



At a Glance

Why We Did This Project

We received a congressional request raising concerns about the U.S. Environmental Protection Agency's (EPA's) development of the Notice of Proposed Rulemaking, "Repeal of Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits." We sought to determine whether the EPA acted in compliance with Executive Orders (EOs) 12866 and 13045 in developing the proposed rulemaking.

The EPA's "Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2," finalized in October 2016, included emission requirements and production limits for glider vehicles. A glider kit is a chassis for a tractor-trailer; it becomes a glider vehicle when an engine, transmission and/or rear axle are added. After receiving a petition from the glider industry in July 2017, the EPA proposed to rescind the portion of the Phase 2 rule affecting gliders (proposed Glider Repeal Rule) in November 2017.

This report addresses the following:

- *Compliance with the law.*
- *Improving air quality.*

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EPA Failed to Develop Required Cost and Benefit Analyses and to Assess Air Quality Impacts on Children's Health for Proposed Glider Repeal Rule Allowing Used Engines in Heavy-Duty Trucks

What We Found

The EPA did not comply with requirements of EOs 12866 and 13045 when developing and issuing the proposed Glider Repeal Rule. Additionally, the EPA did not follow its principal rulemaking guidance—the Action Development Process—in developing the proposed Glider Repeal Rule, nor did it meet Federal Records Act requirements.

The EPA's actions regarding the proposed Glider Repeal Rule lacked transparency and deprived the public of required information.

EO 12866 directs that significant regulatory actions be submitted to the Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA) for review. Any substantive OIRA-recommended changes to the regulatory action must be publicly identified. A regulatory action deemed "economically significant" under EO 12866 triggers an assessment of (1) the anticipated costs and benefits and (2) any reasonable alternatives. EO 13045 applies to "economically significant" regulatory actions that "concern an environmental health or safety risk that an agency has reason to believe may disproportionately affect children." This order requires an evaluation of the environmental health risks to children and an explanation of why the planned regulation is preferable to alternatives.

According to EPA managers and officials, then-EPA Administrator Scott Pruitt directed that the Glider Repeal Rule be promulgated as quickly as possible. The proposed repeal rule would relieve industry of compliance requirements of the Phase 2 rule, which set emissions standards and production limits for gliders beginning January 1, 2018. EPA officials were aware that available information indicated the proposed Glider Repeal Rule was "economically significant;" however, Pruitt directed the Office of Air and Radiation to develop the proposed rule without conducting the analyses required by the EOs. The lack of analyses caused the public to not be informed of the proposed rule's benefits, costs, potential alternatives and impacts on children's health during the public comment period. As of the date of this report, the proposed Glider Repeal Rule is listed on the EPA's Fall 2019 Regulatory Agenda as "economically significant."

Recommendations and Planned Agency Corrective Actions

We recommend that the agency identify for the public the substantive change to the proposed rule made at the suggestion or recommendation of OIRA, conduct the required analyses prior to finalizing the repeal, provide the public a means to comment on the analyses supporting the rulemaking, and document the decisions made. The agency provided sufficient planned corrective actions for two recommendations, while one recommendation remains unresolved.