

Testimony of Michael Walsh, Independent Consultant

Before the U.S. Environmental Protection Agency Science Advisory Board

May 31, 2018

Good afternoon, I am Michael Walsh. I am an independent consultant, and I have spent my entire career working on vehicle pollution issues. I previously served as the Deputy Assistant Administrator for the Office of Mobile Sources Air Pollution Control, the predecessor of today's Office of Transportation and Air Quality and was the founding Chairman of the International Council on Clean Transportation.

I am pleased to be able to testify before the Board today. I want to thank all of you for your public service. Scientific integrity is the foundation of EPA's mission, and the Board must fulfill its role of ensuring that future EPA decisions are grounded in the most rigorous scientific and technical foundation possible.

I strongly encourage the Board to commit to taking four actions:

- 1) To undertake a formal review of the Reconsideration of the Final Determination for the light-duty GHG emissions standards
- 2) Further, to commit to undertaking a formal review of the upcoming Notice of Proposed Rulemaking on light-duty vehicle GHG emissions standards
- 3) To undertake a formal review of the proposed Repeal of pollution limits for heavy-duty glider trucks, and
- 4) To undertake a formal review of Strengthening Transparency in Regulatory Science

I would like to highlight a few key issues on these actions:

Light-Duty GHG Emissions Standards

There is a massive technical record of approximately 10,000 pages supporting the appropriateness of the light-duty GHG emissions standards that are currently in effect. This record spans from 2009, when the first phase of the standards was proposed, to January 2017, when the original Final Determination for the standards was signed by then-Administrator McCarthy. EPA performed the most comprehensive federal regulatory automotive technology evaluation over this 8-year period. Following recommendations by National Academy of Sciences reports, EPA staff developed the first agency vehicle simulation model, and became the first and only federal agency to sponsor vehicle technology cost tear-downs. They benchmarked over 30 of the world's most efficient vehicles, engines, and transmissions, and "reverse engineered" engine and transmission maps that are the core inputs to the vehicle simulation model for precise effectiveness and cost estimates.

I cite this comprehensive technical record to compare it to the meager basis for the recent Final Determination issued by Administrator Pruitt in April. That qualitative document offered no scientific or technical evidence from EPA for the agency's claim that the 2022-2025 standards were no longer appropriate, and instead offered comments from automakers, with no independent assessment of those claims.

EPA can and must do better than this, and I strongly encourage the Board to formally review both the Reconsideration of the Final Determination, as well as the upcoming Notice of Proposed Rulemaking.

Heavy-Duty Gliders

I agree completely with the SAB Work Group that the EPA Glider proposal “is highly controversial in that it would be an end-run around new truck emission standards” and “it is in the best interests of EPA to use credible technical information in a proposed rule.” It is an indictment of the proposal that the one technical document that was cited in the proposal—the Tennessee Tech study—is now the subject of a research misconduct investigation by the university, while an EPA analysis that found very high glider emissions was ignored. I strongly encourage the SAB to formally review the Glider proposal.

Strengthening Transparency in Regulatory Science

Finally, this proposed rule would weaken, rather than strengthen, the scientific basis for EPA’s regulatory decisions by barring EPA consideration of valid scientific research. It ignores the many mechanisms that the scientific community and EPA have long used to review, assess, and vet scientific studies, separate and apart from disclosure of data. For EPA to ignore or exclude studies merely because they do not meet the proposed disclosure requirement is not consistent with good scientific practice.

Conclusion

Initiating a formal review of these agency actions will help to ensure that the Agency relies on robust scientific and technical information on criteria and GHG emissions and air quality in taking further actions that have significant consequences for public health.