Diesel Tampering Considerations

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Who is MARAMA?

- The Mid-Atlantic Regional Air Management Association, Inc. is composed of the following ten air quality regulatory agencies:
  - Allegheny County Health Department Air Quality Program
  - Delaware Dept. of Natural Resources and Environmental Control Division of Air Quality
  - District of Columbia, District Department of Energy & Environmental Air Quality Division
  - Maryland Department of the Environment Air & Radiation Management Administration
  - New Jersey Department of Environmental Protection Division of Air Quality
  - North Carolina Department of Natural Resources Division of Air Quality
  - Pennsylvania Department of Environmental Protection Bureau of Air Quality
  - Philadelphia Department of Public Health Air Management Services
  - Virginia Department of Environmental Quality Division of Air Quality
  - West Virginia Department of Environmental Protection Division of Air Quality
Investigating the tampering issue

- Air Quality Impacts
- EPA’s Investigative Data
- Partnerships
- Whitepaper Review
- Additional thoughts
Air Quality Impacts

Ozone
Air Quality Issues

- Ozone
- PM
- Air Toxics
EPA’s National Compliance Initiative: Stopping Aftermarket Defeat Devices for Vehicles and Engines

- Reviewed Evidence on Class 2b and 3 Vehicles (8500-14,000 GVWR).
- EPA statistics point to 500,000 diesel pick up trucks in the U.S. have deleted controls.
- ~13% of registered diesel pick up trucks registered in the U.S.
- Cases to date suggest >1 ton increased NOx for the life of the vehicle in the U.S.
- Equivalent to an extra 9 million diesel vehicles on the road.
- EPA made efforts to make conservative emission estimates
EPA Actions

Last 5 years acted on more than 50 cases

Resulting in millions of dollars in penalties

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EPA’s Mid-Atlantic Estimates

- Estimated registered Class 2b and 3 diesel vehicles 660,000.
- Estimated vehicles with deleted controls 57,000.
- Following data for all deleted truck classes (95% Class 2b and 3 diesel pick up trucks):
  1. 2009-2019 Estimated excess NOx: ~58,000 tons.
  2. Next 10 year estimated excess NOx: ~94,000 tons.
  4. Next 10 year estimated excess PM: ~890 tons.
  5. ~9,400 tpy of NOx and ~89 tpy of PM
- EPA made efforts to make these emission estimates conservative.
Partnerships

- EPA Enforcement
- University of Maryland Francis King Cary School of Law, Environmental Law Clinic
- MARAMA States

Result:

Whitepaper on Tampering and After Market Defeat Devices: An Analysis of Mid-Atlantic State Compliance and Enforcement Options

Whitepaper Authors: Tyler Creevy, Ashley Morello, Galen Rende, Emily Schenning, Michael Spanos, and Kyra Wheatly, Professor Seema Kakade
Whitepaper Review

- Environmental Laws
- Communication Strategies
- I/M
- Citizen Actions
- Consumer Protection Laws
Environmental Laws

Prohibit:

1. the sale or operation of a vehicle not meeting emission standards.
2. the sale or operation of a tampered vehicle or vehicles with installed defeat devices.
3. the act of tampering or installing a defeat device.
4. the sale of defeat devices.
5. the release of visible emissions ("Rolling Coal")

States required to create online portals to allow citizens to report violations of these provisions.
Communication Strategies

- Educate Consumers
- Develop Effective Educational Strategies
- Need better awareness of environmental impacts
- Texas: 30 TX ADC §§ 114.20(c)(3),(e) Signage Requirements
- Educate Industry
- NJ Compliance Advisories
- EPA Compliance Actions
- Citizen Portals
Inspection/Maintenance Programs

- Some states exempt or prohibit diesel vehicles from I/M programs
- Virginia, Maryland, New Jersey
- A Virginia element includes roadside monitors
- Maryland Kiosks
- New Jersey Tampering
Citizen Actions

- Section 304 of the Clean Air Act
- Allows citizens to bring actions against CAA violators
- *Utah Physicians for a Healthy Env’t. V. Diesel Power Gear*
Consumer Protection Law

- Generally to be used against fraud, deception and misrepresentations to a consumer
- Consumer protection successful against Volkswagen
- MI case Bledsoe v. FCA US LLC
- Texas Deceptive Trade Practices Law
Additional Thoughts

- Cleaner Truck Initiative
- Tier 3 Fuel and Vehicle Standards
- Inventory
- Visibility Impacts
- EPA Settled with companies in MD, DE and PA, May 2020
- I/M needed?
- NAAQS to stay the same?
Final Thought

Is there something in the room?