

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

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641

September 29, 2015

The Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator McCarthy:

On September 18, 2015, the Environmental Protection Agency (EPA) notified Volkswagen AG, Audi AG, and Volkswagen Group of America, Inc. (collectively, VW) that the agency “determined that VW manufactured and installed defeat devices” in certain model year Volkswagen and Audi diesel passenger cars. The “defeat devices” took the form of software, according to the agency, that “sensed” when the vehicles were undergoing emissions testing and ensured emissions control systems were operating to pass the tests. During normal vehicle use, according to the agency, the software would “switch” to a different mode that produced certain emissions 10 to 40 times above EPA standards and in violation of the Clean Air Act. The scope of the alleged violations — affecting some 480,000 vehicles according to news reports — and EPA’s assertion that VW admitted it “designed and installed” defeat devices in these vehicles, raise serious questions about VW’s efforts to comply with its statutory obligations under the Clean Air Act. On September 25, EPA subsequently notified all vehicle manufacturers that the agency will be conducting “additional evaluations designed to look for potential defeat devices.”

The Committee on Energy and Commerce and its Subcommittee on Oversight and Investigations are investigating (a) the facts and circumstances surrounding VW’s use of software in vehicle emissions control systems to affect Clean Air Act related compliance and emissions test results and (b) the EPA’s role in oversight and enforcement of these statutory obligations. To assist the committee with its investigation, and pursuant to Rules X and XI of the U.S. House of Representatives, we request that you provide a full briefing to committee staff to address the following areas:

1. A detailed timeline of events and activity related to the violation(s) by VW outlined in EPA’s Notice of Violation dated September 18, 2015, including
  - a. How and when the violations were discovered;

- b. VW's efforts to respond to EPA and the California Air Resources Board's (CARB) requests to explain potential noncompliance with EPA or California standards and emissions test requirements;
  - c. Previous deliberations concerning any recalls and technical solutions initiated or considered to address EPA and CARB's initial concerns prior to the notice of violation;
  - d. Current deliberations concerning recalls and technical solutions to address the violation.
2. An overview of EPA's process to recall vehicles found to be in violation of the Clean Air Act with respect to emissions control systems.
  3. The process by which EPA communicates with state clean air agencies (including CARB), auto manufacturers, and consumers regarding vehicles suspected to be in violation of the Clean Air Act.
  4. A detailed description of all testing EPA requires and reviews prior to granting a certificate of conformity, EPA's process of evaluating this information, and what review or testing is conducted by EPA, or on its behalf, to validate information provided by manufacturers.
  5. EPA's September 25, 2015, notice to manufacturers that the agency will be conducting additional evaluations designed to look for potential defeat devices.

We request that you arrange to provide this briefing with committee staff to occur by October 2, 2015. If you have questions regarding this request, please contact Peter Spencer or John Ohly of the majority committee staff at (202) 225-2927 or Elizabeth Letter or Ryan Gottschall of the minority committee staff at (202) 225-3641.

Sincerely,



---

Fred Upton  
Chairman



---

Frank Pallone, Jr.  
Ranking Member



---

Tim Murphy  
Chairman  
Subcommittee on Oversight and  
Investigations



---

Diana DeGette  
Ranking Member  
Subcommittee on Oversight and  
Investigations