



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

December 22, 2016

OFFICE OF
AIR AND RADIATION

Mr. Steve Handschuh
President and CEO
Motor and Equipment Manufacturers Association
1030 15th Street, NW, Suite 500 East
Washington, D.C. 20005

Dear Mr. Handschuh:

Thank you for your letter dated December 9, 2016, regarding the Midterm Evaluation Proposed Determination. In your letter, you request that the EPA extend the comment period to at least 120 days.

The EPA has considered your request, as discussed below. The EPA continues to believe that the Proposed Determination and the associated 30-day comment period remain appropriate and, therefore, the EPA is denying both the request for withdrawal and the request for an extension of the comment period. In summary, as discussed further below, the EPA regulations governing the Midterm Evaluation set forth a process where the EPA moves forward with a Proposed Determination on the appropriateness of the model year 2022-2025 (MY) greenhouse gas (GHG) emissions standards and only if the determination is that the standards should be changed, is the EPA required to conduct a rulemaking. The regulations make it clear that a Proposed Determination not to amend the MY2022-2025 standards is not a rulemaking. The analysis for the Proposed Determination is consistent with the analysis presented in the July 2016 Draft Technical Assessment Report (TAR), updated to reflect information we received through public comments, and is directly responsive to those comments. The EPA believes the comment period for the Proposed Determination is sufficient in light of the limited new data and information presented therein, and the extensive comments we received on the Draft TAR, which formed the technical underpinnings of the Proposed Determination. The Administrator has moved forward with the Proposed Determination based on an extensive technical record developed over several years of research, analysis, and public input, with the recognition that lead time and regulatory certainty are critical to the auto industry.

Your letter expresses concern that the EPA is not following the process envisioned for the Midterm Evaluation. The Midterm Evaluation process the EPA has followed, including the Proposed Determination and associated comment period, is fully consistent with the EPA regulations governing the Midterm Evaluation. The regulations at 40 CFR 86.1818-12(h)(2) specify that the determination shall be “based upon a record that includes the following:

- A draft Technical Assessment Report addressing issues relevant to the standard for the 2022 through 2025 model years;
- Public comment on the draft Technical Assessment Report;

- Public comment on whether the standards established for the 2022 through 2025 model years are appropriate under section 202(a) of the Clean Air Act; and
- Such other materials the Administrator deems appropriate.”

The EPA released the Draft TAR, jointly with the National Highway Traffic Safety Administration and the California Air Resources Board, in July 2016 and the Administrator has considered public comments on the Draft TAR in making her Proposed Determination that the standards remain appropriate under section 202(a) of the Clean Air Act. The EPA is now seeking public comment on the Proposed Determination, as required by the regulations.

With regard to coordination with the NHTSA and CARB, the EPA Midterm Evaluation regulation gives the EPA the exclusive authority to determine the appropriateness of EPA’s model year 2022-2025 greenhouse gas standards. While this is an EPA proposed decision, we consulted with our partners at NHTSA and CARB regarding its contents, and developed the Draft TAR, which serves as a technical underpinning of the Proposed Determination, jointly with NHTSA and CARB. This coordination is in keeping with maintaining a single national car program which, from the beginning, has been critically important to the automotive industry and something to which the EPA, NHTSA and CARB have been, and continue to be, fully committed.

Again, thank you for your letter. I appreciate the opportunity to be of service and hope this response has been helpful.

Sincerely,

A handwritten signature in blue ink, appearing to read "Janet G. McCabe".

Janet G. McCabe
Acting Assistant Administrator