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Pruitt Seeks to Reopen Truck Pollution Loophole per Cronies' Request

DAVE COOKE, SENIOR VEHICLES ANALYST | NOVEMBER 1, 2017, 11:27 AM EDT

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In a particularly scary development, the [EPA just proposed to repeal part of the recent regulations on heavy-duty vehicles](#). The proposal would affect “glider vehicles” and would reopen a loophole so big you could, well, drive a truck through it...leaving a ridiculously large cloud of pollution in its wake.

What the heck is a glider?

Glider vehicles are trucks that are built from a refurbished engine and a brand-new chassis (called a “glider kit”). They have been around for a long time and can serve a useful purpose—heavy-duty diesel engines are built to last hundreds of thousands

of miles and are a significant part of the upfront cost of a vehicle, so if you crash your truck in the first couple years, it would be worth it to make sure you got the full lifetime use out of that powertrain.

The thing is, no one's going joyriding in a semi—truck drivers are doing it for a living and generally try to take immaculate care of their vehicle, so one wouldn't think these types of accidents are very frequent. In fact, up until recently, only a few hundred such gliders were sold in a given year.

Glider sales on the rise...

That all changed in the past couple years, when members of the glider cottage industry decided to exploit a loophole. [In 2007 and 2010](#), EPA put into effect new pollution controls for heavy-duty vehicles which cut soot and smog-forming nitrogen oxide emissions by more than 90 percent. However, because there is a menagerie of truck types and uses, those regulations are based on emissions tests of the *engine*, not the vehicle.

Fitzgerald, the leading assembler of glider vehicles, decided to make a few bucks by building a brand around assembling new glider vehicles with old, polluting engines that predate the EPA's regulations and then selling the trucks as new vehicles. They and other glider assemblers even [put out ads](#) trying to increase the availability of these more polluting engines!

Glider vehicle assemblers typically offer the trucks at a significant discount compared to other new vehicles—it's amazing at how much cheaper you can make a truck when you don't care about how much pollution it's spewing ([about 25 percent cheaper](#), in fact). This is one of the major complaints from the rest of the industry—it isn't a level playing field. In fact, most of the industry is opposed to glider vehicles.

...leads to a LOT of excess pollution

Of course, the public shouldn't be too crazy about these trucks, either. Thanks to that “pollution discount” for not meeting modern emissions standards, glider

vehicle sales have gone through the roof—just a few hundred glider vehicles were sold a decade ago, but industry sales are now up to about 10,000 vehicles...and perhaps still on the rise.

So just how bad is it? [Virtually all of Fitzgerald's vehicles are sold with a pre-2004 diesel engine](#). Those engines emit upwards of **10 to 20 times** the amount of soot and smog forming nitrogen oxides (NOx) of a brand-new engine. By 2025, EPA's own analysis shows that these gliders would be emitting about **300,000 tons of NOx and 8,000 tons of soot each year!**

Putting that into perspective:

- That amount of NOx is about 10 times that of the VW Dieselgate scandal (to date)...all in a single year!
- These levels of NOx emissions would effectively cancel out the reductions in NOx made in passing [EPA's Tier 3 Emissions and Fuel Standards](#).
- Small in numbers but not impact—despite representing just 5 percent of the long-haul trucks on the road, by 2025 these glider vehicles would emit about **1/3 of all soot and NOx pollution** from long-haul trucks.
- These excess emissions would have serious health impacts—if this loophole isn't closed by 2025, these glider vehicles would result in **up to 12,800 deaths that could have been prevented**, not to mention countless additional emergency room visits and other health issues.

It's also worth noting that the engines being put into these new trucks are engines that EPA had already previously found in non-compliance with the Clean Air Act because of [the use of defeat devices](#). That's right—not only do these engines not meet today's emissions standards, but they didn't even meet the emissions standards in place when they were originally manufactured!

In the most recent heavy-duty vehicle standards, the EPA wisely closed this loophole by requiring all new vehicles, *including gliders*, to have an engine that meets the same model-year standard as the vehicle itself. Recognizing the previous legitimate use of gliders, they even allowed a small-volume exemption for up to 300

vehicles, curbing the rampant exploitation of the loophole while still maintaining a volume that could keep companies like Fitzgerald in business.

Pruitt's cronyism threatens public health

The EPA Administrator Scott Pruitt is threatening to throw that all away by [repealing the sections of the rule that closed the glider loophole](#). And he is doing so at the behest of Fitzgerald and Representative Diane Black (R-TN), who's currently a candidate for the governor of Tennessee.

Rep. Black [has tried unsuccessfully to restrict EPA](#) from regulating glider kits via legislative action, willing to sacrifice public health because a few hundred jobs at Fitzgerald are in her district.

[Fitzgerald's owners met directly with Scott Pruitt in May](#). They also worked with Rep. Black and a couple smaller glider assembler to submit a petition with some seriously shoddy "evidence" collected by a third party, Tennessee Tech University. The thing is, TTU's facilities are...[in the Fitzgerald Industrial Park, paid for by Fitzgerald](#). Coincidentally I'm sure, these tests were taken and signed off by the head of the center paid for in part by Fitzgerald even before the public-private partnership between TTU and Fitzgerald was announced.

Lo and behold, after receiving the petition from Fitzgerald, Scott Pruitt announced that he would be re-examining the glider provisions of the heavy-duty regulations.

It isn't clear who exactly benefits from all this backroom dealing (besides the small number of glider assemblers like Fitzgerald)—but it certainly isn't the American public.

Pending internal review by the executive branch, this proposed repeal should be made available for public comment, so stay tuned as we continue to push back on Scott Pruitt's ridiculous dismantling of public health protections—I'm sure UCS will be calling on you for your support.

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Scientists Stand Up Against Shoddy Science on Glider Vehicles

JONNA HAMILTON, SR. MANAGER OF GOVERNMENT AFFAIRS | MARCH 16, 2018, 11:26 AM EDT

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The newest twists and turns in the glider vehicle saga

Glider vehicles have gone from being a niche issue to a major conversation piece both here in DC and now also in Tennessee. The villains are still Environmental Protection Agency (EPA) Administrator Scott Pruitt, Fitzgerald Glider Kits, and Congresswoman Diane Black. The new heroes are the Tennessee Tech University (TTU) faculty and students.

First a quick recap of the issue: Glider vehicles are new truck bodies that have old, polluting engines in them. As noted in my colleague Dave Cooke's [previous blogs](#), the particulate matter (PM) emissions alone from these vehicles will cause an additional 1600 premature deaths annually (assuming they make 10,000 vehicles a year). And the nitrogen oxide (NOx) emissions are 10x that of the emissions from the Volkswagen diesel cars that were outfitted with defeat devices *for every year* this loophole remains open.

These dirty polluting trucks are terrible for the environment, our health (particularly the health of people who live along trucking corridors, [predominantly people of color](#), which was acknowledged in an [early draft of the proposal](#) to roll back the rule), and for companies and dealers that sell new trucks that actually meet the current PM and NOx emissions standards.

The glider vehicle loophole was closed as part of the [Heavy-Duty Fuel Economy and Greenhouse Gas Emissions regulations](#) that were finalized in 2016 – Administrator Pruitt is looking to repeal the part of the rule that limits the number of glider vehicles that can be sold with pre-2010 engines.

But EPA Administrator Scott Pruitt doesn't seem to care about any of that.

There are several different layers of malfeasance happening here, many of them come directly out of my colleagues' [Disinformation Playbook](#). I'll start with the science interference.

The newest twist in this story is about the “study” that TTU performed and Fitzgerald included in their [request that the agency repeal the rule](#) that limits the production of super polluting glider vehicles. I will admit, here at UCS, we were incredulous about the brevity of the “data” and lack of methodology included in the “study” – it's basically a table with almost no information – it includes carbon monoxide (CO) emissions, which have been under control in transportation for some time, an acknowledgement that all trucks they tested have higher NOx emissions than allowed, and said that the PM emissions were “below the threshold detection point” (because they didn't measure it! [check out Dave's blog on this point – it's gold](#)). Because we are a bunch of science nerds, we wondered who

would have signed off on this testing? What was the level of scientific rigor? Did no one at the university notice that the study was designed, bought, and paid for by Fitzgerald?

Tennessee Tech University faculty fight back

Unknown to us, there was a giant debate happening among the faculty at Tennessee Tech University about this very “study.” It turns out that this “study” really is just a politically-driven hack job and the faculty at Tennessee Tech University **aren’t having it.**

The Faculty Senate business meeting minutes are amazing and downright enjoyable to read. They appear to have first talked about it on **January 29th** and the Faculty Senators just ripped into Tom Brewer (more on him later), asking all of the questions you would expect – who conducted this research? Did you actually not measure PM? Do you not realize this looks like a conflict of interest? etc. The very next day, they approved a **resolution** that starts by saying that their reputation has been damaged by this “study” and demands an external investigation of the person who led it (Tom Brewer), that TTU President Oldham withdraw university support for the “study,” that all research and associations with Fitzgerald are suspended, and that there is an immediate internal investigation of the “study.”

It took until February 19th, but TTU President Oldham **[sent a letter to the EPA](#)** asking them to disregard the “study,” as they were going to submit it for peer-review. **A win for science!!**

I promised more information about Tom Brewer, the person who apparently oversaw the “research” for the “study.” Brewer has a BA in business administration and previously worked in product administration at GM, was the president of the Board of the Tennessee Automotive Manufacturers Association, and was brought to TTU to be **“an industry liaison.”** This is the “expert” that ran the study. Fitzgerald apparently has **“no engineers experts on staff”** nor any of the appropriate equipment to conduct the testing.

Corporate cronyism

There is a political story that underlies all of this – namely that Fitzgerald, the largest glider vehicle manufacturer, happens to be located in Congresswoman Diane Black’s district (she’s running for Governor of Tennessee this year, if you want to keep tabs on her). Representative Black has [long sought to ensure](#) that these zombie trucks continue to be sold in high numbers – she has repeatedly introduced (unsuccessful) appropriations riders to stop glider vehicles from being regulated. She is also the person that [TTU sent their “study” to](#) and it was that letter that got forwarded on and included in the Fitzgerald request to roll back any regulations for glider vehicles.

In addition, it is worth noting the timing of this whole withdrawal process. At one point, [Fitzgerald said that they would still be able to make a profit if sales volumes were capped](#); this stance changed shortly after Administrator Pruitt was confirmed, however. Last year, [Fitzgerald met with Administrator Pruitt in May](#), submitted their [petition for reconsideration in July](#), and the notice that this was going to be revisited [came out in August](#). In December, EPA held a hearing at which several UCS supporters testified (thank you!!) and over 26,000 UCS supporters sent comment letters to EPA requesting that this loophole stay closed – our supporters are awesome!

Fitzgerald is clearly working to exert their influence at every turn. They are sponsoring university research that they are [refusing to release details](#) of ([The Fake in the playbook](#)). And about at the same time, [Fitzgerald gifted land](#) to the university to build a [Center for Intelligent Mobility](#) ([The Screen in the playbook](#)). They are clearly behind the entire repeal effort happening at the EPA and are the reason that Congresswoman Black has been championing zombie trucks for years ([The Fix in the playbook](#)).

The uproar at Tennessee Tech University, the blatant political motivations that have been in the mainstream press [here](#), [here](#), and [here](#), [Congressional scrutiny](#), and common decency aren’t likely enough to keep this loophole you could drive a truck through closed. I think it’s incredibly likely that Administrator Pruitt goes ahead with his proposal to allow unregulated glider vehicle sales. It’s up to all of us to let

him know that that's not ok. Please [take this action](#) to speak out against this and we'll keep you updated on the next steps.

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The EPA Knows Glider Trucks Are Dangerously Dirty: It's Time to Keep Them Off the Road

DAVE COOKE, SENIOR VEHICLES ANALYST | DECEMBER 4, 2017, 9:07 AM EDT

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Today, I am speaking at a public hearing at EPA to push back on the agency reopening a “zombie truck” loophole. [I wrote about the political motivations](#) behind the attack on public health previously, but we now have even more information about exactly how dirty these trucks are from an interesting source: the EPA itself.

A reminder about what is at stake

Glider vehicles are brand new trucks that are powered by a re-manufactured engine. While they look like every other new truck on the outside, on the inside they have engines which were manufactured under weaker pollution standards

than other new trucks. Because they are resurrecting these older, more highly polluting engines from the dead, they are sometimes referred to as “zombie trucks.”

While initially glider trucks were used to replace vehicles whose bodies had been damaged, more recently a cottage industry has sprung up selling about 20 times more trucks than historic levels solely to bypass pollution restrictions.

In the “[Phase II](#)” [heavy-duty vehicle regulations](#), the EPA closed the loophole that allowed these awful pollution spewers to be manufactured in the first place.

However, [Scott Pruitt’s EPA has proposed repealing this action](#), reopening the loophole primarily [to benefit a company with political ties](#).

Dirty science for dirty trucks

In support of this repeal, Fitzgerald Trucks (the manufacturer requesting the loophole be reopened) submitted the results of a slapdash series of tests it claimed were from independent researchers. However, the tests were paid for by Fitzgerald and conducted using Fitzgerald’s equipment in Fitzgerald’s facilities. The results of the tests were incomplete and indicated that the work was sub-standard. However, we didn’t know just how unscientific the research was until EPA technical staff [posted a memo detailing a meeting with the researchers](#). Here are just a few of the absurd shortcomings in the tests:

- **Researchers did not use industry standard test procedure**, so any numerical results could not be directly compared with regulatory requirements or literally any other research in the technical literature.
- **Researchers did not actually take samples of soot during testing**, despite the fact that this is not just carcinogenic but one of the specific pollutants at issue with these engines which causes such detrimental health impacts. Instead, they “visibly inspected” the test probe. Yes, you read that right—they just looked at it to see if it was dirty.
- **Researchers did not test under any “cold start” conditions**. Like when you first turn on your car, this is when the engine emits elevated levels of pollution, which is why it is a standard part of regulatory tests for both cars

and trucks.

Believe me when I tell you that I could not get my doctorate if my lab work were of that low quality.

Ignoring the EPA's own technical data

While pointing to the subpar Fitzgerald / Tennessee Tech data, the EPA was actually aware of much higher quality data being done at its own facilities. Instead of waiting for these tests to be completed, the politicians at EPA moved forward with the proposed repeal anyway.

Well, [the results from those tests are in](#), and they are at least as bad as the EPA's technical staff feared. In fact, it may be even worse:

- According to the test results, it appears that these engines actually exceed the legal limits they were initially designed for. This means that the “special programming” of the engine [Fitzgerald claims to do](#) to the engines may result in greater fuel economy, but it means greater pollution, too.
- The soot exhausted by these engines is so large that it caused a fault in the EPA's equipment, after which the EPA had to adjust the throughput. A good comparison to this is like when you have your volume adjusted for a TV program you like and then suddenly a really loud commercial comes on...except now imagine that commercial just blew out your speakers.

Glider #1 – Super Cycle Test – 05OCT2017



- The two collectors on the left of this image are what happened when they first tried to collect the pollution from these vehicles; the two collectors on the right are what it looked like before the test. Now imagine what that experience must be like for the lungs of a child with asthma.

The EPA had already projected that every year of production of glider vehicles at today's levels would result in as many as 1600 premature deaths—this new data suggests that number could be even higher.

The science is clear, so closing this loophole should be the easy thing to do.

I am speaking today at the hearing against because I want to make sure EPA listens to its own scientists and closes this loophole, to abide by its mission statement and protect human health and the environment. And today I will be among a chorus of dedicated citizens reminding the agency of its mission.

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