EPA National Compliance Initiative:  
**Stopping Aftermarket Defeat Devices for Vehicles and Engines**

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Problem: Defeat devices and tampering cause excess emissions of NOx, PM and other pollutants. They are prevalent nationwide.

Emissions Increase Due to “Full Delete”

- Oxides of nitrogen: ~310x
- Non-methane hydrocarbons: ~1,140x
- Carbon monoxide: ~120x
- Particulate matter: ~40x
Nationwide Prevalence of Tampering?

- Hard to say
- Evidence from recent EPA investigations concerning diesel pickup trucks ("trucks") show cause for concern → →
- This is only the tampering the EPA has identified during recent investigations concerning diesel pickup trucks and is not an estimate of nationwide tampering rates.

- 550,000+ trucks deleted since 2009.
- That’s 15% of all registered trucks that were originally certified with filters, catalysts or EGR.
- 570,000+ tons of excess NOx.
- Air quality impact equivalent to adding 9 million trucks to our roads.

EPA-Identified Tampered Diesel Pickup Trucks as a Percent of Total Diesel Pickup Trucks in 2016

It’s not just pickup trucks . . .

- EPA investigations find tampering and aftermarket defeat devices for heavy-duty trucks, light-duty cars, agriculture equipment, forestry equipment, construction equipment, and more.
- Like diesel pickup trucks, tampering substantially increases harmful air pollution from these vehicles and engines.
Ozone (caused by NOx):
- Makes breathing difficult or painful
- Causes coughing and sore or scratchy throat
- Inflames and damages the airways
- Aggravates lung diseases such as asthma
- Makes lungs more susceptible to infection

Particulate Matter is associated with:
- Premature death in people with heart or lung disease
- Nonfatal heart attacks
- Irregular heartbeat
- Aggravated asthma
- Decreased lung function, and
- Reduced visibility (haze), including many of our national parks and wilderness areas
- Lake and stream acidification
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✓ In 2020, EPA resolved 31 civil enforcement cases; more than 70 cases in recent years
✓ Active investigations and litigation
✓ EPA enforcement personnel are now active in the criminal- and civil-enforcement programs and in every region
✓ EPA is partnering with states; employees from 26 states have attended inspector trainings conducted by EPA; some states have subsequently performed inspections and taken enforcement for violations of state laws concerning tampering

✓ To complement the case work:
  ▪ 2020 EPA Tampering Policy
  ▪ 2020 Report: Tampered Diesel Pickup Trucks
  ▪ 2021 Penalty Policy
  ▪ 2021 Enforcement Alert
  ▪ Ongoing: update to 1986 catalyst policy
  ▪ All available at https://www.epa.gov/enforcement/air-enforcement-policy-guidance-and-publications#Mobile
The following acts and the causing thereof are prohibited –

- for any person to manufacture or sell, or offer to sell, or install,
- any part or component intended for use with, or as part of, any motor vehicle or motor vehicle engine,
- where a principal effect of the part or component is to bypass, defeat, or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this subchapter, and
- where the person knows or should know that such part or component is being offered for sale or installed for such use or put to such use.

The following acts and the causing thereof are prohibited –

- for any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this subchapter prior to its sale and delivery to the ultimate purchaser, or
- for any person knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser.

Clean Air Act Criminal Prohibitions

It is a crime to knowingly falsify, tamper with, render inaccurate, or fail to install any “monitoring device or method” required under the CAA.

CAA § 113(c)(2)(C), 42 U.S.C. § 7413(c)(2)(C)

Vehicle Onboard Diagnostics (OBD) are a “monitoring device or method” required by the CAA.
State Enforcement Authority

- Enforcement of the CAA prohibitions on tampering and aftermarket defeat devices is not delegated to the states.

- But many states have laws:
  - Prohibiting tampering
  - Prohibiting operating tampered vehicles
  - Prohibiting dealers from selling tampered vehicles

- Note preemption provisions and savings clause in CAA § 209, 42 U.S.C. § 7543

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Report Violations

✓ tampering@epa.gov

✓ EPA’s Report a Violation system:
  https://www.epa.gov/enforcement/report-environmental-violations

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