

Congress of the United States
House of Representatives
Washington, DC 20515-0506

April 30, 2018

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Pruitt,

We write today to express our deep concern about reports¹ that the Environmental Protection Agency (EPA) and the National Highway Transportation Safety Administration (NHTSA) have drafted a proposal that would essentially revoke the waiver allowing California to set greenhouse gas standards for light-duty vehicles. If these reports are correct, your response to direct questioning on this issue during your appearance last week before the House Energy and Commerce Committee was potentially false and misleading.

As you were informed during last week's hearing, California's ability to request a waiver for vehicle emissions standards is clearly outlined in Section 209(b) of the Clean Air Act. The law states that the EPA is required to allow California to set its own vehicle standards if the state determines its standards will be "at least as protective of public health and welfare as applicable Federal standards." Not only does EPA have a statutory responsibility to grant California a waiver, but the Clean Air Act does not provide a mechanism for that waiver to be revoked.

At the hearing, you were asked if you intended to initiate proceedings to revoke California's waiver. You immediately responded, "Not at present."² But, approximately 24 hours later, reports emerged that the pending EPA and NHTSA proposal intends to do just that. These reports indicate that the EPA and NHTSA are preparing a proposal to revoke California's waiver authority in an attempt to force the state – and the "section 177 states" that chose to follow California and adopt stricter standards – to conform to your roll back of the national greenhouse gas emissions standards.

If true, these reports directly contradict your testimony last week. As you were reminded at the start of that hearing, it is a violation of the law to knowingly make false statements to a Congressional committee.³

In order to evaluate these reports, we request that you provide us with all documentation related to the development of the Notice of Proposed Rulemaking on vehicle emission and fuel efficiency standards including but not limited to:

¹ *Trump administration girds for war with California over fuel economy*, Los Angeles Times (Apr. 27, 2018); *Trump administration draft proposal would freeze fuel economy*, E&E News (Apr. 27, 2018).

² House Committee on Energy and Commerce, *Hearing on the Fiscal Year 2019 Environmental Protection Agency Budget*, 115th Cong. (Apr. 26, 2017).

³ 18 USC §1001.

1. Copies of all emails relating to the development of the NPRM, including but not limited to email correspondence of staff or appointees in the EPA Office of Air and Radiation including the office of Assistant Administrator William Wehrum and the Office of Transportation and Air Quality, the EPA Office of Policy, the Immediate Office of the EPA Administrator, NHTSA, the White House, and the Office of Management and Budget.
2. Drafts of the NPRM containing any comments or edits from these offices;
3. All documentation for the Action Development Process (ADP) for this rulemaking, including a list of participating EPA offices, name, office, and title of participating staff and appointees, as well as the date, time, location, and list of participants for any meetings;
4. A list of all meetings and teleconferences held with stakeholders or industry associated with the proposal. For each meeting include the date, time, location, as well as the name, title, and organizational affiliation for all participants.

Additionally, you committed to provide to members of the House Energy and Commerce Committee as soon as possible the data and analyses on safety, technology readiness, and environmental and public health impacts the EPA relied upon to support the determination that you signed on April 2. That determination indicated the earlier proposed standards were too stringent and supported the Agency's intent to revise the light-duty vehicle greenhouse gas emissions standards for model years 2022-2025. Since EPA released the determination nearly one month ago, we anticipate receiving these materials within the next few days.

We would also strongly urge you to reconsider the EPA's reported draft proposal. It is critical that we have a national program, and that California's authority under the law is respected to ensure that vehicle and parts manufacturers have regulatory certainty and incentive to deliver steady progress in emission reduction and fuel efficiency. EPA must maintain strong federal standards that adequately protect public health and the environment, as well as save American consumers money.

Please provide all requested documents no later than May 4, 2018. If you have any questions, please contact us or direct your staff to contact Congresswoman Matsui's office at (202) 225-7163. We look forward to your timely response.

Sincerely,



Doris Matsui
Member
Energy and Commerce Committee



Paul Tonko
Ranking Member
Environment Subcommittee