

109TH CONGRESS
1ST SESSION

H. R. 1103

To require accurate fuel economy testing procedures.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2005

Mrs. JOHNSON of Connecticut (for herself, Mr. HOLT, Mr. EHLERS, Mr. McDERMOTT, Mr. OLVER, Mr. GILCHREST, Mr. FOLEY, Mr. INSLEE, Mr. ENGEL, Mr. BOEHLERT, Mr. PALLONE, Mr. MARKEY, Mr. SANDERS, Mrs. DAVIS of California, Mr. SHAYS, Mr. CASTLE, Mr. ENGLISH of Pennsylvania, Mr. GRIJALVA, Mr. CASE, Ms. DELAURO, Mr. UDALL of Colorado, Mr. LANTOS, Ms. DEGETTE, Mr. MORAN of Virginia, and Mr. VAN HOLLEN) introduced the following bill; which was referred to the Committee on Energy and Commerce

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 Efficiency Truth
5 in Advertising Act of 2005”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) CURRENT METHOD INACCURATE.—The En-
9 vironmental Protection Agency’s current method for

1 estimating fuel economy is flawed and does not take
2 into account the changes in driving conditions that
3 have taken place over the past 30 years. As a result,
4 the Environmental Protection Agency's tests over-
5 estimate fuel economy by up to 30 percent, and En-
6 vironmental Protection Agency window sticker infor-
7 mation overestimates fuel economy by 10 percent or
8 more.

9 (2) UNDERESTIMATING HIGHWAY SPEEDS.—
10 The Environmental Protection Agency highway cycle
11 assumes an average speed of 48 mph and a top
12 speed of 60 mph. Many State highway speed limits
13 are set at or above 65 mph. Government data indi-
14 cates that fuel economy can drop by 17 percent for
15 modern vehicles that drive at 70 mph instead of 55
16 mph. Even at 65 mph, fuel economy can drop by
17 nearly 10 percent compared to driving at 55 mph.

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

1 data shows that people accelerate as fast as 15 mph
2 per second, nearly 5 times the Environmental Pro-
3 tection Agency tests. In 1996 the Environmental
4 Protection Agency established a new driving cycle
5 (US06) that includes tougher acceleration and decel-
6 eration and higher speeds, but this cycle is not used
7 for fuel economy purposes.

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

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

23 (6) OVERESTIMATING TRIP LENGTHS.—The
24 Environmental Protection Act city test cycle is 7.5
25 miles long. The Environmental Protection Agency's

1 own data indicate that average trip lengths may be
2 only 5 miles long, with typical trips as short as 2.5
3 miles. Shorter trips often mean lower fuel economy
4 because the engine does not have time to warm up
5 and operate efficiently.

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

1 **SEC. 3. UPDATE TESTING PROCEDURES.**

2 The Administrator of the Environmental Protection
3 Agency shall update or revise test procedures, Subpart B-
4 Fuel Economy Regulations for 1978 and Later Model
5 Year Automobiles-Test Procedures 600.209-85 &
6 600.209-95, of the Code of Federal Regulations, CFR
7 Part 600 (1995) Fuel Economy Regulations for 1977 and
8 Later Model Year Automobiles to take into consideration
9 higher speed limits, faster acceleration rates, variations in
10 temperature, use of air conditioning, shorter city test cycle
11 lengths and the use of other fuel depleting features.

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