



ZERO EMISSION
TRANSPORTATION
ASSOCIATION

October 17, 2023

United States Department of Energy
Office of Energy Efficiency and Renewable Energy
1000 Independence Avenue SW
Washington, DC 20585

RE: Docket No. EERE-2021-VT-0033
Petroleum-Equivalent Fuel Economy Calculation
Submitted via Rulemaking Portal: <http://www.regulations.gov>

The Zero Emission Transportation Association (ZETA) is an industry-backed coalition of more than 60 member companies advocating for 100% electric vehicle (EV) sales. ZETA is committed to enacting policies that drive EV adoption, create hundreds of thousands of jobs, dramatically improve public health, and significantly reduce emissions. Our coalition spans the entire EV supply chain including vehicle manufacturers, charging infrastructure manufacturers and network operators, battery manufacturers and recyclers, electricity providers, critical minerals producers, and fleet operators, among others.

We thank the Department of Energy (DOE) and the Office of Energy Efficiency and Renewable Energy for the opportunity to respond to its request for comment¹ related to the proposed rule² revising the procedure for calculating the petroleum-equivalent fuel economy of EVs for use in the Corporate Average Fuel Economy (CAFE) program. Implemented by the Department of Transportation (DOT), the CAFE program and the methodology for generating credits under the program is a critical policy area for ZETA's members that manufacture light-duty passenger vehicles and light trucks, including Lucid, Rivian, and Tesla. ZETA is proud to include EV-only automakers amongst its membership and we respectfully ask that DOE give their individual comments on this request full consideration as regulated parties under the CAFE program.

As we did in our comments to DOE in June 2023, ZETA again urges DOE to finalize the petroleum equivalency factor (PEF) changes as initially proposed.³ Despite comments to the contrary, it remains unclear how the proposed changes to the PEF would warrant vehicle redesigns given automakers' high-profile public commitments to electrifying their products in the coming years.⁴ In any event, Congress assessed vehicle design cycles when drafting the Energy Policy Conservation Act and built in sufficient lead time for design cycles and fuel economy standards implementation. Under the statute, the Secretary of Transportation is required

¹ See 88 FR 67682 (October 2, 2023)

² See 88 FR 21525 (April 11, 2023)

³ <https://www.regulations.gov/comment/EERE-2021-VT-0033-0021>

⁴ See Table 1, 88 FR 29192 (May 5, 2023)

to provide manufacturers at least eighteen months before final standards come into effect.⁵ Regulated parties under the CAFE program have been operating under these requirements for many years and have not previously expressed major concern that they are unfeasible. We also believe that an assessment of automakers' CAFE compliance strategies—a program implemented by DOT—are outside the scope of DOE's proposed rule to update the PEF nor should the PEF be treated as a compliance flexibility provision.

Lastly, ZETA encourages DOE to finalize this proposed rule either before or concurrently with DOT's finalization of its proposed rulemaking to set CAFE standards for passenger cars and light trucks for model years 2027-2032 and fuel efficiency standards for heavy-duty pickup trucks and vans for model years 2030-2035.⁶ A failure to sequence these final rules would lead to significant regulatory uncertainty and increased administrative burden for both DOE and DOT.

ZETA and its member companies thank you for your attention to these comments and are available should you have any additional questions.

Sincerely,



Albert Gore
Executive Director
Zero Emission Transportation Association

⁵ See 49 U.S.C. §32902(a)

⁶ See 88 FR 56128 (August 17, 2023)