

# VEHICLE & ENGINE ANTI-TAMPERING POLICY AND AFTER-MARKET CATALYTIC CONVERTERS

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MWAQC-Technical Advisory Committee  
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# Background

- December 14, 2020 – EPA published a notice of availability of its enforcement policy on vehicle & engine tampering and After-Market Defeat Devices. It also sought information on its 1986 After-Market Catalytic Converters policy.
- This Policy supersedes and replaces previous fact-sheet, guidelines, and memo issued by EPA concerning civil enforcement of the Clean Air Act's (Act or CAA) prohibitions on tampering and aftermarket defeat devices.
- This policy is nonbinding, does not affect EPA's authority to investigate and enforce compliance with the CAA and is not a final agency action; rather, it is direction for EPA personnel regarding the potential investigation and prosecution of civil enforcement actions, and to inform the public.

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- The Policy does not, however, supersede or replace the 1986 enforcement policy that is specific to the replacement of catalytic converters on light-duty gasoline motor vehicles that are beyond their emissions warranty. If EPA withdraws this 1986 catalyst policy, then the generally applicable provisions of the EPA Tampering Policy will apply to replacement catalysts.
- EPA requests in this notice information relevant to its ongoing evaluation of the 1986 catalyst policy to help the agency make a future decision on whether and how to update or withdraw that 1986 policy.
- This includes information and data on:
  - Potential costs and air quality benefits of withdrawing or changing the 1986 catalyst policy;
  - The current state of the market of replacement catalysts, including the cost, volume of sales, frequency of installation, the age and

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- mileage of vehicles on which replacement catalysts are installed;
- To what extent catalyst replacement is needed due to failure of the original catalyst, or other reason including theft; and
- The effectiveness of replacement catalysts at treating air pollution, including whether and to what extent replacement catalysts in the current market conform to the catalysts described in the 1986 catalyst policy.
- Further, EPA specifically requests information relevant to the five following policy considerations:
  1. Whether the agency has accomplished the goals of the 1986 catalyst policy namely, supporting fledgling state and local vehicle inspection programs by encouraging them to require their citizens to replace catalysts that were missing, lead poisoned, or otherwise ineffective; and encouraging the development of inexpensive,



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- multiple application catalysts, and to confirm the effectiveness of these products.
2. Whether EPA should establish a consistent enforcement policy for all types of replacement after-treatment systems for vehicles and engines.
  3. Whether and how the 1986 catalyst policy affects the market for aftermarket catalysts.
  4. On the effect of EPA enforcement policy on catalyst costs.
  5. Regarding an appropriate timeline for an orderly transition to a new enforcement policy in the event the EPA replaces the 1986 catalyst policy.
- Submit comments, identified in the subject line by “Catalyst Policy,” to [tampering@epa.gov](mailto:tampering@epa.gov). Comment must be received by February 12, 2021.