Good afternoon,

Please find additional interagency comments on the preamble in the attachments. Several overarching comments are also provided below.

Thank you,

Matthew

- The legal justification is lacking in actual justification for the Final Rule. It does not do enough to explain why 1.5 is the right stringency level as a matter of fact or why it is proper as a matter of law. The legal justification reads very cursory [see also specific comments in the attached document].

- Also, throughout the legal justification, there are discussions of assumptions that were made in the 2017 rule that have now been adjudged incorrect. But there is no clear statement (that I have found, maybe it is in another section) of what those assumptions were and why they were incorrect. From what I have seen, the analysis generally goes like this: “The 2017 rule made assumptions that have now proven incorrect. Because those assumptions were wrong, we now are changing the rule.” There needs to be more connections made between the assumptions, why they have been proven wrong, and why the changes to the assumptions merit changing the rule.

- In responding to commenters, EPA and NHTSA focus on rebutting the comments at a superficial level but do not tie the response to the commenters back to the overall justification for the rule. The agencies do not really grapple with the comments and what impact—positive or negative—they have on the Final Rule.

- Grammar point: there are many places throughout the Preamble that do not use and introduce quotations properly. Long quotes are not being block quoted when necessary. Quotations that begin with capital letters are being used in the middle of sentences without starting them with lower case letters in brackets.

- Organization point: since the EPA action relies on the NHTSA action, shouldn’t the NHTSA section come first? The sections were ordered this way in the Part I of the SAFE Vehicles Rule.
Good morning,

Please see additional interagency comments on SAFE below.

Thank you,

Matthew

Hi Tim

Here are additional interagency comments I received on the CAFÉ rule:

1. Could you please provide us with a table of the projected fleet sizes over time under the various alternatives? There is discussion of fleet sizes at several points in the RIA, but we have not found a table.
2. Have the agencies conducted any research to determine whether fuel economy standards leads to upsizing? Several commenters suggested that this might be the case and some research has shown that upsizing is likely. [Whitefoot, Kate S., and Steven J. Skerlos. "Design incentives to increase vehicle size created from the US footprint-based fuel economy standards." Energy Policy 41 (2012): 402-411.]
3. Does the CAFE model assume model-by-model compliance with the standards for each manufacturer when calculating costs or does it assume compliance only by vehicle type? Have the agencies been able to estimate the costs of standards with and without intra-manufacturer trading of credits across vehicle categories, inter-manufacturer trading of credits?