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United States Senate

May 10, 2018

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President Donald J. Trump
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President,

I write to urge you and your administration to pursue good-faith negotiations with all relevant stakeholders before releasing the new proposed rule on fuel economy and greenhouse gas emissions standards. Reports indicate that the proposal, drafted by the National Highway Traffic and Safety Administration (NHTSA) and the Environmental Protection Agency (EPA), has been received by the Office of Management and Budget (OMB) and is currently being informally reviewed.¹

In 2007, I authored legislation that was enacted into law as part of the Energy Independence and Security Act that increased fuel economy standards for the first time in thirty-two years. Building on that success, an historic agreement was reached between the auto manufacturers, the Environmental Protection Agency (EPA), the National Highway Traffic Safety Administration (NHTSA), and California to increase fuel economy emissions standards to 54.5 miles per gallon by 2025. These historic standards are supported by approximately two-thirds of American voters.²

Before any official steps are taken by your administration to publically propose weakened fuel economy and greenhouse gas emissions standards, I ask that your administration hold real and productive negotiations with the automakers, the 13 states and D.C. that have adopted strong state-level vehicle emissions standards, consumer advocacy groups, labor, and other experts about the current fuel economy and greenhouse gas emissions standards and future years. While

¹ Evan Halper, *Trump and California are set to collide head-on over fuel standards*, Los Angeles Times (April 27, 2018), ¹ Chris Mooney, Dino Grandoni and Juliet Eilperin, *Trump administration drafts plan to unravel Obama-era fuel-efficiency rules, challenge California*, Washington Post (April 27, 2018),

https://www.washingtonpost.com/news/energy-environment/wp/2018/04/27/trump-administration-drafts-plan-to-unravel-obama-era-fuel-efficiency-rules-challenge-california/?utm_term=.c2b5cba11c5f

² Andrew Baumann and Maura Farrell, *Voters Overwhelmingly Support Strong Fuel Efficiency Standards*, Global Strategy Group (March 26, 2018), <http://www.lung.org/assets/documents/healthy-air/poll-results-voters.pdf>

reports indicate you are planning to meet with senior leaders of automakers on May 11, this is only one of many meetings that should have already taken place with a diverse group of stakeholders.³

If you advance this proposal without engaging in inclusive and substantive conversations, you risk litigation that would create chaos and uncertainty for manufacturers and consumers, as well as risk losing the many benefits of strong fuel economy and greenhouse gas emissions standards: reduced carbon pollution, money saved at the gas pump, and the security benefits from limiting our dependence on imported foreign oil.

This weighty decision has wide-reaching ramifications and should not be rushed. The joint Notice of Proposed Rulemaking (NPRM) is more than just a proposal—once published, it will also limit the scope of any additional negotiations that could take place. California’s vehicle emissions standards are in place until 2025 under a waiver issued pursuant to Section 209 of the Clean Air Act, and have been adopted by 12 other states and D.C. through Section 177 of that Act.⁴ According to the California Air Resources Board (CARB), EPA Administrator Scott Pruitt has not even met with anyone from CARB, and the EPA has only had three “nonsubstantive” meetings with CARB officials.⁵

If the administration proposal is weaker than the state-level vehicle emissions standards, it could easily result in protracted legal battles and upheavals in the auto manufacturing industry. Seventeen states and D.C. have already moved to sue the EPA on the decision to initiate the weakening of vehicle emissions standards, so the merits of avoiding a prolonged legal fight should be a serious factor in engaging in meaningful negotiations.⁶ These states and D.C. represent more than 40 percent of the vehicle-buying market in the United States.⁷

A rushed process without real negotiation about the current standards and future years would create the worst possible outcome for all stakeholders: for the auto industry, which wants market stability; for states, which want clean air for their residents; and for consumers, who want to save

³ David Shepardson, *Trump to meet with automakers to discuss U.S. fuel rules, report says*, Automotive News (May 2, 2018), <http://www.autonews.com/article/20180502/OEM02/180509937/trump-auto-executives-meeting-emissions>

⁴ *Vehicle Emissions California Waivers and Authorizations*, U.S. Environmental Protection Agency <https://www.epa.gov/state-and-local-transportation/vehicle-emissions-california-waivers-and-authorizations>

⁵ Chris Mooney, Dino Grandoni and Juliet Eilperin, *Trump administration drafts plan to unravel Obama-era fuel-efficiency rules, challenge California*, Washington Post (April 27, 2018), https://www.washingtonpost.com/news/energy-environment/wp/2018/04/27/trump-administration-drafts-plan-to-unravel-obama-era-fuel-efficiency-rules-challenge-california/?utm_term=.c2b5c3a11c5f

⁶ James Rainey, *17 states and D.C. sue Trump administration to maintain vehicle fuel-efficiency standards*, NBC News (May 1, 2018), <https://www.nbcnews.com/news/us-news/17-states-d-c-sue-trump-administration-maintain-vehicle-fuel-n870531>

⁷ *California and States Representing Over 40 Percent of U.S. Car Market Sue to Defend National Clean Car Rules*, State of California Office of the Attorney General (May 1, 2018), <https://oag.ca.gov/news/press-releases/california-and-states-representing-over-40-percent-us-car-market-sue-defend>

President Donald Trump

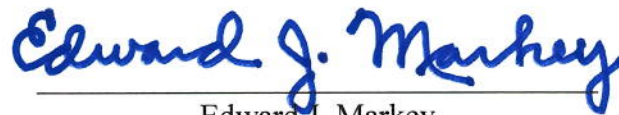
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money on gas. Rather than push forward recklessly behind closed doors, I urge you to first bring all of these parties to the negotiating table and hold productive, open conversations.

I request that you provide me with a timeline detailing the engagement that NHTSA and EPA are planning to conduct with all stakeholders, including state officials, auto industry representatives, labor, and other experts. Please provide this by May 17, 2018.

Sincerely,



Edward J. Markey
United States Senator