

**Attorneys General of New York, Connecticut, Maine, Maryland,
Massachusetts, New Jersey, Oregon, Pennsylvania, Vermont, and
Washington**

June 20, 2019

The Honorable Janice D. Schakowsky
Chair, Consumer Protection and Commerce Subcommittee
House Committee on Energy and Commerce
U.S. House of Representatives
2125 Longworth House Office Building
Washington, DC 20515

The Honorable Paul Tonko
Chair, Environment and Climate Change Subcommittee
House Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable John Shimkus
Ranking Member, Environment and Climate Change Subcommittee
House Committee on Energy and Commerce
U.S. House of Representatives
2322 Rayburn House Office Building
Washington, DC 20515

The Honorable Cathy McMorris Rodgers
Ranking Member, Consumer Protection and Commerce Subcommittee
House Committee on Energy and Commerce
U.S. House of Representatives
2322 Longworth House Office Building
Washington, DC 20515

Re: Joint Hearing on Rollback of Vehicle Greenhouse Gas Emission Standards
and Fuel Economy Standards

Dear Chairpersons Schakowsky and Tonko, and Ranking Members Shimkus and
Rodgers:

The undersigned State Attorneys General commend the Environment and
Climate Change and Consumer Protection and Commerce Subcommittees for holding a
joint hearing on the U.S. Environmental Protection Agency's (EPA's) and National
Highway Traffic Safety Administration's (NHTSA's) dangerous and irresponsible
proposal to roll back federal vehicle greenhouse gas emission and fuel economy

standards and to also preempt states from maintaining their own more stringent emission standards.

As states that have opted in to the California Clean Cars program under Section 177 of the Clean Air Act - some for more than 25 years - and which collectively with California comprise over one-third of the national automobile market, we have a heightened interest in the agencies' proposed rollback and preemption proposals. However, it is vital for all Americans that Congress exercise its oversight authority when federal agencies blatantly flout the mandates Congress placed upon them in their authorizing statutes. Here, by increasing both air pollution and fuel consumption, while decreasing highway safety, the EPA and NHTSA proposals run directly contrary to the fundamental commands of the Clean Air Act and the Energy Policy and Conservation Act.

While the proposed rollbacks of federal standards are antithetical to EPA's and NHTSA's respective missions, it is completely unacceptable for the agencies to affirmatively seek to preempt our states from doing all we can do to continue to protect our residents from the threats posed by climate change. Our states routinely suffer from the increasingly extreme flooding, fires, storms, and heat waves arising from accelerating climate change. As the transportation sector is the largest single contributor of greenhouse gas pollution emissions in the United States, failing to take decisive federal action while simultaneously seeking to rob our states of critical tools to confront these impacts is indefensible.

Further, states rely on the California standards not just to achieve urgently needed greenhouse gas emission reductions, but also to attain and/or maintain federal ambient air quality standards for criteria pollutants, including ozone (smog) and fine particulate matter. Indeed, EPA has approved the California standards into State Implementation Plans because of their key role in helping to reduce smog and particulate matter in urban areas. Currently, more than four in 10 Americans – over 40 percent of the population – live in areas with unhealthy smog and/or particle pollution. Exposure to unhealthy smog and/or particle pollution levels adversely affects human health and welfare in these areas with children and the elderly being particularly vulnerable to asthma, reduced lung capacity and other respiratory ailments. High levels of these criteria pollutants also affects animals, including pets, livestock and wildlife in similar ways and is harmful to the environment. It is simply untenable for EPA to hold us accountable for meeting national air quality standards on the one hand while removing an indispensable pollution reduction tool with the other.

Moreover, despite certifying in the rulemaking proposal that they had complied with Executive Order 13,132's mandate to consult "with State and local officials early in the process of developing the proposed regulation," neither EPA nor NHTSA consulted with our States prior to releasing their proposal last August. The agencies should be called to account for both misrepresenting their actions and for failing to comply with the executive order's requirements regarding consultation with states on their proposed reversal of well-established state prerogatives under the Clean Air Act.

Should EPA and NHTSA finalize their proposals, we intend to file suit to overturn their actions, and we expect to prevail given the clear legal vulnerability and abject arbitrariness of the agencies' proposals, as robust technical and scientific data in the record demonstrate. However, this is a fight we should not have to have with our own federal government. Our time and resources should be spent on crafting solutions to the public health, environmental, and economic consequences that climate change and conventional air pollution impose on our states, not on burdensome litigation just to preserve our ability to take actions necessary to protect our residents and our environment.

Accordingly, we applaud your Subcommittees for holding a joint hearing on EPA's and NHTSA's dangerous and irresponsible proposal. We hope that active Congressional oversight can steer the agencies back to their proper course, and we stand ready to assist you in your efforts.

Sincerely,



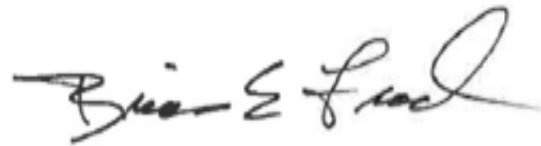
LETITIA JAMES
Attorney General of New York



WILLIAM TONG
Attorney General of Connecticut



AARON M. FREY
Attorney General of Maine



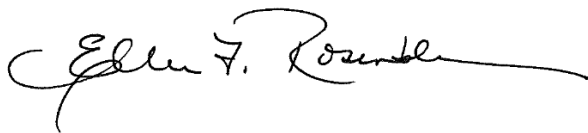
BRIAN E. FROSH
Attorney General of Maryland



MAURA HEALEY
Attorney General of Massachusetts



GURBIR S. GREWAL
Attorney General of New Jersey



ELLEN ROSENBLUM
Attorney General of Oregon



JOSH SHAPIRO
Attorney General of Pennsylvania



THOMAS J. DONOVAN, JR
Attorney General of Vermont



BOB FERGUSON
Attorney General of Washington

CC: Honorable Nancy Pelosi, Speaker, U.S. House of Representatives
Honorable Kevin McCarthy, Minority Leader, U.S. House of Representatives
Honorable Frank Pallone, Chairman, House Committee on Energy and
Commerce
Honorable Greg Walden, Ranking Member, House Committee on Energy and
Commerce