

Congress of the United States
Washington, DC 20515

October 10, 2018

The Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Re: Compliance Extension to extend the effective date for regulations relating to glider vehicles, glider engines, and glider kits set forth in 81 Fed. Reg. 73,478 (Oct. 25, 2016)

Dear Acting Administrator Wheeler:

We are writing to request the U.S. Environmental Protection Agency (EPA) issue a compliance extension to extend the effective date of the Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase II rule, 81 Fed. Reg. 73,478 (Oct. 25, 2016) as it relates to glider vehicles, glider engines, and glider kits. This extension will provide much needed relief to the glider industry.

The glider kit and truck industry are facing financial ruin due to the annual arbitrary production cap under 40 C.F.R. § 1037.635. According to the glider industry, hundreds of American workers in the industry have been laid off in the last three months. The glider kit and truck industry will cease to exist in short order without meaningful relief.

In a statement, the EPA “will continue to work expeditiously to finalize a solution that provides regulatory relief and prevents any inadvertent economic harm to the glider industry while maintaining important air quality protections.”¹ However, it has been over four months since this statement from EPA, and the glider industry is facing financial ruin due to the punitive and arbitrary rule as finalized under the previous Administration.

President Donald Trump has made the resolution of gliders an Administration priority, instructing EPA to resolve the issue last spring. However, the EPA has not provided relief to remedy this arbitrary and punitive rule.

The compliance extension will provide for a five-year delay on the glider kit cap and ban rule. This compliance extension will provide the industry with the appropriate time necessary to manage the new rule. It also provides EPA with additional time to begin thoughtful and appropriate rulemaking for the industry.

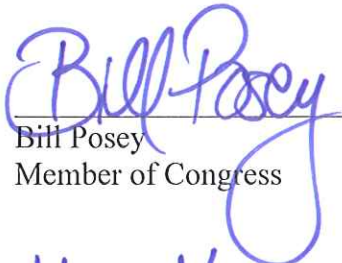
¹ See <https://www.ccjdigital.com/epa-again-reverses-course-on-glidens-enforcement-will-now-enforce-annual-300-truck-cap/>

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EPA has the authority to extend the effective date under Section 705 of the Administrative Procedure Act (APA).² Such an action would be consistent with *Sierra Club v. Jackson*, in which the court confirmed EPA's authority to use Section 705 of the APA.³ In *Sierra Club*, the court was "unwilling to infer a congressional policy that would deprive both an agency and the federal courts of their traditional authority to stay rules pending judicial review as codified in Section 705 of the APA."⁴

Again, we urge the EPA to issue a compliance extension to extend the effective date of the Phase II rule as it relates to glider vehicles, glider engines, and glider kits. If you have questions, please contact Rick Podliska, Senior Policy Advisor, for Rep. Bill Posey. Thank you for your service and consideration of our request. We look forward to your response.

Sincerely,



Bill Posey
Member of Congress




Ralph Abraham, M.D.
Member of Congress



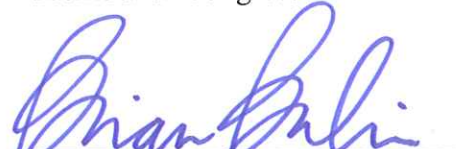
Steve King
Member of Congress



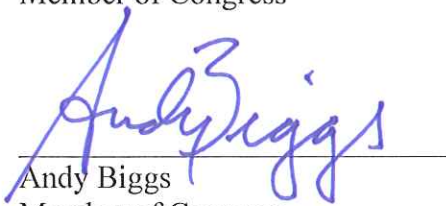
James Comer
Member of Congress



Randy Weber
Member of Congress



Brian Babin
Member of Congress



Andy Biggs
Member of Congress

² See *Sierra Club v. Jackson*, 833 F. Supp. 2d 26 (D.D.C. 2012).

³ *Id.*

⁴ *Id.*