comments who didn't have a chance  
19      to sign up. I think we'll extend the public  
20      comment period about 15 minutes, 14 minutes.

21           So at 2:15, we'll take a brief  
22      five-minute break, and then conclude public  
23      comments and resume the questioning of Mr.  
24      Doll and Mr. Stieren.

1           So since we don't have names on the  
2     list, anyone who wishes to give public  
3     comment, if you could just please line up  
4     here. We can take about five more people, I  
5     would say. Truly first-come/first-serve.

6           And again, please state your name and  
7     spell your full name for the court reporter if  
8     you are giving a comment.

9           SAM BEARD: Hi, my name is Sam.  
10    I am a lifelong resident of Illinois. I have  
11    lived in Naperville, Carbondale, and seven  
12    different neighborhoods in Chicago.

13           According to its mission statement, the  
14    Illinois Pollution Control Board recognizes  
15    the constitutional right of the citizens of  
16    Illinois to not only enjoy a clean environment  
17    but also to participate in state  
18    decision-making toward that end.

19           Thank you for taking seriously this  
20    process of furthering our democracy and  
21    protecting our state.

22           Just a few years ago, Chair Flynn  
23    Currie, you said, quote, I am confident that  
24    50 years from now the Board will be able to

1 point to a continuing record of protecting the  
2 environment and the health of the people of  
3 Illinois, end quote.

4 Your board is currently positioned to  
5 cement that legacy.

6 Most of the speakers who spoke before  
7 me already articulated very clearly the ways  
8 in which adopting these Clean Vehicle  
9 Standards will protect both the environment  
10 and the health of the people of Illinois.

11 So over the next few months, I  
12 encourage you, Madame Chair, and each  
13 distinguished board member here, to take  
14 seriously both the mission of your board and  
15 the legacy it will leave behind.

16 I will leave you with a quote today.  
17 Quote, the bulk of the air pollution problem  
18 can be summed up in the following categories:  
19 Particulate matter, such as smoke and dust,  
20 largely from fuel combustion; and carbon  
21 monoxide, lead, nitrogen oxides, and unburned  
22 hydrocarbons, largely from motor vehicles, end  
23 quote.

24 This quote comes from the inaugural

1 report by the first chairman of the Illinois  
2 Pollution Control Board, David P. Currie,  
3 drafted 53 years ago in 1971.

4 Your board and its predecessors have  
5 acknowledged the centrality of internal  
6 combustion vehicles as the primary source of  
7 air pollution in the state for five decades  
8 now, and your team right now has the  
9 opportunity to make history by doing something  
10 about it. Thanks.

11 HEARING OFFICER LEONI: Thank  
12 you.

13 MIKE GALLAGHER: Good afternoon.  
14 My name is Mike Gallagher, and I live just one  
15 block east of Highway 47 in Morris, Illinois.  
16 It's a community that includes families,  
17 retirees, and a grade school. Grundy County  
18 is one of the dirty dozen for poor air quality  
19 in the State of Illinois.

20 I retired from veterinary medicine in  
21 2020. I sold my practice in Douglasville,  
22 Georgia, to return to Morris to take care of  
23 my elderly mother, who has congestive heart  
24 failure, and one of our neighbors is battling

1 lymphoma right now, and I too have survived  
2 cancer. These are just a couple examples of  
3 the effects of poor air quality, poor water  
4 quality.

5 I also served in the Navy, and while  
6 there, I decided to quit smoking and take up  
7 long-distance running, only to find myself  
8 breathing the exhaust fumes from all the  
9 hangar equipment in -- on the aircraft carrier  
10 where I served.

11 That space is like a giant warehouse,  
12 with huge open doors, but even there, the --  
13 you could -- the "chewable air" analogy was  
14 very appropriate, and that's where I first  
15 learned of kind of the exhaust pollution  
16 effects on us.

17 I also would see, when we were on  
18 coastlines by a city, I would see the city  
19 obliterated by rust-colored clouds that kept  
20 me from seeing the shore. All I would see is  
21 this big cloud of smog.

22 Now, as a longtime cyclist and a  
23 bicycle commuter, I have spent many years  
24 sharing the road with cars and trucks, and the

1 impact of vehicle emissions is undeniable.  
2 Our atmosphere functions like that giant  
3 warehouse; it's just a lot bigger, but it  
4 still accumulates all the pollution.  
5 Everything that we burn, we do breathe.

6 When I lived in Georgia, I had to go  
7 through the slight hassle of having annual  
8 emission testing on my car. Since I moved up  
9 to Morris, I'll see a truck that's spewing  
10 black or gray smoke out of its exhaust, or  
11 cars with oily exhaust, and I think to myself,  
12 no emissions testing.

13 The evidence is overwhelming. Air  
14 pollution harms our health, it harms our  
15 economy by decreased productivity of workers,  
16 it decreases the ability of children to learn  
17 in school. That's all well documented.

18 HEARING OFFICER LEONI: 10  
19 seconds.

20 MIKE GALLAGHER: Oh. My main  
21 concern is what this means for our children  
22 and our grandchildren. I want them to have  
23 the same life opportunities that I have had.  
24 I'm asking that you take action and pass the



1 Clean Vehicle Standards.

2 HEARING OFFICER LEONI: Thank  
3 you.

4 MIKE GALLAGHER: Thank you.

5 LINDA TREY: I work for the Union  
6 of Concerned Scientists. I also am a  
7 voluntary member of the Chicago  
8 Asian-Americans for Environmental Justice.  
9 I'm a steering committee member, but today I'm  
10 just speaking as an Illinois resident.

11 Illinois is a freight hub, as others  
12 have referenced. It is an important location  
13 in the transportation of products in North  
14 America.

15 The heavy-duty trucks transporting  
16 these goods create pervasive air pollution,  
17 and Illinois was ranked fifth in the country  
18 in dust from fine particulate matter pollution  
19 per capita in 2023.

20 This air pollution is inequitably  
21 experienced. Asian-Americans,  
22 African-Americans, and Latinos are exposed to  
23 32, 21, and 19 percent higher pollution than  
24 the state average, according to research from

1 the Union of Concerned Scientists.

2 At a time when federal protections  
3 against air and water are being rolled back  
4 and dismantled, we need our state  
5 decision-makers to step up and implement  
6 safeguards for our state. The recent Supreme  
7 Court decision has already put our water at  
8 risk.

9 So please adopt the Advanced Clean  
10 Trucks, Heavy-Duty Omnibus, and Advanced Clean  
11 Car 2 rules this year to protect our air for  
12 Illinois. Thank you for the opportunity to  
13 comment.

14 HEARING OFFICER LEONI: Thank  
15 you.

16 EVAN BROWN: Hello, everyone, and  
17 there as well. So I'm here today as a  
18 concerned community member.

19 I started a community garden here a few  
20 years ago by Southeast High School, in the  
21 neighborhood of Johnson Park. It's the  
22 lowest-income, lowest-education level  
23 neighborhood in Sangamon County. It's a food  
24 desert.

1           There is no anything for the kids to do  
2 after school, or, you know, no safe spaces.  
3 So you know, those kids could really use some  
4 clean air and not another issue on the things  
5 that they can't control that they have to  
6 worry about.

7           I also -- you know, I like the comments  
8 that were made about the farm industry. You  
9 know, taxpayers, we already heavily subsidize  
10 the farming industry, and I think that to get  
11 a little creative and phase out some, you  
12 know, diesel tractors for some clean ones  
13 isn't a huge hurdle. I think we can work  
14 through that, for sure.

15           I think you guys have an obligation to  
16 protect us, as citizens. We, you know, can't  
17 just leave it up to the free market to protect  
18 us, and I think everyone here enjoys clean  
19 air, at least the clean air that we do have.

20           And in my career, I'm a photographer,  
21 I'm a videographer, and I have gotten to  
22 travel the world. I've been very fortunate  
23 and very successful in my career.

24           I've been all over world. I've been to

1 countries that don't regulate air pollution as  
2 strictly as we do here, and it's not  
3 pleasurable to be there, to breathe in the  
4 air; and I've been to places that regulate a  
5 lot more strictly, and you can tell the  
6 difference when you are in a place that does  
7 that.

8 So I encourage you guys to, you know,  
9 look at these -- the bills that everyone --  
10 the aforementioned bills that everyone is  
11 talking about.

12 It's very important to us that -- we  
13 here in Springfield also have an Amazon  
14 facility, a major distribution facility,  
15 that's being put in, on the east side, of  
16 course. And so, you know, it's really  
17 important. Who knows how many more trucks and  
18 pollution in the air that will add to our  
19 community here. So thank you for your time.

20 HEARING OFFICER LEONI: Okay. If  
21 there are no additional public commenters in  
22 the audience, I think this is a good time for  
23 us to take a five-minute break.

24 So we'll reconvene at 2:16, and we'll

1 have Lawrence Doll and Mike Stieren back up to  
2 finish questions.

3 Thank you again so much, everyone, for  
4 sharing your comments.

5 [A recess was taken.]

6 HEARING OFFICER LEONI: All  
7 right. Thank you, everyone. I know that was  
8 a very brief break. We are reconvening the  
9 R24-17 hearing.

10 We are back to the witness testimony of  
11 Lawrence Doll and Mike Stieren. And I  
12 understand they'll be on the stand very  
13 shortly. Do we have two chairs still? Okay.

14 MS. ANGELA TIN: Yes.

15 [Discussion off the record.]

16 HEARING OFFICER LEONI: Okay.  
17 We'll pick up where we left off then. Mr.  
18 Dennison?

19 BY MR. JAMES DENNISON:

20 MR. JAMES DENNISON: All right.  
21 Mr. Stieren and Mr. Doll, thank you very much  
22 for returning after the break. Good  
23 afternoon.

24 I think where we left off, Mr. Stieren,

1     you were explaining that the level at which  
2     civil penalty for violation of the standards  
3     is set effectively creates a ceiling for  
4     credit costs.

5             And my question to you was just whether  
6     there are other determinants of the cost of a  
7     credit. I think the answer you were giving  
8     was a no.

9             Could you just confirm that for me?

10            MR. MICHAEL STIEREN: I'm not  
11     sure -- the other cost to the determinant  
12     credit?

13            MR. JAMES DENNISON: Yeah,  
14     whether there are other determinants of the  
15     cost of a credit aside from the penalty level.

16            So I'm sorry, I think the answer was a  
17     yes to that question.

18            MR. MICHAEL STIEREN: Okay. I'm  
19     not --

20            MR. LAWRENCE DOLL: So the --

21            MR. MICHAEL STIEREN: -- sure if  
22     I know that answer.

23            MR. LAWRENCE DOLL: The cost of  
24     the credit to purchase clean fuel vehicle

1 credits? Is that what --

2 MR. JAMES DENNISON: Right. Just  
3 the question was -- and Mr. Stieren, you  
4 talked about some of the various  
5 considerations that go into the cost of a  
6 credit.

7 MR. MICHAEL STIEREN: Uh-huh.

8 MR. JAMES DENNISON: My question  
9 is just, are there other things that help  
10 determine it aside from the penalty level?

11 MR. LAWRENCE DOLL: Well, I think  
12 as you were saying, as the EV mandates ratchet  
13 up, there is fewer credits available, making  
14 the credits correspondingly more expensive and  
15 less available. So the market will make them  
16 harder to obtain and harder to afford.

17 MR. JAMES DENNISON: Okay. Well,  
18 let me ask you this.

19 Could the cost at which other  
20 manufacturers are able to produce  
21 zero-emission vehicles and generate credits be  
22 one factor that determines the price of a  
23 credit?

24 MR. LAWRENCE DOLL: If you are

1 asking, as manufacturers build more EVs, how  
2 will that affect the credit, the cost of the  
3 credit?

4 MR. JAMES DENNISON: My question  
5 is just, does the cost at which manufacturers  
6 can build their EVs, could that be a factor  
7 that determines the cost of a credit?

8 MR. LAWRENCE DOLL: Yeah, I would  
9 imagine so. If EVs become more affordable,  
10 then more people will be buying them, and  
11 there will be more credits to trade in the  
12 marketplace.

13 MR. JAMES DENNISON: Okay. Well,  
14 that's all my questions. Thank you very much.

15 HEARING OFFICER LEONI: Okay.  
16 Thank you.

17 Are there any other questions here in  
18 Springfield for Mr. Doll and Mr. Stieren?

19 Does the Board have any questions in  
20 Chicago?

21 MR. ANAND RAO: Just a  
22 clarification question.

23 THE REPORTER: Sir, can you  
24 please identify yourself?



1 MR. ANAND RAO: Can you hear me?

2 HEARING OFFICER LEONI: We can  
3 hear you, but could you please --

4 MR. ANAND RAO: Anand Rao with  
5 the Pollution Control Board.

6 THE REPORTER: All right. Thank  
7 you.

8 EXAMINATION

9 BY MR. ANAND RAO:

10 MR. ANAND RAO: I just had a  
11 follow-up question to one of the responses you  
12 gave regarding, I think it was -- let's see,  
13 let's see -- page 7 of your pre-filed  
14 testimony.

15 You talked about the EV vehicles  
16 remaining on dealer lots for an average of 103  
17 days, which is substantially longer than the  
18 gasoline or ICE vehicles.

19 I just wanted to know if this 103 days  
20 average, was it -- did it also include Tesla  
21 dealerships, or just conventional auto  
22 dealerships?

23 MR. MICHAEL STIEREN: I would  
24 assume -- so this -- the 103 days, that was

1 from an S&P article. I can't say for certain.

2 MR. LAWRENCE DOLL: Tesla tends  
3 not to report their data, so it may not  
4 include them.

5 MR. MICHAEL STIEREN: Yeah.

6 MR. ANAND RAO: Okay. Thank you.

7 HEARING OFFICER LEONI: Is that  
8 it? Okay.

9 MR. ANAND RAO: Yep.

10 HEARING OFFICER LEONI: All  
11 right. That's all we have then. Thank you,  
12 Mr. Doll and Mr. Stieren.

13 [Lawrence Doll and Michael  
14 Stieren excused.]

15 HEARING OFFICER LEONI: Next, we  
16 have the testimony of Matthew Hart for the  
17 Illinois Trucking Association.

18 And would the court reporter please  
19 swear in the witness when he is ready?

20 [Matthew Hart sworn in  
21 by the court reporter.]

22 HEARING OFFICER LEONI: Okay.

23 And Mr. Hart, as mentioned earlier, the  
24 pre-filed testimony is entered into the record

1 as if read.

2 Would you like to enter your pre-filed  
3 testimony as if read?

4 MR. HART: Yes, please.

5 HEARING OFFICER LEONI: All  
6 right. Thank you. That will be Exhibit  
7 Number 14, the pre-filed testimony of Mr.  
8 Matthew Hart.

9 [Document marked as Exhibit No. 14  
10 for identification.]

11 HEARING OFFICER LEONI: Do you  
12 wish to offer a brief introduction or summary  
13 of your testimony at this time?

14 MR. HART: I would like to.

15 HEARING OFFICER LEONI: Okay. Go  
16 ahead.

17 MR. HART: Great. Well -- and  
18 I'll try not to be repetitive, but -- and I  
19 think the chair, I don't see you are in the  
20 room at the minute, but Madame Chair Currie,  
21 members of the Board both in Springfield as  
22 well as the members in Chicagoland, good  
23 afternoon.

24 Very thankful to be here today on

1     behalf of the Illinois Trucking Association,  
2     and my name is Matthew Hart. I'm the  
3     executive director of the Illinois Trucking  
4     Association. We are a nonprofit trade  
5     association. We are the Illinois affiliate of  
6     the American Trucking Associations, which is a  
7     nationwide federation of trucking companies  
8     with affiliates in all 50 states, and our  
9     federation represents 35,000 member companies  
10    before the legislative, regulatory, and  
11    judiciary branches of state and federal  
12    government.

13           And hopefully you had the chance to  
14    read my -- what I submitted in writing, in  
15    which I used a metaphor. Of course, I  
16    mentioned how dangerous it is to jump on a  
17    train. I hope everybody recognizes that  
18    metaphor for what it is. I'm certainly not  
19    advocating for anyone to jump on a train, but  
20    that's really how we view this proposal.

21           This is someone else's train that left  
22    the station a long time ago. This was -- is  
23    an attempt to try to solve a problem, but this  
24    is not Illinois's train, and it would be very

1 dangerous to try to jump onto this train.

2 This train is well out of the station,  
3 this train is moving full force down the road,  
4 and we believe that it will do more harm than  
5 good if we tried to just adopt what another  
6 state has started years ago and that other  
7 states have jumped on. In fact, many states  
8 now are trying to jump off of this train that  
9 started many, many years ago.

10 So -- and really, I think you can kind  
11 of encapsulate in two main issues why we are  
12 asking the Pollution Control Board to deny  
13 this proposal. One is just the plan itself;  
14 and the other is just an enforceability and  
15 just an geography and economic issue of the  
16 State of Illinois.

17 So let me speak just to the plan  
18 itself. The plan itself simply is not  
19 working. Also, as I just mentioned, Illinois  
20 is not California. We are not in Sacramento;  
21 we are in Springfield, Illinois. And this is  
22 the State of Illinois, and Illinois should set  
23 its own course.

24 Right now -- and again, I'm going to

1 speak to the commercial vehicle side of  
2 things. I'm not an automobile specialist.  
3 I'm going to stick to trucks. That's what we  
4 do. And there is virtually no electric  
5 vehicle trucks available.

6 A very, very, very small number of  
7 electric trucks that are even available. The  
8 timeline, the compliance timeline that is  
9 proposed, is simply unrealistic. Truck  
10 manufacturers could not hit a 20 percent  
11 electric truck mandate within two years, which  
12 is what this requires.

13 Also what we have learned in  
14 California, where they have been preparing for  
15 electric truck mandates, is that it's now  
16 taking three to nine years to get a charger in  
17 place in order -- that has the capacity to  
18 charge a commercial motor vehicle.

19 But also -- and I think this is very  
20 important and worth noting, this also creates  
21 a policy inconsistency. Last year, our own  
22 governor, Governor Pritzker made the statement  
23 for his preference of incentives, and to quote  
24 him, using a carrot over stick approach. So

1 this would be inconsistent with that  
2 statement.

3 Back to the enforceability, and this is  
4 just what's very unique about Illinois -- and  
5 we have heard from some other folks today  
6 about federal mandates. And federal mandates  
7 are one thing, but what is before you in this  
8 proposal is a state-specific mandate.

9 It would only regulate vehicles in  
10 Illinois. It would not apply to out-of-state  
11 companies, or to Illinois companies who then  
12 choose to license their truck from one of  
13 their terminals in another state.

14 As was pointed out by the Illinois Farm  
15 Bureau, this would also put Illinois-based  
16 companies at a disadvantage. They would be  
17 then competing with surrounding states who  
18 would not have to comply with this type of  
19 mandate.

20 We also, -- just as a reminder, we have  
21 wheels on our businesses. That's the nature  
22 of the industry that I represent. We can  
23 easily move our trucking companies, and it's a  
24 question that we debate every day: Is it

1     worth it to stay here? Should we move our  
2     company to another state and continue to serve  
3     the people in this state? Should we move more  
4     of our operations to a terminal that's in  
5     another state?

6             And that's just one of the unique  
7     natures -- a unique nature about the trucking  
8     industry, and unfortunately, that's one more  
9     reason why we think that this state-specific  
10    mandate, as a state-specific mandate, would  
11    not actually achieve the goal, the stated  
12    goal.

13            We also believe that this issue is best  
14    debated in a venue such as the Illinois  
15    General Assembly. In fact, the proponents  
16    sought to propose these in multiple bills in  
17    the Illinois General Assembly last year,  
18    including House Bill 1634.

19            And we worked with the proponents last  
20    year in the legislature. We are happy to  
21    continue to work with all parties. So  
22    that's -- we think this is an issue that is  
23    best suited for the debate of the Illinois  
24    General Assembly.



1           Also, the trucking industry has made  
2           significant progress in improving our  
3           emissions. We have already PM and NOx  
4           emissions by 90 percent over the last few  
5           decades, and that was without any  
6           state-specific mandates.

7           So I did want to address -- the  
8           Pollution Control Board did ask a couple of  
9           questions in their response. I'm still  
10          working on one thing for you all, and that is  
11          the breakdown of trucking companies registered  
12          in Illinois versus those out-of-state. I am  
13          trying to get that data from a couple of the  
14          sources I think that can get that. If we can  
15          get that, we'll certainly get that submitted  
16          to you folks, because I know that was one of  
17          the questions from the Pollution Control  
18          Board.

19          The other question was about what would  
20          it take to achieve 20 percent sales in  
21          Illinois. Well, if you look at the S&P data  
22          that is in your -- I don't know which exhibit  
23          it is, but it's in the packet that we have  
24          submitted -- there were 38,000 new trucks

1 registered in 2024.

2 That would require, to hit 20 percent  
3 of the new registrations -- that's just new  
4 registrations -- that would mean 7,600 trucks.  
5 Last year, we registered 272.

6 So trying to jump from 272 trucks to  
7 7,600 trucks is just two years is just not  
8 achievable. And our manufacturers are just  
9 not making electric -- they are just simply  
10 not available.

11 We're not opposed to electric trucks.  
12 We're not opposed to alternative fuel trucks.  
13 But we have to deliver the things that people  
14 need with the equipment that is available, and  
15 right now, the manufacturers just are not  
16 making electric trucks. They are just not.

17 I did a quick survey of our largest  
18 retailers in Chicago. They have sold one.  
19 One electric truck in the city of Chicago.

20 When it comes down to infrastructure,  
21 charging infrastructure, there is nowhere in  
22 America that we are aware of -- and I have  
23 surveyed our large truck stops that have  
24 locations all over the country -- there isn't

1 one commercially available truck charger in  
2 the country. Certainly there's not one in  
3 Illinois.

4 There is a handful of companies who are  
5 experimenting, buying maybe one or two or  
6 three trucks, they have gone to installing  
7 their own charger.

8 But right now, there is just no place,  
9 even if we did have the electric trucks, which  
10 we don't, we have no place to fuel them. We  
11 have no place to charge them.

12 So just to wrap up, we all share the  
13 goal of lowering emissions, and I loved  
14 hearing all the comments from earlier today.  
15 We all want to reduce emissions. But the  
16 electric trucks essentially don't exist.

17 Last year, we registered -- in this  
18 state, we registered 46 new electric semis.  
19 46. And there is over half a million trucks  
20 in this state, just -- that either are  
21 licensed here or are part of a -- or call  
22 Illinois home but they are an interstate  
23 trucking company.

24 As I mentioned, there is also public

1 charging infrastructure for trucks.

2 And if the proponents want, we can  
3 create an Illinois-specific plan. We do not  
4 have to hitch onto this California train that  
5 so many people want to hitch onto. There is  
6 nothing stopping the proponents from  
7 proposing, again, whether regulatory or  
8 legislatively, an Illinois plan.

9 We'll be happy to give input on that,  
10 on what we realistically can do, but it  
11 doesn't have to come at expense of just  
12 saying, well, we are just going to do what  
13 someone 2,000 miles away says we should do.  
14 Illinois is a leader, and we should continue  
15 to be a leader.

16 So with that, I'm happy to answer any  
17 questions from Pollution Control Board  
18 members, the Illinois EPA, or the proponents.  
19 Thank you.

20 HEARING OFFICER LEONI: Thank  
21 you, Mr. Hart. We'll proceed to questions  
22 now, if you are ready.

23 Since we have questions entered as if  
24 read, would you like to enter your pre-filed

1     answers as if read as well?

2                     MR. HART:    Yes, please.

3                     HEARING OFFICER LEONI:   All  
4     right.   Thank you.

5                     And I understand you filed two separate  
6     documents of pre-filed written answers, so  
7     we'll go ahead and enter that first document  
8     as if read as Exhibit 15.   And the second  
9     document of your pre-filed answers will be  
10    entered as if read as Exhibit 16.

11                    [Document marked as Exhibit No. 15  
12    for identification.]

13                    [Document marked as Exhibit No. 16  
14    for identification.]

15                    HEARING OFFICER LEONI:   So now I  
16    will open it up.

17                    Are there any questions for Mr. Hart  
18    from the proponents or participants?

19                    MR. ROBERT WEINSTOCK:   Yes,  
20    ma'am.

21  
22                    The witness, MATTHEW HART, first having  
23    been duly sworn, testified as follows:

24                    EXAMINATION

1 BY MR. ROBERT WEINSTOCK:

2 Q. Hi, Mr. Hart. My name is Robert  
3 Weinstock. I represent the Chicago  
4 Environmental Justice Network and Respiratory  
5 Health Association in this matter.

6 Mr. Hart, thank you for being here  
7 today. And I have to thank you for your  
8 introduction, because I got to cross out my  
9 first question, but maybe I'll ask it anyway.

10 Have you yourself ever jumped onto a  
11 moving train?

12 A. Not yet.

13 Q. So you don't have personal  
14 experience to base your testimony on how  
15 dangerous that is, do you?

16 A. Not yet.

17 Q. Fair enough. Let's get into the  
18 real stuff. I am really just going to spend  
19 most of my time making sure I understand where  
20 you are coming from in writing and figuring  
21 out just what some of the sources you provided  
22 say and what they don't say.

23 Couple quick questions about you, your  
24 background, ITA, just before we start.

1 A. Uh-huh.

2 Q. So ITA, you mentioned 35,000  
3 member companies?

4 A. In our federation. We're part of  
5 the American Trucking Association.

6 Q. So that's 35,000 nationwide?

7 A. Nationwide, in our federation.

8 Q. And in Illinois, how --

9 A. 600. Yes.

10 Q. 600?

11 A. Yes, sir.

12 Q. And are most of those 600 -- like  
13 they're fleet operators? Is that --

14 A. They range from one-truck  
15 operators to the largest truck operators in  
16 the country.

17 Q. Right, but they're not truck  
18 dealers?

19 A. We do include truck dealer -- we  
20 do have truck dealers as our members as well.  
21 Yes, sir.

22 Q. Okay. Manufacturers?

23 A. We do have manufacturers as part  
24 of our membership.

1           Q.     Okay. But they're not -- it  
2 sounds like the focus is the fleet operators;  
3 that's who you are going out and polling when  
4 you are asking these questions?

5           A.     We represent all of our members  
6 of the Illinois Trucking Association.

7           Q.     That's fair.

8           You have worked at ITA a long time. I  
9 saw your CV. Can you just very quickly --  
10 like before you were at ITA, what other jobs  
11 did you have, just very generally?

12          A.     Is that germane to this  
13 discussion?

14          Q.     Well, several times in your  
15 testimony, you say "based on my experience."

16          A.     Correct.

17          Q.     And so if you are agreeing that  
18 it's based only on your experience as the ITA  
19 lobbyist, then no it's not germane, but I  
20 didn't know --

21          A.     Yeah --

22          Q.     -- if you were drawing on  
23 previous jobs.

24          A.     This testimony is based on over



1 20 years of representing and being an advocate  
2 for the trucking industry.

3 Q. Right. Great. That's all I was  
4 asking, is just you weren't -- you weren't  
5 going to tell me halfway through that, oh, you  
6 had this other job a hundred years ago or 10  
7 years ago.

8 A. Yeah, this is based on my 20-plus  
9 years being an advocate for the trucking  
10 industry.

11 Q. Understood. And what is -- when  
12 you say being an advocate for the trucking  
13 industry, can you just say a little bit more  
14 about that?

15 A. Yeah.

16 Q. What do you view as kind of your  
17 mission on that?

18 A. That's a great question, because  
19 a lot of people don't know what it means to be  
20 an advocate for an industry.

21 Q. Yeah.

22 A. And it's our job -- the way I see  
23 that is it's my job to travel the state and  
24 talk to our trucking company members and find

1 out what's going on, what is it that's going  
2 on in their business. And then what are the  
3 impacts of decisions being made in Springfield  
4 and Washington, D.C., and how is that having  
5 an impact on them, back their business.

6 And our goal is to help people run a  
7 trucking company and run a family business.

8 Q. Great. And so -- thank you.

9 So your focus is on things that affect  
10 their bottom line?

11 A. My goal is legislative  
12 representation and regulatory guidance.

13 Q. On issues that affect the bottom  
14 line of the businesses that are members?

15 A. It's on things that affect  
16 trucking companies in many, many facets.

17 Q. Okay. What facets other than  
18 their bottom lines?

19 A. Well, it's safety. It's making  
20 sure we are operating the safest vehicles out  
21 there. We share the road with the motoring  
22 public. We have done a tremendous amount of  
23 work under Jason's Law. We actually expanded  
24 Jason's Law to include not only law

1 enforcement on the side of the road, but  
2 anyone stranded on the side of the road,  
3 whether it's a truck, a tow truck, or a  
4 minivan full of kids.

5 So much of our advocacy is for safety,  
6 highway safety.

7 Q. Yeah. Understood. Thank you.

8 I want to move into the actual  
9 substance here and talk a little bit -- just  
10 get, again, kind of get on the same page.

11 I think in your pre-filed answers you  
12 were clear about this, but you're not offering  
13 any testimony about the ACC2 rule here, is  
14 that right?

15 A. Only as it overlaps into the  
16 trucking world, just because there could be  
17 implications where a trucking company may use  
18 smaller vehicles. But yes, for the most part,  
19 I think our focus is on the Advanced Clean  
20 Trucks, and I'll let the auto dealers and the  
21 other automobile focus -- automobile  
22 organizations focus on those.

23 But yeah, I'm largely focused on the  
24 commercial vehicle side, yes, sirs.

1           Q.       Great. And you didn't talk  
2 about, you know -- I can't remember what you  
3 just -- the minor ways that the ACC2 might  
4 affect trucking companies.

5           You didn't talk about that in your  
6 testimony at all, though, right?

7           A.       I don't believe so.

8           Q.       Okay. Just checking. I just  
9 want to make sure we are focused on the right  
10 things here.

11           And you said I think in your pre-filed  
12 answer you are focused on the ACT and Low NOx  
13 rule because, quote -- or excuse me -- because  
14 those, quote, affect new trucks sales in  
15 Illinois?

16           A.       Uh-huh.

17           Q.       So that's what we are focused on  
18 here is effects on new truck sales? Do you  
19 agree?

20           A.       We are talking about how this  
21 affects all trucking companies.

22           Q.       And I understand the direct  
23 relationship between ACT and new truck sales.

24           Can you explain to me how you view the

1 relationship between the Low NOx rule and new  
2 truck sales?

3 A. I'll have to get back to you on  
4 that.

5 Q. Okay. I guess I asked if you  
6 could explain, so the answer would be no?

7 A. Right -- well, I mean, the Low  
8 NOx is part of the same mandate and the same  
9 rule which, again, affects the equipment that  
10 we have access to.

11 Q. Sure. You do understand, though,  
12 that the Low NOx rule and the ACT rule are  
13 different rules, though, right?

14 A. Yes, I'm aware of that. Yes,  
15 sir.

16 Q. So when I asked a moment ago, can  
17 you explain as you sit here today, your answer  
18 is no?

19 A. Report your question about the  
20 Low NOx, please?

21 Q. Yeah. My question was just, can  
22 you explain how the Low NOx rule impacts,  
23 affects new truck sales, and you said you  
24 would have to get back to me.

1 Right? Do you remember that?

2 A. You are asking how Low NOx would  
3 affect new truck sales?

4 Q. I mean, we can maybe ask the  
5 reporter to read it back, but that's what I  
6 asked.

7 A. Yeah.

8 Q. Just you -- how the Low NOx rule  
9 affects new truck sales.

10 A. Because it will -- it changes the  
11 vehicles that manufacturers make that are  
12 available for us.

13 Q. Right. Understood. That's --

14 A. Does that answer your question?  
15 I want to make sure I get your question  
16 answered.

17 Q. Yeah. No, it does. Thank you.

18 A. Okay.

19 Q. Okay. I want to go back to  
20 something you mentioned now in your  
21 introductory remarks and on page 2 of your  
22 testimony.

23 You say there are virtually zero  
24 electric trucks available for sale, and then

1 again later you say there are -- electric  
2 trucks are simply not available for sale.

3 Do you recall those statements?

4 A. I do recall those statements.

5 Q. In rule proponents' pre-filed  
6 questions, you were asked to provide data to  
7 support that -- those statements.

8 Do you remember that?

9 A. Can you reference where that is?

10 Q. Sure. Your pre-filed questions  
11 12 and 14.

12 And I should have asked, Mr. Hart, you  
13 have a copy of your pre-filed answers, I can  
14 tell.

15 A. I do. Yes, sir.

16 Q. Great. Thank you.

17 A. Thank you.

18 Q. I was going to offer to provide  
19 them.

20 So the document wasn't paginated, but  
21 it's pages 7 and 8.

22 A. Okay.

23 Q. So you see those pre-filed  
24 questions 12 and 14?

1           A.       Yes, I do.

2           Q.       And you see when asked to -- for  
3 data to support those statements, you cited to  
4 something in Exhibit 1 to your answers, is  
5 that right?

6           A.       Are you referencing question  
7 12(a)?

8           Q.       Yes, sir.

9           A.       Yes. 12(a) refers to Exhibit  
10 1 -- what is listed as Exhibit 1.

11          Q.       Right. And that's the Secretary  
12 of State data you mentioned?

13          A.       No, that is data from S&P.

14          Q.       I'm sorry. That's right.

15               So that data is related to new truck  
16 registrations, is that correct?

17          A.       Correct. Illinois -- those are  
18 new registrations in Illinois through  
19 November.

20               I should -- do want to let the record  
21 reflect, that doesn't include December. We  
22 didn't have access to that. So it is 11 out  
23 of 12 months. I didn't realize that.

24          Q.       Yeah. No, that's fair, and



1     that's helpful.

2             A.     Yeah.

3             Q.     So my question, though, was just,  
4     these are new registrations, so this is when a  
5     new heavy-duty -- medium of heavy-duty vehicle  
6     was sold and then registered? Is that what  
7     this reflects?

8             A.     Registered in Illinois.

9             Q.     In Illinois, correct.  
10            So it doesn't actually show what  
11   vehicles were available to be purchased; it  
12   shows what vehicles were purchased?

13            A.     It shows which vehicles were  
14   registered.

15            Q.     Right, and you register after you  
16   purchase?

17            A.     I would presume you would  
18   purchase -- I presume you didn't steal it, so  
19   yes.

20            Q.     Right. Well, exactly.

21            A.     Yeah.

22            Q.     My point is just, this is not --  
23   this is data about a new vehicle being  
24   obtained and registered in the State of

1 Illinois?

2 A. Uh-huh.

3 Q. That's correct?

4 A. Yes. I will note this is for all  
5 vehicles. Many of these were school buses, so  
6 some of these are not even commercial motor  
7 vehicles, many of these are school buses.

8 Q. Okay. And so then we can  
9 agree that when you say -- when you make  
10 statements about truck availability, you are  
11 relying on data about truck registrations?

12 A. In this particular instance, that  
13 is in regards to registrations, yes.

14 Q. Right. And we asked you for any  
15 data to support that statement, and this is  
16 what you provided, right?

17 A. You asked for data, and so this  
18 is S&P's data. Yes, sir.

19 Q. That you provided?

20 A. Yes, sir.

21 Q. To support your testimony?

22 A. Right.

23 Q. Right.

24 A. In my opening remarks, I also

1 referenced that I -- we just talk to our  
2 members and just ask them, who is buying  
3 electric vehicles, who is selling electric  
4 vehicles.

5 Q. Sure. Yeah.

6 A. And I mentioned that.

7 Q. No. No, understood. Thank you.

8 So you said again the vehicles aren't  
9 available. And I think you said -- and I'm  
10 trying to get this right from your  
11 introductory remarks -- that they are just not  
12 being made? Is that right?

13 A. That is correct.

14 Q. And the basis for that statement  
15 is what people are telling you? That's --

16 A. Well, it's the basis on things  
17 like Lion Electric has closed.

18 Q. Right.

19 A. We no longer have Lion Electric  
20 making electric vehicles.

21 Q. Sure.

22 A. Nikola filed Chapter 11  
23 bankruptcy; they are no longer making electric  
24 vehicles. Our historical OEMs have

1     drastically scaled back and are not producing  
2     electric vehicles.

3             Q.       Yeah.

4             Why aren't they making electric  
5     vehicles?

6             A.       That's a question for them.

7             Q.       I'm glad you asked, because I  
8     want to actually skip a document.

9             Are you familiar with a CARB executive  
10    director -- or memo from the executive officer  
11    of CARB from September 25th, 2024?

12            A.       Is it previously referenced?

13            Q.       You referenced it, yes.

14            A.       Okay. Then yes, I'm aware of it.

15                   MR. ROBERT WEINSTOCK: I can give  
16    you this now, if you would like.

17                   HEARING OFFICER LEONI: Are you  
18    looking to admit that into the record, Mr.  
19    Weinstock?

20                   MR. ROBERT WEINSTOCK: I will be,  
21    yeah. I was going to ask him --

22            A.       Mr. Weinstock, where is it that  
23    I'm referencing --

24    BY MR. ROBERT WEINSTOCK:

1           Q.       Yeah, so you reference it -- oh,  
2       I believe it's actually right above where we  
3       were, in the primary answer to 12 -- or the  
4       answer to the primary part of 12, excuse me.

5           MR. ROBERT WEINSTOCK:   I was.   I  
6       was going to wait for him to tell us what it  
7       was, but I can provide it now.

8           HEARING OFFICER LEONI:   It's not  
9       a trial, so yeah.

10          MR. ROBERT WEINSTOCK:   Fair  
11       enough.

12          HEARING OFFICER LEONI:   So Mr.  
13       Weinstock would like to admit -- is it an  
14       article?

15          MR. ROBERT WEINSTOCK:   It is  
16       the --

17          HEARING OFFICER LEONI:   Into the  
18       record?

19          MR. ROBERT WEINSTOCK:   It is a  
20       memo from the executive officer of CARB to the  
21       Board.

22          HEARING OFFICER LEONI:   Okay.   So  
23       are there any objections to admitting  
24       this memo from the executive officer of CARB

1 to the Board into the record today?

2 Hearing none, thank you, we will admit  
3 this as Exhibit 17.

4 [Document marked as Exhibit No. 17  
5 for identification.]

6 HEARING OFFICER LEONI: And Mr.  
7 Weinstock, you may proceed with your  
8 questions.

9 MR. ROBERT WEINSTOCK: Thank you.  
10 BY MR. ROBERT WEINSTOCK:

11 Q. So Mr. Hart, this was -- again,  
12 this was the same memo you were referring to  
13 in your answer to number 12?

14 A. Yes, it is.

15 Q. Okay. And you said you would  
16 have to ask -- you just said you would have to  
17 ask the manufacturers why --

18 A. No, you asked a question of the  
19 manufacturers.

20 Q. That -- that's right. I asked  
21 you why manufacturers were acting a certain  
22 way.

23 A. Right. You wanted to know  
24 information from the manufactures.

1           Q.       Right. And you said you would  
2 have to ask them.

3           A.       Because you asked for information  
4 about from the manufacturers.

5           Q.       Absolutely.

6                   [Interruption by the reporter.]

7 BY MR. ROBERT WEINSTOCK:

8           Q.       I just want to take you to page 3  
9 of that report, the CARB document I just  
10 handed you.

11           And you see there the heading "summary  
12 of findings." Are you with me?

13           A.       I see "summary of findings."

14           Q.       Great. I'm sorry. That was the  
15 question, if you were there. Sorry.

16           A.       Sure.

17           Q.       And do you see there that CARB  
18 describes, quote, that staff met with  
19 representatives from all major HD trucking  
20 engine manufacturers, including -- and then  
21 there is a list of them?

22           A.       I see the memo.

23           Q.       And so when they list those  
24 manufacturers, are those some of the -- did

1 you call them traditional manufacturers a  
2 minute ago? I can't remember.

3 But are those the manufacturers you  
4 were talking about?

5 A. What I was talking about when?

6 Q. Well, you said -- you mentioned a  
7 few manufacturers that had closed, and then  
8 you said there are other manufacturers that  
9 are scaling back, I think.

10 And I'm just wondering if the  
11 manufacturers you were talking about scaling  
12 back, are those in this list?

13 A. I don't know. You'll have to get  
14 the allotments from the actual manufacturers.

15 Q. Sure, but I'm just asking about  
16 who you were talking about.

17 You said certain manufacturers had  
18 scaled back, right?

19 A. Correct.

20 Q. So who were you talking about?

21 A. To my knowledge, Freightliner I  
22 believe has drastically reduced the amount of  
23 their -- and I'm not sure -- well, that would  
24 Deimler trucks, or Deimler is what is



1       referenced on here.

2               Q.       Okay.

3               A.       Yeah.    So --

4               Q.       So yes.   So then --

5               A.       That is the one that I know of  
6       for certain.   Yes, sir.

7               Q.       Right.   And they are represented  
8       here in this list?

9               A.       They are listed in this list  
10       of -- under "summary of findings."

11              Q.       Right.   And then I just want to  
12       take you to the very next page.

13              And I guess I would ask, did you read  
14       this part of the memo when you were signing  
15       it?

16              A.       I mean, I have read the memo, and  
17       it's listed as part of the citation.   So yes.

18              Q.       Okay.   Okay.   Do you see the  
19       first heading on page 4, "What is the impact  
20       of the Advanced Clean Trucks regulation"?

21              A.       Yes.

22              Q.       And do you see the second  
23       sentence of that paragraph that reads, quote,  
24       all of the regulated OEMs have ZEV products

1 available for the market in 2024 model year,  
2 and many have already sold ZEVs in previous  
3 years to build up an early credit bank.

4 Do you see that sentence?

5 A. I see that sentence.

6 Q. So you would agree with me then  
7 that CARB asked the manufacturers if they had  
8 models available, right?

9 A. According to this memo, that they  
10 reported that the OEMs report that they have  
11 them available for market. I'm not  
12 disagreeing with that.

13 Q. Okay. Great. Let's -- we can  
14 put that one down and come back to it later, I  
15 think.

16 A. Okay.

17 Q. On page 2 of your testimony, you  
18 asserted that new electric vehicles registered  
19 in Illinois in 2024 constituted .05 percent of  
20 all trucks?

21 Do you remember that?

22 A. Which number are you on?

23 Q. Well, it was actually just from  
24 your original testimony.

1           A.       Oh, okay. I'm sorry. I'll go  
2 back to that.

3           Q.       No, that's okay. That's okay.  
4 And you know what, I don't even have to make  
5 you shuffle the paper.

6           A.       Okay.

7           Q.       Because I think you mentioned it  
8 in your opening remarks, too, you would agree  
9 that electric trucks make up a very small  
10 proportion of the total trucks on the road --

11          A.       In my professional opinion --

12          Q.       -- in Illinois right now?

13          A.       -- electric trucks make up a  
14 very small percentage of vehicles on the road.  
15 Yes, sir.

16          Q.       Yeah. Yeah. Just a couple  
17 questions based on your -- you know, your  
18 knowledge of the industry.

19               How long are trucks usually on the road  
20 after they're purch -- like after a new truck  
21 is purchased?

22          A.       That all varies.

23          Q.       Can you describe -- I just want  
24 to get a sense of how that varies.

1           A.       It -- we have such a wide range  
2 of truck use.

3           Q.       Okay.

4           A.       And they are used, you know -- I  
5 couldn't speak to that. It's a huge range.

6           Q.       What's the shortest you have ever  
7 heard of of a new truck being purchased, used,  
8 and then retired?

9           A.       I don't think I can speak to  
10 that. I don't operate trucks.

11          Q.       Okay.

12          A.       Yeah.

13          Q.       Great. And when -- actually, I  
14 do need to take you to your testimony page 2,  
15 I'm sorry --

16          A.       Okay.

17          Q.       -- for that number.

18               So you said .05 percent of all trucks,  
19 electric trucks registered in Illinois in 2024  
20 constituted .05 of all trucks.

21          A.       That is the new trucks that were  
22 registered in 2024. Just the new ones  
23 relative to the big picture of all of the  
24 trucks that we have.

1 Q. On the road?

2 A. That are registered, yes.

3 Q. Right. So that would include  
4 trucks that were registered before 2024?

5 A. These are existing trucks. We  
6 are estimating that there is around 571,000  
7 trucks intrastate and interstate.

8 Q. Yeah.

9 A. And just to try to give an  
10 apples-to-apples comparison, that's where we  
11 came up with that number.

12 Q. And that's kind of what I'm  
13 getting at, is it's -- the numerator is trucks  
14 registered in 2024, right? Electric trucks  
15 registered in 2024?

16 A. The numerator is from the S&P  
17 data, which is the number of new  
18 registrations.

19 Q. Right. And the denominator is  
20 all registrations, whether they are new or  
21 not?

22 A. That is correct.

23 Q. Right. So it's not really  
24 apples-to-apples? It's apples to the apples

1 we have picked for the last decade?

2 A. No, it's a very small apple in a  
3 huge orchard.

4 Q. Fair enough. Let's go -- let's  
5 move on.

6 In your -- in responding to the Board's  
7 first pre-filed questions, you asserted -- you  
8 said, based on your experience, the proposed  
9 rules would reduce truck registrations, and  
10 the experience you point to is a 2004 fee that  
11 Illinois added to the trucking industry.

12 Do you remember referencing that fee?

13 A. I do.

14 Q. Yeah. What was that fee?

15 A. That's called the commercial  
16 distribution fee.

17 Q. Okay. And what is it -- what  
18 does it fee? What is the fee imposed on?

19 A. So what the commercial  
20 distribution fee was was it was a fee that was  
21 imposed on the trucking industry. It added a  
22 36 percent surcharge on the registration of a  
23 commercial motor vehicle.

24 An 80,000-pound semi tractor plate, it

1 added \$1,000 per truck, per year, to  
2 registering your truck.

3 And we did see the ramifications of  
4 that, and that's why the legislature came back  
5 a year later and reduced that fee, and then  
6 ultimately in 2019 eliminated that fee  
7 altogether, because we did lose trucking  
8 companies and truck registrations to  
9 surrounding states.

10 Q. And I'm sure it took a lot of  
11 effort to get those subsequent amendments to  
12 correct that policy, so I understand where you  
13 are coming from.

14 I guess the reason you think that's  
15 relevant here is because it added a cost to  
16 registering a truck, and it's -- is that  
17 right?

18 A. We think it's relative (sic)  
19 here, because our industry has wheels on it.

20 Q. Yeah.

21 A. And we are -- even in  
22 Springfield, Illinois, we are still competing  
23 with surrounding states. And certainly the  
24 Chicagoland area, which is the transportation

1 hub of North America, is competing with  
2 surrounding states. And this is also what  
3 makes this proposal very different than  
4 what -- particularly California. California  
5 does not face the same pressures that Illinois  
6 faces.

7 Q. Right.

8 A. Which is also the argument why we  
9 do not prefer a state-specific mandate. A  
10 federal mandate is very, very different, but  
11 this is a state-specific mandate that has  
12 to -- that would only apply to trucking  
13 companies and trucks registered in Illinois.

14 This body and even the legislature  
15 doesn't have the authority to regulate  
16 out-of-state trucking companies or trucks that  
17 license their trucks -- Illinois carriers that  
18 would simply move their registrations to an  
19 Indiana terminal or a Wisconsin terminal,  
20 thereby making it more difficult for the  
21 companies who choose to stay here, and making  
22 it more expensive for them who choose to stay  
23 here.

24 Q. So you agree that the reason you



1 think this is relevant is because when a  
2 regulation increases the cost of a new truck  
3 registration, that's why -- that, you think,  
4 drives trucks away from Illinois?

5 A. That is our experience from this  
6 commercial distribution fee, that it drove --  
7 and I don't have the data, because it's 20  
8 years ago.

9 Q. Sure.

10 A. And if you really want, I would  
11 be happy to dig up the data.

12 Q. No.

13 A. But we clearly saw a decrease in  
14 truck registrations. Indiana saw their truck  
15 registrations double, and it was a response  
16 from an industry with wheels on it, that when  
17 you do things to them -- and again, what  
18 drives us is we are simply delivering 95  
19 percent of what people need and want.

20 Q. Yeah. Mr. Hart, I promise I will  
21 not ask you if your industry has wheels on it.  
22 I think that is clearly established for the  
23 record.

24 On page 2 of your testimony, you stated

1 electric trucks today cost \$4,500 (sic)  
2 compared to a new comparable diesel truck that  
3 costs \$150,000.

4 Do you see those numbers? Do you  
5 remember those numbers?

6 A. Yes.

7 Q. Pre-filed questions asked for the  
8 basis of those claims, and you provided a  
9 CARB -- another document from California Air  
10 Resources Board, an October 2024 fact sheet.

11 Do you remember that?

12 A. Correct. Yes.

13 MR. ROBERT WEINSTOCK: I'm going  
14 to ask that that be introduced into evidence,  
15 and ask my colleague to pass it out.

16 HEARING OFFICER LEONI: Okay. So  
17 Mr. Weinstock, you would like to admit --

18 A. Can you mention where it is in --  
19 I'm sorry -- where it is that you are  
20 referencing that? Because I know it's  
21 referenced in the questions.

22 BY MR. ROBERT WEINSTOCK:

23 Q. Yeah. You -- uh-huh. In  
24 response to question 14(b).

1           A.       14(b).   Thank you.

2           Q.       You cited that.   Yep.

3                   HEARING OFFICER LEONI:   All  
4   right.   And Mr. Weinstock, would you please  
5   tell us then the name of the document?

6                   MR. ROBERT WEINSTOCK:   It is --  
7   well, you're about to have it in front of you.  
8   The California Air Resources Board --

9                   HEARING OFFICER LEONI:  
10   Zero-emission Class 8 truck pricing  
11   comparisons, EU and U.S.?

12                  MR. ROBERT WEINSTOCK:   Yeah.  
13   Thank you.

14                  HEARING OFFICER LEONI:   Thank  
15   you.

16                  So are there any objections to  
17   admitting this document into the record as  
18   Exhibit 18?

19                  Hearing none, we will admit it as  
20   Exhibit 18.

21                         [Document marked as Exhibit No. 18  
22                         for identification.]

23                  HEARING OFFICER LEONI:   Mr.  
24   Weinstock, you may proceed with questioning.

1 MR. ROBERT WEINSTOCK: Thank you.

2 BY MR. ROBERT WEINSTOCK:

3 Q. And I believe -- well, I guess  
4 where in that document do you see the numbers  
5 you provided, Mr. Hart?

6 A. What is your question?

7 Q. My question is, where in this  
8 document that you cited can you -- I'll  
9 rephrase that.

10 Can you --

11 A. This document refers to question  
12 14.

13 Q. That's right.

14 A. You were asking about question 2,  
15 in my testimony.

16 Q. Ah. Yeah, I'm sorry. I misspoke  
17 before. I was actually asking about question  
18 14(b) in your testimony before, because that  
19 is where you say 450 and 150, and I guess your  
20 pre-filed answers helps us along here. You --

21 A. Right. We spelled it out there.  
22 Those were rounding --

23 Q. Sure.

24 A. But roughly, according to the

1 California Air Resources Board, \$435,000.  
2 Yes, that's a little bit less than the  
3 \$450,000 that I had cited. That was actually  
4 a number from the American Transportation  
5 Research Institute.

6 Q. Ah.

7 A. And the \$155,902 is very close to  
8 the --

9 [Interruption by the reporter.]

10 A. The \$150,000, which always comes  
11 from ATRI.

12 BY MR. ROBERT WEINSTOCK:

13 Q. Yeah. And I was just going to  
14 ask, that's -- is that related to Class 8  
15 engines?

16 A. Yes. Those are Class 8.

17 Q. Could you just take a moment and  
18 describe what sorts of trucks are Class 8?

19 A. Sure.

20 Q. Use Class 8 engines, I guess I  
21 should say?

22 A. Class -- Class 8 trucks are what  
23 most people refer to as semi. Those are  
24 trucks that range from 33,000 up to 80,000

1 pounds.

2 Q. Right. And so it's long-haul  
3 trucks on interstates?

4 A. Can be.

5 Q. It's -- is it also trucks that  
6 drive shorter routes?

7 A. Could be.

8 Q. Including things that operate  
9 near freight terminals to nearby warehouses,  
10 something like that?

11 A. I think all classes of trucks  
12 operate everywhere in the state.

13 Q. Sure. Do you know, in the --  
14 among Class 8 trucks, how many of them are  
15 long-haul trucks?

16 A. I don't have access to that data.

17 Q. Okay. That's fair. I just was  
18 curious. I don't have access to that data  
19 either.

20 You -- those numbers in your testimony,  
21 you agree that those only represent the  
22 upfront purpose price of the trucks?

23 A. Which data are you referring to?

24 Q. The CARB data that you were

1 just -- I think you still have it in front of  
2 you.

3 A. The CARB data -- that's their  
4 memo. That's the CARB data.

5 Q. Right. Right. And so does -- do  
6 you understand that to reflect the upfront  
7 cost of purchase? Or do you under --

8 A. That's -- that's what they  
9 believe the upfront purchase --

10 Q. Right.

11 A. The American Transportation  
12 Research Institute has cited it to be in the  
13 ballpark of \$450,000 and \$150,000.

14 Q. Right. And then you cited that  
15 in your testimony. I'm just asking if that's  
16 what you understood when you were writing your  
17 testimony.

18 A. Yes, I'm using their data.

19 Q. That's -- that's great. That's  
20 all I was hoping to establish.

21 And we asked in 14 -- pre-filed  
22 question 14(c) if you dispute that the total  
23 cost of ownership for electric vehicles  
24 continue to decrease and that electric freight

1 trucks and buses are expected to be less  
2 expensive --

3 [Interruption by the reporter.]

4 BY MR. ROBERT WEINSTOCK:

5 Q. I'll do it this way.

6 Mr. Hart, do you see question 14(c),  
7 pre-filed question 14(c)?

8 A. I do see question 14(c).

9 Q. I don't need to reread it for  
10 everybody.

11 In answering question 14(c), you cited  
12 that -- well, you cited a document from the  
13 company Ryder System, Inc., is that right?

14 A. That is correct. I believe  
15 that's what Footnote 3 refers to. If you want  
16 me to look it up, I can look it up.

17 Q. No, I --

18 A. Okay.

19 Q. Well, you know, in answering, you  
20 actually, on the next page of your pre-filed  
21 questions, you point us to the Ryder.

22 A. Okay.

23 Q. So I think we are all set there.

24 A. Yeah.



1 MR. ROBERT WEINSTOCK: Let's do  
2 this one.

3 I'm going to introduce into evidence a  
4 document called Charge Logistics. That is by  
5 Ryder System, Inc. That was cited in Mr.  
6 Hart's testimony.

7 BY MR. ROBERT WEINSTOCK:

8 Q. Do you have a copy of that, Mr.  
9 Hart, or would you like us to --

10 A. I don't have one with me.

11 Q. Okay.

12 A. Yeah.

13 HEARING OFFICER LEONI: Are there  
14 any objections to Mr. Weinstock offering into  
15 the record this document that will be Exhibit  
16 19?

17 Hearing none, we'll enter it into the  
18 record as Exhibit 19.

19 [Document marked as Exhibit No. 19  
20 for identification.]

21 BY MR. ROBERT WEINSTOCK:

22 Q. So just a couple questions about  
23 what this document was looking at.

24 A. And so just to be clear, we

1 didn't include this, but the link is available  
2 in the -- our response to questions, and this  
3 is referring to the link.

4 Q. Yes. Oh, yeah.

5 A. Yep. Okay.

6 Q. Yes. We clicked the link and  
7 hit -- clicked print. Yeah.

8 A. Okay.

9 Q. Fair question, though. Thank you  
10 for clarifying.

11 A. Uh-huh.

12 Q. I just have a couple -- well, you  
13 are familiar with this document, aren't you?

14 A. Yes.

15 Q. Okay. You read it?

16 A. Yes.

17 Q. Okay. And you -- I just have a  
18 couple questions about what analysis this is  
19 actually providing here.

20 So first, this is an analysis of costs  
21 in California and Georgia, isn't that right?

22 A. I believe that is correct. Ryder  
23 analyzed the impact in California and Georgia.

24 Q. Right.

1           A.       That's on page 2 of the  
2       introduction.

3           Q.       I have the same spot highlighted.  
4       Thank you.

5           And when they -- so then it didn't take  
6       into account any of the -- any of the Illinois  
7       laws or policies?

8           A.       Illinois doesn't have any laws or  
9       policies on electric vehicles right now.

10          Q.       That's your testimony?

11          A.       I'm not sure what you are asking.

12          Q.       I'm just asking what you are  
13       saying, Mr. Hart. You said Illinois has no  
14       laws or policies about electric vehicles. I  
15       just want to clarify that that's your  
16       testimony.

17          A.       Oh. Okay. I'll retract that.

18          Q.       Yeah. Yeah. I was giving you a  
19       chance to do that.

20          A.       And what is -- what is your --  
21       what is your question?

22          Q.       My question is just whether this  
23       Ryder study, looking at California and  
24       Georgia, considered Illinois laws or policies.

1           A.       I believe this is limited to  
2 California and Georgia.

3           Q.       That's all -- that's all I was  
4 looking for. Thank you.

5           A.       Yeah. In order to give us data.

6           Q.       Yeah. Sure. No, understood.

7           And is it your understanding that what  
8 Ryder was doing in this was doing a one-to-one  
9 comparison of, what if we got an EV versus an  
10 internal combustion vehicle?

11          A.       I think that's a question for  
12 Ryder.

13          Q.       Again, sir, you cited it, so I'm  
14 just trying to understand what you understood  
15 it to be doing.

16          A.       I mean, I think the data in here  
17 speaks for itself.

18          Q.       Okay. But when you cited it in  
19 your testimony, did you think you were citing  
20 a document that did a one-to-one comparison of  
21 one EV versus one internal combustion engine?

22          A.       We cited -- we submitted this in  
23 response to your question 12 --

24          Q.       Yeah.

1 A. 14(c).

2 Q. Yes.

3 A. (Reads to self.)

4 [Interruption by the reporter.]

5 A. It's question 14(c), and we  
6 submitted this in response to your question  
7 14(c).

8 BY MR. ROBERT WEINSTOCK:

9 Q. Right. So when you submitted  
10 this in response to that question, did you  
11 think you were citing -- was it your intention  
12 to cite something that gave us information  
13 about a one-for-one comparison between an ICE  
14 vehicle and a zero-emission vehicle?

15 A. I don't believe you asked for a  
16 one-to-one comparison.

17 HEARING OFFICER LEONI: Excuse  
18 me. Mr. Weinstock, this question has been  
19 asked and answered. If we could please move  
20 on to --

21 MR. ROBERT WEINSTOCK: He hasn't  
22 answered it. That's my problem. I don't know  
23 what he thought this study said. So I'm just  
24 trying to ask him if he thinks this study --

1 HEARING OFFICER LEONI: It sounds  
2 like he found it to be a comparison between  
3 two different policies that did not cite  
4 Illinois.

5 MR. ROBERT WEINSTOCK: Right,  
6 but --

7 HEARING OFFICER LEONI: What  
8 exactly is your question? You just want his  
9 broad understanding of the article he cited in  
10 his answer?

11 MR. ROBERT WEINSTOCK: I want his  
12 specific understanding about whether he thinks  
13 this tells us anything about a one-for-one  
14 comparison, or if it's something else.

15 He cited it. I mean, I guess I'll say  
16 this. I'll try a different way. Thank you.  
17 I'm sorry, Hearing Officer.

18 BY MR. ROBERT WEINSTOCK:

19 Q. You can't tell us whether this is  
20 a one-for-one comparison of an ICE vehicle to  
21 a zero-emission vehicle, can you?

22 A. Well, now, you didn't ask if it's  
23 a one-to-one comparison.

24 Q. I'm asking you now.

1           A.       Well, then I'm going to have to  
2 study this to see if it's a one-for-one.  
3 Would you like me to take 20 minutes to read  
4 through this?

5           Q.       No, no, no.

6           A.       Because that's not what you asked  
7 for --

8                   HEARING OFFICER LEONI:  
9 Gentlemen, let's not get combative, please.

10                  MR. ROBERT WEINSTOCK:   Yeah.   No.

11 BY MR. ROBERT WEINSTOCK:

12           Q.       No, I understand.   I'm not asking  
13 you to do that.   I'm just confirming that you  
14 haven't done that and that we agree on that.

15           A.       I have not done a one-to-one  
16 comparison as you have asked.

17           Q.       Yeah.   That's good.

18                  HEARING OFFICER LEONI:   Okay.   I  
19 think we can wrap this up and move on to the  
20 next question, please, Mr. Weinstock.

21                  MR. ROBERT WEINSTOCK:   Yeah.  
22 Absolutely.

23                  HEARING OFFICER LEONI:   Thank  
24 you.

1 BY MR. ROBERT WEINSTOCK:

2 Q. I would like to take you to --  
3 start with page 6 of that document.

4 Do you see -- I'll let you get there.

5 MS. JENNIFER VAN WIE: That  
6 document being Exhibit 19?

7 MR. ROBERT WEINSTOCK: Yes, the  
8 Ryder -- yeah, I'm sorry.

9 BY MR. ROBERT WEINSTOCK:

10 Q. With me, Mr. Hart?

11 A. Yes, sir.

12 Q. Okay. So do you see there is a  
13 table, it says California about halfway down  
14 the page?

15 A. I see a table for California.

16 Q. And it has got ICE trucks on the  
17 left and EV trucks on the right?

18 A. I see that.

19 Q. And this table is presenting  
20 Ryder's analysis here? Is that fair to say?

21 A. This is Ryder's document, yes.

22 Q. Right. And so do you see in the  
23 top row -- well, actually, I'll take you to  
24 the third row where it says equipment costs.



1 Do you see that row?

2 A. I see equipment costs.

3 Q. And so Ryder is comparing one  
4 tractor under ICE trucks to 1.87 tractors  
5 under EV trucks.

6 Do you see that?

7 A. All right. I see that.

8 Q. Okay. And under the first row,  
9 labor cost, 1.2 drivers for an ICE truck to  
10 2.07 drivers for a EV truck.

11 Do you see that?

12 A. Yeah, I see that.

13 Q. Okay. One thing I thought was  
14 interesting there is it looks like EV truck  
15 drivers get paid more.

16 Is that your experience?

17 A. I have never paid an EV truck  
18 driver.

19 Q. From your membership, has  
20 anyone -- do you have any idea about that?

21 A. I don't ask them what they pay EV  
22 truck drivers.

23 Q. That's fair.

24 Let me take you back to page -- I think

1 it's on page 4 here. We have got the Class  
2 4 --

3 A. Are we still on the Ryder study?

4 Q. Yes. Yep.

5 A. Okay. The Class 4 page.

6 Q. Do you see that?

7 A. Uh-huh.

8 Q. And there we do have the  
9 equipment cost row. We can use the California  
10 table again for an example.

11 Do you see that?

12 A. I see that.

13 Q. And there we do have one van  
14 under ICE vans and one van under EV vans,  
15 right?

16 A. I see that.

17 Q. Right. And -- but up on the  
18 first row for labor cost, do you see under ICE  
19 vans it says 48 hours weekly?

20 A. I see that.

21 Q. And you see under EV vans it says  
22 55 hours weekly?

23 A. I see that.

24 Q. Understanding you haven't hired

1 EV drivers, you agree with me, though, that  
2 Ryder is thinking that EV drivers work seven  
3 hours more than ICE van drivers?

4 A. That's a question for Ryder. I  
5 didn't do this study.

6 Q. Fair. Just you're reading it the  
7 same way I do?

8 A. Yeah.

9 Q. Yeah. Thank you.

10 [Interruption by the reporter.]

11 BY MR. ROBERT WEINSTOCK:

12 Q. Are you -- okay. Let's go back  
13 to -- well, let's go back to the other CARB  
14 document we had, which I think was marked as  
15 Exhibit 17. The longer -- the longer of the  
16 two CARB documents.

17 A. Which document are you referring  
18 to?

19 Q. It's the September 25th, 2024,  
20 CARB document.

21 A. Oh, the memo?

22 Q. Yeah.

23 A. All right.

24 Q. Is it your understanding that

1     this memo and the three-page CARB comparison  
2     document are to be read together, they refer  
3     to each other?

4             A.       That's a -- a question for CARB.

5             Q.       Sure. I guess I'll just take you  
6     to the -- the last page -- well, let's say  
7     page 8 of that document.

8             Do you see there the heading halfway  
9     down the page, "Truck price comparison between  
10    California and Europe"?

11            A.       "Truck price comparison between  
12    California and Europe."

13            Q.       Yep. Okay.

14            A.       Okay.

15            Q.       So that is discussing -- and I  
16    believe the number is -- yes.

17            So if you look on page 9 of that  
18    document, you'll see they report out some  
19    numbers in bullet points there in the middle.

20            Do you see that?

21            A.       Okay.

22            Q.       Does that look like the same --  
23    the first bullet point, the average California  
24    ZE Class 8 tractor in 2024 was priced at

1       \$435,839?

2               A.       I see that.

3               Q.       So that's the same number as in  
4 the October fact sheet?

5               A.       I believe that's -- I believe  
6 that's correct.

7               Q.       Okay. So you --

8               A.       \$435,839. Yes, \$435,839.

9               Q.       Okay. And are you aware that in  
10 this longer CARB memo, they tried to explain  
11 the reason -- well, the reason for why that  
12 price was higher than the price in Europe?

13              A.       Are you referencing the rest of  
14 their memo?

15              Q.       Yeah.

16              A.       Well, it's their memo.

17              Q.       Right. So were you aware that  
18 they tried to understand why the prices were  
19 higher in California than in Europe?

20              A.       I'm sure they are trying to  
21 figure that out.

22              Q.       Okay. Did you read their  
23 explanation for why?

24              A.       Which explanation, the one on

1 page 10?

2 Q. The one on page 10 that you were  
3 just looking at. Have you read that before  
4 today?

5 A. Yes.

6 Q. Okay. So why did -- what reason  
7 did CARB find for the price difference?

8 A. What's your question?

9 Q. What reason did CARB find that  
10 explained the price difference between Europe  
11 and California?

12 A. According to this memo?

13 Q. According to the memo you cited  
14 reporting CARB's finding.

15 A. Their memo says -- you want me to  
16 read their memo, or can we just use their memo  
17 in here? I mean --

18 Q. We can. I'm just asking what you  
19 understand them -- you cited this memo.

20 A. I understand -- I understand this  
21 is what CARB believes.

22 Q. Okay. So what does CARB believe?

23 A. And that is the CARB data.

24 Q. Yeah. So what does CARB --

1           A.       You want me to read CARB's memo?

2           Q.       Please.

3           A.       Okay.   The California Air  
4 Resource Board memo, page 10.   "European  
5 zero-emission truck pricing is going down."

6           Q.       Mr. Hart, I'm sorry.   I will stop  
7 you, because it's a fair --

8           A.       Okay.

9           Q.       It was a fair response.   I'll  
10 direct you to the part I think is more  
11 inclusive.

12          A.       Okay.

13          Q.       Just the first sentence of the  
14 first full paragraph that starts "there  
15 appear."   Just that first sentence.   You can  
16 go ahead and read it out loud.

17          A.       You want me to read their memo?

18          Q.       You cited this memo.   I'm just  
19 asking --

20          A.       Okay.   This is the California Air  
21 Resource Board memo.   Their memo says, "There  
22 appear to be no clear reasons for this  
23 disparity between regions," referencing U.S.  
24 and Europe.

1 Q. Right.

2 A. Is that accurate?

3 Q. That's -- absolutely. And do  
4 you --

5 A. Okay. That's from the CARB memo.

6 Q. That's right.

7 Do you have any reason to dispute  
8 CARB's finding?

9 A. I'm not CARB.

10 Q. I understand. I'm asking if you  
11 have any reason, as Mr. Hart, to dispute  
12 CARB's finding.

13 A. I don't dispute CARB's memo.

14 Q. Okay. That's what I was --  
15 that's all I was asking.

16 Do you -- are you aware at all of how  
17 the EU regulates trucks?

18 A. We're in the Illinois Trucking  
19 Association. I'm not a European trucking  
20 company.

21 Q. No, I under -- are you aware  
22 about anything in general?

23 A. In broad, very broad  
24 generalities, but my specialty is the State of



1 Illinois and the Illinois Trucking  
2 Association.

3 Q. Of course. What's your broad  
4 understanding of how they -- I'll ask it that  
5 way, because I think that's a very fair  
6 response.

7 In Europe, do they have stricter  
8 regulations for diesel engines or less strict  
9 than we do in Illinois?

10 A. They have different regulations.  
11 I can't speak to whether one is more strict or  
12 what they are, but I do know there are  
13 different regulations in Europe than there are  
14 here.

15 Q. Okay. Are you aware that in the  
16 EU they have a 65 percent target for  
17 zero-emission heavy-duty vehicles by 2035?

18 A. I'm aware of there being targets,  
19 but I'm not sure what that has to do with us  
20 here in the State of Illinois.

21 Q. Well, you cited a document that  
22 compares prices in Illinois and the United  
23 States -- or I'm sorry, in Europe and the  
24 United States, and you have taken the position

1 in your testimony that vehicles are not  
2 available or they will be too expensive,  
3 zero-emission vehicles.

4 And so we have your document, talking  
5 about why --

6 A. That's not my document. That's  
7 the California Air Resource Board document.

8 Q. That's fair. We have the  
9 document you cited, which is talking about  
10 that. So it's --

11 A. Because you asked for data.

12 Q. Exactly.

13 A. All right.

14 Q. My question is just, do you see  
15 the last sentence of that same paragraph in  
16 the CARB memo that reads, quote --

17 A. We're back on the CARB memo?

18 Q. Oh, just the same place we just  
19 were.

20 A. Okay.

21 Q. That was the CARB memo. Page 10.

22 It says, "There also appears to be some  
23 OEM price competition in Europe in advance of  
24 the Vehicle Energy Consumption Calculation

1 Tool CO2 model reporting deadline in 2025."

2 Do you see that?

3 A. Are you referring to the last  
4 sentence in the paragraph?

5 Q. Yeah.

6 A. I see the last sentence in the  
7 paragraph.

8 Q. Right. And so you agree that  
9 CARB found that relevant?

10 HEARING OFFICER LEONI: Excuse  
11 me. Mr. Weinstock, I think it's clear that  
12 the witness does not dispute what is in the  
13 document that he cited and that is now  
14 admitted into evidence.

15 MR. ROBERT WEINSTOCK: Okay.

16 HEARING OFFICER LEONI: So if you  
17 have a specific question or a point you would  
18 like to make, please get to it here.

19 MR. ROBERT WEINSTOCK: Sure.

20 BY MR. ROBERT WEINSTOCK:

21 Q. Do you read that last sentence,  
22 Mr. Hart, as suggesting that CARB believes the  
23 OEM, that -- that manufacturers are responding  
24 to regulations in Europe with lower prices?

1           A.       Mr. Weinstock, that's a question  
2 for CARB.

3           Q.       I asked -- you cited this  
4 document, Mr. Hart. So you --

5           A.       It's their document.

6           Q.       Okay. I understand, Mr. Hart,  
7 but you cited it on this point of the price  
8 comparison.

9           A.       Correct.

10                   HEARING OFFICER LEONI: What --  
11 Mr. Weinstock, what is your question  
12 specifically for Mr. Hart regarding the price  
13 comparison, not his understanding of CARB?

14                   MR. ROBERT WEINSTOCK: Yeah.

15 BY MR. ROBERT WEINSTOCK:

16           Q.       I guess my question is, do you  
17 think, Mr. Hart, that manufacturers might  
18 respond -- that regulations might create  
19 competition as to price among engine  
20 manufacturers?

21           A.       In this instance?

22           Q.       How would you -- yes, in this  
23 instance.

24           A.       This is not my data. This is

1       their data.

2               Q.       I asked your opinion, Mr. Hart.

3               A.       State the question again.

4               Q.       Do you believe that manufacturers  
5       may experience competitive price pressure when  
6       there are regulations that they must meet?

7               A.       What kind of regulations?  
8       State-specific regulations or federal  
9       regulations?

10              Q.       Federal regulations.

11              A.       Because I think we have seen the  
12       response to federal regulations, and I think  
13       there is plenty of documentation of federal  
14       regulations.

15              Q.       Sure.   And --

16              A.       Today we're not talking about a  
17       federal regulation.   We are here over a  
18       state-specific mandate.

19              Q.       I'm just trying to understand,  
20       Mr. Hart, how you --

21              A.       And I just want to be clear that  
22       we are talking about apples and oranges.

23              Q.       I'm really just talking about the  
24       documents you cited, Mr. Hart, but that's

1 fine. We can -- we can move on. The document  
2 does speak for itself, as you said.

3 Let's go back, actually -- let's see if  
4 I can skip a couple questions for you, Mr.  
5 Hart. I do -- and I'm sorry to yo-yo, but  
6 just back to the Ryder report just for a  
7 moment.

8 HEARING OFFICER LEONI: Could you  
9 state the exhibit number, please, Mr.  
10 Weinstock?

11 MR. ROBERT WEINSTOCK: I believe  
12 that's Exhibit 19.

13 HEARING OFFICER LEONI: Thank  
14 you.

15 BY MR. ROBERT WEINSTOCK:

16 Q. So is it your understanding that  
17 that report looked at current costs? Let me  
18 restate that.

19 Is it your understanding that Ryder was  
20 analyzing current costs when it was doing that  
21 analysis?

22 A. For which class of vehicle?

23 Q. Just in general, for any class.

24 A. Well, according to their

1 executive summary, it says Ryder analyzed the  
2 total cost to transport.

3 Q. Okay. And you -- do you read --  
4 I read that as the current cost of transport.  
5 Is that how you read the study?

6 A. I believe it's a measure of the  
7 total cost.

8 Q. Okay. Thank you.

9 Do you have -- can you identify  
10 anything in that study that talks about --  
11 that analyzes future costs?

12 I guess maybe I can ask it a different  
13 way. Mr. Hart?

14 A. Yes, sir.

15 Q. I'll withdraw that question, I'll  
16 ask a new one.

17 A. Okay.

18 Q. When you cited the Ryder  
19 document, did you think it had any information  
20 about future costs of shipping?

21 A. We cited the Ryder information to  
22 answer the question that was posed to us to  
23 provide data.

24 Q. Right. And --

1           A.       And I don't believe that asked  
2 about future.

3           Q.       Well, in the -- so we are -- just  
4 so we're on the same page here, we are at  
5 pre-filed question 14(c). And several of  
6 those --

7           So 14(c) itself asks by 2027, right?

8           A.       It asks for a comparison --

9           Q.       Yeah. Right.

10          A.       -- less than its counterparts by  
11 2027, which is a question about the future,  
12 which we don't have data on 2027, because it  
13 is 2025.

14          Q.       Great. And so when you cited the  
15 Ryder report, you didn't think you were  
16 providing data about 2027 or any time in the  
17 future?

18          A.       We were doing our best to answer  
19 your question.

20          Q.       Understood. And so we also asked  
21 you if you disputed a number of the reports  
22 provided previously that do look at future  
23 costs, and you would agree with me that your  
24 response to 14(c)(2), 14(c)(3), you said "see



1 prior response," right?

2 A. Correct. It says "see prior  
3 response."

4 Q. And that was referring to the  
5 response with the Ryder study?

6 A. That, and we also cited other  
7 sources in there. No, those were referenced  
8 to the original submission. Okay.

9 Q. Okay. So the Ryder study? I  
10 mean --

11 A. Yes.

12 Q. Okay. Great.

13 And just now going down to 14(c)(4),  
14 which asks if -- which asked if the ACT rule  
15 is expected to create economies of scale.

16 Do you see that question?

17 A. I do see question 14(c)(4).

18 Q. And you point -- your answer to  
19 that points us to that October CARB price  
20 comparison fact sheet, right?

21 A. Correct.

22 Q. And that price comparison fact  
23 sheet that we just were talking about, that  
24 looked at 2024 costs, right? Prices, I should

1 say.

2 A. Between 2021 and 2024.

3 Q. Right. And you agree that the  
4 ACT regulation sales percentage requirements  
5 only took effect in California in 2024?

6 A. Correct.

7 Q. Okay. And that's your only  
8 source to answer 14(c)(4)?

9 A. But if I could add, because this  
10 is a great question. Because your question  
11 says, do you dispute the adoption of the ACT  
12 rule is expected to create economies of  
13 scale --

14 [Interruption by the reporter.]

15 A. It's question 14(c)(4), in  
16 regards to economies of scale. And this comes  
17 back to the issue at hand, which is a  
18 state-specific mandate.

19 What your analysis does not consider is  
20 the number of trucking companies who will  
21 license their truck in another state.

22 BY MR. ROBERT WEINSTOCK:

23 Q. Right, but this is not -- we're  
24 not asking about trucking companies here.

1 We're asking about manufact --

2 A. You are asking about economies of  
3 scale.

4 Q. No, for manufacture.

5 A. Right, but if no one -- if there  
6 is not a need, because companies won't  
7 purchase, because they won't license here,  
8 then there is no economies of scale.

9 Q. So do manufacturers manufacture  
10 Illinois-only engines now?

11 A. They do not manufacture Illinois  
12 engines now.

13 Q. And you agree that -- well --

14 A. And they don't manufacture  
15 California-only engines now.

16 Q. Exactly. Okay.

17 A. And in fact, what they have done  
18 is they have actually restricted the number of  
19 trucks that we have -- and the engines we have  
20 access to, in order to try to meet mandates,  
21 and now we can't get access to the cleaner  
22 newer trucks.

23 Q. Well -- in Illinois? Is that in  
24 Illinois?

1           A.       No, that's in California,  
2       Washington, and Oregon.

3                   HEARING OFFICER LEONI:   Excuse  
4       me, Mr. Weinstock.

5                   MR. ROBERT WEINSTOCK:   I should  
6       let him, finish, yeah.

7                   HEARING OFFICER LEONI:   Let him  
8       finish.

9                   MR. ROBERT WEINSTOCK:   I should  
10      let you finish, too.   I'm sorry.

11                  HEARING OFFICER LEONI:   That's  
12      all right.

13      BY MR. ROBERT WEINSTOCK:

14           Q.       So just so we have a clean  
15      record, you just said manufacturers have  
16      restricted the sale of ICE vehicles in  
17      California?

18           A.       They have restrictions that  
19      they're not -- they're not enforcing.

20           Q.       Right -- the manufacturers?

21           A.       The -- there is a retail.  
22      It's the same thing we are talking about here,  
23      and it's doing the same thing there.

24                   The difference is we are completely

1 surrounded by other states, and to avoid this  
2 state-specific mandate, you simply have to  
3 move your trucking company or license your  
4 truck in another state.

5 Q. I think, with respect, Mr. Hart,  
6 now it's you with the apples and the oranges.  
7 We are talking about manufacture behavior, not  
8 trucking company behaviors.

9 And what I'm asking you is, what you  
10 just said is that manufacturers selling into  
11 California are restricting the ICE vehicle  
12 offerings in California. That's what you just  
13 said, right?

14 A. I don't believe the  
15 manufacturers -- and, again, I represent the  
16 Illinois Trucking Association.

17 Q. Which is why I'm --

18 A. So --

19 Q. That's why I'm curious about  
20 where you are getting your evidence about  
21 California.

22 A. My evidence from California is we  
23 do have -- we have an affiliate in California,  
24 California Trucking Association, as we do in

1 Oregon and Washington as well.

2 Q. Okay. Let's go back to the  
3 September CARB memo, number -- Exhibit 17.

4 Did this memo address this very topic,  
5 Mr. Hart, about manufacturers imposing --  
6 limiting the availability of ICE vehicles?

7 MR. ANAND RAO: Can you please  
8 identify the memo by exhibit number so the  
9 record will be easier to read?

10 MR. ROBERT WEINSTOCK: It's  
11 Exhibit 18. Yes, sir.

12 HEARING OFFICER LEONI: Oh, I  
13 thought you said --

14 MR. ROBERT WEINSTOCK: 17. I'm  
15 sorry, it is 17. Two CARB memos. I'm sorry.

16 A. What is your question?

17 BY MR. ROBERT WEINSTOCK:

18 Q. My question is, did that memo  
19 address this question about whether  
20 manufacturers were restricting the sale of ICE  
21 vehicles in California?

22 I'll help you, Mr. Hart. Let's go to  
23 page 4, the top. Do you see the heading that  
24 says, "What is the impact of the Advanced

1 Clean Trucks regulation"?

2 A. Yes.

3 Q. And do you see the first sentence  
4 that reads the OEMs -- and I should stop.

5 "OEM," do you understand that to mean  
6 engine manufacturers?

7 A. Manufacturers.

8 Q. Right. So the first sentence  
9 reads, quote, the OEMs indicated that the  
10 product availability issues for the 2024 model  
11 year are not driven by the act regulation, as  
12 evidenced by the excess of ZEV credits  
13 available based on the act credit summary.

14 Do you see that?

15 A. I do see that.

16 Q. Do you agree that that addresses  
17 the -- what you were describing a moment ago?

18 A. What was I describing a moment  
19 ago that you are referencing?

20 Q. You asserted that manufacturers  
21 were restricting sales in California.

22 A. Manufacturers aren't restricting  
23 sales in California; the Advanced Clean Truck  
24 rule is restricting trucks in California.

1           Q.       And that would be a question for  
2 manufacturers, though, wouldn't it?

3           A.       No, this is not a manufacturing  
4 mandate. The Advanced Clean Truck rule is a  
5 sales mandate.

6           Q.       Right. You just said -- okay.

7           But so then you disagree when CARB  
8 says -- you disagree with both CARB and the  
9 manufacturers, who say, and I quote, the  
10 product availability issues for the 2024 model  
11 year are not driven by the act regulation.

12           Do you disagree with that statement?

13           A.       This is CARB's statement.

14           Q.       Do you disagree with it?

15           A.       I don't have enough knowledge to  
16 know to whether or not -- I run the Illinois  
17 Trucking Association.

18           Q.       We agree. We agree on that, Mr.  
19 Hart. Let's move on to the next topic.

20           MR. ROBERT WEINSTOCK: And what  
21 time -- we are at 3:30.

22           HEARING OFFICER LEONI: This I  
23 believe would be a good time for a 15-minute  
24 break. And then from that point, at 3:45,



1 we'll just continue with the hearing until  
2 5:00 PM today, at which point we will wrap.

3 So 15 minutes, reconvene here at 3:45,  
4 ready to go, everyone.

5 MR. ROBERT WEINSTOCK: Thank you.

6 HEARING OFFICER LEONI: Thank  
7 you.

8 [A recess was taken.]

9 HEARING OFFICER LEONI: All  
10 right. I would like to go back on the record.  
11 It's 3:45. We are reconvening from our break.

12 I just want to compliment everyone for  
13 their professionalism so far, and, you know,  
14 remind us all that this is a regular --  
15 regulatory proceeding, it's not an  
16 adjudicatory proceeding.

17 It has been a long day, and we have got  
18 another long day ahead tomorrow, so let's  
19 please continue to treat each other with  
20 respect and understanding, and please try to  
21 ask and answer questions as quickly and  
22 specifically as possible, and hopefully we can  
23 get out of here right at 5:00 today.

24 So with that, Mr. Weinstock, would you

1 like to continue?

2 Mr. Hart, are you ready?

3 MR. HART: I'm ready. Thank you.

4 HEARING OFFICER LEONI: Okay.

5 MR. ROBERT WEINSTOCK: Thank you,  
6 Hearing Officer Leoni.

7 BY MR. ROBERT WEINSTOCK:

8 Q. Mr. Hart, we're moving on to some  
9 topics where I'm really just hoping, again, to  
10 get on the same page about what's in the  
11 documents you cited. I'm not asking you to  
12 vouch for something somebody else did. I'm  
13 really just asking you, when you gave us the  
14 document, is that -- is this how you  
15 understood it?

16 So -- and I understand before the  
17 break, we got tangled up a little bit there,  
18 but I really just want to be clear that's all  
19 I'm trying to do.

20 And I'll start with a new document.  
21 This is the document that I'll move into  
22 evidence, which will be Exhibit 20, "Renewable  
23 Diesel: A Catalyst for Decarbonization," by  
24 the American Transportation Research

1 Institute.

2 You are familiar with this document?

3 A. I am familiar with that, yes.

4 Q. Yeah. We'll get you a copy. A  
5 copy is on its way. Up to you.

6 A. You want to add this as an  
7 exhibit number?

8 Q. It's 20. Yes.

9 A. 20. Okay. Thanks.

10 Q. Yes, this is Exhibit 20.

11 A. Thanks.

12 Q. You cited this document --

13 HEARING OFFICER LEONI: Oh,  
14 excuse me. I'm sorry. Are there any  
15 objections to entering this document as  
16 Exhibit 20 into the record?

17 Hearing none, my apologies, please  
18 continue.

19 MR. ROBERT WEINSTOCK: I'm sorry.  
20 I'm sorry.

21 HEARING OFFICER LEONI: That's  
22 all right. Thank you.

23 [Document marked as Exhibit No. 20  
24 for identification.]

1 BY MR. ROBERT WEINSTOCK:

2 Q. You cited this --

3 A. And before you do that, where is  
4 it that you --

5 Q. You took the words out of my  
6 mouth, Mr. Hart. On pages 2 and 3 of your  
7 testimony, you cited this document?

8 Is that what you were looking for,  
9 where it comes from?

10 A. (Nodding "yes.")

11 Q. Yeah.

12 And you cited it for your testimony  
13 that studies from the American Transportation  
14 Research Institute show that meeting the same  
15 freight demands with electric trucks could  
16 require as much as 34.3 percent more vehicles  
17 on the road.

18 Do you see that?

19 A. Where are you referring to?

20 Q. That's just reading your  
21 testimony, page --

22 A. And where at?

23 Q. Bottom of page 2, I believe. I  
24 think it maybe carries over.

1           A.       Okay.

2           Q.       And this was the study you were  
3 referring to there, is that right?

4           A.       I don't believe so. I think  
5 this -- you have got the "renewable diesel."  
6 I think -- let me look at my footnotes.

7           Q.       We had trouble finding it, too,  
8 and maybe I'll suggest where we ended up  
9 finding it in that report. Or you want to --

10          A.       I may have it. So --

11          Q.       Oh, okay.

12          A.       Just so we can all be on the same  
13 page.

14          Q.       Yeah, absolutely.

15          A.       Are you referencing where I got  
16 the 34 percent more trucks?

17          Q.       Yeah, the 34.3 percent.

18          A.       That is a two-page document from  
19 the American Transportation Research  
20 Institute.

21          Q.       I'm sorry. Yes. I'm sorry.

22          A.       Yeah, which was included -- it  
23 should be in the original submission.

24          Q.       Yes. Yes. I am sorry about

1     that, Mr. Hart.

2             So that -- what we were really talking  
3     about -- thank you for correcting me.

4             What we were talking about is the  
5     attachment to your pre-filed answers, is that  
6     right?

7             A.     Yeah, this would be attachment --  
8     it's in the one -- it's in the attachments to  
9     my original.

10            Q.     And do you know -- oh, here we  
11     go. Thank you.

12            A.     Not that one. You are on the  
13     fast facts. This is -- it says, "Is  
14     California ready for an electric vehicle  
15     future?"

16            Q.     Oh, it was attached to your  
17     original testimony. Thank you.

18            A.     Yeah, this is one of the exhibits  
19     from our -- complete from the original.

20            Q.     And do you know how they  
21     calculated that number?

22            A.     How -- the American  
23     Transportation Research Institute?

24            Q.     Yeah.

1           A.       No, I was not part of the study.  
2       I don't know how they did that.

3           Q.       Okay. Is it --

4           A.       But I can tell you it's probably  
5       because of reduced payload.

6           Q.       Right.

7           A.       Because when you put batteries on  
8       a truck, you lose the ability to carry up to  
9       80,000 pounds, which is the standard limit.  
10      So in other words, it takes more trucks to  
11      transport the same amount of goods.

12          Q.       Right. So you take a number of  
13      trucks, and then you are looking to replace  
14      all of those trucks, all of those diesel  
15      trucks, it would -- it could as much as 34.3  
16      percent more trucks?

17          A.       That is -- according to their  
18      study, yes.

19          Q.       Right. But you and I -- that's  
20      how you understand it?

21          A.       Correct.

22          Q.       Yeah. Great.

23          My point is just that that 34.3 percent  
24      number is the increase for replacing the

1 entire set of trucks you are looking at?

2 A. That is for every thousand  
3 trucks, an additional 343 would be required to  
4 deliver the same amount of weight due to  
5 battery weight.

6 Q. Right. So replacing 100 percent  
7 of those 1,000 trucks would be 1,343 trucks?

8 A. According to the way that I'm  
9 reading this, yes.

10 Q. Me too.

11 A. Yeah.

12 Q. That's really -- that's really  
13 all I wanted to ask.

14 Oh, one quick question. You have got a  
15 board of directors at ITA?

16 A. I do have a board of directors at  
17 the Illinois Trucking Association.

18 Q. You would agree with me that a  
19 board of directors is important to setting the  
20 direction of an organization?

21 A. It is to our organization.

22 Q. Right. Okay. Great. Let's  
23 go -- I'm going to try to move as quickly as I  
24 can.



1           Let's talk about charging  
2           infrastructure for a minute.

3           A.       Okay.

4           Q.       I just want to understand some of  
5           your testimony there.

6           You -- in your response on page 2 of  
7           your testimony, I'll start there, you say,  
8           quote, truck charging infrastructure  
9           Illinois -- in Illinois does not exist beyond  
10          a handful of private companies?

11          A.       To my knowledge, correct.

12          Q.       And the handful of private  
13          companies, to your knowledge, are those  
14          companies that have -- well, do those  
15          companies have their own charging  
16          infrastructure for their own fleets? Is  
17          that --

18          A.       That is my understanding.

19          Q.       Right. So they have private  
20          chargers?

21          A.       Correct.

22          Q.       Right. And --

23          A.       I can't confirm our truck stop --  
24          I sort of just did a very informal survey of

1     them.   They could not identify a single public  
2     truck charging --

3             Q.       Right.

4             A.       -- charger anywhere in the  
5     state.   Actually, they couldn't identify one  
6     anywhere in the country.

7             Q.       Yeah, and that's --  
8     public/private was exactly what I was trying  
9     to tease out.   Thank you.

10            A.       Correct.   Yep.

11            Q.       When we asked for support for  
12     your testimony that there were no public  
13     chargers, you cited to a CALSTART map of  
14     existing charging stations in your pre-filed  
15     answers?

16            A.       Which question and answer are you  
17     referring to?

18            Q.       I believe it was question 13,  
19     answer eight.   Or excuse me, question 13 on  
20     page 8 of the document.

21            A.       Okay.

22            Q.       13(a).

23            A.       Okay.

24            Q.       And you're citing -- that's where

1     you cite the CALSTART infrastructure map?

2             A.       Yes.

3             Q.       And that map is existing stations  
4     that are open for business, right?

5             A.       I would have to go back and look.  
6     But yeah, to my knowledge. But that's --  
7     those are lower grade. I'm not aware of any  
8     Class 8 truck chargers.

9             Q.       That -- that's a --

10            A.       They may be lower -- could be  
11     lower class.

12            Q.       Sorry, I'm going to let you  
13     finish. That's a fair -- that's a fair  
14     answer.

15            And my question was really just,  
16     whatever they are, those are existing charging  
17     stations. I mean, you say it does not exist,  
18     so I'm just asking, were you looking at the  
19     existing charging stations on that map?

20            A.       When I'm saying it doesn't exist,  
21     that's my asking the truck stop --

22            Q.       Right.

23            A.       -- national truck stop  
24     operators, are you aware of any? The one we

1 are aware of, which is under construction, is  
2 TA and BP are currently building one in Los  
3 Angeles, but it is not open yet.

4 Q. Sure. Your Illinois truckers  
5 told you about the one in LA?

6 A. Yes.

7 Q. Oh. So they are driving -- they  
8 are charging -- they are looking for fuel in  
9 LA? That's how they know, because they saw it  
10 going up?

11 A. No, they know because it's a  
12 national article that was published.

13 Q. Okay. And so the CALSTART map,  
14 your conversations with folks -- none of that  
15 has addressed whether, other than the one  
16 charging station in LA, whether there are  
17 other charging stations being built right now,  
18 right?

19 A. There might be; I am not aware of  
20 any.

21 Q. Right. That's --

22 A. And I've been very clear -- to my  
23 knowledge.

24 Q. Yep. That's exactly what I'm

1     trying to get specific with.

2             A.     Yep.

3             Q.     And certainly then no charging  
4     stations that are just being planned, not even  
5     shovel in the ground, right?

6             A.     Not to my knowledge.

7             Q.     Right. And nothing in your  
8     sources discusses federal, state, or utility,  
9     financial, and technical support for planning  
10    or building charging stations, right?

11            A.     Not to my knowledge.

12            Q.     Right. And are you aware that  
13    Illinois was recently awarded \$100 million to  
14    build more than 300 public electric truck  
15    charging ports in Illinois?

16            A.     I am aware of that.

17            Q.     Okay. You --

18            A.     And I'm aware that that is  
19    ComEd's \$53 million, which we would estimate  
20    would be enough to install 121 Class 8 truck  
21    chargers.

22            Q.     Great.

23            "We would estimate"? Who estimated  
24    that?

1           A.       My simple math estimated that. I  
2 took -- I took the \$53 million, divided it by  
3 the \$115,000 it costs to install an electric  
4 truck charger, and came up with that number.

5           Q.       Yeah. Great.

6           You mentioned on page 2 of your  
7 testimony that fueling an electric truck  
8 requires higher amounts of energy than  
9 charging a car, and we asked if you had any  
10 additional sources related to that in  
11 pre-filed question 13(b), and you cited a  
12 Clean Freight Coalition study.

13           Is that -- Do you remember that?

14           A.       13(b)?

15           Q.       Yes.

16           A.       Yes.

17           MR. ROBERT WEINSTOCK: And I'm  
18 going to -- I think we are up to Exhibit 21  
19 now?

20           HEARING OFFICER LEONI: Yes.

21           MR. ROBERT WEINSTOCK: Which  
22 would be, "Forecasting a realistic electricity  
23 infrastructure build-out," by Clean Freight  
24 Coalition.

1           So that -- we are going to introduce  
2           that into evidence and going to pass it out  
3           now.

4                       HEARING OFFICER LEONI:   Are there  
5           any objections to entering this Exhibit 21  
6           into the record?

7           Hearing none, let's go ahead.

8                       MR. ROBERT WEINSTOCK:   Great.

9                       HEARING OFFICER LEONI:   And this  
10          article is admitted as Exhibit 21.

11                      MR. ROBERT WEINSTOCK:   Thank you.

12                      HEARING OFFICER LEONI:   Yes, sir.  
13                      [Document marked as Exhibit No. 21  
14                      for identification.]

15          BY MR. ROBERT WEINSTOCK:

16                      Q.       Just a couple -- again, Mr. Hart,  
17           just a couple questions to make sure we are  
18           reading the same report.

19                      You would agree that this study doesn't  
20           look at Illinois infrastructure, does it?

21                      A.       What do you mean, look at  
22           Illinois infrastructure?

23                      Q.       Well, I guess this study is  
24           focused on electricity infrastructure to build

1 out for medium and heavy-duty battery electric  
2 vehicles, right?

3 A. Right. This is a study that was  
4 trying to paint of picture of what it would  
5 truly cost in order to install the fueling  
6 system, if you will, that does not exist.

7 And by the way, this cost does not  
8 include the cost of any vehicle.

9 Q. Sure.

10 A. This is merely just the  
11 electrical infrastructure cost.

12 Q. Got you. And do you know from --  
13 in looking at the grid impacts as part of  
14 that -- is that part of this study?

15 A. Yes.

16 Q. And in looking at those grid  
17 impacts, are you aware of what geographic  
18 areas the study considered?

19 A. I'm not aware of that.

20 Q. Okay. I'm going to direct you to  
21 page 14.

22 And -- well, do you -- but you believe  
23 this is a document that's relevant for  
24 thinking about infrastructure in Illinois?



1           A.       I think this is -- I think this  
2       is a starter document just for us to begin to  
3       even try to grasp our brains around what would  
4       it cost, what would it look like, if we truly  
5       wanted to electrify the commercial vehicle  
6       industry.

7           Q.       Yeah.   That's a big question.  
8       Yeah.

9           So if we wanted to electrify the  
10      vehicle industry nationwide?

11          A.       Correct.

12          Q.       And I'll just point you to the  
13      page 14, the -- do you see the heading  
14      "distribution grid investment"?

15          A.       I do.

16          Q.       And if you -- you see the  
17      sentence sort of in the middle of the  
18      paragraph that starts "our study conducted"?

19          A.       Including Texas, California, and  
20      North Carolina.

21          Q.       Yeah, that was my question.

22          So now do you know what the geographic  
23      focus was of this study, when it comes to grid  
24      investments?

1           A.       For that part of their study, I  
2 believe it was California, Texas, and North  
3 Carolina.

4           Q.       Yep. And you haven't cited any  
5 documents that specifically look at the  
6 charging infrastructure needs in Illinois,  
7 though, have you?

8           A.       For commercial vehicles?

9           Q.       Right.

10          A.       We -- no, but we do know that  
11 the -- give me a second to find my notes.

12          Q.       Well, I just have another quick  
13 question about this report.

14          A.       Sure. Go ahead.

15          Q.       So did this report -- was this  
16 report looking at vehicle electrification,  
17 consistent with the ACT sales requirements?

18          A.       I'm not aware. I'm not -- I  
19 didn't do the methodology of the study.

20          Q.       Understood. So would you be  
21 surprised to know that this study was looking  
22 at what it would look like to reach 100  
23 percent electrification by 2040?

24          A.       If that's what their -- their

1 basis was. That's their study; it's not my  
2 study.

3 Q. Yeah. Exactly. That's all.

4 I -- oh, I guess one other question  
5 about the study.

6 HEARING OFFICER LEONI: Excuse  
7 me, Mr. Weinstock.

8 MR. ROBERT WEINSTOCK: Oh.

9 MS. JENNIFER VAN WIE: Yeah. Can  
10 we get the answer to the question of whether  
11 he looked at anything specific to Illinois?

12 MR. ROBERT WEINSTOCK: Oh, sure.

13 MR. HART. What was the question?

14 MR. ROBERT WEINSTOCK: I thought  
15 he did answer that.

16 MS. JENNIFER VAN WIE: I don't  
17 think he did.

18 MR. ROBERT WEINSTOCK: Oh, okay.

19 HEARING OFFICER LEONI: You can  
20 ask specifically --

21 MR. ROBERT WEINSTOCK: Or maybe,  
22 do you want to ask which part you thought  
23 wasn't answered?

24 MR. HART: What question did you

1 have?

2 MS. JENNIFER VAN WIE: Did you  
3 look at anything specific to Illinois?

4 MR. HART: I don't believe -- oh,  
5 I'm sorry. Yes, I was going to look that up.

6 MR. ROBERT WEINSTOCK: I'm sorry.  
7 I'm sorry. I thought he --

8 MR. HART: Yes, and I have got  
9 that in my notes. I'm sorry.

10 MS. JENNIFER VAN WIE: That's  
11 okay.

12 BY MR. ROBERT WEINSTOCK:

13 Q. And the question was to charging  
14 infrastructure.

15 A. So this study projects a cost of  
16 \$1 trillion nationally.

17 Q. Right.

18 A. In that, it would take Illinois  
19 \$36 billion.

20 Q. According to this study?

21 A. According to this study.

22 Q. Which did not use any Illinois  
23 data, as you just agreed?

24 A. No, that's just a simple

1     extrapolation of -- because we were trying to  
2     figure out, again, this is all new, it doesn't  
3     exist, so we are trying to come up with  
4     numbers.

5             Q.     Right.    Yeah.

6             A.     And the number we came up with --  
7     and again, this does not include the purchase  
8     of a single electric truck.

9             Q.     We are talking just  
10    infrastructure.

11            A.     This is just the infrastructure  
12    necessary to create a grid system that we can  
13    push that much electricity out to the  
14    commercial motor vehicles, would be \$1  
15    trillion nationwide, and in Illinois would be  
16    \$36 billion.

17            Q.     Right.    But the --

18                   MR. ROBERT WEINSTOCK:   Oh, did  
19    you have a question?   I'm sorry.

20                   MS. JENNIFER VAN WIE:    But that's  
21    assuming 100 percent by 2040?

22                   MR. HART:   According to this,  
23    yes.

24                   MS. JENNIFER VAN WIE:

1 According -- okay.

2 BY MR. ROBERT WEINSTOCK:

3 Q. Well, this is the report you are  
4 citing, right?

5 A. Correct.

6 Q. Right.

7 MS. JENNIFER VAN WIE: Okay.

8 BY MR. ROBERT WEINSTOCK:

9 Q. And that's based on data from  
10 California, North Carolina, and the third  
11 state.

12 A. I believe that's just the  
13 electric rates, I think, in that  
14 cross-section, if I remember right.

15 Q. It's the only place I could find  
16 in the whole report --

17 A. Yeah. Yeah.

18 Q. -- where they described where  
19 they were drawing their geographic data.

20 A. Right. Yep.

21 Q. But that's fine.

22 MR. HART: Does that answer your  
23 question?

24 MR. ROBERT WEINSTOCK: Yeah, I'm

1       sorry.

2                       MS. JENNIFER VAN WIE:   Yes.

3       Thank you.

4                       MR. HART:   Okay.   Thanks.   Yep.

5                       MR. ROBERT WEINSTOCK:   Thank you.

6       BY MR. ROBERT WEINSTOCK:

7               Q.       I think -- ah.   Well, and you  
8       mentioned that one trillion dollar number.

9               That's the cost that would be borne by  
10       the commercial vehicle industry and the  
11       utilities, right?

12              A.       I -- I don't know who is going to  
13       pay for it, but that's just what this study  
14       estimates --

15              Q.       Right.   Right.

16              A.       -- it would take to increase the  
17       power lines, put in the switches, everything  
18       it would take in order for us to have access  
19       to do the same thing we are doing today with  
20       diesel-powered vehicles.

21              Q.       Yeah.   Right.   And the key there,  
22       though, is you don't know who would pay for  
23       it?

24              A.       Well, at the end of the day, the

1 consumer is going to pay for it.

2 Q. Right. I was just a little  
3 confused, because in your testimony you talked  
4 a lot about taxpayers.

5 A. Right.

6 Q. So I don't know if you had some  
7 inside information about some new government  
8 program.

9 A. No. No.

10 Q. So that's great. Thank you.

11 On page 2 of your testimony, you said  
12 that the rules would create an uneven playing  
13 field and drive businesses and jobs out of  
14 Illinois, which you have repeated a few times  
15 today.

16 A. Uh-huh.

17 Q. We asked you for data to support  
18 that in pre-filed question 15, and -- on page  
19 10, and you answered, just you referred to  
20 your overall testimony?

21 A. Correct. Yep.

22 Q. Right. But none of the sources  
23 you provided in your testimony actually  
24 projected impacts on jobs in Illinois, did



1     they?

2             A.       Well, I can't predict the future.  
3     What I can -- what I can do is report on what  
4     we have experienced in the past.

5             Q.       Yep. And none of those sources  
6     specific -- made any specific projections  
7     about Illinois businesses closing or moving,  
8     did they?

9             A.       Any of the projections?

10            Q.       Yeah. They didn't look at what  
11    the impact of the ACT rule would be on  
12    businesses in Illinois, did they?

13            A.       I -- I don't need projections.  
14    I've been in this industry for over 20 years.  
15    I talk to the men and women who own and  
16    operate trucking companies. I know their  
17    pains, and I can tell you their pains.

18            Q.       I understand.

19            A.       And if we told them that they are  
20    going to be forced to purchase a vehicle  
21    that's \$435,000, \$450,000, with no place to  
22    charge it, they're not going to purchase it.

23            Q.       I understand.

24            A.       They are going to seek other ways

1 to deliver the goods that Illinoisans need.

2 Q. Because your industry is on  
3 wheels?

4 A. We are on wheels.

5 Q. I got that.

6 I think maybe we can -- I'm actually  
7 hoping that we can maybe do -- I have just a  
8 couple topics left, and I hoping that these  
9 will be the easy ones, but we'll see.

10 You -- let's rewind to the beginning of  
11 your testimony, where on page 1, you state  
12 that the trucking industry is proud of our  
13 record of reducing emissions of goal achieved  
14 without mandates.

15 A. Without state-specific man -- I  
16 think it says mandates like this, referencing  
17 state-specific mandates.

18 Q. Right. That's a great -- thank  
19 you. That's helpful.

20 But you agree that those gains are  
21 entirely after there were mandates on new  
22 emission -- or emissions from new vehicles,  
23 right?

24 A. There is a difference between

1 federal mandates and state mandates.

2 Q. Understood. I understand that  
3 difference. I'm just asking you --

4 A. This proposal before --

5 Q. This -- yes.

6 A. -- this Pollution Control Board  
7 is a state-specific mandate. And that's --  
8 that is where our opposition is, is in a  
9 state-specific mandate that creates the  
10 unlevel playing field with surrounding states,  
11 and creates an incentive for out-of-state  
12 companies and makes it more difficult for a  
13 company who chooses to stay here to stay in  
14 business.

15 Q. I understand, Mr. Hart. I think  
16 this will go a lot faster if you don't repeat  
17 that answer again, and just try to stay with  
18 me on this. I understand that -- I'm not  
19 fighting you on any of that. I'm not trying  
20 to get you to recant --

21 A. Well, I'm not fighting you on  
22 anything either.

23 Q. I'm not trying to get you to  
24 recant any of your testimony.

1 I'm just asking you that when you talk  
2 about the progress in emissions, that progress  
3 has been after there have been federal  
4 standards on emissions from new engines?

5 A. I agree there have been federal  
6 standards.

7 [Interruption by the reporter.]

8 BY MR. ROBERT WEINSTOCK:

9 Q. And in fact, all of the  
10 environmental progress you talk about in  
11 this -- in your testimony happened after those  
12 standards were in place at the federal level?

13 A. But they're not entirely due to  
14 those standards.

15 Q. Absolutely.

16 A. There could be a host of other  
17 things. But yes, I agree that there are  
18 federal standards.

19 Q. And you would agree that every  
20 time in your testimony that you assert that  
21 progress has been made, you have just cited to  
22 the standards themselves?

23 A. No.

24 Q. What else did you cite to?

1           A.       Well, we have used technology to  
2 do a much better job of moving freight.

3           Q.       Sure.

4           A.       There is a lot of other things  
5 that go into improving our efficiency  
6 beyond -- beyond government mandates.

7           Q.       Yeah. And I think on page 15  
8 of your pre-filed answers in response to  
9 question 21(e), you cite to U.S. EPA's  
10 emission standards to explain the 98 percent  
11 reduction in NOx emissions. I just want to  
12 make sure I understand how you view those  
13 standards as operating.

14           U.S. EPA sets federal emission  
15 standards. Those apply to new vehicles,  
16 right?

17           A.       Yes.

18           Q.       And then fleets turn over, and so  
19 when it's time to buy a new truck, the fleet  
20 goes out onto the market, and they have to buy  
21 a truck that meets those standards, right?

22           A.       The federal standards, yes.

23           Q.       Right. And those up-to-date  
24 standards have over time required new engines

1 to emit less and less pollution than the older  
2 ones, right?

3 A. The federal standards, yes.

4 Q. Yep. That's right.

5 I'm going to just skip that point.

6 I think the next thing I want to ask  
7 about -- I'm just trying to save us some time,  
8 Mr. Hart. Sorry. This is another topic where  
9 I'm hoping one short question can save us from  
10 a lot of longer ones.

11 You say nothing in your testimony or  
12 your pre-filed answers about the environmental  
13 and public health benefits laid out in the  
14 rule proposal here, do you?

15 A. I don't believe we addressed  
16 that, because the rule is a state-specific  
17 mandate, and we do not believe it will achieve  
18 what the proponents are believing that it will  
19 achieve, because you have not taken into  
20 consideration the fact that we are surrounded  
21 by other states --

22 Q. Right.

23 A. -- and trucking companies will  
24 simply license their truck in other states.

1 We will continue to have out-of-state trucking  
2 companies operating here every day.

3 Q. Right. And so you -- are you  
4 aware that the ERM study cited with the  
5 proposal only examined the impacts of on-road  
6 vehicles that would be registered in Illinois?

7 A. I'm aware that's a study that's  
8 used its own data to draw its own conclusions.

9 Q. Well, do you know what data it  
10 used?

11 A. No, it's not my study.

12 Q. Right. That's all. You said it  
13 used its own data.

14 A. Correct.

15 Q. We'll let the study speak for  
16 itself on the data.

17 A. Right. But that study -- again,  
18 that study doesn't take in consideration a  
19 state like Illinois, which is surrounded by  
20 others states, where you can certainly just  
21 circumvent the regulation altogether by  
22 licensing your truck in another state or  
23 moving your trucking company to another state.

24 Q. Right. That's your reading of

1 the study, that it doesn't take that into  
2 account?

3 A. That's my professional opinion,  
4 20 years being in the trucking industry, that  
5 we'll respond to -- that's how we will respond  
6 to state-specific mandates.

7 Q. Right. But you --

8 A. And we saw that with the  
9 commercial distribution fee.

10 Q. Right. But you didn't actually  
11 offer any specific criticism of the ERM  
12 study's projection of on-road vehicles  
13 registered in Illinois?

14 A. I did not offer any criticisms of  
15 the ERM study.

16 Q. Right. Right. That's all.

17 A couple just -- I think I'm almost  
18 done here. That was helpful. That got us --  
19 it was a couple questions, but it got us there  
20 faster. Just a couple questions about how the  
21 proposal itself would work.

22 On page 2 of your testimony, you  
23 asserted that the proposed rule would have no  
24 preparation period.



1 Do you remember saying that?

2 A. On page 2?

3 Q. Of your testimony, yeah.

4 A. Where are you referencing?

5 Q. Ooh. The quote was "no  
6 preparation period." I would have to go --  
7 ah.

8 So do you see "unrealistic compliance  
9 timeline" in the middle of that page?

10 A. Yeah.

11 Q. Yeah. Then at the end of the  
12 first sentence there, it says "no preparation  
13 period."

14 Do you see that?

15 A. Correct.

16 Q. Did that take into account the  
17 fact that there is a required two-year lead  
18 time before the rules go into effect?

19 A. I'll specify that the term "no"  
20 is not referring to zero.

21 Q. Okay.

22 A. It's referring to virtually no --  
23 because Illinois, unlike California, we have  
24 not had time to build a credit system. We

1 have not had time to build up and prepare. We  
2 have not had time to go out and actually try  
3 to install electric car -- or electric vehicle  
4 chargers. We haven't had time to go to a  
5 manufacturer and say, "This is coming. Can  
6 we -- can you get us vehicles that would  
7 comply?"

8 So in that regard, no, we basically  
9 have essentially no preparation.

10 Q. Insufficient, in your opinion?

11 A. Correct.

12 Q. Right. That's fair. And I'm  
13 glad you mentioned the credit system.

14 You said that Illi -- in your pre-filed  
15 answers, I think it's 11(b) on page 6 or 7 of  
16 those answers, you said, "Illinois has  
17 generated very few early compliance credits."

18 Do you see that?

19 A. Which number?

20 Q. 11(b), as in boy.

21 A. Okay.

22 Q. You say, "Illinois has generated  
23 very few early compliance credits."

24 Are you there?

1           A.       Correct.   Yep.

2           Q.       Does Illinois -- does the State  
3 of Illinois generate credits under the ACT?

4           A.       I'm not entirely sure how the  
5 credit system works under the ACT.

6           Q.       That's -- that's -- that's  
7 helpful.

8                   Is it your -- are you aware that  
9 the comp -- the period for early compliance  
10 credits under the proposed rules is pinned to  
11 the first model year that they will go into  
12 effect in Illinois?

13          A.       I think I addressed that in here.

14                Yeah, in the previous question, 11(a),  
15 you asked what you just did.

16                And my response was it depends on when  
17 the adoption occurs.   Section 177 of the Clean  
18 Air Act requires states to adopt California's  
19 standards at least two years before  
20 commencement.   So --

21          Q.       Right.   My question is  
22 particularly about the early credit comp --

23          A.       Correct.

24          Q.       -- early compliance credit

1 piece.

2 A. Right.

3 Q. That when those credits are  
4 earned depends on when the -- which model year  
5 is first for that state.

6 Is that how you understanding the rules  
7 to work?

8 A. That's how I understand that, but  
9 California has had the opportunity --

10 Q. Right. Right.

11 A. -- whereas we will not have the  
12 opportunity. We have a much faster ramp-up.

13 Q. No -- right. But my point is in  
14 Illinois, if the model rules go into effect in  
15 2029, model year 2029 --

16 A. Right.

17 Q. -- then the early compliance  
18 credit generation period in Illinois would be  
19 model years 2027 and 2028, not model years  
20 2022 or 2023, as it is in California?

21 A. I disagree with that, because  
22 it's our understanding that we have -- because  
23 of the way this is structured, we are hooking  
24 our, hitching our -- onto California's, and we

1 have to -- we would immediately have to jump  
2 into their schedule.

3 Q. That's the -- that's why you are  
4 talking about jumping on the moving train?

5 A. That is why I'm talking about  
6 jumping on the moving train.

7 Q. Yeah. And so that's what I'm  
8 confused about, though, because the actual  
9 proposed rules here account for the fact that  
10 the first model year in Illinois will be  
11 later, and the compliance credit generation  
12 period in Illinois has not yet begun.

13 Do you agree with that?

14 A. I agree we don't have a  
15 regulation here in Illinois at this point.

16 Q. If the proposed rules were -- I'm  
17 just trying to understand your understanding  
18 of the rules?

19 A. Yeah. It's my understanding that  
20 we won't have a sufficient ramp-up. But even  
21 the credit system aside, we don't have an  
22 electric --

23 Q. Under --

24 A. -- that's even designed to be --

1 start putting in these chargers, which  
2 California, where they have been installing  
3 these chargers, it's still taking three to  
4 nine years.

5 Q. Understood. I'm really just  
6 trying to understand how you understand the  
7 proposal.

8 A. Yeah. Right. I mean, if you  
9 want us to buy electric trucks that we just  
10 have to sit because we can't fuel them, you  
11 know, that's what --

12 Q. That's fine, Mr. Hart.  
13 I just have one other question just to  
14 make sure we all are looking at the same  
15 proposed rules here.

16 A. Okay.

17 Q. Because that's really -- when I  
18 read that answer, I wanted to make sure we  
19 were reading the same rules.

20 A. Sure.

21 Q. There's another spot where that  
22 happened. On page 8 of your pre-filed  
23 answers -- well, it's right where we just  
24 were, answer -- question 14(a).

1           We asked if you were aware that the  
2       proposed rules would never require 100 percent  
3       heavy-duty new vehicle sales be electric in  
4       Illinois, and you answered that is not  
5       correct.

6           Do you see that answer?

7           A.       I do see that.

8           Q.       And then on the next page, you  
9       cited a California rule.

10          Do you see that?

11          A.       Correct.

12          Q.       And do you see in that rule you  
13       cited where it reads for 2036 and subsequent  
14       model years?

15          A.       Correct.

16          Q.       And are you aware that the rule  
17       proponents' proposal stops in 2035?

18          A.       I'm not aware of that, but we are  
19       basing this off of California, which is what  
20       we are adopting.

21          Q.       By model year.

22          Are you aware that under the federal  
23       Clean Air Act, states like Illinois are  
24       allowed to adopt only certain model years from

1 California's rules?

2 A. Correct, but it's our  
3 understanding that this is -- because this is  
4 automatically adopting whatever California --  
5 and again, if California changes that, then we  
6 would be automatically changing that, if they  
7 change in the future.

8 Q. By model year?

9 A. I -- I presume it's by whatever  
10 they change it to.

11 Q. If you were shown -- let me stop  
12 a moment.

13 Would it change your position if the  
14 rules could be adopted by model year?

15 A. No.

16 Q. Okay.

17 A. No, our position --

18 Q. No, that's -- it's just a  
19 yes-or-no --

20 A. -- is this is bad for Illinois.

21 Q. I understand. "This" being 2036  
22 requirements? That's what we are talking  
23 about?

24 A. A state -- a state-specific



1 mandate.

2 Q. What is the state-specific  
3 mandate proposed for 2035? You don't know?

4 A. At this point it's our  
5 understanding this mirrors California, and as  
6 I said in here, for 2036 and subsequent years,  
7 100 percent would have to be ZEV requirement.

8 Q. Understood that that's the  
9 basis -- thank you. Sorry. Please strike  
10 that.

11 HEARING OFFICER LEONI: Strike  
12 what?

13 MR. ROBERT WEINSTOCK: My  
14 muttering to myself. Sorry.

15 HEARING OFFICER HORTON: Okay.  
16 BY MR. ROBERT WEINSTOCK:

17 Q. Okay. You would agree with me --  
18 well, I think we already got that. We're good  
19 there.

20 Just a couple of last questions, Mr.  
21 Hart, and I don't -- you have put a lot on  
22 your 20 years of experience, and there is a  
23 lot there, and so I don't mean to question  
24 that. I just want to carve out what that

1 experience is in and what it's not in.

2 You don't -- well, do you have any  
3 prior experience doing economic modeling?

4 A. I'm not an economic modelist.

5 Q. Yep. Do you have experience  
6 managing an engine manufacture -- an engine  
7 manufacturer?

8 A. I do not manage an engine  
9 manufacturer.

10 Q. And never have?

11 A. No.

12 Q. Do you have experience in  
13 electricity grid planning?

14 A. I am not an electricity grid  
15 planner.

16 Q. Do you have experience in  
17 electricity forecasting?

18 A. I'm a trucking industry advocate.  
19 I have not done that.

20 Q. Understood.

21 Do you have any experience in public  
22 health?

23 A. I have experience in public  
24 health as it relates to the trucking industry.

1           Q.       Do you have any experience in  
2 climate science or other environmental  
3 science?

4           A.       I -- my experience in climate  
5 science is what is related to the trucking  
6 industry.

7           Q.       Sure.

8           A.       And advocating for the men and  
9 women who work in the trucking industry.

10          Q.       Right. On -- going back to the  
11 beginning of our conversation, their  
12 commercial interests and safety interests?

13          A.       Correct.

14          Q.       Right. We asked pre-filed  
15 question 22, on page 16, if ITA had done any  
16 studies to assess levels of respiratory health  
17 issues among its membership, and you answered,  
18 not our area of expertise.

19               Do you remember that?

20          A.       Yes.

21          Q.       I read that as you saying that  
22 health impacts, respiratory health issues at  
23 all, are not your area of expertise. Is that  
24 fair?

1           A.       No, that's not our area of  
2 expertise.

3           Q.       Okay. Is it the Board's area of  
4 expertise?

5           A.       Whose board?

6           Q.       The Illinois Pollution Control  
7 Board.

8           A.       The Pollution Control Board?

9           Q.       Yes.

10          A.       I -- the Pollution Control Board  
11 has their mission that's clearly stated.

12          Q.       And that includes addressing  
13 public health problems from air pollution,  
14 doesn't it?

15          A.       It's whatever is spelled out for  
16 the responsibilities of the Pollution Control  
17 Board.

18                   MR. ROBERT WEINSTOCK:  
19 Understood. That's all I have, Mr. Hart.  
20 Thank you very much.

21          A.       Thank you.

22                   HEARING OFFICER LEONI: Okay.  
23 Can we go off the record for just a moment?

24                   THE REPORTER: Off the record.

1 [Discussion off the record.]

2 HEARING OFFICER LEONI: All  
3 right. We'll go back on the record now.

4 THE REPORTER: Back on.

5 HEARING OFFICER LEONI: Thank you  
6 Mr. Weinstock, and thank you, Mr. Hart.

7 Is there anyone here in Springfield  
8 that has any questions for Mr. Hart?

9 MR. ALBERT ETTINGER: I have a  
10 couple.

11 HEARING OFFICER LEONI: Sure. Go  
12 ahead, please, and introduce myself.

13 EXAMINATION

14 BY MR. ALBERT ETTINGER:

15 Q. I'm Albert Ettinger. I'm one of  
16 the counsel for Sierra Club. I'm mainly here  
17 just because I'm so pretty, but you said a few  
18 things earlier in your testimony which piqued  
19 my interest, and I wanted to ask about them.

20 Long ago and far away, when you gave  
21 your initial introduction, you talked about  
22 how you wanted to work in the legislature on  
23 this, and how Illinois should be a leader.

24 What specifically did you have in mind

1     that the Illinois Trucking Association might  
2     support that would make Illinois a leader in  
3     this area?

4             A.       Sure. I think incentives can be  
5     a great tool. Again, it's consistent with our  
6     governor, who has preferred the carrot over  
7     the stick approach.

8             I have talked to some of the  
9     environmental groups, I have talked to your  
10    president about possible ways that we can do  
11    some pilot programs.

12            And so we are open to any sort of  
13    incentives that are out there that allow us to  
14    continue to serve the public by delivering --  
15    safely delivering the freight they needed, but  
16    doing it on a realistic time frame with  
17    realistic equipment.

18            Q.       And what do you mean specifically  
19    by incentives?

20            A.       Incentives could range from  
21    anything, to tax incentives, or encouragement,  
22    or grants, rebates. There is a whole host of  
23    incentives that could be used.

24            Q.       Also I assume you sat here

1 through the testimony of many people who are  
2 concerned about air pollution specifically --

3 A. I did, yeah.

4 Q. -- from deliveries to  
5 warehouses?

6 A. Uh-huh.

7 Q. What would the Illinois Trucking  
8 Association propose to do about that problem?

9 A. Well, we have reduced emissions  
10 by 98 percent over the last three decades.  
11 So -- and we are trying our best to get the  
12 newer diesel trucks that are available,  
13 because they have reduced emissions by 98  
14 percent, so the more of those that we get on  
15 the road, the better.

16 We support things like the federal  
17 excise tax repeal, which would save -- you  
18 know, when somebody buys one of these trucks  
19 that has this new technology, they have to pay  
20 a 10 percent federal excise tax. It's been  
21 around since World War I, over 100 years. We  
22 think it makes sense to repeal that federal  
23 excise tax and make it easier for these  
24 cleaner, better vehicles to get on the road.

1           Q.     Is there anything specifically  
2     that we should do in Illinois that we --

3           A.     We could file a resolution --

4           Q.     I'm sorry, now you are cutting  
5     into my question.

6           A.     Yeah. Oh, I'm sorry. Sorry.

7           Q.     Is there anything specifically in  
8     Illinois that we could do to promote reducing  
9     pollution from trucks delivering to those  
10    warehouses?

11          A.     Yeah, the Illinois legislature  
12    could propose a resolution that would  
13    encourage the adoption of the federal excise  
14    tax repeal. That's a state thing that we can  
15    do that encourages Congress to do that so we  
16    can get these vehicles. That's one thing.

17          The Illinois Trucking Association also  
18    supports legislation -- I noted this in my  
19    comments -- of allowing an extra 2,000-pound  
20    weight variance for electric vehicles and  
21    hydrogen fuel cell vehicles, to allow as an  
22    incentive to try to get more of these vehicles  
23    on the road.

24                   MR. ALBERT ETTINGER: Thanks.



1 That's all I had.

2 MR. HART: Thank you.

3 HEARING OFFICER LEONI: Okay.

4 Thank you, Mr. Ettinger and Mr. Hart. Are  
5 there any additional questions here in  
6 Springfield for Mr. Hart, from the agency or  
7 the Board?

8 Any additional questions for Mr. Hart  
9 in Chicago?

10 No? Okay. Hearing none, then that  
11 wraps it up for Mr. Hart. Thank you, Mr.  
12 Hart.

13 MR. HART: Thank you.

14 [Matthew Hart excused.]

15 HEARING OFFICER LEONI: Next, we  
16 have the testimony of Matt Wells for the  
17 Midwest Truckers Association. And we have  
18 about 37 minutes left today.

19 Actually, can I go off the record for a  
20 moment?

21 THE REPORTER: Off the record.

22 [Discussion off the record.]

23 HEARING OFFICER LEONI: We'll go  
24 back on the record and invite Mr. Wells up.

1 And once he is up, would the court reporter  
2 please swear in the witness?

3 [Matthew Wells sworn in  
4 by the court reporter.]

5 HEARING OFFICER LEONI: Okay.  
6 Thank you very much. As mentioned much  
7 earlier, the pre-filed testimony is entered  
8 into the record as if read.

9 Mr. Wells, would you like to enter your  
10 pre-filed testimony?

11 MR. WELLS: Yes.

12 HEARING OFFICER LEONI: Okay.  
13 Thank you. That will be entered as Exhibit  
14 22.

15 [Document marked as Exhibit No. 22  
16 for identification.]

17 HEARING OFFICER LEONI: And Mr.  
18 Wells, at this time, do you wish to offer a  
19 brief introduction or summary to your  
20 testimony?

21 MR. WELLS: I will make it brief  
22 in the interest of the Pollution Control Board  
23 and everyone here today. We have had a long  
24 day.

1           My name is Matt Wells. I serve as the  
2 vice president of Midwest Truckers  
3 Association. We are an organization that  
4 represents over 4,200 trucking company and  
5 entities that operate trucks within the State  
6 of Illinois and 16 other states.

7           I will preface that those companies in  
8 16 other states do have an interest here in  
9 Illinois, so they probably operate trucks or  
10 vehicles throughout this state at that time.

11           We provided our testimony in the  
12 interest of helping the Pollution Control  
13 Board fully understand the implications of the  
14 regulations they are considering today and  
15 throughout this process. We believe, as an  
16 organization, that there are implications that  
17 these regulations won't solve completely, and  
18 we find that complicating for everyone here  
19 today.

20           So at that interest, I will entertain  
21 any questions. I'll let my testimony stand as  
22 it was presented.

23                   HEARING OFFICER LEONI: Thank  
24 you, Mr. Wells. We'll proceed to questions

1 now.

2 And since the questions that have been  
3 pre-filed have been entered as if read, would  
4 you like to enter your pre-filed answers as if  
5 read as well, Mr. Wells?

6 MR. WELLS: Yes.

7 HEARING OFFICER LEONI: Okay.

8 Thank you.

9 And I understand you filed three  
10 separate documents of written answers, so the  
11 first document will be entered as if read as  
12 Exhibit 23; the second document of your  
13 pre-filed answers will be entered as if read  
14 as Exhibit 24; and the third document will be  
15 entered as if read as Exhibit 25.

16 [Document marked as Exhibit No. 23  
17 for identification.]

18 [Document marked as Exhibit No. 24  
19 for identification.]

20 [Document marked as Exhibit No. 25  
21 for identification.]

22 HEARING OFFICER LEONI: Now  
23 proceed to questions of the witness.

24 Proponents?

1 MR. NATHANIEL SHOAFF: Thank you  
2 very much.  
3

4 The witness, MATTHEW WELLS, first  
5 having been duly sworn, testified as follows:

6 EXAMINATION

7 BY MR. NATHANIEL SHOAFF:

8 Q. Mr. Wells, my name is Nathaniel  
9 Shoaff. I'm here on behalf of Sierra Club,  
10 the Natural Resources Defense Council, and  
11 Environmental Defense Fund, and Center for  
12 Neighborhood Technology.

13 So that the Board has a clear and  
14 accurate record, when I ask you a question  
15 that asks for a yes-or-no answer, please give  
16 just a yes-or-no answer. That will help us  
17 move along and get out of here at the end of  
18 the day. Is that fair?

19 A. I will answer your questions as I  
20 am best able to provide accurate testimony for  
21 the Board.

22 Q. Okay. Mr. Wells, in response to  
23 our question number one, we asked for a resume  
24 or a CV, but that wasn't provided.

1           You are a registered lobbyist for the  
2 MTA, is that correct?

3           A.       That is correct.

4           Q.       And you have been for the last 15  
5 or so years?

6           A.       That is correct.

7           Q.       Okay. I have just one  
8 preliminary question for you, which was, in  
9 your responses to pre-filed questions, those  
10 three sets, including those that were filed  
11 two days after the hearing officer's deadline  
12 for responses here, you chose not to answer  
13 several questions proposed by rule proponents.

14           How come?

15           A.       The reason I chose not to answer  
16 some of those questions, because some of those  
17 questions I did not have answers to, and some  
18 of those questions I felt were leading me to  
19 an answer that I didn't believe was accurate,  
20 so I chose not to answer those questions.

21           Q.       Okay. We are going to go through  
22 those questions that you chose not to answer,  
23 but first I want to start with some of the  
24 questions that you did answer. Let's look at

1 response 1 from your responses to the Board.

2 Now, the prompt in that question from  
3 the Board was about the \$100 million  
4 investment this year by Commonwealth Edison,  
5 and it ended with the following question: "Is  
6 it participant's position that the market  
7 forces and other rebates and incentive  
8 programs would not contribute significantly to  
9 the proposed rules?"

10 Now, you provided a narrative response.  
11 At the end of that, you list three websites.  
12 One is the California Air Resources Board  
13 website for news, one is the California Air  
14 Resources Board general topics site, and one  
15 is the California Air Resources Board 25 --  
16 2025, excuse me, 2026 budget page.

17 In your response, Mr. Wells, you didn't  
18 indicate whether any of those websites address  
19 the specific question posed to you by the  
20 Board, did you?

21 A. No.

22 Q. And did you point to specific  
23 language in any of those websites, or  
24 information in any of those websites, that

1 indicate whether those websites support the  
2 assertion that you have made?

3 A. Yes, I believe I pointed to an  
4 assertion that California's investing over a  
5 billion dollars every year to ensure that  
6 their regulations are successful. That has to  
7 follow -- that is rec -- that is shown in  
8 their budget proposal link that I provided to  
9 the Board.

10 Q. But you don't indicate in your  
11 answer where in that general budget website it  
12 indicates what investments are being made in  
13 California this particular year, do you?

14 A. Directly within the answer to the  
15 Board? Is that your question?

16 Q. Yeah, I'm asking if you have  
17 indicated in your answer where in that website  
18 it actually supports that assertion. I don't  
19 see it in here. If it's there, I have missed  
20 it.

21 A. I must have not put a footnote in  
22 the correct place for where that is, but it is  
23 in the budget of California, where it states  
24 how much they have invested in CARB and plan



1 to invest in CARB.

2 Q. All right.

3 Mr. Wells, attorneys are notoriously  
4 hesitant to talk about math, but I'm going to  
5 go there anyways.

6 A. Ooh.

7 Q. Let's look at question -- your  
8 response to question one. This is on the  
9 first page of your response to the Board.

10 A. To the Board?

11 Q. There is no page number  
12 indicated, but it is on the first page.

13 Toward the middle of the page, you  
14 write, "The reality of private grant programs  
15 like ComEd making a significant impact on  
16 commercial trucking operations to switch to  
17 electric would need to be 1,000 times greater  
18 than the \$53 million being offered."

19 53 -- a thousand times 53 million is, I  
20 believe, nine zeros? Is that right? \$53  
21 billion?

22 A. Pretty close.

23 Q. You didn't provide a citation to  
24 that, so was that answer rhetorical, or was it

1 actually based on data? Were you just saying  
2 this is going to be a lot of money that's  
3 needed?

4 A. I believe it was a rhetorical  
5 reply to that, because it is going to be a  
6 significantly larger amount of money than the  
7 \$53 million being invested by ComEd at this  
8 current time.

9 Q. But there's no citation to how  
10 much --

11 A. No.

12 Q. -- you think it would cost?  
13 Fair.

14 [Interruption by the reporter.]

15 BY MR. NATHANIEL SHOAFF:

16 Q. Let's talk about the bus and  
17 truck regulation.

18 A. Sure.

19 Q. There were questions posed to you  
20 by the Board, questions posed to you by rule  
21 proponents.

22 On page 4 of your testimony, or the  
23 fourth page of your testimony, you wrote,  
24 "California has regulations that allow it to

1 close its borders to noncompliant vehicles  
2 from entering the state."

3 Now, when asked by all of the parties,  
4 you indicated that that was from something  
5 called the bus and truck regulations.

6 As I understand it, the truck and bus  
7 regulation was adopted in California in 2008.

8 A. Uh-huh.

9 Q. As of 2023, it requires all  
10 diesel-powered vehicles that operate in  
11 California that have -- I apologize for the  
12 terminology, but this is a specific term of  
13 art that I think you'll recognize -- the gross  
14 vehicle weight rating of over 14,000 pounds.

15 Does that sound accurate so far?

16 A. Yes.

17 Q. So that those certain class of  
18 vehicles that weigh a certain amount must have  
19 a 2010 or newer engine and emission system,  
20 with a few exceptions.

21 Have I actually captured your  
22 understanding of that regulation?

23 A. That is correct.

24 Q. Okay. So it's trying to get at

1 air pollution in California, by over that,  
2 whatever it is, 15-year period from 2008 to  
3 2023, eliminating certain older vehicles of  
4 certain types of trucks, correct?

5 A. From being able to operate in the  
6 state of California.

7 Q. Yes.

8 A. Yes.

9 Q. Okay.

10 And you understand, I think, as you  
11 indicated in response to questions, that  
12 nobody here is proposing that Illinois adopt a  
13 similar regulation for Illinois, correct?

14 A. I understand that that is not  
15 part of the proposed rules, but the point of  
16 me bringing that regulation up was to show  
17 that California did not create these rules in  
18 individual silos; they created these rules as  
19 a series of rules that they have been enacting  
20 since 1970, and investing billions of dollars  
21 in.

22 So for Illinois to take handpicked  
23 sections of rules that build upon each other  
24 to create the results that California is

1     trying to utilize or do in their area, based  
2     on their geographical differences, is the  
3     reason for that reference.

4             Q.       Mr. Wells, it is right now 4:35.  
5     We are never going to leave if yes-or-no  
6     questions get a paragraph answer. Please,  
7     where possible, when I ask you a yes-or-no  
8     question, just give a yes-or-no answer. You  
9     have had a chance to explain all of this in  
10    your testimony in pre-filed answers.

11            You understand that nobody in this  
12    proceeding has proposed that Illinois adopt a  
13    regulation similar to that bus and truck  
14    regulation, correct?

15           A.       Yes.

16           Q.       And yet you think, it's your  
17    opinion, as you have stated in your pre-filed  
18    answers, and as you have just told us, that  
19    not having a similar regulation in Illinois  
20    would reduce the effectiveness of the Advanced  
21    Clean Trucks rule in Illinois? Is that  
22    correct?

23           A.       Of the proposed rules here, yes,  
24    that is correct. I believe it will negate the

1 amount.

2 Q. Okay. So these rules in  
3 California, as of 2023, prohibit certain  
4 classes of trucks with engines that are more  
5 than 15 years old for trucks that weigh more  
6 than 14,000 pounds from operating in the  
7 state.

8 My question to you is, how many trucks  
9 operating in Illinois right now have a gross  
10 vehicle weight rating of over 14,000 pounds  
11 and an engine that was made in two -- made  
12 before 2010?

13 A. Please restate your question so I  
14 understand it properly.

15 Q. How many trucks operating in  
16 Illinois today have a gross vehicle weight  
17 rating over 14,000 pounds and have an engine  
18 that's made before 2010?

19 A. That is an unattainable answer,  
20 and the reason so is because trucks from any  
21 jurisdiction and Canada and Mexico can obtain  
22 within the borders of the state.

23 Q. So the answer is we don't know  
24 how many trucks would fit that description

1 right now in Illinois?

2 A. That are physically inside the  
3 state right now, or are registered inside the  
4 state? Because you are asking two separate  
5 questions.

6 Q. I'm asking --

7 A. So please clarify.

8 Q. -- just one question, which is,  
9 you are telling us that without this rule in  
10 Illinois, ACT would be less effective?

11 A. Yes.

12 Q. I'm wondering how many trucks  
13 that operate through Illinois, let's say on  
14 any given day, would fit the classification of  
15 trucks that are affected by this regulation.  
16 So those are gross vehicle weight ratings of  
17 over 14,000 pounds and have an engine that was  
18 made before 2010.

19 Do we know how many trucks are operated  
20 in Illinois today that fit that description?  
21 If the answer is no, it's fine.

22 A. No.

23 Q. Okay. One last question about  
24 this.

1           The Board asked you in question 5(b) if  
2     any case has been filed challenging the  
3     specific CARB commercial truck regulations.  
4     Please provide the case name, case, or docket  
5     number, court, when the case was filed, and  
6     the current status.

7           In response, you link to a CARB website  
8     that has more than 30 cases where CARB was a  
9     party. Some of those have to do with FOIA  
10    responses, some have to do with national  
11    ambient air quality standards.

12          My question to you is, do any of those  
13    cases actually involve the truck and bus  
14    regulation that you described?

15          A.     So in an effort to make sure the  
16    Board knew that CARB tracks all of the cases  
17    filed against them, I referenced that page.  
18    But on that page, if you read it, it very  
19    cleanly (sic) says challenges to CARB or U.S.  
20    EPA's truck emission regulations, and there it  
21    lists I believe four different challenges, and  
22    those were the ones in reference to.

23          My assumption was, because they asked  
24    the question, that would be the cases they



1 would look at as I referred to that page where  
2 they were.

3 Q. And I'm sorry. You said these  
4 were the -- the appropriate section of that  
5 website is the challenges to CARB's or U.S.  
6 EPA's truck emissions regulations?

7 A. Yeah, it's about halfway down on  
8 the page.

9 Q. Those are the -- those are the  
10 four cases?

11 A. Uh-huh. (Nodding head "yes.")

12 Q. Which ones challenge EPA's truck  
13 emission regulations?

14 A. Which -- I'm sorry. Repeat the  
15 question.

16 Q. Well, you listed four cases here.  
17 This website lists four cases.

18 A. The first one that I did not  
19 mention, CARB intervening to challenge U.S.  
20 EPA recent waiver, is the one that references  
21 the U.S. EPA. The rest of them reference  
22 California Air Resources Board.

23 Q. All right. Let's move on.

24 A. Okay.

1           Q.       In response to question 2 asked  
2 you by rule proponents --

3           A.       Rule proponents.   Okay.

4           Q.       -- we asked you to please  
5 provide in native format, with all formulas  
6 intact, all work papers, calculations,  
7 sources, and analyses that support all  
8 numerical values and/or quantitative claims  
9 included in your testimony, and if no such  
10 materials exist, please state as much in  
11 response to this question.

12          A.       My testimony used basic math, so  
13 there is no response.

14          Q.       I have not asked you a question,  
15 sir.

16               My question to you is, there was  
17 nothing written on the page next to question  
18 2. Is it accurate to say that you provided no  
19 such work papers, calculations, or studies, in  
20 response to this specific question?

21          A.       Correct.

22          Q.       On page 5 of your testimony, you  
23 write, "MTA considers the magnitude of  
24 negative implications of enacting" -- and then

1     you list these three rules -- "greatly  
2     outweighs the benefits of following those  
3     rules."

4             In response to question 5(a), about  
5     that statement, we asked if you evaluated  
6     ERM's benefit calculations in your testimony,  
7     and you said no.

8             Is that correct?

9             A.       That is correct.

10            Q.       Then in 5(c), we asked if you or  
11     if MTA had quantified the so-called negative  
12     implications of those proposed rules.

13            And again, you said no.

14            Is that correct?

15            A.       That is correct.

16            Q.       So to recap, you think that the  
17     negative implications outweigh the benefits of  
18     the rules, but in making that statement, you  
19     didn't consider the quantified benefits that  
20     rule proponents provided, and you didn't  
21     quantify the negative implications yourself.

22            Is that correct?

23            A.       Our opinion is you cannot  
24     quantify something that doesn't exist. We can

1 make assumptions, but nothing is quantifiable.

2 Q. Fine.

3 In response to question 5(e), we asked  
4 if MTA had ever advocated that U.S. EPA take  
5 steps to reduce vehicle emission standards or  
6 limit increases in fuel efficiency at the  
7 federal level.

8 Your response was that MTA has worked  
9 with member companies to comply with U.S. EPA  
10 regulations that affect their businesses.

11 I think that statement is laudable. It  
12 is not, however, responsive to the question.

13 So has MTA ever advocated that U.S. EPA  
14 take steps to reduce vehicle emission  
15 standards, or has MTA ever advocated for  
16 limits in increases in federal fuel efficiency  
17 standards?

18 A. While I appreciate your opinion,  
19 my answer will be no.

20 Q. Well, I haven't offered an  
21 opinion.

22 A. You did.

23 Q. I am just asking if MTA has ever  
24 advocated that the federal government not

1     increase fuel efficiency standards.   The  
2     answer is no, MTA --

3             A.       Well, I'm sorry, that was not  
4     your question.

5             Q.       Has MTA --

6             A.       You --

7             Q.       Here's my question.

8             Has MTA advocated that U.S. EPA take  
9     steps to reduce vehicle emission standards?

10            A.       Have we asked -- I'm rephrasing  
11   your question so I understand.

12            Have we asked EPA to increase, or take  
13   steps, to reduce vehicle emissions? Is that  
14   correct?

15            Q.       No.

16            Has MTA advocated that U.S. EPA reduce  
17   vehicle emission standards?

18            A.       Have we advocated for them to  
19   reduce the vehicle standard -- so the current  
20   standards, to take them down? Have we  
21   advocated for that?

22            Q.       Any of those standards? The  
23   current ones or the prior ones.

24            A.       We have not directly advocated

1 for EPA to take those emission standards down.

2 Q. And has MTA ever advocated to  
3 limit increases in fuel efficiency at the  
4 federal level?

5 A. No.

6 Q. Okay. Those -- that was the  
7 specific question that we asked you in our  
8 pre-filed answers, so I appreciate the direct  
9 response today, Mr. Wells.

10 Question 5(f), Mr. Wells. We asked you  
11 if ERM -- sorry. We noted that ERM quantified  
12 the environmental public health and economic  
13 benefits of the proposed rules, and asked  
14 whether you dispute ERM's analysis and its  
15 conclusions, and if so, to please state with  
16 particularity which aspects of that  
17 quantification you disagree with.

18 In response, there was no response.

19 So my question to you is, you have not  
20 provided any study or any analysis that  
21 disputes the specific findings presented by  
22 ERM in the statement of reasons, have you?

23 A. No.

24 Q. In response to question 6, we

1 asked whether you agree that there were public  
2 health benefits to reducing air pollution.

3 That's pretty straightforward, and you  
4 agreed that that's true, pointing to the  
5 national ambient air quality standards.

6 We then asked you if MTA thought  
7 policymakers should consider those  
8 improvements to public health in considering  
9 these proposed rules.

10 Your response was, what policymakers  
11 are you referring to?

12 Mr. Wells, given that the Pollution  
13 Control Board is the only policymaking body at  
14 issue in this proceeding, my question is, does  
15 MTA think that the Pollution Control Board  
16 should consider improvements in public health  
17 in Illinois in considering whether or not to  
18 adopt these rules?

19 A. MTA believes that these policies  
20 and rules are best advocated through the  
21 legislative process and not through the  
22 rulemaking process. That is my answer.

23 Q. Mr. Wells, that is a different  
24 question -- an answer to a different question.

1 I'm not asking you if you think this would be  
2 better handled by the legislature. I  
3 understand that's your position. That's fair.

4 My question is, does MTA think that the  
5 Illinois Pollution Control Board ought to  
6 consider improvements to public health in  
7 considering whether or not to adopt the  
8 proposed rules? Yes or no?

9 A. Yes.

10 Q. Thank you. Again, we could have  
11 saved some time if this had been answered in  
12 the direct questions.

13 A. We can also save time if you just  
14 ask questions.

15 Q. They have been asked.

16 On the third page of your testimony,  
17 you write that the number of miles driven in  
18 Illinois by Illinois-based commercial vehicles  
19 is significantly less than carriers not based  
20 in Illinois.

21 In response to our question, you wrote,  
22 "I don't believe if the Illinois Pollution  
23 Control Board adopted the proposed regulations  
24 that Illinois would realize a discernible drop



1 in emissions."

2 You didn't provide any source,  
3 citation, or study in your answer, did you?

4 A. No.

5 Q. Mr. Wells, are you aware of the  
6 calculations in our statement of reasons which  
7 concluded that looking only at on-road  
8 vehicles registered in Illinois, the ACT rule  
9 would reduce annual greenhouse gas emissions  
10 by 1.6 million metric tons by 2050, provide  
11 \$6.5 billion in monetized benefits, prevent  
12 more than 21,000 respiratory illnesses and  
13 lost work days?

14 Your response to whether you were aware  
15 of those calculations was no response.

16 So Mr. Wells, my question is, are you  
17 aware of that information that was contained  
18 in the statement of reasons?

19 A. I am aware of the proponents'  
20 position.

21 Q. And you haven't cited any  
22 evidence or study that counter those, counter  
23 the information presented in the ERM report  
24 that is in the record that forecasts these

1 emit reductions and the attendant public  
2 health benefits of adopting the proposed  
3 rules, correct?

4 A. That is correct.

5 Q. All right, Mr. Wells. I would  
6 like to talk about the analysis that you have  
7 done regarding in-state and out-of-state  
8 companies with regard to the adoption of the  
9 proposed rules.

10 A. Okay.

11 Q. In question 13, we asked you to  
12 provide the study or other support for your  
13 statement on the third page of your testimony,  
14 which was that, economically, adoption of the  
15 Low NOx and ACT in Illinois will create a  
16 significant increase in the number of  
17 out-of-state carriers that will be operating  
18 in Illinois.

19 Now, you did provide an answer to that  
20 question, which I appreciate, but my question  
21 to you here is, that narrative answer didn't  
22 provide a single citation to any study or  
23 data, did it?

24 A. No.

1           Q.       Has the MTA produced any  
2       research -- this is question 15 that we asked  
3       of you.

4           Has the MTA produced any research into  
5       the economic effects of the proposal on  
6       competition between Illinois and out-of-state  
7       carriers, or does this portion of your  
8       testimony lack a basis in the data?

9           Your response to question 15, Mr.  
10       Wells, was no answer.

11          Does that mean that you don't have any  
12       such data because it does not exist?

13          A.       We cannot create data based on  
14       something that doesn't exist.

15          Q.       So just the answer is -- am I  
16       right in saying MTA has not conducted any  
17       research into the economic effects of the  
18       proposal on competition between Illinois and  
19       out-of-state carriers?

20          A.       We have not posed that direct  
21       question to our membership.

22          Q.       Or done any other research,  
23       whether it was posed to your members or done  
24       independently?

1           A.       We have not financed any  
2       research.

3           Q.       Have you done any research?

4           A.       Me personally, or the  
5       organization on the economic impacts of  
6       out-of-state versus in-state carriers?

7           Q.       Yeah, the question that was posed  
8       that was not answered was, has the MTA  
9       produced any research. Our word was  
10      "produced." Whether it's funded or prepared,  
11      I don't really care.

12           But has MTA produced any research into  
13      the economic effects of the proposal, meaning  
14      these proposed rules, on competition between  
15      Illinois and out-of-state carriers?

16           A.       We have not had the time to pose  
17      that question, so no.

18           Q.       Okay. Thank you, Mr. Wells. I  
19      have another question for you.

20           In your pre-filed testimony, this is  
21      our question 19, you wrote, economically and  
22      logically, the Illinois -- "logistically."  
23      Sorry. It did not say "logically."

24           Economically and logistically, the

1 Illinois EPA does not have the funding or  
2 manpower to implement such operations to  
3 achieve the stated impacts that proponents of  
4 the rule are acknowledging.

5 That last part is a mouthful, but I  
6 think what you are getting at is an assertion  
7 that Illinois EPA doesn't have the funding or  
8 manpower to implement ACT. Is that correct?

9 A. It's not included in the proposed  
10 rule process. Correct.

11 Q. Okay. I now understand the  
12 assertion.

13 Here's my question. Did you quantify  
14 the agency manpower needed to implement ACT in  
15 Illinois?

16 A. Actually, I think that's a better  
17 question for EPA.

18 Q. Okay. Well, your assertion is  
19 EPA doesn't have the manpower to implement the  
20 rules, so I'm asking if you have quantified  
21 the manpower necessary to implement the rule  
22 in Illinois.

23 A. In our experience working with  
24 EPA already on regulatory issues that we are

1 dealing with, they are still suffering from a  
2 lack of manpower to maintain the current  
3 Illinois regulations that we have on the books  
4 today. Specifically, so that you understand  
5 that I know what I'm talking about, is storm  
6 water drainage.

7 Q. Okay. I appreciate that agencies  
8 do different things and it's important to  
9 manage stormwater drainage. I support those  
10 efforts.

11 But just to be clear, you haven't  
12 quantified the number of, say, full-time  
13 employees that IEPA would need in order to  
14 implement ACT, did you?

15 A. I do not work for CMS, so no.

16 Q. Who is CMS?

17 A. Central Management System.

18 Q. Is that part of IEPA?

19 A. That's part of the Illinois  
20 government. You can read about it.

21 Q. Okay. Did you -- have you  
22 quantified the agency manpower necessary to  
23 implement ACT in California or any other  
24 state?

1           A.       I can quantify that California so  
2 far has budgeted over almost -- actually,  
3 slightly above \$1 billion next year for the  
4 management of CARB, which includes the  
5 management of ACT, Low NOx, and ACC2.

6           Q.       Okay. But that --

7           A.       So to --

8           Q.       It sounds like --

9           A.       Again, it goes back to my  
10 statement, California created this environment  
11 over a series of 50 years. So California will  
12 not give me their specific regulatory dollars.  
13 So no, I do not have that answer.

14          Q.       Mr. Wells, I think where you  
15 ended and where you began that answer was a  
16 direct response to the question.

17               It is now 4:53, by my watch. I think  
18 we can wrap up by 5:00, but only if you answer  
19 in yes-or-no questions.

20               Are you aware that NESCAUM, the New  
21 England States for Coordinated Air Use  
22 Management, is available to support states in  
23 implementing these rules if asked by IEPA?

24          A.       No.

1 Q. Did you hear the portion of the  
2 public comment where that was raised by  
3 somebody -- by a member of the public today?

4 A. I did not pick up on that moment.  
5 I'm sorry. There was a lot of public comment  
6 given.

7 Q. Did you take into consideration  
8 in your assertion that Illinois EPA doesn't  
9 have enough manpower to implement these rules,  
10 either the amount of manpower necessary to  
11 implement the rules or the fact that NESCAUM  
12 is available to support states in implementing  
13 the rules?

14 A. I'm sorry. Can you please  
15 rephrase your question?

16 Q. Did you take the NESCAUM's  
17 willingness to support states into  
18 consideration when you made the assertion that  
19 Illinois EPA won't have enough manpower to  
20 implement ACT?

21 A. If I was unaware of it being  
22 available, the answer would be no.

23 Q. Okay. Let's talk about  
24 outsourcing for a moment, Mr. Wells. Why



1 don't we move to page 4 of your testimony.

2 Toward the middle of the page, on the  
3 left-hand side. Now, you can let me know when  
4 you get there. It's the fourth page of your  
5 testimony.

6 A. Okay. Yeah. Give me one second.  
7 I apologize, I tried not to print everything  
8 out. Okay.

9 MR. ROBERT WEINSTOCK: Do you  
10 want -- we have extra hard copies if you would  
11 like.

12 A. No, I'm good. I'm right here.

13 MR. ROBERT WEINSTOCK: Okay.  
14 Great.

15 BY MR. NATHANIEL SHOAFF:

16 Q. Great.

17 A. Okay.

18 Q. On the left side, it says, "Thus,  
19 if these rules are enacted, Illinois companies  
20 that currently operate commercial vehicles  
21 will outsource transportation services from  
22 non-Illinois companies."

23 Did you provide any link or source to a  
24 study or data that suggests that -- that would

1 support that assertion?

2 A. That was from speaking directly  
3 to my member companies.

4 Q. So there is no study that goes  
5 along with that?

6 A. No.

7 Q. And is there anything to suggest  
8 how pervasive such outsourcing would be?

9 A. Can you rephrase the question?

10 Q. Well, you have asserted that if  
11 the rules are enacted, Illinois companies will  
12 start outsourcing vehicle transportation  
13 services.

14 Any idea as to pervasive you think that  
15 outsourcing will be?

16 A. As soon as it is economically  
17 feasible.

18 Q. When will that occur?

19 A. It depends on when the rules come  
20 into play and when financially it becomes more  
21 important for them.

22 Q. So there is no data to support  
23 when this outsourcing will occur, there is no  
24 data to support how pervasive or how

1       widespread that will occur.

2               Any data to support the data in that  
3       somehow outsourcing would be cheaper than just  
4       buying electric vehicles?

5               A.       If you are requesting that I  
6       provided specific exacting data, I did not.

7               Q.       Well, I'm not requesting that you  
8       provided it; I'm just asking if you did.

9               All right. Let's move further down  
10       that same page. The second-to-last line says,  
11       "Schools, municipalities, and local  
12       governments all have limited resources to  
13       provide mandated services to Illinois  
14       citizens. Unless subsidized by local property  
15       tax increases or state income taxes, these  
16       forms of local government will be forced to  
17       outsource transportation and fleet services to  
18       out-of-state companies."

19               So the assertion is that schools are  
20       going to start outsourcing school buses to  
21       out-of-state companies.

22               A.       They already do.

23               Q.       Is there any support that the  
24       rules are going to speed that up or make it

1 more widespread?

2 A. The support would be in the cost  
3 basis for electric vehicles versus ICE  
4 engines, at this point.

5 Q. Mr. Wells, 11 different states  
6 have adopted the ACT regulation. Have any of  
7 them seen this supposed outsourcing where  
8 schools start having to have companies from  
9 other states come in and bus their kids  
10 around?

11 A. How many states are actually  
12 implementing ACT?

13 Q. Well, there are 11 that have  
14 adopted it.

15 A. How many are implementing it?

16 Q. Mr. Wells --

17 A. None.

18 Q. -- the way in which  
19 cross-examination works is I ask you questions  
20 and you get to answer them.

21 A. Oh, okay. I'm sorry.

22 Q. Do you have any support in the  
23 record that would suggest that any of the 11  
24 states that have adopted ACT have experienced

1     this supposed phenomenon where schools start  
2     outsourcing their school bussing obligations  
3     to other states?

4             A.       No.

5             Q.       Is there any support in the  
6     record that that's been done in Oregon or  
7     Washington or any state?

8             A.       I don't know how that's relative  
9     to Illinois, but no.

10            Q.       Well, you assert it's going to  
11   happen in Illinois. I'm wondering if it has  
12   happened in any other state or if there is  
13   support for it happening in any other state.

14            A.       Was that a question? I'm sorry.  
15   I --

16            Q.       Do you have any support that in  
17   any state that has adopted ACT, schools have  
18   started outsourcing transportation services to  
19   companies from other states?

20            A.       You're requesting a source for my  
21   testimony?

22            Q.       For the assertion in your  
23   testimony, yes.

24            I'm asking if you have one. If you

1 don't have one, it's fine to say "I don't have  
2 a source."

3 A. The source I have is speaking to  
4 the school districts that we currently work  
5 with.

6 MR. NATHANIEL SHOAFF: Okay.

7 HEARING OFFICER LEONI: Excuse  
8 me, gentlemen. If you are finished with your  
9 answer, Mr. Wells --

10 MR. WELLS: Yes.

11 HEARING OFFICER LEONI: -- I  
12 think this is a good time to stop the  
13 cross-questioning.

14 MR. NATHANIEL SHOAFF: I only  
15 have two more questions, if you would like to  
16 finish up the witness.

17 HEARING OFFICER LEONI: I think  
18 that this might be a good time to stop today.

19 MR. NATHANIEL SHOAFF: Okay.

20 HEARING OFFICER LEONI: And to  
21 remind everyone to please remain professional  
22 when we are questioning witnesses and  
23 providing answers, and also I would like to  
24 remind everyone that witnesses are allowed to

1 ask clarifying questions about questioning  
2 they're receiving from proponents or  
3 participants.

4 We are -- our goal here to create a  
5 comprehensive record and make sure everyone is  
6 on the same page when answering questions. So  
7 just want to remind everyone of that.

8 And then one more quick reminder before  
9 we wrap up for the day. I mentioned it a few  
10 times before lunch, but since we have now had  
11 nine additional exhibits come in just today,  
12 proponents are directed, pursuant to Sections  
13 101.302(h) and 102.424 of the Board's  
14 procedural rules, to please file these  
15 exhibits with our clerk today, as well as any  
16 other exhibits to be used during this hearing  
17 that you may use tomorrow or otherwise.

18 Additionally, Ms. Brown's objection to  
19 the first two exhibits are noted in the  
20 record.

21 All right. And so today we are -- we  
22 wrap up at 5:00 PM. We are very close to  
23 being finished with proponents' questioning of  
24 Mr. Wells.

1           Tomorrow morning, we will pick up at  
2   9:00 AM with the testimony of Mary Tyler for  
3   Indiana Illinois Iowa Foundation For Fair  
4   Contracting, because she has an obligation and  
5   she requested that time specifically. After  
6   Ms. Tyler's testimony, we can return to Mr.  
7   Wells and pick up where we left off today.

8           Thank you very much, everyone, for your  
9   participation and your professionalism, and  
10   we'll see you tomorrow in this room at 9:00  
11   AM.

12           We can go off the record.

13                   THE REPORTER: Off the record.

14                   [5:00 p.m.]

15

16                   [CONCLUSION OF DAY'S PROCEEDINGS.]

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C E R T I F I C A T E

I, Jude Arndt, a Certified Shorthand Reporter and Certified Court Reporter, do hereby certify that the foregoing is a true and accurate transcript of the proceedings as taken stenographically by and before me on March 10, 2025, at the time and place hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in this action.

A handwritten signature in cursive script, appearing to read "Jude Arndt", is written over a horizontal line.

JUDE ARNDT, CSR, CCR, RPR

CCR NO. 084-004847

CSR NO. 1450

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