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# Regulators turned blind eye on VW emissions tests

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Sir, David Bach gives seven reasons that Volkswagen's diesel emissions scandal is "worse than Enron" (September 27). He misses what may be the most important one: regulators could have failed to know about the software only if — like Claude Rains' character in *Casablanca* — they deliberately turned a blind eye until they announced they were "shocked, shocked" to discover what had been going on.

In 1998, the Environmental Protection Agency (EPA) reached a \$1bn settlement with heavy-duty diesel engine manufacturers over their use of precisely the same approach that VW used: have the engine controller software identify the test sequence and minimise emissions; maximise performance (increasing emissions) otherwise. As co-author of a book on the heavy-duty engine episode, I can testify that there were hundreds of articles discussing this use of engine controller software published during that time. No one paying even minimal attention could fail to know that engine controllers were being used to identify test cycles and alter performance.

Moreover, European engine makers like Volvo were pointing out the differences in EU and US heavy-duty engine emissions test results by at least 1994. EPA officials were also present at a meeting that year in which an EPA staff member discussed control strategies "based on the transient test cycle", suggesting that EPA (at least) was on notice that electronic engine controllers were being programmed to detect test cycles in 1994.

In 1998, the heavy-duty engine manufacturers unsuccessfully argued that the test-detection approach met the then-applicable EPA regulations, since the engines emitted no more than the specified amounts of pollutants during the test cycle and the rules were silent on emissions out of the cycle. EPA's action against them settled that this was not acceptable. The widely publicised settlement established that regulators needed to have been looking for the use of test-detection

software.

VW's chief executive has lost his job. How many regulators will be fired for their failures in this debacle? My guess is the same number of regulatory staff fired for their failure to detect or prevent the Enron scandal: zero.

**Andrew Morriss**

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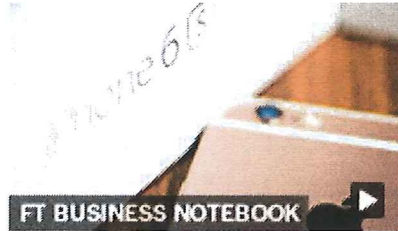
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