DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 523, 531, 533, 536 and 537

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

Notice of Intention To Reconsider the Final Determination of the Mid-Term Evaluation of Greenhouse Gas Emissions Standards for Model Year 2022–2025 Light Duty Vehicles

AGENCY: Environmental Protection Agency (EPA) and Department of Transportation’s (DOT) National Highway Traffic Safety Administration (NHTSA).

ACTION: Notice of intent.

SUMMARY: EPA announces its intention to reconsider the Final Determination of the Mid-Term Evaluation of greenhouse gas (GHG) standards for model year (MY) 2022–2025 light-duty vehicles and to coordinate its reconsideration with the parallel process to be undertaken by DOT’s NHTSA regarding Corporate Average Fuel Economy (CAFE) standards for cars and light trucks for the same model years.

DATES: March 22, 2017.


The 2012 rulemaking establishing these standards included a regulatory requirement for the EPA to conduct a Mid-Term Evaluation of the GHG standards established for MYs 2022–2025. 77 FR 62625 (October 15, 2012), codified at 40 CFR 86.1818–12(h). In July 2016, EPA, NHTSA, and the California Air Resources Board (CARB) released for public comment a jointly prepared Draft Technical Assessment Report, which examined a range of issues relevant to GHG emissions and CAFE standards for MYs 2022–2025. 81 FR 49217 (July 27, 2016). In November, 2016, EPA issued a proposed determination for the Mid-Term Evaluation. 81 FR 87927 (Dec. 6, 2016). On January 12, 2017, the EPA

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ADDRESS: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2015–0248 at http://www.regulations.gov. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally consider comments or comment contents located outside of the primary submission (i.e., on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit http://www2.epa.gov/dockets/commenting-epa-dockets.
Administrator signed the Final Determination of the Mid-Term Evaluation of light-duty vehicle GHG emissions standards for MYs 2022–2025.

Under 40 CFR 86.1818–12(h), no later than April 1, 2018, the EPA Administrator must determine whether the GHG standards previously established under 40 CFR 86.1818–12(c) for MYs 2022–2025 are appropriate under section 202(a) of the CAA, in light of the record then before the Administrator. Given that CO$_2$ makes up the vast majority of the GHGs that EPA regulates under section 202(a), and given that the technologies available for regulating CO$_2$ emissions do so by improving fuel economy (which NHTSA regulates under EPCA/EISA), NHTSA’s views with regard to what CAFE standards would be maximum feasible for those model years is an appropriate consideration in EPA’s determining what GHG standards would be appropriate under the CAA. See 40 CFR 86.1818–12(h)(1)(vii) (listing as one of the factors EPA should consider in the Mid-Term Evaluation “[t]he impact of the greenhouse gas emission standards on the Corporate Average Fuel Economy standards and a national harmonized program”). However, NHTSA has not yet considered what CAFE standards would be the maximum feasible standards for MYs 2022–2025. Accordingly, EPA has concluded that it is appropriate to reconsider its Final Determination in order to allow additional consultation and coordination with NHTSA in support of a national harmonized program.

For its part, NHTSA will continue to engage with stakeholders as it works to develop a Notice of Proposed Rulemaking to set CAFE standards for MYs 2022–2025. As explained in the 2012 final rule, this proposal will be part of “a de novo rulemaking conducted . . . with fresh inputs and a fresh consideration and balancing of all relevant factors, based on the best and most current information before the agency at that time.” 77 FR 62652. A final rule for MY 2022 is statutorily required to be issued by NHTSA by April 1, 2020.

In accord with the schedule set forth in EPA’s regulations, the EPA intends to make a new Final Determination regarding the appropriateness of the MY 2022–2025 GHG standards no later than April 1, 2018.


Elaine L. Chao,
Secretary, Department of Transportation.


E. Scott Pruitt,
Administrator, Environmental Protection Agency.

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