

EPA and NHTSA Propose SAFE Vehicles Rule

AUGUST 9, 2018

In what has turned out to be a highly controversial move, on August 1, 2018 the Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration (NHTSA) proposed to roll-back the Corporate Average Fuel Economy (CAFE) standards and carbon dioxide tailpipe emissions standards for vehicle model years 2021-2026, which were previously established during the Obama Administration, as no longer feasible or appropriate. In proposing the “Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks,” known as the SAFE Vehicles Rule, EPA and NHTSA would retain the model year 2020 standards (specifically, the footprint target curves for passenger cars and light trucks) for both the CAFE and tailpipe carbon dioxide emissions standards for passenger cars and light trucks for model years 2021 through 2026.

EPA has also proposed to withdraw its 2013 waiver of the Clean Air Act’s preemption of the greenhouse gas and zero emission vehicle components of California’s Advanced Clean Car program. In the preamble to the proposed rule, EPA stated that California’s effort to combat climate change through its waiver under Section 209 of the Clean Air Act “is fundamentally different from that section’s original purpose of addressing smog-related air quality problems.” NHTSA also concluded that the Energy Policy and Conservation Act of 1975 preempts California’s Advanced Clean Car program “to the extent that it regulates or prohibits tailpipe CO₂ emissions.” If finalized, the SAFE Vehicles Rule would eliminate the greenhouse gas and zero emission vehicle provisions of California’s Advanced Clean Car program. California’s Governor Jerry Brown has stated his intention to oppose EPA’s withdrawal of the California waiver “in every conceivable way possible.” A coalition of 20 state attorney generals have already announced their intention to sue over the rule, if finalized.

Public comments to the proposed rule will be due within 60 days after it is published in the *Federal Register*. The agencies will also hold public hearings in Detroit, Los Angeles, and Washington, D.C. on dates to be announced.

1 Min Read

Related Locations

Chicago

Related Topics

Air

Rulemaking

Related Capabilities

Environmental

Related Regions

North America

This entry has been created for information and planning purposes. It is not intended to be, nor should it be substituted for, legal advice, which turns on specific facts.