April 1, 2019

Dear Senators,

The undersigned organizations write to express our opposition to the nomination of Heidi King for Administrator of the National Highway Traffic Safety Administration (NHTSA). We are gravely concerned about Ms. King’s ability to lead NHTSA, given her history of attempting to undermine critical oil conservation and environmental efforts during her tenure at NHTSA.

In her confirmation hearing, Ms. King was evasive when asked whether climate change is real and needs to be addressed. This is an unacceptable response from someone who, if confirmed, will be charged with implementing Corporate Average Fuel Economy (CAFE) standards, a critical component in our country’s efforts to reduce oil usage and associated greenhouse gas emissions. King’s record thus far shows, if confirmed, she will undermine NHTSA, weaken the CAFE standards, and threaten American consumers’ pocketbooks, health and environment. For these reasons, we oppose Ms. King’s nomination.

Ms. King’s failure to acknowledge the existence of climate change, let alone the importance to address the problem, indicates she is not qualified to lead NHTSA. The evidence of climate change is overwhelming. As we face record-breaking temperatures, increased frequency and intensity of extreme weather events, and longer and more severe droughts and wildfire seasons, we need a NHTSA Administrator who will work to implement programs that will combat climate change, especially considering the transportation sector is now the largest and fastest growing source of carbon emissions in the United States.

Increasing vehicle fuel efficiency and reducing oil use is critical to addressing climate change and is a critical role for the NHTSA Administrator. Ms. King’s position on climate change, which is sorely out of touch with science, data, and the majority of Americans, undermines her credibility to oversee efficiency standards for cars and trucks, a crucial oil use reduction and climate program in this country.

NHTSA sets fuel economy standards for passenger vehicles and enforces the standards, including by fining auto companies that violate the rules. However, during Ms. King’s tenure at NHTSA, she has proposed flatlining the CAFE standards, attacking states’ rights to protect their residents, and undermined NHTSA’s ability to enforce vehicle performance standards. This included a recently overturned attempt to lower the fines that automakers pay for missing the goals of the CAFE standards.

Furthermore, new information has arisen since Ms. King was controversially voted out of the Senate Committee on Commerce, Science and Transportation last June. In August 2018, NHTSA and the Environmental Protection Agency (EPA) released a joint proposed rule, the “Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Trucks”[[1]](#footnote-0) which would freeze fuel economy and emissions standards at 2020 levels through 2026 and prevent states from setting their own emissions standards. The proposal was a failure at every level; it risked socioeconomic and environmental benefits, as well as American leadership to shape the future of transportation, for highway safety “benefits” that were soundly disputed by experts; it relied on faulty logic, bad math, and erroneous modeling to tip the scale toward weaker standards; and it failed to meet the agencies’ statutory responsibilities. The agencies also erroneously characterize California’s vehicle emission standards as fuel economy standards, intruding on states’ longstanding efforts to control pollution within their own borders, despite the fact that this legal argument has been raised and rejected twice in the past.[[2]](#footnote-1) In addition, it is clear that NHTSA did not properly work with EPA in what should have been a joint rulemaking, despite EPA’s superior technical resources, including the National Vehicle and Fuel Emissions Laboratory in Ann Arbor, MI.[[3]](#footnote-2) And when EPA experts raised flags over the rulemaking analysis, these concerns went unaddressed by NHTSA and Ms. King.[[4]](#footnote-3) [[5]](#footnote-4)

Ms. King’s commitment to vehicle and highway safety has also been questioned. The Center for Auto Safety expressed concerns with Ms. King’s handling of the Takata airbag recall, failure to initiate and finalize safety rulemakings, lack of investigations and lax enforcement, among other issues.[[6]](#footnote-5) And Sens. Duckworth, Durbin, Nelson and Casey wrote to Ms. King in July 2018 on NHTSA’s lack of action on keyless ignition vehicle fatalities and injuries.[[7]](#footnote-6) And at a time when the agency is facing a backlog of several statutorily mandated safety rulemakings[[8]](#footnote-7) and what NHTSA has called "the largest and most complex safety recall in U.S. history,"[[9]](#footnote-8) the committee should seriously consider whether Ms. King is the right person for the job.

Ms. King’s record thus far shows, if confirmed, she will disregard the critical threat of climate change, dramatically weaken the fuel economy standards, and undermine the safety mission of NHTSA. Americans deserve a NHTSA administrator who acknowledges the established science of climate change and works to ensure that consumers continue to benefit from strong fuel economy standards. We urge you to vote no on the nomination of Heidi King for NHTSA Administrator.

Sincerely,

1. 83 FR 42986 (August 23, 2018) [↑](#footnote-ref-0)
2. *Green Mountain Chrysler Plymouth Dodge Jeep v. Crombie*, 508 F. Supp. 2d 295, 347 (D. Vt. 2007); *Central Valley Chrysler-Jeep Inc. v. Goldstene*, 529 F. Supp. 2d 1151, 1168 (E.D. Cal. 2007). [↑](#footnote-ref-1)
3. Obey, D. and L. Logan. 2018. Stymied In Rulemaking, Staff Sought To Omit EPA From Vehicle Rule RIA. *Inside EPA*, August 16. [↑](#footnote-ref-2)
4. Charmley, W. 2018. Summary points from EPA review of CAFE model (NPRM version) – Effect of EPA code revisions. Presentation to Office of Management and Budget / OIRA, June 18, 2018. Document # EPA-HQ-OAR-2018-0283-0453, Attachment 5. [↑](#footnote-ref-3)
5. Achanta, C. 2018. Email from Chandana L. Achanta to Tia Sutton & Brittany Bolen regarding Responses to Interagency Comments CAFE and CO2. Document # EPA-HQ-OAR-2018-0283-0453, Attachment 12 [↑](#footnote-ref-4)
6. Center for Auto Safety. 2018. Letter from Center for Auto Safety to Senators Thune and Nelson regarding Deputy Administrator King’s nomination for NHTSA Administrator. May 14. Online at https://www.autosafety.org/wp-content/uploads/2018/05/Center-for-Auto-Safety-Letter-of-Concern-Regarding-Deputy-Administrator-Kings-nomination-for-NHTSA-Administrator-5-14-18.pdf [↑](#footnote-ref-5)
7. Casey, R.P, B. Nelson, R.J. Durbin, and T. Duckworth. 2018. Letter to NHTSA Acting Administrator Heidi King, July 11. Online at https://www.casey.senate.gov/download/nhtsa-keyless-ignition-letter. [↑](#footnote-ref-6)
8. Markey, E.J. and R. Blumenthal. 2018. Letter to NHTSA Deputy Administrator Heidi King, April 12. Online at https://www.markey.senate.gov/imo/media/doc/DOT%20NHTSA%20delayed%20rulemakings%20.pdf. [↑](#footnote-ref-7)
9. National Highway Traffic Safety Administration (NHTSA). 2018. NHTSA Pushes Automakers to Make Takata Air Bag Repair Plans Public. Washington, DC: NHTSA. Press release, July 13. Online at https://www.nhtsa.gov/press-releases/nhtsa-pushes-automakers-make-takata-air-bag-repair-plans-public. [↑](#footnote-ref-8)