



June 6, 2023

SUBMITTED VIA WWW.REGULATIONS.GOV and EMAIL

Brian Nelson
Michael Safoutin
Assessment and Standards Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
(734) 214-4278
(734) 214-4348
nelson.brian@epa.gov
safoutin.mike@epa.gov

Re: EPA-HQ-OAR-2022-0829 & EPA-HQ-OAR-2022-0985, Extension of Time to Comment

Dear Mr. Nelson and Mr. Safoutin:

On April 27 and May 5, 2023, the Environmental Protection Agency proposed two new “federal vehicle emissions standards [meant to] accelerate the ongoing transition” from traditional internal-combustion engines to electric vehicles.¹ The notices triggered comment periods to allow the public to assess and weigh in on the two Proposed Rules. Those periods will end on June 16 and July 5, 2023. The Free Enterprise Project of the National Center for Public Policy Research respectfully requests the EPA to extend the comment periods ninety (90) days by allowing submission of comments through September 14 and October 3, 2023.

Launched in 2007, the National Center’s Free Enterprise Project focuses on shareholder activism and the confluence of big government and big business. The Free Enterprise Project is the conservative

¹ Proposed Rule: Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium Duty Vehicles, 88 Fed. Reg. 29184 (proposed May 5, 2023) (to be codified at 40 C.F.R. Parts 85, 86, 600, 1036, 1037, and 1066) (“Proposed Light/Medium Duty Rule”); Proposed Rule: Greenhouse Gas Emissions Standards for Heavy Duty Vehicles – Phase 3, 88 Fed. Reg. 25926 (proposed Apr. 27, 2023) (to be codified at 40 C.F.R. Parts 1036, 1037, 1065, and 1074) (“Proposed Heavy Duty Rule”); see also EPA Press Office, *Biden-Harris Administration Proposes Strongest-Ever Pollution Standards for Cars and Trucks to Accelerate Transition to a Clean Transportation Future*, EPA.gov (Apr. 12, 2023) (“New Standards Announcement”).

movement's leading shareholder activism and education program: It files shareholder resolutions, engages corporate CEOs and board members at shareholder meetings, petitions the U.S. Securities and Exchange Commission for interpretative guidance, and sponsors effective media campaigns to create the incentives for corporations to stay focused on their missions. As such, the National Center for Public Policy Research owns stock in dozens of companies, making us shareholders – and stakeholders – in the industries and corporations impacted by the Proposed Rules.

The public, including the Free Enterprise Project, needs more time to assess the Proposed Rules. As the EPA notes, the Proposed Rules would impose the “strongest-ever pollution standards for cars and trucks.”² Beyond vehicle emissions, the Proposed Rules would also regulate upstream and downstream emissions of “zero emission” vehicles, vehicle certification and compliance, standards and warranties for batteries and components, engine test procedures, locomotive engines, and more. The two Proposed Rules together span 499 pages, densely packed with environmental projections, technical data, cost analyses, and the like.

According to reports, the Proposed Rules are so strict that for automakers to comply, up to 67 percent of new vehicles sold in 2032 would have to be electric.³ But this requirement stands in stark contrast to the reality of the current electric vehicle market. Only 5.8 percent of new vehicle sales last year were electric vehicles.⁴ And while there is interest by some consumers in purchasing electric vehicles in the future, there is also a significant swath of the population with absolutely no interest in doing so. According to a March 2023 Gallup survey, 41 percent of U.S. adults unequivocally say they would not buy an electric vehicle, while 43 percent stated that they *might consider* buying an electric vehicle in the future.⁵ Only 12 percent of those surveyed reported *seriously considering* purchasing an electric vehicle, and only 4 percent already own one.⁶

Consumer demand for electric vehicles would therefore have to increase dramatically for these requirements to be profitable for automakers and those involved in the electric vehicle supply chain. Even referring to it as significant leap in demand would be a gross understatement. But even if consumer demand suddenly increased to match such a mandate, there are many factors outside of the control of electric vehicle manufacturers that hinder their ability to both meet the Proposed Rules' strict demands and make a profit. This includes ensuring a robust and affordable supply of minerals that go into the batteries of electric vehicles, a sufficient supply of electric vehicle charging stations throughout the country, and the energy grid's ability to handle such an influx. Therefore, as shareholders in companies and industries impacted by these regulations, and as defenders of shareholders and the free enterprise system writ large, both the Free Enterprise Project and the broader public need more time to assess the impact of these rules.

An extension of the comment deadlines would not cause any material disruption to the operation of the EPA or its program. The Proposed Rules will not affect vehicles until model year 2027. A 90-day extension of the comment deadline would still give the EPA plenty of time to consider public comment,

² <https://www.epa.gov/newsreleases/biden-harris-administration-proposes-strongest-ever-pollution-standards-cars-and>

³ <https://www.npr.org/2023/04/12/1169269936/electric-vehicles-emission-standards-tailpipes-fuel-economy;>
<https://apnews.com/article/biden-electric-vehicles-epa-tailpipe-emissions-climate-406d74e18459bc135f089c681ba9e224;>
<https://www.cnn.com/2023/04/12/epa-proposes-auto-pollution-limits-to-aggressively-boost-ev-sales-.html>

⁴ <https://www.cnn.com/2023/04/12/epa-proposes-auto-pollution-limits-to-aggressively-boost-ev-sales-.html>

⁵ <https://news.gallup.com/poll/474095/americans-not-completely-sold-electric-vehicles.aspx>

⁶ <https://news.gallup.com/poll/474095/americans-not-completely-sold-electric-vehicles.aspx>

then implement a Final Rule with plenty of lead time for MY 2027, more informed and better equipped to finalize the best policy for the United States and its citizens.

Both the Free Enterprise Project and the public at large have an acute interest in the dramatic changes that the Proposed Rules will effectuate. Should you have questions, or wish to discuss this request, please do not hesitate to call us at (202) 507-6398 or email us at sshepard@nationalcenter.org and at srehberg@nationalcenter.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Shepard", with a long horizontal flourish extending to the right.

Scott Shepard
FEP Director

A handwritten signature in black ink, appearing to read "Sarah Rehberg", with a long horizontal flourish extending to the right.

Sarah Rehberg
National Center for Public Policy Research