



Proposed rollbacks in vehicle emission limits pose serious environmental threat

BY JOEL A. MINTZ, OPINION CONTRIBUTOR — 08/08/18 11:45 AM EDT

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Federal laws and regulations play a crucial role determining the quality of our air, water, and natural resources. Well-researched and scientifically supported rules can bring enormous benefits to the American people, but regulatory rollbacks for little more than deregulation's sake can cause great harm.

One example of the potential damage that a poorly crafted regulation may cause is [the new proposal](#) by the Environmental Protection Agency (EPA) and National Highway Traffic Safety Administration (NHTSA) to roll back a requirement that automobile manufacturers improve vehicle fuel efficiency in the first half of the 2020s. With the [rise of wind and solar energy](#), and the ongoing shift from coal-fired to natural-gas-fired power plants, [motor vehicles are now the leading U.S. source of the greenhouse gas emissions that cause climate change](#) — along with other harmful air pollutants. If left in place, the current requirements would significantly reduce those harmful emissions, protecting public health while making disastrous sea level rise less likely. If reversed, the opposite would occur.

The Trump administration has also [proposed to revoke a waiver](#) granted by EPA to the state of California that allows it to set stricter vehicle emission standards. [The Clean Air Act specifically provides for such waivers](#) because parts of the state are particularly burdened by air pollution. California has consistently sought and been granted such

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waivers, setting relatively strict requirements for vehicle pollution. The law also allows other states to adopt California's standards, and [12 states and the District of Columbia have done so](#), thus guaranteeing that cars manufactured with the California standards in mind will have a broad market.

Both of these regulatory proposals are poorly supported and of questionable legality. The Trump rollback of vehicle emission standards directly contradicts a landmark U.S. Supreme Court decision, [Massachusetts v. EPA](#), which declared that greenhouse gases are a pollutant subject to EPA regulation. The rollback proposal also conflicts with [an EPA finding](#) that greenhouse gases endanger public health and welfare. Moreover, the [standards were the result of a negotiation between the Obama White House and the auto industry](#), which is probably why there wasn't much clamoring from Detroit for a rollback.

In addition, [the Trump administration's principal rationale](#) for freezing vehicle emission standards after 2020 — an assertion that stricter pollution requirements will cause more driving deaths — appears shaky at best. The agencies' reasoning relies on several highly questionable assumptions. EPA and NHTSA take as a given that people who drive fuel-efficient cars will drive many more miles, making it likely that they will be involved in car crashes. The agencies' proposal also assumes that people will be deterred from buying newer, safer cars because they will become more expensive, and that in order to meet fuel efficiency standards, automakers will make their vehicles smaller and lighter, detracting from their crashworthiness.

[Experts have sharply criticized these assumptions](#). Although the current regulation could increase the sticker price of new cars, those price increases will be much lower than the auto price increases that are likely to result from the administration's tariffs on foreign cars and foreign steel and aluminum. Moreover, the rollback proposal seems to have greatly overestimated the extent to which consumers will drive extra miles in more fuel-efficient cars; and it completely ignores the fact that smaller and lighter cars are likely to do less damage when they collide with other vehicles on the road.

The proposed withdrawal of California's Clean Air Act waiver also seems to run afoul of the law. The California waiver provision has long been enshrined in the implementation of the statute, and revoking the waiver would run headlong into [the clear intent and language of the Clean Air Act itself](#). To justify its proposed waiver, EPA will need to provide a far more convincing justification for its actions than the flimsy explanations it has thus far offered.

The administration's proposals are still at an early stage. [EPA and NHTSA must receive and respond to public comments](#) on them, and their final regulations are certain to be challenged in court. Nonetheless, even if they fail to pass judicial muster, these proposed rollbacks are symptomatic of the shamefully destructive approach to environmental and public health policy that has thus far characterized the Trump administration. Unless that approach changes direction or is held in check by a newly elected Congress starting in January 2019, a good deal more environmental harm seems to be in store.

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