

**Asthma & Allergy Foundation of America - Michigan Chapter \* Climate Reality Project:  
Chicago Metro Chapter \* Ecology Center \* Environmental Law & Policy Center \* Go  
Green Illinois \* Hoosier Environmental Council \* Metropolitan Planning Council \* MI Air  
MI Health \* Michigan Clinicians for Climate Action \* Minnesota River Valley Audubon  
Chapter \* Respiratory Health Association \* The Alliance for the Great Lakes \*  
Warehouse Workers for Justice \* Wisconsin Conference, United Church of Christ \*  
Wisconsin Health Professionals for Climate Action**

October 26, 2021

*Submitted via regulations.gov*

**Great Lakes and Midwest Environmental Organizations' Comment on National Highway  
Traffic Safety Administration's *Corporate Average Fuel Economy Standards for Model Years  
2024–2026 Passenger Cars and Light Trucks*, 86 Fed. Reg. 169 (Sept. 3, 2021), NHTSA–2021–  
0053**

The Environmental Law & Policy Center (ELPC) and 15 Great Lakes and Midwest environmental and conservation organizations appreciate the opportunity to provide written comments on the National Highway Traffic Safety Administration's (NHTSA) proposal to reset fuel economy standards for MY 2024-26 cars and light trucks. Many of the undersigned organizations strongly supported the clean car standards issued in 2012<sup>1</sup> and opposed the prior administration's deeply flawed rollback of those standards.<sup>2</sup>

The Energy Policy and Conservation Act (EPCA) directs NHTSA to prescribe “average fuel economy standards” for automobiles that are to be “the maximum feasible average fuel economy standard for each fleet for that model year.” 49 U.S.C. § 32902(b). When setting those standards, NHTSA “shall consider technological feasibility, economic practicability, the effect of other motor vehicle standards of the Government on fuel economy, and the need of the United States to conserve energy.” 49 U.S.C. § 32902(f).

The undersigned organizations support NHTSA's conclusion that the fuel economy standards set in 2020 were not the maximum feasible and that they should be revised. We urge NHTSA to adopt strong fuel economy standards by finalizing the set of standards listed as Alternative 3 in the proposal, and by not finalizing any “flexibilities” for automakers that are not required by statute and that do not result in real-world fuel economy improvements.

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<sup>1</sup> Environmental Protection Agency & National Highway Traffic Safety Administration, *2017 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions and Corporate Average Fuel Economy Standards*, 77 Fed. Reg. 62,624 (Oct. 15, 2012).

<sup>2</sup> Environmental Protection Agency & National Highway Traffic Safety Administration, *The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021–2026 Passenger Cars and Light Trucks*, 85 Fed. Reg. 24,174 (Apr. 30, 2020).

**Strong fuel economy standards will benefit our national security and reduce energy security risks by mitigating the climate crisis.**

We are pleased that NHTSA has recognized “that the need of the United States to conserve energy must include serious consideration of the energy security risks of continuing to consume oil, which more stringent fuel economy standards can reduce. Reducing our Nation’s climate impacts can also benefit our national security.” 86 Fed. Reg. at 49,604. Transportation is currently the leading source of U.S. greenhouse gas emissions, contributing 29% of emissions.<sup>3</sup> Passenger cars account for 40.5% of U.S. transportation-related greenhouse gas emissions, and light-duty trucks account for 17.2%.<sup>4</sup>

The sixth assessment report recently issued by the United Nations’ Intergovernmental Panel on Climate Change makes clear both climate change’s human causes and its devastating impacts.<sup>5</sup> The report notes that human influence has warmed the climate at a rate that is unprecedented in at least the last 2,000 years.<sup>6</sup> Climate change is already affecting every inhabited region across the globe, with central and eastern North America experiencing increased heavy precipitation and western North America experiencing increases in extreme heat and drought.<sup>7</sup>

The undersigned organizations are particularly concerned about the threat climate change poses to the Midwest and the Great Lakes. The region is home to 61 million people and to the auto industry; it is also a significant engine for agriculture. Temperatures in the Midwest are rising due to climate change. Warmer temperatures impact public health with increased frequency of deadly heat waves and worsening air quality.

While the Clean Air Act locates authority to regulate tailpipe greenhouse gas emissions from automobiles with the Environmental Protection Agency (EPA), NHTSA can and should still consider the effects of its automobile fuel efficiency standards on reducing the threat of climate change and its devastating impacts on the environment, agriculture, public health, and critical energy and transportation infrastructure.

EPA and NHTSA have in the past jointly issued their respective emissions and fuel efficiency standards for automobiles. The undersigned organizations agree that it is appropriate for the agencies to issue their currently-proposed rules separately, given each agency’s different statutory mandate and the additional statutory lead-time requirements in EPCA, 49 U.S.C. § 32902(g)(2).

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<sup>3</sup> U.S. Environmental Protection Agency, *EPA 430-R-21-005, Inventory of U.S. Greenhouse Gas Emissions and Sinks 1990–2019*, ES-27 (April 2021), <https://www.epa.gov/sites/default/files/2021-04/documents/us-ghg-inventory-2021-main-text.pdf?VersionId=yu89kg1O2qP754CdR8Qmyn4RRWc5iodZ>.

<sup>4</sup> *Id.* at 2-37.

<sup>5</sup> IPCC, *Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* (Aug. 2021), <https://www.ipcc.ch/report/ar6/wg1/#FullReport>.

<sup>6</sup> IPCC, 2021: Summary for Policymakers at SPM-7. In: *Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change*.

<sup>7</sup> *Id.* at SPM-12.

**Strong fuel economy standards will increase equity by saving American consumers money and promoting public health.**

Fuel-efficient cars save vehicle owners money at the gas pump and are especially important for low-income Americans, who spend a greater proportion of their income on gasoline. Assuring that new cars sold today are as efficient as possible means that fuel-efficient used cars will be available in a few years. And, as NHTSA notes, “more stringent CAFE standards will help to encourage industry to continue improving the fuel economy of all vehicles, rather than simply producing a few electric vehicles, such that all Americans can benefit from higher fuel economy and save money on fuel.” 86 Fed. Reg. at 49,604.

Fuel-efficient vehicles also have lower tailpipe emissions of pollutants like particulate matter that harm human health. Because low-income communities and communities of color are more likely to live next to highways and to disproportionately suffer the health burdens of air pollution, ensuring all cars are as fuel efficient as possible helps to promote both public health and equity.

**Strong fuel economy standards are feasible and spur adoption of fuel saving technology.**

Strong fuel economy standards spur innovation in the auto manufacturing industry, which is critical to the economies and well-being of Midwest states—from Michigan, Ohio, Indiana, Minnesota, and Wisconsin, to the Dakotas.

Past analysis by the Blue Green Alliance and Natural Resources Defense Council concluded that there were nearly 290,000 jobs in the advanced technology vehicle sector. These are workers making more efficient cars and trucks possible. Across the Midwest, according to that report, there were a total of 151,714 jobs in 480 facilities associated with making cleaner vehicles. Three states—Michigan, Indiana, and Ohio—topped the list.<sup>8</sup>

Auto manufacturers can comply with NHTSA’s proposed standards through adoption of existing fuel saving technologies that can be cost-effectively applied automobile fleets today. As NHTSA notes in the proposal, “the clear planning by industry to migrate toward more advanced fuel economy technologies are evidence of the practicability of more stringent standards.” 86 Fed. Reg. at 49,604.

EPCA contains a number of statutory flexibilities for auto manufacturers to meet the standards, providing that overcompliance in a given model year generates credits, which can be carried forward or backward to another model year or traded to another auto manufacturer to offset undercompliance. 49 U.S.C. § 32903. In its proposal, NHTSA asks for comment on whether it should retain additional, “non-statutory” flexibilities in the final rule. 86 Fed. Reg. at 49,609.

The undersigned organizations urge that NHTSA not include in its final rule any non-statutory flexibility which allows an auto manufacturer to earn credits without achieving real world fuel efficiency improvements.

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<sup>8</sup> *Supplying Ingenuity II: U.S. Suppliers of Key Clean, Fuel-Efficient Vehicles Technologies* (May 2017), <https://www.nrdc.org/sites/default/files/supplying-ingenuity-clean-vehicle-technologies-report.pdf>.

## **Conclusion**

The climate crisis demands urgent action. NHTSA has a critical role in ensuring oil consumption in the transportation sector is rapidly reduced. We urge NHTSA to adopt strong fuel economy standards by finalizing the set of standards listed as Alternative 3 in the proposal, and by not finalizing any “flexibilities” for automakers that are not required by statute and that do not result in real-world fuel economy improvements.

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