

July 26, 2024

Chair Randolph and Members of the Board
California Air Resources Board
1001 I St.
Sacramento, CA 95814

Re: Advanced Clean Cars II Amendment Workshop - June 26, 2024

Dear Chair Randolph, Members of the Board, and Staff,

The undersigned organizations respectfully submit these comments in response to the June 26, 2024 workshop regarding potential amendments to the Advanced Clean Cars II (ACC) regulations. The undersigned organizations are committed to making the transition to electrified transportation sustainable, circular, and just. We focus on advocating for and creating solutions that reduce demand for battery minerals, keep the minerals that we have already extracted in use through circular economy policies, and, ensure that absolutely necessary mining protects and prioritizes communities and special places.

We recognize and support CARB's efforts to improve and reassess the program in the context of EPA's finalized vehicle emissions standards. We also support efforts to improve the program's quality to continue ensuring that the transition to electrified transportation is as sustainable as possible.

Improving and leveraging battery labeling

We appreciate that CARB is working with manufacturers to meet battery labeling provisions in ACC II and support staff's proposal to improve the requirements. We offer the following feedback on factors beyond staff's proposal. The Inflation Reduction Act creates new sourcing requirements for the minerals and battery components that manufacturers must comply with for their vehicles to be eligible for the 30D tax credit, which can provide up to \$7,500 per EV. It is possible that federal tax credit compliance will require a system to verify and communicate mineral and component origins. Therefore, we recommend that CARB expand the common digital identifier to create a *unique digital identifier* (accessible via a QR code) for each individual battery. This can provide data that is necessary for reuse, repurposing, and recycling. Information featured in a digital battery identifier should include: battery state of health, battery chemistry, recycled and PFAS content, manufacturing history and origin of each battery's materials, use history, safe handling and end-of-life management, and other key environmental and human rights information on batteries.¹

¹ Battery Passports, 2024, GAIA,
<https://www.no-burn.org/wp-content/uploads/2024/06/05-Battery-Infosheet-Battery-Passports.pdf>.

The EU Battery Law included a Battery Passport² to fulfill the requirements of the EU Sustainable Batteries Law and Corporate Sustainability Due Diligence Directive. The US should implement something similar to the Battery Passport to maintain a competitive edge in EU markets, ensure sourcing transparency, support end-of-life processes, and track the overall lifecycle of batteries. Because of the unique sourcing requirements from 30D, we recommend that CARB go beyond the EU Battery Regulations to ensure that there are *traceability*³ standards in the digital battery identifier. We encourage CARB to leverage any existing proposed regulations and expertise in terms of digital battery identifiers to create an easy compliance process for automakers, to the ultimate benefit of consumers, who can then claim the 30D credit on compliant vehicles. We believe it would be beneficial if CARB coordinates with federal agencies to ensure that requirements and standards for digital battery identifiers are aligned.

Additionally, we encourage CARB to explore how a battery labeling system featuring a digital battery identifier could help achieve other goals, including expanding recycling, second-life applications, and supply chain goals through enhanced collection, sorting, and tracking.

We agree with CARB that battery state of health metrics should be part of the ACCII data standardization requirements. Battery state of health can be used to determine whether a battery will be reused, repurposed, or recycled. It would allow interested parties to instantly assess how much life is left in an EV battery. Increasing access to state of health information on EV batteries can be extremely beneficial for the second-life supply chain by allowing users to maximize the value of the battery by understanding its suitability for different applications.

We appreciate CARB's dedication to ensuring that the ACC II program achieves its objectives of reducing emissions and enhancing air quality and public health. Thank you for the chance to provide feedback and for your consideration of our comments. Please contact Ellie Peichel, Policy Associate at Plug In America, at epeichel@pluginamerica.org with any inquiries.

Sincerely,

American Council for an Energy-Efficient Economy, Rachel Aland, Transportation Director
Ceres, Richard Juang, Senior Manager for Environmental Justice Policy
Earthworks, Jared Naimark, California Mining Organizer
Elders for Climate Action, Bob Yuhnke, Transportation Specialist

² Proposal for a Regulation of the European Parliament and of the Council concerning batteries and waste batteries,

<https://data.consilium.europa.eu/doc/document/ST-5469-2023-INIT/en/pdf> (Chapter VIII)

³ An introduction to the OECD Due Diligence Guidance for Responsible Mineral Supply Chains for Upstream Actors,

<https://mneguidelines.oecd.org/An-introduction-to-the-OECD-Due-Diligence-Guidance-for-upstream-actors.pdf>

Electric Vehicle Association, Elaine Borseth, President
Interfaith Power & Light, Bill Bradlee, Senior Organizing Director
NRDC, Jordan Brinn, Clean Vehicles & Infrastructure Advocate
Plug In America, Joel Levin, Executive Director
Public Citizen, Chelsea Hodgkins, Senior Auto Supply Chains Policy Advocate
Southern Environmental Law Center, Garrett M. Gee, Senior Attorney
Western Resource Advocates, Deborah Kapiloff, Transportation Electrification Policy Advisor