

## Testimony of John Bullock, Environmental Defense Fund, at EPA's Hearing on Its Proposal to Repeal Emission Requirements for Glider Vehicles

December 4, 2017

My name is John Bullock and I am a Legal Fellow with Environmental Defense Fund. I am here today to testify in opposition of EPA's proposal to repeal emission requirements for glider vehicles. This action taken by Administrator Scott Pruitt is one of many in a pattern of undermining EPA's mission to protect human health and the environment, while hiding behind disingenuous claims of promoting "rule of law" values.

- As EPA acknowledges, emissions from freight trucks have devastating impacts on public health.<sup>1</sup>
- Diesel freight truck engines emit diesel particulate matter, smog-forming oxides of nitrogen (NOx), numerous air toxics, and other harmful pollutants. This pollution contributes to a host of respiratory problems and premature death.<sup>2</sup>
- EPA has taken several steps to address freight truck pollution in recent years. But despite the overwhelming science about the damage caused by pollution from heavy-duty freight trucks, Administrator Pruitt now proposes to take us backwards and reopen a giant loophole that would allow for the sale of glider trucks without any modern pollution controls.
- EPA correctly states in their press release for this rollback that gliders make up less than 5% of the heavy-duty truck market, which sounds small in isolation. But they fail to acknowledge that, if this rollback is adopted, glider trucks are so high polluting that EPA estimates they would cause over a third of dangerous NOx and particulate matter pollution from the heavy-duty freight truck fleet by 2025.<sup>3</sup>
- This rollback would have serious consequences for public health; repealing these protections would also cause as many as 6,400 premature deaths—just from glider trucks sold through 2021.<sup>4</sup>
- Administrator Pruitt justifies this proposal by claiming that the prior administration was "bending the rule of law" and "expanding federal reach" by regulating these polluting trucks.<sup>5</sup> But a closer examination of the protections put in place by the prior administration shows these safeguards actually *promote* rule of law values such as regulatory certainty and fairness among regulated entities.
  - To put things in perspective, it's important to note that current levels of glider truck sales are a relatively recent development. After EPA improved pollution

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<sup>1</sup> EPA, SMOG SOOT AND OTHER AIR POLLUTION FROM TRANSPORTATION SECTOR (Jan. 10, 2017), <https://www.epa.gov/air-pollution-transportation/smog-soot-and-local-air-pollution>

<sup>2</sup> Environmental Defense Fund, EPA Administrator Scott Pruitt Moves to Reopen Massive Loophole for Worst Polluting Trucks, (Nov. 8, 2017), [https://www.edf.org/sites/default/files/content/trucking\\_industry\\_leaders\\_on\\_glid\\_ers\\_2.pdf](https://www.edf.org/sites/default/files/content/trucking_industry_leaders_on_glid_ers_2.pdf)

<sup>3</sup> 81 Fed. Reg. 73,478, 73,943 (Oct. 25, 2016), <https://www.gpo.gov/fdsys/pkg/FR-2016-10-25/pdf/2016-21203.pdf>.

<sup>4</sup> v EPA and National Highway Traffic Safety Administration Response to Comments at 1965, <https://nepis.epa.gov/Exe/ZyPDF.cgi/P100P8IS.PDF?Dockey=P100P8IS.PDF>.

<sup>5</sup> EPA, Press Release, *Administrator Pruitt Advances Effort to Keep EPA within Regulatory Lane with Proposed Repeal of Glider Provisions from Heavy-Duty Truck Rule*, (Nov. 9, 2017).

<https://www.epa.gov/newsreleases/administrator-pruitt-advances-effort-keep-epa-within-regulatory-lane-proposed-repeal>.

controls for freight trucks, production of glider trucks increased from a few hundred per year to more than 10,000 in 2015.<sup>6</sup>

- As responsible freight truck manufacturers—ones that have invested in and install modern pollution controls—have pointed out,<sup>7</sup> the reason for this large increase in glider kit manufacturing is to *evade* EPA pollution controls.
- When EPA moved to address harmful, disproportionate pollution from glider kits in 2016, they were ensuring that *all* truck manufacturers were subject to similar pollution control standards.
- EPA worked to cause as little disruption as possible to the glider truck industry while still meeting its responsibility under the Clean Air Act to protect the public from this harmful and disproportionate pollution.
- Under EPA’s common sense actions to close the loophole, beginning in 2018, glider manufacturers must cap production of high-polluting vehicles at 300 annually. Glider manufactures remain free to produce additional glider vehicles as long as those meet the modern air pollution controls that all other manufacturers already meet.
- If the agency moves ahead with its proposal to reopen this glider truck loophole, EPA would actually *undermine* regulatory certainty and unfairly disadvantage the responsible members of the freight trucking industry.
- If Administrator Pruitt were truly concerned about the rule of law, he would keep these vital public health protections in place, as they help ensure a level playing field for freight truck manufacturers.
- This action is one of many in Administrator Pruitt’s short tenure that shows a disregard for the agency’s core mission to protect public health and the environment. In less than a year, Administrator Pruitt has taken aim at protections on pollution from oil and gas, power plants, landfills, passenger cars, and numerous other sources.
- Perhaps the most significant of Administrator Pruitt’s rollbacks is his proposal to repeal the Clean Power Plan.
  - Repealing the Clean Power Plan would create tremendous regulatory uncertainty for states and regulated entities. Despite Administrator Pruitt’s claims about restoring the rule of law, he hasn’t even committed to replacing the Clean Power Plan with *any* policy, even though the Supreme Court has affirmed three times EPA’s legal responsibility to protect against climate pollution.
  - And like the glider kit rollback, repealing the Clean Power Plan would have devastating effects for public health. If fully implemented, the Clean Power Plan would annually prevent 90,000 asthma attacks in children and 300,000 missed work and school days by 2030.<sup>8</sup> It would also prevent up to 4,500 premature deaths every year by the Trump administration’s own analysis.<sup>9</sup>
- Administrator Pruitt has repeatedly shown a disregard for EPA’s core mission of protecting the health and welfare of regular Americans. I strongly urge that this

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<sup>6</sup> Memorandum from Charles Moulis, to William Charmley, Re: Summary of Glider Production Data, (Nov. 15, 2017), [https://www.eenews.net/assets/2017/11/21/document\\_gw\\_05.pdf](https://www.eenews.net/assets/2017/11/21/document_gw_05.pdf).

<sup>7</sup> See, e.g., Comments of Volvo Trucking, at p. 1865-69. <https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0827-1966>

<sup>8</sup> EPA, Fact Sheet: Overview of the Clean Power Plan, <https://archive.epa.gov/epa/cleanpowerplan/fact-sheet-overview-clean-power-plan.html>.

<sup>9</sup> EPA, Regulatory Impact Analysis for the Review of the Clean Power Plan Proposal, at 123. [https://www.epa.gov/sites/production/files/2017-10/documents/ria\\_proposed-cpp-repeal\\_2017-10.pdf](https://www.epa.gov/sites/production/files/2017-10/documents/ria_proposed-cpp-repeal_2017-10.pdf).

Administration change course. In particular, Administrator Pruitt should not reopen the glider truck loophole.

- Thank you for the opportunity to testify on these important issues.