



EPA Enforces Clean Air Act Requirements for Gasoline Engines

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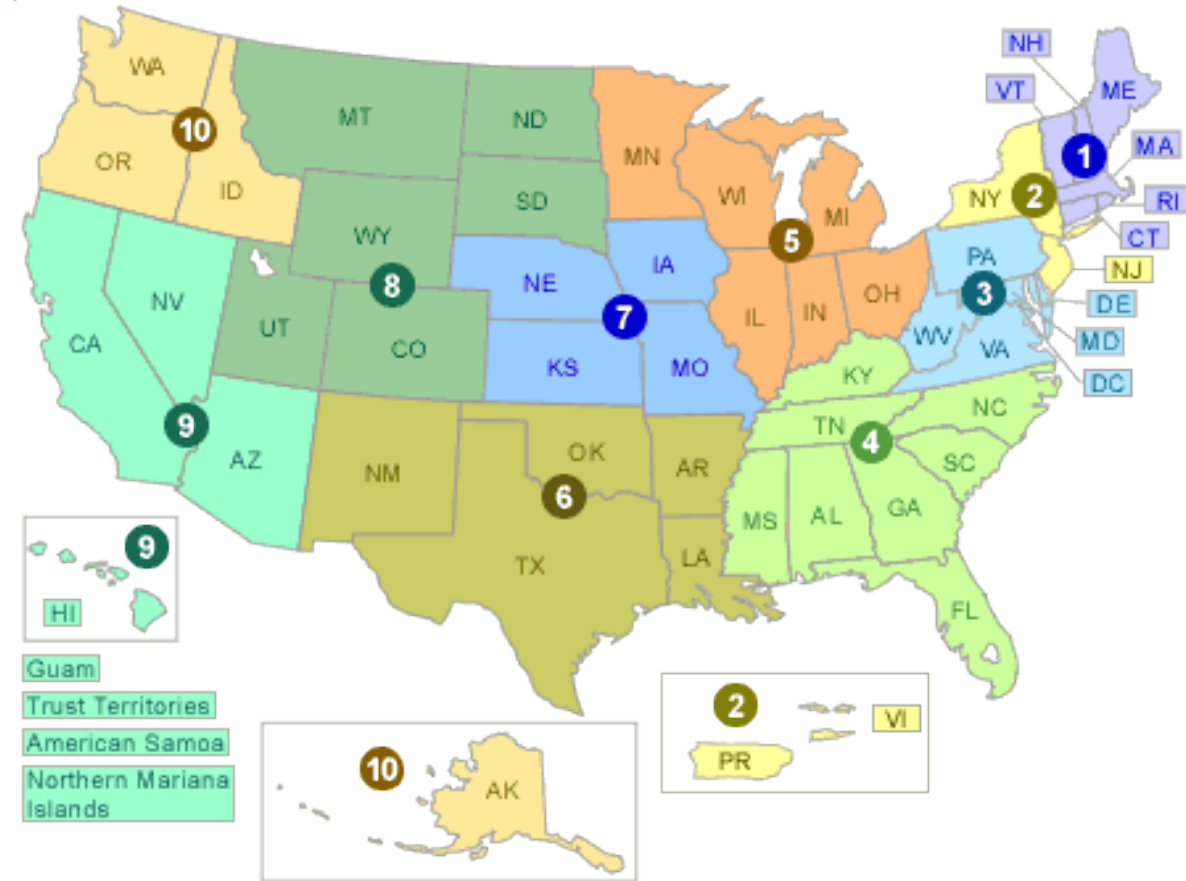
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Enforcement Personnel

- ✓ Air Enforcement Division at Headquarters
- ✓ 10 Regional Enforcement and Compliance Assurance Divisions
- ✓ Engineers, lawyers and other experts
- ✓ Department of Justice
- ✓ Customs and Border Protection



Clean Air Act Prohibitions

- § 203(a)(1): manufacturers may not introduce into commerce vehicles or engines that are not covered by an EPA-issued Certificate of Conformity, nor exempt
- § 203(a)(1): no person may import vehicles or engines that are not covered by a COC, nor exempt
- § 203(a)(2): failure to keep records, perform testing, and make reports as required under CAA §§ 202, 206, and 208
- § 203(a)(3)(A): no person may tamper with emissions controls
- § 203(a)(B): no person may manufacture, sell, install defeat device
- § 203(a)(4)(A): inadequate labeling
- § 203(a)(4)(B): manufacturer failure to honor emissions warranty



See 40 C.F.R. Part 1068 Subpart B for Enforcement and Compliance provisions specific to nonroad vehicles and engines



Finding Violations

- ✓ Imports targeting
- ✓ Partnership with U.S. Customs and Border Protection
- ✓ Tips
- ✓ Daily collaboration with Office of Transportation and Air Quality
- ✓ Inspections, Subpoenas, Audits
- ✓ Lab Analysis



Prosecution

Venue:

- Administrative
- Judicial

Remedies:

- Civil Penalties
- Corrective Action
- Measures to Prevent Violations



Enforcement Goals

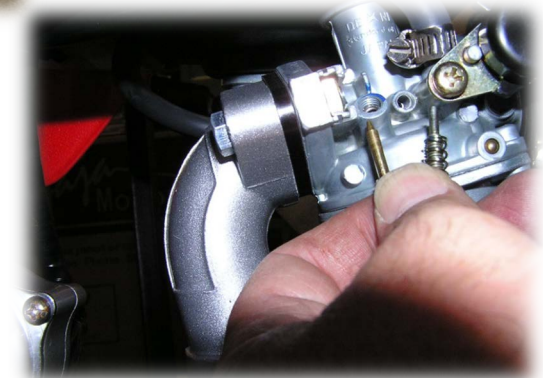
- ✓ Compliance!
- ✓ Air quality – secure the benefit of the emissions standards
- ✓ Level playing field
- ✓ Program integrity



Violation Example: “Misbuild”

COC covers only those vehicles/engines which conform in all material respects to the certified configuration

- ✗ Nonconforming catalyst
- ✗ Engine displacement
- ✗ Adjustable parameters
- ✗ Fuel tank, lines
- ✗ Speed governor
- ✗ Wrong regulated category



Prohibition Applies to Manufacturers, Importers, & COC Holders



Case Example: Bad Testing, Recordkeeping, Reporting

- ✗ Falsified test reports
- ✗ Misrepresent old test as new test
- ✗ Test article doesn't conform to certified configuration
- ✗ Failure to keep mandatory records
- ✗ Production Line Testing
- ✗ Production Volumes
- ✗ Running Changes

Department of Justice
U.S. Attorney's Office
Northern District of Texas

FOR IMMEDIATE RELEASE Wednesday, August 20, 2014

Man Sentenced To 28 Months In Federal Prison And Ordered To Pay More Than \$350,000 In Restitution In EPA Fraud Case

Defendant Owned And Operated System Launch Associates

DALLAS — Michael G. Johnson, 46, formerly of Fort Worth, Texas, was sentenced late yesterday, by U.S. District Judge Barbara M. G. Lynn, to 28 months in federal prison and ordered to pay \$354,529 in restitution, following his guilty plea in January 2014 to felony offenses stemming from an investigation by the Environmental Protection Agency (EPA) into violations of the Clean Air Act. The announcement was

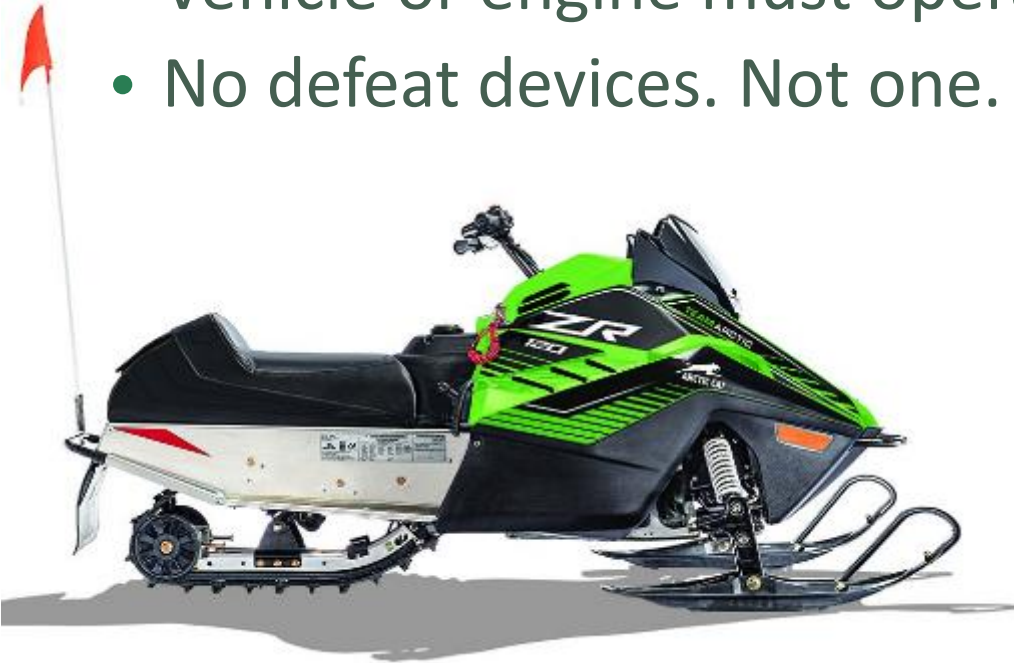


EPA Enforces Clean Air Act Requirements for Gasoline Engines, US EPA, September 2019



Case Example: Undisclosed Software

- Fuel maps, auxiliary emission control devices (AECDs), and other emissions-related software must be disclosed
- Otherwise the product is not covered by the COC
- Vehicle or engine must operate the same on the test and in actual use
- No defeat devices. Not one.



Case Example: Not Certified *Nor Exempt*

EPA regulations establish many exemptions from certification requirements. But one must take all necessary steps to ensure the exemption covers the product.

- ✗ Export Only
- ✗ Competition-Only
- ✗ National Security
- ✗ Secondary Manufacturing



Ensure Compliance

- ✓ Inspect and audit yourself
- ✓ Part numbers in production match certification application
- ✓ Recordkeeping and Reporting: work backwards from what's required by regulation, and collect/generate records in real time
- ✓ Report violations to EPA's Report a Violation system:
<https://echo.epa.gov/report-environmental-violations>

