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**From:** David Schwietert [DSchwietert@autoalliance.org]  
**Sent:** 5/29/2018 2:26:14 PM  
**To:** Letendre, Daisy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b691cccca6264ae09df7054c7f1019cb-Letendre, D]; Shaw, Nena [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2ae00b27ec1544ef8331567ce532bdd3-Shaw, Nena]; Bolen, Brittany [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31e872a691114372b5a6a88482a66e48-Bolen, Brit]  
**Subject:** FW: Auto Alliance's legal Motion to Intervene - Filed Friday, May 25th  
**Attachments:** 5-25-18 Mot Lv Int FILED.PDF

Daisy, Brittany, and Nena,

I just wanted to also make you aware of the following email I sent to others at EPA

Dave

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**From:** David Schwietert  
**Sent:** Tuesday, May 29, 2018 10:25 AM  
**To:** 'Gunasekara, Mandy' <Gunasekara.Mandy@epa.gov>; 'Jackson, Ryan' <jackson.ryan@epa.gov>; Andrew Wheeler (wheeler.andrew@epa.gov) <wheeler.andrew@epa.gov>; 'wehrum.william@epa.gov' <wehrum.william@epa.gov>; 'harlow.david@epa.gov' <harlow.david@epa.gov>; 'Lewis, Josh' <Lewis.Josh@epa.gov>  
**Cc:** Mitch Bainwol <MBainwol@autoalliance.org>; John Whatley <JWhatley@autoalliance.org>; Gloria Bergquist <GBERGQUIST@autoalliance.org>  
**Subject:** re: Auto Alliance's legal Motion to Intervene - Filed Friday, May 25th

Deputy Administrator Wheeler, Assistant Administrator Wehrum, Ryan, Mandy, David and Josh,

I wanted to make you aware of the legal motion the Alliance filed last Friday in the DC Circuit.

As you know, on May 1<sup>st</sup> California, 16 states and the District of Columbia filed a lawsuit challenging EPA's Final Determination announcement.

To preserve our legal rights, the Alliance filed the motion to intervene understanding that we disagree with the lawsuit that California filed because the EPA's Final Determination was not a Final Agency Action, but rather a directional decision that will allow for a range of alternatives to be considered as part of the upcoming joint NPRM from DOT and EPA. In the motion to intervene, we noted the following:

“Because the members of the Auto Alliance would be directly affected by any decision to retain the current standards, or to delay or impede EPA's rulemaking efforts, the Auto Alliance should be permitted to intervene.”

You will recall that when CA filed the lawsuit in May, CARB's chairman Mary Nichols underscored that “We can sue and talk at the same time.” In addition, in a Reuters piece the CARB Chairman said that this action “does not mean that they could not still try to reach agreement with automakers and the federal government.”

Below is the statement we plan to provide should the Alliance receive media inquiries to the filing that was made last Friday.

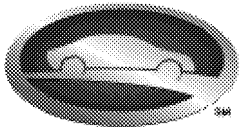
More than happy to answer any questions you may have.

Dave

**“As we have stated often, automakers support continuous, year-over-year improvements in fuel economy, but future standards must account for marketplace realities. We applaud the Administration for arranging meetings with stakeholders so quickly following the President’s direction to explore the possibility of a single national fuel economy/GHG program including California. This is a priority to us so we support continuing an open dialogue with all stakeholders as we work through the rulemaking process. At the same time that we work towards this agreement, we are following California’s example and intervening in this lawsuit to preserve our options. Like California, we are pursuing an agreement but preparing for other possibilities.”**

David Schwietert  
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