

Message

From: David Schwietert [DSchwietert@autoalliance.org]
Sent: 5/31/2018 10:23:02 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Wheeler, Andrew [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=17a1669ef5b54fba8cb457845308787e-Wheeler, An]; Wehrum, Bill [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=33d96ae800cf43a3911d94a7130b6c41-Wehrum, Wil]; Harlow, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b5a9a34e31fc4fe6b2beadda2affa44-Harlow, Dav]; Lewis, Josh [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b22d1d3bb3f84436a524f76ab6c79d7e-JOLEWIS]
CC: Mitch Bainwol [MBainwol@autoalliance.org]; John Whatley [JWhatley@autoalliance.org]; Chris Nevers [CNevers@autoalliance.org]; Gloria Bergquist [GBERGQUIST@autoalliance.org]
Subject: Auto Alliance submittal to CARB on their Deemed to Comply docket
Attachments: Alliance Comments on CARB Deemed to Comply.pdf

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

I wanted to share this filing that we make earlier this afternoon.

This was submitted after CARB opened up a docket about potentially clarifying what their “Deemed to Comply” provision means for purposes of GHG standards.

You will see in the attached how it would be against the 2012 agreement to allow CARB to unilaterally back away from ONP if there were to be changes to the MY 2022-2025 standards because the agreement was clear that such future standards could go up, down or stay the same after the mid term review.

A unilateral change to that understanding would sever the ONP agreement. We concluded our filing with the following summation:

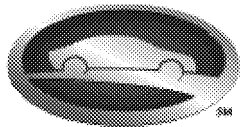
The ARB’s “deemed to comply” provision fulfills its commitment to allow compliance with the federal program, even if amended after 2012, to constitute compliance with the California program. That has been the universal understanding of the automakers, EPA and the ARB itself from the time they entered into an agreement to pursue the One National Program for MYs 2017-2025. The ARB has never until now suggested otherwise. The ARB may not, without rulemaking, modify the “deemed to comply” provision to limit the compliance option only to the currently adopted federal regulations regardless of any changes to the federal program. The ARB should not make such changes to the “deemed to comply” regulation. Rather than acting now to disrupt the One National Program, the ARB should participate in the federal rulemaking and, like other stakeholders, consider whether further recourse is warranted at the conclusion of that process.

Happy to answer any questions you may have.

Dave

David Schwietert
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