

[Products Liability Law Daily Wrap Up, NHTSA NEWS—MOTOR VEHICLES—NHTSA and EPA issue NPRM addressing fuel economy and emissions standards, \(Aug. 24, 2018\)](#)

Products Liability Law Daily Wrap Up

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By Colleen Kave, J.D.

The National Highway Traffic Safety Administration (NHTSA), together with the U.S. Environmental Protection Agency (EPA), published a notice of proposed rulemaking (NPRM) which, if finalized, would amend certain existing Corporate Average Fuel Economy (CAFE) and tailpipe carbon dioxide emissions standards for passenger cars and light trucks and establish new standards, all covering model years 2021 through 2026. In a [news release](#) earlier this month, the agencies described the *Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks* (SAFE Vehicles Rule) as designed to correct the national automobile fuel economy and greenhouse gas emissions standards in order to give the American people greater access to safer, more affordable vehicles that are cleaner for the environment [see *Products Liability Law Daily's* August 2, 2018 [analysis](#)]. Comments on the NPRM are due on October 23, 2018 (*NHTSA Notice of Proposed Rulemaking*, [83 FR 42986](#), August 24, 2018).

NHTSA and EPA also will hold three joint public hearings on the SAFE Vehicles Rule: September 24, 2018, at the The Grand 1401, 1401 Fulton Street, Fresno, California; September 25, 2018, at the Dearborn Inn, 20301 Oakwood Boulevard, Dearborn, Michigan; and September 26, 2018, at the DoubleTree by Hilton Hotel & Suites Pittsburgh Downtown, One Bigelow Square, Pittsburgh, Pennsylvania. The hearings will start at 10 a.m. local time and will continue until 5:00 p.m., or until everyone has had a chance to speak (*NHTSA Notice*, [83 FR 42817](#), August 24, 2018).

In April 2018, the EPA issued the Mid-Term Evaluation Final Determination pertaining to the carbon dioxide emissions standards it set in 2012. This evaluation found that the model year 2022-2025 greenhouse gas standards are not appropriate and should be revised. Likewise, NHTSA asserts that the current CAFE and emissions standards, finalized in 2012, have been a factor in the rising cost of new automobiles to an average of \$35,000 or more. Compared to maintaining the post-2020 standards set forth in 2012, NHTSA claims that the proposed SAFE Vehicles Rule would save an estimated \$500 billion in societal costs and reduce highway fatalities by 12,700 lives (over the lifetimes of vehicles through model year 2029). Additionally, according to NHTSA, U.S. fuel consumption would increase by about half a million barrels per day (2–3 percent of total daily consumption, according to the Energy Information Administration) and would impact the global climate by 3/1000th of one degree Celsius by 2100, also when compared to the standards set forth in 2012.

Accordingly, the NPRM presents a wide range of regulatory options, including a preferred alternative that locks in model year 2020 standards through 2026, providing a time-out from further, costly increases. The agencies claim that this preferred alternative reflects a balance of safety, economics, technology, fuel conservation, and pollution reduction, and will prevent thousands of on-road fatalities and injuries as compared to the standards set forth in 2012. The joint proposal initiates a process to establish a new 50-state fuel economy and tailpipe carbon dioxide emissions standard for passenger cars and light trucks covering model years 2021 through 2026.

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