

August 24, 2018

Elaine Chao, Secretary
United States Department of Transportation
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Andrew Wheeler, Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Attention: Docket ID Nos. NHTSA-2018-0067 and EPA-HQ-OAR-2018-0283

Re: *Request to Extend Comment Period and Hold Hearing in Centrally Located Northeast ZEV State*

Dear Secretary Chao and Acting Administrator Wheeler:

The Northeast States for Coordinated Air Use Management (NESCAUM) is writing to request a 60-day extension of the comment period for the proposed Safer Affordable Fuel Efficient “SAFE” Vehicles Rule for Model Years 2021–2026 [83 *Fed. Reg.* 42986 (August 24, 2018)], and to request that a public hearing be held in a central location in a Northeast state that has adopted California’s greenhouse gas (GHG) emission standards for light duty vehicles and the zero emission vehicle (ZEV) requirement. NESCAUM is the regional association of air pollution control agencies representing Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.¹

1. Request to extend the comment period to 120 days

NESCAUM respectfully requests that that the 60-day deadline to comment on the proposed “SAFE” Vehicles Rule be extended by an additional 60 days to provide a 120-day comment period. The proposed rule is extensive and complicated, and the docket at the time of this letter already includes thousands of pages of new and detailed data and analysis. Moreover, EPA and NHTSA are seeking comments on a wide range of alternatives, including eight different modeled alternatives for GHG standards in addition to the standards that are currently in place. The requested extension is critical to ensure that our member state agencies, as well as other

¹ Any views or opinions expressed in this letter may not necessarily reflect those of individual NESCAUM states.

stakeholders, have adequate time to fully assess and comment on the nine regulatory alternatives under consideration, including the preferred alternative and the current requirements.

According to the Federal Register notice, “The agencies ... wish to emphasize that obtaining public input is extremely important to us in selecting from among the alternatives in a final rule. [...] The Administrative Procedure Act requires that agencies provide the public with adequate notice of a proposed rule followed by a meaningful opportunity to comment on the rule’s content. The agencies are committed to following that directive.” [83 *Fed. Reg.* at 42999-43000]

Given that this proposed rulemaking has the potential to impact public safety, the environment and the economies of the Northeast states, and further given the voluminous and complex nature of the rulemaking docket and the large number of alternatives on which the agencies are soliciting comments, a comment period of only 60 days is inadequate for our member state regulatory agencies, NESCAUM, and other stakeholders to thoroughly review the rulemaking docket and fully assess the many different alternatives set forth in the proposal. At least 120 days is needed to provide a meaningful opportunity for informed public comment.

2. Request to hold a hearing in a Northeast state that has adopted California’s GHG and ZEV standards

NESCAUM also respectfully requests that EPA and NHTSA hold a hearing in a central location in a Northeast state that has exercised its right under Section 177 of the federal Clean Air Act to adopt California’s standards for GHG emissions and ZEVs. EPA’s proposal to withdraw California’s waiver for its GHG standards and ZEV mandate for model year 2021-2025 vehicles impacts not only California, but also the other states that have adopted California’s standards.

According to a separate Federal Register notice, EPA and NHTSA plan to hold hearings in Pittsburgh, Pennsylvania, Dearborn, Michigan, and Fresno, California [83 *Fed. Reg.* 42817 (August 24, 2018)]. However, a significant portion of the states, as well as the population, that are directly and uniquely affected by EPA’s proposal to revoke California’s waiver are in the Northeast. In fact, the majority of the states that have exercised their right to adopt California’s GHG standards are in the Northeast, and seven of the nine Section 177 states that have adopted California’s ZEV mandate are Northeast states, including Connecticut, Maine, Massachusetts, New Jersey, New York, Rhode Island and Vermont (the other two are Maryland and Oregon). Therefore, a hearing in a central location in a Section 177 Northeast state that has adopted both the GHG standards and the ZEV rule, such as Hartford, CT or Boston, MA, will give our state agencies and our citizens a more realistic opportunity to participate in a public hearing on this significant rulemaking without incurring undue travel expenses.

In summary, a 120-day comment period with a public hearing in a central location in a Northeast Section 177 ZEV state is needed to provide our states and the public with a meaningful and reasonable opportunity to comment on the proposed “SAFE” Vehicle Rule. We ask for this in light of the volume and complexity of the proposed rulemaking docket, and the potential impact on the carefully crafted right conferred by Congress to states to adopt more stringent motor vehicle emission standards than those established by federal requirements. Thank you for your consideration of our request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arthur N. Marin".

Arthur N. Marin
Executive Director

cc: NESCAUM State Air Directors
Bill Wehrum, Assistant Administrator EPA OAR
Dave Conroy, EPA Region 1
Richard Ruvo, EPA Region 2