

State of South Carolina
Executive Department



FILED

OCT 12 2022

Mark Hammond
SECRETARY OF STATE

Office of the Governor

EXECUTIVE ORDER NO. 2022-31

WHEREAS, the State of South Carolina has significant interests in recognizing and advancing innovative strategies to support the electric vehicle (“EV”) industry, facilitating and encouraging further investment and economic development in this critical sector, and enhancing the availability and reliability of EV-related infrastructure to account for existing and anticipated needs and to accommodate additional commercial activity; and

WHEREAS, in recent years, South Carolina has experienced and cultivated tremendous growth in the automotive sector, which has an annual economic impact of more than \$27 billion and presently includes over 500 companies and over 74,000 professionals in this State; and

WHEREAS, by proactively utilizing and capitalizing on the State’s recent achievements and existing assets in the automotive sector and corresponding workforce, South Carolina is uniquely positioned to attract additional investment in the EV and electric-mobility ecosystem and to foster further EV-related innovation and economic development; and

WHEREAS, the EV and automotive sectors have recently experienced significant innovation and produced a variety of important technological advancements, which have, in turn, increased consumer demand for EVs and expedited further EV-related research, development, and investment; and

WHEREAS, in addition to facilitating further EV-related investment, simultaneously expanding South Carolina’s EV charging network will enhance mobility options for the significant number of South Carolinians who own or operate EVs and increase consumer and industry confidence in South Carolina’s charging infrastructure as additional EVs enter the market; and

WHEREAS, South Carolina’s economy and environment will benefit from a comprehensive strategy to account for existing and anticipated increases in the numbers of, and demand for, EVs, EV charging infrastructure, and electric transportation logistics; and

WHEREAS, in light of the aforementioned considerations, while simultaneously encouraging further EV-related investment and economic activity, the undersigned has determined

that it is necessary and appropriate for the State of South Carolina to develop a comprehensive strategic plan regarding the deployment of EV-related resources and infrastructure, which should identify and ignite new opportunities for the State's automotive, logistics, and technology industries and workforce and serve as an outline and engine for further action; and

WHEREAS, in addition to the foregoing, the Infrastructure Investment and Jobs Act ("IIJA"), Public Law No. 117-58, signed into law on November 15, 2021, established certain federal grant programs pertaining to the development of a national network of EV charging and other alternative fuel infrastructure, which provide an opportunity for the State to accelerate the ongoing efforts to enhance South Carolina's existing EV-related infrastructure and electric transportation system; and

WHEREAS, in accordance with the IIJA, the United States Department of Transportation and the United States Department of Energy have promulgated the National Electric Vehicle Initiative ("NEVI") Formula Program Guidance, which provides that States shall develop comprehensive plans regarding the deployment of EV-related infrastructure; and

WHEREAS, the South Carolina Department of Transportation ("SCDOT"), as the lead agency responsible for adoption and implementation of the NEVI Formula Program in South Carolina, has produced a preliminary multi-year plan, in consultation with the South Carolina Office of Regulatory Staff and the South Carolina Energy Office (collectively, "ORS"), designed to support a convenient, affordable, reliable, and equitable statewide and national EV network in compliance with the NEVI Formula Program standards and requirements; and

WHEREAS, the undersigned has determined that it is necessary and appropriate to facilitate interagency cooperation, collaboration, and coordination and to encourage public engagement in connection with the further development and refinement of the aforementioned strategic plan regarding the deployment of EV-related resources and infrastructure in South Carolina; and

WHEREAS, as a result of the foregoing, and because South Carolina is uniquely positioned to develop and deploy EV-related products, the undersigned has determined that additional proactive action is warranted to prioritize South Carolina's EV-related economic development activities, enhance the competitive standing of South Carolina's EV ecosystem relative to other States, and expand the State's existing EV-related infrastructure, which will simultaneously reduce the State's current and future transportation energy burden and reliance on foreign-based fuels, while also encouraging and accelerating further EV-related innovation, investment, research, development, manufacturing, and employment opportunities in this State.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order and direct as follows:

Section 1. Establishing SC EV Economic Development Initiative

A. I hereby authorize and direct the South Carolina Department of Commerce ("Department of Commerce") to undertake the following actions and initiatives:

1. Designate an EV coordinator to serve as a resource and point of contact for the business community and industry stakeholders, as well as federal, state, and local government entities and members of the general public, on EV-related issues or inquiries—including economic investment, workforce development, emerging technologies, and infrastructure—for purposes of connecting interested parties with the relevant state agency or agencies, facilitating coordination and collaboration related to the same, and establishing an informational webpage to serve as a resource repository and directory in furtherance of the foregoing;
2. Coordinate implementation of a strategic initiative designed to prioritize and enhance ongoing economic development and recruitment efforts by identifying, encouraging, or incentivizing EV and automotive manufacturers and related suppliers and industries, both domestic and international, to locate or expand research, development, and production facilities in the State of South Carolina; and
3. Collaborate with and assist the Interagency EV Working Group established in Section 3 of this Order in developing a comprehensive statewide plan regarding the strategic deployment of EV-related resources and infrastructure in South Carolina.

B. Pursuant to article IV, section 17 of the South Carolina Constitution and sections 1-1-840 and 1-3-10 of the South Carolina Code of Laws, as amended, and in furtherance of the principles, considerations, and initiatives set forth above, I hereby authorize and direct any state agencies, departments, entities, or officials called upon for assistance by the Department of Commerce to cooperate with, accommodate, and assist the Department of Commerce in conducting or performing the activities required by this Section or otherwise undertaken to advance the initiative established herein and to provide the Department of Commerce with any and all data, information, documents, or materials requested by the Department of Commerce in connection with the same.

Section 2. Enhancing the EV Workforce

A. I hereby authorize and direct the South Carolina Department of Employment and Workforce (“DEW”) to undertake the following actions and initiatives:

1. Evaluate the State’s existing and anticipated EV-related workforce availability and capacity needs and explore opportunities to enhance the State’s existing workforce development policies or mechanisms so as to advance the competitive standing of South Carolina’s EV ecosystem and automotive sector relative to other States and position the South Carolina as a center of growth and global leader with respect to EV-related research, development, and production;
2. Conduct a comprehensive and detailed supply-gap analysis of the EV ecosystem, in consultation with the business community, industry stakeholders, education providers, and other state agencies and departments, to evaluate EV-specific occupations and the projected demand for any relevant training, credentials, or certifications; and
3. Identify and report to the undersigned and the General Assembly any recommended statutory or regulatory changes or enhancements related to the State’s existing workforce development mechanisms that may be necessary or appropriate to facilitate new business and industry investment or expansion in the EV sector.

B. Pursuant to article IV, section 17 of the South Carolina Constitution and sections 1-1-840 and 1-3-10 of the South Carolina Code of Laws, and in furtherance of the principles, considerations, and initiatives set forth above, I hereby authorize and direct any state agencies, departments, entities, or officials called upon for assistance by DEW to cooperate with, accommodate, and assist DEW in conducting or performing the activities required by this Section or otherwise undertaken to advance the initiative formalized herein and to provide DEW with any and all data, information, documents, or materials requested by DEW in connection with the same.

Section 3. Creating Interagency EV Working Group

A. I hereby authorize and direct SCDOT to convene, and to coordinate the activities of, an Interagency EV Working Group (“Working Group”), which shall develop a comprehensive plan regarding the strategic deployment of EV-related resources and infrastructure in the State of South Carolina. In developing the aforementioned plan and providing any corresponding recommendations, to the greatest extent practicable, the Working Group shall:

1. Prioritize the placement of passenger car EV charging equipment along the interstate highway system to complement completion of the national network, placing initial emphasis on rural portions of the State where the lack of urban facilities makes it less feasible for private-sector investments;
2. Provide recommendations and prioritized locations regarding the deployment of EV charging infrastructure in South Carolina, accounting for, *inter alia*, any applicable state or federal laws, regulations, rules, restrictions, standards, or guidelines; opportunities to realize and maximize the public benefit; present conditions and the location of existing EV infrastructure; current and future commercial considerations; existing and anticipated land use and travel patterns; underserved or unserved communities; preferred alternate fuel corridors; infrastructure capacity adjoining current and proposed alternate fuel corridors; and broader goals related to the deployment of EV infrastructure;
3. Collaborate and confer with the Joint Committee on the Electrification of Transportation and other similar entities to arrive at the best possible outcome for the State;
4. Identify loans, grants, and other funding streams available to the State, or political subdivisions thereof, or to private parties pertaining to EV-related resources, technology, and infrastructure; and
5. Evaluate potential methods for implementation of the plan, including the use of public-private partnerships and the utilization of federal, state, or other available funds, and provide recommendations regarding the same.

B. In addition to SCDOT, the Working Group shall include representatives from the following agencies and entities:

1. ORS;
2. Department of Commerce;
3. DEW;
4. South Carolina Department of Motor Vehicles;
5. South Carolina Department of Health and Environmental Control; and

6. State Fiscal Accountability Authority.

In consultation with the Office of the Governor, SCDOT may designate additional agencies or entities, or representatives thereof, to participate in the Working Group, or components thereof, as necessary and appropriate.

C. SCDOT and ORS shall provide staff resources and administrative support to the Working Group. Pursuant to article IV, section 17 of the South Carolina Constitution and sections 1-1-840 and 1-3-10 of the South Carolina Code of Laws, and in furtherance of the principles, considerations, and initiatives set forth above, I hereby authorize and direct any state agencies, departments, entities, or officials called upon for assistance by the Working Group to cooperate with, accommodate, and assist the Working Group in conducting or performing the activities required by this Section or otherwise undertaken to advance the initiative formalized herein and to provide the Working Group with any and all data, information, documents, or materials requested by the Working Group in connection with the same.

D. In addition to considering the South Carolina Elective Vehicle Stakeholder Initiative Report regarding the electrification of transportation, which ORS published on September 21, 2022, in accordance with section 58-27-270 of the South Carolina Code of Laws, as amended, the Working Group shall proactively engage with, and solicit input from, the public to ensure that the Working Group's recommendations and proposals are made in consideration of, and for the benefit of, public needs and purposes. The Working Group should invite participation, comments, or presentations from members of the public and relevant stakeholders or interested parties, including business and industry representatives, state- and investor-owned utilities, electric cooperatives, public power providers, and federal, state, and local government entities or officials, and should consider and incorporate any resulting input as appropriate.

Section 4. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. This Order shall be implemented consistent with and to the maximum extent provided by applicable law and shall be subject to the availability of appropriations. This Order shall not be interpreted, applied, implemented, or construed in a manner so as to impair, impede, or otherwise affect the authority granted by law to an executive agency or department, or the officials or head thereof, including the undersigned.

October 12, 2022

D. I hereby expressly authorize the Office of the Governor to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Order or to otherwise to provide clarification regarding the same, through appropriate means, without the need for further Orders.

E. This Order is effective immediately and shall remain in effect unless otherwise expressly stated herein or modified, amended, extended, or rescinded by subsequent Order.



GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 12th DAY OF
OCTOBER, 2022.


HENRY MCMASTER
Governor

ATTEST:



MARK HAMMOND
Secretary of State