



Vehicle Emissions

Fuel Economy Standards, Tailpipe Emission Standards, and the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule

ORIGIN: STATUTORY AUTHORIZATION 1970 1975

Congress enacted the Clean Air Act in 1970, directing the Environmental Protection Agency (EPA) to set nationwide tailpipe emission standards for motor vehicles and authorizing California to set more stringent standards under certain conditions. Congress enacted the Energy Policy and Conservation Act in 1975, directing the National Highway Traffic Safety Administration (NHTSA) to set corporate average fuel economy (CAFE) standards, which establish the average miles per gallon that automakers must achieve across their entire vehicle fleet each year.

OBAMA ADMINISTRATION: PROPOSED RULE 2010

EPA and NHTSA initiated a joint rulemaking issuing a proposed rule to set new fuel economy and tailpipe emission standards for cars and light-duty trucks for model years 2017-2025.

OBAMA ADMINISTRATION: FINAL RULE 2012

With support from major automakers, EPA and NHTSA issued a joint final rule establishing a CAFE standard of 54.5 miles per gallon and a greenhouse gas (GHG) emission standard of 163 grams of carbon dioxide per mile for 2017-2021 vehicles (to be followed with a mid-term evaluation for 2022-2025 vehicle standards).

TRUMP ADMINISTRATION ROLLBACK: PROPOSED RULE 2018

EPA and NHTSA proposed the Safer Affordable Fuel Efficient (SAFE) Vehicles rule, which would replace the Obama Administration's CAFE and GHG standards with less stringent requirements and withdraw the Clean Air Act waiver previously issued to California allowing the state to set its own, more aggressive standards. Thirteen other states had adopted California's more aggressive standards under Section 177 of the Clean Air Act.

TRUMP ADMINISTRATION ROLLBACK: FINAL RULES 2019

SAFE Rule Part 1: One National Program

EPA's and NHTSA's final rule for SAFE Part One formally withdrew California's 2013 waiver to set vehicle standards, claiming that CA did not need its own standards to meet "compelling and extraordinary conditions" as required under the CAA - the first instance of such a withdrawal in the history of the CAA.

SAFE Rule Part 2: Model Years 2021-2026 Passenger Cars and Light Trucks

EPA's and NHTSA's final rule for SAFE Part Two set an average fuel economy standard of 40.5 miles per gallon (mpg) and GHG standard of 201 grams per mile, substantially reducing the standards' consumer fuel savings and emission reduction benefits.

LITIGATION 2020

In Union of Concerned Scientists v. NHTSA, a coalition of states and environmental groups challenged EPA's legal authority to withdraw the California waiver and the agency claim that the state did not need its own standards.

In Competitive Enterprise Institute v. NHTSA, a coalition of states and environmental groups challenged the Part Two standard, arguing that the agencies had used erroneous technical analysis and subverted their legal mandates; an industry group also challenged the rule, calling for even weaker standards.

BIDEN ADMINISTRATION REVERSAL: EXECUTIVE ORDER 2021

In January 2021, President Biden issued Executive Order 13990 which directed EPA and NHTSA to consider proposing new rules, rescinding, or revising the SAFE rules by July 2021. As of May 2021, Union of Concerned Scientists v. NHTSA and Competitive Enterprise Institute v. NHTSA have been held in abeyance by the court until EPA and NHTSA are able to review and reconsider the SAFE rules under Executive Order 13990. The agencies have been directed to file status reports on their review with updates every 90 days.

BIDEN ADMINISTRATION REVERSAL: PROPOSED RULE 2021

In April 2021, NHTSA proposed and EPA proposed repealing SAFE Rule Part 1. The proposed rules aim to restore states' ability to establish tailpipe GHG Emissions or Zero Emissions Vehicle regulations.