



ADVANCING AMERICAN FREEDOM

July 5, 2023

Via Federal eRulemaking Portal:

<https://www.regulations.gov/docket/EPA-HQ-OAR-2022-0829>

<https://www.regulations.gov/docket/EPA-HQ-OAR-2022-0985>

Dockets Operations

Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Room B108
Mail Code 2822IT
Washington, DC 20460

RE: Docket Numbers EPA-HQ-OAR-2022-0985 and EPA-HQ-OAR2022-0829; Comments

Dear Administrator Regan,

Advancing American Freedom submits the following comments in connection with two proposed rules from the Environmental Protection Agency (EPA) that seek to reduce greenhouse gas (GHG) emissions from light to medium-duty vehicles (LMD Tailpipe Rule) and heavy-duty trucks (HD Tailpipe Rule, collectively the Tailpipe Rules) *See* 88 Fed. Reg. 29184 (May 5 2023 (LMD Tailpipe Rule); 88 Fed. Reg. 25926 (April 27, 2023) (HD Tailpipe Rule).

The unintended consequences that could result from these rules are unreflected in the EPA's cost-benefit analysis and could be devastating for American families.

Unintended Consequences

The peril of unintended consequences looms large in the realm of politics. Laws intended for earnest ends often come with unanticipated costs. State car seat laws are one infamous example, but if electric vehicle mandates remain in place, they could quickly eclipse car seat laws in their negative impact on family life and birth rates.

The poet Robert Burns warned that “the best laid plans of mice and men often go awry.” Nothing could be more laudable than policies aimed at protecting children, and no one could ever convincingly argue that a child's life is worth less than the car seats mandated by laws in every

state in the country. And yet, even these “best laid plans” that directly save scores of children’s lives every year have invisible costs that run much higher than a car seat.

Car seat laws function as unintentional ‘contraception.’ While most families want to have more than two children, these laws make it less feasible. Families often have to choose between an expensive vehicle upgrade or having fewer children than they hoped, because many vehicles are not capable of fitting three car seats in the back row. According to researchers, car seat laws have resulted in somewhere around 150,000 fewer births since 1980.¹ By contrast, we can charitably assume that these seat belt laws have saved as many as 5,000 lives in the same amount of time. That is: for every life that was saved, three hundred children were never born as a result of these laws.

This is not to say that we should necessarily revisit the car seat laws that keep children safe. Most Americans would contend that protecting flesh and blood human beings is more immediately important than addressing a longer-term crisis of low birth rates. Whatever the situation may be, one obvious lesson from this case study is that policies can have outsized impacts in seemingly unrelated areas. We should be extremely wary, then, whenever sweeping policy changes are proposed, aware of the many unforeseen ways that things could go awry.

These proposed tailpipe emissions rules from EPA are a clear example of sweeping policy changes deserving our close scrutiny and vigilance. The editors of *National Review* are rightly concerned about the unintended consequences of the LMD Tailpipe Rule, which would require that two-thirds of new vehicles sold in the U.S. have zero tailpipe emissions by 2032 (virtually eliminating the sales of gas-powered vehicles *but also* hybrids, which emit less but not enough to meet the rule’s demands).²

Much of the back and forth over the law is about the hundreds of billions of dollars it will cost to transition to these vehicles (if it’s even possible on the mandated timeline) versus anticipated benefits the transition will bring, such as less pollution and lower fuel costs. But none of the 263 pages of the EPA’s rationale for implementing this rule considers the impact of the transition to all-electric on families, despite the clear lessons from state car seat laws.³

For example, there are serious differences between gas- and electric-powered vehicles. The average drive range of an electric vehicle is about half that of its gas-powered alternative.⁴ Less range means more stops means more time waiting with impatient young children on your commute or road trip. And each of those stops will be longer. Rather than a couple minutes to refuel on gas, families will have to wait hours to recharge.⁵ Car trips and road stops are already hard enough on young families; these rules would make them agony.

¹ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3665046

² <https://www.nationalreview.com/2023/04/bidens-draconian-electric-car-mandate/>

³ <https://www.govinfo.gov/content/pkg/FR-2023-05-05/pdf/2023-07974.pdf>

⁴ <https://www.energy.gov/eere/vehicles/articles/fotw-1221-january-17-2022-model-year-2021-all-electric-vehicles-had-median>

⁵ <https://www.transportation.gov/rural/ev/toolkit/ev-basics/charging-speeds>

If car seat laws can drive away hundreds of thousands of potential new lives, it's not hard to imagine that electric vehicle mandates could have negative impacts on families as well, whether by discouraging couples from having (more) children—being stuck in a car with screaming infants could surely do that!—or dissuading them from going on long road trips to visit and care for extended family and friends. If the family is a cure for so much of the isolation that plagues our country, policy changes like these that make it harder to form and sustain families deserve much more scrutiny from rulemakers at the EPA.⁶

On behalf of Advancing American Freedom, I therefore respectfully request that the Tailpipe Rules be withdrawn, pending in-depth consideration of the policies' impacts on families.

Respectfully,

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⁶ <https://ifstudies.org/blog/why-are-we-ignoring-family-as-a-solution-to-loneliness>