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Guest Column: The lessons learned from VW's scandal

by [John Henry](#) |
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As Jeanne Markel tells it, she and her husband were so enthusiastic about their two Volkswagen “clean” diesels that the couple sang their praises to practically anyone who’d listen.

“We were poster children for these cars,” the Orient resident recalled recently. “We convinced people to buy them. We’re like, ‘Oh my God, you can’t believe this mileage.’ ”

Her mid-size 2010 Jetta sport wagon boasted 40 to 45 miles per gallon in highway driving. But more than great mileage and quick acceleration attracted Ms. Markel and her husband, Chris Wedge, both committed environmentalists, to their VWs. Her Jetta and Mr. Wedge's 2011 Golf sedan were both "so clean."

"It wasn't like that old smelly kind of diesel engine," she said.

Today, however, the couple could be considered poster children for luckless consumers who bought "clean" VW diesels that were anything but. The German automaker has admitted outfitting 11 million cars with software designed to show that their emissions of nitrogen oxides complied with government standards when, in fact, they were as much as 40 times above American limits, according to published reports.

"We feel totally betrayed," said Ms. Markel. "We want to stop driving [the VWs] as soon as we can."

Listening to her, you'd be hard-pressed to find any good news in this story of epic corporate misconduct. But there is something positive: The scandal reveals how much tougher American regulators are on emissions violators than their Europe counterparts, with the result that the public here is better protected against unhealthy doses of tailpipe pollutants than it is across the Atlantic.

That's worth noting, especially in a presidential election year when our regulatory agencies are a favorite target for aspiring conservative politicians. Sen. Marco Rubio, for example, asserted recently that "regulations in this country are out of control, especially the 'Employment Prevention Agency,' the EPA."

But if not for the Environmental Protection Agency and the California Air Resources Board, or CARB, Ms. Markel and Mr. Wedge — along with nearly a half-million other Americans who bought VWs with 2.0-liter diesel engines sold since 2008 — would be blissfully unaware that their cars that could be spewing prohibited amounts of a nitrous oxide pollutant linked to a range of respiratory and cardiovascular diseases sometimes severe enough to require hospitalization and even cause premature death.

True, it was actually a small research organization, the International Council on Clean Transportation, working in collaboration with West Virginia University, that brought regulators' attention to the discrepancy between nitrogen oxide emissions from VW diesels tested in a laboratory, which met U.S. standards, and the much higher readings detected under real-world driving conditions.

Once they received those findings, the EPA and CARB conducted their own investigations, culminating with VW's admission last September that the company had installed a defeat device to get around federal and California emission standards. And then the regulators started playing hardball.

Soon, the EPA prohibited VW from selling its 2016 model-year 2.0-liter diesels in the United States until it solved the emissions problem. Weeks later, the agency acted similarly with the company's 3.0-liter diesels, which include the VW Touareg, the Porsche Cayenne and three Audi models.

In early January, the Justice Department filed a civil complaint against Volkswagen on behalf of the EPA, seeking to collect up to \$18 billion from the company for selling cars with the defeat device. Later in the month, CARB announced that it was joining the EPA in rejecting VW's recall plan to fix its polluting 2.0-liter diesels.

So why was the U.S. the country that discovered VW's defeat device and then came down so hard on the company?

When it comes to vehicle emissions, "the U.S. is way ahead of Europe in the stringency of standards but, more importantly, in the enforcement of standards," John German, the U.S. co-lead for the International Council on Clean Transportation, who played a major role in uncovering the VW scandal, was quoted as saying recently.

"This is actually hard for other countries to believe — that a mid-level bureaucrat" at the EPA "could actually say you can't sell vehicles," he continued. "In every [other] place in the world that has done that, it's been a political decision."

Dan Becker, director of the Safe Climate Campaign at the Washington, D.C.-based Center for Auto Safety, has a less charitable take on EPA's performance on vehicle emissions.

"The U.S. process is deeply flawed," he told me. "The auto industry is allowed to conduct much of the initial testing itself. And there is little testing of vehicles on the road in non-laboratory conditions. EPA has begun to fix this, but it isn't clear how extensively they will require vehicles to be tested in real-world conditions."

Still, he volunteered, "Although our testing leaves much to be desired, if the U.S. had the same rules as the European Union, VW would not have been deemed to have violated the law and would get, at best, a slap on the wrist."

Mr. Becker sees a delicious irony in the VW scandal: "Germany's failure to regulate its own vehicles' pollution," he said, "has turned the U.S. EPA into Europe's default pollution watchdog."

At a time when Americans' faith in government may be at an all-time low, we can take heart that it's superior in at least one area.

Marco Rubio, take note.

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