

August 21, 2019

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U.S. Environmental Protection Agency
EPA Docket Center (EPA/DC)
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James Tamm
National Highway Traffic Safety Administration
U.S. Department of Transportation
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ATTN: U.S. EPA Docket ID No. EPA-HQ-OAR-2018-0283
NHTSA Docket ID No. NHTSA-2018-0067
NHTSA Docket ID No. NHTSA-2017-0069

RE: Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years
2021-2026 Passenger Cars and Light Trucks

Dear Mr. Lieske and Mr. Tamm:

The California Air Resources Board (CARB) submits this supplemental comment concerning an additional study to the federal dockets on the proposed Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks (Proposal). Specifically, CARB is submitting Williams et al. (2019),¹ which contains new information on the relationship between greenhouse gas emissions and California wildfires. This study was recently published, well after the closing of the period for public comment on the Proposal. Because this study contains

¹ Williams A.P., Abatzoglou J.T., Gershunov A., Guzman-Morales J., Bishop D.A., Lettenmaier D.P. (2019) Observed impacts of anthropogenic climate change on wildfire in California. *Earth's Future*, 7. <https://doi.org/10.1029/2019EF001210>.

material “of central relevance to the rulemaking,”² CARB is submitting this letter and the study to all three Proposal dockets.³

CARB noted in its initial comments on the Proposal that the U.S. Environmental Protection Agency and the National Highway Traffic and Safety Administration (collectively, the Agencies) have failed to analyze properly the climate impacts of the Proposal, as well as the notable climate harms California is facing and will continue to face.⁴ Instead, the Agencies have claimed that the impacts of climate change will be so severe that the Proposal’s increase in greenhouse gas emissions (and, by extension, the long-term effects of stalling emissions progress in the auto industry) are insignificant. The Agencies’ position represents an abdication of their statutory duties and responsibilities and is contrary to law.⁵ The Agencies were required to analyze and consider the expected results.⁶

The attached study further demonstrates the need for thorough, careful analysis of the Proposal’s climate impacts, as well as the compelling and extraordinary conditions California faces from climate change and increased greenhouse gas emissions. In Williams et al. (2019), the authors compiled records of almost 40,000 wildfires larger than 0.1 hectares in California between 1972 and 2018, and used various datasets for precipitation, temperature, humidity, wind speed, solar radiation, moisture content in dead vegetation, and fire potential. The authors also distinguished between forest and non-forest fires, as well as by season.

Williams et al. (2019) found that annual burned area in California increased by 405 percent during 1972–2018. This was significantly driven by increases in burned area in the North Coast and Sierra Nevada forest regions, which respectively saw increases of 630 percent and 618 percent. The increases in burned area also mainly occurred in

² 42 U.S.C. § 7607(d)(4)(B)(i); see also *id.* § 7607(d)(7)(A) (providing that such material forms part of the administrative record for judicial review); SAFE Vehicles Rule, 83 Fed. Reg. 42,986, 43,471 (Aug. 24, 2018) (citing 49 C.F.R. § 553.23 (committing that “[l]ate filed comments will be considered to the extent practicable”).

³ EPA-HQ-OAR-2018-0283; NHTSA-2018-0067; NHTSA-2017-0069.

⁴ E.g., CARB, Comment Letter on Proposed Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks (Oct. 26, 2018) at 82, 85, 367-69, EPA-HQ-OAR-2018-0283-5054, NHTSA-2018-0067-11873 [hereinafter “CARB Comments”]; see also State of California, et al., Comment Letter on the Draft Environmental Impact Statement for the SAFE Vehicles Rule, NHTSA-2017-0069-0625.

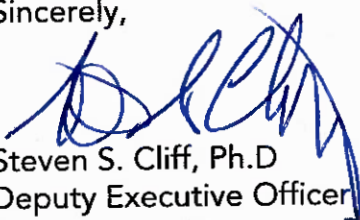
⁵ E.g., *Massachusetts v. EPA* (2007) 549 U.S. 497, 523-26.

⁶ See, e.g., 5 U.S.C. § 553; 42 U.S.C. § 4332; 42 U.S.C. §§ 7521(a), 7607(d); 49 U.S.C. 32902; 40 C.F.R. § 1508.27; *Ctr. for Biological Diversity v. Nat’l Highway Traffic Safety Admin.*, 538 F.3d 1172, 1216 (9th Cir. 2008) (“The impact of greenhouse gas emissions on climate change is precisely the kind of cumulative impacts analysis that NEPA requires agencies to conduct.”); see also CARB Comments, 72-85, 409-13.

the summer, though the fall also saw higher burned area averages. In analyzing the data and past trends, the authors conclude: "*The large increase in California's annual forest-fire area over the past several decades is very likely linked to anthropogenic warming*" (emphasis in original). Specifically, the authors found that the increasing vapor pressure deficit, a climate variable that measures the air's dryness and is a function of temperature and specific humidity, has mainly driven the increase in summer burned areas in California, particularly in the North Coast and Sierra Nevada regions. Higher vapor pressure deficits mean drier air and drier vegetation, and this is expected to increase with a changing climate. The authors warn that if greenhouse gas emissions are not curbed, the damage from wildfires in California will continue to magnify exponentially.⁷

As the Agencies acknowledge, the Proposal will result in a notable increase in CO₂ emissions, and yet, in the face of ample evidence of an already changing climate from unprecedented greenhouse gas emissions, the Agencies are pursuing the Proposal and did not analyze how the Proposal will affect the already changing climate. The attached study, Williams et al. (2019), further illustrates the climate impacts already underway, that California has been increasingly grappling with compelling and extraordinary climate harms, and that finalizing the Proposal would be arbitrary and capricious.

Sincerely,



Steven S. Cliff, Ph.D
Deputy Executive Officer
California Air Resources Board

⁷ "Importantly, the effects of anthropogenic warming on California wildfire thus far have arisen from what may someday be viewed as a relatively small amount of warming. According to climate models, anthropogenic warming since the late 1800s has increased the atmospheric vapor-pressure deficit by approximately 10%, and this increase is projected to double by the 2060s. Given the exponential response of California burned area to aridity, the influence of anthropogenic warming on wildfire activity over the next few decades will likely be larger than the observed influence thus far where fuel abundance is not limiting."