

**Comments of Sean H. Donahue, Donahue, Goldberg & Weaver, LLP
on NHTSA/EPA Joint Proposal for MY 2021-26, 83 Fed. Reg. 42,986 (Aug. 24, 2018)**

Fresno, California -- September 24, 2018

I'm Sean Donahue. I'm an attorney and often represent nonprofit organizations including the Environmental Defense Fund in climate and Clean Air Act cases. But I'm speaking today as a parent and member of the public.

The proposal is a stark abdication of both agencies' statutory duties. Despite years of continuous progress in cutting pollution and improving fuel economy; despite engineers' proven ingenuity in making cars cleaner and cheaper to operate; despite years of strong auto sales under tighter pollution standards, and in the face of our gravest environmental threat, the agencies propose to flatline greenhouse gas and fuel economy standards for six years. Nothing remotely like this is necessary; instead, as the agencies found less than two years ago, maintaining or *strengthening* existing standards is feasible and cost effective. To make matters worse, even as they shirk their duties, the agencies propose to block California and other states from protecting their own people and fostering innovation in accord with the historic function of the Clean Air Act's waiver provision.

The idea that flatlining standards for 6 years represents the "maximum feasible" fuel economy under NHTSA's statute is not credible. But it is EPA's abdication I want to focus on here:

EPA has found, and reaffirmed, that greenhouse gas pollution endangers public health and welfare. Under the Clean Air Act, EPA therefore has a duty to control greenhouse gas pollution from new vehicles. EPA is flouting that duty here. Mocking the Supreme Court decision in *Massachusetts v. EPA*, 549 U.S. 497 (2007), the proposal deems billions of tons of additional greenhouse gas pollution "minimal," 83 Fed. Reg. at 42,996, a fatalistic logic that if accepted would rule out virtually any greenhouse gas control.

This proposal does not fairly reflect the work of EPA's excellent technical staff. The agency's own institutional capacity and technical expertise as a world leader on vehicle pollution control were frozen out of the process, leaving in their place politically driven pseudo-analysis that was concocted to justify a rollback.

This rollback proposal has little to do with the facts about available technologies, lead time, costs, vehicle safety or the like. Instead, it is part of a broader Administration-wide flight from science and reason, particularly with respect to climate change and fossil fuels – the same climate-denialist push that repudiates the Paris Climate Agreement, obliterates a range of federal climate protections, and censors and defunds climate science.

Anyone who thinks climate change is real and that our path forward lies in respect for science and innovation should repudiate this embarrassing and retrograde proposal. That includes auto companies – many of whom have stated they support meaningful action on climate and do not want this rollback.

It's time for all of us to back words with actions and work together to stop this unwise and harmful policy proposal.

Thank you for the opportunity to testify.

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