

September 23, 2023

The Hon. Clay Higgins, Chairman
The Hon. Summer Lee, Ranking Minority Member
House Oversight Subcommittee on Federal Law Enforcement
2157 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Chairman and Ranking Minority Member:

Thank you for inviting me to testify at the Subcommittee's September 16, 2025, hearing on EPA's enforcement actions against businesses that make or sell "defeat devices" for diesel trucks. I respectfully request that this letter and the two attachments be included along with my testimony in the hearing record.

Diesel trucks with disabled emission controls release much higher levels of smog-forming nitrogen oxides, along with toxins like polycyclic aromatic hydrocarbons that stick to the clouds of fine particles found in diesel exhaust. Numerous studies and public health statements link diesel emissions to cardiovascular disease, cancer, and asthma attacks, and discuss their disproportionate impact on low-income neighborhoods, African-Americans, and communities adjacent to roadways as well as ports and other industrial sites. See Attachment 1.

Disabling pollution controls has an outsize impact on emissions, but most diesel truck owners drive clean vehicles that comply with the law. While some aftermarket companies continue to peddle defeat devices, their more responsible competitors warn that tampering violates the Clean Air Act, releases harmful pollutants, often does not result in appreciable gains in horsepower or fuel economy, risks engine damage that can be costly to repair, and voids manufacturer or dealer warranties. See Attachment 2. Companies like Ohio Diesel, West Power, Calibrated Power, and Precision DPF offer parts or tuning services that improve engine performance without "deleting" (i.e., removing or disabling) of emission control systems that include diesel particulate filters (DPF), exhaust gas recirculation (EGR), catalytic converters (SCR), and onboard diagnostic monitors (OBD).

The Clean Air Act prohibits the sale or installation of devices designed to disable emission controls. Those prohibitions are made clear in a statute enacted by Congress, not invented by the USEPA through some obscure regulation. Any person who “manufactures, sells, offers to sell, or installs” equipment who knows or should know that such devices will “bypass, defeat or render inoperative” emission control systems required by the Clean Air Act is subject to civil penalties. 42 U.S.C. 7522(a)(3)(B).

Anyone who “...falsifies, tampers with, renders inaccurate, or fails to install any monitoring device or method” the Clean Air Act requires is committing a criminal act. 42 U.S.C. 113(c)(2)(C). The three federal district courts who have considered this issue thus far have found that any sensor used to track emission control systems on diesel trucks is a “monitoring device or method” and have agreed that intentionally disabling them is a criminal act. (Citations in original testimony). At least one of these cases has been appealed, although reversal seems unlikely.

The laws exempt certain vehicles that are not driven on public roads, including those used for racing or in other contests. And they do not prohibit alterations to diesel engines that enhance performance while leaving emission control and monitoring systems intact or which have otherwise demonstrated they will not violate emission limits. I have no doubt that Kory Willis, who testified at last week’s hearing, has the talent and the drive to develop these “emission compliant” performance products and he appears well on his way to doing so.

But Mr. Willis also signed a guilty plea, now part of the hearing record, acknowledging that he and his company made or sold thousands of tuning kits and other devices intended to disable monitors that identify when emission control systems have been removed or no longer work. I make no judgment about Mr. Willis’ or PPEI’s criminal liability for such acts. That is a job for the courts. But neither EPA nor the Justice Department participated in the hearing, depriving the Subcommittee of the opportunity to hear or respond to testimony from those who investigated and prosecuted this case.

In its oversight capacity, the Subcommittee is investigating whether the kind of conduct described in the plea agreement warranted criminal sanctions under 42 U.S.C. 113(c)(2)(C). In doing so, you may wish to consider the “Factual Basis for

the Plea Agreement(s)” at Exhibit A-1 to A-8 of that Agreement, which includes the following findings:

“Software known as “delete tunes,” [are] produced by companies such as PPEI. Delete tunes tamper with the OBD’s monitoring function by tricking the OBD to prevent it from detecting the removal of emissions controls and thus enable the vehicle to continue to operate as though its emissions controls remained installed.” (A2)

“Willis and PPEI agreed to violate the Clean Air Act by writing and selling delete tunes which tampered with vehicles’ OBD [Onboard Diagnostic Systems] and enabled deleted vehicles to run normally with their emission controls removed.” (A-2)

“Willis was PPEI’s primary tune writer and wrote tunes (software) to enable deletion of various diesel truck makers/models/years using various tunes and tuning platforms.” (A-2)

“Willis and PPEI were aware that PPEI products were used in connection with removal of emissions control equipment and tampered with OBD’s [Onboard Diagnostic Systems].” (A-2)

“Willis and PPEI also counseled customers on how to avoid emission tests.” (A-2)

“Willis and PPEI knew the bulk of their market during the period of 2009 through September 26, 2019, was diesel truck drivers who used PPEI products on public roads, not race tracks...Numerous written communications explicitly or tacitly acknowledged the emission controls would be removed from on-road, non-racing vehicles.” (A2), (A4)

“Willis and PPEI formed agreements with companies in the aftermarket delete industry to sell their products together, including at least one company in the state of California.” (A-2 to A3)

“According to sales statistics, Willis and PPEI reported to the EPA, between 2013 and 2018, among other products, PPEI sold 59,135 delete tunes or tuners with delete tunes. According to EPA calculations of the estimate emissions impact, those self-reported PPEI delete tune sales are anticipated

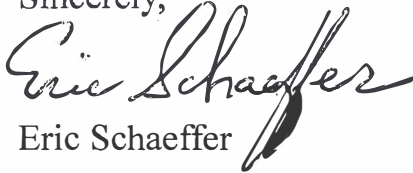
to cause over 100 million excess pounds of pollution of NO_x (one of many pollutants increased by deletion) over the life of the diesel trucks equipped with these products. These calculations are based on full deletions – as indicated above, partial deletions (short of a full delete) may yield lesser emission increases.” (A-8).

“EPA’s Air Enforcement Division issued a Notice of Violation to PPEI in December 2016. PPEI’s sales of delete tunes and other products continued and even increased thereafter.” (A-8)

Pages A-1 through A-8 include specific examples of the evidence supporting these statements. On March 15, 2022, Mr. Willis signed the statement of facts, attesting that, “I hereby stipulate that this factual basis is true and accurate to the best of my knowledge and had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.” (A-8).

I hope you find this additional information useful and thank you again for the opportunity to testify.

Sincerely,

A handwritten signature in black ink that reads "Eric Schaeffer". The signature is written in a cursive, flowing style. The first name "Eric" is written in a larger, more prominent script, and "Schaeffer" follows in a similar but slightly smaller script. The signature is positioned above the printed name "Eric Schaeffer".

Eric Schaeffer

Attachments 1 and 2

ATTACHMENT 1

Diesel Exhaust, Public Health, & Vulnerable Populations

“Patients with reactive and/or obstructive airway diseases such as asthma and emphysema may have their underlying disease exacerbated as a result of exposure to diesel exhaust. Visits to the emergency department for pulmonary complaints have been shown to increase during periods of severe air pollution. One possible explanation is DEPs combining with atmospheric allergenic molecules to create even more inflammatory allergens. Admission rates for pediatric asthma exacerbation have been shown to be higher in areas with greater-than-average diesel emissions.”

Source: *The Toxicity of Diesel Exhaust: Implications for Primary Care*, I. Krivoshto, et. al., Journal of the Family Board of American Medicine, (Jan. 2008) at <https://www.jabfm.org/content/21/1/55>

“Chronic exposure to diesel exhaust particulates (DEP) increases the risk of cardiovascular disease in urban residents, predisposing them to the development of several cardiovascular stresses, including myocardial infarctions, arrhythmias, thrombosis, and heart failure.”

Source: *Exposure to diesel exhaust particulates induces cardiac dysfunction and remodeling*, J. Bradley, et. al., Journal of Applied Physiology, (July 2013) at <https://pmc.ncbi.nlm.nih.gov/articles/PMC3798816/#:~:text=Chronic%20exposure%20to%20diesel%20exhaust.%2C%20thrombosis%2C%20and%20heart%20failure.>

“Diesel exhaust emissions are a major contributor to ambient air pollution and are strongly associated with cardiovascular morbidity and mortality. Exposure to traffic related particulate matter is linked with adverse cardiovascular effects...”

Source: *Acute Exposure to Diesel Exhaust Increases Muscle Sympathetic Nerve Activity in Humans*, G. Rankin, et. al., Journal of American Heart Association, (May 2021), at <https://www.ahajournals.org/doi/10.1161/JAHA.120.018448>

“Black people have a about 19% higher risk of getting heart failure than white people. It is sometimes more serious and starts at a younger age than white people.”

Source: “Risks for and Causes of Heart Failure,” American Heart Association, (last update May 30, 2025), <https://www.heart.org/en/health-topics/heart-failure/causes-and-risks-for-heart-failure>

“[B]lack individuals in America are nearly 1.5 times more likely than other races and ethnicities to be diagnosed with asthma in their lifetime. In addition, they are also more likely to experience complications, including five times more likely to visit an emergency department because of asthma, and three times more likely to die from an asthma related problem. Black women and children are at an even higher risk of death than Black men.”

Source: “The Unequal Burden of Asthma on the Black Community,” American Lung Association (last update March 2025), at <https://www.lung.org/blog/asthma-burden-on-black-community>

“Low-wealth communities and communities of color are most likely to bear the brunt of proximity to busy roadways, transit depots, industrial facilities, power plants, oil and gas operations and other hazardous pollutants sources... Living near a busy roadway exposes residents to a complex mixture of harmful pollutants that includes nitrogen oxides, particle pollution and VOCs coming from the tailpipes of cars, trucks and buses as well as from the wear of brakes and tires, the resuspension of roadside dust and the abrasion of the road surface itself. Although traffic pollution has an impact on air quality over a large area, people who live closest to highways and other busy roads are most likely to be affected. Long-term exposure to traffic-related air pollution is associated with asthma onset in children and adults, lower respiratory tract infection in children, and premature death.”

Source: “Who is most affected by outdoor pollution?” American Lung Association (last updated September 2024) at <https://www.lung.org/clean-air/outdoors/who-is-at-risk>

“In 1998, CARB identified DPM as a [toxic air contaminant](#) based on published evidence of a relationship between diesel exhaust exposure and lung cancer and other adverse health effects. In 2012, additional studies on the cancer-causing potential of diesel exhaust published since CARB’s determination led the International Agency for Research on Cancer... to list diesel engine exhaust as “carcinogenic to humans...”

[Diesel Particulate] Emissions also contribute to the same non-cancer health effects as PM_{2.5} [fine particle] exposure. These effects include premature death, hospitalizations and emergency department visits for exacerbated chronic heart and lung disease, including asthma, increased respiratory symptoms, and decreased lung function in children.”

Source: “Overview: Diesel Exhaust and Health,” California Air Resources Board (2025) at <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health>

ATTACHMENT 2

Why Some Aftermarket Suppliers and Service Centers Advise Customers to Avoid Emission Control Defeat Devices

PRECISION DPF

[T]he allure of deleting your Diesel Particulate Filter (DPF) may seem tempting for the sake of performance and efficiency, but as we've discussed, the risks of hefty fines, legal repercussions, and severe engine troubles can lead to headaches you should not experience in the first place. The impact of bypassing emissions controls is a pressing concern that goes beyond personal consequence. We encourage you to think carefully about the long-term implications of such decisions and to explore alternative solutions that maintain your vehicle's integrity and comply with regulations.”

“Deleting Your DPF is a Recipe for Disaster: Mechanical and Other Risks,” Precision DPF at <https://www.precisiondpf.com/dpfrepairblog/deleting-your-dpf-is-a-recipe-for-disaster-mechanical-and-other-risks>

CALIBRATED POWER

“Many people think that while they're deleting their 2017 - 2023 L5P for reliability they will also gain more power in the process. While many forums would lead you to believe this, it's simply not factual. Modern DPFs are designed to minimize backpressure for maximum engine efficiency and thus have a minimal impact on engine performance. Engineers do try to optimize the DPF design to ensure compliance with emissions without significantly compromising horsepower... We have also shown on the 2012 Powerstroke that our customized tuning actually made more power than a truck with a "200HP" delete tune.”

“5 Reasons Not to Delete Your L5P Duramax's DPF,” Ben Lawson, Content Creator for Calibrated Power in Diesel Tuner's Blog (2024) at <https://blog.duramaxtuner.com/blog/5-reasons-to-leave-the-dpf-on-your-6.7l-powerstroke-0>. See also, “The Top Five Reasons Not to Delete your Cummins DPF, Calibrated Power at <https://blog.duramaxtuner.com/blog/dont-delete-your-cummins-dpf>

DIESEL LAPTOPS

“Diesel Laptops does not condone nor recommend, deleting, or tuning your emission [control] systems. We don't sell or support hardware or software made for deleting emissions [control systems]...Our advice is to stay away from it and work

with a local, knowledgeable repair facility that has access to proper diagnostic tools and repair information. If your engine is maintained correctly and you can find a knowledgeable repair facility that accurately troubleshoots emission failures, you'll be fine."

"The Cold Hard Truth on Truck Diesel Deletes and Tunes," Diesel Laptops, at <https://www.diesellaptops.com/blogs/news/emission-deletes-and-tunes?srsId=AfmBOorW6HHMxc7fdxImURJ8QgCi-b4UdIznjiMCxa-ZdAjEpTAt6wDy>

DIESEL ARMY

"Emissions tampering is a federal offense and no emissions [control] devices can be altered or deleted. But, most states will allow you to alter specific components of your vehicle as long as all emissions [control devices] remain intact. Take for instance our **Project WorkHorse**. This 2019 Ram 2500 frequently tows and hauls through different states. That is one reason we are upgrading this truck using only emissions-compliant parts. With the help of only emissions-compliant parts and upgrades, we are proving that we can live with these mandated items and have powerful trucks at the same time."

"Why You Should NOT Emissions Delete your Diesel Truck," Chase Havins, Diesel Army, at <https://www.dieselarmy.com/features/editorials-opinions/why-you-should-not-emissions-delete-your-diesel-truck/>

REDLINE PRECISION PRODUCTS

"Let's be clear: the law is firm. The Clean Air Act defines tampering as 'remov[ing] or render[ing] inoperative any device or element of design installed on or in engines/equipment in compliance with the regulations.' Another factor to consider is that aftertreatment systems are already baked into the engineering formula for diesel truck operation and efficiency. Tampering with these precision-engineered systems inevitably throws off their balance, leading to significant mechanical issues and pollutants down the road...Beyond the fines, consider the true cost: lost revenue from downtime, impounded vehicles, and the headache of finding unreliable, illicit repairs. Your warranty is gone, and good shops won't touch your truck. It's a dead end. Compliance isn't just about avoiding fines; it's about smart business, reliability, and long-term success. Don't gamble your truck's or fleet's future based on fear."

"DPF Delete: The Myths, Realities, and Ramifications (2025)," Red Line Precision Products at <https://rep.direct/dpf-delete/>

MYLES TRUCK REPAIR

“ECM tuning can enhance fuel economy, improve power, and optimize truck performance when done legally. However, illegal modifications that disable emissions systems can lead to EPA fines, failed DOT inspections, warranty voiding, and long-term engine damage...By choosing EPA-compliant tuning solutions, maintaining clean fuel and air systems, and working with certified ECM technicians, truck owners can legally optimize their engines without risking compliance violations.”

“How to Tune Your EPM Without Violating EPA and DoT Regulations,” Myles Truck Repair at <https://www.mylestruckrepair.com/articles/how-to-tune-your-ecm-without-violating-dot-and-epa-regulations#:~:text=Work%20with%20Certified%20ECM%20Technicians.of%20fines%20and%20equipment%20failure.>

REALTRUCK

“At RealTruck, we don’t condone deleting your diesel emissions systems; we rebuke it! In this section, we’re covering the countless downsides of deleting a diesel pickup that significantly outweighs any benefits.”

“What is a Deleted Diesel Truck (and why you shouldn’t do it), RealTruck, (Updated May 2025) at https://realtruck.com/blog/what-is-a-deleted-diesel/?srsltid=AfmBOorpQ0PvVCTnjDQiNRSuML44Mv_Z6gdarINPF190XWHZoqfrc_kC

OHIO DIESEL

“At Ohio Diesel, we understand the importance of balancing performance with emissions compliance. Our team in Sandusky, OH, specializes in legal ECM tuning tailored to your specific needs. Whether you want to enhance towing power or improve fuel economy, we can help—without compromising your truck’s emissions systems...Balancing ECM performance tuning with emissions compliance is not just a legal requirement—it’s the right thing to do for your engine, wallet, and the environment. By working with experienced professionals who understand the nuances of diesel tuning, you can achieve significant performance gains while staying within the boundaries of the law.”

“Staying Legal: Balancing ECM Performance Tuning With Emission Compliance,” Ohio Diesel at <https://www.ohiodiesel1.com/articles/staying-legal-balancing-ecm-performance-tuning-with-emission-compliance>

WEST POWER SERVICES

“In the world of diesel trucks, the term “deleting” might sound like a performance upgrade, but it’s actually one of the riskiest decisions a truck owner can make. While some view it as a way to increase horsepower or improve fuel efficiency, removing emissions equipment comes with serious legal, financial, and operational consequences that can render your truck undrivable and leave your wallet deplete...Skip the Delete. Deleting your truck might sound like a shortcut, but it’s a gamble that rarely pays off. Instead, work with a trusted partner who can help you solve the root issue the right way — legally, safely, and affordably.”

Source: “Why You Shouldn’t Delete – and What it Could Cost You,” West Power Services, at <https://williamsonsource.com/why-you-shouldn-t-delete-your-truck-and-what-it-could-cost-you/>

BULLETPROOF DIESEL

“While EGR [Exhaust Gas Recirculation] deletes are not legal in any state, there are alternatives to consider for your truck. For example, [BulletProof offers upgraded EGR coolers](#) from Power Stroke, Cummins, Mercedes, and other reputable suppliers. Check out the full selection and pick a BulletProof Diesel EGR cooler to enhance your truck’s durability and reliability. These devices are safe, cost-effective, and good for the environment — unlike EGR deletes.”

“What Happens If You Get Caught With a Deleted Truck? Mathis Riber, Bulletproof Diesel, at <https://bulletproofdiesel.com/blogs/diesel-tips-info/what-happens-if-you-get-caught-with-a-deleted-truck#:~:text=Automotive%20professionals%20are%20smart%20enough,repair%20facilities%20around%20the%20country.>