

Bloomberg

EPA Said to Seek End of California's Authority Over Car Rule

By

Ryan Beene,

John Lippert, and

Jennifer A Dlouhy

May 31, 2018, 8:43 AM CDT *Updated on May 31, 2018, 6:21 PM CDT*

• Joint proposal with NHTSA backs freezing standards after 2020

• Plan sent to White House for review before release for comment

A draft Trump administration proposal to ease automobile efficiency standards is said to call for revoking California's unique authority to set its own limits, a move that would set off an explosive battle with the nation's most populous state.

In a proposal sent to the White House Office of Management and Budget, the Environmental Protection Agency is seeking to rescind the waiver from federal standards that the state uses to regulate greenhouse gas emissions from vehicle tailpipes, according to a person familiar with the matter.

The revocation is contained in a joint proposal with the National Highway Traffic Safety Administration aimed at rolling back a signature Obama-era environmental regulation to slash carbon dioxide emissions. The proposal will now undergo a review by the White House before it is released for public comment.

NHTSA also proposes freezing vehicle fuel economy standards at 2020 levels through 2026, according to a second person familiar with the proposal. According to an earlier draft, that would halt fuel efficiency requirements at a 37-mile-per-gallon fleet average instead of increasing to roughly 50 mpg by 2025 as envisioned under the Obama standards.

NHSTA also proposes attacking California's authority in a manner different than the EPA, asserting that the 1975 law creating the first fuel economy standards prohibits states from enacting their own rules.

Earlier: Trump Said to Favor Freeze of Auto Mileage Goals After 2020

The White House will vet the proposal and consult with federal agencies before formally unveiling it in the coming weeks.

Meanwhile, the EPA's 44-member Science Advisory Board voted Thursday to review the rollback -- among other actions taken by the agency -- amid concerns the move wasn't sufficiently justified.

The State of California announced last year that, after reviewing the Obama tailpipe emissions standards for 2025, it saw no reason to change them. And the state has no plans to change them now, even if Trump rolls them back elsewhere in the country, said Dan Sperling, a member of the California Air Resources Board.

"California has affirmed its commitment to the 2025 standards, and many other states are aligned with us," said Sperling, a transportation professor at the University of California at Davis.

California, 16 other states and the District of Columbia filed a lawsuit on May 2 seeking to block the EPA's proposed changes.

"This proposal is an extraordinary repudiation of sensible climate policies, an assault on California's environmental leadership, and another gift to the fossil fuel industry," said Ann Carlson, a University of California Los Angeles law professor. "There's no question California, environmental groups and clean tech manufacturers will fight back in the courts."

Representatives of NHTSA and EPA had no comment.

"Until this process is complete, we will not provide comment on rules undergoing interagency review," the EPA said in an email.