

EPA Policy on Cross-Border Sales of 2000 MY “California” Vehicles

This addendum announces the U.S. Environmental Protection Agency’s (EPA’s) Cross-Border Sales (CBS) Policy for the 2000 model year. The CBS policy for the 1993, 1994, and 1995 model years is described in the fact sheet “EPA Policy on Cross-Border Sales of ‘California’ Vehicles,” revised on October 17, 1994. The CBS policies for the 1996 MY, 1997 MY, 1998 MY, and 1999 MY, which are generally identical to the 1995 MY policy, were announced in previous addenda.

EPA has recently concluded a substantial review of both federal and California motor vehicle emission requirements for the 2000 model year. This review revealed that there are California requirements which are less stringent than comparable federal ones. For example, California allows vehicle manufacturers to use phase II reformulated gasoline to certify that light-duty vehicles and trucks meet applicable tailpipe standards, while EPA continues to require the use of test fuel with different requirements for Tier 1 vehicles. Vehicle tailpipe emission levels can be significantly lower when a vehicle is fueled with phase II reformulated gasoline, making the California requirement less stringent.

The National Low Emission Vehicle (LEV) program, which took effect in the 1999 model year in the Northeast, does include provisions that apply to the CBS policy. The National LEV program does not limit manufacturers’ historical ability to certify and sell a vehicle or vehicles that meet both the Federal and California requirements and thus avoid issues addressed by this policy. However, the National LEV program does not remove all of the differences between the Federal and California programs. National LEV vehicles certified to Tier 1 standards must meet all Federal requirements. Additionally, the program allows manufacturers to obtain a restricted federal certificate solely based on the granting of a California Executive Order, which will allow the sale of vehicles meeting Transitional Low Emission Vehicle (TLEV) emission standards in model year 2000 in those nine jurisdictions included in the National LEV program.¹

The introduction into commerce of National LEV vehicles with restricted federal certificates could raise issues for dealers in National LEV state/ non-National LEV state border areas similar to those issues covered by the CBS policy. In order to alleviate any such issues

¹ The jurisdictions included in the National LEV program are: New Hampshire, Rhode Island, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, the District of Columbia, and Virginia. New York, Massachusetts, and Vermont have adopted the California motor vehicle emission control program under section 177 of the Clean Air Act and require compliance with these requirements for the 2000 model year.

Beginning in model year 2001, the use of restricted federal certificates will no longer be available in the National LEV program.

associated with introducing into commerce model year 2000 National LEV TLEV vehicles with restricted federal certificates, the CBS policy is being modified slightly from the 1999 MY policy to reflect this regulatory requirement. Thus, EPA will not prevent manufacturers from introducing National LEV TLEV light-duty vehicles and light-duty trucks into commerce in states that are contiguous to states included in the National LEV program, specifically Ohio, West Virginia, Kentucky, Tennessee, North Carolina, and Maine.

Because 2000 model year California vehicles do not necessarily meet each and every federal emission requirement (which would be necessary to allow the sale of California vehicles everywhere), the CBS Policy for the 2000 model year is as follows:

Manufacturers may introduce into commerce all 2000 model year California light-duty vehicles and light-duty trucks in California, New York, Vermont, and Massachusetts; and California medium-duty vehicles in California. EPA will not prevent manufacturers from introducing these light-duty vehicles and light-duty trucks into commerce in states that are contiguous to California, New York, Vermont, or Massachusetts. (For the purpose of the 2000 model year Cross Border Sales Policy, Maine is included with the states contiguous to Massachusetts). EPA will also not prevent manufacturers from introducing into commerce California medium-duty vehicles in states contiguous to only California. Additionally, in order to address cross border sales issues related to the National LEV program, EPA will not prevent manufacturers from introducing light-duty vehicles and light-duty trucks with a restricted Federal National LEV certificate into commerce in states that are contiguous to those states included in the National LEV program.

As a result, manufacturers may allow their dealers in California, New York, Vermont, Massachusetts, and their contiguous states (including Maine) to sell any 2000 model year California light-duty vehicles and light-duty trucks, at any time, (on or after the effective date of the certificate of conformity) to purchasers from any state. Manufacturers may also allow their dealers in California and its contiguous states to sell California medium-duty vehicles to purchasers from any state. Additionally, manufacturers may allow their dealers in states that are contiguous to those states included in the National LEV program to sell any 2000 model year restricted National LEV light-duty vehicles and light-duty trucks, at any time, (on or after the effective date of the certificate of conformity) to purchasers from any state.

The language that appears on 2000 model year certificates of conformity for California vehicles is similar to the 1995 model year language specified in question #4 of the Fact Sheet. Additionally, the 2000 model year suggested Vehicle Emission Control Information label language is similar to the 1995 model year language specified in question #5 of the Fact Sheet. Appropriate language has been added to the certificates and labels addressing the National LEV

program. Because both federal and California emission requirements could possibly change in upcoming model years, EPA will make a decision about the CBS Policy for 2001 and subsequent model years at a later date.

For More Information

Additional documents on cross-border sales policies are available electronically from the EPA Internet server at:

<http://www.epa.gov/oms/>

For further information on the 2000 CBS Policy, please contact Len Lazarus of the Office of Mobile Sources at:

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