

Environmental Defense Fund, Natural Resources Defense Council,
Safe Climate Campaign, Union of Concerned Scientists

September 20, 2018

William Wehrum
Assistant Administrator, Office of Air and Radiation
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, DC 20460

Re: Request for Supporting Information Regarding the OMEGA Model

Dear Assistant Administrator Wehrum:

On March 20, 2018, Environmental Defense Fund (EDF), Natural Resources Defense Council (NRDC), Safe Climate Campaign, and Union of Concerned Scientists (UCS) submitted a letter respectfully requesting that EPA make publicly available documents and data relating to the Optimization Model for reducing Emissions of Greenhouse gases from Automobiles (OMEGA) model.¹ Today, these organizations again call on EPA to swiftly release the requested OMEGA model documents and data, described herein, as a key part of enabling public participation in the standard-setting proceedings that are currently being carried out by EPA and NHTSA. That information is necessary to afford our organizations and the public a meaningful opportunity to assess and comment upon the agencies' pending proposal to weaken greenhouse gas emissions standards under the Clean Air Act.

Our organizations understand that the OMEGA model evaluates the relative cost and effectiveness of available light duty vehicle technologies and applies them to a defined vehicle fleet in order to meet specified greenhouse gas emission targets. Since we initially requested these documents, EPA and NHTSA have jointly issued a Notice of Proposed Rulemaking that recommends dramatically altering the current greenhouse gas emission standards for Model Year 2021-2026 light-duty vehicles.² Documents published in the rulemaking docket indicate that EPA staff conducted runs of the OMEGA model to assess alternative standards and vehicle

¹ The Requestors transmitted this request to EPA via email in March 2018, and submitted it to EPA's Mid-Term Evaluation docket in July 2018. See Docket ID No. EPA-HQ-OAR-2015-0827-11456, <https://www.regulations.gov/document?D=EPA-HQ-OAR-2015-0827-11456>.

² EPA & NHTSA, Notice of Proposed Rulemaking: *The Safer Affordable Fuel-Efficient Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks*, 83 Fed. Reg. 42,986 (Aug. 24, 2018).

technology developments during the interagency review process of the proposal.³ As a result, inputs to, and results of, OMEGA modeling runs are of central importance to the Notice of Proposed Rulemaking. Yet these materials have not been provided to the public, even in spite of Requestors' explicit request for this information and their obvious and central relevance to the core issues in the pending rulemaking. Failure to make these documents available in time for our organizations and the public to have a full and fair opportunity to review them for purposes of formulating their public comments in response to the proposal would render the rulemaking process both fundamentally unfair and unlawful.

For the public at large, including our organizations, to be afforded an opportunity to meaningfully analyze and comment on the proposal, it is necessary that EPA make available to the public and submit to the rulemaking docket the most recent OMEGA data used by the agency and provide stakeholders with sufficient time to examine, understand, and provide comment on any changes. Public comments on NHTSA's Draft Environmental Impact Statement are currently due by September 24, 2018, and comments on the proposal are currently due by October 23, 2018, so it is crucial that EPA release these documents immediately.

Exhausting every avenue to obtain the OMEGA model and related documents, EDF and NRDC submitted a Freedom of Information Act request seeking this information earlier this summer.⁴ However, our organizations are concerned that the records will not be released through FOIA in time to allow for meaningful review and analysis before the public comment deadline. As of the date of this letter, EPA has not released any documents in response to the FOIA request.

Therefore, our organizations respectfully reiterate the request that EPA make at least the following documents, models and non-CBI data available to the public, and include the same as part of the above-mentioned rulemaking docket, as soon as possible and on a rolling basis, making each responsive document publicly available as soon as is practicable without awaiting

³ EPA review of CAFE model with "GHG" settings (08-Mar ver.), Meeting with Office of Management and Budget/OIRA at Slide 24, found at PDF page 113 (Apr. 16, 2018), available under the file titled "Email 5" at <https://www.regulations.gov/document?D=EPA-HQ-OAR-2018-0283-0453>; see also *Presentation to the National Academies of Science, Committee on the Assessment of Technologies for Improving Fuel Economy of Light-duty Vehicles - Phase 3* at Slides 6-7 (July 16, 2018), Docket ID No. EPA-HQ-OAR-2018-0283-0771, <https://www.regulations.gov/document?D=EPA-HQ-OAR-2018-0283-0771>; EPA Science Advisory Board Work Group on EPA Planned Actions for SAB Consideration of the Underlying Science, Memorandum: *Preparations for Chartered Science Advisory Board (SAB) Discussions of EPA Planned Agency Actions and their Supporting Science in the Fall 2017 Regulatory Agenda* at B-12 (May 18, 2018) (explaining that EPA would utilize its ALPHA and OMEGA models during the reconsideration of the Mid-Term Evaluation), [https://yosemite.epa.gov/sab/sabproduct.nsf/9263940BB05B89A885258291006AC017/\\$File/WG_Memo_Fall17_RegRevAttsABC.pdf](https://yosemite.epa.gov/sab/sabproduct.nsf/9263940BB05B89A885258291006AC017/$File/WG_Memo_Fall17_RegRevAttsABC.pdf); *End-to-End Use of ALPHA Vehicle Simulation in EPA's GHG Standards Assessments: From Baseline to Future Fleets* at Slides 4-6, 17 (Jan. 25, 2018), http://sites.nationalacademies.org/cs/groups/depssite/documents/webpage/deps_188766.pdf; *Peer Review of EPA's Response Surface Equation Report* (May 2018), Docket ID No. EPA-HQ-OAR-2018-0283-0025, <https://www.regulations.gov/document?D=EPA-HQ-OAR-2018-0283-0025>.

⁴ FOIA Request No. EPA-HQ-2018-010465.

finalization of any other responsive documents requested herein. In particular, the underlying models—reflected in #1 and #10 below—should be released expeditiously to the public:

1. any and all OMEGA models used to inform EPA’s joint Notice of Proposed Rulemaking, its reconsideration of the 2017 Final Determination of the Mid-Term Evaluation and issuance of a Revised Final Determination, and/or to develop any regulatory alternatives for proposed Greenhouse Gas (GHG) standards for Light-Duty Vehicles (LDV) for model year 2021 and beyond, including any and all source code for the various OMEGA components and any and all documentation describing the logical flow and relationship between those components;
2. the “decision trees” utilized by the most recent version of the OMEGA models referred to in #1, above;
3. all input files for all OMEGA Models referred to in #1, above;
4. all data and analysis supporting the development of baseline vehicles and the OMEGA baseline fleet of light-duty vehicles;
5. all data and analysis supporting cost estimates and/or cost projections for any and all technologies identified by EPA as having the potential to decrease GHG emissions in light-duty vehicles;
6. all data and analysis supporting estimates and/or projections regarding the actual or potential effectiveness in decreasing GHG emissions of all technologies described in #5, above;
7. all data and analysis supporting the development of estimates and/or projections regarding maximum feasible penetrations of the technologies described in #5, above, across the U.S. fleet including all data and analysis related to the development of constraints to market penetration below what would otherwise be dictated by market economics;
8. all data and analysis regarding the cadence, timing, and duration of product redesign and refresh cycles assumed for vehicles in the baseline fleet;
9. the methodology and results of all Advanced Light-Duty Powertrain and Hybrid Analysis (ALPHA) modeling used to develop the estimates for the effectiveness of all technologies described in #5, above; and
10. all documents, instructions, and data methodology (computer programs and/or computer files, as appropriate) used to convert the ALPHA results described in #9 into inputs to the OMEGA Models.

In light of EPA's statutory responsibilities to provide for public participation in its proceedings and to make available documents directly bearing upon the proposed agency action, we appreciate your expeditious response to our request.

Respectfully submitted,

Environmental Defense Fund
Natural Resources Defense Council
Safe Climate Campaign
Union of Concerned Scientists

Cc: Mandy Gunasekara, Principal Deputy Administrator, Office of Air and Radiation, EPA
Christopher Grundler, Director, Office of Transportation and Air Quality, EPA
William Charmley, Director, Assessment and Standards Division, Office of Transportation and Air Quality, EPA
EPA Docket No. EPA-HQ-OAR-2018-0283, Rulemaking to Revise Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards
NHTSA Docket No. NHTSA-2018-0067, The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks