



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OCT 24 2018

ASSISTANT ADMINISTRATOR  
FOR ENFORCEMENT AND  
COMPLIANCE ASSURANCE

The Honorable Brett Guthrie  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Guthrie:

Thank you for your letter of May 18, 2018, to the U.S. Environmental Protection Agency, concerning the EPA's 1986 enforcement policy regarding the sale and installation of aftermarket catalytic converters for gasoline motor vehicles, *Sale and Use of Aftermarket Catalytic Converters*, 51 Fed. Reg. 28,114 and 28,132 (Aug. 5, 1986).

The EPA has been carefully reviewing the appropriate way to modernize this policy. We want to ensure that emissions from older cars are properly controlled, that consumer interests are adequately protected, and that there is a level playing field in the aftermarket parts industry. Besides catalysts for older, light-duty gasoline vehicles, we have been simultaneously considering the appropriate enforcement policy for other conduct subject to the Clean Air Act's prohibition on tampering and aftermarket defeat devices. This includes replacement of after-treatment systems for other types of vehicles and engines (e.g., diesel particulate filters), as well as vehicle service and modifications in general.

I am pleased to note that the EPA has begun outreach to stakeholders to provide them with a preview of a comprehensive update to Clean Air Act enforcement policy concerning vehicle and engine tampering and aftermarket parts. This update will, once finalized, be called the "EPA Tampering Policy," and will supersede and replace not only the above-referenced 1986 catalyst policy, but other related enforcement policy including Mobile Source Enforcement Memorandum 1A (June 25, 1974). The EPA Tampering Policy will consolidate and restate the principles of the existing enforcement policies, but state these principles in terms of today's technology and for all vehicles, engines, and equipment subject to the Act's prohibitions. With this policy, the EPA will reaffirm its longstanding practice of using enforcement discretion for conduct that could potentially constitute a violation of the Clean Air Act if the person performing that conduct has a documented, reasonable basis demonstrating that the conduct does not adversely affect emissions.

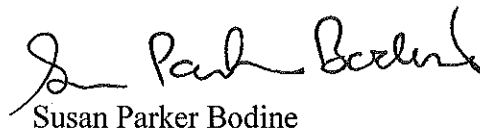
The EPA Tampering Policy will state that the EPA generally will not bring an enforcement action where a manufacturer of catalysts for light-duty gasoline engines is able to show that their catalyst controls emissions as well as the vehicle's original catalyst, or is covered by an Executive Order from the California Air Resources Board. We think the EPA Tampering Policy will improve the quality of catalysts sold nationwide. We also expect that the EPA Tampering Policy will alleviate some of the

concerns with inconsistent state catalyst standards that you explain in your letter. Importantly, this will be an enforcement policy—not a regulation—so it would not be appropriate for us to include regulatory-style provisions like numeric performance criteria or a mandate that catalysts be certified by California.

The EPA Tampering Policy will complement the agency's enforcement efforts, which are ongoing and focused on companies which are defeating the emissions controls designed to protect air quality. In the past year, these efforts have yielded numerous enforcement results against those who manufacture, distribute, and install aftermarket defeat devices, as well as those who remove emissions controls and tamper with vehicle onboard diagnostic systems.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Carolyn Levine in the EPA's Office of Congressional and Intergovernmental Relations at [Levine.Carolyn@epa.gov](mailto:Levine.Carolyn@epa.gov) or at (202) 564-1859.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Parker Bodine". The signature is fluid and cursive, with a large initial "S" and "P".

Susan Parker Bodine