



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

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OFFICE OF
AIR AND RADIATION

AUTOMOTIVE IMPORTS - FACT SHEET

WARNING: Except for driving a nonconforming vehicle imported under bond from the port of entry to the vehicle owner's residence or to the location where modification/testing work is to be performed, it is a violation of the Clean Air Act to operate such a vehicle on a public street or highway or to sell it prior to final release by the U.S. Customs Service.

The Clean Air Act requires that every motor vehicle imported into the United States comply with the emission requirements that are applicable to the model year in which the vehicle was manufactured. Emission requirements are applicable to the following:

- (1) Gasoline-fueled light-duty vehicles and light-duty trucks manufactured after December 31, 1967.
- (2) Diesel-fueled light duty vehicles manufactured after December 31, 1974.
- (3) Diesel fueled light-duty trucks manufactured after December 31, 1975.
- (4) Motorcycles manufactured after December 31, 1977.
- (5) Gasoline and diesel-fueled engines built after January 1, 1970 for use in heavy-duty vehicles. (Heavy-duty vehicles generally include any motor vehicle rated at more than 8500 pounds gross vehicle weight or that has a curb weight of more than 6000 pounds.)

A manufacturer's model year usually begins during the summer of the previous calendar year. For example, a vehicle manufactured in August 1979 may be a 1980 model.

1971 and later model year vehicles manufactured in conformity with Federal emission requirements may be identified by a label installed by the manufacturer in the engine compartment in a highly visible location. The label will be entitled "Vehicle Emission Control Information" and will contain the name and trademark of the manufacturer. This label must

provide an unconditional statement of compliance with the appropriate model year U.S. Environmental Protection Agency regulations. A conforming motorcycle will have a similar label located on its frame. Conforming 1968 through 1970 light-duty vehicles will not have an EPA label, but they may be identified by the presence of a label on the vehicle's doorpost specifying conformity with Federal motor vehicle safety standards. A vehicle which does not have the proper label almost certainly does not conform with U.S. emission requirements.

The Clean Air Act permits conditional importation of a nonconforming vehicle, provided that a bond, at least equal to the value of the vehicle, plus duty, is posted with the U.S. Customs Service (Customs). The importer has 90 days to bring the vehicle into conformity. The following options are currently available for securing release of the EPA obligation on the importation bond:

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Modification (section 1.0) of a nonconforming vehicle is usually not possible. Also, testing (section 2.0) can be an expensive and frustrating experience, since the nearest test laboratory may be hundreds of miles from your home and the modifications that are necessary for your vehicle to pass the test may be extensive. Even if you are successful in demonstrating conformity of your vehicle, you may experience additional problems. Because your vehicle contains foreign-version components, parts and service may be difficult to obtain and the vehicle may not be covered by any warranty.

BECAUSE OF THE EXPENSE, INCONVENIENCE AND POTENTIAL ASSESSMENTS AND POTENTIAL FINES INVOLVED WITH IMPORTING AN UNCERTIFIED VEHICLE AND MAKING THAT VEHICLE MEET FEDERAL EMISSION AND SAFETY REQUIREMENTS, WE STRONGLY RECOMMEND THAT YOU ONLY PURCHASE A VEHICLE CERTIFIED AND LABELED BY THE MANUFACTURER FOR SALE IN THE U.S.

1.0 Modification Option Requirements

Modification of a nonconforming vehicle consists of replacing, adding, or deleting components to make the vehicle conform in all material respects to the design specifications that applied to that vehicle described in the application for certification for the version certified for sale in the U.S. Under this option you must provide EPA with written modification instructions from the manufacturer's U.S. representative (see enclosed list) and invoices for parts and labor that show this work was performed. Modifications based on instructions from any source other than the U.S. representative of the manufacturer are not acceptable and will require testing in accordance with the Testing Option requirements (see Section 2.0).

Since EPA certifies only those vehicles which are intended for sale in the United States, we cannot provide information on the modifications necessary to bring foreign models into conformity with United States emission requirements.

Modification of a nonconforming vehicle is usually not possible. Many models available overseas were never certified by their manufacturers for sale in the United States. Hence, there is no certified version with which to demonstrate conformity. Furthermore, most manufacturer's representatives will not provide modification instructions to an importer and EPA cannot require them to do so; testing your vehicle via the Federal Test Procedure will likely be the only option available to demonstrate conformity.

2.0 Testing Option

Testing a vehicle to demonstrate compliance with U.S. Federal emission requirements consists of having the vehicle tested at a laboratory which EPA has determined is capable of performing the Federal Test Procedure (FTP). (Enclosed is a list of laboratories which EPA has reason to believe are capable of conducting motor vehicle emission tests in accordance with the FTP. Please note that this is not an exclusive list of the laboratories. Laboratories can be added or deleted at any time. Further information regarding the capability of a laboratory may be obtained by contacting EPA.) The cost of such a test is high (\$850 or more) and there is risk of failing for vehicles not originally manufactured to meet U.S. standards. Evidence that a vehicle has passed an emission inspection test administered by a state (including California), or a test conducted at a dealership, does not demonstrate conformity with Federal emission requirements. The FTP is a comprehensive test involving a prescribed sequence of cold starting, hot starting and vehicle operating conditions, performed on a chassis dynamometer. It determines hydrocarbon, carbon monoxide, oxides of nitrogen, evaporative and, where

applicable, diesel particulate emissions from a vehicle while it is actually being driven. A state test in most cases measures only the hydrocarbon and carbon monoxide emissions from a vehicle during a very short test.

If you elect to have a vehicle tested to demonstrate compliance with the U.S. air pollution standards, any of the laboratories EPA has determined capable of performing the FTP must provide this Agency with evidence that the vehicle was tested in accordance with the proper procedures. The evidence includes a notarized copy of an EPA test report form (copy enclosed) listing all the modifications (EPA does not require specific modifications nor does it provide a list of modifiers.) performed on the vehicle to enable it to pass the test, the complete test documentation and clear photographs of the modifications. If the vehicle is modified by installation of a catalytic converter it must be equipped with a fuel filler restrictor and "unleaded fuel only" labels to insure the use of unleaded gasoline. The test laboratory will send the completed test documentation to EPA. After we receive the test documentation, review it and, determine if the vehicle was successfully tested, we will send a bond release letter to Customs and a copy to the importer.

If you have a vehicle tested at a laboratory under investigation by EPA and you have not received a bond release letter from EPA, we may be holding any approval or rejection of laboratory test documentation on that vehicle until the investigation is concluded. To protect yourself financially, we recommend that you obtain a guarantee from the modifier or test laboratory that if a test is rejected by EPA due to an investigation, it will be tested at another laboratory at no additional cost to you or your money will be refunded to you.

3.0 One Time Exceptions (This does not apply to those vehicles covered under section 4.0 of this Fact Sheet. The Department of Transportation Safety Standards must still be met.)

There are limited exceptions to these importation requirements based on EPA's current enforcement policy. The following criteria apply to these exceptions:

1. First importation of a nonconforming vehicle by the importer.
2. Vehicle for personal use (not for company cars).
3. Vehicle not for resale for at least two years from the date of importation.
4. Vehicle owned by importer prior to importation.

5. Commercial enterprises, business agents or other individuals can not arrange for the purchase of the vehicle.
6. Importer must be an individual not a business.

3.1 Five Year Personal Use Exception

A personal use exception for a vehicle that is five or more model years old at the time of importation is currently available. Individuals may import a nonconforming motor vehicle into the U.S. provided the vehicle is five or more model years old at the time of importation and all of the criteria stipulated in 3.0 above are met. As of January 1, 1985, only 1980 and older model year vehicles qualify for the exception. Individuals should be very careful to ascertain the model year of a vehicle prior to purchase. In many foreign countries no model year designation exists. In the U.S., manufacturers (both foreign and domestic) designate a specific model year for a vehicle at the time of production. A manufacturer's model year usually begins in the summer of the calendar year. For example, a vehicle produced in August of 1980 would be a 1981 model year vehicle if the manufacturer has designated all vehicles produced after July to be 1981 model year vehicles. EPA bases its emission requirements on the manufacturer's designated model year. Consequently, if a manufacturer specifies the model year for U.S. version vehicles to commence with August production, all vehicles produced by that manufacturer after July would be considered to be 1981 model year vehicles. If a question regarding the model year of a vehicle arises, the manufacturer's U.S. representative may be asked to confirm the model year.

When any nonconforming vehicle is imported, the importer is required to file a number of forms including EPA Form 3520-1 titled, "Importation of Motor Vehicles and Motor Vehicle Engines Subject to Federal Air Pollution Control Regulations." Five year old personal use vehicles must be imported under bond. Customs will forward the 3520-1 to EPA and EPA will check to determine if the individual and vehicle qualify for the five year exception. Individuals should allow at least 60-90 days for this process to occur. Individuals do not have to apply for the exception directly. The exception cannot be granted prior to vehicle importation. If after 90 days, the exception has not been granted the importer should write to EPA (address on p.9) to request the exception. At that time the importer should provide a notarized statement explaining how the vehicle was acquired and whether the importer travelled abroad to acquire the

vehicle, how the importer became aware the subject vehicle was available for purchase, proof of purchase, ownership and importation, a statement as to whether this is the first nonconforming vehicle that this individual has imported, a statement that the vehicle is for personal use and not for resale for at least two years and a request that the exception be granted in their case.

3.2 Immigrant Exception

An individual who is permanently immigrating to the U.S. may import one nonconforming vehicle of any model year at the time of immigration. In order to qualify, the immigrant must meet the requirements as specified in paragraph one of this section (3.0). Vehicles which are purchased after the immigrant first arrives in the U.S. will not qualify for exception. If the arriving immigrant can provide Customs with proof of immigration, proof of vehicle ownership prior to importation, and a statement that the vehicle is being imported for personal use and not for resale, and is the first nonconforming vehicle that he has imported, Customs may allow importation without a bond for EPA purposes. If Customs is not able to make this determination, then the vehicle must be imported under bond and the immigrant must request the exception from EPA and provide the necessary statements and documentation directly. (EPA's address is provided on p. 9.)

4.0 Catalytic Converter Replacement

If you are importing a U.S. version vehicle, with EPA and DOT labels affixed and equipped with a catalytic converter, which has been driven outside North America (i.e., outside the United States, Canada, Mexico or the U.S. Virgin Islands) the catalytic converter will have been deactivated because only leaded gasoline is available in such areas. Lead in gasoline poisons the catalytic material. Therefore, the catalytic converter will have to be replaced. Also, if your vehicle is a 1981 or newer model and is equipped with an oxygen sensor, the sensor will have to be cleaned or replaced, per the vehicle manufacturer's instructions. The vehicle's fuel filler restrictor will also have to be replaced if it has been removed or disabled.

When an individual returns a catalyst equipped vehicle from an area where unleaded fuel is not available, a bond must be posted with Customs pending catalyst replacement unless the following applies:

The vehicle is part of a catalyst control program, approved by the Administrator of EPA, and instituted and maintained by the manufacturer of the vehicle or

a U.S. Government Agency to ensure preservation or replacement of the catalytic converter and restricted fuel filler neck inlet and oxygen sensor (if applicable).

In order to secure the release of your bond, have the catalytic converter replaced with a new converter (on some vehicles only the catalytic material need be replaced rather than the entire converter, check with the vehicle manufacturer) have the oxygen sensor cleaned or replaced and have the fuel filler neck restrictor replaced, if necessary. Submit to EPA a clear copy of the work order from the facility where the work was done stating that: the catalyst has been replaced; the oxygen sensor has been cleaned or replaced or the vehicle was not originally built with a sensor; and, the fuel filler neck restrictor has been replaced or inspected and is intact. Send your submission, which includes your name, address, the vehicle identification number (VIN), the work order, and a copy of the EPA Form 3520-1, to EPA at the address on page 9.

Tests conducted by states for emissions do not check catalyst performance. In many cases it may be possible to pass the state test even if the catalyst is totally destroyed. Consequently, if you have driven your vehicle on leaded fuel abroad, the catalyst must be replaced regardless of state or dealer related test results.

If you are contemplating exporting your U.S. version vehicle from North America, you may obtain a waiver to have the catalytic converter removed before export so that upon return of the vehicle to the U.S. it will only have to be reinstalled, rather than replaced with a new converter. For information concerning a waiver, call (202) 382-2637.

5.0 Time Extension on the Bond

Final admission of a vehicle and release of the bond cannot be made until we receive the required compliance information. Importers are allowed 90 days to make the demonstration of compliance with EPA requirements.

In the event that you need an extension of time on the bond, only Customs has the authority under joint Customs-EPA regulations (19 CFR 12.73) to grant an extension. Write the Customs office (not EPA) where the vehicle was imported, providing justification for the extension. EPA has no authority to grant time extensions on the bond.

6.0 Exportation, Destruction, Redelivery, Penalty

If you are unable to demonstrate conformity because of expense or any other reason, your vehicle must be exported,

redelivered to Customs or destroyed. Failure to dispose of the vehicle by one of these methods will subject you to the assessment of liquidated damages by Customs up to the full amount of the bond and a fine of up to \$10,000 under the Clean Air Act.

6.1 Petition for Mitigation of Penalty

If your vehicle is less than five model years old and is the first nonconforming vehicle that you have imported into the United States and you have imported it for personal use and not for resale, there is an additional procedure available whereby you may keep your vehicle upon payment of a penalty to Customs. If you do not demonstrate conformity within the 90 day period, Customs will send you a notice to redeliver the vehicle to their custody. If you do not redeliver the vehicle, Customs will send you another notice, assessing you liquidated damages in the full amount of the bond. At this point, you have the right to petition the District Director at the port of entry, in writing, for mitigation of the assessed penalty based on the circumstances of your case. You may then write a letter to the District Director explaining why you have been unable to demonstrate the conformity of your vehicle.

When a petition for mitigation is received, Customs will consider a recommendation from EPA before making a final determination on assessing the penalty. For an individual who has imported a nonconforming vehicle for the first time for personal use and not for resale, our normal recommendation to Customs is that they mitigate the penalty to one-quarter of the value of the bond. (If an individual has previously imported a nonconforming vehicle or is a commercial importer for the purpose of resale, we will recommend no mitigation to Customs.)

If you wish to pay such a mitigated penalty, you may wait until you receive a redelivery notice from Customs and proceed as described above, or you may complete the enclosed "Petition for Mitigation", and send it to EPA. In either case, reference the Customs penalty case number if it has been assigned. We will send it to Customs and recommend that they assess you a penalty equal to one-quarter of the value of the bond on your vehicle. After you have modified your vehicle to meet Federal safety requirements and have received a release from DOT and upon payment of this penalty, you will be permitted to keep your vehicle.

Further, if you are physically handicapped and have imported a specially-equipped vehicle which is not available in a certified configuration, additional mitigation may be possible (documentation will be required).

7.0 Vehicles to be Registered in California

We have been informed by the California Air Resources Board (CARB) that vehicles which have not been brought into conformity with Federal or California emission requirements cannot be registered in California. This means that the use of any option other than those in section 1.0 or 2.0, will not allow your vehicle to be registered in California.

8.0 Additional Information

If you have any questions that are not answered by this fact sheet, you may contact the Investigation/Imports Section by telephone at (202)-382-2504, or by mail (regular, certified or registered) at:

U.S. EPA
MOD (EN-340F)
Investigation/Imports Section
401 M Street, S.W.
Washington, D.C. 20460

For delivery by a courier service (e.g., Federal Express, Airborne, etc.) only, use the following address:

U.S. EPA
MOD (EN-340F)
Investigation/Imports Section
499 South Capitol St., 2nd Floor
Washington, D.C. 20003

When calling EPA, please have available the make, model, year and vehicle identification number (VIN) of your vehicle (from the registration card) and, if it has already been imported, the port of entry, date of entry and entry number (from the EPA Form 3520-1) (You can only get an EPA Form 3520-1 from the port of entry and you should keep a copy for your records.). If the vehicle has already been tested, please include the name of the test laboratory, the test date, the date that the laboratory mailed the results to EPA and the EPA file number if available. When writing to EPA, include this information, plus a telephone number (with area code) where you can be reached during the day.

Federal safety standards are the responsibility of the U.S. Department of Transportation, rather than the Environmental Protection Agency. Therefore, questions concerning safety requirements should be directed to the following individual for response:

Director, Office of Vehicle Safety Compliance
National Highway Traffic Safety Administration
U.S. Department of Transportation
Washington, D.C. 20590
202-426-1693