

**Testimony of Benjamin Longstreth, Senior Attorney, Natural Resources Defense Council  
before the U.S. Environmental Protection Agency at the Public Hearing for Reconsideration of  
the Final Determination of the Mid-term Evaluation of Greenhouse Gas Emissions Standards  
for Model Years 2022–2025 Light-Duty Vehicles**

September 6, 2017

As Prepared for Delivery

Good morning. My name is Benjamin Longstreth and I am a senior attorney with the Natural Resources Defense Council. I am here today on behalf of NRDC's more than more than 2 million members and online activists. As my colleague, Luke Tonachel indicated earlier this morning, NRDC strongly opposes any rollbacks to the existing vehicle standards. I would like to make three additional points.

First, the Environmental Protection Agency is legally obligated to protect Americans from dangerous air pollutants such as carbon dioxide and other greenhouse gases. EPA's actions must further this obligation.

Section 202 of the Clean Air Act requires that the Administrator prescribe for vehicle standards for "emission of any air pollutant ... which in his judgment cause, or contribute to, air pollution which may reasonably be anticipated to endanger public health or welfare." 42 U.S.C. § 7521(a)(1).

In *Massachusetts v. EPA*, the Supreme Court held that the term "air pollutant" encompasses greenhouse gases and rejected EPA's excuses for not acting to reduce such emissions.

Following that decision, EPA undertook a thorough scientific review of the impacts of carbon dioxide and five other greenhouse gases and determined that these pollutants endanger public health and welfare. Groups opposed to climate action challenged EPA's scientific determination in the D.C. Circuit Court of Appeals, but the Court rejected all challenges to that endangerment determination.

This means that under Section 202 of the Clean Air Act EPA must set vehicle standards that protect the public by reducing greenhouse gas pollution. Any new action that EPA takes must heed this legal requirement.

Second, the Clean Air Act and fundamental principles of administrative law require that EPA base its decisions on the scientific and technical evidence before the agency. Here, EPA has already conducted extensive technical analysis of how automakers can reduce vehicle pollution. This robust technical assessment -- conducted in conjunction with the National Highway Transportation Safety Administration and the California Air Resources Board -- shows not only that the current 2022-2025 standards are feasible, but that these standards could in fact be strengthened. EPA may not disregard this analysis. Rather, it must be the foundation for any new EPA decision. And any EPA decision that deviates from the evidence that the agency itself has already assembled will be subject to exacting scrutiny by the Courts.

Third, it does not benefit automakers or U.S. consumers for EPA to create the uncertainty that will result if EPA sets out to weaken the current standards. Any decision to weaken the 2022-2025 standards will be subject to extensive litigation. This means that automakers will face years of uncertainty regarding the level of carbon pollution standards that will apply to model year 2022-2025 vehicles. Such uncertainty makes company investment decisions harder and that is bad for automakers and for consumers.

More importantly, automakers should look beyond this administration and recognize that stronger climate action in the United States and globally is inevitable. Every day the signs that climate change is occurring become clearer, the costs of inaction mount, and more Americans recognize the urgent need for aggressive action to reduce this threat. Any retreat granted by the current administration -- if it survives judicial scrutiny -- will almost certainly be short lived. The retreat will be reversed and when it is reversed automakers will not be granted the long lead-time they enjoy at the moment.

It would be far better for automakers, for consumers, and for the health of our environment, for EPA to maintain the current course of steady improvement promised when the standards were set in 2012.