



June 28, 2019

[Via electronic mail and Regulations.gov]

Christopher Lieske
Office of Transportation and Air Quality
Assessment and Standards Division
U.S. Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105

James Tamm
Office of Rulemaking
Fuel Economy Division
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021–2026
Passenger Cars and Light Trucks (Docket ID Nos. EPA-HQ-OAR-2018-0283; NHTSA-
2018-0067)

Dear Mr. Lieske and Mr. Tamm,

The Alliance of Automobile Manufacturers (“Alliance”) provides the following response to recent supplemental comments from the Institute for Policy Integrity (“IPI”),¹ Dr. Kenneth Gillingham,² and Drs. Arthur van Benthem and Dr. Mark Jacobsen.³ The referenced comments from IPI, Dr. Gillingham, and Drs. van Benthem and Jacobsen pertain to the study “Evaluation of Alternative Passenger Car and Light Truck Corporate Average Fuel Economy (CAFE) Standards for Model Years 2021-2026,” prepared by NERA Economic Consulting (“NERA”) and Trinity Consultants for the Alliance (“NERA-Trinity Report”).⁴ Our comments herein primarily discuss issues of data and model availability, but also provide a brief response to other issues raised.

¹ See Regulations.gov, Docket ID Nos. NHTSA-2018-0067-12407 and EPA-HQ-OAR-2018-0283-7564.

² See Regulations.gov, Docket ID Nos. NHTSA-2018-0067-12403 and EPA-HQ-OAR-2018-0283-7568.

³ See Regulations.gov, Docket ID Nos. NHTSA-2018-0067-12404 and EPA-HQ-OAR-2018-0283-7569.

⁴ See Regulations.gov, Docket ID Nos. NHTSA-2018-0067-12073 and EPA-HQ-OAR-2018-0283-6186, Attachment 1: NERA Evaluation of Alternative Passenger Car and Light Duty Truck CAFE Standards.

Alliance of Automobile Manufacturers

**BMW Group • Fiat Chrysler Automobiles • Ford Motor Company • General Motors Company • Jaguar Land
Rover • Mazda • Mercedes-Benz USA • Mitsubishi Motors • Porsche • Toyota • Volkswagen • Volvo**
2000 Town Center, Suite 625, Southfield, MI 48075 • Phone 248.357.4717 • Fax 248.357.4740 •

Model and Data Availability

On April 18 and 23, 2019, the Alliance submitted supplemental comments prepared by NERA for the Alliance regarding the NERA-Trinity Report.⁵ The files provided by the Alliance in that submission included the primary outputs of the modeling as well as information on the inputs (except for proprietary data that could not be legally provided) that would enable replication of the social costs and benefits calculations for the alternative CAFE standards examined by NERA. Proprietary data used as inputs for the modeling are available for purchase. The provided files also included the Stata software “do” files necessary to replicate the modeling. The recent comments from IPI and Dr. Gillingham assert issues of availability of the modeling and data files.

Availability of the Modeling “Stata do” Files

IPI and Dr. Gillingham claim that the “Stata do” files that would allow third parties to reproduce NERA’s results cannot be found or downloaded from the docket. Those files were delivered on digital video disk to EPA (Mr. Christopher Liske) and NHTSA (Mr. James Tamm) via United Parcel Service.⁶ Therefore, had IPI or Dr. Gillingham contacted either of the agency contacts listed in the Notice of Proposed Rulemaking for the subject rule,⁷ they could have obtained a copy. The Alliance believes it is also safe to assume that the files are available from the agencies at their respective docket centers, another potential pathway for obtaining them.⁸ Finally, the Alliance clearly intended to make those files publicly available for the review of other commenters; IPI and Dr. Gillingham could have contacted the Alliance directly using the contact information provided on the letterhead used for our submissions to which they sought to respond. Thus, the availability of the modeling files for review by commenters is not the insurmountable obstacle implied in the recent comments from IPI and Dr. Gillingham.

Sales, Scrappage, Fleet Composition, and Vehicle Miles Traveled

IPI and Dr. Gillingham claim that NERA has provided modeling outputs of total fleet size, but not of vehicle sales and scrappage effects. Dr. Gillingham also asserts issues regarding data on fleet composition and vehicle miles traveled.

⁵ See Regulations.gov, Docket ID Nos. EPA-HQ-OAR-2018-0283-7472, NHTSA-2018-0067-12386, and NHTSA-2018-0067-12392.

⁶ Regulations.gov does not permit “.do” file types to be uploaded directly. The Alliance assumes that this is also the likely reason that the files are not available directly through Regulations.gov.

⁷ See 83 Fed. Reg. 42,986 (August 24, 2018) at “For Further Information Contact.”

⁸ The Alliance notes that it is not uncommon for some types of docket entries to have availability limited to specified docket center reading rooms, e.g. copyrighted works.

The file “Adjusted_Fleet_VMT_2019_04_09.xlsx (available in the Alliance’s April 18th and April 23rd submissions) includes the vehicle miles traveled outputs. The data outputs in this file also include vehicle population and composition (passenger car and light truck) data. The modeled new vehicle sales for a given model year (and differences between scenarios) can be derived from that data. Vehicle scrappage (and differences between scenarios) can also be derived from that data.

Modeling of Crash Fatalities

Dr. Gillingham asserts that NERA has withheld information on the cause of crash fatalities used in their modeling.

The NERA-Trinity Report explains that NERA estimated costs associated with fatal and non-fatal crashes based on the NHTSA-EPA approach described in their Preliminary Regulatory Impact Analysis (PRIA) with several modifications (also described therein).⁹ Commenters wishing to understand the crash cost analysis including the source(s) of crash fatalities should refer to the NERA-Trinity Report, the PRIA, and the supporting documents referenced by the agencies in the PRIA.

Response to Other Issues Raised and Offer for Further Discussion

IPI, Dr. Gillingham, and Drs. van Benthem and Jacobsen assert that NERA has not responded, responded inadequately, or responded inaccurately to a number of other issues raised by themselves and/or other commenters. Additional responses to these claims may be provided by the Alliance (as prepared by NERA or ourselves); the absence of such response should not be interpreted as a concession by NERA or the Alliance to the claims made by IPI, Dr. Gillingham, and Drs. van Benthem and Jacobsen.

The Alliance also notes that none of these commenters have provided an alternative analysis of the potential fleet impacts (including vehicle sales and scrappage) and their effects on the rules’ cost-benefit analysis. The Alliance reaffirms its belief that such analysis is a key consideration for future light-duty vehicle greenhouse gas and fuel economy rules and commends the agencies for their efforts to implement such modeling. We look forward to a final rule that considers the various issues raised in ours and others’ comments in a thoughtful and thorough manner.

The agencies expect a final rule to be published soon,¹⁰ leaving very little time to prepare further formal responses to the claims made by various parties against the NERA-Trinity Report. Given

⁹ *Supra* note 4 at Appendix I: Crash Costs.

¹⁰ *E.g. see* Office of Information and Regulatory Affairs, Spring 2019 Unified Agenda of Regulatory and Deregulatory Actions, Environmental Protection Agency, RIN 2060-AU09 (timetable for final rule listed as 06/00/2019), available at <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201904&RIN=2060-AU09> (accessed June 14, 2019).

this limited time, if desired, the Alliance would be happy to arrange a meeting between EPA, NHTSA, NERA, and Trinity to answer any remaining questions that EPA and/or NHTSA may have regarding the analysis and reasoning for the methodologies chosen.

Conclusion

The claims made by IPI and Dr. Gillingham regarding NERA model and data availability are inaccurate or the parties making them have not adequately explained their difficulties in obtaining or interpreting the data provided. The Alliance stands ready to help accommodate any reasonable request by the agencies for NERA and/or Trinity to further explain their analysis.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in dark ink that reads "Michael Hartrick". The signature is written in a cursive style and is positioned above a solid horizontal line.

Michael Hartrick
Director of Fuel Economy & Climate
Alliance of Automobile Manufacturers