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July 18, 2018

The Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Wheeler,

We write to request that you formally stay the decision dated July 6, 2018, from Susan Bodine, Assistant Administrator of OECA, to Bill Wehrum, Assistant Administrator of OAR, and entitled "Conditional No Action Assurance Regarding Small Manufacturers of Glider Vehicles." It undermines regulatory certainty, harms air quality and public health, and is a clear violation of the Administrative Procedures Act. Not to mention the adverse impact it will have on tens of thousands of jobs in the supplier industry.

As you may be aware, both of our organizations joined a group of stakeholders including; American truck and engine manufacturers, automotive suppliers and related businesses, many states, and numerous public health and environmental organizations, in opposing the loophole that your predecessor sought to enlarge against the clear directives of the Clean Air Act. We testified against further expansion of the production cap in the final heavy duty Phase 2 rule (300 glider kits per year per manufacturer) because it would directly and negatively affect our members' and their customers' bottom-line, and significantly increase air pollution. The 300 unit sales cap was set in-part based on input from the glider industry that suggested that such a limit is economically sustainable (see Fitzgerald Glider Kits quote prior to finalization of the heavy-duty Phase 2 Rule <http://www.truckinginfo.com/channel/equipment/article/story/2013/04/the-return-of-the-glider.aspx>).

MECA and AESI members have over 40 years of experience and a proven track record in developing and manufacturing emission control and efficiency technology for a wide variety of on-road and off-road gasoline and diesel fueled vehicles and equipment in all world markets. Our members represent 70,000 of the nearly 300,000 North American jobs building the technologies that improve the fuel economy and lower emissions of today's vehicles. These jobs are located in nearly every state in the United States – the top 10 states in the U.S. are Michigan, Texas, Illinois, Virginia, New York, Indiana, North Carolina, Ohio, Pennsylvania, and South Carolina. The mobile source emissions control industry has generated hundreds of billions of dollars in U.S. economic activity since 1975 and continues to grow and add more jobs in response to

environmental regulations. In 2017, emission control manufactures have invested over \$3 billion in developing the technologies that reduce emissions from mobile sources.

The Bodine-Wehrum memo is harmful to regulatory certainty and the improved transparency which you are attempting to implement at the Agency. Like the proposed loophole, the memo creates an uneven playing field that undermines the billions of dollars of investments that our companies have made to deliver the latest clean vehicle technologies, and that would, in turn, threaten tens of thousands of U.S. jobs for our companies. The “new motor vehicle” designation for glider vehicles under the Clean Air Act gives EPA the authority to regulate glider vehicles. The glider kit and glider vehicle provision in the Phase 2 heavy-duty rule took an important step in closing the loophole that previously existed. Component suppliers rely on regulatory certainty when they make long term investments, and we request that the Agency support the mobile emission control supplier industry and maintain the heavy-duty Phase 2 regulation in the current finalized form, as supported by OEMs, trucking associations, suppliers and states.

Our industry has played an important role in the emissions success story associated with light and heavy-duty vehicles in the United States, and has continually supported EPA’s efforts to manage air quality problems. MECA and AESI urge you to issue a stay of this enforcement discretion decision and we welcome the opportunity to meet with you and your staff in the near future to answer any questions you might have on this important issue.

Sincerely,



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