

STOP THE SEQUEL!

Preventing Another Leaded Gasoline Health Disaster

May 15, 2025

The Honorable Adam R.F. Gustafson
Principal Deputy Assistant Attorney General
Environment and Natural Resources Division
Department of Justice
Washington, D.C.

Dear Deputy Assistant Attorney General Gustafson:

SUBJ: Congressional Endangerment Finding Enforcement Imperative to Prevent Repeat of Leaded Gasoline Health Disaster

Congratulations on your appointment to such a prestigious position where you can use your extensive experience in environmental regulatory matters to positively impact the nation's economy, energy security, and environment/public health for generations to come.

Many of the signatories to this letter followed and admired your work and that of your colleagues at the Boyden Gray Law Firm on various health and environmental initiatives. We have spent many years studying the history of how misguided regulatory decisions have imposed devastating economic and human costs on Americans of all ages, especially children. On May 20th of this year, we will be observing the 100-year anniversary of one such decision—the approval of leaded-gasoline. Medical experts have called leaded gasoline one of the worst man-made health disasters of all time, which cost the U.S. economy trillions of dollars in premature mortalities and reduced economic productivity and ruined millions of lives.

35 years ago, after months of intense debate, Congress passed the 1990 Clean Air Act Amendments (1990 CAAA). Congress banned the use of leaded gasoline and by wide bipartisan margins mandated EPA to ensure that Americans would never have to endure such a needless and horrific experience. Congress went to extraordinary lengths to regulate mobile source-related toxic air pollutants that petroleum refiners had announced they would use as a lead substitute—benzene-based compounds derived from crude oil known as BTEX.

In a 2016 memo (attached), you described the legislative history very well: *“This duty is mandatory, and it is technology-forcing: EPA’s required air toxic controls must ‘reflect the greatest degree of emission reduction achievable through the application of technology which will be available.’”* Your memo also identified one of EPA’s most egregious errors— *“Gasoline direct injection (GDI) technology improves efficiency, but it also dramatically increases emissions of ultrafine particles (UFPs), which bring highly toxic polycyclic aromatic hydrocarbons (PAHs) into the human body.”*

Following the release of thousands of emails in response to your FOIA litigation, in 2017 your firm submitted a *Request for Correction of Information* to EPA’s Inspector General that exposed serious violations by EPA officials. As noted in that request, you pointed out that *“EPA’s exclusive and secretive reliance on the oil industry to design the...study’s test fuels violates the Federal Advisory Committee Act and EPA’s own Scientific Integrity Policy and Information Quality Guidelines.”*

You know better than most that these lethal aerosolized particles are, like leaded gasoline emissions, invisible to humans, but literally billions of them permeate urban environments. Americans—especially children who are disproportionately harmed—cannot escape them because they are transported long distances and penetrate homes, schools, and vehicles. EPA’s refusal to act is forcing Americans to repeat the leaded gasoline health disaster—only worse, with more cars, more gasoline, and more lethal combustion products emitted into the atmosphere. PAHs are also a cause of IQ loss and cognitive learning disorders including autism cited by President Trump in his recent address to Congress.

Despite this overwhelming evidence, EPA continues to rely on its manipulated and defective atmospheric models to defend its refusal to comply with the Congressional mandate to improve fuel quality by substantially reducing gasoline BTEX content. As you know, these assertions of harm have been confirmed by the Department of Energy’s respected national laboratories, including Oak Ridge, Argonne, and Pacific Northwest National Labs, as well as EPA’s own scientific experts.

Fortunately, you are well positioned to stop this irrational replay of the leaded-gasoline health catastrophe. By enforcing the law, everyone would be a winner: Octane-strapped refiners and energy security advocates. Automakers who desperately need higher octane gasoline. Children and other vulnerable groups who harmed by particulate-borne toxics and endocrine-disrupting chemicals. Farmers who want to increase domestic utilization of their products. Congressional budget negotiators searching for sizeable revenue offsets. Consumers who demand lower gasoline prices and protection against inflationary spikes.

The United States cannot afford a repeat of the 100-year leaded gasoline horror story. Congress has spoken, and the solution is market-ready, cost-effective, and environmentally safe.

Thank you for your consideration and we look forward to your response.

Respectfully,

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