

Memorandum



U.S. Department of Transportation
National Highway Traffic Safety
Administration



Subject: EO 12866 Meeting with the American Lung Association et al. and EOP

Date: December 28, 2021

From: Hunter B. Oliver, Senior Trial Attorney
Office of the Chief Counsel

To: Docket No. NHTSA-2021-0030

On December 8, 2021, representatives from NHTSA and the Department of Transportation (DOT) attended an Executive Order 12866 telephonic meeting with representatives of several medical organizations and the Executive Office of the President (EOP). NHTSA was represented by Hunter Oliver, Senior Trial Attorney, Office of Chief Counsel; DOT was represented by Tim Mullins, Senior Attorney, Office of General Counsel. The Office of Management and Budget was represented by Kim Wilson. The American Lung Association was represented by Laura Bender, the International Society for Environmental Epidemiology (North American Chapter) was represented by George Thurston, the American Public Health Association was represented by Don Hoppert, the Alliance of Nurses for Healthy Environments was represented by Jessica Mengistab, and the American Thoracic Society was represented by Gary Ewart. The meeting was requested by the medical organizations as part of the Executive Order 12866 process.

In the meeting, the medical organizations emphasized their strong support for the Corporate Average Fuel Economy (CAFE) Preemption rulemaking to repeal NHTSA's portion of The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program, 84 Fed. Reg. 51,310 (Sept. 27, 2019) ("SAFE I Rule"). In this respect, the medical organizations reiterated many of the points raised in a written public comment jointly submitted by many of these organizations to the rulemaking docket following the publication of the CAFE Preemption Notice of Proposed Rulemaking.¹ In the meeting, the medical organizations urged that NHTSA repeal the preemption rules promulgated in the SAFE I Rule. The organizations expressed support for state environmental measures and noted the success of state programs in addressing adverse impacts to human health from emissions and climate change. Representatives from the organizations described examples of these adverse health impacts as wide ranging and including long term respiratory problems as well as seasonal allergies. The medical organizations felt this rulemaking was an important step in facilitating state opportunities to better address these health challenges and promoting clean transportation measures. As such, the organizations urged the government to quickly finalize the rulemaking and repeal the SAFE I Rule.

¹ The comment in question is publicly available through the public docket for the rulemaking. See NHTSA-2021-0030-0299, Comment from American Lung Association et al. (Jun. 4, 2021).