



February 10, 2021

Acting Administrator Jane Nishida
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Subject: Comment on U.S. EPA's 1986 Policy for After-Market Catalytic Converters

Dear Administrator Nishida:

Thank you for providing an opportunity to comment on the *EPA Tampering Policy: The EPA Enforcement Policy on Vehicle and Engine Tampering and Aftermarket Defeat Devices under the Clean Air Act*, published in the December 14, 2020 Federal Register.

The Metropolitan Washington Air Quality Committee (MWAQC) is certified by the governors of Maryland and Virginia and the mayor of the District of Columbia to develop plans demonstrating attainment of federal ozone and other criteria pollutant standards for the Washington, DC-MD-VA non-attainment area. We have done so successfully for more than twenty-five years through a partnership among the state and local governments in metropolitan Washington.

The National Capital Region Transportation Planning Board (TPB) is the metropolitan planning organization (MPO) for the National Capital Region, jointly established by the governors of Maryland and Virginia and the mayor of the District of Columbia and so designated by the federal government. As an MPO, the TPB is mandated to conform with and integrate regional air quality plans in its transportation plans.

The Metropolitan Washington Region has been designated as a Marginal non-attainment area for the 2015 ozone National Ambient Air Quality Standards (NAAQS). Despite local and regional actions that have helped meet the previous ozone standards, the region could not meet the 2015 ozone NAAQS by the required deadline. Consequently, the region places a high priority on actions that help reduce precursors of ground-level ozone, particularly actions that enforce existing requirements.

Nitrogen Oxides (NO_x) are a precursor pollutant of ground-level ozone. In addition, NO_x is a precursor to secondary particulate matter (PM_{2.5}) formation. Exposure to PM_{2.5}, along with ground-level ozone, is associated with premature death, increased hospitalizations, and emergency room visits due to exacerbation of chronic heart and lung diseases and other serious health impacts. Some communities in the Metropolitan Washington Region face higher rates than the national average of illnesses like asthma, which are aggravated by these pollutants. As such, reductions in NO_x emissions will not only assist in meeting federal clean air standards, but they will also provide health benefits from both reduced ozone and PM_{2.5} pollution.

For these reasons, MWAQC and TPB support EPA's efforts to review and evaluate its policy published in 1986 concerning after-market catalytic converters (AMCC) in light of significant technical advancements made related to AMCCs and emission standards implemented since then.

MWAQC and TPB specifically support the following provisions to be part of an update of the 1986 Catalyst Policy:

- Establish a consistent, robust, nationwide enforcement policy for all types of replacement after-treatment systems for vehicles and engines.

After-treatment systems that treat exhaust from the engine, including gasoline and diesel products for the on-road and nonroad sectors, vary in their applications and technologies. As such, a consistent and stringent enforcement policy supporting section 203(a)(3) of the Clean Air Act, which prohibits the tampering with or removal of federally required emissions control devices, is necessary.

- Develop more stringent emission performance and durability requirements for new after-market converters to reflect the significant advances that have been made for catalytic converters since EPA first published its after-market policy in 1986. These advances have also made the improved technology readily available and affordable for after-market converters.
- Establish a clear certification process for Federal Aftermarket Converters compliant with the updated policy.
- Address the compatibility of after-market converters with the vehicle's Onboard Diagnostics (OBD) system for Model Year 1996 and newer vehicles.
- Eliminate the provisions permitting the sale of used converters for pre-ODB II vehicles (Model Year 1995 and older vehicles) and requesting EPA to study the appropriateness of allowing the reuse of OBD II era (Model Year 1996 and newer vehicles) catalytic converters.
- Implement the updated Catalyst Policy as expeditiously as possible.
- Continue to assist states in their introduction and implementation of I/M programs.

Thank you for the opportunity to comment.

Sincerely,

The Honorable Robert Day
Chair, Metropolitan Washington Air Quality Committee (MWAQC)

The Honorable Charles Allen
Chair, National Capital Region Transportation Planning Board (TPB)