September 11, 2019

VIA ELECTRONIC SUBMISSION

James C. Owens Deputy Administrator National Highway Traffic Safety Administration 1200 New Jersey Avenue, SE Washington, DC 20590

Andrew R. Wheeler Administrator Environmental Protection Agency 1200 Pennsylvania Avenue, NW Washington, DC 20460

Attn: Docket No. NHTSA-2018-0067 Docket No. NHTSA-2017-0069 Docket No. EPA-HQ-OAR-2018-0283

Re: Supplemental Public Comment on Proposed Rule, "The Safer Affordable Fuel-Efficient ('SAFE') Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks," 83 Fed. Reg. 42,986 (Aug. 24, 2018)

Environmental Defense Fund respectfully submits this supplemental comment in the above dockets because the information herein is "of central relevance to the rulemaking," *The Safer Affordable Fuel-Efficient ('SAFE') Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks*, 83 Fed. Reg. 42,986 (Aug. 24, 2018) ("Proposed Rule").

As we set forth in detailed legal comments, EPA's proposed revocation of California's waiver, NHTSA's proposal to preempt the California standards, and the agencies' weakening of the federal standards are unlawful.² However, notwithstanding the flawed justifications the agencies offered in support of that proposed action, statements from White House officials, including official statements by President Trump, provide evidence that the rationales for these actions offered in the Proposed Rule are pretextual. The motivations for these actions are political in nature, and dictated by an animus toward the State of California, now accompanied by a desire to

 $^{^1}$ 42 U.S.C. § 7607(d)(4)(B)(i). See also id. § 7607(d)(7)(A) (providing that such material forms part of the administrative record for judicial review).

² See Comments of Center for Biological Diversity, Conservation Law Foundation, Environmental Defense Fund, Earthjustice, Environmental Law and Policy Center, Natural Resources Defense Council, Public Citizen, Inc., Sierra Club, and Union of Concerned Scientists on the SAFE Rule, Appendix A at 19 (Oct. 26, 2018), Docket ID EPA-HQ-OAR-2018-0283-5070.

retaliate against the State for working with automakers to continue making meaningful progress in reducing greenhouse gas emissions from cars and light trucks.³

The evidence includes the following:

- 1. A February 7, 2017 email from Trump transition team member David Schnare to thenacting EPA General Counsel Kevin Minoli describes a White House order to "take steps to reopen and reconsider the Corporate Average Fuel Economy standards for 2025 and notice of an intent to withdraw the associated California waiver." Mr. Schnare states in his email that "[White House aide Andrew] Bremberg has directed us to have a notice ready to go into the Federal Register as soon as next week." This direction from the White House came just weeks after President Trump took office, before former EPA Administrator Scott Pruitt's announcement that he would reconsider EPA's January 2017 Final Determination that the standards remained appropriate, and long before any reasoned assessment of the current standards and waiver could have been undertaken.
- 2. On July 25, 2019, following the announcement of California's voluntary framework with four automakers, EPA spokesman Michael Abboud responded by reflexively rejecting any consideration of this clear evidence that more protective greenhouse gas standards are eminently reasonable, instead replying, "Today's announcement from CARB has no impact on EPA's regulation of greenhouse gas emissions under the Clean Air Act. This voluntary framework is a PR stunt that does nothing to further the one national standard that will provide certainty and relief for American consumers."
- 3. On August 20, 2019, citing three sources, the New York Times reported that President Trump "went so far as to propose scrapping his own rollback plan and keeping the Obama regulations, while still revoking California's legal authority to set its own standards," and that "[t]he president framed it as a way to retaliate against both California and the four automakers in California's camp." The same article reported, according to sources, that the president is "enraged by California's deal," and "has demanded that his staff members step up the pace to complete his plan."

³ See California Air Resources Board, California and major automakers reach groundbreaking framework agreement on clean emission standards (July 25, 2019), https://ww2.arb.ca.gov/news/california-and-major-automakers-reach-groundbreaking-framework-agreement-clean-emission.

⁴ Email from David Schnare to Kevin Minoli (February 7, 2017), available at http://blogs.edf.org/climate411/files/2018/07/Page-286-from-Production-Set-3-May-11_2018-MTE-FOIA.pdf. This email was uncovered through a Freedom of Information Act request submitted by the Environmental Defense Fund on April 21, 2017 for records related to EPA's Notice of Intention to Reconsider the Final Determination of the Mid-Term Evaluation of Greenhouse Gas Emissions Standards for Model Year 2022-2025 Light Duty Vehicles, Tracking Number EPA-HQ-2017-006421. (Attachment A)

⁶ See, e.g., David Shepardson, Four automakers, California strike compromise on vehicle emissions, Automotive News (July 25, 2019), https://www.autonews.com/regulation-safety/four-automakers-california-strike-compromise-vehicle-emissions. (Attachment B)

⁷ Coral Davenport and Hiroko Tabuchi, *Trump's Rollback of Auto Pollution Rules Shows Signs of Disarray* (August 20, 2019), *available at* https://www.nytimes.com/2019/08/20/climate/trump-auto-emissions-rollback-disarray.html?action=click&module=Top%20Stories&pgtype=Homepage. (Attachment C)

4. On August 21, 2019, in a series of tweets, President Trump attacked California and automakers for working together constructively:

My proposal to the politically correct Automobile Companies would lower the average price of a car to consumers by more than \$3000, while at the same time making the cars substantially safer. Engines would run smoother. Very little impact on the environment! Foolish executives!⁸ The Legendary Henry Ford and Alfred P. Sloan, the Founders of Ford Motor Company and General Motors, are "rolling over" at the weakness of current car company executives willing to spend more money on a car that is not as safe or good, and cost \$3,000 more to consumers. Crazy!⁹ Henry Ford would be very disappointed if he saw his modern-day descendants wanting to build a much more expensive car, that is far less safe and doesn't work as well, because execs don't want to fight California regulators. Car companies should know¹⁰ that when this Administration's alternative is no longer available, California will squeeze them to a point of business ruin. Only reason California is now talking to them is because the Feds are giving a far better alternative, which is much better for consumers!¹¹

Statements made by the President through his official Twitter account are official policy statements. ¹² With these tweets, among others, ¹³ the President reveals an animus toward California, and a profoundly unsound perception of the State's legitimate policies and goals.

Regarding pretextual decision-making, the U.S. Supreme Court has recently made clear that "an explanation for agency action that is incongruent with what the record reveals about the agency's

⁸ Donald Trump (@realDonaldTrump), Twitter (Aug. 21, 2019, 7:38 AM), https://twitter.com/realDonaldTrump/status/1164169890917433346?s=20. (Attachment D)

⁹ Donald Trump (@realDonaldTrump), Twitter (Aug 21, 2019, 4:50 PM),

https://twitter.com/realDonaldTrump/status/1164308814759260161. (Attachment E) ¹⁰ Donald Trump (@realDonaldTrump), Twitter (Aug 21, 2019, 5:01 PM),

https://twitter.com/realDonaldTrump/status/1164311594081247233. (Attachment F)

¹¹ Donald Trump (@realDonaldTrump), Twitter (Aug 21, 2019, 5:01 PM) https://twitter.com/realDonaldTrump/status/1164311597587685376. (Attachment F)

¹² See, e.g. Trump v. Hawaii, 138 S. Ct. 2392, 2417 (2018) (treating President Trump's tweets as official statements of the President). See also Int'l Refugee Assistance Project v. Trump, 857 F.3d 554, 594 (4th Cir. 2017) (treating presidential tweets as appropriate records for judicial review).

¹³ See, e.g., Miranda Green and Timothy Cama, Trump attacks California over water, fire management, The Hill

¹³ See, e.g., Miranda Green and Timothy Cama, *Trump attacks California over water, fire management*, The Hill (October 23, 2018), https://thehill.com/policy/energy-environment/412811-trump-attacks-california-over-water-fire-management (reporting that President Trump attacked California's water practices and fire management, incorrectly attributing forest fires to state forest management, and threatening to withhold federal aid) (Attachment G); Donald Trump (@realDonaldTrump), Twitter (Nov. 10, 2018, 1:08 AM),

https://twitter.com/realdonaldtrump/status/1061168803218948096?lang=en (incorrectly characterizing a deadly California wildfire as being the result of poor forest management) (Attachment H); Donald Trump (@realDonaldTrump), Twitter (Jan. 20, 2019, 6:35 AM),

https://twitter.com/realdonaldtrump/status/1086980606955794433?lang=en (referring to San Francisco streets as "disgusting") (Attachment I).

priorities and decisionmaking process" cannot satisfy the reasoned decision-making requirements of federal administrative law. ¹⁴ As a result, EPA and NHTSA must not finalize the Proposed Rule.

Please contact Alice Henderson if you have any questions regarding the concerns raised in this letter.

Sincerely,

Alice Henderson Environmental Defense Fund 2060 Broadway, Suite 300 Boulder, CO 80302

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¹⁴ Dep't of Commerce v. New York, 139 S. Ct. 2551, 2575 (2019).

ATTACHMENT A

To: Minoli, Kevin[Minoli.Kevin@epa.gov]

Cc: Benton, Donald[benton.donald@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]

From: Schnare, David

Sent: Tue 2/7/2017 2:49:16 PM **Subject:** FR Notice on reconsideration

Kevin:

I have just been directed by the White House Domestic Policy Advisor that in the near future the President will sign an executive order directing EPA to take steps to reopen and reconsider the Corporate Average Fuel Economy standards for 2025 and notice of an intent to withdraw the associated California waiver.

Mr. Bremberg has directed us to have a notice ready to go into the Federal Register as soon as next week. Such notices are extremely brief. Can you have your staff draft such a notice and get it to me by COB tomorrow? I need to run it past DOT before it goes out.

Thank you,

dschnare

ATTACHMENT B

Automotive News

July 25, 2019 08:56 AM

Four automakers, California strike compromise on vehicle emissions

Trump administration dismisses deal as 'PR stunt'

DAVID SHEPARDSON



BLOOMBERG

Under a deal with Ford, BMW, Volkswagen and Honda, fuel economy requirements in the most populous state would increase at a nationwide average annual rate of 3.7 percent annually starting with the 2022 model year, and reach 50 mpg by 2026, or one year later than targets set under the Obama administration. The Trump administration called it a "PR stunt."

WASHINGTON -- Four major automakers said they reached a voluntary agreement with the state of California on fuel efficiency rules, bypassing a Trump administration effort to strip the state of the authority to fight climate change by setting its own standards.

California and other states had vowed to enforce stricter emissions standards put in place by the Obama administration after President Donald Trump proposed rolling back the federal rules. Automakers had worried that years of court battles between the state and federal governments could create uncertainty for manufacturers.

The California compromise proposal is more stringent than Trump's proposal but looser than the Obama-era rule.

The Trump administration quickly dismissed the move.

"Today's announcement from CARB has no impact on EPA's regulation of greenhouse gas emissions under the Clean Air Act," Michael Abboud, an EPA spokesman, said in an email. "This voluntary framework is a PR stunt that does nothing to further the one national standard that will provide certainty and relief for American consumers."

California, the most populous U.S. state, accounts for about 12 percent of U.S. vehicle sales, and if the administration recognizes the deal it would allow automakers to operate under one set of national rules.

"Ensuring that America's vehicles are efficient, safe and affordable is a priority for us all," Ford Motor Co., BMW AG, Volkswagen Group and Honda Motor Co. said Thursday in a joint statement. They said the accord could help maintain a nationwide set of fuel efficiency requirements.

Seeking regulatory certainty

The automakers "didn't want to face the expense, distraction and the bad publicity that comes from being part of a big rollback on clean cars," Mary Nichols, who chairs the California Air Resources Board, told Reuters in an interview on Wednesday. She said the companies sought regulatory certainty and had agreed not to legally challenge California's vehicle regulatory authority.

Nichols said other automakers could also adopt the compromise if they choose. Fiat Chrysler Automobiles said in a statement the deal demonstrates the Obama era rules needed revising but added it "looked forward to reviewing the details of this agreement."

General Motors, in its statement, reiterated its ongoing efforts to seek "zero crashes, zero emissions, and zero congestion."

"The pathway includes continuously improving fuel economy and our commitment to an allelectric future," the statement to Reuters said. "Our focus remains on working with all parties on a solution that would involve a 50-state solution and a national electric vehicle program."

.@gm statement on California automakers agreement pic.twitter.com/JzSIDC8ve5

- David Shepardson (@davidshepardson) July 25, 2019

The Trump administration in August 2018 proposed revoking California's right to impose state emissions standards or require more electric vehicles. The administration argued that federal law preempts states from setting their owns rules.

Under Trump, federal regulators backed freezing emissions requirements for new cars and trucks at 2020 levels through 2026. The proposal by the EPA and NHTSA is not expected to go to the White House for final review for at least several more weeks, people briefed on the matter said.

Nichols said that if the administration moves forward with that plan, California "will continue to enforce our regulations and pursue legal challenges to the federal rule."

The White House did not immediately comment on the California deal with the automakers. NHTSA said in a statement it will keep working to finalize the regulation, and that its proposal "contained no language that would prevent any auto manufacturer from designing and building next-generation highly fuel-efficient vehicles."

The Obama-era rules adopted in 2012 called for a fleetwide fuel efficiency average of 46.7 mpg by 2025, with average annual increases of about 5 percent, compared with 37 mpg by 2026 under the Trump administration's preferred option.

California's compromise with the automakers would increase stringency of the requirements at a nationwide average annual rate of 3.7 percent starting in the 2022 model year through 2026, and 1 percent of that annual improvement could be covered by credits awarded for building electrified vehicles.

The deal extends credits for building electric, plug-in hybrid and hydrogen fuel vehicles and also hikes the cap for winning credits for fuel efficiency improvements not captured by

traditional testing. California agreed to remove a requirement to account for upstream emissions of fuels.

"A 50-state solution has always been our preferred path forward and we understand that any deal involves compromise," the automakers' statement said. They said the deal gives "regulatory certainty by allowing us to meet both federal and state requirements with a single national fleet, avoiding a patchwork of regulations while continuing to ensure meaningful greenhouse gas emissions reductions."

Letter to Trump

On June 6, 17 major automakers wrote a letter to Trump and California Gov. Gavin Newsom seeking to revive talks to avoid "an extended period of litigation and instability." The White House rejected that effort and automakers and California launched private talks.

Democrats in Congress hope the agreement could lead to a resolution. U.S. Sen. Tom Carper, D-Del., urged all automakers "to seize this important opportunity" and added he hoped the "administration will abandon its efforts which are reckless, illegal and bound to send the automotive sector into years of litigation and economic disarray."

Automakers credited Trump with reopening the requirements after the Obama administration in its final weeks had sought to lock them in through 2025. In White House meetings, they have urged Trump officials to reach a deal.

Nichols said the compromise would allow the White House to declare "victory" because it "slowed down the pace" of required fuel economy improvements. She added California is getting "substantially the same results in terms of getting cleaner cars onto the road but it makes it happen a year later."

Newsom said in a statement that the deal will "make the air cleaner and safer for us all... I now call on the rest of the auto industry to join us, and for the Trump administration to abandon its regressive proposal and do what is right for our economy, our people, and our planet."

A dozen U.S. states have adopted California's vehicle emissions rules covering more than a third of all U.S. sales.

Reactions

"It's a real breakthrough," said Dan Lashof, director of environmental group World Resources Institute. "I think this is a testament to California's steadfast determination to make sure we are continuing to make progress on what's now the biggest source of global warming pollution in the U.S. which is the transportation sector."

Tom Pyle, president of the American Energy Alliance, a free-market advocacy group that backs the Trump administration's plan, said the deal is unlikely to derail the overall direction the Trump administration's plan.

"The autos are attempting to put further pressure on their brethren and the Trump administration to negotiate with California. That's all this is," Pyle said. "At the end of the day this deal doesn't matter because we don't see a situation where California wins in court."

Bloomberg contributed to this report.

Inline Play

Source URL: https://www.autonews.com/regulation-safety/four-automakers-california-strike-compromise-vehicle-emissions

ATTACHMENT C

The New Hork Times

Trump's Rollback of Auto Pollution Rules Shows Signs of Disarray





By Coral Davenport and Hiroko Tabuchi

Published Aug. 20, 2019 Updated Aug. 28, 2019

Want climate news in your inbox? Sign up here for Climate Fwd:, our email newsletter.

WASHINGTON — The White House, blindsided by a pact between California and four automakers to oppose President Trump's auto emissions rollbacks, has mounted an effort to prevent any more companies from joining California.

Toyota, Fiat Chrysler and General Motors were all summoned by a senior Trump adviser to a White House meeting last month where he pressed them to stand by the president's own initiative, according to four people familiar with the talks.

But even as the White House was meeting with automakers, it was losing ground. Yet another company, Mercedes-Benz, is preparing to join the four automakers already in the California agreement — Honda, Ford, Volkswagen and BMW — according to two people familiar with the German company's plans.

Mr. Trump, described by three people as enraged by California's deal, has demanded that his staff members step up the pace to complete his plan. His proposal, however, is directly at odds with the wishes of many automakers. They fear that the aggressive rollbacks will spark a legal battle between California and the federal government that could upend their business by splitting the United States into two car markets, one with stricter emissions standards than the other.

The administration's efforts to weaken the Obama-era pollution rules could be rendered irrelevant if too many automakers join California before the Trump plan can be put into effect. That could imperil one of Mr. Trump's most far-reaching rollbacks of climate-change policies.

The proposal would significantly weaken the 2012 vehicle pollution standards put in place by President Barack Obama, which remain the single largest policy enacted by the United States to reduce planet-warming carbon dioxide emissions. The Obama-era rules require automakers to nearly double the average fuel economy of new cars and trucks to 54.5 miles per gallon by 2025, cutting carbon dioxide pollution by about six billion tons over the lifetime of all the cars affected by the regulations, about the same amount the United States produces in a year.

Carbon dioxide in the atmosphere traps the sun's heat and is a major contributor to climate change.

In addition to Mercedes-Benz, a sixth prominent automaker — one of the three summoned last month to the White House — intends to disregard the Trump proposal and stick to the current, stricter federal emissions standards for at least the next four years, according to executives at the company.

Together, the six manufacturers who so far plan not to adhere to the new Trump rules account for more than 40 percent of all cars sold in the United States.

"You get to a point where, if enough companies are with California, then what the Trump administration is doing is moot," said Alan Krupnick, an economist with Resources for the Future, a nonpartisan energy and environment research organization.

A senior administration official said the California pact was an effort to force Americans to buy expensive vehicles that they don't want or need. Speaking on condition of anonymity, he called the pact top-down policymaking with California trying to impose its standard on 49 other states.

Mr. Trump has billed his plan, which would freeze the standards at about 37 miles per gallon, as a deregulatory win for automakers that will keep down car prices for American consumers. Mr. Trump's plan would also revoke the legal authority of California and other states to impose their own emissions standards.

In an extraordinary move, automakers have balked at Mr. Trump's proposal, mainly because California and 13 other states plan to continue enforcing their current, stricter rules, and to sue the Trump administration. That could lead to a nightmare situation for automakers: Years of regulatory uncertainty and a United States auto market that effectively split.

Last week, California officials said that they expected more automakers to join their pact, which commits carmakers to build vehicles to a standard nearly as strict as the Obama-era rules that the president would like to weaken. "Many companies have told us — more than one or two — that they would sign up to the agreement as soon as they felt free to do so," said Mary Nichols, the top clean air official in California.



Mary Nichols of the California Air Resources Board in 2018. David Paul Morris/Bloomberg

Officials from Mercedes-Benz declined to comment.

Executives from the three auto companies summoned to the White House declined to comment publicly on their interactions with the Trump administration. But at a recent media event, Mike Manley, Fiat Chrysler's chief executive, said of the California pact: "We are absolutely going to have a look at it and see what it means."

In the Trump administration, three senior political officials working on the rollback, a complex legal and scientific process, have all left the administration recently. A senior career official with years of experience on vehicle pollution policy was transferred to another office.

That means the process is now being run by Francis Brooke, a 29-year-old White House aide with limited experience in climate change policy before moving over from Vice President Mike Pence's office last year. Given the lack of experienced senior staff members, people working on the plan say it is unlikely to be completed before October.

At the same time, staff members at the Environmental Protection Agency and Transportation Department, which are writing the rule, say they are struggling to assemble a coherent technical and scientific analysis required by law to implement a rule change of this scope.

Several analyses by academics and consumer advocates have questioned the administration's claim of benefits to the public. An Aug. 7 report by Consumer Reports concluded that Mr. Trump's proposed rollback would cost consumers \$460 billion between vehicle model years 2021 and 2035, an average of \$3,300 more per vehicle, in car prices and gasoline purchases. It also found the rollback would increase the nation's oil consumption by 320 billion gallons.

A career staff member at the E.P.A., speaking on condition of anonymity, said the numbers, the public comments and the analysis were at odds with what the White House wanted to do.

The White House official called the staff departures irrelevant and said that the rule was near completion. While acknowledging that a major change such as this takes time, the official said that people who were opposed to the rule, including some in the automotive industry, were starting to worry that the Trump plan was going to succeed.

Policy experts point out that Mr. Trump's quest to undo his predecessor's signature climate-change regulation despite opposition from the very industry being regulated is extraordinarily unusual. For automakers, they say, it makes more sense to try to remain globally competitive by building more sophisticated vehicles as the world market moves toward more efficient cars.

"I don't think there is any precedent for a major industry to say, 'We are prepared to have a stronger regulation,' and to have the White House say, 'No, we know better,'" said William K. Reilly, who headed the E.P.A. in the first George Bush administration.

For some companies, Mr. Trump's regulations are already moot. An E.P.A. assessment of the 2017 Honda CR-V, the best-selling S.U.V. in the country that year, showed the car is set to meet 2022 Obama-era targets five years ahead of schedule.

Late last month, in the days immediately after the deal between California and the four automakers was announced, White House discussions ranged widely about how to respond.

At one White House meeting, Mr. Trump went so far as to propose scrapping his own rollback plan and keeping the Obama regulations, while still revoking California's legal authority to set its own standards, according to the three people familiar with the meeting. The president framed it as a way to retaliate against both California and the four automakers in California's camp, those people said.

Neal E. Boudette contributed reporting from Detroit.

For more news on climate and the environment, follow @NYTClimate on Twitter.

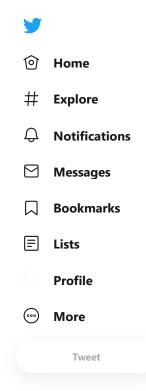
Coral Davenport covers energy and environmental policy, with a focus on climate change, from the Washington bureau. She joined The Times in 2013 and previously worked at Congressional Quarterly, Politico and National Journal. @CoralMDavenport • Facebook

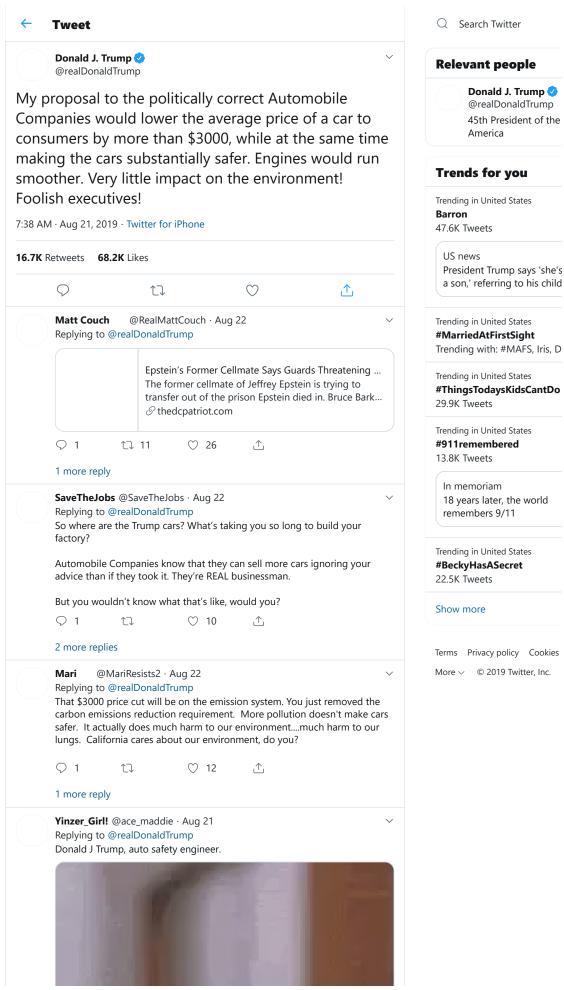
Hiroko Tabuchi is a climate reporter. She joined The Times in 2008, and was part of the team awarded the 2013 Pulitzer Prize for Explanatory Reporting. She previously wrote about Japanese economics, business and technology from Tokyo. @HirokoTabuchi • Facebook

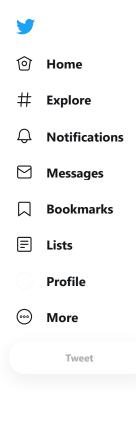
A version of this article appears in print on Aug. 20, 2019, Section A, Page 1 of the New York edition with the headline: Carmakers' Pact To Cut Emissions Saps Trump Plan

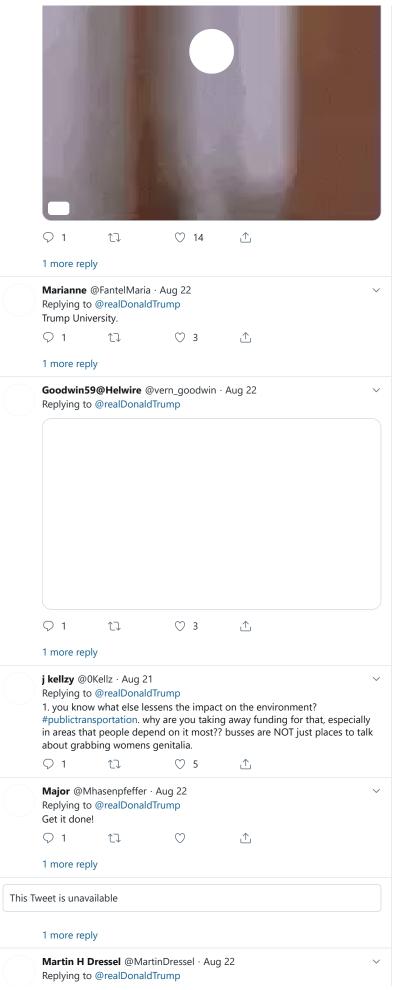
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ATTACHMENT D





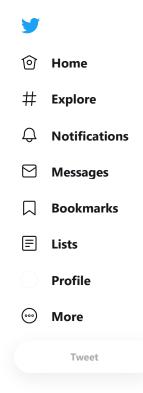


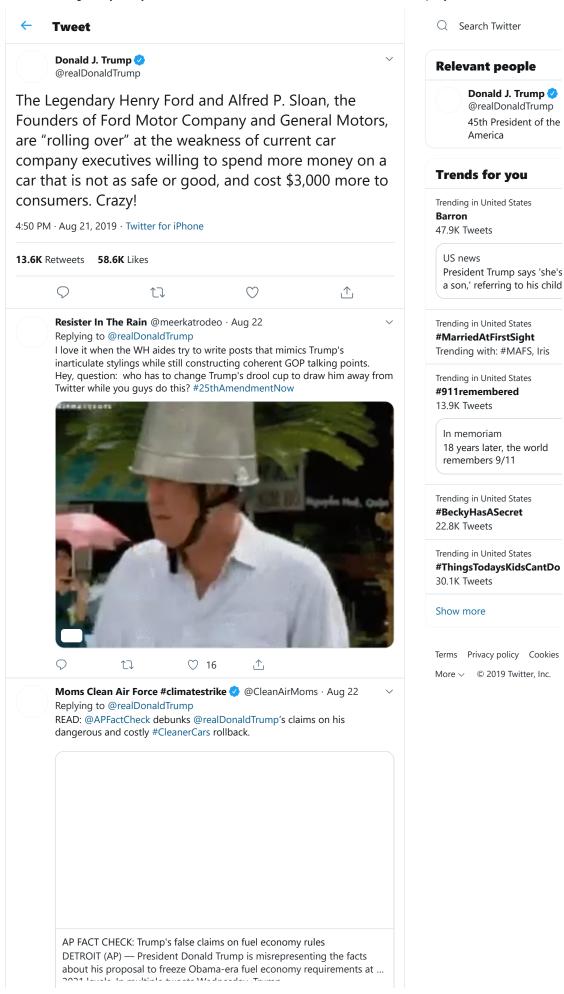


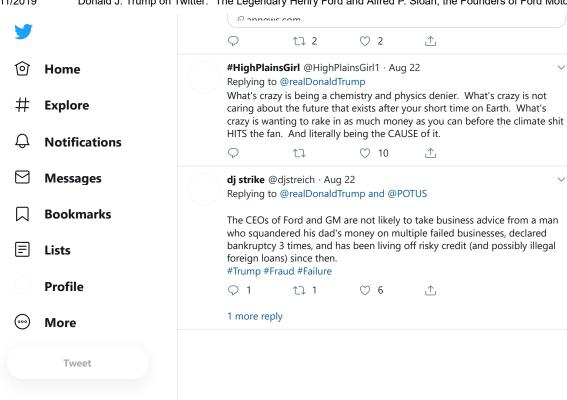
9/11/2019 Donald J. Trump on Twitter: "My proposal to the politically correct Automobile Companies would lower the average price of a car to consu...

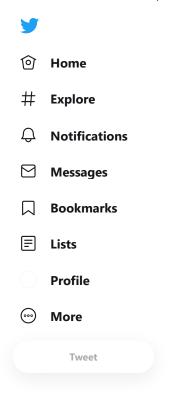
7		A car maven speaks. Unfortunately, like everything else, he doesn't know what the fuxk he's talking about.					
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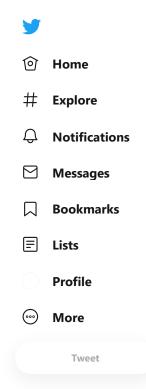


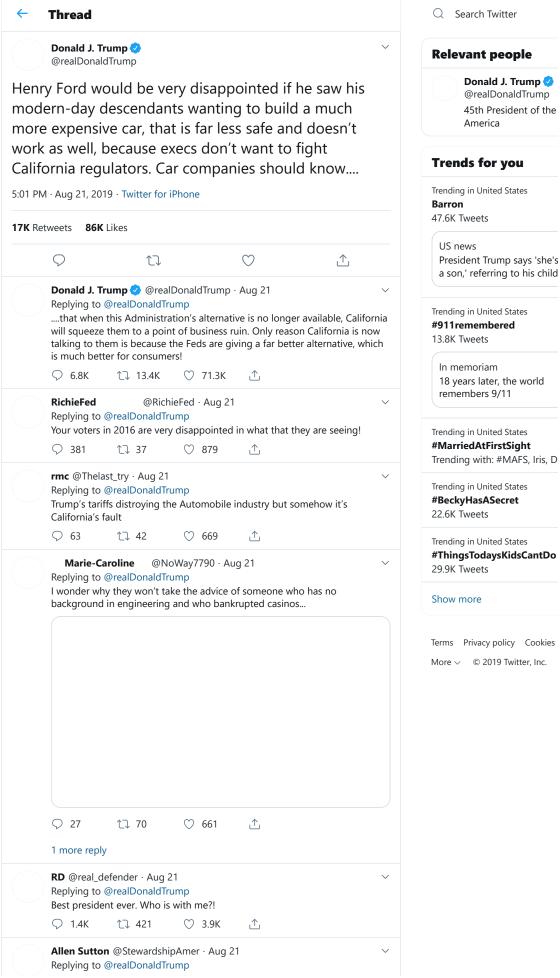


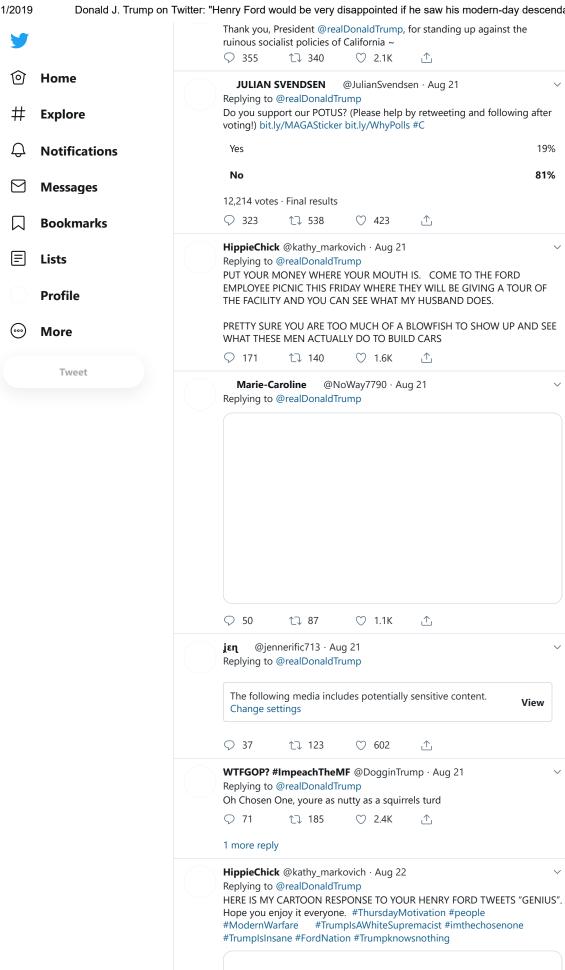


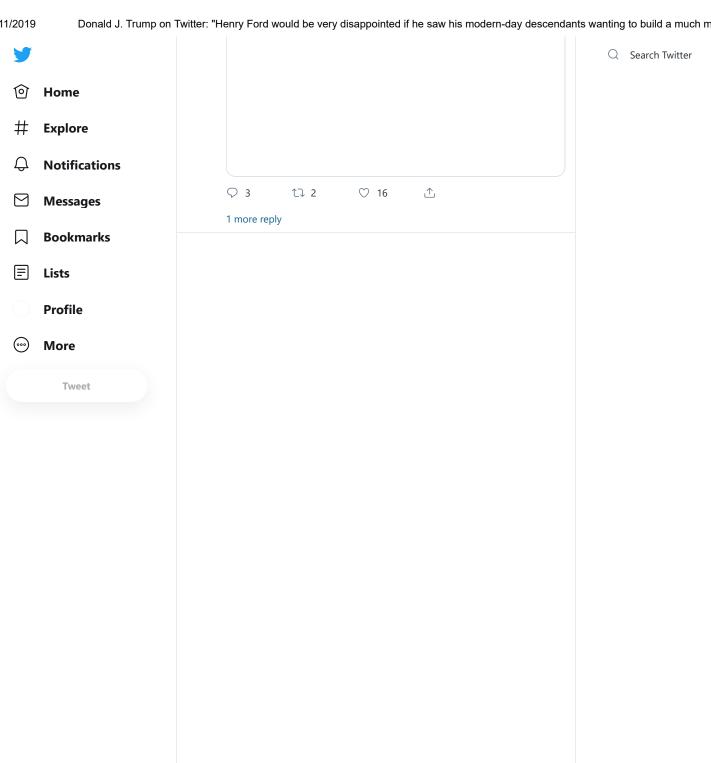
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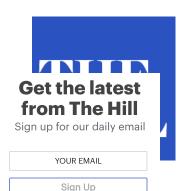








ATTACHMENT G



Trump attacks California over the management

BY MIRANDA GREEN AND TIMOTHY CAMA - 10/23/18 04:07 PM EDT

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DCCC names new head after mass staff departure: report

 ${f HOUSE}-{f 58M36SAGO}$

Trump officials tour empty California FAA facility as potential site to relocate homeless: report

ADMINISTRATION — 1H 17M AGO

Sinema says she would back Kennedy in race against Markey

CAMPAIGN — 2H 15M AGO

Estimated 2,500 names on list of the missing in Bahamas after Dorian

BLOG BRIEFING ROOM

- 2H 18M AGO

Final victim of California boat fire recovered

 $\mathbf{STATE}\,\mathbf{WATCH} - \mathbf{2H}\,\mathbf{30M}\,\mathbf{AGO}$

Tim Ryan debuts 'album' on Spotify to pitch 2020 platform

BLOG BRIEFING ROOM

- 2H 36M AGO

White House 'pleased' about Supreme Court decision on asylum rule

ADMINISTRATION — 3H 13M AGO

Trump holds call with Mexico's president on border issues

 ${\bf INTERNATIONAL-3H\,16M\,AGO}$



© Getty Images

President Trump on Tuesday volleyed a number of attacks at California over the state's water practices and fire management, going so far as to threaten withholding future federal aid.

Speaking at an address to the White House State Leadership Day Conference, Trump warned California to "get on the ball" with how it manages its forests and regulates water releases from its dams, insinuating that both practices are responsible for a number of the state's devastating forest fires.

"They have lousy management," Trump said.

"This is a seriously defective thing there. I thought they had a drought. I didn't realize. They said 'no, we have so much water we don't know what to do with it.' Then you have all the forest fires. We have so much water they could actually water some of it."

As of Tuesday, about 48 percent of California's land — where about 63 percent of the state's population lives — was experiencing drought, according to the federal government's National Integrated Drought Information System.

Trump additionally threatened to withhold federal aid from the state as a result of future fires.

VIEW ALL

"We're tired of giving California hundreds and hundreds of millions of dollars all the time for their forest fires when you wouldn't have them if they manage their forests properly," he said.

While Trump's comments aimed to connect the dots between California's ongoing water debate, calls to thin forests for lumber and deadly forest fires, experts have routinely debunked the connections.

Fire chiefs said that dry conditions, warm temperatures and strong winds were primarily responsible for recent extreme fires in the Golden State — not a lack of water supply.

"We have plenty of water," Cal Fire Deputy Chief Scott McLean said earlier this year after Trump linked the state's water management to the fires. "We can pretty much get water out of streams, creeks, ponds, rivers, lakes."

Nevertheless, Trump has routinely promoted the idea that the wildfires, which many attribute to climate change, are due to forests that must be thinned and dams whose water must be redistributed. Back in August Interior Secretary Ryan Zinke, along with Department of Agriculture head Sonny Perdue, made a trip to California, where they promoted the need for increased logging as a way to manage fires.

"There are years' worth of dead logs, overgrown shrubs and snags, which many firefighters call 'widow makers' because they are so deadly," Zinke wrote in a USA Today piece that coincided with the trip. "The buildup of fuels is the condition we can and must reverse through active forest management like prescribed burns, mechanical thinning and timber harvests."

The duo faced backlash from environmentalists who said that the concept of forest management was false and instead a thinly veiled guise to benefit the logging industry.

<u>Last week</u> Trump signed a presidential memorandum to promote the "reliable supply" of water in the West. The order directed the Interior and Commerce secretaries to identify and oversee major water infrastructure projects in California in which they could have reasonable jurisdiction under the Endangered Species Act so they could speed up environmental reviews and streamline regulations.

Interior Deputy Secretary David Bernhardt called the memorandum, in a call to reporters Friday, the "most significant action taken by a president on western water issues in my lifetime."

The debate at the heart of Trump's comments rages over the designation of waters from the Sacramento-San Joaquin Delta in California's Central Valley. The water is pumped to 25 million people in Southern California and the Bay Area a well as 3 million acres of farmland in the San Joaquin Valley.

But an endangered fish species whose numbers environmentalists say are getting worse called the Delta smelt also resides in the waters, and scientists argue the best way to save it is by letting the water flow directly to the Pacific Ocean.

Trump's memorandum was hailed by a number of Republican leaders in California's farm-heavy Central Valley, including Rep. Devin Nunes (R-Calif), a longtime Trump supporter who first told him of the battle

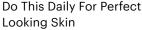
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between environmentalists and farmers over the future of water in the state during Trump's presidential campaign.

"I saw it on the campaign trail and I saw it numerous times when I was out in that area. I look at these incredible, beautiful fields, and they're dry, like dry as a bone," Trump said Tuesday of his previous visit to the region.

"I said 'you must have a tremendous drought going on.' They said 'no, we have so much water we don't know what to do with it. But they don't let the water come down to us. It naturally flows to us. They won't let it. They send it out into the Pacific Ocean. Millions and millions and millions of gallons. We have the greatest farmland anywhere in the world, but they won't give us water.' "

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Mulvaney pushed NOAA to dis forecasters who contradicted on Alabama: report

BY ZACK BUDRYK - 09/11/19 12:38 PM EDT

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CAMPAIGN - 1H 59M AGO

Estimated 2,500 names on list of the missing in Bahamas after Dorian

BLOG BRIEFING ROOM

— 2H 2M AGO

Final victim of California boat fire recovered

STATE WATCH — 2H 13M AGO

Mulvaney pushed NOAA to disavow forecasters ...

Acting White House Chief of Staff Mick Mulvaney instructed Commerce Secretary Wilbur Ross to have the National Oceanic and Atmospheric Administration (NOAA) support President Trump's comments on the threat of Hurricane Dorian to Alabama and contradict the National Weather Service (NWS), according to The New York Times.

The Times, citing three unidentified sources, reported that after the directive came down from Mulvaney, Ross called acting NOAA Administrator Neil Jacobs to tell him to ensure the agency backed Trump.

Trump attacks California over water, fire management | TheHill

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BLOG BRIEFING ROOM

- 2H 19M AGO

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Trump holds call with Mexico's president on border issues

INTERNATIONAL - 2H 59M A

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When Jacobs objected, he was told the NOAA's political appointees would be fired if it was not carried out, according to the newspaper.

Ross's spokesman has denied earlier reporting that the Cabinet official threatened firings at the NOAA if the administration did not back the president.

Trump told reporters in the Oval Office on Wednesday that he "never" told Mulvaney to have NOAA disavow the NWS.

"That's a whole hoax by the fake news media when they talk about the hurricane and they talk about Florida and they talk about Alabama," he said.

In the wake of an unsigned NOAA statement supporting Trump, which drew condemnation from meteorologists and former NOAA personnel, Jacobs has sought to assuage concerns about political interference within the agency.

"This administration is committed to the important mission of weather forecasting," Jacobs said Tuesday at a weather conference in Huntsville, Ala. "There is no pressure to change the way you communicate or forecast risk in the future."

In the same speech, Jacobs defended Trump's insistence that the storm threatened Alabama, telling attendees "at one point, Alabama was in the mix, as was the rest of the Southeast."

Jacobs also defended the Birmingham, Ala., NWS office, which contradicted the president, according to the Times.

"The purpose of the NOAA statement was to clarify the technical aspects of the potential impacts of Dorian," he said, according to the newspaper. "What it did not say, however, is that we understand and fully support the good intent of the Birmingham weather forecast office, which was to calm fears in support of public safety."

A Commerce Department spokesman referred The Hill to Jacobs's remarks in the speech, as well as to similar comments he made in his confirmation hearings, and to the department's earlier denial that Ross threatened firings at NOAA.

The Hill has also reached out to the White House for comment.

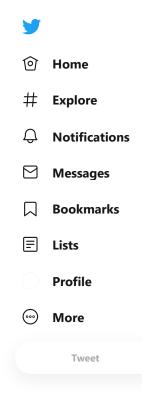
--Brett Samuels contributed to this report, which was updated at 2:07 p.m.

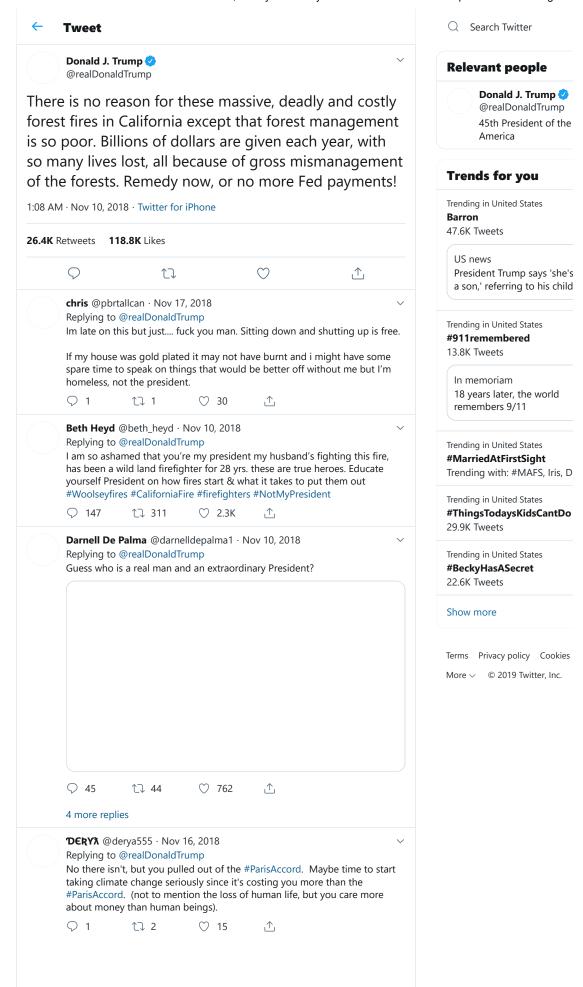
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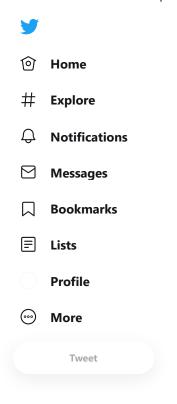


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ATTACHMENT H

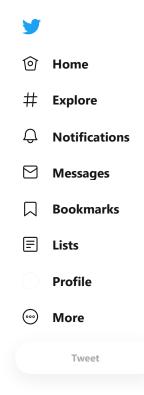


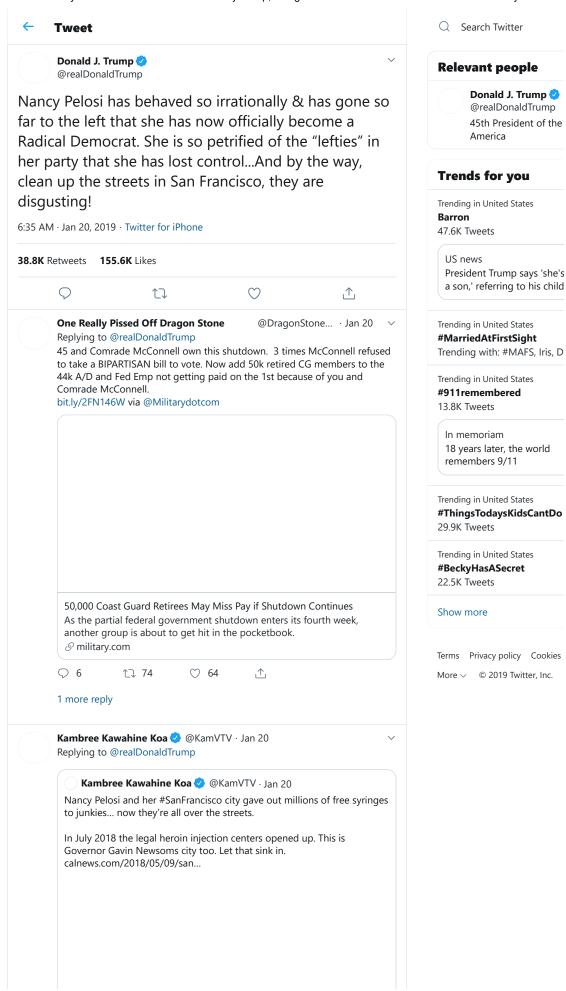




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