

ONE HUNDRED FOURTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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November 23, 2015

Mr. Christopher Grundler
Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Mr. Phillip Brooks
Director
Air Enforcement Division
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Mr. Brooks and Mr. Grundler:

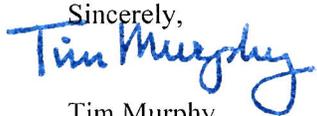
Thank you for appearing before the Subcommittee on Oversight and Investigations on Thursday, October 8, 2015, to testify at the hearing entitled "Volkswagen Emissions Cheating Allegations: Initial Questions."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

Also attached are Member requests made during the hearing. The format of your responses to these requests should follow the same format as your responses to the additional questions for the record.

To facilitate the printing of the hearing record, please respond to these questions and requests with a transmittal letter by the close of business on Monday, December 7, 2015. Your responses should be mailed to Greg Watson, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to Greg.Watson@mail.house.gov.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,


Tim Murphy
Chairman
Subcommittee on Oversight and Investigations

cc: Diana DeGette, Ranking Member, Subcommittee on Oversight and Investigations

Attachments

Attachment 1—Additional Questions for the Record

The Honorable Tim Murphy

1. Vehicle technology is constantly changing. With vehicles operating potentially more than 100 million lines of code – more than an airliner or F-22 – these are incredibly complex machines, creating ample opportunities for the existence of intentional or unintentional functions that affect vehicle compliance with existing standards.
 - a. How does the EPA keep pace with advancements in vehicle technology?
 - b. How often does the agency evaluate the effectiveness of its testing relative to advancements in technology?
 - c. When did EPA last revise testing standards for light duty vehicles?
2. Why did the EPA’s testing fail to identify the existence of these defeat devices?
3. Prior to the discovery of the defeat devices, did the EPA conduct in-use emissions testing of light duty vehicles?
 - a. If so, how frequently was this done and how did you select the vehicles to test?
 - b. If not, why not?
4. On September 25, 2015, the agency announced that it would be conducting additional in-use testing to evaluate the use of defeat devices in all vehicles.
 - a. How does this testing differ for standard emissions testing and affect the timing of the certification of conformity approvals?
 - b. Is EPA conducting this testing only to identify the use of “defeat devices”?
 - c. If the agency identifies anomalies in the additional testing procedures, what steps will it take to validate findings and disclose procedures and results to affected auto makers?
5. Of the three generations of VW vehicles, how did emissions differ from one generation to the next, according to data EPA, CARB collected?
 - a. What kind of data do you have for generation 3 vehicles?
 - b. Was the generation 3 technology getting closer to compliance with EPA emissions standards?

6. On September 3, 2015, VW admitted to CARB and EPA that its vehicles contained defeat devices.
 - a. Was this the first time that the issue of potential defeat devices came up? Was EPA or CARB specifically looking to see if defeat devices existed prior to this point?
 - b. What prompted VW to admit the existence of a defeat device at this point in time?
 - c. Who provided this information to CARB and EPA? Were these the same individuals involved in the previous briefings or discussions?
 - d. Did they provide an explanation why they had not provided you with this information prior to this date?
 - i. Do you believe that the individuals you were engaged with since May 2014 were aware of the defeat device prior to the September disclosure?
7. In your written testimony, you stated that “after the high emissions were discovered, VW concealed the facts from the EPA, the State of California and from consumers.”
 - a. What specifically did VW conceal?
 - b. Do you believe the individuals EPA was interacting with had knowledge of the defeat device and intentionally withheld this information?
8. Please explain how EPA’s recall process works:
 - a. Does EPA review and approve a proposed solution prior to a manufacturer pursuing a recall?
 - b. What is the process for notifying customers?
 - c. Does EPA track recall compliance and, if so, how does that work?
9. On average, how many EPA/emissions-related compliance recalls are conducted annually?
 - a. What is the average take-rate, or consumer response, for EPA recalls?
10. What happens if a customer does not get their vehicle fixed once a recall is announced?
 - a. How many states are like California, which will withhold your registration if you don’t comply with the recall?

11. According to the 2009-2011 EPA compliance report, manufacturers designed their vehicles to emissions levels “significantly below the level the standards allow.” According the report, VW vehicles were approximately 50% below the standard.
 - a. Since NOx emissions standards are based on fleet and not individual vehicles, has EPA determined that VW’s fleet now exceeds emissions standards?

12. EPA and CARB have stated that the defeat device results in on-road emissions of nitrogen oxides (NOx) that are 10 to 40 times higher than permitted by regulation. Please provide a detailed explanation or description of any assessments EPA has conducted to evaluate the real-world effects of these emissions. In addition, please respond to the following questions:
 - a. Are these constant emissions or only under certain driving conditions?
 - b. What percentage of all U.S. domestic NOx emissions come from these vehicles, if they meet the standard?
 - c. How does that change with use of this defeat device?

13. Please explain EPA’s pre-production confirmatory testing. In addition, please respond to the following questions:
 - a. Is this what the VW software was designed to defeat?
 - b. It appears that manufacturers are also required to conduct a number of in-use tests over the life of the vehicle once in production: what tests do they conduct? Do these include on road tests?
 - i. What testing did VW conduct and did EPA review the results of these tests? Did they include on-road testing?
 - c. EPA conducts in-use surveillance testing once a vehicle is in production. How does that work?
 - i. Did the EPA conduct in-use surveillance testing of any of the vehicles affected by this alleged defeat device?
 1. If so, how were the vehicles tested?
 2. If not, why not?

14. When it was introduced on these vehicles, VW’s clean diesel technology was considered advanced/novel. What did EPA do to understand their technology?

Attachment 2—Member Requests for the Record

During the hearing, Members asked you to provide additional information for the record, and you indicated that you would provide that information. For your convenience, descriptions of the requested information are provided below.

The Honorable Tim Murphy

1. Who from EPA was involved in the conversations with CARB and VW when the appropriate recall solution to fix the excess emissions issue was being discussed?

The Honorable Morgan Griffith

1. After EPA has settled on an amount to fine VW, would it be appropriate for a portion of that fine to be given to West Virginia University for their efforts which helped discover the emissions deception?

The Honorable Kathy Castor

1. Has VW provided EPA with an engine map that shows specifically how the defeat device works for each model car in which it was installed?
2. Please inform the Committee if VW does not provide EPA the results of their internal investigation.