**From:** Wehrum, Bill
**Importance:** High
**Subject:** Canceled: HOLD || WH Cafe Standards Meeting w/ Auto Alliance (Tentative)
**Start Date/Time:** Wed 5/23/2018 1:30:00 PM
**End Date/Time:** Wed 5/23/2018 4:30:00 PM

;

**From:** Wheeler, Andrew
**Location:** EEOB
**Importance:** High
**Subject:** Canceled: Hold - Follow up Meeting on Cafe Standards
**Start Date/Time:** Tue 5/15/2018 7:00:00 PM
**End Date/Time:** Tue 5/15/2018 8:00:00 PM

;
Sct: Tamika Burton, 564-4711

We are trying to setup a meeting next week (the earlier the better) with the following cabinet staff:

EPA: Dep. Administrator Wheeler, EPA General Counsel, Bill Wellen – not sure that spelling is correct and if there is anyone else from EPA the Deputy think is appropriate.

DOT: Dep Sec. Rosen, Heidi King Dep Admin. NHTSA, and if there is anyone else from DOT the Deputy thinks is appropriate.

WHCO and OIRA will be in the meeting too, but are more flexible. If you could provide as many as times as possible that all of the above are free next week that would be great. Please let me know if you need anything else, I am not sure what cabinet affairs needs to set these things up.

Thank you,

Jeremy

**From:** Gunasekara, Mandy
**Location:** Administrator's Office
**Importance:** Normal
**Subject:** Accepted: Briefing: CAFE / MTE
**Start Date/Time:** Wed 1/24/2018 3:00:00 PM
**End Date/Time:** Wed 1/24/2018 3:45:00 PM

**From:** Gunasekara, Mandy
**Location:** Administrator's Office
**Importance:** Normal
**Subject:** Accepted: Briefing: CAFE / California Waiver
**Start Date/Time:** Wed 9/13/2017 1:00:00 PM
**End Date/Time:** Wed 9/13/2017 1:45:00 PM

**From:** Gunasekara, Mandy
**Location:** Administrator's Office
**Importance:** Normal
**Subject:** Accepted: Briefing: CAFE
**Start Date/Time:** Wed 10/25/2017 7:30:00 PM
**End Date/Time:** Wed 10/25/2017 8:00:00 PM

**From:** Ex. 6 - Personal Privacy Pruitt, Scott
**Location:** Administrator's Office
**Importance:** Normal
**Subject:** Briefing: CAFE / California Waiver
**Start Date/Time:** Wed 9/13/2017 1:00:00 PM
**End Date/Time:** Wed 9/13/2017 1:45:00 PM

Your meeting was found to be out of date and has been automatically updated.

---

Sent by Microsoft Exchange Server

**From:** Ex. 6 Personal Privacy Pruitt, Scott
**Location:** Administrator's Office
**Importance:** Normal
**Subject:** Briefing: CAFE / California Waiver
**Start Date/Time:** Wed 9/13/2017 1:00:00 PM
**End Date/Time:** Wed 9/13/2017 1:45:00 PM

Your meeting was found to be out of date and has been automatically updated.

---

Sent by Microsoft Exchange Server

**From:** Gunasekara, Mandy
**Location:** Administrator's Office
**Importance:** Normal
**Subject:** Accepted: Briefing: CAFE / California Waiver
**Start Date/Time:** Tue 9/12/2017 3:00:00 PM
**End Date/Time:** Tue 9/12/2017 3:45:00 PM

**From:** Gunasekara, Mandy
**Location:** Administrator's Office
**Importance:** Normal
**Subject:** Accepted: Briefing: CAFE
**Start Date/Time:** Wed 10/25/2017 6:15:00 PM
**End Date/Time:** Wed 10/25/2017 7:00:00 PM

**From:** Gunasekara, Mandy
**Location:** Administrator's Office
**Importance:** Normal
**Subject:** Accepted: Briefing on CAFE Standards
**Start Date/Time:** Tue 8/1/2017 6:00:00 PM
**End Date/Time:** Tue 8/1/2017 6:45:00 PM

**From:** Gunasekara, Mandy
**Location:** Administrator's Office
**Importance:** Normal
**Subject:** Accepted: Briefing: CAFE
**Start Date/Time:** Wed 10/25/2017 7:30:00 PM
**End Date/Time:** Wed 10/25/2017 8:00:00 PM

**From:** Gunasekara, Mandy
**Location:** Administrator's Office
**Importance:** Normal
**Subject:** Accepted: Briefing on CAFE Standards
**Start Date/Time:** Tue 8/1/2017 6:00:00 PM
**End Date/Time:** Tue 8/1/2017 6:45:00 PM

**To:** Atkinson, Emily[Atkinson.Emily@epa.gov]; Lewis, Josh[Lewis.Josh@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
**From:** Wehrum, Bill
**Sent:** Wed 2/21/2018 6:55:33 PM
**Subject:** FW: CAFE Meeting

Emily – Not sure if this is a different meeting, or the same one you are working on …

---

Bill Wehrum

Assistant Administrator

Office of Air and Radiation

U.S. Environmental Protection Agency

(202) 564-7404

**From:** Bradbury, Steven (OST) [mailto:Steven.Bradbury@dot.gov]
**Sent:** Wednesday, February 21, 2018 1:17 PM
**To:** Szabo, Aaron L. EOP/CEQ Ex. 6 - Personal Privacy
**Cc:** Rosen, Jeff (OST) <jeff.rosen@dot.gov>; Owens, James (OST) <James.Owens@dot.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; King, Heidi (NHTSA) <heidi.king@dot.gov>; Catanzaro, Michael J. EOP/WHO Ex. 6 - Personal Privacy
**Subject:** Re: CAFE Meeting

Aaron: Unfortunately, I'm out of town Friday and so is Jeff Rosen. Would it be possible to schedule the meeting at a time convenient for all early next week? Also, will OIRA be attending or hosting? They have a key role in the process. Thanks! Steve

Steven G. Bradbury

General Counsel

U.S. Department of Transportation

1200 New Jersey Avenue, S.E.

Washington, D.C. 20590

steven.bradbury@dot.gov

(202) 366-4702

On Feb 21, 2018, at 1:02 PM, Szabo, Aaron L. EOP/CEQ Ex. 6 - Personal Privacy wrote:

EPA said that they are available at 3pm on Friday. DOT, can you let me know if that time works for y'all?

**From:** Szabo, Aaron L. EOP/CEQ
**Sent:** Wednesday, February 21, 2018 12:45 PM
**To:** 'jeff.rosen@dat.gov' <jeff.rosen@dat.gov>; 'steven.bradbury@dot.gov' <steven.bradbury@dot.gov>; james.owens (james.owens@dot.gov) <james.owens@dot.gov>; 'wehrum.william@epa.gov' <wehrum.william@epa.gov>; 'jackson.ryan@epa.gov' <jackson.ryan@epa.gov>; Mandy Gunasekara (gunasekara.mandy@epa.gov) <gunasekara.mandy@epa.gov>; King, Heidi (NHTSA) <heidi.king@dot.gov>
**Cc:** Catanzaro, Michael J. EOP/WHO Ex. 6 - Personal Privacy
**Subject:** CAFE Meeting

Hello all,

I apologize for the late notice, but NEC would like to convene a meeting preferably Friday morning to discuss CAFE. Could you please let me know if you are available Friday at 10 – 11am or 11 – 12pm? If you are not available at that time, can you please let me know of some times on Monday that would work. As soon as we have a confirmed time, I will send out the scheduler with the WAVES information.

Please let me know if there is anyone that I should work with in your agency to set this up.

Thank you very much for your assistance.

**Aaron L. Szabo**

Senior Counsel

Council on Environmental Quality

**Ex. 6 - Personal Privacy**

**From:** Ex. 6 Personal Privacy Pruitt, Scott
**Location:** Administrator's Office
**Importance:** Normal
**Subject:** Briefing on CAFE Standards
**Start Date/Time:** Tue 8/1/2017 3:00:00 PM
**End Date/Time:** Tue 8/1/2017 3:45:00 PM

***Handling:*** Erik, Mandy, Brittany, Sam

**From:** [redacted] Pruitt, Scott
**Location:** Administrator's Office
**Importance:** Normal
**Subject:** Briefing: CAFE Update and Toyota Pre-Brief
**Start Date/Time:** Wed 5/9/2018 2:00:00 PM
**End Date/Time:** Wed 5/9/2018 2:30:00 PM

**To:** Block, Molly[block.molly@epa.gov]; Baptist, Erik[Baptist.Erik@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Wehrum, Bill[Wehrum.Bill@epa.gov]
**From:** Gunasekara, Mandy
**Sent:** Mon 4/2/2018 5:50:06 PM
**Subject:** RE: Updated MTE Release

It's good with the proposed edits below.

**From:** Block, Molly
**Sent:** Monday, April 2, 2018 1:38 PM
**To:** Baptist, Erik <Baptist.Erik@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>
**Subject:** RE: Updated MTE Release

Got it. Thanks!

**From:** Baptist, Erik
**Sent:** Monday, April 2, 2018 1:36 PM
**To:** Bowman, Liz <Bowman.Liz@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>
**Cc:** Block, Molly <block.molly@epa.gov>
**Subject:** RE: Updated MTE Release

One more edit. Sorry!

**Erik Baptist**

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

**From:** Bowman, Liz
**Sent:** Monday, April 2, 2018 1:35 PM
**To:** Baptist, Erik <Baptist.Erik@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>
**Cc:** Block, Molly <block.molly@epa.gov>
**Subject:** RE: Updated MTE Release

Thanks, Bill/Mandy are you good with this version? Molly needs to get it up and out!

**From:** Baptist, Erik
**Sent:** Monday, April 2, 2018 1:23 PM
**To:** Bowman, Liz <Bowman.Liz@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>
**Cc:** Block, Molly <block.molly@epa.gov>
**Subject:** RE: Updated MTE Release

Just one edit in the attached.

**Erik Baptist**

Senior Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

**From:** Bowman, Liz
**Sent:** Monday, April 2, 2018 1:02 PM
**To:** Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>
**Cc:** Block, Molly <block.molly@epa.gov>
**Subject:** Updated MTE Release

Attached, and below, please find the updated MTE release. I am copying Molly so that she can get this into campaign monitor and ready for us to send out, once you all finalize it. Please send any edits back asap. Thank you – Liz

-

**Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

###

**To:** Baptist, Erik[baptist.erik@epa.gov]; Harlow, David[harlow.david@epa.gov]; Wehrum, Bill[Wehrum.Bill@epa.gov]
**From:** Gunasekara, Mandy
**Sent:** Fri 11/17/2017 1:56:34 PM
**Subject:** RE: OTAQ Article on GHG Rules

Adding in Bill for awareness.

**From:** Baptist, Erik
**Sent:** Friday, November 17, 2017 8:48 AM
**To:** Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Harlow, David <harlow.david@epa.gov>
**Subject:** OTAQ Article on GHG Rules

**Mandy and David:**

**Thought you would be interested in this article.**

https://insideepa.com/daily-news/pruitt-freezing-out-otaq-expertise-epa-vehicle-ghg-rule-overhauls

## Pruitt 'Freezing Out' OTAQ Expertise In EPA Vehicle GHG Rule Overhauls

November 16, 2017

EPA Administrator Scott Pruitt is "freezing out" technical input from his Office of Transportation & Air Quality (OTAQ) as the agency reopens Obama-era greenhouse rules for heavy-duty trucks and passenger cars, say sources who fear the agency's vast engineering expertise on emissions controls it has built up over decades could be marginalized.

"What you have is an administrator who is determined to repeal as much as possible," says one environmentalist, even if that means giving short shrift to public health considerations. "He doesn't trust that the staff is going to follow his direction and he is just avoiding them. What you end up with is proposals that have almost no technical analysis."

Most egregious so far, sources say, is a proposal published in the Nov. 16 *Federal Register* to repeal the portion of the 2016 heavy-duty GHG rule that applies to "glider" vehicles, which combine new truck bodies with rebuilt drivetrains, with virtually no new technical review. Critics cite the proposal's heavy emphasis on new legal claims that Congress did not intend for EPA to regulate gliders, adding it largely brushes aside concerns that the vehicles will boost pollution.

Similarly, the *Washington Post* reported about ongoing testing of gliders at the agency that had not been completed prior to release of the proposal, and which was thus unable to inform the agency's technical rationale for the repeal plan.

EPA is also expected to issue a proposal early next year to repeal the portion of the heavy-duty rule that applies to tractor trailers based on a legal interpretation advanced by trailer manufacturers that they do not make "motor vehicles" subject to Clean Air Act regulation. That would reverse Obama EPA conclusions -- supported by the National Academy of Sciences -- that a trailer is an integral component of a regulated motor vehicle.

Also, EPA is reopening a "mid-term review" of Obama-era rules for model year 2022-2025 light-duty vehicles, and it is widely expected to try to give automakers some relief from the current standards that were projected to significantly boost vehicle fuel economy.

OTAQ's role in the light-duty rule review is murky, with sources noting that if EPA wants to legally justify a weaker standard, it would have to develop a robust technical record for why the current standards -- which are backed by an Obama-era technical assessment report (TAR) that is not expected to be redone -- are not achievable.

EPA has sought comment on its plan to reopen the rule. The next steps are not clear, other than it has said it will issue a new determination by April 1 about whether the MY22-25 rules are "appropriate" under the air law. However, that deadline might slip, according to one informed source.

OTAQ's role in the mid-term review was already undercut by political staff who re-wrote the notice seeking public comment on the reopening. The *Center for Public Integrity* reported earlier this month that career EPA staff drafted a concise version of the notice, but political appointees expanded the number of vehicles affected and made the Department of Transportation (DOT) the lead agency in the Aug. 21 *Register* notice from both agencies.

"This was a much more major rewrite" than would have happened under previous administrations, an EPA employee told the publication. "At least one plausible outcome of this process," the employee said, "is that the EPA would unilaterally abdicate its [legal] responsibility" to DOT.

DOT and EPA, along with California, jointly developed the MY17-25 standards in 2012, and agreed to conduct a mid-term review by April 2018 to determine if the out-year requirements were still appropriate. DOT also must write rules for MY22-25 because its statute limits how far in advance it can craft standards.

**NHTSA Schedule**

Furthering concern about EPA's role is a new regulatory schedule from DOT's National Highway Traffic Safety Administration (NHTSA) that differs from EPA's. That agency planned to present a recommendation to Transportation Secretary Elaine Chao this month, and submit a draft proposal to the White House in December.

EPA did not respond to requests for comment about these concerns, though several sources outside the agency point to the recent Senate confirmation of air chief Bill Wehrum as a positive sign for strengthening OTAQ's role and relying more on the agency's longstanding emissions expertise rather than NHTSA, which is primarily a safety agency.

However, Dan Becker of the Safe Climate Campaign tells *Inside EPA* that it seems "the administration is freezing out the technical staff at EPA who have substantive knowledge of emissions standards, and they are relying on -- whether other people within the agency, or, I suspect, other people on K Street who work for the auto companies. . . . It is hard to see how they're going to make a rule that sticks if they don't include the substantive efforts."

A third environmentalist agrees that EPA's political efforts are risky, pointing to the glider proposal as a prime example of changing rules without a technical basis. "The agency will have a difficult time writing defensible rules if they are shutting out their well-informed technical staff. And any ignoring of their own staff suggests they don't have a real robust case against the rule."

As evidence of issues EPA must address with new technical analysis in that proposal, the Volvo Group in a statement to *Inside EPA* said it supports existing glider vehicle GHG rules, backing them as an "effort to curtail the rapidly growing practice of installing outdated emissions controls into what are otherwise new vehicles."

Becker says the agency has had just one substantive briefing on the light-duty rules in which three political officials met with OTAQ technical experts for one hour and only asked questions about timing of the mid-term review.

The technical experts are uneasy but are continuing to work on the issue because "they haven't been told not to," Becker says. However, there is no indication that their work will be used in any formal proposal or final decision on the MY22-25 standards.

**'In A Pickle'**

OTAQ Director Chris Grundler has sent mixed signals on his office's role as the Trump EPA focuses on deregulation, telling an annual automotive conference in early August in Michigan that there is a "golden opportunity" for the agency to work more cooperatively with industry, according to local press reports.

But other sources say he is indicating private concerns over his staff's diminished role, including at an off-the-record conference in California, Asilomar 2017: Transportation Innovation & Policy in a Fragmenting World, which took place later in August.

A California source says Grundler was in the audience at that event, adding that it clear that OTAQ staff is "very uneasy with what is going on. They've spent years and years building up the record, developing the rules, doing the technical research, and California was part of that. And California said, 'We agree with the record, we think [the vehicle rules are] strong, we stand behind them and see no reason to make changes.' I'm sure OTAQ career staff has a similar sense."

This source notes that the White House recently reached out for the first time to California Air Resources Board chairwoman Mary Nichols to being negotiating over the rules. But it is unclear on how sincere those talks will be, given that NHTSA's draft rule is expected to soon go to the White House and that Nichols is in Germany for the annual United Nations climate conference.

The California source does not believe the light-duty rules will change much in the end, in part because of strong public support for them. "Maybe the White House or Pruitt feel like they have to do something . . . but at the end of the day it is hard to see anything major happening."

This source also suggests that automakers that originally sought to reopen the rules are now "in a pickle" because they only wanted small tweaks rather than a large rollback, particularly because they know the Golden State would not agree to such a move, resulting in separate standards for California and the rest of the country.

The White House is working behind the scenes to persuade automakers to oppose California, the source says, but adds that automakers are signaling to state officials that they do not intend to take that step.

The Alliance for Automobile Manufacturers did not respond to a request for comment.

The third environmentalist says the jury is still out on what happens with the light-duty rule. "The issue here is, we really don't know what's coming. . . . At this point it's really unclear how they would build a case that counters the existing case that the agency has already made, that the standards are not only appropriate but could be stronger."

Yet, one industry source says that because of the "NHTSA ascendancy" -- signaled by the new schedule and White House statements that the DOT agency should have a more prominent role -- it certainly appears that EPA is poised to cede its technical expertise. That could include the modeling it uses to evaluate the rules, a step automakers have sought.

Also, this source and a former EPA source both say Wehrum could change the outcome at OTAQ.

"Wehrum is just getting there and staff feel like he is someone they know and trust. He is more conservative than many would like, but he is someone who has worked with staff and respected them, who understands the institution and how to get decisions made," the industry source says. -- *Dawn Reeves* (dreeves@iwpnews.com) *& Doug Obey* (dobey@iwpnews.com)

Related News | Transition 2016-2017 | Air | Climate Policy Watch |

207033

**Erik Baptist**

Senior Deputy General Counsel

Office of General Counsel

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Washington, DC 20460

(202) 564-1689

baptist.erik@epa.gov

**From:** Wehrum, Bill
**Location:** WJC-N 5400 + Video with AA
**Importance:** Normal
**Subject:** Meet with Honda's Robert Bienenfeld re: CAFE/ GHG (Confirmed)
**Start Date/Time:** Tue 4/17/2018 4:30:00 PM
**End Date/Time:** Tue 4/17/2018 5:15:00 PM
RE: Follow-up
Confirmed 4/17 at Follow-up
RE: Confirmed 4/17 at Follow-up

**To**: Bill Wehrum, Mandy Gunasekara, Brittany Bolen
**Outside Attendees (in person):**

- Robert Bienenfeld
- Jim Kliesch
- Ed Cohen

**To:** Ed Cohen[Edward_Cohen@hna.honda.com]
**Cc:** Lewis, Josh[Lewis.Josh@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]
**From:** Atkinson, Emily
**Sent:** Fri 4/13/2018 7:28:10 PM
**Subject:** Confirmed 4/17 at Follow-up

Hi Ed,

You are confirmed for a 45 minute meeting Tuesday, April 17 at 12:30pm Bill Wehrum, Mandy Gunasekara and Brittany Bolen.

Directions and procedures to 1200 Pennsylvania Avenue NW:

Metro: If you come by Metro get off at the Federal Triangle metro stop. Exit the metro station and go up two sets of escalators to the surface level and turn right. You will see a short staircase and wheelchair ramp leading to a set of glass doors with the EPA logo - that is the William Jefferson Clinton Federal Building, North Entrance.

Taxi: Direct the taxi to drop you off on 12th Street NW, between Constitution and Pennsylvania Avenues, at the elevator for the Federal Triangle metro stop - this is almost exactly half way between the two avenues on 12th Street NW. Facing the building with the EPA logo and American flags, walk toward the building and take the glass door on your right hand side with the escalators going down to the metro on your left – that is the North Lobby of the William Jefferson Clinton building.

Security Procedures: A government issued photo id is required to enter the building and it is suggested you arrive 15 minutes early in order to be cleared and arrive at the meeting room on time. Upon entering the lobby, the meeting attendees will be asked to pass through security and provide a photo ID for entrance. If you are a foreign national entering on a non-US passport, please let us know in advance, as there is a separate clearance process.

Upon arrival, let the guards know that you were instructed to call 202-564-7404 for a security escort.

Please send me a list of participants in advance of the meeting and feel free to contact me should you need any additional information.

Emily

Emily Atkinson
Management Analyst/Office Manager

Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
Room 5412B, 1200 Pennsylvania Avenue NW
Washington, DC 20460
Voice: 202-564-1850
Email: atkinson.emily@epa.gov

**From:** Ed Cohen [mailto:Edward_Cohen@hna.honda.com]
**Sent:** Friday, April 13, 2018 3:03 PM
**To:** Atkinson, Emily <Atkinson.Emily@epa.gov>
**Cc:** Lewis, Josh <Lewis.Josh@epa.gov>; Kime, Robin <Kime.Robin@epa.gov>
**Subject:** RE: Follow-up

Emily –

That's perfect. Where should we go?

Ed

**From:** Atkinson, Emily <Atkinson.Emily@epa.gov>
**Sent:** Friday, April 13, 2018 2:56 PM
**To:** Ed Cohen <Edward_Cohen@hna.honda.com>
**Cc:** Lewis, Josh <Lewis.Josh@epa.gov>; Kime, Robin <Kime.Robin@epa.gov>
**Subject:** RE: Follow-up

Hi Ed,

It looks like Bill Wehrum, Mandy Gunasekara, Brittany Bolen and OTAQ staff could be available for a 45 minute meeting on Tuesday, April 12 at 12:30pm.

Please let me know if this could work on your end.

Emily

Emily Atkinson
Management Analyst/Office Manager

Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
Room 5412B, 1200 Pennsylvania Avenue NW
Washington, DC 20460
Voice: 202-564-1850
Email: atkinson.emily@epa.gov

**From:** Gunasekara, Mandy
**Sent:** Tuesday, April 10, 2018 3:57 PM
**To:** Ed Cohen <Edward_Cohen@hna.honda.com>; Bolen, Brittany <bolen.brittany@epa.gov>
**Cc:** Atkinson, Emily <Atkinson.Emily@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>
**Subject:** RE: Follow-up

Hey Ed,

Great to see you this morning and appreciate the follow-up. I'm looping in Josh Lewis and Emily Atkinson to help determine whether that time would work and if so, finalize logistics. We will follow-up.

Best,

Mandy

**From:** Ed Cohen [mailto:Edward_Cohen@hna.honda.com]
**Sent:** Tuesday, April 10, 2018 2:22 PM
**To:** Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
**Subject:** Follow-up

Mandy / Brittany –

Thanks to you and Administrator Pruitt for taking the time this morning to meet at the NAM. You certainly have a lot on your plate.

As I mentioned to Mandy, Robert Bienenfeld (our CAFE/ GHG guru) from California with whom you met previously will be in DC on Tuesday, and with the MTE determination now out, we would welcome the chance to talk with you and Bill about some ideas we have about a possible way to maintain the one national program. Robert has spent an enormous amount of time not only thinking about this, but also socializing it with a number of key players in the industry. I mention this not to suggest that we speak for the industry; obviously, we speak only for ourselves. But he has a good sense of what various players (industry and otherwise) think they need to get over the goal line.

With the issue moving so quickly, we think it would make sense to talk sooner rather than later. Please let me know whether this would work for Bill, you and / or others who you think might get something from the conversation.

Thanks again – I look forward to hearing from you.

Ed

Edward B. Cohen

Vice President – Government & Industry Relations

Honda North America, Inc.

1001 G Street, N.W. – Suite 950

Washington, D.C. 20001

(202) 661-4400

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**From:** Wehrum, Bill
**Location:** WJC-N 5400 + Video with AA + Dial: Ex. 6 - Personal Privacy Participant Code: Ex. 6 - Personal Privacy
Ex. 6 - Personal Privacy
**Importance:** Normal
**Subject:** Meet with Honda re: GHG, CAFE and ZEV Requirements (Confirmed)
**Categories:** Green Category
**Start Date/Time:** Thur 2/8/2018 7:30:00 PM
**End Date/Time:** Thur 2/8/2018 8:15:00 PM
RE: Meeting Request
Confirmed 12/15 at 4pm: Meeting Request
RE: Confirmed 12/15 at 4pm: Meeting Request
Confirmed 1/23/2018 at 1pm: Rescheduling Meeting with USEPAs Bill Wehrum and Honda
Confirmed 2/8 at 3pm with Bill Wehrum
RE: Confirmed 2/8 at 3pm with Bill Wehrum

**Rescheduling per Honda's request**
**To:** Bill Wehrum, Chris Grundler, Ben Hengst, Julia Burch, Bill Charmley, Robin Moran, Mike Olechiw and Karl Simon
**Outside Attendees (in person):**

- Robert Bienenfeld
- James Kliesch
- Edward Cohen

**To:** Wehrum, Bill[Wehrum.Bill@epa.gov]; Grundler, Christopher[grundler.christopher@epa.gov]; Charmley, William[charmley.william@epa.gov]
**From:** Gunasekara, Mandy
**Sent:** Wed 5/30/2018 3:52:02 PM
**Subject:** FW: Submission of CAFE/GHG NPRM Preamble
EO12866 LD CAFE CO2 NHTSA 2127-AL76 EPA Preamble 1805XX.docx

Per the below – DOT uploaded the draft joint proposed rule to OMB this morning. OAR comms is aware and ready with a desk statement, as is OPA.

**From:** Mullins, Timothy (OST) [mailto:Timothy.Mullins@dot.gov]
**Sent:** Wednesday, May 30, 2018 10:31 AM
**To:** 'Theroux, Richard P.' <Richard_P._Theroux@omb.eop.gov>; Laity, Jim (James_A._Laity@omb.eop.gov) <James_A._Laity@omb.eop.gov>; Achanta, Chandana L. <Chandana_L._Achanta@omb.eop.gov>; Whiteman, Chad S. EOP/OMB <Chad_S_Whiteman@omb.eop.gov>
**Cc:** Owens, James (OST) <James.Owens@dot.gov>; Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Moss, Jonathan (OST) <jonathan.moss@dot.gov>
**Subject:** Submission of CAFE/GHG NPRM Preamble

Good morning,

On behalf of both DOT/NHTSA and EPA, I have just submitted the preamble for the agencies' joint rulemaking on the new CAFE/GHG standards (RIN 2127-AL76; RIN-2060-AU09). For convenience, I've attached the document. Please let us know if there are any technical issues with the submission.

Thanks,

Tim

Timothy J. Mullins

Attorney-Advisor

Office of the General Counsel (C-50)

U.S. Department of Transportation

202-366-9038

https://www.rocis.gov/rocis/AgencyEOReviewPackage.do

ROCIS - EO Review Package

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Home > Agenda/Regs > Agency EO Review > EO Package

RIN: 2127-AL76 (201810)
Stage of Rulemaking: Proposed Rule Stage
Title: Passenger Car and Light Truck Corporate Average Fuel Economy Standards MYs 2022–2025

Agency/Sub A
Submitted By

EO Review Package was successfully submitted at 05/30/2018 10:27:52 AM

## EO Review Package 2127-AL76

**Unfunded Mandates**

No

**Major**

Yes

**Priority**

Economically Significant

**Legal Authority**

49 U.S.C. 32902 ; delegation of authority at 49 CFR 1.95

**CFR Citation**

49 CFR 531 ; 49 CFR 533

**Legal Deadline**

| Action | Source | Date |
|---|---|---|
| Final | Statutory | 04/01/2020 |

**Overall Description of Deadline**

**To:** Wehrum, Bill[Wehrum.Bill@epa.gov]
**Cc:** Dravis, Samantha[dravis.samantha@epa.gov]
**From:** Gunasekara, Mandy
**Sent:** Fri 3/16/2018 12:55:14 PM
**Subject:** Re:

They connected **Ex. 5 - Deliberative Process**

Sent from my iPhone

> On Mar 16, 2018, at 7:14 AM, Wehrum, Bill <Wehrum.Bill@epa.gov> wrote:
>
> Ryan was trying to talk with SP about it yesterday afternoon. I don't know if they connected. Letter has not been sent.
>
> _____
> Bill Wehrum
> Assistant Administrator
> Office of Air and Radiation
> U.S. Environmental Protection Agency
> (202) 564-7404
>
>> On Mar 16, 2018, at 5:26 AM, Dravis, Samantha <dravis.samantha@epa.gov> wrote:
>>
>> What is the status of the CAFE letter we discussed?
>>
>>
>> Sent from my iPhone

**To:** Grundler, Christopher[grundler.christopher@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
**From:** Wehrum, Bill
**Sent:** Thur 3/15/2018 12:08:53 AM
**Subject:** Fwd: Why Fuel Economy Standards Matter to U.S. Energy Dominance

Interesting ...

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

Begin forwarded message:

**From:** Chuck Cunningham <ccunningham@secureenergy.org>
**Date:** March 14, 2018 at 1:27:09 PM EDT
**To:** "Wehrum, Bill (EPA)" <Wehrum.Bill@epa.gov>
**Subject: Why Fuel Economy Standards Matter to U.S. Energy Dominance**

Bill:

Hope that all is well with you. Singing SAFE's song on fuel economy standards in this article below.

Chuck

**Council on Foreign Relations**

**Why Fuel Economy Standards Matter to U.S. Energy Dominance**

**Amy Myers Jaffe and Dylan Yalbir**

During last week's international energy industry gathering in Houston, CERA Week, U.S. Secretary of Energy Rick Perry introduced a new buzzword for the Trump administration's energy policy: "energy realism." Perry is reported to have insisted that this policy requires the United States to, "focus on maximizing exports for its energy, as well as its technologies." Yet, as the secretary of energy insists on maximizing energy exports and a more pragmatic national energy policy, the larger Trump administration stands on the precipice of making a major decision about the fate of long-standing Corporate Average Fuel Economy (CAFE) standards. In case the administration needs a refresher, we offer this data driven analysis of CAFE standards: they are quite pivotal to enhancing the United States' net oil exports levels.

As the administration approaches the deadline for their ongoing review of CAFE standards, it would be wise to consider the energy security implications of any weakening of fuel economy standards to appease automakers. Lost in the albeit important discussion of the environmental benefits of CAFE is the pivotal role that they have played in reducing U.S. oil consumption and putting the nation on a path to making the rare transition from being a net importer of oil to being a net exporter. The Energy Information Administration's (EIA) recently released 2018 Annual Energy Outlook projects that the United States will become a net exporter of petroleum and other liquids in 2021. This achievement, if attained, would undoubtedly be a critical part of achieving Trump's desired "energy dominance."

The achievement of this net energy independence milestone (measured in the amount of our net exports) would be severely diminished without the maintenance of congressionally mandated fuel economy standards from the 2000s. Proponents of an "energy dominant" America policy have so far focused mainly on the role of growing domestic production. If that production is not accompanied by the expected decrease in consumption, however, the United States will wind up a much weaker net oil exporter. In one speech, Trump dismissed the fuel savings from current CAFE standards as a "thimbleful of fuel" but the numbers suggest otherwise.

Using data from Annual Energy Outlooks (AEO) past and present, we calculate a back of the envelope estimate for what light-duty vehicle oil use would have been—and will be in the future—without CAFE standards. To measure this, we adjust for vehicle efficiency back to the pre-CAFE projections from the 2007 AEO for the fleet average, with the caveat that oil price differences might alter somewhat the distribution of new car purchases over the time period in question. The 2007 AEO predates and doesn't include the raised fuel economy standards of the 2007 Energy Independence and Security Act or the National Program rulings passed by the Obama administration in 2010 and 2012.

The above graph uses 2018 AEO data for U.S. consumption and production of petroleum and other liquids in the high oil and gas resource and technology case, which shows the U.S. Department of Energy's projection for the maximum potential of U.S. production. More importantly, it's the version of the U.S. oil industry that the Trump administration envisions and most experts expect. With CAFE standards maintained, the United States reaches net exporter status as early as 2021 and achieves net exports of around 1.45 million barrels per day (MMb/d) in 2022. Without CAFE standards driving down consumption, however, the amount of U.S. net exports in 2022 would drop to just a little under 2,500 b/d. By 2030, the United States' net exports—without CAFE standards—will be 1.47 MMb/d, which is a paltry fraction of the nearly 4.2 MMb/d the United States is projecting if CAFE standards are maintained. Weakening fuel economy standards would severely hamper the economic benefits of U. S. export capabilities. The situation is even bleaker in the business as usual case (AEO reference case), where the increase in U.S. production is moderate. As the graph below shows, the United States does not reach net exporter status in the next decade if fuel economy standards are not maintained in the business as usual case.

Rick Perry has broken down the administration's energy dominance/realism policy into two components in the past: 1) self-reliance and 2) the ability to "export to markets around the world, [thereby increasing] our global leadership and our influence." Weakening CAFE will harm both components and make it harder for the Trump administration to achieve its goals. Two of the top five source countries of U.S. petroleum imports are currently Saudi Arabia and Venezuela; dependence on neither seems ideal given recent political developments. The original intent of enacting fuel economy standards for the U.S. vehicle fleet—which came on the heels of the oil crises of the 1970s—was to avoid being susceptible to fallout from foreign political turmoil like the events currently playing out in Venezuela and the Middle East. Nearly forty years after the first set of CAFE standards were established in 1975, the United States is finally close to achieving the standard's original intent: oil self-reliance and energy security. It would be misguided to undo all the progress on this front right when the United States has reached the home stretch.

Weakening standards will also make it more difficult for the United States to achieve the second component of Trump's energy dominance vision: leveraging U.S. energy strength to expand U.S. global leadership and support its allies. Becoming a self-reliant net exporter of petroleum will allow the United States to untether its foreign policy from the constraints of domestic oil politics. In fact, the trend line that we are currently on, in which domestic consumption is decreasing and production is increasing, has already given the United States "strategic weapons once unthinkable. The United States and its allies now have a supply cushion at a time when political turmoil in Venezuela, Libya and Nigeria is threatening to interrupt flows to markets." Separately, Rick Perry characterized America's ability to export energy to its allies as "exporting freedom" and described it as a central pillar of Trump's

energy policies. The bottom line, however, is that the U.S. will not be able to effectively "export freedom" in the counterfactual non-CAFE scenario because it's surplus oil production will only be a fraction of what it could be with fuel economy standards maintained. More importantly, without CAFE standards, oil could become another economic resource where the U.S. has lost global leadership.

If the Trump administration plows forward with any plans to water down CAFE—and thereby lessens the United States' soon to be achieved surplus oil stock—it will further cement its undoing of U.S. global energy leadership. At a time when China is doubling down on its green energy policy and positioning itself to become the world's supplier of renewable energy, the Trump administration is doing the exact opposite. By attempting to withdraw from the Paris Climate Agreement, reducing the budget for Mission innovation, and generally deemphasizing renewables since taking office, Trump has already set the stage for China to become the energy leader of the future. Weakening CAFE and reducing future U.S. net oil exports will further diminish the future global energy leverage of the United States and leave the country and its allies on a more precarious footing.

It would behoove the Trump administration to reconsider the critical importance of fuel economy standards. They are not another "burdensome" regulation. Instead the Trump administration must consider thoughtfully the energy security implications of fuel economy standards. If anything, the administration should push Detroit to be more ambitious to meet foreign competition. Taking away yet another avenue enabling U.S. energy leadership would render President Trump's energy legacy as subordinate, not dominant.

This is a guest post by Dylan Yalbir, a research associate at the Council on Foreign Relations.

**To:** Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Grundler, Christopher[grundler.christopher@epa.gov]
**From:** Wehrum, Bill
**Sent:** Wed 1/24/2018 11:17:20 PM
**Subject:** FW: Revised Draft Schedule

[redacted]

Potential CAFE Rulemaking Timing 171208a.docx

Mandy and Chris – Here's the revised draft schedule I just sent to Heidi. Chris,

Ex. 5 - Deliberative Process

**From:** Wehrum, Bill
**Sent:** Wednesday, January 24, 2018 6:14 PM
**To:** 'King, Heidi (NHTSA)' <heidi.king@dot.gov>
**Subject:** Revised Draft Schedule

Hi Heidi. Attached is a revised version of your rulemaking schedule. I've included only the run-up to the proposed rule. Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

I wanted to give you a chance to react before we go to the broader group. Please let me know what you think. Thanks.

**From:** Wehrum, Bill
**Location:** Senator's Office - Hart Room 513
**Importance:** Normal
**Subject:** Meet with Senator Carper re: CAFE (Tentative)
**Categories:** Blue Category
**Start Date/Time:** Wed 5/2/2018 4:00:00 PM
**End Date/Time:** Wed 5/2/2018 5:00:00 PM

**From:** Ex. 6 - Personal Privacy Pruitt, Scott
**Location:** Administrator's Office
**Importance:** Normal
**Subject:** Briefing: CAFE / California Waiver
**Start Date/Time:** Wed 9/13/2017 1:00:00 PM
**End Date/Time:** Wed 9/13/2017 1:45:00 PM

**To:** Ex. 6 - Personal Privacy Pruitt, Scott; Baptist, Erik; Dravis, Samantha; Bolen, Brittany; Gunasekara, Mandy; Schwab, Justin; Ferguson, Lincoln; Jackson, Ryan
**Subject:** Briefing: CAFE / California Waiver

**From:** Ex. 6 - Personal Privacy Pruitt, Scott
**Location:** Administrator's Office
**Importance:** Normal
**Subject:** Briefing: CAFE / MTE
**Start Date/Time:** Wed 1/24/2018 3:00:00 PM
**End Date/Time:** Wed 1/24/2018 3:45:00 PM

**To:** Ex. 6 - Personal Privacy Pruitt, Scott; Wehrum, Bill; Gunasekara, Mandy; Dravis, Samantha; Bolen, Brittany; Baptist, Erik

**From:** Ex. 6 - Personal Privacy Pruitt, Scott
**Location:** Administrator's Office
**Importance:** Normal
**Subject:** Briefing: CAFE
**Start Date/Time:** Wed 10/25/2017 6:15:00 PM
**End Date/Time:** Wed 10/25/2017 7:00:00 PM

**To:** Ex. 6 - Personal Privacy Pruitt, Scott; Dravis, Samantha; Gunasekara, Mandy; Baptist, Erik; Jackson, Ryan; Bolen, Brittany

**From:** Ex. 6 - Personal Privacy Pruitt, Scott
**Location:** Administrator's Office
**Importance:** Normal
**Subject:** Briefing on CAFE Standards
**Start Date/Time:** Tue 8/1/2017 3:00:00 PM
**End Date/Time:** Tue 8/1/2017 3:45:00 PM
EPA RFS Options_principal mtg DRAFT.DOCX
Letter to EPA 6-23-17r.pdf

***Handling:*** Erik, Mandy, Brittany, Sam

**To:** Frye, Tony (Robert)[frye.robert@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]; Woods, Clint[woods.clint@epa.gov]; Harlow, David[harlow.david@epa.gov]
**From:** Wehrum, Bill
**Sent:** Thur 4/19/2018 5:19:48 PM
**Subject:** RE: QFR Question

This needs to be revised. I've suggested edits below. I welcome others to add/edit.

---

Bill Wehrum

Assistant Administrator

Office of Air and Radiation

U.S. Environmental Protection Agency

(202) 564-7404

**From:** Frye, Tony (Robert)
**Sent:** Thursday, April 19, 2018 12:30 PM
**To:** Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Harlow, David <harlow.david@epa.gov>
**Subject:** QFR Question

Hello All – Is the following question from the Administrator's appearance before EPW in January still good to go or should it be updated? Thanks in advance.

1. Over the last several years, increased efficiency of gas fueled vehicles and relatively low gas prices have led to fewer than projected consumer purchases of electric vehicles relative to gas fueled vehicles. Current data show how gas prices have been lower than projected in 2012 when vehicle standards were established by EPA and the Department of Transportation's (DOT) National Highway Traffic Safety Administration (NHTSA).

In 2012, EPA issued standards for light-duty vehicles for MY 2017-2025, and committed to conduct a Midterm Evaluation (MTE) by April 1, 2018. I applaud the EPA's decision last year to reconsider the evaluation issued at the end of the last administration, which was issued under a rushed timeline and without adequate coordination with NHTSA. As you complete the MTE, will you commit to use the best available, current data and collaborate with NHTSA?

# Ex. 5 - Deliberative Process

**Tony Frye**

Special Assistant

Office of Congressional & Intergovernmental Affairs

Environmental Protection Agency

Phone: 202.564.0640

Cell: 202.603.3225

**To:** Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
**From:** Wehrum, Bill
**Sent:** Fri 2/16/2018 2:06:22 PM
**Subject:** FW: Need your quick feedback b4 call with NHTSA

# Ex. 5 - Deliberative Process

---

Bill Wehrum

Assistant Administrator

Office of Air and Radiation

U.S. Environmental Protection Agency

(202) 564-7404

**From:** Grundler, Christopher
**Sent:** Friday, February 16, 2018 8:36 AM
**To:** Wehrum, Bill <Wehrum.Bill@epa.gov>
**Cc:** Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Charmley, William <charmley.william@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
**Subject:** Need your quick feedback b4 call with NHTSA

Bill:

# Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Chris

---

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington DC)

734.214.4207 (Ann Arbor MI)

734.645.5221 (mobile)

www.epa.gov/otaq

Begin forwarded message:

**From:** "Charmley, William" <charmley.william@epa.gov>
**Date:** February 16, 2018 at 6:31:23 AM EST
**To:** "Grundler, Christopher" <grundler.christopher@epa.gov>
**Cc:** "Simon, Karl" <Simon.Karl@epa.gov>, "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>, "Olechiw, Michael" <olechiw.michael@epa.gov>, "Barba, Daniel" <Barba.Daniel@epa.gov>, "Haugen, David" <haugen.david@epa.gov>, "Bolon, Kevin" <Bolon.Kevin@epa.gov>, "Moran, Robin" <moran.robin@epa.gov>
**Subject: NHTSA requests for EPA: preamble write-ups and EPA data/assessments/reports**

Dear Chris,

Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

Please let us know what you think, and if you agree can you reach out to AA Wehrum to see if he also agrees.

Thanks

Bill

**To:** Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
**From:** Wehrum, Bill
**Sent:** Tue 1/30/2018 6:14:40 PM
**Subject:** Fwd: Short Discussion on CAFE

Will you see if we can tack this onto the end of our 5:00 PES call?

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

Begin forwarded message:

**From:** "Palmieri, Rosario A. EOP/OMB" <rpalmieri@omb.eop.gov>
**Date:** January 30, 2018 at 11:01:31 AM EST
**To:** "Lewis, Josh" <Lewis.Josh@epa.gov>
**Cc:** "Wehrum, Bill" <Wehrum.Bill@epa.gov>, "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>
**Subject: Short Discussion on CAFE**

Josh,

Are Bill and Mandy free for a 15-minute discussion on CAFE this week? It is important and sensitive, but it can be pushed if necessary.

Rosario

**To:** Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
**From:** Wehrum, Bill
**Sent:** Tue 1/9/2018 12:44:14 AM
**Subject:** Fwd: Follow-up meeting

Let's discuss.

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

Begin forwarded message:

**From:** "Ferguson, Lincoln" <ferguson.lincoln@epa.gov>
**Date:** January 8, 2018 at 10:16:24 AM EST
**To:** "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>, "Wehrum, Bill" <Wehrum.Bill@epa.gov>
**Cc:** "Jackson, Ryan" <jackson.ryan@epa.gov>, "Ford, Hayley" <ford.hayley@epa.gov>
**Subject: Follow-up meeting**

Bill/Mandy-
Following up from this morning's meeting, please advise Hayley on a good time to follow up on CAFE/GHG with a more granular discussion. Early next week?

Sent from my iPhone

**To:** Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
**From:** Wehrum, Bill
**Sent:** Thur 12/7/2017 12:08:09 AM
**Subject:** Fwd: Musings on Schedule--MTE

FYI

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

Begin forwarded message:

**From:** "Grundler, Christopher" <grundler.christopher@epa.gov>
**Date:** December 6, 2017 at 6:30:59 PM EST
**To:** "Wehrum, Bill" <Wehrum.Bill@epa.gov>
**Subject: Musings on Schedule--MTE**

**Ex. 5 - Deliberative Process**

I hope you find this helpful. We continue to mull this matter over.

**********

**Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

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Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington DC)
734.214.4207 (Ann Arbor MI)
734.645.5221 (mobile)
www.epa.gov/otaq

**To:** Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
**From:** Wehrum, Bill
**Sent:** Wed 1/3/2018 11:34:57 PM
**Subject:** FW: **Ex. 5 - Deliberative Process**

More fyi ...

-----Original Message-----
From: King, Heidi (NHTSA) [mailto:heidi.king@dot.gov]
Sent: Wednesday, January 3, 2018 5:27 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Subject: **Ex. 5 - Deliberative Process**

Great!

Sent from my iPhone

> On Jan 3, 2018, at 6:19 PM, Wehrum, Bill <Wehrum.Bill@epa.gov> wrote:
>
> Great, thanks. I think it would be easiest for your team to work out details directly with OTAQ. I'll ask the OTAQ team to reach out to their NHTSA counterparts.
>
> -----Original Message-----
> From: King, Heidi (NHTSA) [mailto:heidi.king@dot.gov]
> Sent: Wednesday, January 3, 2018 4:59 PM
> To: Wehrum, Bill <Wehrum.Bill@epa.gov>
> Subject: **Ex. 5 - Deliberative Process** it
>
> Understood! **Ex. 5 - Deliberative Process**
>
> I am checking when the technical team is back from their break and will get back to you with times, or they can work directly with OTAG (I think this is how they have always proceeded). It can proceed without me, obviously.
>
> Thank you, Bill!
>
> Sent from my iPad
>
>> On Jan 3, 2018, at 5:44 PM, Wehrum, Bill <Wehrum.Bill@epa.gov> wrote:
>>
>> Thanks for getting back to me, Heidi. I suggest setting up an initial call/meeting in which your team would brief my team on the current modeling results. I'm thinking of something similar to what you did for me just before the holidays. **Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

>>
>> Please let me know what you think. Thanks.
>>
>> -----Original Message-----
>> From: King, Heidi (NHTSA) [mailto:heidi.king@dot.gov]
>> Sent: Wednesday, January 3, 2018 3:19 PM
>> To: Wehrum, Bill <Wehrum.Bill@epa.gov>

>> Subject: Vmail - Ex. 5 - Deliberative Process
>>
>> Bill,
>>

Ex. 5 - Deliberative Process

>>
>> Does that make sense?
>>
>> Thanks,
>>
>> Heidi
>>
>> Sent from my iPad

**To:** Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
**From:** Wehrum, Bill
**Sent:** Fri 1/26/2018 12:17:34 AM
**Subject:** Fwd: CAFE / GHG NPRM Timeline
Potential CAFE Rulemaking Timing 180125.docx
ATT00001.htm
CAFE 2018 Preamble and RIA Drafting Plan 20180125.xlsx
ATT00002.htm

FYI

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

Begin forwarded message:

**From:** "King, Heidi (NHTSA)" <heidi.king@dot.gov>
**Date:** January 25, 2018 at 6:48:46 PM EST
**To:** Michael Catanzaro <Michael.J.Catanzaro@who.eop.gov>, "Harris, Jeffrey M. EOP/OMB (Jeffrey.M.Harris@omb.eop.gov)" <Jeffrey.M.Harris@omb.eop.gov>, "Palmieri, Rosario A. EOP/OMB" <rpalmieri@omb.eop.gov>, "Owens, James (OST)" <James.Owens@dot.gov>, "Wehrum, Bill" <Wehrum.Bill@epa.gov>
**Subject: CAFE / GHG NPRM Timeline**

Good evening,

Hopefully the attached schedule demonstrates the reasonableness of the April 1 joint NPRM. I look forward to discussing tomorrow.

Have a good evening,

Heidi

**To:** Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
**From:** Wehrum, Bill
**Sent:** Wed 11/22/2017 1:20:25 PM
**Subject:** RE: Kigali

Also, does the Administrator know about NHTSA's CAFE plan and NHTSA's/Catanzaro's expectations with regard to EPA's role?

**From:** Wehrum, Bill
**Sent:** Wednesday, November 22, 2017 8:10 AM
**To:** Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
**Subject:** Kigali

Mandy – Has the Administrator been briefed on the Kigali amendment to the Montreal Protocol?

**To:** Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
**From:** Wehrum, Bill
**Sent:** Wed 1/24/2018 11:40:13 PM
**Subject:** FW: RE: RE:

I'll copy you on any further exchanges.

-----Original Message-----
From: Wehrum, Bill
Sent: Wednesday, January 24, 2018 6:40 PM
To: 'King, Heidi (NHTSA)' <heidi.king@dot.gov>
Cc: Catanzaro, Michael J. EOP/WHO Ex. 6 - Personal Privacy Harris, Jeffrey M. EOP/OMB Ex. 6 - Personal Privacy ; Palmieri, Rosario A. EOP/OMB Ex. 6 - Personal Privacy
Subject: RE: RE: RE:

Yes, I realize my edits do not make that clear. Our suggestion is that an abbreviated MTE should be published by April 1, which would launch the effort to explore possible changes through the rulemaking.

-----Original Message-----
From: King, Heidi (NHTSA) [mailto:heidi.king@dot.gov]
Sent: Wednesday, January 24, 2018 6:32 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>
Cc: Catanzaro, Michael J. EOP/WHO Ex. 6 - Personal Privacy Harris, Jeffrey M. EOP/OMB Ex. 6 - Personal Privacy ; Palmieri, Rosario A. EOP/OMB Ex. 6 - Personal Privacy
Subject: Re: RE: RE:

:-)

Thanks

We need to establish agreement regarding the Administration's commitment to meet its April 1 commitment.

Sent from my iPhone

> On Jan 24, 2018, at 6:28 PM, Wehrum, Bill <Wehrum.Bill@epa.gov> wrote:
>
> Here it is.
>
> -----Original Message-----
> From: King, Heidi (NHTSA) [mailto:heidi.king@dot.gov]
> Sent: Wednesday, January 24, 2018 6:25 PM
> To: Wehrum, Bill <Wehrum.Bill@epa.gov>
> Cc: Catanzaro, Michael J. EOP/WHO Ex. 6 - Personal Privacy ; Harris, Jeffrey M. EOP/OMB Ex. 6 - Personal Privacy ; Palmieri, Rosario A. EOP/OMB Ex. 6 - Personal Privacy
> Subject: Re: RE:
>
> Bill, thanks for the link, I'm unable to get into the One Drive system, could you send the doc as an attachment?
>
> Thank you! Much appreciated.
>
> Heidi
>
> Sent from my iPhone
>

>> On Jan 24, 2018, at 6:16 PM, Wehrum, Bill <Wehrum.Bill@epa.gov> wrote:
>>
>> I'm sending a revised version to Heidi as we speak. We should soon be able to circulate it to the broader group.
>>
>> -----Original Message-----
>> From: Catanzaro, Michael J. EOP/WHO Ex. 6 - Personal Privacy
>> Sent: Wednesday, January 24, 2018 6:14 PM
>> To: Wehrum, Bill <Wehrum.Bill@epa.gov>; heidi.king@dot.gov
>> Cc: Harris, Jeffrey M. EOP/OMB Ex. 6 - Personal Privacy Palmieri, Rosario A. EOP/OMB Ex. 6 - Personal Privacy
>> Subject:
>>
>> Bill, Heidi, just checking in on the ETA of your joint schedule. Thanks for your help on this.
>>
>> Sent from my iPhone
> <Potential CAFE Rulemaking Timing 171208a.docx>

**To:** Bowman, Liz[Bowman.Liz@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
**From:** Wehrum, Bill
**Sent:** Wed 1/24/2018 5:02:17 PM
**Subject:** RE: WSJ story on midterm review

Liz – Almost like they were in the room …

I'd be happy to talk with them. I could do it at 1:00, but need to be done by 1:10 or 1:15.

**From:** Bowman, Liz
**Sent:** Wednesday, January 24, 2018 11:17 AM
**To:** Wehrum, Bill <Wehrum.Bill@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
**Subject:** FW: WSJ story on midterm review

Do either of you have time today to talk through this with the WSJ? I think this is the best way; unless you have time to address these over email?

**From:** Spector, Mike [mailto:mike.spector@wsj.com]
**Sent:** Wednesday, January 24, 2018 10:02 AM
**To:** Bowman, Liz <Bowman.Liz@epa.gov>
**Subject:** WSJ story on midterm review

Hi Liz. Working on a story on Monday's meeting with CARB/WH/EPA/NHTSA on midterm review on emissions/fuel-economy standards and wanted to give you an opportunity to comment. If you can get back to me later today, would appreciate it.

Story could mention that:

1) California and Trump administration officials for the first time discussed the possibility of changes to the 2022-2025 standards.

2) CARB's Mary Nichols and other CARB officials traveled to Washington to meet with Trump administration officials, which included representatives from the White House, EPA and NHTSA.

3) Meeting was held in a coffee shop near the White House after California officials encountered bureaucratic difficulties in getting cleared to enter the White House.

4) Administration officials broached the prospect of easing the 2022-25 standards. California was noncommittal but agreed to keep talking.

5) Technical staffs at CARB/EPA/NHTSA plan, after this meeting, to begin sharing data and analyses as part of ongoing MTE discussions.

6) Trump administration, in bringing up prospect of easing standards--though no decision has been made--noted that market conditions have changed, notably the price of gasoline, which is spurring soaring sales of trucks and SUVs.

7) Revoking California's waiver didn't come up in the meeting. But it remains an option the administration could pursue if negotiations for some reason don't succeed. This is a last-resort kind of option.

8) Monday's meeting also involved Trump administration officials expressing openness to California's ideas on post-2025 standards and the state's desires on that front.

9) Monday's meeting followed higher-level discussions among the parties late last year, including a meeting in December in which California signaled a willingness to negotiate.

10) NHTSA plans to propose rules for future fuel-economy standards (CAFE) in March that could cover model years starting as soon as 2021. The proposal could stimulate dialogue among the parties on the one national program covering emissions/fuel-economy and whether there should be changes.

Thanks,

Mike

--

Mike Spector

The Wall Street Journal

1211 Avenue of the Americas

5th Floor

New York, NY 10036

(212) 416-2572 (office)

(313) 320-7388 (cell)

mike.spector@wsj.com

**To:** Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
**From:** Wehrum, Bill
**Sent:** Sat 5/5/2018 9:28:30 PM
**Subject:** Re: OTAQ comments on DOT CAFE preamble chapter on Preemption

Another general thought - Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

On May 5, 2018, at 5:14 PM, Wehrum, Bill <Wehrum.Bill@epa.gov> wrote:

Ex. 5 - Deliberative Process

Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

On May 5, 2018, at 5:07 PM, Wehrum, Bill <Wehrum.Bill@epa.gov> wrote:

Ex. 5 - Deliberative Process

Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

On May 5, 2018, at 4:59 PM, Wehrum, Bill <Wehrum.Bill@epa.gov> wrote:

The comments on RIA 06 look fine.

Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

On May 5, 2018, at 4:54 PM, Wehrum, Bill <Wehrum.Bill@epa.gov> wrote:

**Ex. 5 - Deliberative Process**

Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

On May 5, 2018, at 4:38 PM, Wehrum, Bill <Wehrum.Bill@epa.gov> wrote:

**Ex. 5 - Deliberative Process**

Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

On May 5, 2018, at 4:27 PM, Wehrum, Bill <Wehrum.Bill@epa.gov> wrote:

**Ex. 5 - Deliberative Process**

Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

Begin forwarded message:

**From:** "Grundler, Christopher" <grundler.christopher@epa.gov>
**Date:** May 4, 2018 at 12:29:46 PM EDT
**To:** "Wehrum, Bill" <Wehrum.Bill@epa.gov>, "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>
**Cc:** "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>, "Charmley, William" <charmley.william@epa.gov>
**Subject: OTAQ comments on DOT CAFE preamble chapter on Preemption**

Here you go

---

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington, DC)

734.214.4207 (Ann Arbor, MI)

**From:** Charmley, William
**Sent:** Friday, May 04, 2018 10:15 AM
**To:** OTAQ Materials <OTAQMaterials@epa.gov>
**Cc:** Simon, Karl <Simon.Karl@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>
**Subject:** Ready for Chris's review and also submission to OAR: OTAQ comments on DOT CAFE preamble chapter on Preemption

Chris,

Attached are our comments on the DOT drafted preamble discussion on Federal preemption of fuel economy standards.

This has been reviewed by the OGC staff, and this morning Karl and I did one last review.

This is ready for your review, and if you would like to have AA Wehrum and Mandy review currently you can forward this document to them as well.

Thanks

Bill

<Preemption to OIRA 180406 Pre-Decisional Deliberativeedits_EPA comments May 4 2018.docx>

**To:** Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
**From:** Wehrum, Bill
**Sent:** Sat 5/5/2018 8:32:55 PM
**Subject:** Fwd: EPA staff review of four NHTSA Preamble Sections and two NHTSA RIA Sections for the light-duty CAFE and NPRM proposal
RIA 07 Retail Price Equivalent to OIRA 180406 Pre-Decisional Deliberative_EPA comments May 2 2018.docx
ATT00001.htm
RIA 08 Benefits Costs to OIRA Pre-Decisional Deliberative_EPA comments May 2 2018.docx
ATT00002.htm
P02A Basics of Std Analysis to OIRA 180406 Pre-Decisional Deliberative_EPA comments May 2 2018.docx
ATT00003.htm
P03 Proposed Standards to OIRA 180406 Pre-Decisional Deliberative_EPA comments May 2 2018.docx
ATT00004.htm
P04 Alternatives Considered to OIRA 180406 Pre-Decisional Deliberative_EPA comments May 2 2018.docx
ATT00005.htm
P05 Statutory Obligations to OIRA 180406 Pre-Decisional Deliberative_EPA comments May 2 2018.docx
ATT00006.htm

**Ex. 5 - Deliberative Process**

Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

Begin forwarded message:

**From:** "Grundler, Christopher" <grundler.christopher@epa.gov>
**To:** "Wehrum, Bill" <Wehrum.Bill@epa.gov>, "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>
**Cc:** "Charmley, William" <charmley.william@epa.gov>, "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>, "Cook, Leila" <cook.leila@epa.gov>, "Simon, Karl" <Simon.Karl@epa.gov>
**Subject: FW: EPA staff review of four NHTSA Preamble Sections and two NHTSA RIA Sections for the light-duty CAFE and NPRM proposal**

As promised. I have not finished my review, but in the interests of speed am forwarding to you for review at same time. Note that we are still reviewing NHTSA's preemption section, and will send any comments on tomorrow. Thanks

Chris

---

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington, DC)

734.214.4207 (Ann Arbor, MI)

**From:** Charmley, William
**Sent:** Wednesday, May 02, 2018 5:11 PM
**To:** OTAQ Materials <OTAQMaterials@epa.gov>
**Cc:** Simon, Karl <Simon.Karl@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Buchsbaum, Seth <buchsbaum.seth@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>
**Subject:** EPA staff review of four NHTSA Preamble Sections and two NHTSA RIA Sections for the light-duty CAFE and NPRM proposal

The attached contain the recommended changes from the OTAQ staff for the preamble and RIA chapters EPA received through OIRA on the draft light-duty vehicle CAFE and GHG proposal.

These documents are ready to be sent to the OAR leadership for transmission to DOT and/or OIRA.

Thanks

Bill

**To:** Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
**From:** Wehrum, Bill
**Sent:** Sat 5/5/2018 8:27:31 PM
**Subject:** Fwd: OTAQ comments on DOT CAFE preamble chapter on Preemption
Preemption to OIRA 180406 Pre-Decisional Deliberativeedits_EPA comments May 4 2018.docx
ATT00001.htm

# Ex. 5 - Deliberative Process

Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

Begin forwarded message:

**From:** "Grundler, Christopher" <grundler.christopher@epa.gov>
**Date:** May 4, 2018 at 12:29:46 PM EDT
**To:** "Wehrum, Bill" <Wehrum.Bill@epa.gov>, "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>
**Cc:** "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>, "Charmley, William" <charmley.william@epa.gov>
**Subject: OTAQ comments on DOT CAFE preamble chapter on Preemption**

Here you go

---

Christopher Grundler, Director

Office of Transportation and Air Quality

U.S. Environmental Protection Agency

202.564.1682 (Washington, DC)

734.214.4207 (Ann Arbor, MI)

**From:** Charmley, William
**Sent:** Friday, May 04, 2018 10:15 AM
**To:** OTAQ Materials <OTAQMaterials@epa.gov>
**Cc:** Simon, Karl <Simon.Karl@epa.gov>; Cook, Leila <cook.leila@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Lieske, Christopher <lieske.christopher@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>
**Subject:** Ready for Chris's review and also submission to OAR: OTAQ comments on DOT CAFE preamble chapter on Preemption

Chris,

Attached are our comments on the DOT drafted preamble discussion on Federal preemption of fuel economy standards.

This has been reviewed by the OGC staff, and this morning Karl and I did one last review.

This is ready for your review, and if you would like to have AA Wehrum and Mandy review currently you can forward this document to them as well.

Thanks

Bill

**To:** Wehrum, Bill[Wehrum.Bill@epa.gov]
**From:** Gunasekara, Mandy
**Sent:** Thur 3/29/2018 1:27:11 PM
**Subject:** Fwd: MTE

FYI

Sent from my iPhone

Begin forwarded message:

**From:** "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>
**Date:** March 29, 2018 at 7:25:11 AM MDT
**To:** "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>
**Cc:** "Ferguson, Lincoln" <ferguson.lincoln@epa.gov>
**Subject: Re: MTE**

Mandy,

**Ex. 5 - Deliberative Process**

Sent from my iPhone

On Mar 28, 2018, at 5:00 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

I've attached the following docs:

**Ex. 5 - Deliberative Process**

**From:** Greenwalt, Sarah
**Sent:** Wednesday, March 28, 2018 3:03 PM
**To:** Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
**Cc:** Ferguson, Lincoln <ferguson.lincoln@epa.gov>
**Subject:** Re: MTE

Hey Mandy, the Administrator is asking again about language. What would you like me to communicate?

Sent from my iPhone

On Mar 27, 2018, at 1:09 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

> We are waiting to get the revisions back from Omb. There is a call with DOJ right now. I expect we will see the new document relatively soon and we can discuss language based on that version.
>
> Sent from my iPhone
>
> On Mar 27, 2018, at 9:39 AM, Greenwalt, Sarah <greenwalt.sarah@epa.gov> wrote:
>
>> Have you guys thought about specific language to include in the document? Or did you want to wait to see what OMB sent back?
>>
>> Sent from my iPhone
>>
>> On Mar 26, 2018, at 3:55 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:
>>
>>> Hey Sarah,

**Ex. 5 - Deliberative Process**

Best,

Mandy

Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

**Mandy M. Gunasekara**

Principal Deputy Assistant Administrator

Office of Air and Radiation

US Environmental Protection Agency

<MTE DRAFT_2018 03 21.docx>

<MTE_interagency.docx>

<MTE Imports Policy_2018 03 28.docx>

<MTE Draft comms.docx>

**To:** wehrum.william@epa.gov[wehrum.william@epa.gov]; Grundler, Christopher[grundler.christopher@epa.gov]; Charmley, William[charmley.william@epa.gov]
**From:** Gunasekara, Mandy
**Sent:** Wed 5/30/2018 3:52:02 PM
**Subject:** FW: Submission of CAFE/GHG NPRM Preamble
EO12866 LD CAFE CO2 NHTSA 2127-AL76 EPA Preamble 1805XX.docx

Per the below – DOT uploaded the draft joint proposed rule to OMB this morning. OAR comms is aware and ready with a desk statement, as is OPA.

**From:** Mullins, Timothy (OST) [mailto:Timothy.Mullins@dot.gov]
**Sent:** Wednesday, May 30, 2018 10:31 AM
**To:** 'Theroux, Richard P.' <Richard_P._Theroux@omb.eop.gov>; Laity, Jim (James_A._Laity@omb.eop.gov) <James_A._Laity@omb.eop.gov>; Achanta, Chandana L. <Chandana_L._Achanta@omb.eop.gov>; Whiteman, Chad S. EOP/OMB <Chad_S_Whiteman@omb.eop.gov>
**Cc:** Owens, James (OST) <James.Owens@dot.gov>; Morrison, Jonathan (NHTSA) <Jonathan.Morrison@dot.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Moss, Jonathan (OST) <jonathan.moss@dot.gov>
**Subject:** Submission of CAFE/GHG NPRM Preamble

Good morning,

On behalf of both DOT/NHTSA and EPA, I have just submitted the preamble for the agencies' joint rulemaking on the new CAFE/GHG standards (RIN 2127-AL76; RIN-2060-AU09). For convenience, I've attached the document. Please let us know if there are any technical issues with the submission.

Thanks,

Tim

Timothy J. Mullins

Attorney-Advisor

Office of the General Counsel (C-50)

U.S. Department of Transportation

202-366-9038

https://www.rocis.gov/rocis/AgencyEOReviewPackage.do

ROCIS - EO Review Package

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Home > Agenda/Regs > Agency EO Review > EO Package

RIN: 2127-AL76 (201810)
Stage of Rulemaking: Proposed Rule Stage
Title: Passenger Car and Light Truck Corporate Average Fuel Economy Standards MYs 2022–2025

Agency/Sub A
Submitted By

EO Review Package was successfully submitted at 05/30/2018 10:27:52 AM

## EO Review Package 2127-AL76

**Unfunded Mandates**

No

**Major**

Yes

**Priority**

Economically Significant

**Legal Authority**

49 U.S.C. 32902 ; delegation of authority at 49 CFR 1.95

**CFR Citation**

49 CFR 531 ; 49 CFR 533

**Legal Deadline**

| Action | Source | Date |
|---|---|---|
| Final | Statutory | 04/01/2020 |

**Overall Description of Deadline**

**To:** Lewis, Josh[Lewis.Josh@epa.gov]; Wehrum, Bill[Wehrum.Bill@epa.gov]
**Cc:** Hyde, Courtney[Hyde.Courtney@epa.gov]; Walters, Margaret[Walters.Margaret@epa.gov]; Wolfe, Michael[Wolfe.Michael@epa.gov]; LaRue, Steven[LaRue.Steven@epa.gov]; Shaw, Betsy[Shaw.Betsy@epa.gov]
**From:** Gunasekara, Mandy
**Sent:** Wed 1/3/2018 3:19:47 AM
**Subject:** RE: Cafe Standards in the Budget

Hey Josh – apologies for late response. Are you still awaiting guidance on this issue/the below questions? I think it would be good to provide OCFO with a response if we have not already.

**From:** Lewis, Josh
**Sent:** Thursday, December 21, 2017 4:34 PM
**To:** Wehrum, Bill <Wehrum.Bill@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
**Cc:** Hyde, Courtney <Hyde.Courtney@epa.gov>; Walters, Margaret <Walters.Margaret@epa.gov>; Wolfe, Michael <Wolfe.Michael@epa.gov>; LaRue, Steven <LaRue.Steven@epa.gov>; Shaw, Betsy <Shaw.Betsy@epa.gov>
**Subject:** FW: Cafe Standards in the Budget

Bill and Mandy,

The email chain below started following the 10:30 call today w/ OMB (which I think one/both of you were on)…and as you'll see the meeting led Holly Greaves to ask a series of questions…and those questions eventually made their way to Courtney, Margaret, and other others in OPMO.

Was just discussing with Margaret and Michael, and before doing anything with this we wanted to check in to see if you have any guidance on answering these questions.

(OCFO asking for responses by COB tomorrow).

Josh

**From:** Baden, Beth
**Sent:** Thursday, December 21, 2017 1:55 PM
**To:** Cuscino, Glen <Cuscino.Glen@epa.gov>; Beg, Gul <Beg.Gul@epa.gov>
**Cc:** Williams, Maria <Williams.Maria@epa.gov>
**Subject:** FW: Cafe Standards in the Budget

Hi,

Holly is requesting the following information:

**Ex. 5 - Deliberative Process**

She would like a response by COB tomorrow. Please see her below emails.

Thanks,

**Beth Baden**

Staff Director, RPROS

U.S. EPA, OCFO/OB (2732A)

Office: (202) 564-7628

Cell: (202) 650-7454

Fax: 202-564-1836

baden.beth@epa.gov

**From:** Greaves, Holly
**Sent:** Thursday, December 21, 2017 11:04 AM
**To:** Williams, Maria <Williams.Maria@epa.gov>
**Cc:** Terris, Carol <Terris.Carol@epa.gov>; Baden, Beth <Baden.Beth@epa.gov>
**Subject:** RE: Cafe Standards in the Budget

# Ex. 5 - Deliberative Process

Thank you all!

**From:** Williams, Maria
**Sent:** Thursday, December 21, 2017 11:00 AM
**To:** Greaves, Holly <greaves.holly@epa.gov>
**Cc:** Terris, Carol <Terris.Carol@epa.gov>; Baden, Beth <Baden.Beth@epa.gov>
**Subject:** Re: Cafe Standards in the Budget

Good morning, Holly

Any deadline?

Sent from my iPhone

On Dec 21, 2017, at 10:58 AM, Greaves, Holly <greaves.holly@epa.gov> wrote:

Good morning all,

**Ex. 5 - Deliberative Process**

Thank you,

Holly

**To:** Bowman, Liz[Bowman.Liz@epa.gov]; Wehrum, Bill[Wehrum.Bill@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]
**From:** Gunasekara, Mandy
**Sent:** Fri 12/1/2017 6:35:24 PM
**Subject:** RE: Question on upcoming POTUS meeting

# Ex. 5 - Deliberative Process

**From:** Bowman, Liz
**Sent:** Friday, December 1, 2017 1:29 PM
**To:** Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
**Subject:** FW: Question on upcoming POTUS meeting

Do you all know anything about this?

**From:** Alex Guillen [mailto:aguillen@politico.com]
**Sent:** Friday, December 1, 2017 1:23 PM
**To:** Press <Press@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
**Subject:** Question on upcoming POTUS meeting

Good afternoon,

Sources tell us Administrator Pruitt will attend a meeting next week with President Trump, Gary Cohn, Sens. Cruz and Grassley, and Secretaries Rick Perry and David Perdue to discuss fuels policy issues, including the RFS, RINs and CAFE standards. Will the administrator attend that meeting? What are his goals? Does he have legislative suggestions to change things? Have those suggestions been developed by or commented on by EPA career staff?

Thank you,

Alex Guillén

Energy Reporter

POLITICO ***Pro***

(o) 703.341.4619 | (c) 571.839.6243

aguillen@politico.com | @alexcguillen

**To:** Baptist, Erik[baptist.erik@epa.gov]; Harlow, David[harlow.david@epa.gov]; wehrum.william@epa.gov[wehrum.william@epa.gov]
**From:** Gunasekara, Mandy
**Sent:** Fri 11/17/2017 1:56:34 PM
**Subject:** RE: OTAQ Article on GHG Rules

Adding in Bill for awareness.

**From:** Baptist, Erik
**Sent:** Friday, November 17, 2017 8:48 AM
**To:** Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Harlow, David <harlow.david@epa.gov>
**Subject:** OTAQ Article on GHG Rules

**Mandy and David:**

**Thought you would be interested in this article.**

https://insideepa.com/daily-news/pruitt-freezing-out-otaq-expertise-epa-vehicle-ghg-rule-overhauls

## Pruitt 'Freezing Out' OTAQ Expertise In EPA Vehicle GHG Rule Overhauls

November 16, 2017

EPA Administrator Scott Pruitt is "freezing out" technical input from his Office of Transportation & Air Quality (OTAQ) as the agency reopens Obama-era greenhouse rules for heavy-duty trucks and passenger cars, say sources who fear the agency's vast engineering expertise on emissions controls it has built up over decades could be marginalized.

"What you have is an administrator who is determined to repeal as much as possible," says one environmentalist, even if that means giving short shrift to public health considerations. "He doesn't trust that the staff is going to follow his direction and he is just avoiding them. What you end up with is proposals that have almost no technical analysis."

Most egregious so far, sources say, is a proposal published in the Nov. 16 *Federal Register* to repeal the portion of the 2016 heavy-duty GHG rule that applies to "glider" vehicles, which combine new truck bodies with rebuilt drivetrains, with virtually no new technical review. Critics cite the proposal's heavy emphasis on new legal claims that Congress did not intend for EPA to regulate gliders, adding it largely brushes aside concerns that the vehicles will boost pollution.

Similarly, the *Washington Post* reported about ongoing testing of gliders at the agency that had not been completed prior to release of the proposal, and which was thus unable to inform the agency's technical rationale for the repeal plan.

EPA is also expected to issue a proposal early next year to repeal the portion of the heavy-duty rule that applies to tractor trailers based on a legal interpretation advanced by trailer manufacturers that they do not make "motor vehicles" subject to Clean Air Act regulation. That would reverse Obama EPA conclusions -- supported by the National Academy of Sciences -- that a trailer is an integral component of a regulated motor vehicle.

Also, EPA is reopening a "mid-term review" of Obama-era rules for model year 2022-2025 light-duty vehicles, and it is widely expected to try to give automakers some relief from the current standards that were projected to significantly boost vehicle fuel economy.

OTAQ's role in the light-duty rule review is murky, with sources noting that if EPA wants to legally justify a weaker standard, it would have to develop a robust technical record for why the current standards -- which are backed by an Obama-era technical assessment report (TAR) that is not expected to be redone -- are not achievable.

EPA has sought comment on its plan to reopen the rule. The next steps are not clear, other than it has said it will issue a new determination by April 1 about whether the MY22-25 rules are "appropriate" under the air law. However, that deadline might slip, according to one informed source.

OTAQ's role in the mid-term review was already undercut by political staff who re-wrote the notice seeking public comment on the reopening. The *Center for Public Integrity* reported earlier this month that career EPA staff drafted a concise version of the notice, but political appointees expanded the number of vehicles affected and made the Department of Transportation (DOT) the lead agency in the Aug. 21 *Register* notice from both agencies.

"This was a much more major rewrite" than would have happened under previous administrations, an EPA employee told the publication. "At least one plausible outcome of this process," the employee said, "is that the EPA would unilaterally abdicate its [legal] responsibility" to DOT.

DOT and EPA, along with California, jointly developed the MY17-25 standards in 2012, and agreed to conduct a mid-term review by April 2018 to determine if the out-year requirements were still appropriate. DOT also must write rules for MY22-25 because its statute limits how far in advance it can craft standards.

**NHTSA Schedule**

Furthering concern about EPA's role is a new regulatory schedule from DOT's National Highway Traffic Safety Administration (NHTSA) that differs from EPA's. That agency planned to present a recommendation to Transportation Secretary Elaine Chao this month, and submit a draft proposal to the White House in December.

EPA did not respond to requests for comment about these concerns, though several sources outside the agency point to the recent Senate confirmation of air chief Bill Wehrum as a positive sign for strengthening OTAQ's role and relying more on the agency's longstanding emissions expertise rather than NHTSA, which is primarily a safety agency.

However, Dan Becker of the Safe Climate Campaign tells *Inside EPA* that it seems "the administration is freezing out the technical staff at EPA who have substantive knowledge of emissions standards, and they are relying on -- whether other people within the agency, or, I suspect, other people on K Street who work for the auto companies. . . . It is hard to see how they're going to make a rule that sticks if they don't include the substantive efforts."

A third environmentalist agrees that EPA's political efforts are risky, pointing to the glider proposal as a prime example of changing rules without a technical basis. "The agency will have a difficult time writing defensible rules if they are shutting out their well-informed technical staff. And any ignoring of their own staff suggests they don't have a real robust case against the rule."

As evidence of issues EPA must address with new technical analysis in that proposal, the Volvo Group in a statement to *Inside EPA* said it supports existing glider vehicle GHG rules, backing them as an "effort to curtail the rapidly growing practice of installing outdated emissions controls into what are otherwise new vehicles."

Becker says the agency has had just one substantive briefing on the light-duty rules in which three political officials met with OTAQ technical experts for one hour and only asked questions about timing of the mid-term review.

The technical experts are uneasy but are continuing to work on the issue because "they haven't been told not to," Becker says. However, there is no indication that their work will be used in any formal proposal or final decision on the MY22-25 standards.

**'In A Pickle'**

OTAQ Director Chris Grundler has sent mixed signals on his office's role as the Trump EPA focuses on deregulation, telling an annual automotive conference in early August in Michigan that there is a "golden opportunity" for the agency to work more cooperatively with industry, according to local press reports.

But other sources say he is indicating private concerns over his staff's diminished role, including at an off-the-record conference in California, Asilomar 2017: Transportation Innovation & Policy in a Fragmenting World, which took place later in August.

A California source says Grundler was in the audience at that event, adding that it clear that OTAQ staff is "very uneasy with what is going on. They've spent years and years building up the record, developing the rules, doing the technical research, and California was part of that. And California said, 'We agree with the record, we think [the vehicle rules are] strong, we stand behind them and see no reason to make changes.' I'm sure OTAQ career staff has a similar sense."

This source notes that the White House recently reached out for the first time to California Air Resources Board chairwoman Mary Nichols to being negotiating over the rules. But it is unclear on how sincere those talks will be, given that NHTSA's draft rule is expected to soon go to the White House and that Nichols is in Germany for the annual United Nations climate conference.

The California source does not believe the light-duty rules will change much in the end, in part because of strong public support for them. "Maybe the White House or Pruitt feel like they have to do something . . . but at the end of the day it is hard to see anything major happening."

This source also suggests that automakers that originally sought to reopen the rules are now "in a pickle" because they only wanted small tweaks rather than a large rollback, particularly because they know the Golden State would not agree to such a move, resulting in separate standards for California and the rest of the country.

The White House is working behind the scenes to persuade automakers to oppose California, the source says, but adds that automakers are signaling to state officials that they do not intend to take that step.

The Alliance for Automobile Manufacturers did not respond to a request for comment.

The third environmentalist says the jury is still out on what happens with the light-duty rule. "The issue here is, we really don't know what's coming. . . . At this point it's really unclear how they would build a case that counters the existing case that the agency has already made, that the standards are not only appropriate but could be stronger."

Yet, one industry source says that because of the "NHTSA ascendancy" -- signaled by the new schedule and White House statements that the DOT agency should have a more prominent role -- it certainly appears that EPA is poised to cede its technical expertise. That could include the modeling it uses to evaluate the rules, a step automakers have sought.

Also, this source and a former EPA source both say Wehrum could change the outcome at OTAQ.

"Wehrum is just getting there and staff feel like he is someone they know and trust. He is more conservative than many would like, but he is someone who has worked with staff and respected them, who understands the institution and how to get decisions made," the industry source says. -- *Dawn Reeves* (dreeves@iwpnews.com) *& Doug Obey* (dobey@iwpnews.com)

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**To:** Wheeler, Andrew[wheeler.andrew@epa.gov]
**Cc:** Wehrum, Bill[Wehrum.Bill@epa.gov]
**From:** Gunasekara, Mandy
**Sent:** Tue 5/1/2018 3:42:12 AM
**Subject:** DOT Meeting Prep - internal and deliberative

Hey Andrew,

Apologies for the format, but I cannot get my computer to work (for whatever reason), so I'm sending you an iPhone typed email with pertinent info following up from our discussion. I'll have Alex follow up in the morning with this in an appropriate memo format. Please let me know if you have any questions or need additional info.

**Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

Sent from my iPhone

**From:** Gunasekara, Mandy
**Location:** Administrator's Office
**Importance:** Normal
**Subject:** Accepted: Briefing: CAFE Update and Toyota Pre-Brief
**Start Date/Time:** Wed 5/9/2018 2:00:00 PM
**End Date/Time:** Wed 5/9/2018 2:30:00 PM

**To:** Wheeler, Andrew[wheeler.andrew@epa.gov]
**From:** Wehrum, Bill
**Sent:** Tue 5/15/2018 11:57:24 PM

# Ex. 5 - Deliberative Process

Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

On May 15, 2018, at 5:19 PM, Wheeler, Andrew <wheeler.andrew@epa.gov> wrote:

# Ex. 5 - Deliberative Process

**Watchdog says EPA has improved ability to detect Volkswagen-style cheating** Back

By Alex Guillén | 05/15/2018 12:03 PM EDT

EPA has put in place new controls to ensure vehicle manufacturers cannot cheat on emissions tests the way Volkswagen did with its diesel vehicles, according to a report issued today by the agency's inspector general.

Volkswagen has paid billions in fines internationally following the 2015 discovery by a nonprofit group that the automaker used software "defeat devices" to evade EPA's emissions testing systems. That software engaged vehicles' pollution controls when it sensed laboratory testing conditions but turned them off during normal driving to improve engine performance.

EPA responded by adding new "special testing" that screens for such defeat devices and a new portable testing system to gauge on-road emissions.

"The EPA has effectively used special testing to detect noncompliance by other manufacturers," the IG wrote.

Auditors still had seven recommendations to improve the controls, including formalizing the use of "special testing" and sharing information with the California Air Resources Board. The agency agreed and is taking appropriate action, according to the report.

**WHAT'S NEXT:** EPA'S IG is conducting a related review of the agency's emissions testing for heavy-duty vehicles. It is unclear when that report will be released.

*To view online click here.*

Andrew R. Wheeler

*Deputy Administrator*

*U.S. Environmental Protection Agency*

(202) 564-4711

**To:** Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]
**From:** Wehrum.Bill@epa.gov
**Sent:** Tue 8/21/2018 1:19:17 AM
**Subject:** Re: CAFE Notice of Public Hearing

Let's plan to talk early tomorrow. Anytime 7 or later works.

_____
Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

> On Aug 20, 2018, at 5:12 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:

**Ex. 5 - Deliberative Process**

> Are you available for a quick call later this evening to cover a few things? I can also call super early tomorrow morning as I'll be riding the train to Baltimore for an 8 am speech.
>
> Sent from my iPhone
>
>> On Aug 20, 2018, at 5:07 PM, Wehrum, Bill <Wehrum.Bill@epa.gov> wrote:
>>
>> Where do things stand?
>>
>> _____
>> Bill Wehrum
>> Assistant Administrator
>> Office of Air and Radiation
>> U.S. Environmental Protection Agency
>> (202) 564-7404
>>
>>> On Aug 20, 2018, at 12:16 PM, Wehrum, Bill <Wehrum.Bill@epa.gov> wrote:
>>>

**Ex. 5 - Deliberative Process**

>>>
>>> _____
>>> Bill Wehrum
>>> Assistant Administrator
>>> Office of Air and Radiation
>>> U.S. Environmental Protection Agency
>>> (202) 564-7404
>>>
>>>> On Aug 20, 2018, at 12:06 PM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:
>>>>
>>>> Will do

>>>>
>>>> -----Original Message-----
>>>> From: Wehrum, Bill
>>>> Sent: Monday, August 20, 2018 12:05 PM
>>>> To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
>>>> Subject: CAFE Notice of Public Hearing
>>>>
>>>> Mandy - I just got a note from Heidi asking us to sign the public hearing notice for the CAFE proposal by 1:30 today. Can you look into this? Thanks.
>>>>
>>>> _____
>>>> Bill Wehrum
>>>> Assistant Administrator
>>>> Office of Air and Radiation
>>>> U.S. Environmental Protection Agency
>>>> (202) 564-7404