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U.S. Environmental Protection Agency
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Attention:

Docket ID Nos. EPA-HQ-OAR-2018-0283, NHTSA-2018-0067, The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks; Proposed Rule *and*

Docket ID No. NHTSA-2017-0069, Environmental Impact Statement for the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Year 2021-2026 Passenger Cars and Light Trucks

Joint Comments of Center for Biological Diversity, Earthjustice, Environmental Defense Fund, Natural Resources Defense Council, Sierra Club, and Public Citizen, Inc., Regarding the Proposed Greenhouse Gas Emissions and Fuel Efficiency Standards for Light-Duty Vehicles, Model Years 2021-2026

Comments Specific to Climate Change

The Center for Biological Diversity, Earthjustice, Environmental Defense Fund, Natural Resources Defense Council, Sierra Club, and Public Citizen, Inc., (“Organizations”) hereby submit these comments on EPA’s and NHTSA’s Proposed Rulemaking Regarding the Greenhouse Gas Emissions and Fuel Efficiency Standards for Light-Duty Vehicles, Model Years 2021-2026, 83 Fed. Reg. 42,986 (Aug. 24, 2018) (the “Proposal”) and its accompanying Draft Environmental Impact Statement (the “Draft EIS”). These comments address the topic of climate change as it relates to the Proposal and the Draft EIS. The Organizations may also submit additional joint and separate comments to these dockets on other subjects relating to the Proposal and Draft EIS.

As the Organizations state in comments to be submitted to the Proposal's dockets, NHTSA-2018-0067; EPA-HG-OAR-2018-0283, the Proposal, the accompanying Draft Environmental Impact Statement, Preliminary Regulatory Impact Analysis and the accompanying attachments, collectively spanning thousands of pages, contain numerous errors and shortcomings. Yet, in the Proposal, the agencies state that "comments must not be more than 15 pages long."¹ In support of this statement, they cite 49 C.F.R § 553.21 (which also provides that attachments may be appended to comments without regard to the 15-page limit). Accordingly, we are attaching our detailed comments regarding climate change as an attachment.

We note, however, that limiting comments to a mere 15 pages for a very large and complex technical record underlying a highly significant rulemaking with vast impacts for climate change—made even more onerous by a truncated comment period—demonstrates a callous disregard for the public's right to meaningful comment and review. The time permitted for comment is wholly inadequate to fully analyze the Proposal, DEIS, and their accompanying documents. The Organizations and numerous other parties, including the regulated industry itself, requested the agencies to extend the comment deadline by 60 days from the original deadline set forth when the Proposal was published in the Federal Register. The many parties seeking an extension did so because the Proposal and DEIS rely heavily on numerous technical changes that cannot be fully understood and analyzed in the mere 63 days the agencies allowed for comment. Moreover, the agencies have yet to provide crucial information requested by the California Air Resources Board that is necessary to understand the Proposal and its effect on the environment, or have supplied it just days before the close of the comment period, too late to allow meaningful review. The Proposal incorporates entirely new assumptions and modules into its modeling, including, among other things, a novel scrappage module purporting to document the relationship between the price of new vehicles and the retirement of used vehicles, a dynamic driving many of the justifications for the dramatic decrease in vehicle fuel efficiency and increase in greenhouse gas emissions the agencies propose. The failure to allow sufficient time for the public to analyze and comment on the DEIS and its interrelated but opaque technical changes and new assumptions has denied the public the opportunity to fully understand and meaningfully comment on the environmental impacts of the Proposal, in violation of basic principles of administrative law.²

The attachment to this letter summarizes the recent scientific findings demonstrating that climate change is *already* causing vast economic damages, and that those damages are both much more severe and urgent than has previously been understood. That evidence, which constitutes the best available science, demonstrates that steep reductions in greenhouse gas emissions must occur *within the next decade*. The agencies, which propose to freeze the fuel efficiency of the light duty vehicle fleet and cause enormous additional greenhouse gas pollution during six of those crucial years, must take this evidence into account. In light of the indisputable, severe and immediate damage to human health and welfare that would be done by weakening the existing vehicle standards, we urge the agencies to withdraw their Proposal and instead set to work to strengthen the standards forthwith. All references cited therein will be uploaded to EPA's and NHTSA's dockets on the Proposal and the DEIS.

¹ 83 Fed. Reg. at 43,470.

² 5 U.S.C. § 553(c).

Sincerely,

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