

Congress of the United States
Washington, DC 20515

April 12, 2021

Mr. Steven Cliff
Deputy Administrator
National Highway Traffic Safety Administration
1200 New Jersey Ave SE
Washington, DC 20590

Dear Deputy Administrator Cliff,

We urge the National Highway Traffic Safety Administration (NHTSA) to swiftly rescind a Trump Administration rule delaying the effective date of inflation-adjusted penalties for violating fuel-economy standards.

Congress mandated that NHTSA establish ‘maximum feasible’ fuel economy standards for cars and light-duty trucks with the overarching goal of conserving energy.¹ Robust fuel economy standards have spurred dramatic reductions in fuel consumption, greenhouse gas emissions, and harmful tailpipe pollution, providing much needed relief to communities threatened by the climate crisis and suffering from the ill-effects of air pollution.² Further, strong standards have saved consumers billions of dollars at the pump and spurred investment, innovation, and job creation in the automobile industry, helping the United States develop a technological advantage over international competitors.³

A key to a successful fuel economy program is meaningful enforcement and civil penalties for non-compliance. In 2015, Congress required that NHTSA increase its civil penalties for fuel economy violations to account for inflation – an increase from \$5.50 to \$14.00

¹ 49 U.S.C. § 32902; *Ctr. for Auto Safety v. NHTSA*, 793 F.2d 1322 (D.C. Cir. 1986).

² Environmental Protection Agency, *EPA and NHTSA Finalize Historic National Program to Reduce Greenhouse Gases and Improve Fuel Economy for Cars and Trucks* (Apr. 2010) (EPA-420-F-10-014); Environmental Protection Agency, *EPA and NHTSA Set Standards to Reduce Greenhouse Gases and Improve Fuel Economy for Model Years 2017-2025 Cars and Light Trucks* (Aug. 2012) (EPA-420-F-12-051).

³ *Id.*; BlueGreen Alliance, *Visualizing the Clean Economy: The Automotive Sector* (www.bgafoundation.org/programs/visualizing-the-clean-economy-autos/about/) (accessed [04/01/2021]).

per tenth of a mile per gallon.⁴ The Trump Administration sought to subvert this Congressional directive by first indefinitely delaying and then completely rejecting the increase in civil penalties.⁵ On both occasions, the United States Court of Appeals for the Second Circuit rejected the Trump Administration’s contravention of the law and ordered NHTSA to reinstate the \$14.00 penalty beginning with model year 2019 vehicles.⁶ On January 14, 2021—just days before President Biden was sworn into office—the Trump Administration published an interim final rule extending the effective date of the civil penalty increase to model-year 2022.⁷

The Trump Administration’s repeated attempts to give a pass to polluters not only violates the letter of the law, but also prevents NHTSA from holding automobile manufacturers accountable for emitting illegal quantities of harmful pollutants into the air and forcing cash-strapped consumers to pay more at the pump. You have an opportunity to change course to fulfill the new Administration’s goal to conserve energy, combat climate change, and protect public health. We urge you to rescind the Trump Administration’s rule and apply the full civil penalty for fuel economy violations now.

We thank you for your attention to this important matter. If you have any questions about our request, please contact Laura Forero at my office at Laura.Forero@mail.house.gov.

Sincerely,



Doris Matsui
Member of Congress

/s/
Mark Takano
Member of Congress

/s/
Juan Vargas
Member of Congress

/s/
Jared Huffman
Member of Congress

/s/
Eleanor Holmes Norton
Member of Congress

/s/
Grace F. Napolitano
Member of Congress

/s/
André Carson
Member of Congress

⁴ Bipartisan Budget Act of 2015, Pub. L. No. 114-74, §701, 129 Stat. 584, 599-600.

⁵ 82 Fed. Reg. 32,139-40 (July 12, 2017); 84 Fed. Reg. 36,007-08, 36,012 (July 26, 2019).

⁶ *Natural Resource Deference Council v. National Highway Traffic Safety Administration*, 894 F.3d 95, 100, 107-08, 115-16 (2d Cir. 2018); *New York, et al. v. National Highway Traffic Safety Administration, et al.*, Case 19-2395 (2d Cir. 2019).

⁷ 86 Fed. Reg. 3,016-3,026 (Jan. 14, 2021).

/s/
Mark DeSaulnier
Member of Congress

/s/
Suzanne Bonamici
Member of Congress

/s/
Anna G. Eshoo
Member of Congress

/s/
Mike Thompson
Member of Congress

/s/
Nanette Diaz Barragán
Member of Congress

/s/
Earl Blumenauer
Member of Congress

/s/
Jesús G. "Chuy" García
Member of Congress

/s/
Derek Kilmer
Member of Congress

/s/
Mondaire Jones
Member of Congress

/s/
Jerry McNerney
Member of Congress