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June 29, 2026

Alison L. Wilkinson, Chief of Weights and Measures
Maryland Department of Agriculture
Department of Weights and Measures
50 Harry S. Truman Parkway
Annapolis, Maryland 21401

Re: Public Comment on Proposed Action 26-043-P, COMAR 15.03.08, Registration of Commercial Weighing and Measuring Devices

Dear Ms. Wilkinson:

I write as the editor of PlugInSites.org, a site reporting on EV charging from a driver's perspective. I am the founder of the EV Charging Task Force (EVCTF), a volunteer group of EV drivers who have surveyed and documented the status of Maryland's public charging infrastructure. I have visited thousands of EV charging stations across 48 states and Canada, which gives me a broad base of reference for when electric vehicle charging works as intended, and the consequences when EV charging fails to work as promised. I have testified before the Maryland General Assembly on legislation related to EV charging, including bills addressing charger reliability oversight. I have participated in Maryland Public Service Commission proceedings on EV charging, including Cases No. 9478 and 9809, and I have alerted your office to particular charging stations that had an incorrect method-of-sale so that they could be brought into compliance. I have been quoted on EV charging issues in the Washington Post, the Baltimore Sun, and Politico. I offer these comments on behalf of myself and all other Maryland consumers who value transparency, fairness, and the effective use of public resources.

The Central Issue Is Not the Fee. It Is the Failure to Honor a Commitment to Hold a Collaborative Stakeholder Process.

Maryland law gives the Maryland Department of Agriculture (MDA) the authority to regulate commercial weighing and measuring devices. In recent years, this has come to include Electric Vehicle Service Equipment (EVSE). The missing piece has been funding for a statewide EVSE inspection and testing program. The Budget Reconciliation and Financing Act (BRFA) of 2025 granted the Secretary of Agriculture discretionary authority to set registration fees for all Commercial Weighing and Measuring Devices. The BRFA provided MDA its first real opportunity to generate funds, via annual EVSE registration fees, to purchase specialized testing equipment and hire additional personnel to build a comprehensive Weights and Measures program for EV charging stations.

Months earlier, on November 1, 2024, the Electric Vehicle Supply Equipment Work Group delivered its final report to the Maryland General Assembly. The Work Group was established by legislation (SB951/HB1028) to develop a framework for reliability and reporting standards for EV charging stations, study which government entities should be responsible for ensuring accountability, and recommend specific regulations for charging stations. The Work Group consisted of 13 representatives of the Maryland legislature, state agencies, private businesses and members of the public.

At its eighth meeting on October 15, 2024, the Work Group learned from MDA that funding was the only thing holding the agency back from building a functional EVSE oversight program.

An EVSE industry member raised concerns about how MDA planned to handle inspections, fees, and enforcement, and asked that the agency open a formal comment process before drafting its implementation rules. The specific proposal put to a vote was:

> *"MDA to issue a Notice of Public Comment before implementing procedures for registration, compliance, fees, and enforcement of NIST HB44 standards. The goal of this Public Comment proceeding is to enable the State to meet its Weights & Measures obligations for consumer protection in a manner that also supports the State's goal of increasing the timely deployment and operation of publicly-available EV chargers across the state."*[1] [2]

MDA indicated that the request was acceptable and described their understanding of the commitment as "we would basically probably hold a public hearing in order to get feedback."[3] The proposal was voted on, accepted and is recorded in the Work Group Final Report on page 8.

Given my interest in public EV charging, I viewed the video recording of this meeting shortly after it was posted. I noted MDA's commitment to hold a formal public comment proceeding and anticipated that I would participate. I awaited the Notice of Public Comment that undoubtedly would be socialized among the EV community including the public members of the EVSE Work Group whom I maintain regular contact with.

When I learned that the registration fee for public EV charging had been finalized at $150 per port, I started looking into what happened to the promised notice of public comment. How did it escape my radar?

Others in the EV community, including those in the EVSE industry, said they had not known about it either. I was particularly confused because I had been in regular communication with the Weights and Measures division around the time period that I later learned the proposal to set the EVSE registration fee was filed. As someone who was directly engaged with MDA on EVSE issues at the time, it is not unreasonable to have expected at least an informal heads-up regarding the filing.

EV Charging Stations Confused With Pest Control

When MDA filed Document No. 25-144-P on June 20, 2025, setting EVSE registration fees at $150 per port, the Economic Impact Statement declared the regulation had "no economic impact." The stated reason was that the filing "mirrors the amendment to Agriculture Article § 5-309 set forth in the Budget Reconciliation and Financing Act of 2025."[4] Agriculture Article § 5-309 governs the inspection of nurseries and plant pest control. It has no relation to weights and measures or electric vehicle charging equipment.

The error appears to have originated in copy-pasting a filing template. MDA had simultaneously filed an amendment to COMAR 15.06.02.06 governing plant pest control, where citing § 5-309 as the basis for a fee set by the legislature was accurate. The BRFA did set specific nursery inspection fee amounts in that section. For weights and measures, the BRFA delegated discretionary fee-setting authority to the Secretary rather than mandating a specific fee. MDA appears to have carried the plant pest control language into the weights and measures filing without recognizing that distinction. The result was that the economic impact statement justifying a $150 fee on a brand new category of regulated equipment cited the nursery inspection statute as its governing authority.

The practical consequence was material and cascading. Because the filing characterized the fee as mirroring a legislative mandate, it concluded that no independent economic analysis was required. That conclusion meant that there was no scrutiny of whether $150 was reasonable, what it would cost operators to comply, how it would affect deployment of charging infrastructure in Maryland, and whether it was consistent with the legislature's intent in authorizing "reasonable" fees. The Department of Legislative Services documented the error explicitly in DLS Control No. 25-151, stating that the regulation "does not mirror a change in Chapter 604" and that fees were established "pursuant to authority given to the Secretary," not by the legislature itself.[5]

The error went undetected. The fee entered the record unchallenged because nobody who would have challenged it knew until the comment period had already closed.

MDA Did in April 2026 What It Should Have Done in June 2025

The $75 amendment, filed as Document No. 26-043-E, contains the economic analysis the original filing should have contained. It identifies specific impacted entities, projects revenue effects, acknowledges the Strategic Energy Investment Fund (SEIF) supplementation the program requires, and addresses small business impacts in substantive terms.[6] That analysis was possible in June 2025. It was not produced then because the wrong-statute citation made it seem unnecessary. MDA effectively did in April 2026 what it should have done ten months earlier, but only after the backlash from a $150 fee forced its hand, and only as an amendment rather than as a correction to the original record.

Two Mistakes With Cascading Consequences

Every structural problem this program now faces flows from those two original failures: the missing public engagement that was promised and not delivered, and the missing economic analysis that the wrong-statute citation allowed to be skipped. The reduced fee, the SEIF funding, the informal exemptions with no regulatory force, the administrative negotiation involving the Maryland Energy Administration (MEA) to arrive at a number that a proper public process might have produced in the first place -- all of it is a consequence of not doing it right the first time. That is what I hope these comments communicate.

Taken together, that failure has not been remedied by this amendment. The notice for this very proceeding states that a public hearing has not been scheduled. MDA's representative described the agency's understanding of the Work Group commitment as "we would basically probably hold a public hearing in order to get feedback." That was October 2024. No public hearing was held before the $150 fee was set. No public hearing has been scheduled for this amendment. The commitment to transparency and formal public input has not been honored at any stage.

The Department has maintained that publication in the Maryland Register satisfied its obligations. That does not address the commitment MDA made in the Work Group to issue a targeted Notice of Public Comment and hold a public hearing before fees were set. The EVSE industry had specifically requested that process. A notice that actually reached them would not have generated zero public comments.

The Department has also pointed to informal listening sessions held after the $150 fee triggered widespread concern as evidence of stakeholder engagement. Those sessions were not a substitute for the promised formal process. Comments received in informal listening sessions carry no formal regulatory weight. They create no obligation on the agency to respond or to amend the regulation. They do not enter the administrative record. A formal rulemaking would have given affected parties enforceable procedural rights. A listening session is not a public hearing. It is not a comment period. It is not what MDA agreed to provide.

The Fee Reduction Was Achieved Through an Administrative Arrangement, Not a Corrected Process

When I learned how the fee was reduced, I was equally troubled.

The fee was not reduced because MDA conducted a methodical review of its program and cut costs. It was reduced via a Memorandum of Understanding, signed February 10, 2026, under which MEA is providing up to $900,000 in SEIF money to cover startup operational costs for this program, including personnel, inspections, equipment, and travel.[7]

MEA justified this use of SEIF funds in the MOU's recitals by asserting that the program supports EV adoption and greenhouse gas reduction goals. That justification is debatable and

deserves scrutiny. Funding a weights and measures registration and inspection program is not the same as funding EV infrastructure deployment, which is the type of purpose for which SEIF was established under State Government Article § 9-20B-05. The question of whether SEIF funds are being applied consistently with their statutory purpose remains unanswered, and no public explanation has been offered of how the $75 figure will be sustained relative to the program's documented five-year cost structure of $3,370,684.[8]

The Department's Responses to Formal Challenges Reflect the Same Pattern of Avoidance

On October 24, 2025, I submitted a formal petition to repeal COMAR 15.03.08.05Q, citing the absence of meaningful public engagement. The Secretary denied the petition five days later, on October 29, 2025, stating that "the legislature, in enacting the Budget Reconciliation and Financing Act of 2025, set this fee" and that the regulation "simply mirrored the fee already set forth in the BRFA."

That characterization is factually incorrect. The BRFA repealed the existing statutory fee schedule and delegated discretionary fee-setting authority to the Secretary. It did not set the $150 figure. DLS Control No. 25-151 documented this explicitly.[9] Following receipt of the denial, I brought the Secretary's claim to the attention of counsel for the Joint Committee on Administrative, Executive, and Legislative Review (AELR), who reviewed the denial letter, the regulation, and the BRFA, and confirmed in writing that the Committee stands by the DLS analysis. The Secretary denied a formal citizen petition by reasserting the identical legal characterization that the General Assembly's own analytical staff had already documented as incorrect.

On January 8, 2026, I submitted a formal Request for Reconsideration to the Secretary, documenting the wrong § 5-309 citation, the DLS contradiction of his denial rationale, and the December 2025 exemptions as proof of the discretionary authority he had claimed not to possess. As of the date of this comment, nearly six months later, that reconsideration request has received no response. No acknowledgment, no denial, no request for additional time. The non-response is part of the record this comment is being filed to address.

The speed of the original rejection -- five days -- and the nearly six months of silence on the reconsideration request are in stark contrast. The Department moved quickly to close the door on the petition and has since declined to engage with the documented substance of the challenge.

The Program's Reliability Promise Cannot Be Delivered by Meter Testing Alone

Beyond the procedural failures, there is a more fundamental question: will this program actually help Maryland EV drivers? Based on what I have seen and documented, I am skeptical.

The Secretary's public statements have invoked EV charging reliability as a central justification for this program. The sponsor of HB 1225 made the same argument in his letter supporting the

legislation. He cited a virtual audit I conducted in October 2025 that found only 54 of 88 BGE fast chargers functional on a single day, using that data to make the case that the program merits continued funding although at a reduced fee.[10] [11]

I appreciate that my research was found credible enough to support that argument. But the citation illustrates precisely the mismatch at the heart of this program. Of those 34 non-functional chargers in my October audit, not one failed because of a meter accuracy problem. They were offline, under repair, or dropped from the network. They were hardware failures, software failures, and connectivity failures. A weights and measures testing program, however well administered, would not have kept a single one of those 34 chargers functional. Unreliable charging stations are a real problem. This $3.37 million program is not designed to solve it.

The weights and measures program establishes no minimum service availability standard. It does not require network operators to report uptime. It does not require disclosure when a charger is operating at significantly degraded power output. A driver who arrives at a charger that is billing accurately but delivering 30 kilowatts instead of 150 kilowatts is being harmed in a way this program will not resolve.

On December 4, 2025, I filed a formal complaint with the Maryland Public Service Commission under the meter accuracy complaint process developed within Case No. 9478 and applied to utility tariff language. That complaint documented a DC fast charger at the Bladensburg Town Hall where the charger-reported kWh values were wildly inconsistent with what the vehicle's battery management system recorded. This was a glaring discrepancy of approximately five to one, observed across multiple sessions and supported by detailed telemetry data. Almost seven months later, the PSC has yet to rule on that complaint. In the intervening period I have received neither a refund nor any other form of relief. My last communication from the Commission regarding the case was on March 11, 2026 and stated, "Your complaint is pending before the Commission, and is being considered by our Office of General Counsel, pending decision and review by the Commission. That process can take some time." Seven months?

Colorado Did What Maryland Committed to Do

Colorado's retail EV charging regulations, developed by the Department of Labor and Employment's Division of Oil and Public Safety (OPS), take effect on July 1, 2026, the same day Maryland's amended program is scheduled to take effect. Colorado's rules were developed through extensive public input from consumers, charging operators, and industry stakeholders before the rules were finalized. OPS noted the feedback was instrumental in "ensuring that the transition remains feasible for businesses while delivering maximum protection for the public."[12]

Maryland's EVSE Work Group committed to exactly that kind of process in October 2024. MDA's representative confirmed on the record that the agency could complete the process quickly: "under this administration in the past year and a half, any time that we've had a public hearing and received comment and then subsequently submitted regulations, those regulations

were probably submitted within two weeks." Colorado delivered it. Maryland did not. Both programs take effect on the same day.

The Exemption Structure Creates a Protection Gap

The program as structured exempts EVSE owned or operated by electric cooperatives, municipal electric companies, and certain multi-unit dwelling installations. The multi-unit dwelling exemption was announced by press release in December 2025 without formal rulemaking. It has no regulatory force and its durability depends entirely on administrative discretion.

A driver charging at a station owned by an electric cooperative, a municipal utility, or a property management company at a multi-unit dwelling is making a retail transaction for electricity and is equally at risk of measurement error or overbilling. The consumer harm from an inaccurate or unreliable charger is identical regardless of the ownership structure behind it. If the program's purpose is consumer protection at for-fee public charging, the relevant question is whether money is being charged for electricity, not who owns the equipment.

Without that input, the program launched with a protection gap that will only grow as cooperative-served and municipally-owned charging infrastructure expands across Maryland. Drivers do not know, and should not be expected to know, who owns the charger they are using. They should be able to expect the same consumer protections regardless of that ownership.

The Consequences Are Already Visible

On February 10, 2026, the Commissioners of Oxford, Maryland voted unanimously to remove the town's public EV charging stations, citing the $150-per-port annual registration fee as a contributing factor alongside ongoing operating costs.[13] Oxford is a documented example of what happens when a fee is set without the input of the municipalities, nonprofits, and small-scale operators the promised process was designed to include.

A program justified by the goal of improving EV charging reliability for Maryland drivers contributed to the removal of public EV chargers in a small town on the Eastern Shore. Oxford is a clear illustration of what the missing stakeholder process would have prevented.

Conclusion

I have been involved in Maryland EV charging advocacy long enough to recognize a pattern: a grand consumer protection promise is made, such as 97% charger uptime, the process to back it up falls short, and EV drivers are left out in the cold. The quiet filing of the annual $150 per port EVSE registration fee, the failure to honor the commitment to hold a public hearing, six months of silence on my request for reconsideration after I pointed out procedural defects are evidence of a Department that has treated this program as settled and its critics as obstacles to be managed, rather than as participants in a regulatory process.

The EVSE Work Group developed a roadmap for public stakeholder input, and the Final Report documented a commitment by MDA to use it. A fee set through a rigorous, transparent process -- one that engaged the industry and the public -- would have been better understood, more likely to be accepted, and less prone to challenge.

My concerns have been raised in multiple formal venues over the past year: a petition to the Secretary, a reconsideration request to the Secretary that has gone unanswered, and a formal oversight request submitted to the chairs of the AELR Committee. None has produced a corrective response. This comment on an amendment to the fee schedule is the only remaining administrative opportunity to place my concerns in the record before the program takes effect.

This remains a program built on a procedurally defective record: a fee set without the promised formal public engagement, avoiding an economic impact analysis by wrongly characterizing the fee as set by statute, defended by the Secretary's legal characterization the General Assembly's own analytical staff documented as incorrect, and exempting entire categories of for-fee charging through a non-binding press release rather than formal rulemaking. The fee reduction that is before us now came about through an opaque administrative arrangement rather than a corrected transparent regulatory process. The informal listening sessions, the administrative exemptions, and the SEIF funding arrangement are accommodations to the political consequences of circumventing the process. They are not a substitute for the process itself.

Requests for the Final Rule Record

I ask that the Department provide formal written responses to the following specific points in the final rule record:

- The basis on which SEIF funds are being applied to this program and whether that use is consistent with the fund's statutory purpose under State Government Article § 9-20B-05.

- The specific reason the Notice of Public Comment accepted before the EVSE Work Group on October 15, 2024 was not issued before Document No. 25-144-P was filed on June 20, 2025.

- The legal basis on which electric cooperative and municipal utility EVSE is excluded from a program whose stated purpose is consumer protection at for-fee public charging.

- The status of my January 8, 2026 formal Request for Reconsideration, which has received no response in nearly six months.

If the Department does not respond to these points in the final rule record, I ask that the record at least reflect that they were raised and that no response was provided. PlugInSites.org will continue to report on whether this program delivers the consumer protection the Secretary has promised.

Respectfully submitted,

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[1] Electric Vehicle Supply Equipment Work Group Final Report, p. 8 (Nov. 1, 2024).

[2] EVSE Work Group Meeting No. 8, Oct. 15, 2024, video record at 02:37:18–02:37:58, https://youtu.be/xcv2vywr9yA&t=9438

[3] EVSE Work Group Meeting No. 8, Oct. 15, 2024, video record at 02:40:20–02:40:52 and 02:41:07–02:41:17, https://youtu.be/xcv2vywr9yA&t=9618

[4] MDA Economic Impact Statement Part C, Document No. 25-144-P, Maryland Register, Vol. 52, Issue 14 (July 11, 2025).

[5] Department of Legislative Services, DLS Control No. 25-151 (2025).

[6] Maryland Register, Document No. 26-043-E (filed April 23, 2026); DLS Control No. 26-067.

[7] Memorandum of Understanding between Maryland Energy Administration and Maryland Department of Agriculture, 2025-01-MOU-MDA (executed Feb. 10, 2026), Sec. 3 (total funding up to $900,000), Sec. 6 (scope of work covering personnel, inspections, equipment, and travel) https://pluginsites.org/900000-in-clean-energy-funds-committed-to-evse-inspection-program

[8] Lanny Hartmann, 'The Numbers Behind Maryland's $150 EVSE Registration Program,' PlugInSites.org (Mar. 1, 2026), https://pluginsites.org/the-numbers-behind-marylands-150-evse-registration-program (reporting MDA five-year program cost projection of $3,370,684.21 from MPIA response received Feb. 27, 2026).

[9] Department of Legislative Services, DLS Control No. 25-151 (2025).

[10] Lanny Hartmann, BGE Fast Charger Status, PlugInSites.org (Oct. 3, 2025), https://pluginsites.org/bge-fast-charger-status-october-3-2025

[11] Letter from Delegate David Fraser-Hidalgo to Chair Marc Korman, House Environment and Transportation Committee, in support of HB 1225 (Mar. 4, 2026), https://mgaleg.maryland.gov/cmte_testimony/2026/ent/1FJ8IfySOsHkXgPSDbAGaQvn1DEyW060U.pdf

[12] Colorado Department of Labor and Employment, Division of Oil and Public Safety: Colorado's New EV Charging Standards: A Win for Transparency and Collaboration, https://ops.colorado.gov/news-article/colorados-new-ev-charging-standards-a-win-for-transparency-and-collaboration

[13] Town of Oxford, Maryland, Commissioners Meeting Agenda (Feb. 10, 2026), https://www.oxfordmd.gov/AgendaCenter/ViewFile/Agenda/_02102026-407