Honorable Fred Upton
Chairman
Committee on Energy and Commerce
2183 Rayburn House Office Building
Washington, DC 20515

Honorable Frank Pallone, Jr.
Ranking Member
Committee on Energy and Commerce
237 Cannon House Office Building
Washington, DC 20515

Honorable Michael C. Burgess
Chairman
Subcommittee on Commerce, Manufacturing and Trade
2336 Rayburn House Office Building
Washington, DC 20515

Honorable Jan Schakowsky
Ranking Member
Subcommittee on Commerce, Manufacturing and Trade
2367 Rayburn House Office Building
Washington, DC 20515

American Council for an Energy-Efficient Economy | Center for Auto Safety
Environment America | League of Conservation Voters | Natural Resources Defense Council
Safe Climate Campaign | Sierra Club | Union of Concerned Scientists

October 20, 2015

Re: Discussion Draft on Vehicle and Roadway Safety

Dear Committee Chairman Upton, Ranking Member Pallone, Subcommittee Chairman Burgess and Subcommittee Ranking Member Schakowsky,

The undersigned environmental, science, and safety organizations urge you to strike Section 502: Credits for Advanced Automotive Technology and Section 503: Fuel Economy Credits for Advanced Automotive Technologies from the Discussion Draft on Vehicle and Roadway Safety. These sections create unnecessary credits for technologies that are already expected to be adopted , thus providing uncertain safety benefits while undermining our energy security, public health, the environment, and consumer savings. There is insufficient evidence that the proposed advanced automotive and connected vehicle technologies described in the draft bill would actually lead to real-world emissions reductions and improvements in fuel economy. Hence legislation giving credits to these technologies would likely lead to net increases in pollution and fuel consumption, in addition to circumventing the important public regulatory process that defines automaker compliance options.

The National Highway Traffic Safety Administration (NHTSA) and Environmental Protection Agency (EPA) should continue to use their existing authority to conduct public rulemakings in order to consider changes to fuel economy and emissions crediting systems. The agencies have very successfully demonstrated the effectiveness of a public process to develop strong standards that are supported by automakers as well as environmental, consumer, and national security organizations. Directing credit levels through legislation circumvents the expertise of the agencies, industry, and public to develop standards that are based on detailed quantitative analysis of technology effectiveness and result in clean air and economic security benefits to society.

The credit levels directed in the Discussion Draft would create a loophole that offsets real gains and increases fuel use and pollution. The Discussion Draft awards a minimum of 9 grams per mile of greenhouse gas credits for a collection of advanced automotive technologies (including forward collision warning, driver attention monitor and left turn assist) and connected vehicle technologies that send safety messages between motor vehicles. It's unclear that any of these technologies will lead to real-world carbon pollution or fuel consumption reductions. Those 9 grams per mile of credits would slow the development of more efficient and less polluting technology.

For comparison, from model year 2012 to 2013, automakers reduced greenhouse gas emissions from new cars and light trucks by an average of 9 grams per mile under the current standards.[1] The credit windfall of the Discussion Draft would have effectively allowed the industry to avoid all needed advancements in engines, transmissions and vehicle bodies that actually save consumers money at the pump and cut pollution.

Opportunities to improve road safety with new technologies are important, and we welcome policies that will help to realize those improvements. However, we do not believe that there needs to be a trade-off between the fuel consumption of vehicles and additional safety features, many of which automakers are already making available on their products. One of the technologies that can qualify for additional credits is automatic emergency braking, a technology that 10 auto manufacturers committed to putting in all of their new vehicles in an agreement with NHTSA and the Insurance Institute for Highway Safety in September of this year.[2] Moreover, recent manufacturer malfeasance, shown by a lack of compliance with vehicle emissions requirements together with a host of similar, lower profile events, demonstrates the urgency of closing the gap between certified and real-world vehicle performance. The proposed credits would serve instead to widen that gap, costing consumers hundreds of dollars at the pump.

Automakers currently have the ability to apply for emissions and fuel economy credits for new technologies, which makes Sections 502 and 503 unnecessary. Under the current greenhouse gas and fuel economy standards, automakers can earn credits for technologies that reduce emissions and fuel consumption during real-world operation but are not completely quantified on the compliance test cycle. EPA and NHTSA have already provided a list of so-called "off-cycle" technology credits and automakers can petition for new credit levels for existing technologies and for the inclusion of new technologies. Companies such as Mercedes-Benz, [3] Fiat Chrysler, Ford, and General Motors[4] have already used this petition process to increase their compliance flexibility. The petition process follows a clear methodology that requires extensive data input and allows for public review. It is essential that emissions and fuel economy credits are only awarded for technology adoption that results in consistently measurable and verifiable emissions and fuel consumption reductions in real-world vehicle operations.

We urge the Committee not to establish the vehicle greenhouse gas and fuel economy credits put forward in the Discussion Draft. Assigning credits is a task best left to NHTSA and EPA, as their existing authority allows for a transparent, public process based on technical analysis. We urge the committee to strike Sections 502 and 503. These Congressionally-defined credits would lead to increases in fuel consumption and greenhouse gas emissions.

Sincerely,

American Council for an Energy-Efficient Economy
Center for Auto Safety
Environment America
League of Conservation Voters
Natural Resources Defense Council
Safe Climate Campaign
Sierra Club
Union of Concerned Scientists

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[1] EPA, "GHG Emission Standards for Light-Duty Vehicles: Manufacturer Performance Report for the 2013 Model Year", EPA-420-R-15-008, March 2015. Available at http://www3.epa.gov/otaq/climate/ghg-report.htm.
[2] http://www.nhtsa.gov/About+NHTSA/Press+Releases/2015/nhtsa-iihs-commitment-on-aeb-09112015
[3] http://www3.epa.gov/otaq/regs/ld-hwy/greenhouse/documents/420r14025.pdf
[4] http://www3.epa.gov/otaq/regs/ld-hwy/greenhouse/documents/420r15014.pdf