



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

MAR 13 1991

OFFICE OF
AIR AND RADIATION

To whom may it concern:

As you know, the Clean Air Act was amended on November 15, 1990. Several of the changes in the Amendments affect the automotive repair/service industry directly. These changes include the expansion of the tampering prohibition to include private individuals and the prohibition against the manufacture, installation, sale or offering for sale of any part or component used on any motor vehicle or motor vehicle engine where a principal effect is to bypass, defeat, or render inoperative any emission control device or element of design of any emission control system.

The enclosed Fact Sheet: Exhaust System Repair Guidelines has been revised to conform to the new provisions of the Clean Air Act and represents a change in our enforcement policy with regard to exhaust repair. This change is effective immediately.

Essentially, the changes in these guidelines reflect EPA's position that any pipe used to replace the section of exhaust where the catalytic converter should be, would be considered illegal under the revised Clean Air Act. Therefore, any work in this area of the exhaust system must include proper converter replacement.

Other informational materials will be revised to reflect the Clean Air Act Amendments and will be distributed and made available when they are completed. These other materials include pamphlets on the tampering prohibition, revised engine switching fact sheet, and possibly a revision of our enforcement policy statement (Memorandum 1A) and/or guidance on which parts EPA considers to be illegal.

We would appreciate you informing your employees, members and/or associates about these changes. If there are questions or concerns, or if you have any suggestions concerning these issues, please let us know. Our phone number is (202) 382-2640.

Sincerely,

Mary T. Smith
Director

Field Operations and Support Division

Enclosure

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FACT SHEET: EXHAUST SYSTEM REPAIR GUIDELINES

The EPA has prepared this fact sheet to answer some of the most commonly asked questions about the types of exhaust work a repair shop can legally perform. If you need any further information about the EPA's tampering policy, please call (202) 382-2640.

Question 1.

Under what conditions or circumstances can a catalytic converter be removed from a vehicle and a converter replacement pipe be installed?

Answer 1.

Under federal law, catalytic converters may not be removed and replaced with "converter replacement pipes" by any person. The 1990 Clean Air Act Amendments even prohibit private individuals from installing "converter replacement pipes" on their own vehicles. Anyone who installs such pipes would violate section 203(a)(3)(A) and (B) of the Clean Air Act (Act).

In addition to federal law, forty-five out of the fifty States also have statutes or regulations which prohibit tampering with the pollution control equipment on motor vehicles or driving or selling such vehicles. Thus, vehicle owners who tamper with their own vehicles may be subject to substantial penalties under both federal and State law.

The only circumstances in which a person would be allowed to remove a converter is if the vehicle is being shipped overseas to an area where unleaded gasoline is not generally available. (Vehicles traveling to Canada or Mexico are not eligible for this exemption.) In this instance the vehicle owner must have a letter from the EPA specifically authorizing the converter removal from the vehicle in question.

Question 2.

Can I remove a converter from a vehicle that is used only for "off-road" driving?

Answer 2. No. The tampering prohibition discussed in Answer #1 applies to this situation as well. The federal tampering prohibition pertains to "motor vehicles," which are defined by section 216(2) of the Act as "any self-propelled vehicle[s] designed for transporting persons or property on a street or highway." A light-duty vehicle manufacturer certifies an engine-chassis configuration as meeting the applicable emissions standards for motor vehicles manufactured in a given model year, and it is not legal for anyone to "de-certify" a motor vehicle for "off-road" use.

Question 3.

A vehicle that has had its engine replaced is brought into a muffler shop. The owner says the new engine is pre-1975 and the vehicle no longer needs a converter. Is it tampering to remove the converter?

Answer 3. Yes. Again, the tampering prohibition in Answer #1 applies. A motor vehicle must be maintained in a proper certified engine-chassis configuration. In the case of engine switching, the resulting engine-chassis configuration must be identical in all material respects to one that was certified by the manufacturer for the same model year as the chassis or newer. It is not legal for anyone to change a vehicle into one that matches an older configuration than was certified by the manufacturer. Thus, removing the converter would be a violation of the law.

Question 4.

If a vehicle is brought into a muffler shop with a missing converter and a replacement pipe already installed, is it tampering to install a new replacement pipe?

Answer 4. Yes. Section 203(a)(3)(B) makes it illegal for any person to sell or to install any part where a principal effect would be to bypass, defeat, or render inoperative any device or element of design of a vehicle's emission control system. A principal effect of a replacement pipe is to defeat or bypass the catalytic converter system as it was designed by the manufacturer. It is, therefore, a prohibited act to install a replacement pipe in any situation. It is also a prohibited act to replace the entire exhaust pipe without replacing the catalytic converter. In

addition, a repair facility should consult with the State to determine if the State has a similar policy towards this type of repair work or how State laws may affect the legality of its actions.

Question 5.

If a converter-equipped vehicle is brought to a muffler shop with the converter already removed by the owner, is it tampering to install a section of pipe in the space left vacant by the converter's removal?

Answer 5. Yes. The installation by a muffler shop of a section of pipe in the void left where the vehicle owner removed the converter is considered by the Agency to be part of the act of tampering. It is a violation of section 203(a)(3)(A) for a vehicle owner to remove a converter from his own vehicle. Section 203(a)(3)(A) clearly prohibits all individuals from removing or rendering inoperative any emission control device or element of design. If a repair facility completes, assists, or participates in any way in this act of tampering begun by someone else, it has also acted in violation of section 203(a)(3)(A) of the Act and by installing a defeat device has violated section 203(a)(3)(B).

Question 6.

If a converter-equipped vehicle is brought into a muffler shop with no exhaust system past the exhaust manifold or headers, is it tampering to install a non-stock or dual exhaust system?

Answer 6. Yes. The answer to Question #5 applies. The repair facility would be completing the act of tampering in this situation by manufacturing, installing and selling an emission control defeat device.

Question 7.

Is it tampering to install a dual exhaust system on a vehicle originally equipped with a single exhaust?

Answer 7. Yes. The general rule is that a motor vehicle emission control system (which includes the exhaust configuration) may not be changed from an EPA certified configuration without subjecting the repair shop to liability for violating the federal tampering prohibition. The exhaust system configuration, including the location of the converters, and exhaust pipe diameter and length, are items specified by the manufacturer because engines and some of the associated emissions systems are generally affected by the exhaust system.

backpressure, which subsequently affects vehicle emissions. The installation of a dual exhaust system with two converters would, therefore, be considered tampering. The Agency will not, however, require a repair shop to restore a vehicle which has a non-stock dual exhaust system to a single exhaust configuration. A shop may, therefore, replace sections of pipes on such a system, except for that portion of the pipes where the original catalytic converter would have been located. It would not be considered tampering to install a dual exhaust system with two converters if the vehicle manufacturer certified an identical engine-chassis configuration for the vehicle model year or newer that includes such an exhaust configuration.

Question 8.

Are there any general guidelines for muffler shops about the kind of exhaust work that can be legally performed on a previously tampered vehicle?

Answer 8. As the answers to the previous questions indicate, the Agency's authority to enforce against tampering violations has been greatly expanded. Individuals are now prohibited from tampering. Repair shops, therefore, must now restore vehicles' exhaust systems to their original catalyst configuration if they work on that part of the exhaust system. The Agency will not pursue enforcement action against repair shops that perform repairs on one part of a vehicle's exhaust system where tampering has occurred in another part of the system. **The Agency does require, however, that when working on a vehicle where the catalytic converter has been removed, the repair shop must replace the catalytic converter if the section of pipe where the original converter should have been, needs to be replaced.** This would also include situations where the entire exhaust pipe is replaced. Repair shops must install a catalytic converter when replacing the entire exhaust pipe.

We urge you to approach repair work cautiously and to consult with State officials concerning applicable State law. We have enclosed a chart that briefly summarizes the issues discussed in this fact sheet for use by any repair shop.

You should also be aware of the installation requirements applicable to aftermarket catalytic converters which comply with our August 5, 1986 interim policy. A copy of these requirements can be obtained by calling the phone number listed at the beginning of this fact sheet.

EXHAUST SYSTEM REPAIR GUIDELINES

Can the vehicle leave the shop in the following conditions?

| Condition of exhaust vehicle entering shop | <u>Stock exhaust with converter</u> | <u>Stock exhaust with test pipe</u> | <u>Dual exhaust with converters</u> | <u>Dual without converters</u> |
|---|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------------|
| Stock exhaust with converter | Yes | No | No | No |
| Stock exhaust, no converter, test pipe in its place | Yes | No | No | No |
| Stock exhaust, no converter, gap in exhaust system (no test pipe) | Yes | No | No | No |
| No exhaust system past manifold or headers | Yes | No | No | No |
| Dual non-stock exhaust with no converters | Yes | No | Yes*** | No |
| Dual non-stock exhaust with converters | Yes | No | Yes*** | No |

*** The Agency has exercised its enforcement discretion by not pursuing enforcement action against facilities for this type of repair work, although it could be considered tampering. Please consult with State officials regarding applicable State laws. Shops are encouraged to convince the vehicle owner to restore the exhaust system back to its original configuration.