



Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks.” 85 Fed. Reg. 24,174 (“SAFE II Rule” or “Rule”). The SAFE II Rule established two consonant sets of vehicle regulations for passenger cars and light trucks. The first, issued by NHTSA, reduced the applicable corporate average fuel economy standards for model year 2021 vehicles, which had been set in 2012, and set new fuel economy standards for model years 2022-2026. The second set of standards, issued by EPA, reduced the applicable vehicle greenhouse-gas emission standards for model years 2021 and later, which had also been set in 2012.

2. While merits briefing of these challenges was ongoing, President Joseph R. Biden Jr. signed Executive Order 13990 on “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis.” 86 Fed. Reg. 7037 (Jan. 25, 2021). That Executive Order specifically directed the Federal Agencies to review the SAFE II Rule for compliance with the terms of the Executive Order. Under the Executive Order, the Federal Agencies, “as appropriate and consistent with applicable law, shall consider publishing for notice and comment a proposed rule suspending, revising, or rescinding” the SAFE II Rule “by July 2021.” *Id.* at 7037-38 (Section 2(a) & 2(a)(ii)).

3. Accordingly, on February 19, 2021, Respondents moved for an order holding these consolidated cases in abeyance until 30 days after the Federal Agencies complete their review of the SAFE II Rule and any resulting rulemaking.

ECF No. 1886329. On April 2, 2021, the Court issued an Order granting Respondents' motion for abeyance. That Order requires the Agencies to file status reports at 90-day intervals and to notify the Court and the parties within 7 days of any agency action resulting from the review of the SAFE II Rule (or any determination that no action will be taken), and directs the parties file a motion or motions to govern further proceedings within 30 days of that notification. ECF No. 1892931.

4. Since that date, NHTSA and EPA have been working to develop draft proposed rules. On June 24, EPA submitted its draft proposed rule for review by OMB under Executive Order 12866. The Agencies continue to make progress with respect to fulfilling the directives of Executive Order 13390.

5. In consideration of the above facts, Respondents believe their ongoing review of the SAFE II Rule justifies continued abeyance in the above-captioned case.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Status Report was today served electronically through the Court's CM/ECF system on all registered counsel.

DATED: July 1, 2021

/s/ Chloe H. Kolman

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