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Saturday, April 3rd, 2010

The Honourable Kathleen Wynne
Minister of Transportation
Care of:
Ministry of Transportation
Corporate Correspondence Unit
3rd Floor, Ferguson Block
77 Wellesley Street West
Toronto, Ontario M7A 1Z8

Dear Minister Wynne:

Re: MTO Refusal to Register Electric Vehicles for Road Use

Welcome to your new portfolio. I trust you are settling into the new post by now. I have had the pleasure of corresponding with and meeting some of your predecessors in this Cabinet post. I look forward to continuing such valuable discourse with you and your officials.

In July last year, Premier McGuinty announced a package of incentives for electric vehicles to take effect in July of this year. As an advocate of clean-air vehicles for over three decades, I was thrilled to see this dramatic change in direction by the Ontario government. The objective of moving our provincial road fleet to 5% electric motive power in a period of years is a worthy goal. It fits well with other initiatives by this government, such as shutting down coal-fired electrical generation in the province, and the Green Energy Act.

Therefore, it is troubling to discover your Ministry is conducting an unannounced campaign to prevent electric vehicles being registered for road use in Ontario since the middle of February. I would have written earlier, but I have been trying to find out exactly what is behind this, without concrete results.

I am requesting that you direct your officials to immediately resume the registration of these environmentally-friendly electric vehicles according to the written and publicized rules in effect as of the beginning of February this year, and to continue that practice until such time as new regulations are put into place, including consultations with affected stakeholders.

The current situation penalizes Ontarians that have made sizeable personal investments in making their own zero-emissions electric vehicles to improve air quality in Ontario in good faith based on rules that have been in effect for years. While I welcome a set of

government-sanctioned guidelines on safe practices in the construction of electric vehicle conversions, it is not reasonable to prevent people from registering their vehicles because they may or may not meet a set of rules that do not yet, and may never, exist. Further, the current ban is catching not just the target population of conversions, but has also recently denied a registration to a factory-built electric van recently imported into Ontario. The registration ban assumes these vehicles are unsafe, whether this is true or not, with no means of appeal or compliance inspection by the vehicle owners within a reasonable period of time. That is simply inequitable. The inevitable perception for the uninformed public is that all electric vehicles are unsafe, including those that may be sold by major automakers in the future.

It is necessary to move quickly on this matter, as the Ontario Retail Sales Tax Rebate for electric vehicles ends this June (with the introduction of the Harmonized Sales Tax), and new electric vehicle owners cannot qualify for this incentive unless they can register their vehicles as electric and fit for road use. Deferring this to the internal workings of the MTO for eventual consideration is not an acceptable course of action. Further, there is no indication to date that owners of conversions that meet the future rules will qualify for any future incentives.

While it has been some years since I have worked with Department of Justice officials who were drafting federal laws and regulations, it was certainly not our practice to suspend long-standing rules without notice or consultation with stakeholders, nor to do so before the replacement rules were ready and gazetted. Therefore, I find the current situation where MTO officials are apparently acting contrary to written regulations currently in effect without any reference to approved (written) policy to be highly unusual. I can assure you that the policy in effect until February of this year was of long standing, as I have registered four electric cars and two electric motorcycles for road use in Ontario, beginning in 1979.

If there is a written, approved policy regarding the current practice of refusing to register electric vehicles, or if it has been gazetted, I would very much appreciate being provided with a copy or citation, as I have not been able to find one.

Repeated queries to provincial government officials by a number of concerned Ontarians have not managed to elicit a written rule or policy statement to justify the recent actions.

While most have simply been told they cannot register their vehicles without explanation, with persistence we have received three reasons to date for the recent registration refusals. (At least one person was simply told to come back in July, without additional explanation.) The three reasons provided to date are:

- 1) People are fraudulently claiming a change in motive power from gasoline (G) to electric (E).
- 2) New rules are being drafted, and registrations of all electric vehicles are being refused until the new rules are in place.

- 3) Conversions to electric power are not subject to rigorous inspections, and therefore present a hazard to first responders in the event of a collision.

None of these reasons justify the current refusal to register electric vehicles in Ontario.

I remember the introduction of the Drive Clean program quite well. I made a point of taking an electric car to one of the demonstration venues in order to make the point that it would be ludicrous to require electric vehicles to take the tests when they don't have a fuel-burning engine, let alone an exhaust pipe. If MTO believes that a declaration of change of motive power to electric is fraudulent, then enforcement of existing penalties for making a false statement is the appropriate remedy, not penalizing people who are making a significant effort to reduce pollution and improve our environment. When there was an issue with muscle cars and emission controls, the solution was enforcement, not banning registrations for all new gasoline-powered cars. The same reasoning should apply here to electric vehicles, rather than a blanket ban on registrations.

I, and others with considerable experience with electric vehicles, would be happy to work with your officials to draft a very short inspection checklist that would enable them, or anyone authorized by the MTO to carry out mechanical fitness vehicle inspections, on how to determine if a vehicle is electric powered. As an electric vehicle owner and clean air advocate, I am as incensed as anyone that such illegal actions are being taken, besmirching the reputation of real electric vehicles, and I want to see the perpetrators caught and punished.

As indicated earlier in this letter, I find it very odd that existing, long-standing rules have been suspended without notice or written authority in anticipation of new regulations which have not been announced. In fact, I'm not aware of a precedent for such a registration ban in any jurisdiction. Further, there is no communicated plan for stakeholder consultations (and every current electric vehicle owner in Ontario would certainly be a stakeholder and potential participant), and for which there is apparently no defined completion date for the purported new rules. As an active member of both Electric Mobility Canada and the Electric Vehicle Council of Ottawa, I would expect to hear of such consultation opportunities when they are announced.

Electric vehicles, especially those typical of conversions by individuals, are simpler and safer than hybrids or liquid-fuel vehicles. While gasoline vehicles use voltages up to 100,000 volts at the spark plug, and hybrids commonly use voltages around 300 volts, conversions seldom use voltages above 200 volts. Electric vehicles don't carry liquid fuel, and their battery technology is similar to that of an accessory battery in a gasoline or diesel engine vehicle, though used in larger quantity. Fundamentally, electric vehicles are safer than the more common alternatives on the road today. There is no inherent hazard in the technology that warrants the current ban on registrations while awaiting potential new rules.

I, and others with considerable experience with electric vehicles, would be happy to work with your officials on drafting the new regulations, particularly with a view to ensuring they address the existing electric vehicle fleet in Ontario, as well as including standards

which will be enforceable across manufacturers selling electric vehicles in Ontario in volume in the future, including trucks, cars and motorcycles. Further, we would want any such enforceable standards to be harmonized with other jurisdictions in North America. [Vehicle inspection and safety rules that I developed for the EVCO Electrathons have subsequently been adopted by other organizations, including the National Electric Drag Racing Association (NEDRA) – the electric wing of the National Hot Rod Association (NHRA).] I have been an instructor for electric vehicle courses, which include safety guidelines for the design, construction and operation of electric vehicles. During my time with EVAC, we proposed something similar to the Ontario government in the early 1980s, but nothing ever came of it, other than training for first responders.

I am aware of several electric vehicles in Ontario which have been involved in collisions, including some sufficiently severe to warrant writing off the vehicle. In none of these cases were first responders harmed as a result. This may be a result of training provided to first responders across Canada in the 1980s under the auspices of the Electric Vehicle Association of Canada (EVAC, now defunct). I was a founding member of EVAC, and take pride in what that organization accomplished, especially in its early years. Additional training was provided to first responders across North America with the introduction of hybrids by Honda and Toyota a decade ago.

If MTO feels that the instructions for first responders for dealing with electric vehicles in collisions need updating, I, and others with considerable experience with electric vehicles, would be pleased to work with your officials in completing that task. Electric vehicles have been operating in Ontario for decades without incident for first responders, who have been trained on their characteristics. There is no rational basis for the sudden ban on electric vehicle registrations based on risk to first responders.

Minister Wynne, as a long-time electric vehicle advocate, my objective is to help your government put as many clean-air electric vehicles on the road as quickly as possible, which appears to be in line with Premier McGuinty's announcement on the subject last July. To me, that means starting this week, and not at some indefinite time in the future when an OEM automaker may eventually choose to allow limited numbers of electric vehicles to be produced for sale in Ontario. The apparent current practice by MTO officials can do nothing but damage the reputation of electric vehicles in the months leading up to the anticipated announcement by your government of incentives for electric vehicles to take effect in July.

As no auto manufacturer has committed to selling highway capable electric vehicles in Canada before the autumn of 2011 (Nissan), and no LSV currently in production anywhere in the world meets Ontario's unique standards, the only vehicles which can qualify for these incentives for the foreseeable future will be conversions and home-builts. Therefore, it makes no sense to refuse registrations to the only source of electric vehicles available to Ontarians for at least the next eighteen months. The inescapable implication of the current moratorium is that all electric vehicles are unsafe. This perception will not help future sales of OEM electric vehicles in Ontario.

As the end of the RST rebate is looming in the very near future, I am looking forward to your expedited response. If there is anything I can do to hasten a resolution to this matter, please do not hesitate to contact me.

Sincerely,

Darryl McMahon

Owner, Green14 (1973 Porsche 914 electric conversion)
Historian, Electric Auto Association
Member, Electric Mobility Canada
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