



January 27, 2025

**SUBMITTED ELECTRONICALLY**

National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW (2822T)  
Washington, DC 20460  
(202) 566-1667

**Re: Freedom of Information Act Request for Records Associated with Changes to Clean Air Act Pollution Reduction Standards and Programs for the Vehicles Sector**

Dear Freedom of Information Officer:

Environmental Defense Fund (“EDF”) respectfully requests records, as that term is defined at 5 U.S.C. § 552(f)(2) of the Freedom of Information Act (“FOIA”), of U.S. Environmental Protection Agency (“EPA”) activities and communications regarding changes to Clean Air Act vehicle pollution reduction programs, including: waivers of preemption for California vehicle pollution reduction programs; light- and medium-duty vehicle multi-pollutant reduction standards; heavy-duty vehicle NOx pollution reduction standards; and heavy-duty vehicle greenhouse gas emission standards. President Trump and members of his new administration have indicated an intention to make rapid and significant changes to these programs, including through the President’s January 20, 2025 Executive Order on Unleashing American Energy.

Specifically, EDF requests copies of all correspondence and records detailed below in items (i)-(ii), that contain the search terms detailed below in item (iii):

(i) correspondence with and/or between any of the following EPA transition team and/or political appointees; and any briefing materials, memos, presentations or other documents created by or shared with the following EPA transition team and/or political appointees:

- Anne Idsal Austin,
- Andrew Wheeler,
- William (Bill) Wehrum,
- Adam Gustafson,
- Carla Sands,
- Lee Zeldin,
- Eric Amidon,

- Jaide Barja,
- Thomas Corlett,
- Chad McIntosh,
- Travis Voyles,
- Alexander Dominguez,
- Aaron Szabo,
- David Fotouhi,
- Abigale Tardif,
- Justin Schwab.

(ii) correspondence between any of the EPA transition/political employees identified above at (i), with any external, non-governmental stakeholders, including, but not limited to, individuals associated with the following entities:

- Truck and Engine Manufacturers Association
  - (For ease of records search, please search for correspondence involving emails ending in @emamail.org)
- Alliance for Automotive Innovation
  - (For ease of records search, please search for correspondence involving emails ending in @autosinnovate.org)
- American Trucking Associations
  - (For ease of records search, please search for correspondence involving emails ending in @trucking.org)
- American Petroleum Institute
  - (For ease of records search, please search for correspondence involving emails ending in @api.org)
- American Fuel & Petrochemical Manufacturers
  - (For ease of records search, please search for correspondence involving emails ending in @afpm.org)
- American Free Enterprise Chamber of Commerce
  - (For ease of records search, please search for correspondence involving emails ending in @amfreechamber.com)
- Boyden Gray PLLC
  - (For ease of records search, please search for correspondence involving emails ending in @boydengray.com)

(iii) EDF requests that the searches of correspondence and other records detailed above may be narrowed using the following search terms:

- Clean Air Act,
- Vehicle(s),
- Car(s),
- EV(s),
- Truck(s),
- waiver(s),
- Advanced Clean Car(s),
- Advanced Clean Truck(s),

- ACC,
- ACT,
- EV mandate,
- California,
- Texas,
- Kentucky,
- Nebraska,
- Ohio,
- Diamond Alternative,
- Unleashing American Energy Executive Order

Correspondence includes hard-copy and electronic correspondence including, but not limited to, emails, voicemails, text messages, and correspondence transmitted through any other electronic platform. This request includes correspondence for which any of the listed individuals were among the sender(s) and recipient(s), collectively, regardless of whether the correspondence also included any other sender(s) or recipient(s). EDF also requests all files attached to the emails or other correspondence records that are identified in the records search detailed above, as well as copies of any files obtained via downloadable links within the body of such emails or other correspondence.

EDF respectfully requests records produced, modified, or transmitted since November 6, 2024 that exist as of the date that EPA begins searching for records responsive to this request.

EDF requests that documents be produced in a readily accessible electronic format.

If any of the records sought in this request are deemed by the Agency to be properly withheld under a FOIA exemption, 5 U.S.C. § 552(b), please provide EDF with an explanation, for each such record or portion thereof, sufficient to identify the record and the particular exemption(s) claimed.

#### *Request for Expedited Processing*

Pursuant to 5 U.S.C. § 552(a)(6)(E) and 40 C.F.R. § 2.104(g)(1), EDF respectfully seeks expedited processing based on the “compelling need” that EDF is “primarily engaged in disseminating information and there is an urgency to inform the public about actual or alleged Federal Government activity.” In support of this request, I certify that the following statements are true and correct to the best of my knowledge and belief:

1. EDF engages in extensive, daily efforts to inform the public about matters affecting environmental and energy policy, including related to vehicles and transportation. EDF has multiple channels for distributing information to the public, including through direct communication with its more than 3 million members and supporters, press releases, blog

posts, active engagement on social media, and frequent appearances by staff in major media outlets.<sup>1</sup>

2. This request concerns Federal Government activity—specifically, the fast-moving changes to longstanding EPA Clean Air Act standards and programs to reduce harmful air pollution from cars and trucks across the country. Under the Trump Administration, the EPA appears to be acting rapidly to alter or halt vehicle pollution standards that were adopted or updated in recent years, and which provide vehicle choice and life-saving pollution reductions to the American public.
  - In the “Unleashing American Energy” Executive Order signed on his first day in office, President Trump directed agencies to “review all existing regulations, orders, guidance documents, policies, settlements, consent orders, and any other agency actions (collectively, agency actions),” related to domestic energy resources, including those specifically related to vehicles.<sup>2</sup> The Executive Order states the goal of “eliminat[ing]” what it refers to as an “electric vehicle (EV) mandate.”<sup>3</sup> Further, the Executive Order directs agencies to, within 30 days, “develop and begin implementing action plans to suspend, revise, or rescind all agency actions identified as unduly burdensome” to domestic energy resources “as expeditiously as possible . . . .”<sup>4</sup> Among those regulations and actions targeted, the Executive Order specifically singles out “state emissions waivers” related to vehicles standards for “terminat[ion].”<sup>5</sup>
  - **Waivers:** This records request concerns the activities and communications of Trump Administration transition/political appointee employees at EPA with regard to statutorily-authorized<sup>6</sup> waivers of Clean Air Act preemption for

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<sup>1</sup> See, e.g., EDF Press Release: New Interactive Map Shows Nationwide Pollution from Gas Turbines (Jan. 15, 2025), <https://www.edf.org/media/new-interactive-map-shows-nationwide-pollution-gas-turbines>; Marissa Nixon & Kae Tuitt, *Billions in federal investments energize zero-emission trucking*, EDF Energy Exchange (Jan. 14, 2025), <https://blogs.edf.org/energyexchange/2025/01/14/billions-in-federal-investments-energize-zero-emission-trucking/>; EDF Press Release: EPA Clears Way for California Clean Car Standards (Dec. 18, 2024), <https://www.edf.org/media/epa-clears-way-california-clean-car-standards>; Maxine Joselow, *Oil companies face a new fine for methane. Trump could scrap it.*, Washington Post (Nov. 12, 2024), <https://www.washingtonpost.com/climate-environment/2024/11/12/methane-fee-epa-cop29/> (quoting Mark Brownstein, Senior VP of Energy for EDF); Niko Kommenda, *See how the Inflation Reduction Act is affecting your community*, Washington Post (Oct. 28, 2024), <https://www.washingtonpost.com/climate-environment/interactive/2024/climate-bill-biden-clean-energy/> (quoting Joanna Slaney, Associate VP of Government Affairs for EDF); Marilyn Marsh-Robinson, *Electrifying Medium and Heavy-Duty Vehicles: A Critical Step Towards Environmental Justice in North Carolina*, EDF Climate 411 (May 15, 2024), <https://blogs.edf.org/climate411/2024/05/15/electrifying-medium-and-heavy-duty-vehicles-a-critical-step-towards-environmental-justice-in-north-carolina/>.

<sup>2</sup> Unleashing American Energy, Exec. Order § 3 (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/unleashing-american-energy/>.

<sup>3</sup> *Id.* § 2(e).

<sup>4</sup> *Id.* § 3(b).

<sup>5</sup> *Id.* § 2(e).

<sup>6</sup> 42 U.S.C. § 7543(b)(1) (directing that EPA “shall,” subject to limited conditions, “waive application of” the prohibition on States and localities from enforcing their own emission standards for new motor vehicles with respect to California, which had regulated emissions before other States or the federal government).

California programs that reduce air pollution from vehicles. For more than half a century, the Clean Air Act has included a waiver provision that allows California to adopt clean transportation standards that are more protective than the national standards, allowing the state to protect Californians from air pollution from new cars and trucks. The Clean Air Act, at section 177, further provides other states the option to adopt California's more protective vehicular emissions standards to reduce air pollution in their states. Sixteen states and the District of Columbia have exercised this authority to adopt some or all of California's vehicular emission standards (collectively called "177 States").<sup>7</sup> Those programs include: (1) Advanced Clean Cars;<sup>8</sup> (2) Advanced Clean Trucks;<sup>9</sup> (3) Advanced Clean Cars II;<sup>10</sup> and (4) Omnibus Low NOx Regulations<sup>11</sup> (collectively, "the Waivers").

Despite EPA's final actions granting these Waivers, the reliance of California and the 177 States' on these decisions, and the crucial benefits to air quality and human health that would be achieved under the waiver programs, the Federal Government has indicated that it seeks to terminate them. In litigation concerning the 2022 reinstatement of the Advanced Clean Cars waiver, for which the U.S. Supreme Court has granted a writ of certiorari, the Federal Government filed an abeyance motion on January 24, 2025, stating: "After the change in Administration, EPA's Acting Administrator has determined that the agency should reassess the basis for and soundness of the 2022 reinstatement decision."<sup>12</sup>

- **Light- and Medium-Duty Vehicle Pollution Standards:** This records request also concerns the activities and communications of Trump Administration transition/political appointee employees at EPA with regard to EPA's greenhouse gas and criteria-pollutant standards for model-year 2027-2032 light- and medium-

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<sup>7</sup> See Cal. Air Res. Bd., *States that have Adopted California's Vehicle Regulations*, <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/states-have-adopted-californias-vehicle-regulations> (last updated June 2024) (showing that some or all of California's standards have been adopted by the District of Columbia and the following states: Colorado, Connecticut, Delaware, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, and Washington).

<sup>8</sup> See *California State Motor Vehicle Pollution Control Standards; Notice of Decision Granting a Waiver of Clean Air Act Preemption for California's Advanced Clean Car Program and a Within the Scope Confirmation for California's Zero Emission Vehicle Amendments for 2017 and Earlier Model Years*, 78 Fed. Reg. 2,112 (Jan. 9, 2013); *California State Motor Vehicle Pollution Control Standards; Advanced Clean Car Program; Reconsideration of a Previous Withdrawal of a Waiver of Preemption; Notice of Decision*, 87 Fed. Reg. 14,332 (Mar. 14, 2022).

<sup>9</sup> *California State Motor Vehicle and Engine Pollution Control Standards; Heavy-Duty Vehicle and Engine Emission Warranty and Maintenance Provisions; Advanced Clean Trucks; Zero Emission Airport Shuttle; Zero-Emission Power Train Certification; Waiver of Preemption; Notice of Decision*, 88 Fed. Reg. 20,688 (Apr. 6, 2023).

<sup>10</sup> *California State Motor Vehicle and Engine Pollution Control Standards; Advanced Clean Cars II; Waiver of Preemption; Notice of Decision*, 90 Fed. Reg. 642 (Jan. 6, 2025).

<sup>11</sup> *California State Motor Vehicle and Engine and Nonroad Engine Pollution Control Standards; The "Omnibus" Low NOx Regulation; Waiver of Preemption; Notice of Decision*, 90 Fed. Reg. 643 (Jan. 6, 2025).

<sup>12</sup> Mot. of Fed. Respondents to Hold Briefing Schedule in Abeyance at 3, *Diamond Alt. Energy v. EPA*, No. 24-7 (U.S. Jan. 24, 2025), [https://www.supremecourt.gov/DocketPDF/24/24-7/340121/20250124143604732\\_24-7%20Diamond%20Abeyance%20Mot%20f.pdf](https://www.supremecourt.gov/DocketPDF/24/24-7/340121/20250124143604732_24-7%20Diamond%20Abeyance%20Mot%20f.pdf).

duty vehicles, finalized on April 18, 2024.<sup>13</sup> These standards are a continuation of EPA’s congressionally directed efforts over more than fifty years to set motor vehicle emissions standards to protect the public from the effects of harmful air pollution, including effects traceable to climate change, as is required by statute. Despite EPA’s finalization of the light- and medium-duty multi-pollutant standards, and the public’s reliance on EPA’s action, the White House indicated in its recent Executive Order that it intends to “eliminate” them.

- **Heavy-Duty Engine and Vehicle Pollution Standards:** This records request also concerns the activities and communications of Trump Administration transition/political appointee employees at EPA with regard to EPA’s final rules, “Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards,” which set emissions standards that will reduce nitrogen oxide (“NOx”) emissions from heavy-duty vehicles and engines starting in model year 2027, finalized on January 24, 2023;<sup>14</sup> and EPA’s greenhouse gas emissions standards for heavy-duty vehicles for model year 2032 and later, finalized on April 22, 2024.<sup>15</sup> These standards are a continuation of EPA’s congressionally directed efforts over more than fifty years to set motor vehicle emissions standards, including for heavy-duty trucks, to protect the public from the effects of harmful air pollution, including effects traceable to climate change, as is required by statute. The NOx rule “will result in widespread air quality improvements across the U.S., especially in areas already overburdened by air pollution and diesel emissions.”<sup>16</sup> Despite EPA’s finalization of the NOx pollution reduction standards and GHG emission reduction standards for heavy-duty vehicles, and the public’s reliance on EPA’s action, the White House indicated in its recent Executive Order that it intends to “eliminate” them.
3. This request concerns an urgent matter of concern to the public. The vehicle pollution reduction programs are anticipated to provide significant, urgently-needed reductions in climate- and health-harming pollution from the transportation sector. The transportation sector is the nation’s largest source of climate-destabilizing pollution and a significant source of air pollution that exacerbates serious health issues such as respiratory and heart ailments, especially in vulnerable populations.<sup>17</sup> According to EPA, the light-, medium-, and heavy-duty motor vehicle emissions standards, taken together, are expected to “avoid

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<sup>13</sup> *Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles*, 89 Fed. Reg. 27,842 (Apr. 18, 2024).

<sup>14</sup> *Control of Air Pollution From New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards*, 88 Fed. Reg. 4,296 (Jan. 24, 2023).

<sup>15</sup> *Greenhouse Gas Emissions Standards for Heavy-Duty Vehicles—Phase 3*, 89 Fed. Reg. 29,440 (Apr. 22, 2024).

<sup>16</sup> Env’t Prot. Agency, *Regulatory Announcement: Heavy-Duty 2027 and Beyond: Clean Trucks Final Rulemaking* (Dec. 2022), <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P101695R.pdf>.

<sup>17</sup> *See, e.g.*, 89 Fed. Reg. at 27,844; Env’t Def. Fund, *EPA Vehicle Standards Will Reduce Harmful Pollution and Save Thousands of Lives* (updated Mar. 2024), [https://www.edf.org/sites/default/files/2024-02/EDF\\_Health\\_Impacts\\_EPA\\_Vehicle\\_Standards\\_final.pdf](https://www.edf.org/sites/default/files/2024-02/EDF_Health_Impacts_EPA_Vehicle_Standards_final.pdf); Davidson, et al., *The recent and future health burden of the U.S. mobile sector apportioned by source*, 15 Env’t Rsch. Letters (July 2020), <https://iopscience.iop.org/article/10.1088/1748-9326/ab83a8>; 89 Fed. Reg. at 27,867 (noting increased vulnerability of children).

more than 7 billion tons of carbon emissions and provide nearly \$100 billion of annual net benefits to society, including \$13 billion of annual public health benefits due to improved air quality, and \$62 billion in reduced annual fuel costs, and maintenance and repair costs for drivers.”<sup>18</sup> The urgent public interest in the timely implementation of such important standards—in order to realize these life-saving climate and health benefits—requires that the Federal Government’s plans to eliminate, halt, or revise the finalized programs must be subjected to timely public scrutiny and input. The vehicle pollution reduction programs are founded upon a massive factual record compiled over years and were finalized following a statutorily-required notice-and-comment rulemaking process that included significant public participation upon which EPA relied in its finalization decisions.<sup>19</sup> Expedited processing of this request is necessary so that the public has accurate information on the planned extent of the rollbacks or rescissions and can understand the increased risk to public health and welfare. Absent expedited processing, the public’s opportunity to respond to these increased risks will likely be jeopardized.

4. Furthermore, overburdened communities are potentially experiencing disproportionate effects from the air pollution that the EPA vehicle pollution reduction programs are intended to address. “Those who live closest to our nation’s roads and highways, ports, distribution centers, freight depots, and other sources of vehicle pollution face the greatest harms” from motor vehicle emissions, and communities with environmental justice concerns including communities of color and low-income communities experience disproportionate impacts from this pollution.<sup>20</sup> EPA has explained that “[n]umerous studies have found that environmental hazards such as air pollution are more prevalent in areas where people of color and low-income populations represent a higher fraction of the population compared with the general population.”<sup>21</sup> And communities with environmental justice concerns are also more likely to “liv[e] in close proximity to truck routes and to major roads more generally,” and thus face increased health harms from vehicle pollution.<sup>22</sup> Expedited processing of this request is necessary so that frontline communities can have access to information and records that shed light on the actions and intentions of the Federal Government regarding vehicle pollution reduction programs.

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<sup>18</sup> Env’t Prot. Agency, *What They Are Saying: Strongest-ever pollution standards for cars will reduce pollution, create jobs, cut costs, and ensure companies and workers lead the clean vehicle future* (Mar. 20, 2024), <https://www.epa.gov/newsreleases/what-they-are-saying-strongest-ever-pollution-standards-cars-will-reduce-pollution>.

<sup>19</sup> 5 U.S.C. § 553.

<sup>20</sup> Env’t Defense Fund, *EPA Vehicle Standards Will Reduce Harmful Pollution and Save Thousands of Lives* (updated Mar. 2024), [https://www.edf.org/sites/default/files/2024-02/EDF\\_Health\\_Impacts\\_EPA\\_Vehicle\\_Standards\\_final.pdf](https://www.edf.org/sites/default/files/2024-02/EDF_Health_Impacts_EPA_Vehicle_Standards_final.pdf).

<sup>21</sup> 88 Fed. Reg. 4,422; *see also* 89 Fed. Reg. 29,692-697 (explaining that communities with environmental justice concerns face increased vulnerability to impacts of greenhouse gas emissions and roadway pollution).

<sup>22</sup> *Id.*; *see also, e.g.*, Marilyn Marsh-Robinson, *Electrifying Medium and Heavy-Duty Vehicles: A Critical Step Towards Environmental Justice in North Carolina*, Env’t Defense Fund (May 15, 2024), <https://blogs.edf.org/climate411/2024/05/15/electrifying-medium-and-heavy-duty-vehicles-a-critical-step-towards-environmental-justice-in-north-carolina/> (detailing results of study showing that “policy-driven reductions in [medium- and heavy-duty vehicle] pollution would result in substantial reductions in overall pollution, alleviating health burdens within socially vulnerable communities across much of North Carolina”).

5. Expedited processing is also critical so that the American public has rapid access to information on the extent to which the regulated community is participating in or advocating for changes in regulatory policy, including the reconsideration or termination of the vehicle pollution reduction programs. Industry groups have previously submitted public comments and engaged with EPA on the vehicle pollution reduction programs. In light of the administration change and the “Unleashing American Energy” Executive Order—and the resulting risks to consumer choice and necessary emission reductions—the need for the public to see these entities’ nonpublic comments and engagement with political officials at EPA is urgent.

### *Request for Fee Waiver*

As a non-partisan, non-profit organization that provides information that is in the public interest, EDF respectfully requests a waiver of fees associated with this request, in accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and 40 C.F.R. § 2.107(n). We are not seeking information for any commercial purpose and the records received will contribute to a greater public understanding of Federal government activities that are of considerable public interest: the nature and basis for possible changes to EPA’s vehicle pollution reduction programs, including waivers of preemption for California vehicle pollution reduction programs; light- and medium-duty vehicle multi-pollutant reduction standards; heavy-duty vehicle NOx pollution reduction standards; and heavy-duty vehicle greenhouse gas emission standards.

In 2022-2024, EPA adopted standards and issued statutorily-authorized waivers that reduce air and climate pollution from light-, medium-, and heavy-duty vehicles through a public-facing process and on the basis of a comprehensive factual record that included substantial public input. After the November 2024 election, industry groups have called on the new administration to “Repeal the Environmental Protection Agency’s (EPA) tailpipe rules” and “Deny/Rescind EPA’s Waiver for California’s Advanced Clean Cars II (ACCII) rule.”<sup>23</sup> In January 2025, President Trump has expressed intentions that his administration will halt or undo many of these EPA programs, including in a January 20, 2025 executive order that establishes a policy to “eliminate” what it refers to as an “electric vehicle (EV) mandate.”<sup>24</sup> The records requested herein will shed light on EPA decision-making and interactions with industry groups. These records are very likely to be “meaningfully informative” and to contribute “significantly” to “public understanding” about government actions taken by the Trump Administration to institute significant changes to EPA’s vehicle pollution programs. *See* 40 C.F.R. § 2.107(n)(5)(ii), (iii).

EDF is well positioned to disseminate the records to the public, as we routinely issue press releases, action alerts, reports, analyses, and other public outreach materials, *see infra* note 1. We are also well qualified to present the records to the public in a manner that clearly conveys their value, and we fully intend to disseminate information received in response to this request that is

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<sup>23</sup> API Press Release: API Releases New Policy Roadmap for Incoming Administration and Next Congress to Secure American Energy Leadership and Help Reduce Inflation (Nov. 12, 2024), <https://www.api.org/news-policy-and-issues/news/2024/11/12/api-releases-new-policy-roadmap-for-incoming-administration>.

<sup>24</sup> Unleashing American Energy, Exec. Order § 2(e) (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/unleashing-american-energy/>.

informative, newsworthy, or otherwise of value to the public. Accordingly, we respectfully request that the documents be furnished without charge.

In the event EDF's request for a fee waiver is denied or if you have any questions about this request, please contact me immediately by telephone at (202) 572-3525 or by email at [emurphy@edf.org](mailto:emurphy@edf.org).

Respectfully submitted,

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