

Comment from Anonymous

I, an ordinary citizen, support the proposed reversion to the December 2016 final rule. Maintaining a high CAFE is of import for cost-saving and environment-saving reasons, and the penalty increases contemplated by NHTSA were reasonably calculated to encourage compliance without imposing an undue burden. The December 2016 rule fairly balanced the budgetary and environmental benefits of ensuring compliance with CAFE standards against auto industry concerns regarding the imposition of retroactive fines and the time necessary to implement the new standards in upcoming models.

The 2016 final rule also put the manufacturers on notice that, at a minimum, they should expect to face more stringent fuel economy standards in the coming years. Indeed, the Second Circuit has twice held that the 2016 final rule is "in force." Any hardship the auto industry claims to now face due to the implementation of the December 2016 final rule is entirely of their own making; the industry has had ample time to prepare itself for compliance with these standards, but chose not to. While the industry is not wrong that it has suffered due to the pandemic, manufacturers also should have been able to design their fleet models to fit the December 2016 final rule standards before the pandemic even happened. *Volenti non fit injuria*.