

Message

From: Jon Toomey [jtoomey@fitzgeraldtrucksales.com]
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To: Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]
Subject: FW: WSJ

See the WSJ op-ed which appeared in Saturday's paper.

EPA Bureaucrats Go Rogue on 'Glider Truck' Emissions

If you put a rebuilt engine in a fresh chassis, does it become a 'new' vehicle subject to tighter rules?



PHOTO: ISTOCK/GETTY IMAGES

By

Steve Milloy

Jan. 12, 2018 6:39 p.m. ET

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Tommy Fitzgerald Sr. was an experienced mechanic and truck driver with his own one-bay Tennessee service center in 1989, when a customer who couldn't afford a new truck asked Mr. Fitzgerald to salvage, rebuild and transplant the drivetrain from a wrecked truck into a new cab-chassis. His innovation—the “glider kit truck”—took off. Selling for about 25% less than the cost of a new truck, gliders have proved a godsend to smaller trucking companies. Fitzgerald Truck Sales is now a \$700 million company.

Success has enabled Mr. Fitzgerald to become an angel investor for local businesses in rural Kentucky and Tennessee. But instead of encouraging—or even celebrating—his accomplishments, the Obama administration's environmental regulators tried to kill the glider-truck industry, along with the thousands of jobs it has created nationwide.

The glider market is tiny—only about 5,000 are sold annually, compared with 300,000 new trucks—yet some in the new truck industry see gliders as a threat. Volvo urged the Environmental Protection Agency in 2016 to regulate gliders for their greenhouse-gas emissions. But the Clean Air Act authorizes EPA to regulate only emissions from new trucks. Old engines don't have to meet new standards.

Most gliders are not, technically speaking, new. Their cab-chassis are new, but their engines aren't. The EPA nevertheless claimed gliders could be considered new vehicles because Mr. Fitzgerald had once placed an ad in a trade magazine offering customers the opportunity “to purchase a brand new 2016 tractor.” (The EPA conveniently omitted the ad's next sentence, which read: “The end result is a brand new glider with an engine and transmission that has been completely rebuilt from the ground up.”)

In October 2016, the agency issued its rule classifying gliders as new trucks, effectively signing the glider industry's death warrant. While gliders can outperform new trucks on some emissions tests, they underperform on others. Most would violate the strict new EPA standards.

In July 2017, Mr. Fitzgerald and other glider-truck manufacturers petitioned the Trump EPA to reverse the Obama-era rule. This prompted a new round of lobbying by anti-glider forces, including Volvo. By October an EPA laboratory in Ann Arbor, Mich., was running two glider trucks through an emissions testing protocol. The resulting report concluded the tested gliders exceeded new truck emissions of nitrogen oxide, particulate and other conventional pollutants.

Staff at EPA headquarters told me that administrator Scott Pruitt had no knowledge of these tests and never authorized them. The renegade report that the tests produced wasn't peer-reviewed, as is customary. It also wasn't printed on official EPA letterhead or assigned an internal EPA document

number. It is not even available on the EPA lab's website. Yet it mysteriously found its way into the hands of glider opponents at the early December public hearing on the proposed rollback.

The effort to destroy the glider-truck industry is a shining example of the regulatory state gone rogue. One hopes the Trump administration's commitment to deregulation will check the impulses of federal bureaucrats who think they are above the law.

"In the business world, employees who actively seek to undermine are usually terminated for insubordination," Mr. Fitzgerald told me in December. "Why should it be different for government?"

Mr. Milloy was on the Trump EPA Transition Team and is the author of "Scare Pollution: Why and How to Fix the EPA" (Bench Press, 2016).

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