



## Safety and Employment Sections in Fuel Economy Title of S.14 Are Litigation Bait and Redundant

**S. 14, the Energy Policy Act of 2003, Corporate Average Fuel Economy (CAFE) is not innocent and is totally unnecessary:**

- **Sec. 711 (f)** adds to the existing law by requiring consideration of the effects of fuel economy standards on **(5) safety and (6) levels of employment in the United States**. *Yet the National Highway Traffic Safety Administration (NHTSA) considers both of these factors in detail under prevailing law.*

### **NHTSA Considers Safety Impacts of CAFE Standards under Current Law**

According to federal documents from the regulatory record, NHTSA already takes safety into account in setting CAFE standards. In its recent rule for light truck fuel economy, NHTSA stated:

*As noted above, the agency is required to consider the factors in 49 USC § 32902 (f) when determining the “maximum feasible” CAFE standards for any given model year. These are technological feasibility, economic practicability, the effect of other Federal motor vehicle standards on fuel economy, and the need of the nation to conserve energy. Although [the Act] does not include motor vehicle safety as an express statutory factor, it does not preclude consideration of it. Accordingly, NHTSA should consider safety in accordance with its statutory responsibility regarding safety and the Administration’s emphasis on ensuring motor vehicle safety. (68 FR 16872, April 7, 2003).*

In addition, the agency’s economic evaluation of its rule also considered the safety impacts.  
**Why need NHTSA do more?**

### **NHTSA Considers Employment Impacts of CAFE Standards under Current Law**

The impact of fuel economy upon jobs has always been a part of the agency’s assessment of “economic practicability” under the original statute. In addition, NHTSA prepares detailed economic analyses of the impact of proposed and final rules, and employment effects are an integral part of these reports.

NHTSA submits these reports to the Office of Management and Budget as required by Executive Order, including detailed assessments of employment and other economic impacts. For the recent light truck rule, NHTSA prepared elaborate models showing effects of the rule upon employment for both the standard and its economic assessment for OMB. **Why should Congress add to this burden?**

**AMEND S. 14 TO TAKE OUT REDUNDANT, LAWSUIT-INVITING STATUTORY  
MANGLING: SECTION 711 MUST GO**