



Institute for  
Policy Integrity

NEW YORK UNIVERSITY SCHOOL OF LAW

**May 31, 2019**

**VIA ELECTRONIC SUBMISSION**

Attn: James Tamm, Office of Rulemaking, Fuel Economy Division, National Highway Traffic Safety Administration; Christopher Lieske, Office of Transportation and Air Quality, Assessment and Standards Division, U.S. Environmental Protection Agency

Re: The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021–2026 Passenger Cars and Light Trucks, NHTSA–2018–0067; EPA–HQ–OAR–2018–0283; FRL–9981–74–OAR; RIN–2127–AL76; RIN 2060–AU09

The Institute for Policy Integrity (“Policy Integrity”) at New York University School of Law<sup>1</sup> submits the attached supplemental comments to the National Highway Traffic Safety Administration (“NHTSA”) and the Environmental Protection Agency (“EPA”) (collectively, “the agencies”) on the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021–2026 Passenger Cars and Light Trucks, 83 Fed. Reg. 42,986 (Aug. 24, 2018) (“Proposed Rule”). Policy Integrity is a non-partisan think tank dedicated to improving the quality of government decisionmaking through advocacy and scholarship in the fields of administrative law, economics, and public policy.

In October 2018, Policy Integrity previously submitted comments (“October comments”) raising concerns with economic analysis that the agencies used to support the Proposed Rule, including the proposed rollback of fuel economy and greenhouse gas emissions standards for model years 2021 through 2025 (“baseline standards”).<sup>2</sup> In December 2018, Policy Integrity submitted supplemental comments (“December comments”) highlighting concerns with the economic analysis in a report by NERA Economic Consulting (“NERA”) and Trinity Consultants (“NERA/Trinity Report”), submitted as an attachment to the comments of the Alliance of Automobile Manufacturers (“Alliance”).<sup>3</sup> The Alliance recently submitted further comments, including an attachment from NERA (“NERA Response”), which purports to rebut critiques of the NERA/Trinity Report submitted by Policy Integrity, the California Air Resources Board, and

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<sup>1</sup> This document does not purport to present New York University School of Law’s views, if any.

<sup>2</sup> Comment by the Institute for Policy Integrity at New York University School of Law, NHTSA-2018-0067-12213 and EPA-HQ-OAR-2018-0283-5083 (Oct. 26, 2018).

<sup>3</sup> See Supplemental Comments by the Institute for Policy Integrity at New York University School of Law, NHTSA-2018-0067-12362 (Dec. 21, 2018); Comments of the Alliance of Automobile Manufacturers, NHTSA-2018-0067-12073 and EPA-HQ-OAR-2018-0283-6186 (Oct. 26, 2018), attaching NERA Economic Consulting & Trinity Consultants, Evaluation of Alternative Passenger Car and Light Truck Corporate Average Fuel Economy (CAFE) Standards for Model Years 2021-2026 (Oct. 26, 2018).

a number of non-governmental organizations.<sup>4</sup> However, NERA's responses misstate Policy Integrity's October and December comments, fail to respond to those comments, or are incorrect. We have provided more detail on each of the topics discussed in the NERA Response in an attached Appendix and we ask that the entire Appendix be included in the record.

Respectfully,

Bethany Davis Noll  
Peter Howard  
Jason Schwartz  
Avi Zevin

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<sup>4</sup> Comments of the Alliance of Automobile Manufacturers, NHTSA-2018-0067-12392 (April 10, 2018), attaching NERA Economic Consulting, Response to Comments on NERA/Trinity Report (April 10, 2019).