

United States Senate

WASHINGTON, DC 20510

February 23, 2018

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Sessions:

We write with concern that Daimler AG, the manufacturer of Mercedes-Benz vehicles, may have willfully utilized software to enable its vehicles to evade stringent U.S. emission standards—much like Volkswagen, which has pleaded guilty to using defeat devices to cheat emission tests mandated by the Environmental Protection Agency. According to a recent German newspaper report, Daimler AG developed and installed software that can detect when a vehicle's emissions are being tested and cause the vehicle to reduce harmful exhaust gases during the testing period.¹ As with the Volkswagen emissions scandal, these reports raise serious questions as to whether Daimler AG deceived federal regulators and U.S. consumers, and endangered public health.

Suspicion that Daimler AG sought to evade U.S. emission standards has existed since at least early 2016, when several customers sued the automaker over claims that emission-cheat devices were installed in their vehicles.² In 2017, Mercedes-Benz issued a voluntary recall notice on three million diesel cars after independent reports found that the vehicles were emitting excess harmful nitrous oxides.³ According to those reports, when tested in actual road conditions, the Mercedes-Benz vehicles removed only 35% of nitrous oxides from emissions, in stark contrast to the company's claims that its filters removed 95%-99% of these toxic chemicals.⁴ These results were consistent with other independent assessments of diesel cars showing that these vehicles emit far more nitrous oxides and carcinogenic soot than advertised or represented in submissions to regulators.

To date, Daimler AG continues to deny any wrongdoing and claims that the most recent reporting regarding its emissions-dodging software was selectively released to harm the company.⁵ But if the reporting is true, and the company did install software to enable its vehicles to evade U.S. emissions standards, such wrongdoing would violate the Clean Air Act. Additionally, false advertising about the vehicles' low emissions may have misled and deceived hundreds of thousands of American customers and violated consumer protection statutes.

¹ <https://www.reuters.com/article/us-daimler-emissions/software-may-have-helped-daimler-pass-u-s-emissions-tests-report-idUSKCN1G20B2?il=0>

² <https://www.engadget.com/2018/02/18/daimler-illegal-software-emissions-cheating/>

³ <http://fortune.com/2017/07/18/daimler-is-recalling-3-million-diesel-vehicles-to-make-them-cleaner/>

⁴ *Ib Id*

⁵ <https://www.extremetech.com/extreme/261821-software-cheat-may-helped-mercedes-benz-pass-us-emissions-rules>

We understand that, in 2016, the Department of Justice began looking into possible emissions irregularities with Mercedes-Benz vehicles. Given the recent reports that emissions-dodging software was installed on Mercedes-Benz vehicles, we urge the Department to thoroughly and expeditiously investigate any allegations of wrongdoing by Daimler AG and take appropriate action against the company, including criminal charges against company executives, if warranted. Thank you for your attention to this matter and we look forward to your full and thorough investigation.

Sincerely,


Senator Edward J. Markey


Senator Richard Blumenthal