



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation


GENERAL COUNSEL

1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

February 22, 2021

To: Ann Carlson
Chief Counsel and Acting Deputy Administrator
National Highway Traffic Safety Administration

Steve Cliff
Special Advisor

From: John E. Putnam
Acting General Counsel 

Subject: Implementation of Executive Order 13990, entitled “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis.”

On January 20, 2021, the President issued Executive Order 13990 (E.O. 13990 or Order), entitled “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis.” E.O. 13990 directs the heads of all agencies to immediately review all existing regulations, orders, guidance documents, policies, and any other similar agency actions promulgated, issued, or adopted between January 20, 2017 and January 20, 2021, that are or may be inconsistent with, or present obstacles to, the policy set forth in E.O. 13990. E.O. 13990 identified specific regulations for which relevant agencies shall consider publishing for notice and comment a proposed rule suspending, revising, or rescinding the regulation and the time frames for action by the agencies. The two DOT regulations identified in E.O. 13990 are:

“The Safer Affordable Fuel-Efficient (SAFE I) Vehicles Rule Part One: One National Program” (84 FR 51310, September 27, 2019); and

“The Safer Affordable Fuel-Efficient (SAFE II) Vehicles Rule for Model Years 2021–2026 Passenger Cars and Light Trucks” (85 FR 24174, April 30, 2020).

Additionally, the Secretary has identified the following rulemaking that shall also be reviewed pursuant to E.O. 13990:

“Corporate Average Fuel Economy Penalties” (86 FR 3016, Jan. 14, 2021).

These three regulations are within the rulemaking responsibility of the National Highway Traffic Safety Administration. I ask that you take appropriate steps to carry out the requirements of E.O. 13990 regarding each of these regulations.