



At a Glance

Why We Did This Evaluation

We conducted this evaluation to determine whether the U.S. Environmental Protection Agency's actions on the final Safer Affordable Fuel-Efficient Vehicles Rule for Model Years 2021–2026 Passenger Cars and Light Trucks were consistent with requirements pertaining to transparency, record keeping, and docketing and followed the EPA's process for developing final regulatory actions.

The EPA and the National Highway Traffic Safety Administration finalized the SAFE Vehicles Rule on April 30, 2020. The agencies have different statutory authorities for vehicle rules related to greenhouse gas emissions and fuel-economy standards.

This evaluation addresses the following:

- *Operating efficiently and effectively.*

This evaluation addresses these top EPA [management challenges](#):

- *Complying with key internal control requirements (data quality; policies and procedures).*
- *Integrating and leading environmental justice.*

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Concerns About the Process Used for the SAFE Vehicles Rule Demonstrate the Need for a Policy on EPA's Role in Joint Rulemakings

What We Found

Although the EPA and NHTSA jointly issued the SAFE Vehicles Rule, the agencies' technical personnel did not collaborate during final rule development, undercutting the joint character of the rulemaking. Furthermore, the EPA did not follow its established process for developing regulatory actions, did not complete major Action Development Process milestones, or did not document who decided to skip these milestones and why. In addition, NHTSA performed all major technical assessments for the rule, while the role of EPA technical personnel was limited to providing advisory input to NHTSA for some aspects of the analysis. The EPA did not conduct a separate analysis related to executive orders on the impacts of modified standards on vulnerable populations.

The EPA's actions in the final SAFE Vehicles Rule undercut the rule's quality.

Former EPA Administrator Scott Pruitt decided that the SAFE Vehicles Rule would be based solely on NHTSA modeling and analysis and that NHTSA would draft the majority of the preamble text. One senior EPA official cited NHTSA's statutory deadline for establishing its standards as the impetus for its lead role in developing the rulemaking. This approach bypassed aspects of the EPA's normal rulemaking process. It also diverged from the more collaborative precedent set by the agencies' prior joint rulemakings, as well as circumvented Office of Air and Radiation technical personnel feedback prior to the final rule being circulated for interagency review. Furthermore, technical personnel were confused about the proper contents of the docket, and congressional and tribal stakeholders raised transparency concerns after the final rule was published. While joint rulemaking is infrequent, the process should be improved by clearly defining the EPA's responsibilities when working with a partner agency.

Recommendations and Planned Agency Corrective Actions

We recommend that the Office of Air and Radiation docket its interpretation of whether the EPA docket for Clean Air Act joint rulemaking actions reflects that the partner agency is an "other agency" for purposes of the Act's docketing requirements. We recommend that the Office of Air and Radiation and the general counsel docket any comments generated by the EPA and NHTSA during interagency review from January 14, 2020, to March 30, 2020. We recommend that the Office of Air and Radiation and the Office of Policy document decisions regarding Action Development Process milestones and determine the EPA's role in joint rulemakings, including addressing executive orders on children's health, tribal consultation, and environmental justice. One recommendation is resolved with corrective actions pending, while three recommendations are unresolved.