

Three states sue VW for environmental damages from diesel exhaust

Clean air groups irate that even after being "fixed," the diesels still won't meet clean air regs

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By James R. Hood

Volkswagen may never emerge from the lingering cloud of fumes created by its use of deceptive devices that made its TDI "clean diesels" appear to be operating within clean air limits when in fact they normally emitted up to 40 times as much pollution as U.S. law allows.

Clean-air groups say that even after they are "fixed," many of the VW diesels will still not meet emission requirements.

“For reasons they didn’t state, they’re allowing fixed vehicles to not be fixed, but to allow vehicles to emit twice as much pollution as they otherwise would allow,” said Daniel Becker, director of the Safe Climate Campaign, Bloomberg reported.

VW recently agreed to a \$15.3 billion settlement with regulators and consumers in June, but now New York, Massachusetts, and Maryland have filed new lawsuits seeking compensation for the environmental damage caused by the diesel engines.

“The allegations against Volkswagen, Audi, and Porsche reveal a culture of deeply-rooted corporate arrogance, combined with a conscious disregard for the rule of law and the protection of public health and the environment,” New York Attorney General Eric T. Schneiderman said. “These suits should serve as a siren in every corporate board room, that if any company engages in this type of calculated and systematic illegality, we will bring the full force of the law — and seek the stiffest possible sanctions — to protect our citizens.”

Destroyed evidence, lied about it

The states' suits allege that VW employees destroyed incriminating evidence after they were tipped off to the U.S. investigation and then repeatedly lied about it.

The cover-up followed a study by researchers at West Virginia University that alerted authorities in this country that the diesel cars emitted much more nitrogen oxides (NOx) when driven on the road than they did when undergoing emissions testing on test equipment.

VW tried to cover up the problem through sham recalls that the company knew wouldn't meet the required standards and then only confessed to the defeat devices "when they knew the regulators had the goods on them," according to Schneiderman's statement.

Won't meet standards

While some of the oldest and dirtiest VWs will be bought back from their owners and destroyed, others will be modified to run cleaner, although under the terms of the \$15 billion settlement, they still won't fully meet U.S. emission standards.

VW is paying millions of dollars into an environmental fund as partial payment for environmental damage, amounting to a tacit admission that many of the cars will still be polluting the air.

The California Air Resources Board estimates that the "fixed" VW diesels will have their emissions cut by as much as 90 percent. But since the cars now emit as much as 40 times the permitted amounts of NOx, even a 90 percent reduction won't bring them into compliance.

California will allow many of the cars to remain on the road, however, recognizing that the owners aren't be blame.

"Volkswagen knowingly broke the law and lied about it, not the vehicle owners," said David Clegern, a spokesman for the Air Resources Board, according to Bloomberg. "Therefore, owners are being given as much flexibility as possible in how they choose to handle their individual vehicles."

There is, however, still no approved plan to retrofit the cars with improved emission systems. VW and the various federal and state agencies are still negotiating what form that final solution will take.

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