June 23, 2019

California Air Resources Board

1001 I St.

Sacramento, CA 95814

RE: Proposed Electric Vehicle Supply Equipment Standards

Dear Members of the Board:

My comments regarding the proposed regulations are as follows-

**§2360 Applicability**

(b) definitions:

“A publicly available EVSE does not include:”

Defining the three classes (*i, ii and iii*) as “nonpublic” and thus not covered by these proposed CARB regulations does not excuse those entity’s from their obligation to comply with Federal Trade Commission, 16 CFR, Parts 309.15, 309.16 and 309.17. This requirement should be identified as a note in this section of the proposed regulation.

**§2360.1 Requirements for Labeling Electric Vehicle Supply Equipment**

Existing Federal Trade Commission Code, 16 CFR Part 309--- Labeling Requirements For Alternative Fuels… covers the requirement to label alternative vehicle fuel dispensers.

It should be noted that this CFR is currently in force. There is no mention in 16 CFR Part 309 of a grace period to comply with the code, no matter which level of EVSE one operates, whether it is publically available or is provided by a manufacturer of electric vehicles.

The following salient parts of 16 CFR Part 309 should be addressed.

16 CFR Part 309—Labeling Requirements for Alternative Fuels and Alternative Fueled Vehicles, Subpart A—General, Section 309.1 Definitions, (d)(2) *Consumer or ultimate purchaser* in subpart B means, with respect to any non-liquid alternate vehicle fuel (including electricity), the first person who purchases such fuel for purposes other than resale.

16 CFR Part 309—Labeling Requirements for Alternative Fuels and Alternative Fueled Vehicles, Subpart A—General, Section 309.1 Definitions, (bb) *Retailer* means any person who offers for sale, sells, or distributes non-liquid alternative vehicle fuel (including electricity) to consumers.

16 CFR Part 309—Labeling Requirements for Alternative Fuels and Alternative Fueled Vehicles, Subpart A—General, Section 309.4 Preemption. Inconsistent state and local regulations are preempted to the extent they would frustrate the purpose of this part.

I have personally visited and inventoried 556 EVSE/Ports in Ventura County, not a single one was labeled in accordance with 16 CFR Part 309.

The bottom line is that it is the responsibility of all EVSPs who offers for sale, sells or distributes electricity to consumers through an electric vehicle fuel dispensing system to post the fuel rating with a label on each face of the dispenser.

One additional issue is that the required label to comply with 16 CFR Part 309.17 is not readily available as a commercial product. Multiple searches online and finally after one conversation with a supplier of 16 CFR Part 309 compliant liquid alternative fuel labels, they said they would take the matter of supplying EVSE labels into consideration. As a stock item, liquid fuel labels cost $.62, once the demand is there for EVSE labels, similar costs could be expected.

**§2360.2 Payment Method for Electric Vehicle Supply Equipment**

Regarding section (c) There should be a form of “grandfathering” of existing ESVPs. The cost to retrofit equipment may result in units being taken out of service or converted to being non public access. The proposed regulation should not result in a net loss of public access charging locations. Time, effort and resources should be used to install new publically accessible compliant EVSE. Let the existing EVSE run through their useful service life and when they are replaced, than they can comply with exiting requirements.

Regarding section (d). A physical credit card reader is not needed as section (f) requires the posting of a phone number and the ability to initiate a charging session “at any time”.

Physical card readers are subject to vandalism, potential skimming fraud, and weather failure. Further, card readers add a burdensome cost to install, maintain and operate. Analysis of credit card charge activation in two existing EVSP systems show only about 1% usage. Credit card usage overall is falling due to technology advances in forms of optional or digital payment.

(d)(2) Accepted cards should also include ones issued as Electronic Benefit Transfer (EBT).

Section (g) is a very good thing. The consumer needs to be informed of the purchase parameters in order to make an educated decision prior to the transaction. (3) Requiring the price to be in U.S. dollars per kilowatt-hours or megajoule is spot on.

**§2360.3 Facilitating Roaming Agreements**

No comments.

**§2360.4 Reporting for Electric Vehicle Service Providers**

This proposed regulation is overly onerous and has the potential to be a roadblock to continued public access to chargers or the installation of new equipment.

ARB should develop a reporting form template for the initial EVSP contact information, EVSE model certification, annual inventory and usage information. This should be either as a document or spreadsheet with all the fields listed and fillable, this will greatly ease the reporting requirement on the EVSP and to help insure that the data received by ARB is compatible and easily rolled up.

A reporting form should also be created for the NREL Report.

Add section (m) The submittal contact information for the NREL report.

**§2360.5 Civil Penalty Schedule**

Establishing civil penalties is within the purview of the board. However, the basis for penalties is a bit harsh, I would recommend each be the same at $300.00 per EVSE or kiosk.

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