

December 18, 2018

Ms. Susan Parker Bodine
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Subject: EPA Tampering Policy and Heavy and Light-Duty Diesel Vehicle Emission Control Systems Tampering

Assistant Administrators Bodine and Wehrum:

The Association of Air Pollution Control Agencies (AAPCA)¹ submits this letter in support of the U.S. Environmental Protection Agency's (EPA) recent efforts to update the federal Clean Air Act (CAA) enforcement policy concerning vehicle and engine tampering and aftermarket defeat devices,² particularly as it relates to heavy and light-duty diesel vehicle emission control systems tampering. AAPCA members, directly responsible for creating state plans implementing CAA regulations, also applaud U.S. EPA's efforts to investigate and take enforcement action regarding inappropriate diesel emissions control tampering that may adversely impact air quality.

Emissions from heavy and light-duty diesel vehicles are a significant source of fine particulate matter (PM_{2.5}), sulfur dioxide (SO₂), carbon monoxide (CO), and nitrogen oxides (NO_x). These pollutants are regulated under the national ambient air quality standards (NAAQS) program of the CAA due to health concerns from exposure. EPA's specific control measures for manufacturers designed to control emissions of PM_{2.5}, CO, and NO_x, alongside longstanding diesel fuel requirements to reduce SO₂ emissions, have contributed to the tremendous progress in air quality that has been achieved in the United States over the past several decades.³

Unfortunately, U.S. EPA and state environmental agencies are finding significant and blatant violations of control measures designed by the manufacturers at great cost to protect air quality. These emission controls if not achieving the expected reductions will eventually require more stringent measures for this and other regulated sectors. This can be avoided. As EPA's Air Enforcement Division reported to AAPCA members at the Association's 2018 Spring Meeting, these violations not only include car manufacturer systems designed to defeat emissions testing (such as those installed by Volkswagen) but aftermarket "defeat devices" that can be installed by vehicle owners to bypass emissions systems. EPA testing has found that aftermarket tampering can significantly increase pollutant emissions.⁴

¹ AAPCA is a national, non-profit, consensus-driven organization focused on assisting state and local air quality agencies and personnel with implementation and technical issues associated with the federal Clean Air Act. AAPCA represents more than 40 state and local air agencies, and senior officials from 20 state environmental agencies currently sit on the AAPCA Board of Directors. AAPCA is housed in Lexington, Kentucky as an affiliate of The Council of State Governments (CSG). You can find more information about AAPCA at: www.cleanairact.org.

² See: U.S. EPA's "[Preview of the Draft 'EPA Tampering Policy' for Stakeholder Awareness](#)," September 2018.

³ AAPCA, "[The Greatest Story Seldom Told: Profiles and Success Stories in Air Pollution Control](#)," July 2018.

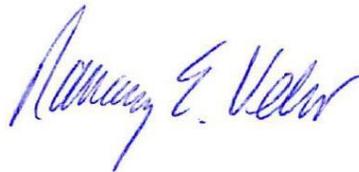
⁴ <https://cleanairact.org/events/documents/PhilBrooks-April5-OECA-PresentationAAPCAEnforcementTrends4.5.18.v3.pdf>.

Curtailling the manufacture and installation of these devices is important to state and local air agencies developing plans to implement and meet air quality standards, particularly in areas that do not currently meet the NAAQS for PM_{2.5} and ozone. AAPCA members appreciate the recent clarification from Assistant Administrator Bodine that “The EPA Tampering Policy will complement the agency’s enforcement efforts, which are ongoing and focused on companies which are defeating the emissions controls designed to protect air quality.”⁵ EPA’s policy enforcement through the investigation and prosecution of violating companies aligns with the primary goals of the Agency’s *FY 2018 – 2022 Strategic Plan*⁶ and further demonstrates a commitment to air quality.

As EPA finalizes the tampering policy, AAPCA members would also like to underscore the importance of working with state and local agencies in investigations and enforcement actions regarding tampering of the emission control systems of both light and heavy-duty diesel vehicles. State implementation plans (SIPS) – including “Good Neighbor” SIPs – that include emission reductions strategies rely, in part, on appropriate state and federal enforcement to ensure ambient air quality standards are achieved.

Thank you for consideration of AAPCA’s comments and ongoing work to halt improper tampering of emissions control systems for diesel vehicles. AAPCA members look forward to future engagement and collaborative efforts to effectively enforce policies that address air quality. If you have any questions regarding this letter, please contact Mr. Jason Sloan, Executive Director, at jsloan@csg.org or (859) 244-8043.

Sincerely,



Nancy Vehr
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Wyoming Department of Environmental Quality
2019 President, AAPCA

⁵ [Letter](#) to Representative Brett Guthrie, October 24, 2018.

⁶ <https://www.epa.gov/sites/production/files/2018-08/documents/fy-2018-2022-epa-strategic-plan-print.pdf>.