

June 5, 2018

Neomi Rao  
Administrator, Office of Information and Regulatory Affairs  
Office of Management and Budget  
Eisenhower Executive Office Building  
1650 Pennsylvania Avenue NW  
Washington, D.C. 20503

Dear Administrator Rao:

The California Air Resources Board (CARB) respectfully requests a meeting with you or the appropriate Office of Information and Regulatory Affairs (OIRA) personnel pursuant to Executive Order 12866, regarding the Environmental Protection Agency (U.S. EPA) and National Highway Traffic Safety Administration (NHTSA) Proposed Rule, *Light-Duty Vehicle Greenhouse Gas Emissions Standards and Corporate Average Fuel Economy Standards* (RINs: 2060-AU09 and 2127-AL76). The OIRA website indicates the Proposed Rule was received from NHTSA on Wednesday May 30, 2018, and from U.S. EPA May 31, respectively. Because of the potential for the agencies to issue the Proposed Rule in the near future, we requested a meeting in communications sent June 1, 2018. I am following up with this letter to reiterate our meeting request and to provide additional background information.

CARB is a globally-recognized leader in vehicle emissions regulation. Our mobile source regulatory programs were established prior to U.S. EPA's and NHTSA's, and is specially recognized in the Clean Air Act (CAA). Over the decades since, CARB regulations have worked as Congress intended to protect the public, and have been adopted by many other states. Our greenhouse gas light-duty vehicle regulations were the basis for the first federal rules, and we have successfully operated a coordinated national program controlling those emissions for over five years that is protecting public health and the environment while positioning the auto industry for continued innovation. CARB is also the designated lead agency in state law tasked with developing programs to reduce criteria and greenhouse gas emissions. Our programs are critically important to ensure we meet state mandated climate targets by 2030 and National Ambient Air Quality Standards under U.S. EPA.

Thus, we are particularly concerned by media reports that indicate the proposal attacks the successful national program, aligned with California's rules, to regulate greenhouse gas emissions and fuel economy by asserting that California's rules are preempted and that waivers for critical parts of our vehicle programs should be revoked. Such arguments are contrary to law, as has been confirmed by two federal courts and decades of agency practice. They run counter to core federalism principles and are contrary to Congress's expressed intent. We are concerned that NHTSA and U.S.

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EPA's position will result in significant harm to public health and the environment, as well as years of litigation and uncertainty for regulated industry and the public.

In addition to these concerns, we are troubled that proposals to weaken the federal standards are being made contrary to the evidence and to Congressional direction. As you know, the extensive Draft 2016 Technical Assessment Report (TAR) demonstrated that the current standards are appropriate and achievable. Moreover, both the Energy Policy and Conservation Act (EPCA) and the CAA require continued strong federal leadership to meet Congress's purposes. NHTSA must set maximum feasible standards. U.S. EPA has a similar continuing obligation to ensure these and future standards set a trajectory sufficient to protect the country from the worst effects of climate change.

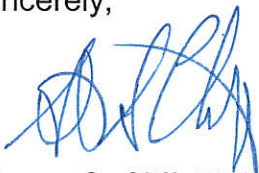
With regards to a dialogue to resolve differences, CARB has participated in a number of high-level meetings with the White House and federal agencies, but we have not been given any specific proposals to respond to, and so remain concerned that the agencies are departing from the evidence and the law, as well as failing to honor our historic partnership. We further note that the automobile manufacturers similarly have indicated they prefer a harmonized national program that includes year-over-year increases in stringency, with California's support. Although we may not agree with all the specifics of the industry proposals, we remain open to discuss alternatives and potential flexibilities that properly comply with the law and the evidence.

We are available to meet at your earliest convenience via phone, or in person with sufficient notice to make travel arrangements. If we are able to have a meeting via phone, we can arrange to have a representative in person at OIRA. This matter is of vital importance to public health and the environment, and it is essential that we have an opportunity to meet with OIRA.

I can be reached at [steve.cliff@arb.ca.gov](mailto:steve.cliff@arb.ca.gov) or (916) 322-2892 to schedule a meeting.

Thank you for considering our request.

Sincerely,



Steven S. Cliff, Ph.D.  
Deputy Executive Officer