



Natural Gas Vehicles for America

400 North Capitol Street, N.W.  
Washington, D.C. 20001  
ngvamerica.org

**Jeffrey Clarke**

Director of Regulatory  
Affairs and General Counsel  
jclarke@ngvamerica.org  
202.824.7364 office  
202.824.7087 fax

**October 26, 2018**

Mr. Doug Decker  
Mobile Sources Program Manager  
Department of Public Health & Environment  
[doug.decker@state.co.us](mailto:doug.decker@state.co.us)

**RE: Regulation No. 20; Colorado Low Emission Vehicle Program**

NGVAmerica appreciates the opportunity to provide comments in response to the Department of Public Health & Environment's proposed plan to adopt regulations related to California's Low Emission Vehicle Program (LEV Program). NGVAmerica is dedicated to the development of a growing, profitable, and sustainable market for vehicles and carriers powered by natural gas or biomethane. Our member companies produce, distribute, and market natural gas and biomethane, manufacture and service natural gas vehicles, engines, and equipment, and operate fleets powered by clean-burning gaseous fuels across North America.

### **Alternative Fuel Conversion Systems**

NGVAmerica respectfully asks that Colorado clarify in this rulemaking or through guidance that its adoption of the Low Emission Vehicle (LEV) Program for new vehicles will not impact the ability of consumers to purchase vehicles equipped with U.S. EPA certified alternative fuel conversion systems. Addressing this issue as part of the rulemaking will help to remove doubt concerning the future treatment of alternative fuel conversion systems and ensure that consumers in Colorado continue to be able to purchase a variety of different types of lower-polluting, alternative fuel vehicles.

The treatment of alternative fuel conversion systems in states that have adopted the LEV Program is not a new issue. Most of the "LEV Program" states including Maryland, New York, New Jersey, and Pennsylvania have squarely addressed this issue. In these states, the relevant regulatory authorities have expressly addressed this issue by indicating that alternative fuel conversion systems that have been certified by the U.S. EPA may continue to be legally installed on vehicles in LEV states so long as the vehicle being converted is labeled as a 50-State vehicle. These states do not require the use of CARB certified systems for 50-State vehicles. As a result, popular vehicles like the natural gas F-150 pickup truck continue to be available to consumers in these states.

Allowing the use of EPA certified alternative fuel conversions is important to continuing to support the availability of alternative fuel choices for consumers and encouraging a diverse

fleet of alternative fuel vehicles. Given the low-volume nature of conversions and the fact that many of the companies offering these systems are small businesses, it is simply too costly and time-consuming for these businesses to certify systems to EPA *and* also California regulations. The current practice of LEV states is the right approach and we request that Colorado also follow the approach of allowing conversion suppliers to offer EPA certified systems.

### **EPA Certified OEM NGVs**

Clarifying the continued ability to use EPA certified conversion systems will address most issues related to access to natural gas vehicles. However, in the future it is possible that some Original Equipment Manufacturers will offer natural gas vehicles and other alternative fuel vehicles that are exclusively EPA certified. If this comes to pass, we would urge Colorado to remain flexible and allow these vehicles if it is necessary to ensure access to a variety of different types of alternative fuel vehicles. Even for OEMs, the cost of bringing new vehicles to market can be extraordinary, so it is possible that some OEMs may opt to offer limited numbers of EPA-only certified new vehicles. To encourage greater use of alternative fuel vehicles, states should be flexible to allowing such vehicles.

### **Conclusion**

NGVAmerica appreciates the opportunity to provide these comments. Ensuring that consumers continue to have access to alternative fuel vehicles including aftermarket conversions is important to achieving the air quality and climate change goals set by Colorado. We therefore urge Colorado to follow the practice of other 177-states and allow EPA certified systems in the case of aftermarket systems. We also urge Colorado to recognize original equipment manufactured and converted NGVs are purchased each year in Colorado by the State of Colorado, municipalities, multiple fleets that operate at DIA, and commercial fleets. Any change to the ability of these fleets to purchase natural gas vehicles would have a negative impact on the growing use of NGVs.

If there are any questions concerning these comments or the view expressed, please do not hesitate to contact us.