

April 27, 2023

**Testimony of FuelCell Energy before the California Air Resources Board
RE: Advanced Clean Fleets – Resolution 23-13**

Chair Randolph and Board members,

On behalf of FuelCell Energy, a US-based manufacturer of fuel cell technology, I would like to offer the following comments on Resolution 23-13: Advanced Clean Fleets.

FuelCell Energy is a global leader in the stationary fuel cell market, providing affordable and clean onsite energy, 24/7 at sites including wastewater treatment plants, hospitals, universities, industrial facilities and serving utilities including at substations. FCE has been a participant for many years in California's clean energy programs, and has made meaningful contributions to assist in meeting California's goals with respect to emissions reductions, microgrids, and biofuels. FCE fuel cells are a clean, reliable energy platform that produce power and can deliver solutions with additional features such as biogas clean-up, heat recovery for combined heat and power and vehicle quality hydrogen for zero-emissions fuel. FCE fuel cell platforms are currently deployed

FuelCell Energy wholeheartedly agrees with the resolution in that we need to move past combustion-based strategies and invest in zero emission fleets, including hydrogen fuel cell trucks and other heavy duty vehicles. We support the resolution's charge to work across state agencies and across local and federal jurisdictions. To that end, we urge the Board to investigate how competing and conflicting incentives at the local level may work against the successful implementation of this resolution.

Wastewater treatment plants, like the one here in Sacramento, offer an incredible opportunity to use a reliable source of biomethane to create hydrogen for ZEV fleets, especially given the proximity of many treatment plants to demand centers. We urge the Board to assess how the EPA Risk Management Program requirements administered through the California Accidental Release Program (CalARP) are already discouraging the production of green hydrogen from biomethane at treatment plants in California. Specifically, in creating hydrogen, a sanitation district would likely exceed the threshold quantity for hydrogen gas onsite, triggering what sanitation districts call a significant and costly regulatory compliance burden. The conflicting incentives of keeping sewage rates low and meeting state and local environmental goals could mean that green hydrogen production is forgone in favor of burning biogas to make cheaper electricity.

We urge the Board to exert its leadership to ensure that cross jurisdictional collaboration, federally and locally, is strong and productive to avoid missed opportunities to decarbonize.

Respectfully submitted,

/s/

Brady Borcharding
Director of Government Affairs, West Coast
FuelCell Energy, Inc.