

Additional Questions for the Record

**Subcommittee on Consumer Protection and Commerce
Subcommittee on Environment and Climate Change
Hearing on
“Driving in Reverse: The Administration’s Rollback of
Fuel Economy and Clean Car Standards”
June 20, 2019**

**Ms. Anne Idsal, Acting Assistant Administrator, Office of Air and Radiation,
U.S. Environment Protection Agency**

The Honorable Frank Pallone (D-NJ)

1. On July 25, 2019, California and four automakers announced a voluntary framework that will, among other things, require increasing stringency of greenhouse gas standards at a nationwide average annual rate of 3.7% year-over-year, with 1% of that annual stringency achievable through advanced technology multiplier credits. The deal also extended the availability of technology multipliers and raised the cap on off-cycle menu credits. Were any terms of this voluntary framework, or similar terms, proposed by California during discussions with the federal government about revisions to the existing regulatory program?

EPA response: California never proposed terms of sufficient concreteness to compare them against the details of the so-called ‘voluntary frame-work’ that they announced.

2. Your predecessor, Mr. Wehrum, is alleged to have violated a number of ethics requirements. Please explain how you will conduct your affairs differently than Mr. Wehrum.

EPA response: As with other Office of Air and Radiation (OAR) officials, Mr. Wehrum worked closely with EPA ethics officials to understand and comply with ethical obligations. Prior to and since joining EPA, I have worked directly with EPA ethics officials to ensure that I understand the full range of federal ethics laws and regulations as well as the implications of Executive Order 13770.

3. The staff in the Office of Transportation Air Quality (OTAQ) are global leaders in their field. They performed important analyses of NHTSA’s drafts for the proposed SAFE Vehicles rulemaking. See, e.g., EPA-HQ-OAR-2018-0283-0453, “Email 5 – Email from William Charmley to Chandana Achanta – June 18, 2018.”

- a. Do you commit to support OTAQ's work and to ensure that it continues without political interference?
- b. Will you pledge to allow OTAQ to evaluate and analyze NHTSA's work as NHTSA moves toward finalizing the SAFE Vehicles Rule?
- c. Will you commit to placing any such OTAQ analyses in the administrative record?

EPA response: OTAQ has a long history of conducting independent light-duty vehicle emissions research and making that information readily available to the Administrator to inform his or her decisions. Currently, EPA and the National Highway Traffic Safety Administration (NHTSA) are working together, and EPA will follow all statutory rules governing materials in the administrative record.

4. Why is there no analysis of transportation conformity in the Notice of Proposed Rulemaking? Please explain EPA's position on how the proposed rule will affect transportation conformity analyses across the country.

EPA response: Consistent with past practice for when a final rule is promulgated, EPA will assess potential impacts and provide technical guidance as needed to state and local agencies so that any final rule impacts can be reflected in future analyses.

5. What analysis has EPA conducted to calculate specific automotive supply chain job losses as a result of this proposal? Has the Administration identified how many direct and indirect jobs will be lost in both rural America and urban centers, including from major suppliers, equipment manufacturers, parts and materials producers, and others? Please provide specifics.

EPA response: The SAFE Vehicles proposed rule's assessment of employment impacts is found at 83 FR 43436-43437.

The Honorable John Shimkus (R-IL)

1. Why do you assert in the proposed rule that "tailpipe carbon dioxide emissions are directly and inherently related to fuel economy standards"?

EPA response: The relationship between improving fuel economy and reducing carbon dioxide tailpipe emissions is a direct and close one. The amount of tailpipe carbon dioxide emissions is essentially constant per gallon combusted of a given type of fuel. Thus, the more fuel efficient a vehicle is, the less fuel it burns to travel a given distance, and in turn the less carbon dioxide it emits.

2. The August 28, 2018 Notice of Proposed Rulemaking announced that this proposal would be de novo based on entirely new analysis reflecting the best and most up to

date information available to EPA and NHTSA.

- a. What does this mean?
- b. Under what law is this permissible?
- c. Are there precedents for employing this process?

EPA response: The Clean Air Act section 202(a)(1) provides the EPA Administrator authority to establish “and from time to time revise” light-duty vehicle emission standards.

3. In the 2017 announcement to reconsider the Mid-Term Evaluation, EPA stated that EPA failed in its commitment to work with NHTSA to develop and publish EPA’s January 12, 2017 Mid-Term Review. Clean Air Act section 202(a)(1) does not require this consultation, but regulation does.

- a. What are the potential ramifications of NHTSA and EPA not coordinating as they had previously proposed?

EPA response: EPA’s regulations at 40 CFR 1818-12(h) state that the Administrator of EPA shall determine whether the light-duty vehicle greenhouse gas standards are appropriate under section 202(a) of the Clean Air Act, no later than April 1, 2018, in light of the record then before the Administrator. While the EPA regulations did not establish a formal role for NHTSA in making the determination, the follow-on need for NHTSA to promulgate a new and separate rulemaking has always existed.

The Honorable Michael C. Burgess, M.D. (R-TX)

2. On January 13, 2016, just a few short days before President Trump was inaugurated, the Environmental Protection Agency (EPA) unexpectedly released the final draft of the One National Program mandate. These changes were made outside of the regular rulemaking process and were made with no consideration from the National Highway Traffic Safety Administration (NHTSA). These mandates would have resulted in increased auto prices, the loss of consumer choice, and little benefit to the environment.

How has the EPA conducted the promulgation of the Safer Affordable Fuel-Efficient (SAFE) Vehicles standards?

- a. Was this done through the normal rule making process or have these new standards been rushed in any way?
- b. How does your agency take to into consideration the comments submitted for the SAFE Vehicles standards? What impact do these comments have on the final result?

EPA response: EPA and NHTSA issued the SAFE Vehicles proposed rule on August 24, 2018 and provided a public comment period ending on October 26, 2018. NHTSA received 150,000 comments, while the EPA has received more than 600,000 public comments on the proposal. EPA will carefully consider these public comments during the development of the final rule.

3. Given the expedited nature of the One National Program's promulgation, how were stakeholder concerns taken into consideration?
 - a. How have your agencies' processes for the promulgation of the SAFE Vehicle Standards compare to the processes used to release the finalized One National Program mandate under the Obama EPA?

EPA response: EPA and NHTSA issued the SAFE Vehicles proposed rule on August 24, 2018 and provided a public comment period ending on October 26, 2018. NHTSA received 150,000 comments, while the EPA has received more than 600,000 public comments on the proposal. EPA will carefully consider these public comments during the development of the final rule.

The Honorable Markwayne Mullin (R-OK)

1. The purpose of the CAFE Standards is to increase fuel efficiency thus lowering greenhouse gas emissions. Would you agree that the increase usage of natural gas has lowered greenhouse gas emissions?
 - a. So, is it safe to say that natural gas vehicles are important to the fleet mix?

EPA response: As EPA showed in the 2012 rule establishing standards for model year 2017-2025 vehicles, the tailpipe CO₂ emissions of natural gas vehicles produced in that time frame were about 20% lower than those of comparable gasoline vehicles being produced in the 2012 time frame, based on the limited data we had at the time (77 FR 62815).

- b. Were you aware that the Obama Administration arbitrarily removed the greenhouse gas compliance factor that was used for natural gas vehicles?
- c. I would like to see this compliance factor reinstated that was used for the 2012 to 2015 model years in the final SAFE rule. This would give them parity with electric vehicles, which the previous administration chose to favor. Ms. Idsal, I would appreciate your commitment to work with my staff and colleagues to ensure greater parity is achieved for natural gas vehicles in order to provide automakers another important compliance option that offers consumers an affordable clean vehicle running on American natural gas.

EPA response: EPA has received similar comments from the natural gas industry on the SAFE Vehicles proposed rule, and we will take these comments into consideration during the development of the final rule.