



December 19, 2019

Mr. Paul Ray
Acting Administrator, Office of Information and Regulatory Affairs (OIRA)
Office of Management and Budget
Executive Office of the President
Washington D.C.

Dear Mr. Ray:

The following letter sets out the positions of the Alliance of Automobile Manufacturers and the Association of Global Automakers¹ (“Auto Associations”) on the expected proposed EPA rulemaking on Vehicle Test Procedure Adjustments for Tier 3 Test Fuel (RIN: 2060-AT21). We are highly concerned about this rulemaking and the poor precedents it sets. We believe such a proposal would not fully implement statutorily required elements and would reverse established rulemaking that support increased use of biofuels. We believe a better solution is available for EPA to propose.

The Auto Associations’ position is that:

- The R factor should be 1.0 as was used by NHTSA² and is supported by Department of Energy studies.^{3,4}

Alternatively, the EPA should determine any adjustment using the process it laid out in the Tier 3 rule⁵ – namely, utilize data already available from actual vehicles that are being tested and being certified by EPA. Today, the data in EPA’s hands is much more extensive than in 2015 and is more representative of current technologies being sold.⁶

- Measurement of CO₂ should continue today’s approach, also used with other fuels, namely that CO₂ measurements are taken at the tailpipe and are used as-measured without further adjustment.
- To avoid disruption, any new procedure should phase-in to new models, and carryover of previous certification results should be allowed.

¹ The Alliance of Automobile Manufacturers (“Alliance”) and the Association of Global Automakers (“Global Automakers”) are trade associations representing 99% of all vehicle manufacturers in the US. Please visit www.autoalliance.org and www.globalautomakers.org for further information.

² The CAFE/GHG SAFE rule, used an effective Rfactor = 1.0 as the adjustment factor to adjust Autonomie simulation results to reflect Tier 2 certification fuel. Argonne National Laboratory (ANL) adjusted the vehicle fuel economy results to represent certification fuel by using the ratio of the lower heating values of the test and certification fuels. See CAFE/GHG SAFE rule PRIA top of page 258; https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/ld_cafe_co2_nhtsa_2127-al76_epa_pria_181016.pdf.

³ DOE (ORNL) paper, entitled “Preliminary Examination of Ethanol Fuel Effects on EPA’s R-factor for Vehicle Fuel Economy,” dated June 2013, which indicates the R factor should be 1.0.

⁴ Society of Automotive Engineers (SAE) technical paper 2014-01-1572, which documents R factor analysis work and references the DOE paper which indicates the R factor should be 1.0.; <https://www.sae.org/publications/technical-papers/content/2014-01-1572/>.

⁵ As EPA states in the Tier 3 rule, “...the emission test data generated by these early Tier 3/LEVIII vehicles covering both Tier 2 and Tier3 test fuel...”. This “...will provide data needed to assess the “R” value and the impact of the fuel change on the stringency of the CAFE and GHG standards, and the calculations for the fuel economy labeling program. These data will be instrumental in developing any appropriate adjustments to maintain equivalent stringency for the CAFE and GHG standards and to update the fuel economy labeling calculations, as needed. At the present time, EPA expects to have the needed data in early to mid 2015 and will then be in a position to conduct a thorough assessment of the impacts of different emission test fuels on Tier 3/LEV III vehicles and develop any appropriate adjustments and changes, in consultation and coordination with NHTSA.” Source: Tier 3 Final Rule (79 FR 23531-23532).

⁶ Tier 3 Final Rule (79 FR 23531): “These potential effects are best understood using emission data generated on Tier 3/LEV III vehicles tested on both Tier 3 and Tier 2 test fuel.”

- EPA should not attempt to make a CO₂ adjustment factor to address stringency of greenhouse gas rules developed using Tier 2 fuels and technology. Concerns on the impact of E10 test fuel on standard stringency are best addressed in conjunction with a larger de novo standard-setting rulemaking on vehicle fuel economy and greenhouse gas emissions. This de novo rulemaking would take into account the most up-to-date information including the expected vehicle technologies and fuel properties in a holistic approach.

Thank you for your consideration of our concerns.

Sincerely,



Julia M. Rege
Senior Director, Environment & Energy
Association of Global Automakers



Giedrius Ambrozaitis
Director, Environmental Affairs
Alliance of Automobile Manufacturers

Cc: Anne Idsal, EPA Office of Air and Radiation
Sarah Dunham, EPA Office of Transportation and Air Quality