January 5, 2018

Environmental Protection Agency
Office of Air and Radiation
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits; Proposed Rule
Docket ID No. EPA-HQ-OAR-2014-0827

The National Association of Manufacturers (NAM), the nation’s largest manufacturing association representing nearly 14,000 small, medium, and large manufacturers in every industrial sector and in all 50 states, provides the following comments on the above-referenced proposed rule by the Environmental Protection Agency (EPA) to repeal emission requirements for glider vehicles, glider engines, and glider kits.

The NAM supports the establishment of practical, achievable greenhouse gas (GHG) and fuel efficiency regulations from EPA and the National Highway Traffic Safety Administration (NHTSA), and was pleased that EPA and NHTSA worked with industry in 2015 and 2016 to achieve a final Phase 2 heavy-duty GHG rule that accomplished these goals.

A valid market exists for glider vehicles, and regulations should not discourage or eliminate this market. However, regulations should not create competitive advantages for one sector over another. The framework created by the existing regulations strikes an appropriate balance without creating a competitive disadvantage for manufacturers that comply with GHG standards. Some manufacturers fear that the EPA’s proposed repeal of emission requirements for glider vehicles create a loophole that would allow glider vehicles to be sold as functional equivalents to new motor vehicles while not having to meet the same safety or environmental requirements as those vehicles. To the extent that this rulemaking would create such a loophole, the NAM encourages the EPA to either retain the existing regulation or modify the proposal to avoid such a result.

The NAM does not see the same ambiguity in the term “new motor vehicle” under Title II of the Clean Air Act that EPA found in applying it to glider vehicles. The definition of “new motor vehicle” under Title II of the Clean Air Act is “any self-propelled vehicle designed for transporting persons or property on a street or highway . . . the equitable or legal title to which has never been transferred to an ultimate purchaser.” 42 U.S.C. § 7550(2),(3). This definition is broad enough to include glider vehicles.

The manufacture, sale and use of a heavy-duty vehicle is considerably different from that of an automobile, and determining the “newness” of a heavy-duty vehicle is a markedly different task. The proposed repeal uses the automobile analogy to imply that only a “showroom...
“new” heavy-duty vehicle may qualify as a new motor vehicle under the Clean Air Act. As detailed above, the statutory language does not support this interpretation and we do not believe EPA intended to draw such a line.

There may well have been a better way to address the regulation of emissions from glider vehicles than the 2015 Phase 2 rule. However, the proposed repeal of the glider vehicle requirements from the Phase 2 rule could have unintended consequences that affect the market for new heavy-duty vehicles. If the EPA decides to move forward with the proposed repeal of emission requirements for glider vehicles, the NAM encourages the Agency to eliminate the ability for glider vehicles to be sold as functional equivalents to new motor vehicles without complying with current safety or environmental standards.

Sincerely,

Ross Eisenberg
Vice President
Energy and Resources Policy