


**Below is the opening statement of Chairman Shelley Moore Capito (R-W.Va.) as delivered.**

*"Today, we will receive testimony on S. 3135, the 'Cold Weather Diesel Reliability Act' sponsored by Senators Sullivan, Lummis, Curtis and Murkowski. This legislation is meant to address a serious safety issue for drivers of diesel trucks and equipment in certain parts of our country. And I know two of our witnesses have traveled very far today, and I appreciate you all being here.*

*"Since 2010, to comply with EPA vehicle emissions regulations for NOx, most new diesel engines have used a technology known as selective catalytic reduction or SCR. SCR is an emissions control system that sprays diesel exhaust fluid, or DEF, into the vehicle's exhaust stream to reduce NOx emissions.*

*"To maintain the proper function of the emissions control system, drivers must continuously refill the vehicle with DEF. To ensure compliance with emissions standards, the EPA requires manufacturers to install on-board diagnostic sensors that detect when NOx emissions are too high, signaling that the vehicle is out of DEF.*

*"When the sensor detects an issue, it triggers the engine controls and software to severely limit an engine's performance through what is called a 'derate.' That's about as technical as I'm going to get with you. When the vehicle derates, it cannot go faster than five miles per hour.*

*"However, vehicle derates are not limited to instances when the vehicle is out of DEF but occur at any time when the emissions control technology is not functioning correctly. Emissions sensor failures can cause these restrictions, as well as prolonged cold weather, which can freeze DEF and prevent it from entering the exhaust system.*

*"No matter the reason, if the sensor detects an emissions system malfunction, a driver has just four hours to fix the problem before the five mile per hour restriction kicks in. This system response in rural and cold weather regions can and has resulted in farmers' tractors shutting down in the middle of the field during harvest season and stranded truckers in sub-zero temperatures on isolated roads in northern parts of the country.*

*"In 2021, sensor failures led to thousands of trucks across the country being derated and thus out-of-service without an immediate solution. To address this issue in emergency vehicles, such as fire trucks and ambulances, in 2012, the EPA exempted emergency vehicles from this requirement when responding to an emergency.*

*"The Cold Weather Diesel Reliability Act takes a similar approach by authorizing manufacturers to override the system in targeted cold weather environments. By exempting diesel engine derates in Alaska and other parts of rural America, where so many folks rely on diesel trucks and equipment for their livelihood and transportation needs, the bill seeks to address a critical safety issue.*

*"I want to thank my colleagues for championing safety in transportation and working to address the unique needs of Alaska, Wyoming and other cold weather states.*

*"I would also like to thank the Trump Administration for recognizing the importance of protecting America's farmers and truckers. Last year, EPA Administrator Zeldin issued guidance to allow more flexibility and longer warning times before derates occur and is gathering information to fix this safety problem.*

*“I look forward to this topic, and I’ll now recognize Senator Whitehouse for his opening statement.”*

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