

**Responses from U.S. Environmental Protection
Agency to Questions for the Record from the
Committee on Energy and Commerce,
Subcommittee on Environment, Manufacturing,
and Critical Materials' June 22, 2023 hearing
entitled "Driving Affordability, Preserving People's
Freedom to Buy Affordable Vehicles and Fuel"**

The Honorable Bill Johnson

1. During the hearing, you stated that EPA has not begun the process of considering California's Clean Air Act waiver request and that EPA did not consider California's Advanced Clean Cars II (ACC II) proposal when drafting the rulemaking on light- and medium-duty vehicles. However, the text of the proposed rule mentions ACC II eight times. Given that EPA referenced ACC II repeatedly in the "Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles" proposed rule, how can you say that EPA did not base its assessment on the possibility of a waiver?

EPA RESPONSE: EPA's proposed rule does not use the California ACC II program as a justification for the proposed rule. EPA's justification for the proposed rule is the need for continued emissions reductions under section 202(a) of the Clean Air Act. Moreover, since California did not even submit a waiver request for ACC II until after the proposed rule was issued, EPA did not base its assessment for its proposed rule on the possibility of a waiver for the ACC II program.

EPA reviewed California's ACC II program regulation and referred to certain provisions as a point of comparison in our proposal to help manufacturers and the public engage with us on our own proposed standards. For example, our proposal discusses that EPA had considered, but chose not to propose, the ACC II provisions for minimum performance requirements for plug-in hybrid electric vehicles because EPA instead is proposing a performance-based emissions approach. EPA discusses certain elements of the ACC II criteria pollutant standards and battery durability and warranty provisions as a point of comparison to highlight for manufacturers and the public where EPA's proposal would be similar to, or differ from, the ACC II standards. Further, in estimating the number of zero emission vehicles that would be sold absent any additional EPA action, EPA evaluated the ACC II program as one of several different sensitivity cases on which we are seeking public comment. With respect to the waiver request, as noted above, California did not submit a waiver request for the ACC II program until after the proposed rule was issued, and accordingly it was not a justification for the proposed LDV rule.

2. Will you please provide the Committee with copies of any communications or technical assistance that EPA received from the Department of Energy, the Federal Energy Regulatory Commission, and the National Highway Traffic Safety Administration during

the drafting of the “Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles” proposed rule?

EPA RESPONSE: EPA recognizes the importance of Congress’s interests in obtaining information necessary to perform its legitimate legislative and oversight functions, and the Agency is committed to cooperating with Committee staff to provide information the Committee needs, and to engaging in the accommodation process. We commit to working with your staff to accommodate the Committee’s request.

The Honorable Robert E. Latta

1. One of our Ohio refineries testified at a state hearing on how the consideration of car bans has contributed to refinery closures in places like California. My understanding is the Midwest is generally short on regional refining capacity and regularly requires imports from other regions.
 - a. What would be the impact on consumers if either federal or state proposals to ban certain cars leads to premature refinery closures?

EPA RESPONSE: I can only comment on EPA’s proposed rule to address emissions from light- and medium-duty vehicles; the Agency is not in a position to comment on any state proposals. The proposal is not a national electric vehicle mandate or an internal combustion engine ban. As noted in my testimony, because EPA’s proposed standards are performance-based emission standards, it is the car companies who would choose the mix of technologies they believe would be best suited for their fleet to meet the standards. EPA projects that over the proposed phase-in of the program from 2027 through 2032, approximately 42 million to 48 million new internal combustion engine vehicles would continue to be sold, with about 5-6 million new internal combustion engine vehicles still being sold annually in 2032 and beyond.

The Honorable Rick W. Allen

1. Has the EPA ever done a study to see how much carbon would be saved if air conditioning units are eliminated?
 - a. How much carbon is emitted into the atmosphere annually by air conditioning units?

EPA RESPONSE: EPA has not analyzed the climate impacts of eliminating air conditioning. Typical operation of air conditioning units do not directly emit either elemental carbon or carbon dioxide.

The Honorable Russ Fulcher

1. The average EV costs \$14,000-\$17,000 more than the average non-luxury vehicle. Numerous families in my district in Idaho don't have an extra \$14,000 or \$17,000 to spare for an EV that doesn't even meet their needs. Is this EV mandate going to disproportionately impact my constituents, particularly those who don't have the means or are located in our rural communities?

EPA RESPONSE: EPA's proposal is not a national electric vehicle mandate or an internal combustion engine ban. EPA's proposal to address emissions from light- and medium-duty vehicles was developed recognizing the significant investments in clean vehicle technologies from Congress through the Bipartisan Infrastructure Law and the Inflation Reduction Act. The proposed standards build on commitments and investments already made by automakers as they plan to accelerate clean vehicle technologies over the next 5 to 10 years in response to market shifts and increasing consumer interest in electric vehicles. EPA's proposed standards are performance-based emissions standards and are technology neutral, meaning that manufacturers can choose the mix of technologies, including internal combustion technologies, that they believe would be best suited for their fleet to meet the standards and to meet the needs of American drivers. EPA projects that over the proposed phase-in of the program from 2027 through 2032, approximately 42 million to 48 million new internal combustion engine vehicles would continue to be sold, with about 5-6 million new internal combustion engine vehicles still being sold annually in 2032 and beyond.

The proposal provides a clear pathway for the continued deployment of clean vehicles that would save consumers money, improve air quality, and secure America's global competitiveness. The proposal would deliver significant savings for consumers at the pump and through the lower maintenance and repair costs of electric vehicles. By accelerating adoption of technologies that reduce fuel and maintenance costs alongside pollution, EPA estimates that the proposed standards would save the average consumer \$12,000 over the lifetime of a light-duty vehicle, as compared to a vehicle that was not subject to the new standards. Further, consumers could also save up to \$7,500 for the purchase of an eligible electric vehicle under the Inflation Reduction Act's purchase incentive program. The proposal would promote consumer choice to purchase vehicles that best meet their needs.

2. As of May, the number of EVs in Idaho was around 5,000. It's clear that EVs are infeasible and too expensive for Idahoans. Yet, EPA is clearing the existing field and installing a "one size fits all" approach for my district that would decrease the availability of gas-powered vehicles in my state. Why should unelected bureaucrats in EPA and California affect what vehicles are available in my state?

EPA RESPONSE: EPA's proposal is not a national electric vehicle mandate or an internal combustion engine ban. EPA's proposed standards are performance-based emission standards. It is the car companies who would choose the mix of technologies they believe would be best suited for their fleet to meet the standards. EPA projects that

over the proposed phase-in of the program from 2027 through 2032, approximately 42 million to 48 million internal combustion engine vehicles would continue to be sold, with about 5-6 million new internal combustion engine vehicles still being sold annually in 2032 and beyond.

3. In Idaho, we face very cold winters. Many studies have been released showing that EV batteries are severely hindered by cold weather. For instance, the Idaho National Laboratory found that a standard EV battery took in 36% less usable energy at 32 degree weather than the same battery did at 77 degrees. Should my constituents – even before we talk lost ready due to payload weight -- be forced to purchase cars that don't work effectively in our state, particularly considering that EV chargers are few and far between in rural America?

EPA RESPONSE: EPA's proposal is not a national electric vehicle mandate or an internal combustion engine ban. EPA's proposed standards are performance-based emission standards. It is the car companies who would choose the mix of technologies they believe would be best suited for their fleet to meet the standards. The proposal would promote consumer choice to purchase the vehicle that best suits their needs. EPA projects that over the proposed phase-in of the program from 2027 through 2032, approximately 42 million to 48 million internal combustion engine vehicles would continue to be sold, with about 5-6 million new internal combustion engine vehicles still being sold annually in 2032 and beyond.

EPA recognizes that charging infrastructure is critically important for the success in the increasing development and adoption of electric vehicles. EPA considered future infrastructure needs and costs in developing our proposed rule, which consider a range of electric vehicle charging approaches to support the future growth of electric vehicles—including at home charging, work-place charging, and public charging. The number of public charging stations is already growing rapidly and will grow even faster with investments from the Bipartisan Infrastructure Law and the Inflation Reduction Act, which are supporting new charging stations along highway corridors, within communities, and in rural and other underserved areas.

4. Like much of the rural West, Idaho has many small towns and individuals who live far away from retail gas and diesel stations. And like much of the rural West, we don't have a lot of people. But, we have a lot of land – most of which is locked up by federal agencies who are often overwhelmed in trying to manage our natural resources. I am struggling to believe that, even if moving to an EV-dominant world is a good idea and that we had adequate amounts of critical minerals like Lithium and Cobalt needed for EV batteries, that somehow Idaho and the rural West would see many EV stations to meet the additional vehicle inventory. Can you dispel this concern, particularly that the charging infrastructure will be there within the time frame of your proposed rule?

EPA RESPONSE: EPA recognizes that charging infrastructure is critically important for the success in the increasing development and adoption of electric vehicles. EPA considered future charging infrastructure needs and costs in developing our proposed rule, which consider a range of electric vehicle charging approaches to support the

future growth of electric vehicles—including at home charging, work-place charging, and public charging. The number of public charging stations is already growing rapidly and will grow even faster with investments from the Bipartisan Infrastructure Law and the Inflation Reduction Act, which are supporting new charging stations along highway corridors, within communities, and in rural and other underserved areas.

The Honorable Diana DeGette

1. Does the EPA’s Model Year 2027 light- and medium-duty vehicle proposed rule mandate that car manufacturers use any specific type of technology?

EPA RESPONSE: No. EPA’s proposal does not mandate any specific technology. EPA’s proposed rule is not a national electric vehicle mandate or an internal combustion engine ban.

2. The proposed rule sets standards that manufacturers have to comply with, is that correct?

EPA’s RESPONSE: Yes. EPA’s proposed standards are performance-based emission standards. It is the car companies who would have to comply with the standards and choose the mix of technologies they believe would be best suited for their fleet to meet them.

3. Vehicle manufacturers have options for how they comply with the regulation, is that correct?

EPA RESPONSE: Yes. The proposed standards are performance-based, allowing each automaker to choose what set of emissions control technologies is best suited for their vehicle fleet to meet the standards.

4. Could you please explain how manufacturers can comply with the EPA’s standard?

EPA RESPONSE: As proposed, manufacturers could comply with the standards through continuing to deploy a range of technologies they have already developed, such as improvements in internal combustion engines, adoption of gasoline particulate filters, and additional hybrid and electric vehicles. In addition, manufacturers could use averaging, banking and trading credit flexibilities to produce a diverse product line meeting the needs of a wide range of consumers.