



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

June 20, 2019

The Honorable Cathy McMorris Rodgers
The Honorable John Shimkus
Subcommittee on Consumer Protection and Commerce
Subcommittee on Environment and Climate Change
2125 Rayburn House Office Building
Washington, DC 20515

THE ADMINISTRATOR

Dear Ranking Members McMorris Rodgers and Shimkus,

I am pleased that the U.S. Environmental Protection Agency has been invited to contribute to this morning's hearing to answer questions and clear the record regarding the Trump Administration's upcoming fuel economy standards regulation.

I believe that it is important for the members of the subcommittees to understand that when Ms. Nichols states that she offered a counterproposal to the proposed rule as if she operated as a good faith actor in this rulemaking, that is what is false.

I personally met with Ms. Nichols where she assured me that she would evaluate the Administration's proposed rule and offer any counterproposal within two weeks of our proposal. In fact, I met or spoke with Ms. Nichols three or four times including once in California concerning the proposed rule, and the EPA team has met with her and her staff numerous times. Ten weeks after the proposed rule, she had still not offered any counterproposal. When she finally offered a counterproposal maintaining the previous Administration's standards with one extra year of compliance, she also conveyed that outgoing Governor Brown and incoming Governor Newsom had not approved her counterproposal. She also informed me that Attorney General Becerra had not approved her counterproposal having already said he planned to sue EPA. Further, she informed me that the members of the California Air Resources Board had also not approved her counterproposal.

Ms. Nichols was unable or unwilling to be a good faith negotiator. Her testimony that EPA professional staff were cut out of this proposal's development is false. Her testimony that California was cut out of the development of this proposal is her own doing, and her irresponsible testimony about conspiracy theories that "the oil industry drove this action" and that it is being done by "the former oil and coal industry lobbyists and lawyers who now work in leadership at the Agency" is beneath the responsibilities of the substantial position she holds.

I hope that the members of the subcommittees will ask her about California's lack of effort. I believe this hearing today can provide important information for American taxpayers about the development of this regulation over the past two and a half years.

Sincerely,

A handwritten signature in black ink that reads "Andrew R. Wheeler".

Andrew R. Wheeler