

January 5, 2017

Docket ID No: EPA-HQ-OAR-2014-0827

Office of Transportation, Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Pruitt:

On behalf of our millions of members, we are writing to oppose the Environmental Protection Agency's (EPA) proposal to rescind pollution limits for "glider" freight trucks. Glider vehicles are new trucks with old, polluting engines that spew dangerous levels of particulate matter (PM) and nitrogen oxides (NOx). Repealing or weakening the existing regulations creates an urgent threat to public health. EPA's own data show thousands of Americans will die avoidable deaths due to glider vehicle pollution should this proposal be finalized. In addition, this proposal would also undermine the recent fuel efficiency gains in tractor trucks.

Diesel exhaust has been recognized as carcinogenic by the World Health Organization's Agency for Research on Cancer.<sup>1</sup> NOx is one of the primary ingredients in smog and is known to cause and exacerbate asthma attacks and cardiovascular harm. Particulate matter also contributes to asthma attacks and is linked to heart attacks, strokes, lung cancer, and premature death.

EPA estimated in 2016 that the amount of particulate matter from 10,000 gliders sold per year would cause 1,600 premature deaths over the vehicle lifetime – this is a conservative estimate as glider sales likely exceed 10,000 and, in making this estimate, EPA considered only fine particulate exposures, but did not account for additional cancers and mortalities resulting from exposure to diesel exhaust and ground level ozone.<sup>2</sup> Even in this proposed rulemaking, EPA acknowledged that this action would put children's health at risk.<sup>3</sup>

Comparison with other notable pollution cases underscores the enormous pollution burden this proposal would impose. For example, the "defeat device" Volkswagen vehicles emitted an estimated 41,000 additional tons of NOx total between 2008 and 2015, according to the Massachusetts Institute of Technology.<sup>4</sup> Meanwhile, according to EPA 2016 conclusions, every year of glider sales would cause over

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<sup>1</sup> World Health Organization, International Agency for Research on Cancer, IARC: DIESEL ENGINE EXHAUST CARCINOGENIC, June 12, 2012, available at: [https://www.iarc.fr/en/media-centre/pr/2012/pdfs/pr213\\_E.pdf](https://www.iarc.fr/en/media-centre/pr/2012/pdfs/pr213_E.pdf).

<sup>2</sup> Redacted memo from Charles Moulis to William Charmley, Nov. 15, 2017 at P.1, Docket No. EPA-HQ-OAR-2014-0827-2379; EPA and National Highway Traffic Safety Administration Response to Comments at 1965, August 2016, available at: <https://nepis.epa.gov/Exe/ZyPDF.cgi/P100P8IS.PDF?Dockey=P100P8IS.PDF>.

<sup>3</sup> Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits, 82 Fed. Reg. 53,442 (Nov. 16, 2017), available at: <https://www.federalregister.gov/d/2017-24884/p-91>.

<sup>4</sup> MIT News, Study: Volkswagen's emissions cheat to cause 60 premature deaths in U.S., Oct. 28, 2015, available at: <http://news.mit.edu/2015/volkswagen-emissions-cheat-cause-60-premature-deaths-1029>; Environmental Research Letters, Impact of the Volkswagen emissions control defeat device on US public health, Oct. 29, 2015,

400,000 excess tons of NO<sub>x</sub> emission over the lifetime of the vehicles sold.<sup>5</sup> To put these emissions in perspective, one of the Obama EPA's most significant recent programs to address NO<sub>x</sub> emissions, the Cross State Air Pollution Rule Update, is expected to reduce 75,000 tons of NO<sub>x</sub> every year.<sup>6</sup>

More recent estimates of the health harms from this proposal are even more grim. The International Council on Clean Transportation estimates that if the sales of glider trucks continue to grow, even at a moderate level, these trucks would emit an additional 1.5 million tons of NO<sub>x</sub> and 16,000 tons of PM emissions, equivalent to more than \$12 billion in health damages over the next decade.<sup>7</sup> Estimated premature mortalities and other health effects would thus be correspondingly higher — in the tens of thousands of premature deaths for each model year of production.

EPA's proposal failed to adequately assess these devastating public health impacts: in fact, the proposal was published before EPA could finish updating its own emissions data that confirms the threat of these vehicles to American families. EPA's full chassis dynamometer testing of two glider vehicles showed that NO<sub>x</sub> emissions could be as much as 43 times higher than for new tractors manufactured in 2014 or 2015. Particulate emissions were as much as 450 times higher than new trucks.<sup>8</sup> In fact, while testing for particulates, EPA had to adjust the flow of exhaust through their system because the levels were so high that the sensor could not effectively measure them.<sup>9</sup>

Neither did EPA consider the effects on communities most at risk. Communities of color and low-income communities are more likely to be situated near ports and roadways with high flows of heavy-duty truck traffic.<sup>10</sup> EPA has found that "minority students were overrepresented at schools within 200 meters of the largest roadways, and that schools within 200 meters of the largest roadways also had higher than

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available at: <http://iopscience.iop.org/article/10.1088/1748-9326/10/11/114005> (converted from an estimated 36.7 million kg in excess NO<sub>x</sub> emissions from Volkswagen vehicles in the U.S. between 2008 and 2015).

<sup>5</sup> Using EPA's conservative estimate of 10,000 glider trucks sold annually. See Redacted memo from Charles Moulis to William Charmley, Nov. 15, 2017 at P.1, Docket No. EPA-HQ-OAR-2014-0827-2379. EPA and National Highway Traffic Safety Administration Response to Comments at 1964, August 2016, available at:

<https://nepis.epa.gov/Exe/ZyPDF.cgi/P100P8IS.PDF?Dockey=P100P8IS.PDF> (1,000 MY 2017 glider vehicles would emit 41,500 more tons of NO<sub>x</sub> over their lifetime compared to vehicles with new engines).

<sup>6</sup> Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS, 81 Fed. Reg. 74,504, 74,573 (Oct. 26, 2016), available at <https://www.gpo.gov/fdsys/pkg/FR-2016-10-26/pdf/2016-22240.pdf>.

<sup>7</sup> Rachel Muncrief and Josh Miller, Scott Pruitt's EPA wants to resurrect the dirty diesel, International Council on Clean Transportation, Dec. 1, 2017, available at: <http://www.theicct.org/blog/staff/glider-proposal-means-resurrecting-dirty-diesel>

<sup>8</sup> U.S. Environmental Protection Agency, Chassis Dynamometer Testing of Two Recent Model Year Heavy-Duty On-Highway Diesel Glider Vehicles, Nov. 20, 2017, page 3, Docket No. EPA-HQ-OAR-2014-0827-2417.

<sup>9</sup> *Ibid.* page 14-15, Figure 9.

<sup>10</sup> EPA, *National Air Toxics Program: The Second Integrated Urban Air Toxics Report to Congress* (2014) at 2-8, 2-9 ("Over twenty million homes in the United States are located near large roads, railroads, and airports, and these populations are more likely to be minority and low-income populations."), available at:

<https://www.epa.gov/sites/production/files/2014-08/documents/082114-urban-air-toxics-report-congress.pdf>; U.S. Environmental Protection Agency, Draft Environmental Justice Primer for Ports (2016) at 9, <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P100OYGB.pdf>.

expected numbers of students eligible for free or reduced-price lunches.”<sup>11</sup> But despite the heightened pollution burden that already overburdened communities will suffer if this proposal is finalized, EPA admitted in its proposal that it did not even evaluate the impacts on minority, low-income or indigenous populations, ignoring its duty to analyze the environmental justice impacts of its actions.<sup>12</sup>

Meanwhile, this proposal would also undermine progress in improving freight truck fuel efficiency and reducing their greenhouse gas (GHG) emissions. Due to the Phases 1 and 2 heavy-duty vehicle GHG and fuel efficiency standards adopted in 2011 and 2016, respectively, the entire tractor truck, including its engine, transmission, and trailers is becoming more efficient. Even though glider bodies are new, the fact that the vehicles are not regulated by these heavy-duty standards means that glider trucks would not need to adopt the vehicle technologies— aerodynamics, tires, and other innovations—that all-new trucks will employ to meet the EPA standards. Phases 1 and 2 of the heavy-duty vehicle standards together would reduce the CO<sub>2</sub> emissions and fuel consumption of tractor trucks by 39%, on average.<sup>13</sup> If glider vehicles do not have to meet any standards, there is no basis to assume any improvement in fuel efficiency for these vehicles. Based on the sales estimate of 10,000 gliders per year, this could mean a loss of 5% in the fuel savings of the tractor truck standards; if the production number increases, so do the losses in benefits.<sup>14</sup>

EPA’s proposal would reopen a loophole that undermines important progress in controlling freight truck pollution and undermines the recent progress in truck fuel efficiency. In the Phase 2 heavy-duty vehicle standards, EPA closed the glider truck loophole. This loophole had allowed an industry that had once made a few hundred gliders a year for their intended purpose – to extend the life of the powertrain in a chassis that had a catastrophic failure – to morph into a pollution-evasion option and explode in scale to reach sales of an estimated 10,000 new glider vehicles annually.<sup>15</sup>

The main companies manufacturing glider vehicles are predominantly using engines from 1998-2002, which lack the technology necessary to meet EPA’s existing pollution standards in place for nitrogen oxides (NO<sub>x</sub>) and particulate matter (PM).<sup>16</sup> These outdated engines are now finding new life in new

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<sup>11</sup> Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles-Phase 2, 81 Fed. Reg. 73,478, 73,847 (Oct. 25, 2016), available at: <https://www.federalregister.gov/documents/2016/10/25/2016-21203/greenhouse-gas-emissions-and-fuel-efficiency-standards-for-medium--and-heavy-duty-engines-and>.

<sup>12</sup> Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits, 82 Fed. Reg. 53,442, 53,448 (Nov. 16, 2017) (“We have not evaluated the impacts on minority, low-income or indigenous populations that may occur as a result of the proposed action to rescind emissions requirements for heavy-duty glider vehicles and engines.”), available at: <https://www.gpo.gov/fdsys/pkg/FR-2017-11-16/pdf/2017-24884.pdf>.

<sup>13</sup> ACEEE calculation from agency stringency in Phases 1 and 2 rules.

<sup>14</sup> EPA-420-F-15-904, July 2015

<sup>15</sup> Redacted memo from Charles Moulis to William Charmley, Nov. 15, 2017 at P.1, Docket No. EPA-HQ-OAR-2014-0827-2379.

<sup>16</sup> Ibid, P.2.

freight trucks that will be used for decades to come, instead of new freight trucks with engines that meet modern pollution standards.<sup>17</sup>

The proposal also imperils the billions of dollars of investment engine manufacturers and truck manufacturers have made in modern pollution control technologies. It likewise puts at risk the many tens of thousands of high-paying jobs these industries create. For this reason trade associations in every significant segment of the heavy duty vehicle and engine manufacturing sector, including the American Trucking Association, Manufacturers of Emission Controls Association, Heavy Duty Efficiency Leadership Group, and the Engine Manufacturers Association, have voiced concerns about this proposal.<sup>18</sup> The proposal creates a profoundly unlevel playing field favoring a few glider vehicle manufacturers at the expense of the rest of the industry, contravening Administrator Pruitt's stated position that EPA should not be picking winners and losers.<sup>19</sup>

EPA has clear legal authority to address glider vehicle pollution under both Clean Air Act Section 202(a)(1) (new motor vehicles) and Section 202(a)(3)(D) (engine rebuilding practices). EPA's proposal is based on an untenable reading of the statutory text and gives no consideration to the Clean Air Act's purpose of protecting Americans from dangerous air pollution.<sup>20</sup> Moreover, by failing to consider such glaringly central issues as the impacts of the proposal on public health and the environment, implications of the proposal on states' ability to attain and maintain the PM and ozone National Ambient Air Quality Standards, impacts of the proposal on industry complying with modern pollution standards for heavy duty diesel engines, and failure to acknowledge (much less consider) EPA's own testing of glider vehicles which confirmed how high-polluting these glider vehicles are, the proposal is arbitrary

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<sup>17</sup> Testimony at the December 4, 2017 public hearing from a builder of glider vehicles indicated that these old engines can be rebuilt multiple times, meaning that their pollution lifetime is literally in the multi-millions of miles. Testimony of Farrell Dale Clark Jr. on behalf of D & B Truck and Equipment Sales LLC. See also EPA-420-R-16-901 EPA and NHTSA Response to Comment on Proposed Rulemaking on Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles – Phase 2, P.1964 footnote 253, available at: <https://nepis.epa.gov/Exe/ZyPDF.cgi/P100P8IS.PDF?Dockkey=P100P8IS.PDF>.

<sup>18</sup> Quinn, P. 2017. Oral testimony during public hearing on the repeal of emission requirements for glider vehicles, glider engines, and glider kits. Transcript not available, but written testimony docketed at EPA-HQ-OAR-2014-0827-4281. See also [https://www.eenews.net/assets/2017/11/20/document\\_gw\\_10.pdf](https://www.eenews.net/assets/2017/11/20/document_gw_10.pdf); <https://www.eenews.net/stories/1060067341>, <http://www.truckandenginemanufacturers.org/file.asp?A=Y&F=2017+08+21+PRC+GHG+Phase+2+Revisit+Press+Release%2Epdf&N=2017+08+21+PRC+GHG+Phase+2+Revisit+Press+Release%2Epdf&C=documents>, [http://www.meca.org/attachments/3067/MECA\\_comments\\_on\\_EPA\\_Glider\\_Reconsideration\\_01052018.pdf](http://www.meca.org/attachments/3067/MECA_comments_on_EPA_Glider_Reconsideration_01052018.pdf); <http://www.truckinginfo.com/channel/fleet-management/news/story/2017/11/epa-issues-proposal-to-pull-glider-kits-from-ghg-mpg-rule.aspx>; [https://www.washingtonpost.com/politics/epa-may-repeal-emission-standards-for-truck-components/2017/10/23/993170a0-b814-11e7-9e58-e6288544af98\\_story.html?utm\\_term=.9ac1e6411223](https://www.washingtonpost.com/politics/epa-may-repeal-emission-standards-for-truck-components/2017/10/23/993170a0-b814-11e7-9e58-e6288544af98_story.html?utm_term=.9ac1e6411223)

<sup>19</sup> Fox Sunday News: Scott Pruitt on Balancing Environmental and Economic Priorities, April 2, 2017, available at: <http://www.foxnews.com/transcript/2017/04/02/scott-pruitt-on-balancing-environmental-economic-priorities-mitch-mcconnell-on-gorsuch-nomination-health-care-reform.html>

<sup>20</sup> Summary of the Clean Air Act, available at: <https://www.epa.gov/laws-regulations/summary-clean-air-act>

and capricious.<sup>21</sup> EPA cannot take any final action here without first providing proper notice with regard to these and a host of other issues.

EPA solicits comment on whether glider vehicle manufacturers should be given more lead time or a higher cap on the number of high-polluting glider vehicles they can produce. No further lead time should be afforded, and the 300 high polluting glider vehicle allowance for small manufacturers is more than ample to allow traditional salvage uses for glider vehicles. To the extent that EPA amends these provisions, the 300 vehicle cap should be lowered rather than increased. There is no valid reason to imperil Americans' health by putting any more of these high-polluting vehicles on the roads beyond the levels authorized by the 2016 final rule.

We strongly oppose the proposed rule and urge you to not to finalize this proposed rescission.

Sincerely,

ACEEE

Center for Biological Diversity

Coalition for Clean Air

E2

Ecology Center

Environment America

Environment Arizona

Environment California

Environment Colorado

Environment Connecticut

Environment Florida

Environment Georgia

Environment Illinois

Environment Iowa

Environment Maine

Environment Maryland

Environment Massachusetts

Environment Michigan

Environment Minnesota

Environment Missouri

Environment Montana

Environment Nevada

Environment New Hampshire

Environment New Jersey

Environment New Mexico

Environment New York

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<sup>21</sup> 5 U.S.C. § 706(2)(A), (E)

Environment North Carolina  
Environment Ohio  
Environment Oregon  
Environment Rhode Island  
Environment Texas  
Environment Virginia  
Environment Washington  
Environmental Defense Fund  
Environmental Law & Policy Center  
Illinois Environmental Council  
League of Conservation Voters  
Natural Resources Defense Council  
NextGen America  
PennEnvironment  
Respiratory Health Association  
Safe Climate Campaign  
Sierra Club  
Union of Concerned Scientists  
US PIRG  
WE ACT for Environmental Justice  
Wisconsin Environment