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**From:** Robbie Diamond [RDiamond@secureenergy.org]  
**Sent:** 7/19/2018 2:21:48 PM  
**To:** Wehrum, Bill [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=33d96ae800cf43a3911d94a7130b6c41-Wehrum, Wil]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]  
**CC:** Molina, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d19c1d68da1a4587866e1850f22a6ae5-Molina, Mic]; Chuck Cunningham [chuckc@visi.net]; Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]  
**Subject:** Thanks - Materials  
**Attachments:** LDV FE Legal Brief - Regulatory Authority to Grant Fuel Economy Credit for Safety Technology (Final).pdf; LDV FE Memo Menu 2018-06-04.pdf; Fuel Economy, Safety, and Connected Vehicle Issue Brief (Final).pdf

Bill and Mandy,

It was good seeing you this morning. I think we should try to reconnect when the NPRM is released.

I wanted to share the legal brief that we wrote for DOT outlining the ability of NHTSA in conjunction with EPA to incorporate safety and congestion mitigation technology in the fuel economy program. Of course, EPA is critical to making this happen. As mentioned, there is no statutory prohibition on allowing congestion mitigation and safety-related technology to be credited in the CAFE and GHG programs. NHTSA would have to work with EPA to include new rules because the technologies would be recognized as an element of the "testing and calculation procedures" for the CAFE program that are the responsibility of EPA.

The Agencies would need to make various changes to their regulations in order to remove the regulatory prohibition that exists on crediting these technologies, but those regulatory revisions could be done in the current rulemaking. None of this approach requires a change to or conflicts with the underlying statute. It does take coordination between DOT and EPA but hopefully that is possible. As I mentioned, we believe the off cycle credit program is an incredible asset, especially at this moment of great technological change.

We have proposed a program to test these technologies through the EPA off-cycle credit program whereby the OEMs receive compliance credits for 3-5 years in exchange for the data related to the real world test. Attached is the issue brief we wrote outlining this program. Regardless of this program, at a minimum it is essential that the Agencies remove the current regulatory prohibition during the current rulemaking.

Finally, attached is also the memo in which we lay out the elements of a deal with CA, including a suggestion for the year-on-year improvement, re-instating the alternative fuel multiplier and not counting upstream emissions, and these new flexibilities for congestion mitigation and safety technology.

We strongly believe that this is not only good for the country, will save lives, and help the auto industry, but is also in line with President Trump's push to reform regulation so that it is not outdated or too constraining. I believe this is a deal that one could achieve with CA. We are happy to help in any way we can.

Best regards,  
Robbie

P.S. I previously shared materials on the price of cars, the slow penetration rates of safety related technology, and the financial benefits of including new technology for the country with Mandy. I am happy to resend.