SIERRA CLUB
MARYLAND CHAPTER

P.O. Box 278
Riverdale, MD 20738

November 6, 2026

Honorable Secretary Atticks
Department of Agriculture
Wayne A. Cawley, Jr. Building
50 Harry S Truman Parkway
Annapolis, MD 21401

Meghan Conklin
Chief Sustainability Officer
Executive Office of the Governor
100 State Circle
Annapolis, MD 21401

Re: Electric Vehicle Supply Equipment (EVSE) Weights and Measures Program Implementation

Dear Secretary Atticks and Chief Sustainability Officer Conklin,

We write to share concerns about implementation of the EVSE Weights and Measures Program that began on July 1, 2026. Sierra Club previously communicated issues we identified about the program last year before the regulation was adopted. While we appreciate the intent behind the program, we continue to believe the current enforcement practices have created more problems than they solve.

We have outlined our concerns as well as our recommendations on how to address them below.

Functional and accurate chargers should not be removed from service for minor administrative issues

The Maryland Department of Agriculture should discontinue its practice of removing or indicating the intent to remove functional and accurate chargers from service for minor administrative issues. At the end of October, just a few months into the enforcement of the program, the network operator SWITCH reported that 91 of its devices were either removed or tagged to be removed within 10 days if no correction was made for minor administrative issues, such as missing marking requirements and the name of the party to contact. This practice is overly punitive for minor administrative issues and harms Marylanders by removing their access to fully functional chargers.

The Maryland Department of Transportation's recent survey indicated that the lack of availability and reliability of public charging stations were among the top three reasons Maryland residents were deterred from purchasing EVs. The current enforcement practice reduces charger availability and therefore risks eroding consumer confidence in the charging network, undermining one of the main objectives of the program.

A report by Atlas Public Policy that analyzed several of the EVSE weights and measures programs across the country recommends instead that "enforcement frameworks should therefore clearly distinguish violations that affect accuracy, billing, or other material consumer protections from administrative deficiencies that can be corrected without taking chargers out of service."

Pause enforcement activities for the lack of NTEP Certification

The Maryland Department of Agriculture requires chargers installed after 2023 to hold an NTEP Certificate of Conformance (CC) which signals a meter on an EVSE device is displaying the accurate amount of energy dispensed by the chargers. Our understanding is that many chargers lack NTEP certification and nearly all of them lack an indication of their installation date. However, we have heard that many smaller charging operators are unaware of these requirements. The lack of an NTEP certification does not indicate a charger is not accurate. This certificate can also be difficult to obtain, given that only the manufacturer can receive it. Therefore we recommend that the Department pause tagging any devices for lack of a certificate for the time being and engage with the industry, stakeholders, and other states to reassess how to appropriately incorporate any NTEP requirements into the program.

Make adjustments to the timing, cost, and regulated parties to balance the benefits and impacts of the enforcement on consumers

While we appreciate that the Maryland Department of Agriculture obtained funding through the Maryland Energy Administration (MEA) to reduce the per port registration fee for each device from $150 to $75, this fee still remains the highest in the country. The fee also does not support the reliability of charging stations, only the metering accuracy. In a constrained budget environment, there are many other pressing needs, such as supporting the buildout of community and highway corridor charging. These other programs provide a greater benefit to consumers and could be a better use of the funds.

We remain concerned that these fees are placing an undue burden on local governments, multifamily communities, workplaces, small businesses, and other entities that operate Level 2 chargers that are open to the public. These entities often receive little to no revenue from these stations and could face thousands of dollars in fees in order to continue operating these stations or bring future stations online. We therefore suggest that the Department explore reducing the fee or exempting these entities from the registration fee for the time being.

We also urge the Department to seriously consider phasing in the enforcement actions over time as other states have done and giving operators more reasonable time to correct issues (such as providing more than 10 days to correct violations for “rejected chargers”). Another option to consider is reducing the testing frequency. In Colorado, for example, chargers are tested every 5 years instead of annually. This can reduce the implementation and inspection costs for regulated entities.

Provide transparent information and deepen engagement with stakeholders

The Department of Agriculture should provide information regularly to the public, including on its website, about the impacts of the program so far, including:

- How many chargers have been tagged, the type of tag, and for what type of violations
- A breakdown on the violations based on charger type and entity regulated
- A progress report on the corrections that have been made from the program
- Responses to comments from stakeholders and a history of stakeholder outreach
- Information on how this program impacts the availability of EV chargers and the state’s progress on its climate goals required by the Climate Solutions Now Act

We encourage the Department of Agriculture to hold additional meetings with impacted parties, other agencies, and the Governor’s office to discuss these matters and determine the best way to move forward.

Sierra Club shares similar goals in seeking to build out a strong reliable charging network that has strong consumer confidence and accelerates electric vehicle adoption. We are eager to work with you on a solution to balance these different needs.

Sincerely,

Lindsey Mendelson
Senior Transportation Campaign Representative
Maryland Sierra Club

Josh Tulkin
Chapter Director
Maryland Sierra Club

CC:
Alison Wilkinson, Chief, Weights and Measures Program, MDA
Kelly Speakes-Backman, Director, MEA
Joe McAndrew, Assistant Secretary, MDOT
Deron Lovaas, Chief, Environment and Sustainable Transportation Program, MDOT
Morgan Ellis, Director of Electric Vehicles, Climate Change, and Air Quality, MDOT
Chris Hoagland, Director of Air and Radiation Administration, MDE