

109TH CONGRESS
1ST SESSION

S. 836

To require accurate fuel economy testing procedures.

IN THE SENATE OF THE UNITED STATES

APRIL 18, 2005

Ms. CANTWELL introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To require accurate fuel economy testing procedures.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fuel Economy Truth
5 in Labeling Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) **CURRENT METHOD INACCURATE.**—The En-
9 vironmental Protection Agency’s current method for
10 estimating fuel economy is flawed and does not take
11 into account the changes in driving conditions that
12 have taken place over the past 30 years. As a result,

1 the Environmental Protection Agency’s tests over-
2 estimate fuel economy by up to 30 percent, and En-
3 vironmental Protection Agency window sticker infor-
4 mation overestimates fuel economy by 10 percent or
5 more.

6 (2) UNDERESTIMATING HIGHWAY SPEEDS.—
7 The Environmental Protection Agency highway cycle
8 assumes an average speed of 48 miles per hour (re-
9 ferred to in this section as “mph”) and a top speed
10 of 60 mph. Many State highway speed limits are set
11 at or above 65 mph. Government data indicates that
12 fuel economy can drop by 17 percent for modern ve-
13 hicles that drive at 70 mph instead of 55 mph. Even
14 at 65 mph, fuel economy can drop by nearly 10 per-
15 cent compared to driving at 55 mph.

16 (3) ASSUMING VERY GENTLE ACCELERATION
17 AND BRAKING.—The maximum acceleration rate in
18 the Environmental Protection Agency test cycles is
19 3.3 mph per second, about the same as going from
20 zero to 60 mph in about 18 seconds. The average
21 new car or truck can accelerate nearly twice as fast.
22 While most consumers don’t use all the power in
23 their vehicle, the Environmental Protection Agency
24 data shows that people accelerate as fast as 15 mph
25 per second, nearly 5 times the Environmental Pro-

1 tection Agency tests. In 1996 the Environmental
2 Protection Agency established a new driving cycle
3 (US06) that includes tougher acceleration and decel-
4 eration and higher speeds, but this cycle is not used
5 for fuel economy purposes.

6 (4) NEGLECTING THE WIDE RANGE OF OUT-
7 DOOR TEMPERATURES EXPERIENCED IN THE REAL
8 WORLD.—The Environmental Protection Agency
9 tests are performed between 68 and 86 degrees
10 Fahrenheit. Most States frequently experience
11 weather conditions outside this range and fuel econ-
12 omy can be significantly affected as a result.

13 (5) FAILING TO REFLECT THE USE OF AIR
14 CONDITIONING.—Fuel economy tests are run with
15 the air conditioning off, while over 99 percent of all
16 cars and trucks come with air conditioning. In 1996
17 the Environmental Protection Agency established a
18 new driving cycle (SC03) that included air condi-
19 tioning, but this cycle is not used for fuel economy
20 purposes.

21 (6) OVERESTIMATING TRIP LENGTHS.—The
22 Environmental Protection Act city test cycle is 7.5
23 miles long. The Environmental Protection Agency's
24 own data indicate that average trip lengths may be
25 only 5 miles long, with typical trips as short as 2.5

1 miles. Shorter trips often mean lower fuel economy
2 because the engine does not have time to warm up
3 and operate efficiently.

4 (7) FUEL CONSUMPTION.—Fuels used for en-
5 gine certification tests are artificial in that they are
6 highly refined, and not equivalent to the fuel con-
7 sumed during the life of a vehicle. Use of reference
8 diesel and gasoline fuels while desirable from the
9 standpoint of engineering design, optimization, and
10 test repeatability, understate emissions and overstate
11 fuel economy experienced by a vehicle in actual use.
12 Current technology that improves commercially
13 available fuel at or near the point of use is excluded
14 from consideration by engine manufacturers as origi-
15 nal or optional equipment due to lack of need to rep-
16 resent engine performance on anything other than
17 reference fuels. While allowing use of reference fuels
18 for certification purposes, the Environmental Protec-
19 tion Agency should consider requiring manufacturers
20 to post fuel economy realized on commercially avail-
21 able fuel.

22 **SEC. 3. UPDATED FUEL ECONOMY TESTING PROCEDURES.**

23 (a) IN GENERAL.—The Administrator of the Envi-
24 ronmental Protection Agency, in consultation with the Ad-
25 ministrator of the National Highway Traffic Safety Ad-

1 ministration, shall revise the test procedures set forth in
2 sections 600.209–85 and 600.209–95 of the Agency’s reg-
3 ulations (40 C.F.R. 600.209–85 and 600.209–95) to take
4 into consideration current factors that may affect vehicle
5 fuel economy, including—

- 6 (1) higher speed limits;
- 7 (2) faster acceleration rates;
- 8 (3) variations in temperature;
- 9 (4) the use of air conditioning;
- 10 (5) shorter city test cycle lengths; and
- 11 (6) the use of other fuel depleting features.

12 (b) RULEMAKING DEADLINES.—

13 (1) INITIAL.—Not later than 30 days after the
14 date of enactment of this Act, the Administrator of
15 the Environmental Protection Agency shall initiate a
16 rulemaking procedure to revise the test procedures
17 described in subsection (a).

18 (2) FINAL RULE.—Not later than 18 months
19 after initiating a rulemaking procedure under para-
20 graph (1), the Administrator shall promulgate a
21 final rule containing the revised test procedures.

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