

**COMMONWEALTH OF VIRGINIA**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**

*MOBILE SOURCE OPERATIONS SECTION*

<b>OPERATIONAL PROCEDURE</b>	<b>NUMBER</b> 8	<b>EFFECTIVE DATE:</b> November 28, 1994 <b>Revised:</b> June 01, 2012
<b>SUBJECT</b> Non-Conforming Vehicles	<b>ORIGINATING UNIT</b>  Mobile Source Operations Section	

A "Non-Conforming Vehicle" is one that is not manufactured for sale in the United States (U.S.) to conform to emissions standards established by the federal government (9 VAC 5-91-20). These vehicles are exempt from the vehicle emissions inspection requirement (§46.2-1177.3 of the Air Pollution Control Law of Virginia), as described below.

Although the federal EPA no longer allows non-conforming vehicles into the U.S., a significant number of these non-conforming vehicles were imported into the United States in earlier years under a variety of programs including a 5-year personal use exemption, over 21 model year exemption, hardship exemption, etc. Owners of vehicles imported under these various programs will have U.S. EPA and/or Customs documentation.

The primary method to determine a vehicle's non-conforming status is the submittal of documentation indicating its non-conforming vehicle status. (Attachment 1, U.S. EPA "Procedures for Importing Vehicles and Engines into the United States" and U.S. EPA Forms 3520-1 & 3520-21, Attachments 2 & 3). Absent clear import documentation, additional clarification on release letters and/or a given vehicle's import status must be obtained from the EPA. (Attachment 4) Vehicles that do not appear to be U.S. models but for which there is no documentation to support non-conforming status will not qualify for a non-conforming exemption until such documentation is supplied.

Vehicles imported by foreign diplomatic or military personnel for personal use are exempt from the vehicle emissions inspection program under the terms of the North Atlantic Treaty Organization (NATO) Treaty. Such vehicles will be treated as non-conforming and exempted. Diplomatic or foreign military will present other documentation, orders, etc. in addition to the U.S. EPA Form 3520-1.

In order to be eligible for import, other than for the exceptions noted above, the U.S. EPA requires owners of vehicles that are not U.S. certified vehicles to use an Independent Commercial Importer (ICI). The ICI is required to modify and test the vehicle to meet U.S. emissions standards. Because of this requirement, the U.S. EPA has historically considered the ICI to be the "manufacturer" of the affected motor vehicle. Thus DEQ considers vehicles that are imported as required by an ICI to be U.S. models; they are therefore subject to the vehicle emissions inspection requirement and will not qualify as "non-conforming" vehicles." The U.S. EPA Kit Car Policy (Attachment 5) may also have relevance for certain imported vehicles/kit cars.

Upon verification of non-conforming status, a memorandum of exemption from the vehicle emissions inspection requirement may be approved. A letter of exemption (Attachment 6) and memorandum to the Department of Motor Vehicles (Attachment 7) shall be prepared. The vehicle's owner is issued the original letter and memorandum after a copy has been made to retain on file with copies of other supporting documentation regarding that vehicle. A log will be maintained in the Northern Regional Office's common computer drive for any vehicle that has been granted such an exemption for potential future needs.

## Attachments

1. U.S. EPA – “Procedures for Importing Vehicles and Engines into the United States”
2. U.S. EPA Form 3520-1 (Rev 10-10)
3. U.S. EPA Form 3520-21 (Rev 01-2011)
4. Example of U.S. EPA Letter exempting importation requirements
5. U.S. EPA Kit Car Policy
6. DEQ Letter of Non-Conforming Exemption (Example)
7. DEQ Memo to DMV Regarding Non-Conforming Status (Example)

# Procedures for Importing Vehicles and Engines into the United States



ATTACHMENT 1

# Procedures for Importing Vehicles and Engines into the United States

Compliance and Innovative Strategies Division  
Office of Transportation and Air Quality  
U.S. Environmental Protection Agency

## U. S. Environmental Protection Agency Requirements Only

### DISCLAIMER:

This facts manual is produced by the U.S. Environmental Protection Agency (EPA) and is updated periodically. It is the responsibility of the importer to refer to the most recent version of the facts manual when importing motor vehicles. Updates to the facts manual may be obtained from the EPA free of charge. This facts manual does not include requirements of other U.S. Agencies or States (e.g., safety and other requirements administered by the U.S. Department of Transportation).

## **IMPORTERS BEWARE!**

### **Non-Conforming (Non-U.S. Version) Vehicles**

- EPA strongly recommends that prospective importers buy only U.S. version (labeled) vehicles, because of the expense and potential difficulties involved with importing a non-U.S. version vehicle.
- Non-U.S. version vehicles less than 21 years old must be modified to meet U.S. emission and safety standards and/or to be identical to U.S. version vehicles and must be imported by an Independent Commercial Importer (ICI).
- EPA strongly recommends that current owners of non-U.S. version vehicles sell or otherwise dispose of those vehicles overseas rather than ship and import them into the U.S., because of the expense and potential difficulties involved with importing a non-U.S. version vehicle.
- The EPA policy which permitted importers a one-time exemption for vehicles at least five years old has been eliminated.
- Before shipping a non-conforming vehicle for importation, EPA strongly recommends that the importer either make final arrangements with an ICI for modifications and testing, or obtain EPA approval in writing for importation. Storage fees at the ports are costly, and the vehicle may not be eligible for importation.
- Not all non-conforming vehicles are eligible for importation, and ICIs are not required to accept vehicles for which they have qualifying certificates of conformity.
- EPA certification of ICIs does not guarantee the actions or work of the ICIs, nor does it regulate contractual agreements and working relationships with vehicle owners.

### **U.S. Version Vehicles Driven Overseas**

- U.S. version vehicles driven overseas may need to be bonded upon importation.
- The catalysts and oxygen sensors may need to be replaced on U.S. version vehicles driven overseas.
- The vehicle's emission control system, drive train (including engine), and fuel system, will need to be restored to its original EPA-certified configuration if those systems or components are altered, damaged, malfunctioning, or missing.



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## List of Acronyms

<b><u>Acronym</u></b>	<b><u>Definition</u></b>
ATV	All Terrain Vehicle
CAA	Clean Air Act
cc	Cubic Centimeter
CFR	Code of Federal Regulations - U.S. vehicle emission regulations administered by the EPA are found in Volume 40 of the code (40 CFR).
CI	Compression Ignition
CNG	Compressed natural gas
CO	Carbon monoxide
DMV	Department of Motor Vehicles
EPA	United States Environmental Protection Agency
FTP	Federal Test Procedure (City) Test
GVWR	Gross Vehicle Weight Rating
HC	Hydrocarbon
HDDE	Heavy-duty diesel engine
HDE	Heavy-duty engine
HDGE	Heavy-duty gasoline engine
HDV	Heavy Duty Vehicle
I/M	Inspection/Maintenance
ICI	Independent Commercial Importer
IRS	Internal Revenue Service
kW	Kilowatt
LDT	Light-duty truck
LDV	Light-duty vehicle
LPG	Liquefied Petroleum Gas
MDPV	Medium Duty Passenger Vehicle
MSHA	Mining Safety and Health Administration
NO <sub>x</sub>	Nitrogen Oxides
OEM	Original equipment manufacturer

OP	Original Production - "Original production years" refers to the year the vehicle was manufactured subtracted from the calendar year the vehicle was imported.
ORVR	Onboard Refueling Vapor Recovery
RPM	Revolution per minute
SI	Spark Ignition
U.S.C.	United States Code
VIN	Vehicle Identification Number

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## Section 1: Introduction

Importing motor vehicles and motor vehicle engines (which this document collectively refers to), or nonroad or heavy-duty highway engines (referred to as "engines" in this document) into the United States can be a very complex and confusing process. Before importing any vehicle or engine into the U.S., importers must consider the EPA requirements in addition to those of other U.S. offices. This Automotive and Engines Imports Facts Manual guides individuals through the necessary steps for importing vehicles and engines into the United States.

The vehicle emission regulations and requirements discussed in this manual are based on Title II of the Clean Air Act (Act, or CAA) and Volume 40 of the Code of Federal Regulations (CFR), Part 85; subparts P and R, and Part 86.

The nonroad or heavy-duty highway engine (including engines incorporated into vehicles or equipment) importation regulations and requirements discussed in this manual are based on Title II of the Act and 40 CFR, Parts 85, 86, 89, 90, 91, 92, 94, 1039, 1048, 1051, 1068 (as well as for engines used in underground mining 30 CFR 7, 31, 32, 36, 56, 57, 70, and 75).

**NOTE:** You can search these and other federal regulations online at:  
<http://www.gpoaccess.gov/cfr/index.html>.

### 1.1 How to Use this Manual

This manual is designed to direct importers through the proper procedures for importing their vehicle(s) or engines. To use the manual effectively, vehicle importers will likely need to know some or all of the following information listed below:

1. The year the vehicle was originally manufactured;
2. The model year, make, and model of the vehicle (i.e., 1990 Chevy Lumina);
3. Whether the vehicle conforms to U.S. emission requirements (generally, conforming vehicles are labeled by the manufacturer as meeting EPA emission requirements);
4. The type of fuel the vehicle uses (e.g., gasoline, diesel, propane, etc.);
5. Whether the vehicle was manufactured with or without a catalytic converter; and
6. The gross vehicle weight rating (GVWR) for trucks.

Similar information is needed for importing nonroad or heavy-duty highway engines as described below:

1. The type of engine you plan to import (e.g., heavy-duty highway engine for use in a vehicle with GVWR above 8,500; locomotive or locomotive engine; marine compression-ignition engine; other nonroad compression-ignition engine; marine spark-

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ignition engine; recreational spark-ignition engine or vehicle; other nonroad spark-ignition engines; etc.).

2. Engine power and/or displacement (in kilowatts (kW) and/or cubic centimeters (cc)).
3. The year the engine was first manufactured.
4. Whether or not the engine conforms to U.S. standards.
5. The intended use of the engine.
6. Engine manufacturer, model and serial number, and for certified engines and vehicles, the engine family name.
7. Vehicle or equipment manufacturer, model and serial number, and type of equipment (if applicable).
8. The build date for uncertified engines or vehicles.

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There are three primary questions for determining the general method of importing a vehicle (see Section 1.6: Importation Flow Chart). The first is to determine if the vehicle is *excluded* by the Act from meeting Federal emission requirements. If it is excluded, you should follow the instructions given in the section "Excluded Vehicles." If your vehicle is not excluded, the next question is whether you desire a *temporary* or *permanent* importation. If you are importing your vehicle only temporarily, you should follow the instructions given in the section "Temporary Importations." If your importation is permanent, the third question is whether your vehicle is a *U.S. version vehicle*, a *Canadian vehicle*, or a *non U.S./Canadian version vehicle*. You can go to each one of those titled sections in Section 2.1 of this document and follow the specific instructions for importing your vehicle.

Importers of nonroad or heavy-duty highway engines must also determine if their engine is U.S. certified, or if it is subject to an exclusion or a temporary or permanent exemption. There are also special exemptions for certain specific engine categories or other special cases, including certain importations by EPA-recognized Independent Commercial Importers (ICIs). Section 2.1.4 addresses these exceptions and exclusions.

## **1.2 EPA Entry Forms**

An EPA importation declaration form (EPA Form 3520-1 for on-road vehicles, or EPA Form 3520-21 for nonroad, off-road, and heavy-duty highway engines) must be submitted to the United States Customs and Border Protection Service (Customs) for most vehicle and engine importations. The most recent versions of the EPA Forms can be found at <http://www.epa.gov/otaq/imports/> or from U.S. Customs or a Customs house Broker at the port of entry. Copies of the current forms are provided in Appendix A of this manual.

Importers of on-road vehicles and on-road engines will use EPA Form 3520-1. This manual will help you determine which declaration code must be entered on the form. There are

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four codes (B, F, EE, and FF) that apply to U.S. conforming and "identical" vehicles. The remaining codes apply to various exemptions, exclusions, temporary and ICI importations, and other special circumstances. The only situation where the importer does not need to submit the EPA Form 3520-1 to U.S. Customs is when an original equipment manufacturer (OEM) is importing new certified vehicles.

Importers of nonroad or heavy-duty highway engines will use EPA Form 3520-21 and will identify the type of engine, vehicle or equipment by checking the appropriate option, which covers eight categories of nonroad or heavy-duty highway engines, vehicles, and equipment. These include heavy-duty highway engines that are used in vehicles over 8,500 pounds, locomotives, marine compression ignition (CI) and spark ignition (SI) engines, other CI engines, and recreational and other SI engines, which are identified as options A through H on the form). After selecting one of these options, the importer may then select a specific code indicating the provision under which the engine, vehicle or equipment is being imported. The first option indicates the importation of a U.S. certified engine or engine installed in a certified vehicle. The remaining options may be selected if specific exemptions or exclusions apply. As with vehicles, OEMs importing new certified engines do not need to submit EPA Form 3520-21 to U.S. Customs.

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### **1.3 Emissions Testing**

#### Light-duty Vehicles:

The Federal emissions testing requirements are based on complex laboratory testing procedures as described in 40 CFR Part 86. Tests include the Federal Test Procedure (FTP) (city test, highway test, a US06 (high speed, high acceleration) test, a SC03 (city test at 95° F with air conditioning on), a cold temperature (20° F) test, a two-day evaporative test, a three-day evaporative test, and an Onboard Refueling Vapor Recovery (ORVR) test. The emissions are measured while the vehicle is being driven in the laboratory on a chassis dynamometer. For the FTP test, the vehicle is driven through a specific driving cycle representing a typical urban drive of 10.5 miles. A test takes 14 to 36 hours, and includes fuel filling, starting, stopping, accelerating, decelerating, cruising, idling, and sitting while parked. The emissions measured include hydrocarbons (HC), carbon monoxide (CO), nitrogen oxides (NO<sub>x</sub>), particulates, and evaporative emissions. State emissions tests are typically much shorter, simpler, and cheaper, and measure only HC and CO. EPA does not accept the results of state emissions tests to demonstrate compliance with Federal emission standards.

#### Nonroad and Heavy-Duty Highway Engines:

Heavy-duty engines (HDEs) are tested on an engine dynamometer (not mounted in a truck, bus, etc.) and have a different set of complex testing procedures under Part 86, referred to collectively as a cycle. Each cycle seeks to emulate real-life-use and requires the engine to be run at specific revolutions per minute (rpms) for set periods of time. The cycle begins in the "Idle mode" followed by an increase in the speed and rpms to the "Acceleration mode," after which the rpms drop and the dynamometer is set to allow the engine to develop maximum horsepower for "Lugging mode." The engine and dynamometer are then returned to idle for the "Unloading mode." The test is only complete after three valid cycles have been performed. If

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three valid cycles have not been performed after six consecutive cycles, the engine must be preconditioned by operation at maximum horsepower at rated speed for ten minutes before the test sequence is repeated. See 40 CFR 86.884-12(c).

#### **1.4 Non-Emission Requirements**

This manual describes only the EPA requirements, that is, only those related to emissions and only those required by the Federal government. Importers of vehicles and engines must also comply with the requirements of other Federal Agencies (e.g., Department of Transportation for safety requirements, Internal Revenue Service (IRS) for gas guzzler taxes, and U.S. Customs and Border Protection for tariffs, duties, etc.) as well as those of State and local governments (see *Section 3.1: Non-Emission Requirements* for applicable Federal government contacts).

#### **1.5 Contractual Agreements with Independent Commercial Importers**

To lessen your chances at being surprised later with unexpected costs or lengthy delays, EPA highly recommends that anyone importing a vehicle through the services of an ICI should obtain a written contractual agreement which addresses typical buyer concerns, such as:

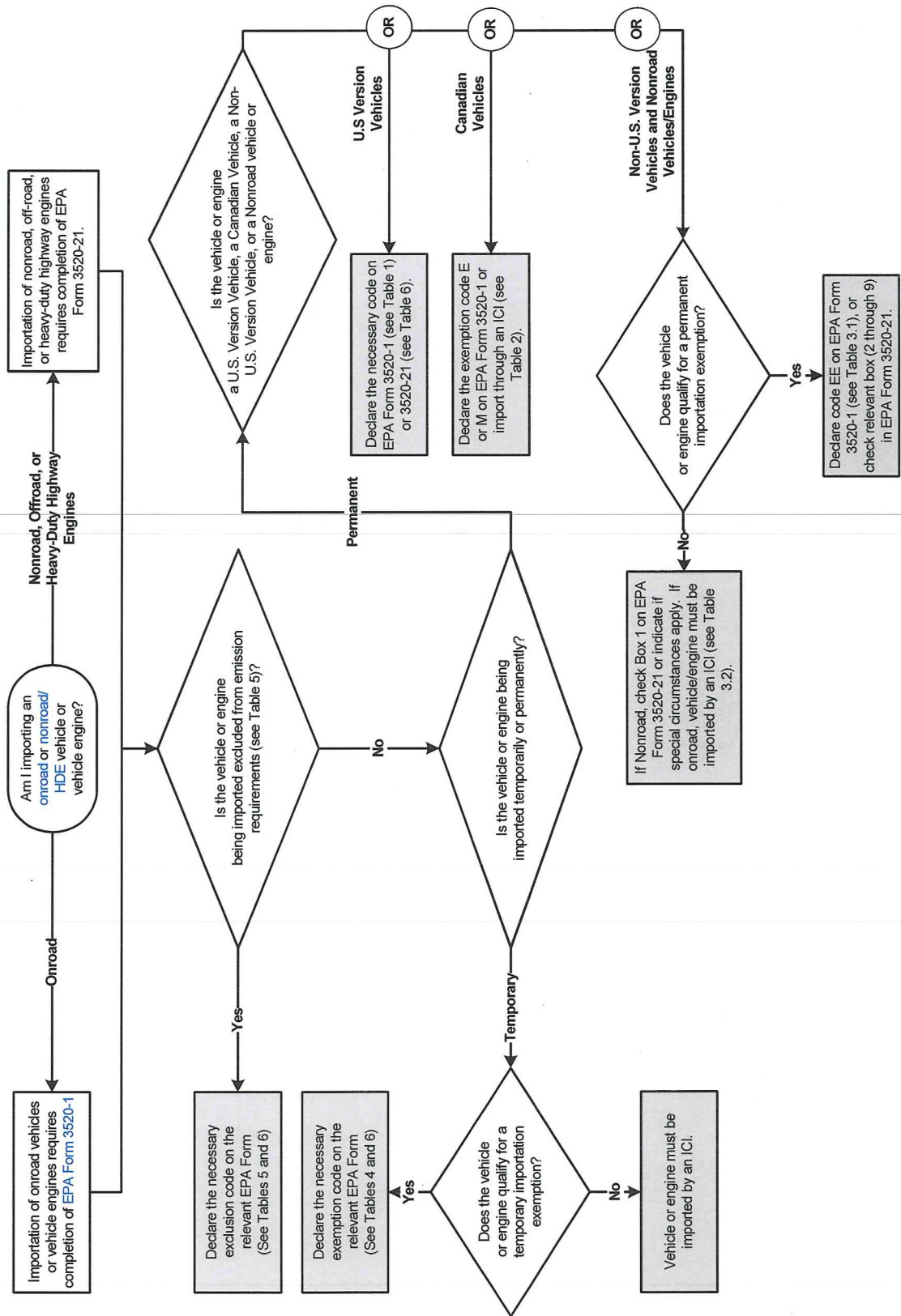
- Does the ICI have the necessary EPA certificate to import the vehicle?
- Is the price quoted a fixed price, regardless of the number of tests required for importation or will there be additional charges for each additional test, and if so, at what additional charge?
- Is the ICI obligated to inform the owner prior to incurring any additional charges?
- Is the time required to successfully demonstrate compliance quoted?
- Does the owner have any right to terminate the services of the ICI if costs become too high or the time involved too long?

#### **1.6 Importation Flow Chart**

The following flow chart (Figure 1) provides a summary of the importation process and may assist you in reaching a preliminary determination as to which form you should use and whether any exclusions or exemptions apply. Additional flow charts that provide detailed information on the compliance procedures for more specific scenarios may be found at: **(UNDER CONSTRUCTION)**. Following the flow chart, there are five tables that outline some of the requirements in further detail. Tables 1, 2 and 3 summarize the criteria and codes for permanent importations of U.S. version vehicles/HDEs, Canadian version vehicles/HDEs, and non-U.S./Canadian version vehicles/HDEs, respectively. These tables only apply to those vehicles/HDEs that are not subject to an exclusion. Table 4 summarizes the criteria and codes relevant to temporary importations. Tables 5 and 6 summarize the criteria for vehicle exclusions and the appropriate code to include on Form 3520-1 or form 3520-21, respectively. The subsequent sections of this report cover the requirements for each of these scenarios in greater detail.



**Figure 1**  
**Importation Flow Chart**





**Table 1**  
**Permanent Imports: U.S. Version Vehicles<sup>(1)</sup>**  
 (EPA Form 3520-1)

<b>If Vehicle/HDE:</b>	<b>May be Imported by:</b>	<b>Bond Required:</b>	<b>Approval Required:</b>	<b>On Form 3520-1 Declare Code:</b>
Is 21 years old or older	Anyone	No	No	E
U.S. version vehicles that have had the catalyst, oxygen sensors, or filler neck restrictor removed or altered	Anyone	Yes	No	F <sup>(2)</sup>
U.S. version vehicles that have not been modified or altered	Anyone	No	No	B

(1) U.S. versions are manufactured according to an EPA certificate of conformity and with an EPA emission label in the English language.

(2) Importer responsible for reinstalling or replacing catalytic converter, oxygen sensor, and fuel filler neck restrictor after importation, as required.

**Table 2**  
**Permanent Imports: Canadian Vehicles**  
(EPA Form 3520-1)

Identical to U.S. Version				Not Identical to U.S. Version			
Owner/ Vehicle:	Bond:	May be Imported by:	On Form 3520-1 Declare Code:	Owner/ Vehicle:	Bond:	Approval Required:	On Form 3520-1 Declare Code:
Is a 1988 through 2001 model year LDV, LDT, HDE, and on EPA list of Identical Canadian vehicles	No	Anyone	EE	21 years or older, Identical or Not Identical	No	No	E
Has a letter from the U.S. Representative of the OEM attached to Form 3520-1	No	Anyone	EE	Canadian owner has documented immigrant, worker, or student status	No	No	M
Is on EPA identical list	No	Anyone	EE	Obtained through inheritance	No	No	M
Is on EPA identical list and imported for resale or lease	No	Anyone	FF	All others (are not excluded and do not qualify for an exemption)	Must be imported by an ICI. See ICIs under Non-U.S. Version Vehicles.		

*EPA recommends the importer obtain a letter of compliance from the manufacturer before attempting to import any vehicle, as this is also a requirement by other Federal agencies. The U.S. representative of the manufacturer is not required to issue compliance letters. If you cannot obtain a letter of compliance from the manufacturer you may not be able to import your vehicle even if it meets any other EPA requirements.*

**Table 3.1**  
**Permanent Imports: Non-U.S. Version Vehicles**  
(EPA Form 3520-1)

These vehicles/HDEs can be imported if:	Individual has an EPA Exemption		
	Bond:	Approval Required:	Code:
21 years old or older	No	No	E
Identical to U.S. version vehicle or HDE*	No	No	EE

\* Requires letter of proof from U.S. representative of the OEM.

**Table 3.2**  
**Permanent Imports: Imported by an ICI**  
(EPA Form 3520-1)

Vehicle:	Bond:	Condition:	Code:
Modification to specific certified vehicle	No	ICI must have certificate for specific make, model, original production (OP) year.	A
Modification & testing	No	Vehicle at least six OP years old.	C
Precertification testing	Yes	ICI has 120 days to obtain certificate or export.	J
Modified to be identical to OEM's U.S.-certified version vehicle or heavy duty engine*	No	Copy of OEM's instructions attached.	Z

**Table 4**  
**Vehicles Not Excluded and Imported Temporarily\***  
 (EPA Form 3520-1)

<b>Purpose</b>	<b>May Be Imported By:</b>	<b>Bond Required:</b>	<b>On Form 3520-1 Declare Code:</b>
Repair/Alteration	Anyone	Yes	G
Testing	Anyone	Yes	I
Display	Anyone	Yes	K
Diplomat/Armed Forces/Personnel on Official Business	Foreign Diplomats/Military	No	N
Non-resident	Individual Nonresident	No	O

\* Prior EPA letter of approval is required for Temporary Importations, except for Foreign Diplomat and Foreign Armed Forces. For information on applying for an exemption, please contact the EPA Imports Help Line at (734) 214-4100 or Imports@epa.gov.

**Table 5**  
**Excluded Vehicles**  
(EPA Form 3520-1)

<b>A vehicle or engine is excluded if it is a:</b>	<b>And was originally manufactured before:</b>	<b>On Form 3520-1, Declare Code:</b>
Light-duty gasoline-fueled vehicle or truck	January 1, 1968	E*
Light-duty diesel-fueled vehicle	January 1, 1975	E*
Light-duty diesel-fueled truck	January 1, 1977	E*
Motorcycle	January 1, 1978	E*
Heavy-duty gasoline or diesel-fueled engine	January 1, 1970	E*
<p>* All the above vehicles are now imported as 21 years old or older using code E.</p> <p align="center"><b><u>Other Exclusions</u></b></p> <p><i><u>Non-chassis-mounted engines:</u> The engine is used for a light-duty-vehicle or light-duty truck. Declare code "W" on Form 3520-1.</i></p> <p><i><u>Racing vehicles:</u> The vehicle is clearly for racing/competition purposes. The vehicle is incapable of safe and practical street or highway use. Anyone may import a racing vehicle; however, written EPA approval must be obtained before clearance at Customs and must be attached to Form 3520-1 declaring code "L."</i></p> <p><i><u>Runs solely on unregulated fuel:</u> Declare code "Y" on Form 3520-1.</i></p> <p><i><u>Off-Road/Recreational Vehicles:</u> For 2005 or earlier recreational vehicles (All Terrain Vehicles(ATVs) and Dirt bikes). Off-road vehicles will now use form 3520-21. See Table 6. The 2006 and later model year off-road vehicles are subject to certification.</i></p> <p align="center"><b>Racing vehicles require prior EPA approval .</b></p>		

**Table 6**  
**Nonroad and Heavy-Duty Highway Engines**  
(EPA Form 3520-21)

Provision	Code(s)	Limitations
U.S. certified engine or engine installed in a certified vehicle	1	Must be covered by a valid U.S. EPA certificate of conformity and have a U.S. EPA emission control label in English.
Permanent Exemptions for Nonconforming Engines	2 - 9	National security exemption requires prior EPA approval.
		Replacement engine exemption does not apply to highway or locomotive engines.
		EPA letter of approval must be attached to permanent exemptions for all circumstances involving hardship.
		Identical configuration exemption does not apply to highway, locomotive or marine compression-ignition engines.
		Ancient engine exemption (first manufactured 21 years earlier) does not apply to highway, locomotive, or marine engines.
Temporary Exemptions for Nonconforming Engines	10 - 16	Diplomatic or military exemption does not apply to locomotive or marine CI engines.
Engines Not Yet Subject to EPA Emission Standards	17 - 18	Engines must generally have already been placed into service. Marine CI engines below 2.5 liters/cylinder and recreational vehicles must have been manufactured before the 2006 and 2007 model year, respectively. Sterndrive/inboard marine engine exemption applies to Marine SI engines only.
Exclusions	19 - 23	Competition, stationary*, underground mining (CI engines only), and hobby engines (SI engines and CI engines with a displacement below 50 cc/cylinder) are eligible for an exclusion.

(cont.)



**Table 6**  
**Nonroad and Heavy-Duty Highway Engines (cont.)**  
 (EPA Form 3520-21)

Provision	Code(s)	Limitations
Other Exemptions	24 - 27	Exemptions associated with the Transition Program for Equipment Manufacturers (TPEM) are for Category "D" (other nonroad CI engines) only and must specify maximum engine power or the regulatory power category.
		Personal-use exemptions are only for the importation of three or fewer small SI engines.
		Engines imported by an ICI are only for Categories A (Heavy-duty highway engines), and D (other nonroad CI engines).
		For other miscellaneous exemptions, importers should provide a description of the exemption along with a regulatory citation and EPA approval.

\* 2007 model year Stationary compression-ignition engines are subject to certification. Please refer to 40 CFR Parts 60 and 89. Rules for spark-ignition stationary engines were finalized on January 18, 2008. See: <http://www.epa.gov/fedrgstr/EPA-AIR/2008/January/Day-18/a25394.pdf>.

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## **Section 2: Detailed Importing Requirements**

This section provides detailed information for importing vehicles or engines either permanently or temporarily. This section also includes information on vehicles and engines that are either subject to an exemption from importation requirements, or completely excluded from the emission requirements of the CAA, and thus, also not subject to EPA's importation requirements.

### **2.1. Permanent Importations for Vehicles and Engines**

The following sections outline the requirements for permanent imports of vehicles and engines. The first three sections (2.1.1, 2.1.2, and 2.1.3) describe the criteria and requirements for U.S. Version Vehicles, Canadian Vehicles, and Non-U.S. Version Vehicles, respectively. These import requirements generally correspond to EPA Form 3520-1. Section 2.1.4 includes a summary of the relevant requirements for Nonroad and HD Highway Engines (HDEs) which correspond to EPA Form 3520-21.

#### **2.1.1 U.S. Version Vehicles**

U.S. version vehicles are vehicles that were: (1) manufactured in conformity with Federal emission requirements, (2) manufactured in accordance with a specific EPA certificate of conformity, and (3) manufactured with a U.S. emissions compliance label in the engine compartment that identifies them in the English language as conforming to all EPA requirements (see Section 3.2 Locating the Vehicle Emissions Label). Many U.S. version cars and light-duty trucks built since the mid 1970s and almost all U.S. version cars and light-duty trucks built since 1980 were originally manufactured with a catalytic converter and/or oxygen sensor.

Not all vehicles equipped with catalytic converters are certified U.S. version vehicles. For example, virtually all catalyst equipped vehicles marketed by manufacturers for sale in Europe are not certified U.S. versions. For a vehicle to be eligible for importation as a U.S. version vehicle, it must have a manufacturer-equipped EPA emissions label in the English language in the engine compartment (or on the frame of a motorcycle, or on the block of a HDE), or it must be accompanied by a letter from the U.S. representative of the manufacturer that states the vehicle was originally manufactured to be a U.S. certified version or subsequently converted to conform to EPA requirements. Otherwise, the vehicle will be considered by EPA to be a non-U.S. version vehicle (see Section 2.1.3 Non U.S. Version Vehicles).

##### **2.1.1.1 Shipping a U.S. Version Vehicle Overseas**

If you believe that unleaded gasoline may not be available in all areas that the vehicle will be driven, you may obtain authorization from EPA to remove the catalyst and oxygen sensors before the vehicle is shipped overseas. Removing the catalyst and oxygen sensors prior to shipping the vehicle overseas protects them from possible contamination from leaded gasoline. The catalyst and oxygen sensors must then be reinstalled when the vehicle returns to the U.S. To obtain EPA authorization to remove the catalyst and oxygen sensors, call the Air Enforcement Division at (202) 564-7106.

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EPA has determined that unleaded gasoline is still available in certain countries. The vehicle owner is responsible for determining whether unleaded gasoline is available or used in the country in which the owner intends to operate the U.S. version vehicle.

### **2.1.1.2 Importing a U.S. Version Vehicle**

U.S. version vehicles that have been driven overseas are subject to Federal emission requirements upon importation into the U.S. As described below, the requirements and restrictions that will apply when importing your vehicle vary depending on whether the vehicle has been modified/altered.

#### **(a) Vehicle Not Modified or Altered**

The U.S. version vehicle has not been modified or altered.

Requirements:

- Importer must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "B"; and
- Importer must be able to demonstrate that the vehicle is a U.S. version, upon request by U.S. Customs or EPA.

#### **(b) Catalyst, Oxygen Sensors, or Filler Neck Restrictor Removed or Altered**

The U.S. version vehicle has had its catalyst, oxygen sensors, or filler neck restrictor removed or altered.

Requirements:

- Importer must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "F."
- The importer must reinstall or replace the catalyst, oxygen sensors, or fuel filler neck restrictor, as applicable, after the vehicle is imported.
- If leaded gasoline was used, the importer must, after importation:
  1. Drain the fuel tank and refill it with unleaded gasoline; and
  2. Replace the catalyst and oxygen sensors, if they were left in the vehicle during use of the leaded gasoline.
- Importer must be able to demonstrate that the vehicle is a U.S. version, upon request by U.S. Customs or EPA.

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## 2.1.2 Canadian Vehicles

Canadian vehicles are certified to Canadian requirements and originally manufactured for sale in Canada (regardless of the country in which they were produced). While many are manufactured to be identical to U.S. certified vehicles with respect to emission requirements (especially beginning with the 1988 model year), they may be manufactured without a U.S. emissions compliance label identifying them as conforming to U.S. EPA requirements (see Section 3.2 Locating the Vehicle Emissions Label). If your vehicle contains such a label, it may be imported as a U.S. version vehicle (see Section 2.1.1 U.S. Version Vehicles). If your vehicle does not contain such a label, you must import your vehicle according to one of the options described below.

***NOTE: These options relate only to compliance with EPA requirements. Your vehicle may also be subject to requirements of the U.S. Department of Transportation, such as lighting and passive restraints, and to the gas guzzler tax of the Internal Revenue Service.***

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Canadian vehicles imported into the U.S. are categorized as either identical to U.S. version vehicles or not identical to U.S. version vehicles with regard to emission requirements. These scenarios are described in further detail in the following two sections.

### 2.1.2.1 Canadian Vehicles Identical to U.S. Version Vehicles

If the Canadian vehicle is identical, in all material respects to a U.S. version vehicle as identified in the OEM's EPA certification application, it may be imported by anyone. No Customs bond or approval is required by EPA in these cases, but the imported vehicle must meet one of the following two conditions.

1. For 2002 and newer model year vehicles, the importer must provide a letter from the U.S. representative of the manufacturer stating that the vehicle met all U.S. emission requirements when it was manufactured, except possibly for labeling or warranty.
2. For 1988 to 2001 model year vehicles, the vehicle must be on the EPA list of Canadian models identical to U.S. version vehicles (the EPA list is located on EPA's Imports Website and includes all 1988 to 2001 model year Canadian cars and light-duty trucks (pick-ups and vans under 8,500 GVWR)) <http://www.epa.gov/otaq/imports/canadian.htm>.

#### Requirements:

- Importer for personal use must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "EE" and if condition (2) above is applicable, attach the letter from the OEM's U.S. representative.
- Importer for resale must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "FF" and if condition (2) above is applicable, attach the letter from the OEM's U.S. representative.

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**NOTE:** Generally, EPA only accepts compliance information from the OEM's U.S. representative. However, as an exception to this rule, statements of conformity will be acceptable to EPA as evidence of conformity from OEM Canadian representatives if they are signed by a representative of the vehicle emission compliance department. You should notify the OEM that your Canadian vehicle is being moved to the U.S., so that you may receive any future maintenance or recall notices that may be distributed by the OEM.

### 2.1.2.2 Canadian Vehicles Not Identical to U.S. Version Vehicles

If the Canadian vehicle was not manufactured by the OEM to be identical in all material respects to a vehicle certified for sale in the U.S., the vehicle may be imported without a Customs bond required by EPA through one of the following exemptions.

#### (a) 21 Years Old or Older

If the Canadian vehicle is 21 original production (OP) years old or older and it is in its original unmodified configuration, there is no Customs bond required by EPA, nor any written EPA approval. Note that the value for "OP years old" is determined by subtracting the calendar year the vehicle was manufactured from the calendar year the vehicle was imported.

#### Requirements:

- Demonstrate to U.S. Customs, upon entry, or to EPA, that the vehicle is 21 OP years old or older. Generally, the vehicle's Canadian registration or title is adequate proof.
- File EPA Form 3520-1 with U.S. Customs upon entry, and declare code "E."

#### Restrictions:

- The vehicle must be in its original unmodified configuration.
- Vehicles at least 21 years old with replacement engines are not eligible for this exemption unless they contain equivalent or newer EPA certified engines and emission control systems.

#### (b) Immigrant, Worker, or Student Exemption

If the vehicle is being imported by any person either with permanent Canadian immigrant status, or with Canadian worker or student status for greater than one year, no Customs bond is required by EPA. In addition, written EPA approval is not required. The immigrant exemption should not be used if the vehicle is identical to a U.S. version vehicle (see Section 2.1.2.1 Canadian Vehicles Identical to U.S. Version Vehicles, above).

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Requirements:

- Importer must offer documented proof that he/she has obtained permanent Canadian immigrant status or Canadian worker or student status in the U.S. for greater than one year (for periods up to a year, we recommend that eligible importers obtain a nonresident exemption, EPA Form 3520-1 code "O" from Customs).
- Importer must prove that the vehicle is Canadian by attaching one of the following to the EPA Form 3520-1:
  1. Copy of Canadian registration or title for the vehicle;
  2. A letter from the manufacturer's U.S. or Canadian representative (for a list see Manufacturer's U.S. Representatives) which states that the vehicle was manufactured to comply with the applicable Canadian emission requirements; or
  3. A sales receipt showing that the vehicle was purchased from a Canadian dealership and was new at the time it was purchased.
- Importer must attach to the EPA Form 3520-1 proof that the importer owned the vehicle prior to moving to the U.S. The vehicle's Canadian title or registration in the name of the importer is considered adequate proof.
- Immigrant must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "M," and attach the required documents.

Restrictions: None.

**(c) Inheritance Exemption**

U.S. resident has obtained a vehicle from a Canadian resident by inheritance.

- Recipient of vehicle must attach the following to the EPA Form 3520-1:
  1. Proof (e.g., copy of a will) that the vehicle was obtained from a Canadian resident by inheritance; and
  2. Proof that the vehicle is Canadian and that the Canadian resident purchased the vehicle for their own use. Copy of the vehicle's Canadian title or registration in the name of that Canadian resident is adequate proof.
- Owner or recipient of vehicle must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "M," and attach the required documents.

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#### **(d) Other Exemptions**

Canadian vehicles or importers of Canadian vehicles also have the same options as for non-Canadian vehicles. See Non-U.S. Version Vehicles for more importation options if a Canadian vehicle is not identical to a U.S. version and is not yet 21 years old, and the importer lacks Canadian immigrant, worker, or student status.

#### **2.1.3 Non-U.S. Version Vehicles**

Non-U.S. version vehicles are nonconforming vehicles that were: (1) not manufactured in conformity with Federal emission requirements, or (2) not manufactured in accordance with a specific EPA certificate of conformity, or (3) not manufactured with a U.S. emissions compliance label in the engine compartment that identifies it in the English language as conforming to all EPA requirements. Non-U.S. version vehicles also include any vehicle originally manufactured as a U.S. version vehicle but that has been altered such that it is no longer in an EPA certified configuration (i.e., modifications or alterations or substitutions of the engine, emission control system, transmission, transaxle, differential, fuel system, or any other feature that defines the exact vehicle configurations that were certified by the manufacturer). Importers with a modified or altered U.S. version vehicle may enter the vehicle as a nonconforming vehicle under the requirements of this section. Also, non-U.S. version vehicles proven to be identical to U.S. certified version vehicles (e.g., many Canadian vehicles) may be eligible for an exemption as described in Section 2.1.3.2 Importation of Non-U.S. Version Vehicles by an Individual.

##### **2.1.3.1 EPA's Policy Regarding Non-U.S. Version Vehicles**

The regulations governing EPA's program for importing non-U.S. version vehicles were originally provided for in 1972 in the Clean Air Act (Act). These regulations ensure that all imported vehicles are brought into conformity with applicable emission standards. Section 203 of the Act prohibits importing any motor vehicle or motor vehicle engine not covered by a certificate of conformity unless it is exempted by EPA or otherwise authorized jointly by EPA and Customs.

The authority to allow the importation of nonconforming vehicles is discretionary with EPA and Customs. Customs will not permit admission of your vehicle until both emission (EPA) and safety (Department of Transportation) requirements for conditional admission are met, as well as all other Federal requirements. For a non-U.S. version vehicle to enter the U.S., it must be imported by either an individual who has a written letter of exemption from EPA, or by an ICI, who is a private business in the U.S. that holds a current, valid EPA certificate of conformity. The ICI will modify and test the vehicle, as applicable, to meet the EPA emission requirements.

##### **2.1.3.2 Importation of Non-U.S. Version Vehicles by an Individual**

An individual may import a non-U.S. version vehicle only if the individual (1) qualifies for an exclusion (see Section 2.4 Excluded Vehicles) or (2) qualifies for and obtains a written letter of exemption from EPA. The vehicle may then be imported without a Customs bond

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required by EPA; however, the written EPA approval letter must be obtained prior to the shipment and/or importation of the vehicle or engine.

There are three types of exemptions for non-U.S. version vehicles by an individual. Below is a description of each type of exemption along with the requirements you will need when importing your vehicle and the restrictions that will apply to your vehicle.

**(a) Exemption for Non-U.S. Version Vehicles 21 Years Old or Older**

The vehicle is 21 OP years old or older and in original unmodified configuration.

Requirements:

- Importer must file with Customs, upon entry, an EPA Form 3520-1 declaring code "E."
- Customs may require proof of vehicle age.
- "OP Years" are determined by subtracting the year a vehicle was manufactured from the year it was imported.

Restrictions:

- The vehicle must be in its original unmodified configuration.
- Vehicles at least 21 years old with replacement engines are not eligible for this exemption unless they contain equivalent or newer EPA certified engines and emission control systems.

**(b) Hardship Exemption for Non-U.S. Version Vehicles**

The vehicle is imported by an individual under "... unforeseen cases of extreme hardship or extraordinary circumstances (40 CFR 85.1511(c)(2))." An example of a possible hardship exemption is a disabled person who needs a special vehicle that is unavailable in a U.S. certified configuration. Written EPA approval must be obtained before clearance at Customs.

The following circumstances are NOT considered by EPA to be unforeseen cases of extreme hardship or extraordinary circumstances:

1. The importer did not know that the vehicle needed to be converted to comply with U.S. requirements;
2. The high cost of converting a non-U.S. version vehicle to meet the U.S. requirements, even if the cost exceeds the value of the vehicle;
3. Costs, losses, or other difficulties associated with poor financial judgment or the acceptance of a high level of risk (such as the purchase of a non-U.S. version vehicle, whether or not the original intent was to eventually ship it to the U.S.; difficulties in selling the non-U.S. version vehicle overseas; low resale value of the non-U.S. version vehicle that would result in financial loss if it were sold overseas; large bank or credit



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union loans, credit card balances or other debts, including for the non-U.S. version vehicle and other consumer products, etc.);

4. Change of geographical location caused by employment status or employer requirements, whether or not the requirement to change location of employment was given unexpectedly or with little notice; or
5. Lack of cooperation from the vehicle manufacturer.

Requirements:

- Importer must obtain approval from EPA by submitting to EPA:
  1. The importer's name, address, and daytime telephone number.
  2. Vehicle information (make, model, model year, Vehicle Identification Number (VIN)), copy of the current registration, title, or sales receipt identifying the vehicle and owner.
  3. Inclusive financial information (if applicable to the unforeseen cases of extreme hardship or extraordinary circumstances) of:
    - a. Financial assets (earnings and holdings) including, but not limited to, wages, bank accounts, bonds, stocks, real estate, etc.; and
    - b. Financial burden (living expenses) on a monthly or yearly basis, including but not limited to housing, food, transportation, clothes, utilities, loans, etc.
  4. A description of the need for the vehicle, including other vehicles currently owned by the immediate family and their use; why the other vehicles (if any) in the immediate family or mass transportation cannot fulfill the need; and why a "reasonable" used U.S. version vehicle cannot be purchased to fulfill the need.
  5. A description of the "unforeseen ... extreme hardship or extraordinary circumstances."
- Importer must file with Customs, upon entry, an EPA Form 3520-1, declaring code "M," and attach EPA approval letter.
- Importer should keep a copy of EPA approval letter for future proof of EPA exemption.

Restrictions: None.

**(c) Exemption for Non-U.S. Version Vehicles that are Identical to U.S. Version Vehicles**

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The vehicle, prior to importation, is identical in all material respects to a vehicle identified in an OEM's certification application. No Customs bond is required by EPA (see also Section 2.1.2.1 Canadian Vehicles Identical to U.S. Version Vehicles).

Requirements:

- Importer must obtain a letter from the OEM's U.S. representative (see Manufacturer's U.S. Representatives for a list) stating the vehicle (make, model, model year, VIN), at the time of manufacture, conformed to all U.S. emission requirements applicable to the appropriate model year (except possibly for warranty and labeling).
- Importer must file with Customs, upon entry, an EPA Form 3520-1 declaring code "EE" and attach letter from OEM's U.S. representative.

Restrictions:

- The vehicle may not be imported for the purpose of resale, except for Canadian vehicles.
- An OEM may not import a vehicle using this exemption.

**NOTES:**

- 1. Regardless of the requirements above being satisfied, a vehicle is not eligible for this exemption if it has been modified or altered such that the vehicle configuration is not covered under the manufacturer's certificate of conformity.*
- 2. Obtaining a letter from the OEM's U.S. representative is the responsibility of the importer. EPA does not have authority over manufacturers' non-U.S. version vehicles. Some manufacturers may not provide such letters. Failure to obtain such a letter is not justification for a hardship exemption.*

### **2.1.3.3 Importation of Non-U.S. Version Vehicles by an ICI**

An ICI is an Independent Commercial Importer that has been issued a current, valid EPA Certificate of Conformity, and who is not the original vehicle manufacturer (OEM), and who does not have a contractual agreement with the original manufacturer to act as its authorized representative for the distribution of vehicles or engines into the U.S. market. ICIs act independent of the OEM, but must follow the same emission requirements imposed on OEMs by the Clean Air Act. All ICIs are located in the U.S.

**An ICI who imports your nonconforming vehicle is responsible for:**

1. Having obtained an applicable certificate of conformity to import your vehicle (or using your vehicle as a "prototype" test vehicle to obtain the applicable certificate of conformity).
2. Entering your vehicle through U.S. Customs.
3. Performing all modifications and emissions testing, if required, after the vehicle enters the United States (see Section 1.3 Emissions Testing).
4. Submitting the Fee Filing Form 3520-29 for the vehicle.
5. Reporting the modifications and testing results to EPA if required, as well as holding the vehicle for 15 Federal working days beginning with the date that EPA receives this report (or longer if EPA so notifies the certificate holder). During this period and the period preceding this report, the vehicle cannot be sold, offered for sale, returned to the owner, or driven on public roads or highways.
6. Bearing responsibility for the vehicle's compliance with emission standards over the vehicle's useful life. This includes pre-release inspections and subsequent emission recalls by EPA.
7. Ensuring that the vehicle contains an emissions label (in the name of the ICI) and providing you with prepaid emission warranties and maintenance instructions for the vehicle (See Section 3.2 Locating the Vehicle Emissions Label).
8. Performing fuel economy tests and providing you with gas guzzler tax forms.

While it is the ICI's responsibility to provide vehicle owners with fuel economy test results and gas guzzler tax forms, it is the vehicle owner's responsibility to report and pay any applicable gas guzzler taxes to the U.S. IRS.

Any person or business that desires to become an ICI first should become knowledgeable of the requirements for ICIs (40 CFR Part 85, Subpart P) and of Certification (40 CFR Part 86), and then must obtain at least one certificate of conformity from EPA's Compliance and Innovative Strategies Division in accordance with those regulatory requirements.

ICIs import vehicles into the U.S. for modification and testing purposes so that the vehicles, upon final admission by EPA, comply with Federal emission requirements. Whether a vehicle may be imported depends on several factors, including the year in which the vehicle will be imported and the qualifications of the ICI. First, eligibility varies from year to year depending upon the age of the vehicle. A vehicle's age is determined by subtracting the calendar year in which it was originally manufactured from the calendar year of importation. For example, a European manufactured vehicle built in 1998 and imported into the U.S. in 2008 would be ten

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years old. Second, the ICI has to have a currently valid certificate of conformity, and if the vehicle's age is less than six years old, the ICI must have a currently valid certificate of conformity for a vehicle specifically like yours (i.e., same make, model, model year, and engine).

Before making any purchase or shipping arrangements, you should be sure that there is an ICI who is eligible and willing to import your vehicle and that you are prepared to pay the ICI charges. (See: List of Independent Commercial Importers). Vehicles required to be imported by ICIs must be entered through Customs by the ICI, not the vehicle owner. The vehicle owner may not take possession of the vehicle until after the vehicle has met all EPA requirements and has been finally admitted by EPA.

There are three types of importations by ICIs as described below in items (a) through (d).

**(a) Modification & Testing of Vehicles Six OP Years or Older**

An ICI may import a vehicle that is six OP years or older, and requires modification and testing to comply with Federal emission requirements. No bond is required by EPA, nor is written EPA approval required.

Requirements:

- ICI must have any currently valid certificate of conformity.
- ICI must file with Customs, upon entry, an EPA Form 3520-1 declaring code "C."
- ICI must bring the vehicle into compliance with Federal emission requirements.
- ICI must conduct Federal emissions city and highway test on every vehicle to demonstrate compliance with applicable emission standards.
- ICI must submit EPA form 3520-8 for Final Admission of nonconforming imported vehicle or engine to EPA and hold vehicle for 15 Federal working days (or more if required by EPA) after submitting the 3520-8 form.

Restrictions:

- Vehicle must not be driven on public roads or highways until after final admission by EPA.
- Vehicle must not be given to owner (for use or storage) until after final admission by EPA.
- Vehicle must comply with the current emission standards and other requirements applicable at the time of importation. An ICI may import in any one certificate year a total of 50 light-duty vehicles, light-duty trucks and medium-duty passenger vehicles and/or 50 motorcycles which comply with the U.S. EPA Federal emission standards and other requirements which are applicable for the OP year of the vehicle.

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### **(b) Modification & Testing of Vehicles Less than Six OP Years**

An ICI may also import a vehicle that is less than six OP years old, and requires modification and testing in order to comply with Federal emission requirements. Again, no Customs bond is required, nor is written EPA approval required.

#### Requirements:

- ICI must already have an EPA certificate of conformity for the specific model year, make, model, and engine of the vehicle (e.g., 1990 Mercedes-Benz 500) it desires to import, or ICI must use the vehicle as a prototype (test vehicle) to obtain the necessary certificate of conformity.
- ICI must file with Customs, upon entry, an EPA Form 3520-1 declaring code "A" (or code "J" if vehicle is being used as a prototype to obtain a certificate of conformity).
- ICI must bring vehicle into compliance in accordance with certificate of conformity.
- ICI must conduct Federal emissions city and highway tests on every third vehicle imported under a certificate of conformity to demonstrate compliance with Federal emission standards.
- ICI must submit EPA form 3520-8 for Final Admission of nonconforming imported vehicle or engine to EPA and hold vehicle or engine for 15 Federal working days (or more if required by EPA) after submitting the 3520-8 form.
- Vehicle must comply with the current emission standards and other requirements applicable at the time of importation. An ICI may import in any one certificate year a total of 50 light-duty vehicles, light-duty trucks, medium-duty passenger vehicles or 50 motorcycles which comply with the U.S. EPA Federal emission standards and other requirements which are applicable to the OP year of the vehicle.

#### Restrictions:

- Vehicle must not be driven on public roads or highways (except for the driving necessary to obtain a certificate of conformity) until final admission by EPA.
- Vehicle must not be released to the owner (for use or storage) until after final admission by EPA.

### **(c) Modification to OEM Certified Version**

An ICI can import a vehicle that requires modification in order to be identical to an OEM certified version. The modifications must be conducted in accordance with written instructions from the U.S. representative of the OEM that are specific to the vehicle. No Customs bond is required, nor is written EPA approval required.

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Requirements:

- ICI must obtain copy of the modification instructions from the U.S. representative of the OEM prior to importation.
- ICI must file with Customs, upon entry, an EPA Form 3520-1 declaring code "Z."
- ICI must attach a copy of the OEM instructions to EPA Form 3520-1.
- ICI must modify vehicle in accordance with the OEM instructions.
- ICI must submit EPA form 3520-8 for Final Admission of nonconforming imported vehicle or engine to EPA and hold vehicle for 15 Federal working days (or more, if required by EPA) after submitting the 3520-8 form.

Restrictions:

- Vehicle must not be driven on public roads or highways until after final admission by EPA.
- Vehicle must not be released to owner (for use or storage) until after final admission by EPA.
- Vehicle must comply with the current emission standards and other requirements applicable at the time of importation. An ICI may import in any one certificate year a total of 50 light-duty vehicles, light-duty trucks, medium-duty passenger vehicles, or 50 motorcycles which comply with the U.S. EPA Federal emission standards and other requirements which are applicable to the OP year of the vehicle.

**NOTES:**

- 1. Regardless of the requirements above being satisfied, a vehicle is not eligible for this exemption if it has been modified or altered such that the vehicle configuration is not covered under the original manufacturer's certificate of conformity.**
- 2. Obtaining a letter from the OEM's U.S. representative is the responsibility of the importer. EPA does not have authority over manufacturer's non-U.S. version vehicles. Some manufacturers do not provide such letters. Failure to obtain such a letter is not justification for a hardship exemption.**

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## 2.1.4 Nonroad or Heavy-Duty Highway Engines

Importers using Form 3520-21 check box 1 if importing a U.S. certified engine or engine installed in a certified vehicle, covered by a valid U.S. EPA certificate of conformity and bearing a U.S. emissions control label in English.

There are eight categories of nonroad or heavy-duty highway engines, vehicles, and equipment that must conform to EPA requirements and emission standards, and can be imported using EPA Form 3520-21. These categories are subject to EPA emission standards under a variety of different rules (as referenced below), and include the following:

- Heavy-duty highway engines for use in vehicles with gross weight of over 8,500 pounds (see 40 CFR 85 and 86);
- Locomotives or locomotive engines (see 40 CFR 92 and 1033);
- Marine compression-ignition engines including propulsion and auxiliary engines (see 40 CFR 94 and 1042);
- Other nonroad compression-ignition engines below 37 kW (see 40 CFR 89, 1039, and 1068);
- Marine spark-ignition engines (see 40 CFR 91 and 1045);
- Recreational spark-ignition engines and vehicles such as snowmobiles, off-highway motorcycles, all-terrain vehicles and off-road utility vehicles that are subject to the same emission standards as all-terrain vehicles (see 40 CFR 1051 and 1068);
- Other nonroad spark-ignition engines at or below 19 kW (or at or below 30 kW if displacement is at or below 1,000 cc) (see 40 CFR 90 and 1054); and
- Other nonroad spark-ignition engines above 19 kW (or above 30 kW if displacement is at or below 1,000 cc) (see 40 CFR 1048 and 1068).

These engines may be imported as a U.S. certified engine or engine installed in a certified vehicle. If this scenario does not apply, the engine may still be imported under certain circumstances (e.g., exemptions). The exemptions and exclusions available to importers of nonroad or heavy-duty highway engines are described in further detail below.

### 2.1.4.1 Permanent Exemptions for Nonroad or Heavy-duty Highway Engines

There are a number of cases where a permanent exemption may apply to a heavy duty highway engine or nonroad engine/vehicle. Importers should check the appropriate option using boxes 2 through 9 on Form 3520-21 if importing a non-conforming engine under one of the following permanent exemptions (see the form for applicable regulatory references):

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- National security. For certain types of tactical equipment, this exemption may require prior EPA approval.
  - Manufacturer-owned engines (i.e., manufacturers holding a current U.S. EPA certificate of conformity).
  - Replacement engines (exemption does not apply to highway or locomotive engines).
  - Extraordinary circumstances/hardship (an EPA letter of approval must be attached to the form).
  - Small-volume manufacturers (an EPA letter of approval must be attached to the form).
  - Equipment-manufacturer hardship (an EPA letter of approval must be attached to the form). This exemption can also apply to secondary engine manufacturers.
  - Identical configuration. Under this exemption, an engine must be identical in all material respects to a U.S.-certified version as demonstrated by letter from the engine-manufacturer contact on the Customs list, subject to EPA review at Customs' discretion. This exemption does not apply to highway, locomotive, or marine compression-ignition engines. In addition, the applicable regulations may require that you own the engine for a certain period before and after importation.
  - Ancient engine (i.e., first manufactured at least 21 years earlier that is still in its original configuration). This exemption does not apply to highway, locomotive, or marine engines.

The applicable regulatory references are listed on EPA Form 3520-21.

#### **2.1.4.2 Other Exemptions for Nonroad or Heavy-duty Highway Engines**

Importers should check box 17 or 18, as appropriate, on Form 3520-21 if importing an engine that is not yet subject to U.S. EPA emission standards:

- Engines manufactured before emission standards were in effect will generally be eligible for an exemption if they have already been placed into service. A recreational marine compression-ignition engine below 2.5 liters per cylinder imported under this provision must be manufactured before the 2006 model year. A recreational vehicle imported under this provision must be manufactured before the 2007 model year.
- In addition, certain sterndrive/inboard marine spark-ignition engines may also be eligible for an exemption if they are not yet subject to EPA standards (see 40 CFR part 91).

Importers should check the appropriate option from boxes 24 through 27 on Form 3520-21 if they are importing an engine that is subject to an exemption for one of the following specific engine categories or other special cases:



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- Transition Program for Equipment Manufacturers (only applies to the "other nonroad compression ignition engine" category or Category D on EPA Form 3520-21). Importers should specify the maximum engine power in kW or horsepower (hp) or identify the regulatory power category.
  - Personal-use only applies if three or fewer nonroad spark-ignition engines at or below 19 kW are being imported for purposes other than resale, and if the importer has never previously used this exemption, subject to the provisions of 40 CFR 90.611.
  - ICI Imports (only applies to heavy duty highway engines, locomotives, locomotive engines, marine CI engines and other nonroad CI engines as identified in Categories A and D on EPA Form 3520-21). ICIs must identify one of the following conditions for purposes of this exemption:
    - For modification under a valid EPA certificate issued for the specific make, model, and model year.
    - For modification and testing (if the imported engine is at least six years old).
    - For precertification testing to obtain an EPA certificate. A Customs bond is required, and the ICI must specify the location of storage.

Under these options, ICIs may import up to five highway engines and five nonroad engines in a given model year. These engines must be certified to standards based on an engine's OP year. The ICI may import any number of engines certified to standards that apply based on the year the engine is modified (see 40 CFR 85.1503 and 89.603).

For other exemptions, check box 27. The importer must describe the exemption, attach EPA approval (if applicable), and identify the regulatory citation.

#### **2.1.4.3 Excluded Nonroad or Heavy-duty Highway Engines**

In addition to the exemptions that may apply, there are also several engine categories that EPA does not regulate. These would qualify for an exclusion from EPA's import requirements. Importers should indicate the appropriate option from boxes 19 through 23 on Form 3520-21 if importing an engine that is excluded from U.S. EPA emission standards. These options are as follows:

- Competition (i.e., engines used solely for competition). An EPA letter of approval must be attached to the form.
- Stationary -- model year 2006 and earlier (i.e., an engine that is used for a stationary purpose and remains at a single site at a building, structure, facility, or installation for more than 12 consecutive months throughout its lifetime, or remains at a seasonal source during its full annual operating period). The engine must be labeled. Note that 2007 model year Stationary CI engines are subject to certification (see 40 CFR Parts 60 and 89). In addition, a final rule was published on January 18, 2008 for Stationary SI engines

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(the final rule was placed in the EPA Docket under EPA-HQ-OAR-2005-0030-0278, see: <http://www.epa.gov/fedrgstr/EPA-AIR/2008/January/Day-18/a25394.pdf>).

- Underground mining (i.e., engines that are used in underground mining and regulated by the Mining Safety and Health Administration (MSHA)). This exclusion applies to compression-ignition engines only.
- Hobby Engines. This exclusion applies to spark-ignition engines powering a reduced-scale model of a vehicle not capable of transporting a person, or a compression-ignition engine with displacement below 50 cc per cylinder.

## **2.2 Temporary Importations of Vehicles or Engines**

Vehicles and engines imported into the U.S. temporarily may be eligible for an exemption from complying with Federal emission requirements. In these cases, prior written approval from EPA is required. After the purpose of the exemption has been satisfied, the vehicle must be exported, destroyed or brought into compliance through the services of an ICI. The period of the EPA exemption is the same as that authorized by U.S. Customs for the entry.

There are five types of temporary importation exemptions for vehicles and seven types for nonroad or heavy-duty highway engines. Sections 2.2.1 through 2.2.5 include a description of each type of exemption for vehicles along with the requirements you must meet when applying for a specific exemption and the restrictions that will apply to your vehicle. Section 2.2.6 describes similar temporary exemptions for nonroad or heavy-duty highway engines.

### **2.2.1 Temporary Vehicle Imports for Repair/Alteration**

If the vehicle is imported solely for repair or alteration, a Customs bond is required and written EPA approval must be obtained prior to importation.

#### **Requirements:**

- Importer must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "G" and attach the EPA letter of exemption;
- Importer must post a bond with U.S. Customs; and
- Importer should keep a copy of the EPA approval letter for future proof of EPA exclusion.

#### **Restrictions:**

- Repair/Alteration exemptions may not be used for the purposes of converting vehicles to meet Federal emission requirements, or for storing vehicles (e.g., temporary storage pending conversion or exportation);

- 
- Vehicle may not be operated on public roads or highways in the U.S. (NOTE: If driving vehicle on roads is a necessary part of a testing program, see Section 2.2.3, below);
  - Vehicle may not be sold or otherwise transferred to another party in the U.S.; and
  - Vehicle must be exported after the repair or alteration, or upon expiration of the exemption, whichever comes first.

### **2.2.2 Temporary Vehicle Imports for Display**

Anyone may import a vehicle for a legitimate display purpose as determined by EPA. However, EPA requires a Customs bond and a written EPA approval letter, which must be obtained prior to importation. Generally, a legitimate display purpose is in the interest of the general public (e.g., display in a public museum, display at a charity event) or a business (e.g., to test the market for a new product). The use of this exemption for private purposes is not permitted, and offering a nonconforming vehicle for sale, as a gift, or as a prize in the U.S. violates the Clean Air Act.

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#### **Requirements:**

- Importer must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "K" and must attach the EPA letter of exemption;
- Importer must post a bond with U.S. Customs; and
- Importer should keep a copy of the EPA approval letter for future proof of EPA exclusion.

#### **Restrictions:**

- Vehicle may not be operated on public roads or highways in the U.S., except for that operation necessary for the display purpose (e.g., filming of vehicle for a movie or advertisement). However, the vehicle must be transported to the display location (e.g., the film/advertisement studio) without driving on the public roads. If the vehicle must be driven for the purpose of testing (e.g., demonstrating a brake system), the importer must import the vehicle under the "Testing" exemption (see Section 2.2.3, below);
- Vehicle may not be sold in the U.S., or used for selling (i.e., taking orders for) similar vehicles in the U.S.;
- Vehicle may not be offered as a gift or prize in the U.S.; and
- Vehicle must be exported, destroyed or brought into compliance through the services of an ICI at the end of the display purpose, or expiration of the exemption, whichever occurs first.

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### 2.2.3 Temporary Vehicle Imports for Testing

Anyone may import a vehicle or engine for testing purposes involving research, investigations, studies, demonstrations, or training. The vehicle or engine may be operated on public roads provided such operation is an integral part of the test program. EPA requires that a Customs bond, and a written EPA approval letter be obtained before importation.

The importer carries the burden of proof that the proposed test program constitutes an appropriate basis for an exemption, and must satisfy all the requirements of 40 CFR 85.1705.

#### Requirements:

- Importer must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "T" and attach the EPA letter of exemption;
- Importer must post a bond with U.S. Customs; and
- Importer should keep a copy of the EPA approval letter for future proof of EPA exclusion.

#### Restrictions:

- Vehicle may be driven on public roads and highways in the U.S. only as an integral part of the test program;
- Vehicle may not be sold or otherwise transferred to another party in the U.S.; and
- Vehicle must be exported, destroyed or brought into compliance through the services of an ICI at the end of the test purpose, or expiration of the exemption, whichever comes first.

### 2.2.4 Temporary Vehicle Imports for Diplomats

A vehicle may be imported by a member of the armed forces of a foreign country, or a representative of an international organization, or personnel of a foreign government on assignment in the U.S. who come within the class of persons for whom free entry has been authorized in writing by the U.S. Department of State. A vehicle may be imported temporarily for personal use by a member of the armed forces of a foreign country and has official orders for duty in the U.S. Neither a Customs bond nor EPA approval is required.

#### Requirements:

- Importer must file with Customs, upon entry, an EPA Form 3520-1 declaring code "N"; and
- A copy of the U.S. Department of State authorization, or orders for duty in the U.S. for members of the armed forces of foreign countries, must be attached to Form 3520-1.

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Documents from foreign governments or other U.S. agencies are not acceptable, except for orders for duty in the U.S. for members of the armed forces of foreign countries.

Restrictions:

- Vehicle may not be sold or otherwise transferred to another party in the U.S., unless the new owner also has the required U.S. Department of State authorization, or orders for duty in the U.S. for members of the armed forces of foreign countries, and the new owner submits a new EPA Form 3520-1 to U.S. Customs; and
- Vehicle must be exported at the end of the authorizing assignment, or U.S. Department of State authorization for free entry of vehicle, whichever comes first. Alternately, an ICI may bring the vehicle into compliance with Federal emission requirements. (The ICI must follow the same requirements as if the ICI were importing the vehicle at the time the ICI takes possession of the vehicle; see Section 2.1.3.3, above).

### **2.2.5 Temporary Vehicle Imports for Nonresidents**

Motor vehicles and motor vehicle equipment for personal use may be imported for up to one year. The vehicle must be imported in connection with your arrival, and it must be owned by you or on order before you depart from abroad. Only individual nonresidents may import a vehicle through a nonresident exemption. There is no Customs bond required, however, EPA requires that written approval must be obtained prior to importation.

Requirements:

- Importer must file with U. S. Customs, upon entry, an EPA Form 3520-1 declaring code "O;" and attach the EPA letter of exemption.
- Importer should keep a copy of the EPA approval letter for future proof of EPA exclusion.

Restrictions:

- Importer must be a nonresident;
- Vehicle may not be sold or otherwise transferred to another party in the U.S.;
- Vehicle must be used primarily for personal use by the importer while in the U.S.;
- Use of this exemption is prohibited if the vehicle is to be used primarily to conduct business, or for principle use by persons other than the importer (or spouse of the importer); and
- Vehicle must be exported after one year, or upon the nonresident departing the U.S., whichever comes first.

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## 2.2.6 Temporary Nonroad or Heavy-duty Highway Engine Imports

There are also a number of temporary exemptions that may apply. Importers should check the appropriate option using boxes 10 through 16 on Form 3520-21 if importing a non-conforming engine under one of the following temporary exemptions:

- Repairs or alterations;
- Testing;
- Display;

(The above exemptions require prior EPA approval. To obtain information on the exemption process please contact the EPA Imports Help Line at: (734) 214-4100 or Imports @epa.gov)

- Export (both the engine and shipping container must be labeled or tagged to identify them solely as export);
- Diplomatic or military (this exemption is limited to members of the armed forces or personnel of a foreign government on assignment to the U.S. for whom free entry has been authorized in writing by the U.S. Department of State, or for members of the armed forces of a foreign country with official orders for duty in the U.S. This exemption does not apply to locomotive or marine compression-ignition engines).
- Delegated assembly; or
- Partially complete engine (i.e., an engine that is not yet in its final configuration but is covered by a valid exemption or a certificate of conformity, an engine that will be installed in a vehicle that is covered by a valid exemption or a certificate of conformity, or an engine that will be installed in an application not yet subject to EPA emission standards (see Codes 17 and 18), subject to the provisions of 40 CFR 1068.330).

## 2.3 Excluded Vehicles

Excluded vehicles are those vehicles that have been excluded from the emission requirements of the Clean Air Act. These vehicles are excluded by either their age (i.e., manufactured prior to the regulations), the type of fuel the vehicle uses, the maximum speed of the vehicle, or the lack of features associated with safe and practical street or highway use. Excluded vehicles may be imported by anyone. Excluded vehicles may not be subject to the motor vehicle regulations but may be subject to other regulations. No bond is required by EPA.

### 2.3.1 Exclusions Based on Age

As discussed in Section 2.1.3.2(a), vehicles are exempted if they are 21 OP years old or older and in original unmodified condition. Vehicles in any condition may be excluded if they

were manufactured prior to the year in which EPA's regulations for the class of vehicle took effect, as follows:

**Table 7  
Vehicle Codes for EPA Form 3520-1**

Vehicle Type:	Code to Declare on EPA Form 3520-1:
Light-duty gasoline-fueled car or truck built before January 1, 1968	E
Light-duty diesel-fueled car built before January 1, 1975	E
Light-duty diesel-fueled truck built before January 1, 1977	E
Motorcycle built before January 1, 1978	E
Heavy-duty engine (gasoline or diesel-fueled) built before January 1, 1970	E

**Requirements:**

- Importer must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "E."
- Customs may require proof of vehicle age.

**2.3.2 Non-Chassis-Mounted Engine**

Anyone may import a non-chassis-mounted light-duty motor vehicle engine which is currently covered by an EPA certificate or will be covered by an EPA certificate prior to introduction into commerce. The engine may be imported without a Customs bond required by EPA or written EPA approval. The engine must be for use in a light-duty vehicle (LDV), a motorcycle, a light-duty truck (LDT), a medium-duty passenger vehicle (MDPV), or a chassis-certified heavy-duty vehicle (HDV).

**Requirements:**

- Importer must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "W."

**Restrictions:**

- Mounting an engine in a chassis to "manufacture" a LDV, motorcycle, LDT, MDPV, or chassis-certified HDV without the proper certificate of conformity from EPA violates the Clean Air Act;
- Mounting an engine in an existing LDV, motorcycle, LDT, MDPV, or chassis-certified HDV that is certified violates the Clean Air Act unless the engine replacement is identical to the engine being replaced; and

- 
- The importation of an engine to be used in an engine-certified heavy-duty vehicle or heavy-duty truck violates the Clean Air Act unless the engine has a proper label indicating that it is covered under a certificate of conformity, or was built prior to 1970, or is otherwise excluded or exempted.

### 2.3.3 Racing Vehicle

Anyone may import a racing vehicle. These vehicles are those which, in general, have been extensively modified for racing, and are incapable of safe and practical street or highway use because they lack features associated with safe and practical street or highway use. Such features include, but are not limited to, a reverse gear (except in the case of motorcycles), a differential, or other safety features required by state and/or Federal law. EPA does not require a Customs bond, but written EPA approval must be obtained before clearance at Customs.

#### Requirements:

- You must first receive EPA's approval. Not all vehicles used in races are excluded from emissions compliance. Determinations are based on the capability of the vehicle, not its intended use. Importer must submit the following information when applying:
  1. Importer's name, address, and daytime telephone number;
  2. Vehicle information (make, model, model year and VIN);
  3. A list of racing features (features that make the vehicle a racing vehicle);
  4. A list of street features that are lacking (features that have been removed or have never been installed that would permit safe driving on streets or highways);
  5. At least four photographs showing the front, rear, and each side view; and if a vehicle with an interior, photographs of the interior;
  6. The name of the sanctioning body and competition class;
  7. A schedule of racing events, including dates and locations where the vehicle will participate;
  8. A copy of the competition racing license; and
  9. Other proof that the vehicle cannot be used on streets and highways, such as a letter from a state's Department of Motor Vehicles (DMV) that explains the vehicle cannot be licensed for use on public roads, and explains why it cannot be licensed.
- Importer must file with Customs, upon entry, an EPA Form 3520-1 declaring code "L" and attach EPA letter of approval; and



- 
- Importer should keep a copy of the EPA approval letter for future proof of EPA exclusion.

Restrictions:

- Vehicle may not be registered or licensed for use on or operated on the public roads or highways; and
- If an imported racing vehicle is subsequently converted to a motor vehicle and registered or licensed for street use, the converter may be considered a manufacturer of a new motor vehicle and subject to a penalty of \$25,000 per day for failing to meet EPA emission requirements.

### **2.3.4 Unregulated Fuel Vehicle**

This exclusion applies to vehicles that run solely on an unregulated fuel. Regulated fuels are typically gasoline, diesel, ethanol, methanol, Compressed Natural Gas (CNG), or Liquefied Petroleum Gas (LPG) (including propane) fuels. Prior to 2004 model year, an exempt fuel vehicle will operate solely on fuel:

- Other than gasoline or diesel fuel for model years earlier than 1991;
- Other than gasoline, diesel, ethanol, or methanol fuel for 1990-1996 model years; or
- Other than gasoline, diesel, ethanol, methanol, CNG, or LPG (including propane) for 1997 to 2003.

A dual-fueled or multi-fueled vehicle (such as one that can run on either gasoline or propane) is regulated if it is capable of running on a regulated fuel.

Requirements:

- Importer must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "Y."
- Converting or re-converting a vehicle that runs solely on an unregulated fuel to run on a regulated fuel without a proper certificate of conformity from EPA violates the Clean Air Act.

### **2.4 Application of section 216(2) 40CFR § 85.1703**

(a) For the purpose of determining the applicability of section 216(2), a vehicle which is self-propelled and capable of transporting a person or persons or any material or any permanently or temporarily affixed apparatus shall be deemed a motor vehicle, unless any one or more of the criteria set forth below are met, in which case the vehicle shall be deemed not a motor vehicle and excluded from the operation of the Act:

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(1) The vehicle cannot exceed a maximum speed of 25 miles per hour over level, paved surfaces; or

(2) The vehicle lacks features customarily associated with safe and practical street or highway use, such features including, but not being limited to, a reverse gear (except in the case of motorcycles), a differential, or safety features required by state and/or federal law; or

(3) The vehicle exhibits features which render its use on a street or highway unsafe, impractical, or highly unlikely, such features including, but not being limited to, tracked road contact means, an inordinate size, or features ordinarily associated with military combat or tactical vehicles such as armor and/or weaponry.

EPA will make written determinations of exclusion for individual vehicle models upon receipt of dimensions, technical specifications and photographs or drawings of the model in question. While some vehicles can be easily determined to be excluded, particularly those of inordinate size, others require more review. An importer that makes his or her own determination does so at his or her own risk.

**\*The following vehicles are subject to regulations under parts 90, 1051, 1065, 1068 and 86**

#### **2.4.1 Off-Road/Recreational Vehicles**

Off road/recreational vehicles include, but are not limited to, vehicles such as snowmobiles, all-terrain vehicles and off-highway motorcycles, utility vehicles, sand cars and motorized bicycles. All 2006 or later model year off-road recreational vehicles are subject to certification in accordance with [40 CFR Part 1051](#). Exclusion determinations for 2005 or earlier off-road/recreational vehicles are based on the capability of the subject vehicles to be safely and practically driven on public roads. Model year 2005 and earlier off-road/recreational vehicles are excluded, unless they also meet the definition of an on-highway motor vehicle or motorcycle.

**Note that the deletion, removal, or absence of features associated with safe and practical street or highway use (that can be readily added) is not sufficient grounds for this exclusion.** EPA will make written determinations of exclusion for individual vehicle models upon receipt of dimensions, technical specifications and photographs or drawings of the model in question. While some vehicles can be easily determined to be excluded, particularly those of inordinate size, others require more review. An importer that makes his or her own determination does so at his or her own risk.

EPA Form 3520-1 is no longer used for the importation of off-road/recreational vehicles. The importer must file with Customs, upon entry, an EPA Form 3520-21. For 2006 and later model year vehicles subject to certification, use box 1 or the appropriate box for an exemption. For 2005 and earlier model year vehicles, you must use box 17 and attach proof that the vehicle was manufactured in 2005 or earlier, is a 2005 or earlier model, and lacks safety or other features that are required for safe and practical street operation (including evidence of inordinate size or weight preventing highway use).

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A 2005 or earlier model year highway motor scooters and motorcycles with an engine displacement of less than 50 cc is not regulated, and may be imported without an approval or Customs bond under EPA declaration code "U" on Form 3520-1. Any 2006 or later model year highway motor scooter or motorcycle with an engine displacement less than 50 cc is subject to certification in accordance with [40 CFR Part 86, Subpart E](#).

Vehicles using this exclusion may not be registered or licensed for use on, or operated on, the public roads or highways (with the exception of motorized bicycles).

**Requirements:**

- Complete form 3520-21 as applicable, declaring box 1 for 2006 or later model year certified vehicles. If the off-road/recreational vehicle was manufactured before January 1, 2006, and is not a 2006 or later model, then declare box 17. Proof that the vehicle was manufactured in 2005 or earlier and is a 2005 or earlier model and lacks safety or other features required for safe and practical street operation, including evidence of inordinate size or weight preventing highway use.

**Restrictions:**

- Any 2006 or later model year vehicle must be certified accordance with 40 CFR 1051;
- Not for use by racing or competition vehicles; and
- If an imported off-road/recreational vehicle is subsequently converted to a motor vehicle and registered or licensed for street use, the converter may be considered a manufacturer of a new motor vehicle and subject to a penalty of \$25,000 per day for failing to meet EPA emission requirements.

#### **2.4.2 Imported Used Japanese Mini-Trucks and Vans**

EPA is aware that significant numbers of used model year 2004 and older mini-trucks and vans (also known as Kei-class vehicles) have been imported illegally from Japan into the U.S. in the past few years. These vehicles, originally manufactured as on-road motor vehicles in Japan, are imported in violation of the CAA because they were determined by EPA to be uncertified motor vehicles, or were excluded from motor vehicle regulations and then subsequently modified to operate as a motor vehicle. The original vehicle manufacturers are overseas, usually with no dealer presence in the U.S. These mini-vehicles are being offered for sale primarily online and through trade magazines and are being imported either without modifications or with modifications to the original vehicles to ensure eligibility for an exclusion, with recent indications that these modifications are being removed prior to sale.

As with any regulated vehicle or engine, the importers of these mini-vehicles are required to import only certified (covered by an EPA-issued CAA Certificate of Conformity and properly labeled), exempt, or excluded vehicles under the applicable statutes and regulations. The importers of these mini-vehicles sometimes claim that they have been converted into nonroad

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vehicles, which if manufactured before 2004, are exempt from CAA requirements. To qualify as a nonroad vehicle, a mini-vehicle must not be capable of traveling in excess of 25 miles per hour (mph). However, U.S. Customs inspectors have determined that a substantial majority of mini-vehicles imported into the U.S. are in fact capable of traveling in excess of 25 mph and have none of the permanent physical attributes necessary to ensure that they cannot exceed this regulatory threshold. Mini-vehicles that are capable of exceeding the 25 mph threshold, either as originally manufactured or with the speed governing limiters removed, are regulated as "motor vehicles" under the Clean Air Act and must be certified either as LDVs, LDTs, or nonroad SI engines regulated under 40 CFR Part 90.

If you are considering the purchase and importation of one of these mini-vehicles, you should be aware of the risks associated with your decision. EPA with the assistance of U.S. Customs, is pursuing enforcement actions throughout the country in various Customs Ports against importers and manufacturers of these illegal mini-vehicles. EPA is also inspecting vehicles at dealerships and manufacturer's business locations. Note that the only acceptable modifications are those that: 1) allow the vehicle to perform in a manner consistent with EPA-issued guidance; 2) have been determined by EPA to be sufficiently permanent and tamper-proof; and 3) have been approved by EPA in writing. Meeting these criteria would allow for mini-vehicles to be excluded from the motor vehicle requirements of the CAA.

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## **Section 3: Other Import-Related Requirements and Information**

### **3.1 Non-Emission Requirements**

This manual describes only the EPA requirements, that is, only those related to the Federal emission requirements. Importers of vehicles must also comply with the requirements of other Federal agencies (e.g., Department of Transportation for safety requirements, IRS for gas guzzler taxes, U.S. Customs and Border Patrol for tariffs and duties, etc.), as well as those of State and local governments. EPA letters of approval or exemption are not intended to satisfy other non-emission Federal agency requirements, or any emission or non-emission requirements of State or local governments. Below is a list of contacts for other Federal requirements.

#### **3.1.1 Customs**

Questions regarding the importation of your vehicle should be directed to the Customs port where your vehicle will be entered.

#### **3.1.2 Safety**

For information on Federal safety requirements contact:

U.S. Department of Transportation  
400 7th Street, S.W.  
Washington, DC 20590  
(202) 366-5291

#### **3.1.3 Gas Guzzler Tax**

A "Gas Guzzler Tax" may need to be paid on your vehicle. These taxes range from \$500 to \$3,850 per vehicle. For more information, contact:

Internal Revenue Service  
Excise Tax Program  
1111 Constitution Avenue, N.W.  
SE:S:SP:Ex, Room 2016  
Washington, DC 20224  
(202) 622-3143

#### **3.1.4 State Requirements**

##### **California Emission Requirements**

The State of California has its own program for regulating the importation of nonconforming vehicles that are sold, registered, or operated in California. If you are a resident of, principally drive your car in, register or intend to sell vehicles in the State of California, you

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will need to comply with California's emission requirements in addition to the Federal emission requirements. For more information on California's requirements, contact:

California Air Resources Board (CARB)  
Mobile Source Control Division  
9528 Telstar Avenue  
El Monte, CA 91731  
1-800-242-4450

### Proof of Federal Emission Compliance

Many State DMVs require documentation indicating both proof of ownership and compliance with Federal emission requirements before registration and/or titling of the vehicle will be permitted. EPA has indicated to representatives of State DMVs that the following documentation would be sufficient in order to show that a vehicle being imported under the EPA imports program meets Federal emission requirements:

- a. A copy of the EPA Form 3520-1 submitted to Customs.
- b. For vehicles entered by ICIs, a verification letter from EPA which states that all applicable emission requirements have been met. Please contact the ICI that converted the vehicle to obtain a copy of the EPA release letter for your vehicle. If the ICI cannot produce the release letter or has gone out of business, you may contact EPA at (734) 214-4100. EPA may be able to provide such a letter, if EPA records indicate that the vehicle was properly modified to comply with applicable emission standards.
- c. For vehicles granted prior approval or exemption, a copy of the EPA letter of prior approval or exemption.

### Proof of Gas Guzzler Payment

Some states may require proof of payment of the gas guzzler tax, if applicable to your vehicle (for more information on this tax, see Section 3.1.3 Gas Guzzler Tax).

### Inspection/Maintenance Requirements

Your state may operate an Inspection/Maintenance (I/M) program which is designed to satisfy the state's requirement for reducing excess emissions caused by vehicles that are not properly tuned or are in need of repair. Because I/M programs are customized to the needs of each local area, you should contact your local I/M office for more information on its requirements. A state test is not the same as a Federal test, and EPA will not accept state test results to satisfy Federal requirements (see Section 1.3 Emissions Testing).

## **3.2 Locating the Vehicle Emissions Label**

The EPA vehicle emissions label is entitled "Vehicle Emission Control Information" and will contain the name and trademark of the manufacturer and an unconditional statement of

compliance with EPA emission regulations. Figures 2 and 3 show an example of the label used for model year vehicles produced before and after 2007, respectively.

Automotive and Light Trucks

1. 1971 and later conforming vehicles will have a label in the engine compartment.
2. 1968-1970 conforming motor vehicles will have a label on the doorpost indicating compliance with Federal motor vehicle safety standards. These vehicles may have an emissions compliance label in the engine compartment containing a statement that the vehicle complies with Health Education and Welfare Department emission requirements.
3. 1967 and earlier motor vehicles are excluded from meeting U.S. emission requirements and will not have a compliance label.


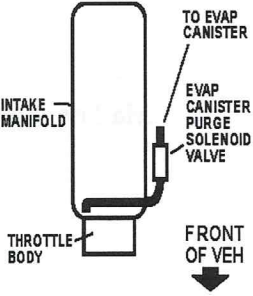
Motorcycles

1978 and later motorcycles will have an EPA emissions label, located in a readily accessible location, e.g., under the seat, on the frame, or in the glove box of the motorcycle or motorscooter.

Heavy Duty Vehicles and Engines

Heavy-duty vehicles or engines will have an EPA emissions label on the block of the engine.

**Figure 2**  
**Example Emission Label for Some 2007 and Earlier Model Year Vehicles**

 VIN (LAST 8)	2007 MODEL YEAR <b>VEHICLE EMISSION CONTROL                  INFORMATION</b> COMPANY'S NAME	<b>CATALYST</b> SFI/TWC/H02S/EGR  3.5 Liter 7XXX03.5ABC 7XXX0350AA	
	NO ADJUSTMENTS NEEDED. SEE SERVICE MANUAL OR OWNERS MANUAL FOR MORE INFORMATION.		
	THIS VEHICLE CONFORMS TO U.S. EPA REGULATIONS APPLICABLE TO NEW PASSENGER CARS AND CALIFORNIA REGULATIONS APPLICABLE TO NEW LEV2 PASSENGER CARS. THIS VEHICLE IS CERTIFIED TO OPERATE ON GASOLINE OR ON ETHANOL BLENDS FROM E0 TO E85. OBD II CERTIFIED.		

**Figure 3**  
**Example Emission Label for Some 2007 and Later Model Year Vehicles**

<i>Company's Trustmark</i>	<b>Company's Name</b> <b>VEHICLE EMISSION CONTROL INFORMATION</b>	
<b>Conforms to regulations:</b>	<u>2008 MY</u>	
<b>U.S. EPA:</b>	<u>IT2B10 LDT4</u>	<b>OBD:</b> <u>II</u> <b>Fuel:</b> <u>Gasoline</u>
<b>California:</b>	<u>LEV II MDV6</u>	<b>OBD:</b> <u>II</u> <b>Fuel:</b> <u>Gasoline</u>
No adjustments needed.	TWC/HO2S/EGR/SFI	
<b>EVAP:</b>	8VEHR0240ABC	Standard Fuel Tank: 26/27 gal
	8VEHR0240ABD	Option Fuel Tank: 35.7 gal
Group:8VEHT05.8ABC	<b>Part #</b> <b>Bar</b> <b>Code</b> <b>Here</b>	Label Part Number

### 3.3 Additional Information

If you have any additional questions that are not answered by this Automotive Imports Facts Manual, you may contact the Imports Program at:

Telephone: (734) 214-4100,  
8:30am-4:30pm Eastern U.S. time, Monday-Friday  
Fax: (734) 214-4676, 24 hours every day

Mail or courier delivery at:

U.S. Environmental Protection Agency  
Imports Program  
2000 Traverwood Dr.  
Ann Arbor, MI 48105

When calling EPA concerning a particular vehicle, please have ready the make, model, model year, and VIN of your vehicle (from the registration card) and, if it has already been imported, the importer of record, the port of entry, date of entry and entry number (from the EPA form 3520-1, which you can only get from the port of entry, and of which you should keep a copy for your records). When writing or faxing EPA, include this information, plus a telephone number (with area code) where you can be reached during the day.



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#### **Section 4: Penalties**

When EPA or U.S. Customs determines that imported equipment does not meet the EPA emissions certification requirements, Customs detains or seizes the equipment. EPA and Customs then coordinate on enforcement to address the CAA violations, including collection of a penalty and exportation of the illegal equipment. The maximum penalty is \$32,500 for each illegal engine or vehicle, although penalties may be reduced for first-time violators and for importers who voluntarily disclose and remedy the violation and all prior violations. U.S. Customs or EPA may also initiate a criminal action against an importer who knowingly makes false or fraudulent statements, or who omits material information required in U.S. Customs entry documents. Persons who commit these crimes are subject to a fine of up to \$250,000 or imprisonment for up to two years, or both, see 42 U.S.C. § 7413(c)(2).

When EPA or the Customs Administration determines that a party has not met the EPC emission trading requirements, Customs may require the party to pay a penalty. EPA may require a party to pay a penalty if the party fails to submit the EPC report and/or if the party fails to pay the penalty. The maximum penalty is \$10,000 for each party. The penalty may be reduced for first-time violators and for parties who voluntarily correct the violation and all other violators. EPA may also require a party to submit a compliance plan. EPA may also require a party to submit a compliance plan. EPA may also require a party to submit a compliance plan. EPA may also require a party to submit a compliance plan.


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The table is a large index of EPA forms, organized into several sections. The top right corner of the table area features the EPA logo. The table contains numerous entries, each likely representing a specific form number and its corresponding title. The text is very faint and difficult to read, but the structure appears to be a multi-column list.

**Appendix A  
EPA Forms**

# EPA Form 3520-1

Form Approved OMB 2060-0095 Approval Expires 7/31/2010

		<b>United States Environmental Protection Agency</b>	
<b>Declaration Form</b>			
<b>Importation of Motor Vehicles and Motor Vehicle Engines Subject to Federal Air Pollution Regulations</b>			
U.S. E.P.A., Compliance & Innovative Strategies Division, 2000 Traverwood Drive, Ann Arbor, MI 48105 <a href="http://www.epa.gov/otaq/imports">http://www.epa.gov/otaq/imports</a> Phone (734) 214-4100; Fax (734) 214-4676.			
<p><b>This form must be submitted to the U.S. Customs Service (Customs) (42 USC 7522, 7601; 19 CFR 12.73) for each motor vehicle (including motorcycles, disassembled vehicles, kit cars, light-duty vehicle/motorcycle engines) imported into the U.S., except that this form is not required for motor vehicles that are imported by their original manufacturer and are new and are covered by an EPA certificate of conformity and bear an EPA emission control label. One form per shipment may be used, with attachments including all information required to fully describe each vehicle or engine as below. Check the box below indicating the provisions under which you are importing this vehicle or engine. Offroad vehicles/engines and heavy-duty engines must use form 3520-21. Note: Although only imports using codes G, I, K, L, M-3, and O require specific written authorization from EPA, Customs may request EPA review of importer documentation and eligibility for any import using this form. A nonconforming vehicle that is ineligible for the exemptions or exclusions listed below, must be imported through an independent commercial importer (ICI) under codes A, C, J, or Z. For codes A, C, J, and Z, EPA does not authorize the release to the vehicle owner.</b></p> <p><b>Penalties:</b> Any person who knowingly makes any false or fraudulent statement, or omits or conceals a material fact can be fined up to \$250,000 or imprisoned for up to 5 years, or both (18 USC 1001). Any person who improperly imports a motor vehicle (including a motorcycle) or engine may be fined up to \$32,500 per vehicle or engine (42 USC 7524), and may be subject to forfeiture of the entire importation bond, if applicable (40 CFR 85.1513), and the U.S. Customs Service may seize the vehicle or engine (19 CFR 162.21).</p>			
<b>Description and Declaration of Motor Vehicle or Motor Vehicle Engine (Note: Heavy-duty Engines must use form 3520-21)</b>			
1. Port code:	2. Entry date: mm/dd/yyyy	3. Customs entry number:	4. Vehicle Identification Number (VIN), or engine serial number:
5. Manufacture date (mo/yr):	6. Manufacturer (make):	7. Model:	
8. ICI imports only, codes A, C, J, Z - EPA certificate no., model year and expiration date of applicable certificate:			
<b>Names, Addresses, and Telephone Numbers of Relevant Parties</b>			
<p><b>Certification:</b> I certify that I have read and understand the purpose of this form, the penalties for falsely declaring information, or for providing misleading information, or for concealing a material fact. The information I have provided is correct, and all required attachments are appended to this form. I authorize EPA Enforcement Officers to conduct inspections or testing permitted by the Clean Air Act. I am the owner, importer, or agent for the owner or importer.</p>			
9. Importer (code B: must be certificate holder or their agent for shipments of new vehicles prior to introduction into commerce; codes A, C, J, Z: must be ICI):	10. Owner:	11. Storage location:	12. Signature:
			13. Date: mm/dd/yyyy
			14. Name, company and phone (type or print):
<b>U.S. conforming and "identical" vehicles</b>			
<input type="checkbox"/> <b>code B - U.S. certified</b> - unmodified vehicle bearing a U.S. EPA emission control label in engine compartment (or on motorcycle frame) in English.			
<input type="checkbox"/> <b>code F - U.S. certified, catalyst restoration</b> - U.S. certified vehicle as described above, except that the catalyst, oxygen sensors or fuel filler neck restrictor were removed or damaged. The importer attests that the catalyst and oxygen sensors and fuel filler neck restrictor, as applicable, will be re-installed or replaced after importation. If leaded gasoline was used, the importer attests that after importation (1) the fuel tank will be drained and refilled with unleaded gasoline, (2) the catalyst and oxygen sensors, if they were left on the vehicle during use of the leaded gasoline, will be replaced, and (3) the fuel filler neck restrictor will be checked and replaced as necessary. No bond or EPA approval is required.			
<input type="checkbox"/> <b>code EE - identical in all material respects to a U.S. certified version</b> - either 1) Canadian vehicle (proof required e.g. Canadian emission control label, registration or title, or letter from the U.S. or Canadian manufacturer representative on letterhead verifying manufacture for sale in Canada) on EPA list of Canadian "identical" models, or 2) vehicle from any country with letter attached to this form from the manufacturer's U.S. representative on letterhead (not a dealer or mechanic) stating that the vehicle is identical to a U.S. EPA certified version with respect to emissions. The importer attests that vehicle is being imported for purposes other than resale or lease. For import of "identical" Canadian vehicles for resale, use code FF.			
<input type="checkbox"/> <b>code FF - Canadian "identical" models imported for resale or lease</b> - Canadian vehicle as described above appearing on EPA list of Canadian "identical" models, imported for resale or lease. The importer attests that the importer will satisfy applicable labeling, warranty and CAFÉ requirements as specified by EPA.			
<b>EPA exempted vehicles</b>			
<input type="checkbox"/> <b>code M - miscellaneous exemption</b> , either 1) Canadian vehicle as described above (proof required) and the importer is either permanently emigrating to the U.S. or will reside in the U.S. for greater than one year under a worker or student visa, or 2) Canadian vehicle received by U.S. resident through inheritance, or 3) EPA hardship letter based on unforeseen and extraordinary circumstances is attached to this form.			
<input type="checkbox"/> <b>code E - vehicle at least 21 years old</b> (calendar year of manufacture subtracted from year of importation) and in original unmodified configuration is either exempted or excluded from EPA emission requirements, depending on age. Vehicles at least 21 years old with replacement engines are not eligible for this exemption unless they contain equivalent or newer EPA certified engines. Customs may require proof of vehicle age.			



United States  
Environmental Protection Agency

**Excluded vehicles**

- code L - racing vehicle** as determined by EPA and may not be registered or licensed for use on or operated on public roads or highways (40 CFR 85.1511(e)). EPA letter of approval must be attached to this form.
- code U -2005 model year (or older) motorcycle, scooter or moped** with engine displacement less than 50cc and rated speed greater than 5000 rpm.
- code W - non-chassis-mounted engine** to be used in a light-duty vehicle or light-duty truck or motorcycle which is currently covered by an EPA certificate or will be covered by an EPA certificate prior to introduction into commerce.
- code Y - unregulated fuel** - a vehicle that: (1) for model years earlier than 1991 operates on fuel other than gasoline or diesel fuel, or (2) for 1991- 1996 model years operates on fuel other than gasoline or diesel or methanol fuel, or (3) for 1997 and later model years operates on fuel other than gasoline or diesel or methanol or ethanol or compressed natural gas (CNG) or liquid petroleum gas (LPG), including propane. This exemption does not apply to 2004 and later model year vehicles.

**Temporary imports**

- code G** - imported for repair or alteration in accordance with 40 CFR 85.1511(b)(1). May not be registered or licensed for use on, or operated on public roads or highways, or sold or leased in the U.S. **Customs bond required.** EPA requests that the vehicle be bonded for at least its full value. EPA letter of approval must be attached to this form.
- code I** - imported for testing purposes in accordance with 40 CFR 85.1511(b)(2). May not be registered or licensed for use on or operated on public roads or highways (except operation that is integral to the purpose of the testing program) or sold or leased in the U.S. **Customs bond required.** EPA requests that the vehicle be bonded for at least its full value. EPA letter of approval must be attached to this form.
- code K** - imported for display (solely for public or business purposes, and not for private purposes or U.S. market sales promotions) in accordance with 40 CFR 85.1511(b)(4). May not be registered or licensed for use on or operated on public roads or highways (except operation that is integral to the purpose of the display) or sold or leased in the U.S. **Customs bond required.** EPA requests that the vehicle be bonded for at least its full value. EPA letter of approval must be attached to this form.
- code N** - imported for up to one year by member of the armed forces or personnel of a foreign government on assignment to the U.S., for whom free entry has been authorized in writing by the U.S. Department of State, or a member of the armed forces of a foreign country with official orders for duty in the U.S.
- code O** - imported by nonresident for personal use by an individual for a period up to a year. EPA letter of approval must be attached to this form.

**Independent commercial importer (ICI) imports**

- code A** - imported by an ICI for modifications in accordance with a valid EPA certificate of conformity issued for the specific make, model, and model year in accordance with 40 CFR 85.1505.
- code C** - imported by an ICI for modification and testing in accordance with 40 CFR 85.1509. Vehicle must be at least 6 years old.
- code J** - imported by an ICI for the purpose of pre-certification testing in order to obtain an EPA certificate of conformity. No EPA approval is required. The ICI has 180 days to obtain a certificate or export (40 CFR 85.1511(b)(3)). **Customs bond required.**
- code Z** - imported by an ICI for the purpose of modifying to be identical to an original equipment manufacturer (OEM) certified version in accordance with written instructions from the OEM that are specific to the vehicle being imported.

**OEM imports**

- code H** - imported, owned, and controlled directly by an original equipment manufacturer (OEM) on EPA list of OEM certificate holders provided to Customs, for research, development or testing purposes in accordance with 40 CFR 85.1706. This is a temporary exemption without time limit. If the vehicle is subsequently covered by an applicable EPA certificate of conformity, it is released from the restrictions of this exemption.
- code Q** - imported, owned, and controlled directly by an original equipment manufacturer (OEM) on EPA list of OEM certificate holders provided to Customs, for storage pending receipt of the applicable EPA certificate of conformity, which is pending and imminent. Use of this code is no longer permitted once EPA has issued the applicable certificate of conformity.

**Paperwork Reduction Act Notice**

This information is collected to ensure that motor vehicles and engines imported into the U.S. conform with applicable emission requirements. Responses to this collection are mandatory (40 CFR 85.1501 et seq., and Clean Air Act Sections 203 and 208). Information submitted to the Agency under a claim of confidentiality will be safeguarded according to policies set forth in Title 40, Chapter 1, Part 2, Subpart B. The public reporting and recordkeeping burden for this collection of information is estimated to average 50 minutes per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

EPA Form 3520-21

**EPA** United States Environmental Protection Agency Engine Declaration Form  
**Importation of Engines, Vehicles, and Equipment Subject to Federal Air Pollution Regulations**  
 U.S. EPA, Certification & Compliance Division, 2000 Traverwood Dr., Ann Arbor, Michigan 48105. (734) 214-4100; [imports@epa.gov](mailto:imports@epa.gov); [www.epa.gov/otaq/imports/](http://www.epa.gov/otaq/imports/)

This form must be prepared by the importer for each imported stationary, nonroad or heavy-duty highway engine, including engines incorporated into vehicles or equipment. Note that references in this form to engines generally include vehicles or equipment if they are subject to equipment-based standards. One form per engine or group of engines in a shipment may be used, with attachments including all information required to fully describe each engine as below. Provide a duplicate form and attachments to the U.S. Customs Service upon request (42 U.S.C. 7522, 7601, 19 CFR 12.73 or 12.74). This form must be retained for five years from the date of entry (19 CFR 163.4). Additional requirements may apply in California. NOTE: While certain imports require specific written authorization from EPA, Customs may request EPA review of importer documentation and eligibility for any import using this form. For light-duty motor vehicles, highway motorcycles, and the corresponding engines, use form 3520-1. This form does not apply to aircraft engines.

Identify the type of highway, nonroad, or stationary engine, vehicle, or equipment you are importing from the following list of products:

- A. Heavy-duty highway engines (for use in motor vehicles with gross vehicle weight rating above 8500 pounds). See 40 CFR parts 85 and 86.
- B. Locomotives or locomotive engines. See 40 CFR parts 1033 and 1068.
- C. Marine compression-ignition engines. See 40 CFR part 94 or 40 CFR parts 1042 and 1068. This includes propulsion engines and auxiliary engines installed on marine vessels.
- D. Other nonroad compression-ignition engines. See 40 CFR part 89 or 40 CFR parts 1039 and 1068.
- E. Marine spark-ignition engines. See 40 CFR part 91 or 40 CFR parts 1045 and 1068.
- F. Recreational engines and vehicles, including snowmobiles, off-highway motorcycles, all-terrain vehicles, and offroad utility vehicles that are subject to the same emission standards as all-terrain vehicles. See 40 CFR parts 1051 and 1068.
- G. Other nonroad spark-ignition engines at or below 19 kW (or at or below 30 kW if total displacement is at or below 1000 cc). See 40 CFR part 90 or 40 CFR parts 1054 and 1068.
- H. Other nonroad spark-ignition engines above 19 kW. See 40 CFR parts 1048 and 1068.
- I. Stationary compression-ignition engines with displacement below 30 liters per cylinder. See 40 CFR part 60, subpart IIII.
- J. Stationary spark-ignition engines. See 40 CFR part 60, subpart JJJJ.

Check one of the following Codes to indicate the provision under which you are importing the engine, vehicle, or equipment:

- 1. U.S. certified engine or engine installed in a certified vehicle, covered by a valid U.S. EPA certificate of conformity and bearing a U.S. EPA emission control label in English. Starting January 1, 2010, Category G engines may need to be covered by a bond; see 40 CFR 90.1007.

**Permanent Exemptions for Nonconforming Engines**

- 2. National security. Importing a labeled (where applicable) engine subject to the provisions of 40 CFR 1068.315(a), 85.1511(c)(1), 89.611(c)(1), 90.612(c)(1), 91.704(c)(1), or 94.804(c)(1). For certain types of tactical equipment, this exemption may require prior EPA approval.
- 3. Manufacturer-owned engine. Importing a labeled engine by an engine manufacturer holding a current U.S. EPA certificate of conformity, subject to the provisions of 40 CFR 1068.315(b), 85.1706, 89.906, 90.906, 91.1006, or 94.906.
- 4. Replacement engine. Importing a labeled engine by an engine manufacturer holding a current U.S. EPA certificate of conformity subject to the provisions of 40 CFR 1068.315(c), 85.1714, 89.1003(b)(7), 90.1003(b)(5), 91.1103(b)(4), or 94.1103(b)(3). This exemption does not apply to locomotive engines.
- 5. Extraordinary circumstances/hardship. Importing a labeled engine subject to the provisions of 40 CFR 1068.315(d), 85.1511(c)(2), 89.611(c)(2), 90.612(c)(2), or 1033.620. An EPA letter of approval must be attached to this form.
- 6. Hardship for small-volume manufacturers. Importing a labeled engine subject to the provisions of 40 CFR 1068.315(e) or 94.209(b). An EPA letter of approval must be attached to this form.
- 7. Equipment-manufacturer hardship. Importing a labeled engine subject to the provisions of 40 CFR 1068.315(f), 89.102(f), or 94.209(b), or 1033.620. This may also apply to secondary engine manufacturers. An EPA letter of approval must be attached to this form.
- 8. Identical configuration. Importing an engine subject to the provisions of 40 CFR 1068.315(h), 89.611(c)(3), 90.612(c)(3), or 91.704(c)(2). Such an engine must be identical in all material respects to a U.S.-certified version as demonstrated by letter from the engine-manufacturer contact on the Customs list, subject to EPA review at Customs' discretion. This exemption does not apply to locomotives or to stationary, highway, or marine compression-ignition engines. The applicable regulations may require that you own the engine for a certain period before and after importation.
- 9. Ancient engine. Importing an engine first manufactured at least 21 years earlier that is still in its original configuration, subject to the provisions of 40 CFR 1068.315(i), 89.611(f)(2), or 90.612(f)(2). This exemption does not apply to locomotives or to stationary, highway, or marine engines.

**Temporary Exemptions for Nonconforming Engines**

The following temporary exemptions apply for importing nonconforming engines. EPA requests bonding with the U.S. Customs Service for the full value of the imported products to make sure you comply with applicable requirements.

- 10. Repairs or alterations. Importing an engine for repair or alteration subject to the provisions of 40 CFR 1068.325(a), 85.1511(b)(1), 89.611(b)(1), 90.612(b)(1), 91.704(b)(1), or 94.804(b)(1).
- 11. Testing. Importing an engine for testing subject to the provisions of 40 CFR 1068.325(b), 85.1511(b)(2), 89.611(b)(2), 90.612(b)(2), 91.704(b)(2), or 94.804(b)(2). Appropriate labeling is required for some engines and recommended for all engines. An EPA letter of approval may be required.
- 12. Display. Importing an engine for display subject to the provisions of 40 CFR 1068.325(c), 85.1511(b)(4), 89.611(b)(4), 90.612(b)(3), 91.704(b)(3), or 94.804(b)(3). Appropriate labeling is required for some engines and recommended for all engines.
- 13. Export. Importing an engine for eventual export, subject to the provisions of 40 CFR 1068.325(d), 85.1709, 89.909, 90.909, 91.1009, or 94.909. NOTE: The engine and/or shipping container must be labeled or tagged to identify them as solely for export.
- 14. Diplomatic or military. Importing an engine subject to the provisions of 40 CFR 1068.325(e), 85.1511(d), 89.611(d), 90.612(d), or 91.704(d). This exemption is limited to members of the armed forces or personnel of a foreign government on assignment to the U.S. for whom free entry has been authorized in writing by the U.S. Department of State, or for members of the armed forces of a foreign country with official orders for duty in the U.S. This exemption does not apply to locomotive or marine compression-ignition engines.
- 15. Delegated assembly. Importing a labeled engine for delegated assembly subject to the provisions of 40 CFR 1068.325(f), 85.1713, or 1033.630. This exemption does not apply to handheld spark-ignition engines or engines for recreational vehicles.
- 16. Partially complete engine. Importing an engine not yet in its final configuration covered by a certificate of conformity (or an engine that will be installed in a vehicle covered by a certificate of conformity), or importing an engine that will be installed in an application not yet subject to EPA emission standards (see Code 17), subject to the provisions of 40 CFR 1068.325(g). This also applies to an engine covered by a valid exemption. A certificate holder may also import a partially complete engine from its foreign facility to its U.S. facility as described in 40 CFR 1068.325(g).

Customs entry no: xxxxxxxxxxxxxx

**Importation of Engines Excluded from U.S. EPA Emission Standards**

- 17. Engine manufactured before emission standards started to apply.** These engines must generally have already been placed into service. See the attached schedule. Note that standards apply for spark-ignition sterndrive/inboard engines starting in model year 2010. Note also that 40 CFR 1068.360 disallows importation of new engines not certified to current standards if the model year is more than one year before the year of importation.
- 18. Competition engine.** The engine must be used solely for competition, subject to the provisions of 40 CFR 1068.310(a), 85.1511(e), 89.611(e), 90.612(e), 91.704(e), or 94.804(c)(2). An EPA letter of approval must be attached to this form.
- 19. Stationary compression-ignition engine with displacement at or above 30 liters per cylinder or stationary spark-ignition engine above 19 kW that is not designed to run on gasoline or, if rich-burn, on liquified petroleum gas.** These stationary engines are subject to EPA emission standards under 40 CFR Subparts IIII and JJJJ, but are not required to be certified. The engine must be used in a stationary manner. See 40 CFR 60.4219, 60.4248 and 1068.310(b). The engine must be labeled as described in 40 CFR 1039.20 or 1048.20, as applicable. NOTE: Stationary engines may be subject to state or local regulations.
- 20. Underground mining.** Engine must be used in underground mining and regulated by the Mining Safety and Health Administration (MSHA). See 40 CFR 89.1 and 1039.5; see also 30 CFR parts 7, 31, 32, 36, 56, 57, 70, and 75. For compression-ignition engines only.
- 21. Hobby engine.** Engine must be used to power a reduced-scale model of a vehicle not capable of transporting a person. See 40 CFR 1068.310(c), 89.1(b)(5), and 90.1(d)(6).

**Exemptions for Specific Engine Categories or Other Special Cases**

- 22. Transition Program for Equipment Manufacturers.** Importing a piece of equipment, subject to the provisions of 40 CFR 89.102 or 40 CFR 1039.625 and 1039.626 (Category D only). Maximum engine power: \_\_\_\_\_ kW  HP (or identify the regulatory power category).
  - 23. Personal-use exemption for small spark-ignition engines.** Importing three or fewer nonroad spark-ignition engines at or below 19 kW for purposes other than resale, where the importer has not used this exemption in the previous five years, subject to the provisions of 40 CFR 1054.630.
  - 24. Engine imported by an independent commercial importer recognized by EPA.** Only for Categories A and D above.
    - 24a. For modification under an EPA certificate issued for the specific make, model, and model year under 40 CFR 85.1505, 89.605 or 1039.660.
    - 24b. For modification and testing according to 40 CFR 85.1509, 89.609, or 1039.660. NOTE: The imported engine must be at least 6 years old.
    - 24c. For precertification testing to obtain an EPA certificate under 40 CFR 85.1511(b)(3), 89.611(b)(3), or 1039.660. NOTE: Customs bond is required. Specify location of storage (required): \_\_\_\_\_
- NOTE: Under 24a and 24b, you may import up to five highway engines and five nonroad engines in a given model year that are certified to standards based on an engine's original production year. You may import any number of engines certified to standards that apply based on the year the engine is modified. See 40 CFR 85.1503 and 89.603.
- 25. Other exemption.** Describe the exemption, attach EPA approval (if applicable), and identify the regulatory cite: \_\_\_\_\_

**Declaration of Stationary, Nonroad or Heavy-duty Highway Engine, Nonroad Vehicle or Equipment, or Stationary Equipment**

Port code:  xxxx	Customs entry no:  xxxxxxxxxxxxxx	Entry date:  mm/dd/yyyy	Engine manufacturer; model and serial number of each engine; for certified engines or vehicles, identify the engine family name:
Identify the engine (or vehicle) build date:  __mm__ month __yyy__ year <input type="checkbox"/> on engine <input type="checkbox"/> other (explain)			Vehicle or equipment manufacturer; model, serial number, and type of equipment (if applicable):

**Names, Addresses, and Telephone Numbers of Relevant Parties**

**Certification:** I certify that I have read and understand the purpose of this form, the penalties for falsely declaring information, for providing misleading information, or for concealing a material fact. The information I have provided is correct, and all required attachments are appended to this form. I authorize EPA Enforcement Officers to conduct inspections or testing permitted by the Clean Air Act. I am the owner, the importer, or an agent of the owner or importer.

Signature:	Printed name:	Date:  mm/dd/yyyy
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Identify the name, address, phone number, and e-mail address for the importer, broker, and owner as applicable:

Importer (required):	Broker (optional):	Owner (optional):
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**Penalties:** (1) Anyone who knowingly makes any false or fraudulent statement, or omits or conceals a material fact can be fined up to \$270,000 or imprisoned for up to 5 years, or both (18 U.S.C. 1001). Anyone who illegally imports an engine may be fined up to \$32,500 per engine (42 U.S.C. 7524), and may be subject to forfeiture of the entire importation bond, if applicable (40 CFR 1068.335, 89.612, 90.613, 91.705, 94.805), and the engine is subject to seizure by Customs (19 CFR 162.21). (2) Anyone who distributes in commerce, sells, offers for sale, or introduces into commerce an engine subject to EPA certification requirements but not covered by a certificate of conformity, may be fined up to \$32,500 per violation (40 CFR 1068.101(a), 89.1006, 90.1006, 91.1106, 94.1106). (3) Any person who circumvents or attempts to circumvent residence-time requirements for stationary engines may be fined up to \$32,500 per day of violation (40 CFR 1068.101(b)(3), 89.1006(a)(5), 90.1006(a)(5)).

**Information collection:** This information is collected to ensure that engines imported into the U.S. conform with applicable emission requirements. Responses to this collection are mandatory (Clean Air Act sections 202, 203, and 208). Information submitted to the Agency under a claim of confidentiality will be safeguarded as described in 40 CFR part 2. The public reporting and recordkeeping burden for this collection of information is estimated to average 30 minutes per response. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822), 1200 Pennsylvania Ave., NW, Washington, DC 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

### Schedule for Application of New Emission Standards for Certifying Engines and Vehicles

Engine category	Engine subcategory	Manufacturing date after which emission standards start to apply
A. Heavy-duty highway engines	—	Model year 1970
B. Locomotives or locomotive engines	—	January 1, 1973
C. Marine compression-ignition engines at or above 37 kW	Commercial: displacement < 0.9 L/cyl	Model year 2005
	Commercial: 0.9 ≤ displacement < 2.5 L/cyl	Model year 2004
	Commercial: displacement ≥ 2.5 L/cyl	Model year 2007
	Recreational: displacement < 0.9 L/cyl	Model year 2007
	Recreational: 0.9 ≤ displacement < 2.5 L/cyl	Model year 2006
	Recreational: 2.5 ≤ displacement < 5.0 L/cyl	Model year 2009
D. Other nonroad compression-ignition engines.	Marine compression-ignition engines: Power < 19 kW	January 1, 2000
	Marine compression-ignition engines: 19 kW ≤ Power < 37	January 1, 1999
	Nonroad engines: Power < 19 kW	January 1, 2000
	Nonroad engines: 19 kW ≤ Power < 37	January 1, 1999
	Nonroad engines: 37 kW ≤ Power < 75	January 1, 1998
	Nonroad engines: 75 kW ≤ Power < 130	January 1, 1997
	Nonroad engines: 130 kW ≤ Power ≤ 560	January 1, 1996
	Nonroad engines: Power > 560 kW	January 1, 2000
E. Marine spark-ignition engines.	Outboard	Model year 1998
	Personal watercraft	Model year 1999
	Stern-drive/inboard	Model Year 2010
F. Recreational spark-ignition engines and vehicles	—	Model year 2006
G. Other nonroad spark-ignition engines at or below 19 kW	—	Model year 1997
H. Other nonroad spark-ignition engines above 19 kW	—	Model year 2004
I. Stationary compression-ignition engines	—	April 1, 2006
J. Stationary spark-ignition engines	All engines with maximum engine power ≤ 19 kW Non-emergency engines with maximum engine power between 19 and 373 kW	July 1, 2008
	Non-emergency engines with maximum engine power ≥ 373 kW	July 1, 2007
	Emergency engines with maximum engine power > 19 kW	January 1, 2009



## Decision flowchart for vehicles

### 1. Is it a motor vehicle?

§85.1703: A vehicle which is self-propelled and capable of transporting a person or persons or any material or any permanently or temporarily affixed apparatus shall be deemed a motor vehicle, unless any one or more of the criteria set forth below are met, in which case the vehicle shall be deemed not a motor vehicle:

- The vehicle cannot exceed a maximum speed of 25 miles per hour over level, paved surfaces; or
- The vehicle lacks features customarily associated with safe and practical street or highway use, such features including, but not being limited to, a reverse gear (except in the case of motorcycles), a differential, or safety features required by state and/or federal law; or
- The vehicle exhibits features which render its use on a street or highway unsafe, impractical, or highly unlikely, such features including, but not being limited to, tracked road contact means, an inordinate size, or features ordinarily associated with military combat or tactical vehicles such as armor and/or weaponry.

-If yes, 40 CFR parts 85 and 86 apply.

-If not, see #2.

### 2. Is it an off-highway motorcycle or snowmobile?

§1051.801: Off-highway motorcycle means a two-wheeled vehicle with a nonroad engine and a seat (excluding marine vessels and aircraft). (Note: highway motorcycles are regulated under 40 CFR part 86.)

§1051.801: Snowmobile means a vehicle designed to operate outdoors only over snow-covered ground, with a maximum width of 1.5 meters or less.

-If yes, part 1051 applies. Note that §§1051.605 and 1051.610 allow for vehicles or engines to be certified under part 86 or 1048. Note also that diesel-fueled engines used with off-highway motorcycles or snowmobiles may be certified under part 89 or 1039 under the provisions of §1051.5.

-If not, see #3.

### 3. Is it an offroad utility vehicle?

§1051.801: Offroad utility vehicle means a nonroad vehicle that has four or more wheels, seating for two or more persons, is designed for operation over rough terrain, and has either a rear payload capacity of 350 pounds or more or seating for six or more passengers. Vehicles intended primarily for recreational purposes that are not capable of transporting six passengers (such as dune buggies) are not offroad utility vehicles. (Note: §1051.1(a) specifies that some offroad utility vehicles are required to meet the requirements that apply for all-terrain vehicles.)

-If yes, see #4.

-If not, see #5.

### 4. Is the offroad utility vehicle subject to part 1051?

§1051.1(a)(4) Offroad utility vehicles with engines with displacement less than or equal to 1000 cc, maximum engine power less than or equal to 30 kW, and maximum vehicle

speed higher than 25 miles per hour. Offroad utility vehicles that are subject to this part are subject to the same requirements as ATVs. This means that any requirement that applies to ATVs also applies to these offroad utility vehicles, without regard to whether the regulatory language mentions offroad utility vehicles.

-If yes, part 1051 applies. Note that §§1051.605 and 1051.610 allow for vehicles or engines to be certified under part 86 or 1048. Note also that diesel-fueled engines used with offroad utility vehicles may be certified under part 89 or 1039 under the provisions of §1051.5.

-If not, see #6.

### 5. Is it an all-terrain vehicle?

§1051.801: All-terrain vehicle means a land-based or amphibious nonroad vehicle that meets either of the following criteria:

(1) Vehicles designed to travel on four low pressure tires, having a seat designed to be straddled by the operator and handlebars for steering controls, and intended for use by a single operator and no other passengers are all-terrain vehicles.

(2) Other all-terrain vehicles have three or more wheels and one or more seats, are designed for operation over rough terrain, are intended primarily for transportation, and have a maximum vehicle speed of 25 miles per hour or higher. Golf carts generally do not meet these criteria since they are generally not designed for operation over rough terrain.

NOTE: Amphibious vehicle means a vehicle with wheels or tracks that is designed primarily for operation on land and secondarily for operation in water.

-If yes, part 1051 applies. Note that §§1051.605 and 1051.610 allow for vehicles or engines to be certified under part 86 or 1048. Note also that diesel-fueled engines used with all-terrain vehicles may be certified under part 89 or 1039 under the provisions of §1051.5.

-If not, see #6.

### 6. Does it have a spark-ignition engine?

§1054.801: Spark-ignition means relating to a gasoline-fueled engine or any other type of engine with a spark plug (or other sparking device) and with operating characteristics significantly similar to the theoretical Otto combustion cycle. Spark-ignition engines usually use a throttle to regulate intake air flow to control power during normal operation.

-If yes, see #7.

-If not, it is subject to standards for diesel engines (marine, locomotive, or other land-based nonroad).

### 7. Is it a marine vessel?

§1054.801: Marine vessel has the meaning given in 1 U.S.C. 3, except that it does not include amphibious vehicles [See #5]. The definition in 1 U.S.C. 3 very broadly includes every craft capable of being used as a means of transportation on water.

-If yes, part 91 or 1045 applies.

-If not, the engine is subject to standards for Small SI or Large SI engines, depending on the maximum engine power and total displacement.

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## Appendix B

### Glossary

Term	Definition
<b>Act</b>	The Clean Air Act, as amended (42 U.S.C 7401 <i>et seq.</i> ) requires EPA to regulate emissions from light-duty vehicles, light-duty trucks, motorcycles, and the engines used in heavy-duty vehicles and heavy-duty trucks. Violations of the Act can result in civil penalties of up to \$25,000 per violation.
<b>Bond</b>	A bond is a formal agreement by the importer to forfeit a specified sum of money, based on the value of the vehicle, engine, or equipment being imported, if he or she fails to adhere to the conditions of importation.
<b>Canadian version vehicle</b>	A vehicle manufactured for the Canadian market according to Canadian safety and emission standards.
<b>Carbon Monoxide (CO)</b>	A colorless, odorless, poisonous gas produced by incomplete fossil fuel combustion.
<b>Catalyst</b>	A substance that changes the speed or yield of a chemical reaction without being consumed or chemically changed by the chemical reaction.
<b>Catalytic converter</b>	An air pollution abatement device that removes pollutants from motor vehicle exhaust, either by oxidizing them into carbon dioxide and water or reducing them to nitrogen.
<b>Certificate of conformity</b>	The document issued to a vehicle manufacturer by EPA under section 206(a) of the Act. A certificate of conformity certifies that a particular class of motor vehicles conforms to the EPA requirements. Every class of motor vehicle introduced into U.S. commerce must have a certificate of conformity which is valid for only one model year of production.
<b>Certificate holder</b>	Manufacturer holding a valid certificate of conformity issued by EPA.
<b>Certified</b>	Covered by a Certificate of Conformity issued by EPA.
<b>Curb weight</b>	The weight of a vehicle with standard equipment and fluids, but not including options, driver, passengers or cargo.
<b>Customhouse broker</b>	Customs brokers are licensed by U.S. Customs and Border Protection (CBP) to conduct CBP business on behalf of importers. They take the burden of filling out paperwork and obtaining a Customs bond off of the importer's hands. There is no legal requirement for you to hire a Customs broker to clear your goods. However, many importers opt to do so for the convenience.
<b>Emissions test(ing)</b>	As used in this document, "emissions test" is used as a convenient abbreviation for the collection of all applicable Federal emission test procedures. This should not be confused with the much simpler and cheaper emissions tests that are required by many states, and conducted by garages and dealers.
<b>EPA-certified configuration</b>	An EPA-certified configuration is an Unaltered Vehicle manufactured in conformity with U.S. federal emission requirements, with a U.S. emissions compliance label in the engine compartment that identifies it in the English language as conforming to all EPA requirements.

(cont.)

## Glossary (cont.)

Term	Definition
<b>Excluded vehicle/engine</b>	Excluded vehicles or engines have been excluded from the emission requirements of the Clean Air Act. Reasons for exclusion include vehicle age (i.e., manufactured prior to the regulations), fuel type, maximum speed, competition or racing features, or lack of features associated with practical street or highway use.
<b>Exempt vehicle/engine</b>	Exempt vehicles or engines are those may fall into a category of engines or vehicles that are regulated under the EPA's emissions standards, but meet certain criteria that allow them to obtain an exemption from EPA's import requirement.
<b>Filler neck restrictor</b>	A device which narrows the filler neck to a vehicle's gas tank in order to prevent accidental use of leaded gas which is typically dispensed from a larger diameter filler nozzle than unleaded gasoline.
<b>Gas Guzzler Tax</b>	The Energy Tax Act of 1978 initially established a Gas Guzzler Tax on the sale of new vehicles whose fuel economy failed to meet certain statutory levels. Subpart F of 40 CFR Part 600 sets out the procedures for EPA's determination of the Gas Guzzler tax.
<b>Gross Vehicle Weight Rating (GVWR)</b>	The weight specified by the manufacturer as the loaded weight of a single vehicle. The loaded weight of the vehicle includes passengers, options, and cargo.
<b>Heavy-duty truck or vehicle engine (HDE)</b>	Any engine to be used in a heavy-duty truck or heavy-duty vehicle for the purpose of propelling the truck or vehicle.
<b>Heavy-duty Diesel Engine (HDDE)</b>	A heavy-duty engine that runs on diesel fuel.
<b>Heavy-duty Gasoline Engine (HDGE)</b>	A heavy-duty engine that runs on gasoline.
<b>Heavy-duty Vehicle (HDV) or Heavy-duty Truck (HDT)</b>	Any motor vehicle (including buses) having a GVWR of greater than 8,500 pounds, or curb weight of more than 6,000 pounds, or that has a basic vehicle frontal areas in excess of 45 square feet (40 CFR 86.1803-01)
<b>Hydrocarbon</b>	Chemical compounds that consist entirely of carbon and hydrogen.
<b>Independent Commercial Importer (ICI)</b>	A commercial importer of vehicles who is not an original equipment manufacturer (OEM) or does not have a contractual agreement with an OEM to act as its authorized representative for the distribution of vehicles in the U.S. market. An ICI is considered to be a manufacturer when it modifies a nonconforming vehicle.
<b>Light-duty truck (LDT)</b>	Any motor vehicle rated at 8,500 pounds GVWR or less which has a vehicle curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is: <ol style="list-style-type: none"> <li>(1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or</li> <li>(2) Designed primarily for transportation of persons and has a capacity of more than 12 persons, or</li> <li>(3) Available with special features enabling off-street or off-highway operation and use. (40 CFR 86.1803-01)</li> </ol>

(cont.)

## Glossary (cont.)

Term	Definition
<b>Light-duty vehicle (LDV)</b>	A passenger car or passenger car derivative capable of seating 12 passengers or less. (40 CFR 86.1803-01). <i>[Note: The federal "light-duty vehicle" definition is essentially identical to the California definition for "passenger car."]</i>
<b>Mini-Truck</b>	Mini-trucks are small trucks or vans, with an engine displacement below 1000 cubic centimeters and a maximum engine power of less than 30 Kilowatts (kW) with a maximum speed of 25 miles per hour or less.
<b>Model year</b>	The vehicle manufacturer's annual production period. (e.g., vehicles manufactured in January 1994 are considered to be part of the 1994 model year). If the manufacturer has no annual production period (e.g., the model year is not explicitly specified by the manufacturer for many vehicles manufactured for sale in foreign countries), the model year is considered to be the calendar year in which a vehicle is manufactured. For a vehicle modified by an ICI, the ICI's model year is the calendar year in which it modifies the vehicle.
<b>Nitrogen oxides (NO<sub>x</sub>)</b>	Nitrogen oxides are the product of combustion from transportation and stationary sources and a major contributor to the formation of ozone in the troposphere and to acid deposition.
<b>Non-conforming vehicle</b>	A vehicle that is not covered by a certificate of conformity prior to importation into the U.S. (either a final or conditional importation) and which has not been finally admitted into the United States by EPA. Vehicles claimed to be U.S. certified vehicles but driven overseas are generally presumed to be nonconforming until proven otherwise, including demonstration of the presence and proper functioning of all emission related components.
<b>Nonroad engine</b>	An internal combustion engine (including the fuel system) that is: 1) used in a nonroad vehicle, 2) installed in or on equipment that is self propelled and/or performs another function while propelling itself (e.g., lawnmower), or 3) portable or not at the same location for more than 12 consecutive months (e.g., generators). Nonroad engines do not include those used in a motor vehicle, or a vehicle used solely for competition, or that are subject to standards promulgated under Section 111 (New Source Performance Standards) or Section 202 of the Clean Air Act (40 CFR 89.2).
<b>Nonroad vehicle</b>	A vehicle that is not capable of being safely and practically driven on public roads or highways, including both off-road/recreational vehicles (such as snowmobiles and off-highway motorcycles) and other vehicles with features including, but not limited to, tracked road contact means, inordinate size, or features ordinarily associated with military combat or tactical vehicles such as armor and/or weaponry, (EPA regards vehicles that exceed any of the Federal weight or dimensional limitations placed on vehicles using the Interstate Highway System to be of an inordinate size).
<b>Non-U.S. version vehicle</b>	A vehicle that is not certified and labeled by the U.S. EPA as meeting U.S. emission standards.
<b>Off-road vehicle</b>	Vehicles that do not exceed an ungoverned speed of 25 miles per hour, lack features customarily associated with safe and practical street or highway use, or exhibit features that make its use on a street or highway unsafe, impractical, or highly unlikely.
<b>Original equipment manufacturer</b>	The manufacturer that originally produced the vehicle or heavy-duty engine (e.g., Ford, Mercedes Benz, etc.)
<b>Oxygen sensor</b>	A sensor in the engine exhaust system that measures the concentration of oxygen in the exhaust gas.

(cont.)

## Glossary (cont.)

Term	Definition
<b>Original production (OP) years old</b>	A vehicle's age, determined by subtracting the calendar year in which it was originally manufactured from the calendar year of importation (e.g., a vehicle built by a European manufacturer in 2002 and imported into the U.S. in 2004 would be two original production years old).
<b>Port of entry</b>	The port where a vehicle or engine enters the United States.
<b>Racing vehicle</b>	A vehicle that has in general been extensively modified for racing, and is incapable of safe and practical street or highway use because it lacks features associated with this type of use.
<b>U.S. Customs and Border Protection</b>	Customs and Border Protection is part of the U.S. Department of Homeland Security that is (among other duties) responsible for regulating imports of engines and vehicles. For further information, see <a href="http://www.cbp.gov/">http://www.cbp.gov/</a> .
<b>Vacuum hoses</b>	Vacuum hoses are part of an engine's emissions control system.
<b>Useful life</b>	The legal life of a vehicle during which the manufacturer is responsible for meeting emission requirements and offering an emissions warranty (i.e., For cars built from January 1, 1968 to the 1993 model year, the useful life is five years or 50,000 miles, whichever ever occurs first. A longer useful life of ten years or 100,000 miles which ever occurs first, has been phased in with the 1994 model years).
<b>Vehicle</b>	As used in this manual, "vehicle" is used as a convenient abbreviation for the collection of all categories of motor vehicles and motor vehicle engines. Specifically, it includes cars, motorcycles, light-duty trucks, heavy-duty vehicles, heavy-duty trucks, and heavy-duty engines.
<b>Vehicle emissions label</b>	The EPA vehicle emissions label is entitled "Vehicle Emission Control Information" and will contain the name and trademark of the manufacturer and an unconditional statement of compliance with EPA emission regulations.



**United States Environmental Protection Agency  
Declaration Form**

**Importation of Motor Vehicles and Motor Vehicle Engines Subject to Federal Air Pollution Regulations**

U.S. E.P.A., Compliance & Innovative Strategies Division, 2000 Traverwood Drive, Ann Arbor, MI 48105 <http://www.epa.gov/otaq/imports> Phone (734) 214-4100; Fax (734) 214-4676.

**This form must be submitted to the U.S. Customs and Border Protection (Customs) (42 USC 7522, 7601: 19 CFR 12.73) for each motor vehicle (including motorcycles, disassembled vehicles, kit cars, light-duty vehicle/motorcycle engines) imported into the U.S., except that this form is not required for motor vehicles that are imported by their original manufacturer and are new and are covered by an EPA certificate of conformity and bear an EPA emission control label. One form per shipment may be used, with attachments including all information required to fully describe each vehicle or engine as below. Check the box below indicating the provisions under which you are importing this vehicle or engine. Offroad vehicles/engines and heavy-duty engines must use form 3520-21. Note: Although only imports using codes G, I, K, L, M-3, and O require specific written authorization from EPA, Customs may request EPA review of importer documentation and eligibility for any import using this form. A nonconforming vehicle that is ineligible for the exemptions or exclusions listed below, must be imported through an independent commercial importer (ICI) under codes A, C, J, or Z. For codes A, C, J, and Z, EPA does not authorize the release to the vehicle owner.**

**Penalties:** Any person who knowingly makes any false or fraudulent statement, or omits or conceals a material fact can be fined up to \$250,000 or imprisoned for up to 5 years, or both (18 USC 1001). Any person who improperly imports a motor vehicle (including a motorcycle) or engine may be fined up to \$32,500 per vehicle or engine (42 USC 7524), and may be subject to forfeiture of the entire importation bond, if applicable (40 CFR 85.1513), and the U.S. Customs Service may seize the vehicle or engine (19 CFR 162.21).

**Description and Declaration of Motor Vehicle or Motor Vehicle Engine (Note: Heavy-duty Engines must use form 3520-21)**

1. Port code:	2. Entry date: (mm/dd/yyyy)	3. Customs entry number:	4. Vehicle Identification Number (VIN), or engine serial number:
5. Manufacture date (mm/yyyy):		6. Manufacturer (make):	7. Model:
8. ICI imports only, codes A, C, J, Z - EPA certificate no., model year and expiration date of applicable certificate:			

**Names, Addresses, and Telephone Numbers of Relevant Parties**

**Certification:** I certify that I have read and understand the purpose of this form, the penalties for falsely declaring information, or for providing misleading information, or for concealing a material fact. The information I have provided is correct, and all required attachments are appended to this form. I authorize EPA Enforcement Officers to conduct inspections or testing permitted by the Clean Air Act. I am the owner, importer, or agent for the owner or importer.

9. Importer (code B: must be certificate holder or their agent for shipments of new vehicles prior to introduction into commerce; codes A, C, J, Z: must be ICI):	10. Owner:	11. Storage location:	12. Signature:  ----- 13. Date:  ----- 14. Name, company and phone (type or print):
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**U.S. conforming and "identical" vehicles**

- code B - U.S. certified** - unmodified vehicle bearing a U.S. EPA emission control label in engine compartment (or on motorcycle frame) in English.
- code F - U.S. certified, catalyst restoration** - U.S. certified vehicle as described above, except that the catalyst, oxygen sensors or fuel filler neck restrictor were removed or damaged. The importer attests that the catalyst and oxygen sensors and fuel filler neck restrictor, as applicable, will be re-installed or replaced after importation. If leaded gasoline was used, the importer attests that after importation (1) the fuel tank will be drained and refilled with unleaded gasoline, (2) the catalyst and oxygen sensors, if they were left on the vehicle during use of the leaded gasoline, will be replaced, and (3) the fuel filler neck restrictor will be checked and replaced as necessary. No bond or EPA approval is required.
- code EE - identical in all material respects to a U.S. certified version** - either 1) **Canadian** vehicle (proof required e.g. Canadian emission control label, registration or title, or letter from the U.S. or Canadian manufacturer representative on letterhead verifying manufacture for sale in Canada) on EPA list of Canadian "identical" models, or 2) **vehicle from any country** with letter attached to this form from the manufacturer's U.S. representative on letterhead (not a dealer or mechanic) stating that the vehicle is identical to a U.S. EPA certified version with respect to emissions. The importer attests that vehicle is being imported for purposes other than resale or lease. For import of "identical" Canadian vehicles for resale, use **code FF**.
- code FF - Canadian "identical" models imported for resale or lease** - Canadian vehicle as described above appearing on EPA list of Canadian "identical" models, imported for resale or lease. The importer attests that the importer will satisfy applicable labeling, warranty and CAFÉ requirements as specified by EPA.

**EPA exempted vehicles**

- code M - miscellaneous exemption**, either 1) **Canadian** vehicle as described above (proof required) and the importer is either permanently emigrating to the U.S. or will reside in the U.S. for greater than one year under a worker or student visa, or 2) Canadian vehicle received by U.S. resident through inheritance, or 3) EPA hardship letter based on unforeseen and extraordinary circumstances is attached to this form.
- code E - vehicle at least 21 years old** (calendar year of manufacture subtracted from year of importation) and in original unmodified configuration is either exempted or excluded from EPA emission requirements, depending on age. Vehicles at least 21 years old with replacement engines are not eligible for this exemption unless they contain equivalent or newer EPA certified engines. Customs may require proof of vehicle age.

ATTACHMENT 2



United States  
Environmental Protection Agency

**Excluded vehicles**

- code L - racing vehicle** as determined by EPA and may not be registered or licensed for use on or operated on public roads or highways (40 CFR 85.1511(e)). **EPA letter of approval must be attached to this form.**
- code U -2005 model year (or older) motorcycle, scooter or moped** with engine displacement less than 50cc and with rated speed greater than 5000 rpm.
- code W - non-chassis-mounted engine** to be used in a light-duty vehicle or light-duty truck or motorcycle which is currently covered by an EPA certificate or will be covered by an EPA certificate prior to introduction into commerce.
- code Y - unregulated fuel** - a vehicle that: (1) for model years earlier than 1991 operates on fuel other than gasoline or diesel fuel, or (2) for 1991- 1996 model years operates on fuel other than gasoline or diesel or methanol fuel, or (3) for 1997 and later model years operates on fuel other than gasoline or diesel or methanol or ethanol or compressed natural gas (CNG) or liquid petroleum gas (LPG), including propane. This exemption does not apply to 2004 and later model year vehicles.

**Temporary imports**

- code G** - imported for **repair or alteration** in accordance with 40 CFR 85.1511(b)(1). May not be registered or licensed for use on, or operated on public roads or highways, or sold or leased in the U.S. **Customs bond required.** EPA requests that the vehicle be bonded for at least its full value. EPA letter of approval must be attached to this form.
- code I** - imported for **testing** purposes in accordance with 40 CFR 85.1511(b)(2). May not be registered or licensed for use on or operated on public roads or highways (except operation that is integral to the purpose of the testing program) or sold or leased in the U.S. **Customs bond required.** EPA requests that the vehicle be bonded for at least its full value. EPA letter of approval must be attached to this form.
- code K** - imported for **display** (solely for public or business purposes, and not for private purposes or U.S. market sales promotions) in accordance with 40 CFR 85.1511(b)(4). May not be registered or licensed for use on or operated on public roads or highways (except operation that is integral to the purpose of the display) or sold or leased in the U.S. **Customs bond required.** EPA requests that the vehicle be bonded for at least its full value. EPA letter of approval must be attached to this form.
- code N** - imported for up to one year by member of the armed forces or personnel of a foreign government on assignment to the U.S., for whom free entry has been authorized in writing by the U.S. Department of State, or a member of the armed forces of a foreign country with official orders for duty in the U.S.
- code O** - imported by nonresident for personal use by an individual for a period up to a year. EPA letter of approval must be attached to this form.

**Independent commercial importer (ICI) imports**

- code A** - imported by an ICI for modifications in accordance with a valid EPA certificate of conformity issued for the specific make, model, and model year in accordance with 40 CFR 85.1505.
- code C** - imported by an ICI for modification and testing in accordance with 40 CFR 85.1509. Vehicle must be at least 6 years old.
- code J** - imported by an ICI for the purpose of pre-certification testing in order to obtain an EPA certificate of conformity. No EPA approval is required. The ICI has 180 days to obtain a certificate or export (40 CFR 85.1511(b)(3)). **Customs bond required.**
- code Z** - imported by an ICI for the purpose of modifying to be identical to an original equipment manufacturer (OEM) certified version in accordance with written instructions from the OEM that are specific to the vehicle being imported.

**OEM imports**

- code H** - imported, owned, and controlled directly by an original equipment manufacturer (OEM) on EPA list of OEM certificate holders provided to Customs, for research, development or testing purposes in accordance with 40 CFR 85.1706. This is a temporary exemption without time limit. If the vehicle is subsequently covered by an applicable EPA certificate of conformity, it is released from the restrictions of this exemption.
- code Q** - imported, owned, and controlled directly by an original equipment manufacturer (OEM) on EPA list of OEM certificate holders provided to Customs, for storage pending receipt of the applicable EPA certificate of conformity, which is pending and imminent. Use of this code is no longer permitted once EPA has issued the applicable certificate of conformity.

**U.S. Department of Transportation Requirements**

**Note:** Importers of vehicles that are primarily manufactured for use on public roads must also file an HS-7 Declaration form to identify the basis for the vehicle's admission under the laws administered by the U.S. Department of Transportation. For more information, see [www.nhtsa.dot.gov/cars/rules/import/](http://www.nhtsa.dot.gov/cars/rules/import/).

**Paperwork Reduction Act Notice**

This information is collected to ensure that motor vehicles and engines imported into the U.S. conform with applicable emission requirements. Responses to this collection are mandatory (40 CFR 85.1501 et seq., and Clean Air Act Sections 203 and 208). Information submitted to the Agency under a claim of confidentiality will be safeguarded according to policies set forth in Title 40, Chapter 1, Part 2, Subpart B. The public reporting and recordkeeping burden for this collection of information is estimated to average 30 minutes per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.



## EPA Form 3520-21



### United States Environmental Protection Agency Engine Declaration Form Importation of Engines, Vehicles, and Equipment Subject to Federal Air Pollution Regulations

U.S. EPA, Certification & Compliance Division, 2000 Traverwood Dr., Ann Arbor, Michigan 48105. (734) 214-4100; [imports@epa.gov](mailto:imports@epa.gov); [www.epa.gov/otaq/imports/](http://www.epa.gov/otaq/imports/)

This form must be prepared by the importer for each imported stationary, nonroad or heavy-duty highway engine, including engines incorporated into vehicles or equipment. Note that references in this form to engines generally include vehicles or equipment if they are subject to equipment-based standards. One form per engine or group of engines in a shipment may be used, with attachments including all information required to fully describe each engine as below. Provide a duplicate form and attachments to the U.S. Customs Service upon request (42 U.S.C. 7522, 7601, 19 CFR 12.73 or 12.74). This form must be retained for five years from the date of entry (19 CFR 163.4). Additional requirements may apply in California. NOTE: While certain imports require specific written authorization from EPA, Customs may request EPA review of importer documentation and eligibility for any import using this form. For light-duty motor vehicles, highway motorcycles, and the corresponding engines, use form 3520-1. This form does not apply to aircraft engines.

Identify the type of highway, nonroad, or stationary engine, vehicle, or equipment you are importing from the following list of products:

- A. Heavy-duty highway engines (for use in motor vehicles with gross vehicle weight rating above 8500 pounds). See 40 CFR parts 85 and 86.
- B. Locomotives or locomotive engines. See 40 CFR parts 1033 and 1068.
- C. Marine compression-ignition engines. See 40 CFR part 94 or 40 CFR parts 1042 and 1068. This includes propulsion engines and auxiliary engines installed on marine vessels.
- D. Other nonroad compression-ignition engines. See 40 CFR part 89 or 40 CFR parts 1039 and 1068.
- E. Marine spark-ignition engines. See 40 CFR part 91 or 40 CFR parts 1045 and 1068.
- F. Recreational engines and vehicles, including snowmobiles, off-highway motorcycles, all-terrain vehicles, and offroad utility vehicles that are subject to the same emission standards as all-terrain vehicles. See 40 CFR parts 1051 and 1068.
- G. Other nonroad spark-ignition engines at or below 19 kW (or at or below 30 kW if total displacement is at or below 1000 cc). See 40 CFR part 90 or 40 CFR parts 1054 and 1068.
- H. Other nonroad spark-ignition engines above 19 kW. See 40 CFR parts 1048 and 1068.
- I. Stationary compression-ignition engines with displacement below 30 liters per cylinder. See 40 CFR part 60, subpart IIII.
- J. Stationary spark-ignition engines. See 40 CFR part 60, subpart JJJJ.

Check one of the following Codes to indicate the provision under which you are importing the engine, vehicle, or equipment:

- 1. U.S. certified engine or engine installed in a certified vehicle, covered by a valid U.S. EPA certificate of conformity and bearing a U.S. EPA emission control label in English. Starting January 1, 2010, Category G engines may need to be covered by a bond; see 40 CFR 90.1007.

#### Permanent Exemptions for Nonconforming Engines

- 2. National security. Importing a labeled (where applicable) engine subject to the provisions of 40 CFR 1068.315(a), 85.1511(c)(1), 89.611(c)(1), 90.612(c)(1), 91.704(c)(1), or 94.804(c)(1). For certain types of tactical equipment, this exemption may require prior EPA approval.
- 3. Manufacturer-owned engine. Importing a labeled engine by an engine manufacturer holding a current U.S. EPA certificate of conformity, subject to the provisions of 40 CFR 1068.315(b), 85.1706, 89.906, 90.906, 91.1006, or 94.906.
- 4. Replacement engine. Importing a labeled engine by an engine manufacturer holding a current U.S. EPA certificate of conformity subject to the provisions of 40 CFR 1068.315(c), 85.1714, 89.1003(b)(7), 90.1003(b)(5), 91.1103(b)(4), or 94.1103(b)(3). This exemption does not apply to locomotive engines.
- 5. Extraordinary circumstances/hardship. Importing a labeled engine subject to the provisions of 40 CFR 1068.315(d), 85.1511(c)(2), 89.611(c)(2), 90.612(c)(2), or 1033.620. An EPA letter of approval must be attached to this form.
- 6. Hardship for small-volume manufacturers. Importing a labeled engine subject to the provisions of 40 CFR 1068.315(e) or 94.209(b). An EPA letter of approval must be attached to this form.
- 7. Equipment-manufacturer hardship. Importing a labeled engine subject to the provisions of 40 CFR 1068.315(f), 89.102(f), or 94.209(b), or 1033.620. This may also apply to secondary engine manufacturers. An EPA letter of approval must be attached to this form.
- 8. Identical configuration. Importing an engine subject to the provisions of 40 CFR 1068.315(h), 89.611(c)(3), 90.612(c)(3), or 91.704(c)(2). Such an engine must be identical in all material respects to a U.S.-certified version as demonstrated by letter from the engine-manufacturer contact on the Customs list, subject to EPA review at Customs' discretion. This exemption does not apply to locomotives or to stationary, highway, or marine compression-ignition engines. The applicable regulations may require that you own the engine for a certain period before and after importation.
- 9. Ancient engine. Importing an engine first manufactured at least 21 years earlier that is still in its original configuration, subject to the provisions of 40 CFR 1068.315(i), 89.611(f)(2), or 90.612(f)(2). This exemption does not apply to locomotives or to stationary, highway, or marine engines.

#### Temporary Exemptions for Nonconforming Engines

The following temporary exemptions apply for importing nonconforming engines. EPA requests bonding with the U.S. Customs Service for the full value of the imported products to make sure you comply with applicable requirements.

- 10. Repairs or alterations. Importing an engine for repair or alteration subject to the provisions of 40 CFR 1068.325(a), 85.1511(b)(1), 89.611(b)(1), 90.612(b)(1), 91.704(b)(1), or 94.804(b)(1).
- 11. Testing. Importing an engine for testing subject to the provisions of 40 CFR 1068.325(b), 85.1511(b)(2), 89.611(b)(2), 90.612(b)(2), 91.704(b)(2), or 94.804(b)(2). Appropriate labeling is required for some engines and recommended for all engines. An EPA letter of approval may be required.
- 12. Display. Importing an engine for display subject to the provisions of 40 CFR 1068.325(c), 85.1511(b)(4), 89.611(b)(4), 90.612(b)(3), 91.704(b)(3), or 94.804(b)(3). Appropriate labeling is required for some engines and recommended for all engines.
- 13. Export. Importing an engine for eventual export, subject to the provisions of 40 CFR 1068.325(d), 85.1709, 89.909, 90.909, 91.1009, or 94.909. NOTE: The engine and/or shipping container must be labeled or tagged to identify them as solely for export.
- 14. Diplomatic or military. Importing an engine subject to the provisions of 40 CFR 1068.325(e), 85.1511(d), 89.611(d), 90.612(d), or 91.704(d). This exemption is limited to members of the armed forces or personnel of a foreign government on assignment to the U.S. for whom free entry has been authorized in writing by the U.S. Department of State, or for members of the armed forces of a foreign country with official orders for duty in the U.S. This exemption does not apply to locomotive or marine compression-ignition engines.
- 15. Delegated assembly. Importing a labeled engine for delegated assembly subject to the provisions of 40 CFR 1068.325(f), 85.1713, or 1033.630. This exemption does not apply to handheld spark-ignition engines or engines for recreational vehicles.
- 16. Partially complete engine. Importing an engine not yet in its final configuration covered by a certificate of conformity (or an engine that will be installed in a vehicle covered by a certificate of conformity), or importing an engine that will be installed in an application not yet subject to EPA emission standards (see Code 17), subject to the provisions of 40 CFR 1068.325(g). This also applies to an engine covered by a valid exemption. A certificate holder may also import a partially complete engine from its foreign facility to its U.S. facility as described in 40 CFR 1068.325(g).

EPA Form 3520-21 (Rev. 03-09). This form approved under OMB control number 2060-0320 until Dec. 31, 2011.

Customs entry no: xxxxxxxxxx

Pg 1 of 2

**Importation of Engines Excluded from U.S. EPA Emission Standards**

- 17. Engine manufactured before emission standards started to apply.** These engines must generally have already been placed into service. See the attached schedule. Note that standards apply for spark-ignition sterndrive/inboard engines starting in model year 2010. Note also that 40 CFR 1068.360 disallows importation of new engines not certified to current standards if the model year is more than one year before the year of importation.
- 18. Competition engine.** The engine must be used solely for competition, subject to the provisions of 40 CFR 1068.310(a), 85.1511(e), 89.611(e), 90.612(e), 91.704(e), or 94.804(c)(2). An EPA letter of approval must be attached to this form.
- 19. Stationary compression-ignition engine with displacement at or above 30 liters per cylinder or stationary spark-ignition engine above 19 kW that is not designed to run on gasoline or, if rich-burn, on liquified petroleum gas.** These stationary engines are subject to EPA emission standards under 40 CFR Subparts IIII and JJJJ, but are not required to be certified. The engine must be used in a stationary manner. See 40 CFR 60.4219, 60.4248 and 1068.310(b). The engine must be labeled as described in 40 CFR 1039.20 or 1048.20, as applicable. NOTE: Stationary engines may be subject to state or local regulations.
- 20. Underground mining.** Engine must be used in underground mining and regulated by the Mining Safety and Health Administration (MSHA). See 40 CFR 89.1 and 1039.5; see also 30 CFR parts 7, 31, 32, 36, 56, 57, 70, and 75. For compression-ignition engines only.
- 21. Hobby engine.** Engine must be used to power a reduced-scale model of a vehicle not capable of transporting a person. See 40 CFR 1068.310(c), 89.1(b)(5), and 90.1(d)(6).

**Exemptions for Specific Engine Categories or Other Special Cases**

- 22. Transition Program for Equipment Manufacturers.** Importing a piece of equipment, subject to the provisions of 40 CFR 89.102 or 40 CFR 1039.625 and 1039.626 (Category D only). Maximum engine power: \_\_\_\_\_  kW  HP (or identify the regulatory power category).
  - 23. Personal-use exemption for small spark-ignition engines.** Importing three or fewer nonroad spark-ignition engines at or below 19 kW for purposes other than resale, where the importer has not used this exemption in the previous five years, subject to the provisions of 40 CFR 1054.630.
  - 24. Engine imported by an Independent Commercial Importer recognized by EPA.** Only for Categories A and D above.
    - 24a. For modification under an EPA certificate issued for the specific make, model, and model year under 40 CFR 85.1505, 89.605 or 1039.660.
    - 24b. For modification and testing according to 40 CFR 85.1509, 89.609, or 1039.660. NOTE: The imported engine must be at least 6 years old.
    - 24c. For precertification testing to obtain an EPA certificate under 40 CFR 85.1511(b)(3), 89.611(b)(3), or 1039.660. NOTE: Customs bond is required. Specify location of storage (required): \_\_\_\_\_
- NOTE: Under 24a and 24b, you may import up to five highway engines and five nonroad engines in a given model year that are certified to standards based on an engine's original production year. You may import any number of engines certified to standards that apply based on the year the engine is modified. See 40 CFR 85.1503 and 89.603.
- 25. Other exemption.** Describe the exemption, attach EPA approval (if applicable), and identify the regulatory cite: \_\_\_\_\_

**Declaration of Stationary, Nonroad or Heavy-duty Highway Engine, Nonroad Vehicle or Equipment, or Stationary Equipment**

Port code:  xxxx	Customs entry no:  xxxxxxxxxxxxxx	Entry date:  mm/dd/yyyy	Engine manufacturer, model and serial number of each engine; for certified engines or vehicles, identify the engine family name:
Identify the engine (or vehicle) build date:  __mm__ month __yyyy__ year <input type="checkbox"/> on engine <input type="checkbox"/> other (explain)		Vehicle or equipment manufacturer, model, serial number, and type of equipment (if applicable):	
<b>Names, Addresses, and Telephone Numbers of Relevant Parties</b>			
<p><b>Certification:</b> I certify that I have read and understand the purpose of this form, the penalties for falsely declaring information, for providing misleading information, or for concealing a material fact. The information I have provided is correct, and all required attachments are appended to this form. I authorize EPA Enforcement Officers to conduct inspections or testing permitted by the Clean Air Act. I am the owner, the importer, or an agent of the owner or importer.</p>			
Signature:		Printed name:	Date: mm/dd/yyyy
Identify the name, address, phone number, and e-mail address for the importer, broker, and owner as applicable:			
Importer (required):		Broker (optional):	Owner (optional):

**Penalties:** (1) Anyone who knowingly makes any false or fraudulent statement, or omits or conceals a material fact can be fined up to \$270,000 or imprisoned for up to 5 years, or both (18 U.S.C. 1001). Anyone who illegally imports an engine may be fined up to \$32,500 per engine (42 U.S.C. 7524), and may be subject to forfeiture of the entire importation bond, if applicable (40 CFR 1068.335, 89.612, 90.613, 91.705, 94.805), and the engine is subject to seizure by Customs (19 CFR 162.21). (2) Anyone who distributes in commerce, sells, offers for sale, or introduces into commerce an engine subject to EPA certification requirements but not covered by a certificate of conformity, may be fined up to \$32,500 per violation (40 CFR 1068.101(a), 89.1006, 90.1006, 91.1106, 94.1106). (3) Any person who circumvents or attempts to circumvent residence-time requirements for stationary engines may be fined up to \$32,500 per day of violation (40 CFR 1068.101(b)(3), 89.1006(a)(5), 90.1006(a)(5)). **Information collection:** This information is collected to ensure that engines imported into the U.S. conform with applicable emission requirements. Responses to this collection are mandatory (Clean Air Act sections 202, 203, and 208). Information submitted to the Agency under a claim of confidentiality will be safeguarded as described in 40 CFR part 2. The public reporting and recordkeeping burden for this collection of information is estimated to average 30 minutes per response. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822), 1200 Pennsylvania Ave., NW, Washington, DC 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

**Schedule for Application of New Emission Standards for Certifying Engines and Vehicles**

Engine category	Engine subcategory	Manufacturing date after which emission standards start to apply
A. Heavy-duty highway engines	—	Model year 1970
B. Locomotives or locomotive engines	—	January 1, 1973
C. Marine compression-ignition engines at or above 37 kW	Commercial: displacement < 0.9 L/cyl	Model year 2005
	Commercial: 0.9 ≤ displacement < 2.5 L/cyl	Model year 2004
	Commercial: displacement ≥ 2.5 L/cyl	Model year 2007
	Recreational: displacement < 0.9 L/cyl	Model year 2007
	Recreational: 0.9 ≤ displacement < 2.5 L/cyl	Model year 2006
	Recreational: 2.5 ≤ displacement < 5.0 L/cyl	Model year 2009
D. Other nonroad compression-ignition engines.	Marine compression-ignition engines: Power < 19 kW	January 1, 2000
	Marine compression-ignition engines: 19 kW ≤ Power < 37	January 1, 1999
	Nonroad engines: Power < 19 kW	January 1, 2000
	Nonroad engines: 19 kW ≤ Power < 37	January 1, 1999
	Nonroad engines: 37 kW ≤ Power < 75	January 1, 1998
	Nonroad engines: 75 kW ≤ Power < 130	January 1, 1997
	Nonroad engines: 130 kW ≤ Power ≤ 560	January 1, 1996
	Nonroad engines: Power > 560 kW	January 1, 2000
E. Marine spark-ignition engines.	Outboard	Model year 1998
	Personal watercraft	Model year 1999
	Stern-drive/inboard	Model Year 2010
F. Recreational spark-ignition engines and vehicles	—	Model year 2006
G. Other nonroad spark-ignition engines at or below 19 kW	—	Model year 1997
H. Other nonroad spark-ignition engines above 19 kW	—	Model year 2004
I. Stationary compression-ignition engines	—	April 1, 2006
J. Stationary spark-ignition engines	All engines with maximum engine power ≤ 19 kW Non-emergency engines with maximum engine power between 19 and 373 kW	July 1, 2008
	Non-emergency engines with maximum engine power ≥ 373 kW	July 1, 2007
	Emergency engines with maximum engine power > 19 kW	January 1, 2009

## Decision flowchart for vehicles

### 1. Is it a motor vehicle?

§85.1703: A vehicle which is self-propelled and capable of transporting a person or persons or any material or any permanently or temporarily affixed apparatus shall be deemed a motor vehicle, unless any one or more of the criteria set forth below are met, in which case the vehicle shall be deemed not a motor vehicle:

- The vehicle cannot exceed a maximum speed of 25 miles per hour over level, paved surfaces; or
- The vehicle lacks features customarily associated with safe and practical street or highway use, such features including, but not being limited to, a reverse gear (except in the case of motorcycles), a differential, or safety features required by state and/or federal law; or
- The vehicle exhibits features which render its use on a street or highway unsafe, impractical, or highly unlikely, such features including, but not being limited to, tracked road contact means, an inordinate size, or features ordinarily associated with military combat or tactical vehicles such as armor and/or weaponry.

-If yes, 40 CFR parts 85 and 86 apply.

-If not, see #2.

### 2. Is it an off-highway motorcycle or snowmobile?

§1051.801: Off-highway motorcycle means a two-wheeled vehicle with a nonroad engine and a seat (excluding marine vessels and aircraft). (Note: highway motorcycles are regulated under 40 CFR part 86.)

§1051.801: Snowmobile means a vehicle designed to operate outdoors only over snow-covered ground, with a maximum width of 1.5 meters or less.

-If yes, part 1051 applies. Note that §§1051.605 and 1051.610 allow for vehicles or engines to be certified under part 86 or 1048. Note also that diesel-fueled engines used with off-highway motorcycles or snowmobiles may be certified under part 89 or 1039 under the provisions of §1051.5.

-If not, see #3.

### 3. Is it an offroad utility vehicle?

§1051.801: Offroad utility vehicle means a nonroad vehicle that has four or more wheels, seating for two or more persons, is designed for operation over rough terrain, and has either a rear payload capacity of 350 pounds or more or seating for six or more passengers. Vehicles intended primarily for recreational purposes that are not capable of transporting six passengers (such as dune buggies) are not offroad utility vehicles. (Note: §1051.1(a) specifies that some offroad utility vehicles are required to meet the requirements that apply for all-terrain vehicles.)

-If yes, see #4.

-If not, see #5.

### 4. Is the offroad utility vehicle subject to part 1051?

§1051.1(a)(4) Offroad utility vehicles with engines with displacement less than or equal to 1000 cc, maximum engine power less than or equal to 30 kW, and maximum vehicle

speed higher than 25 miles per hour. Offroad utility vehicles that are subject to this part are subject to the same requirements as ATVs. This means that any requirement that applies to ATVs also applies to these offroad utility vehicles, without regard to whether the regulatory language mentions offroad utility vehicles.

-If yes, part 1051 applies. Note that §§1051.605 and 1051.610 allow for vehicles or engines to be certified under part 86 or 1048. Note also that diesel-fueled engines used with offroad utility vehicles may be certified under part 89 or 1039 under the provisions of §1051.5.

-If not, see #6.

### 5. Is it an all-terrain vehicle?

§1051.801: All-terrain vehicle means a land-based or amphibious nonroad vehicle that meets either of the following criteria:

- (1) Vehicles designed to travel on four low pressure tires, having a seat designed to be straddled by the operator and handlebars for steering controls, and intended for use by a single operator and no other passengers are all-terrain vehicles.
- (2) Other all-terrain vehicles have three or more wheels and one or more seats, are designed for operation over rough terrain, are intended primarily for transportation, and have a maximum vehicle speed of 25 miles per hour or higher. Golf carts generally do not meet these criteria since they are generally not designed for operation over rough terrain.

NOTE: Amphibious vehicle means a vehicle with wheels or tracks that is designed primarily for operation on land and secondarily for operation in water.

-If yes, part 1051 applies. Note that §§1051.605 and 1051.610 allow for vehicles or engines to be certified under part 86 or 1048. Note also that diesel-fueled engines used with all-terrain vehicles may be certified under part 89 or 1039 under the provisions of §1051.5.

-If not, see #6.

### 6. Does it have a spark-ignition engine?

§1054.801: Spark-ignition means relating to a gasoline-fueled engine or any other type of engine with a spark plug (or other sparking device) and with operating characteristics significantly similar to the theoretical Otto combustion cycle. Spark-ignition engines usually use a throttle to regulate intake air flow to control power during normal operation.

-If yes, see #7.

-If not, it is subject to standards for diesel engines (marine, locomotive, or other land-based nonroad).

### 7. Is it a marine vessel?

§1054.801: Marine vessel has the meaning given in 1 U.S.C. 3, except that it does not include amphibious vehicles [See #5]. The definition in 1 U.S.C. 3 very broadly includes every craft capable of being used as a means of transportation on water.

-If yes, part 91 or 1045 applies.

-If not, the engine is subject to standards for Small SI or Large SI engines, depending on the maximum engine power and total displacement.



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

99-005

[REDACTED]  
[REDACTED] COURT  
FAIRFAX, VA [REDACTED]

APR 28 1997

OFFICE OF  
AIR AND RADIATION

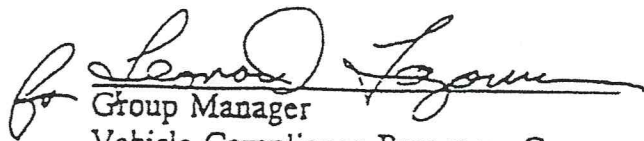
Dear Vehicle Owner:

This letter is in response to your recent inquiry regarding the compliance status of an imported vehicle. Our records indicate that although the Environmental Protection Agency (EPA) may lack sufficient information to determine whether the vehicle described below meets Federal emission requirements, the vehicle has been exempted or excluded from EPA importation requirements and has been or is eligible to be finally admitted into the United States.

1983 MERCEDES BENZ 280TE  
VIN: WDB [REDACTED]

If importing the vehicle, you must attach a copy of this letter to the EPA entry form 3520-1 provided to the U.S. Customs Service (Customs), and should keep the original for your records. This letter may be needed for future registration or sale of the vehicle, and therefore we advise you to keep a copy with the vehicle registration, and furnish it to future purchasers of the vehicle. This letter does not release the importer from the obligation to comply with Federal safety standards, pay applicable gas guzzler taxes or comply with applicable state or local emission requirements, nor does any other letter issued by EPA exempt an importer from these requirements.

Sincerely yours,

  
Group Manager  
Vehicle Compliance Programs Group  
Vehicle Programs & Compliance Division

1-C (3/96)

ATTACHMENT 4



# Importing Vehicles and Engines

You are here: [EPA Home](#) [Transportation and Air Quality](#) [Importing Vehicles and Engines](#) EPA Kit Car Policy

## EPA Kit Car Policy

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July 8, 1994 -

Previous versions are obsolete

The following represents a clarification of EPA's policy concerning the regulation of imported and domestically produced kit cars and kit car packages. Kit vehicles are understood by EPA to typically involve new bodies, used drivetrains and new or used chassis. Used components may or may not be refurbished. This policy applies to kits or assembled kit cars only. This policy does not apply to regular production vehicles offered for importation into or produced in the United States.

1. Fully-assembled kit cars are "motor vehicles" under the Clean Air Act. Complete kit car packages are also "motor vehicles" under the Clean Air Act. These are packages which contain all of the major components needed for assembly (i.e., body, chassis, engine and transmission). As "motor vehicles" they are subject to all applicable emission regulations. If an assembled kit car or complete kit car package is offered for importation and the kit is not covered by an EPA certificate of conformity issued to an original equipment manufacturer, an EPA Form No. 3520-1 must be filed at the port of entry and the vehicle must be imported by an Independent Commercial Importer (ICI) eligible to import such vehicles or kits. The ICI then must ensure that the vehicle or kit complies with all applicable emission requirements.
2. An assembled kit car or complete kit car package which meets the following guidelines will be considered to be a rebuilt vehicle of a previously certified configuration and will be considered to be covered by that configuration's original EPA certificate of conformity.
  - a. The components of the drivetrain (engine, transmission, differential) must be exclusively or substantially used and/or rebuilt. **Regardless of the combination of new and used components, the engine must be used or used and rebuilt.** The engine block and cylinder head(s) must be used, other components of the engine may be new. "Used" means the component has been in a vehicle that has been titled to an ultimate purchaser. A rebuilt component is defined as a used component which has been refurbished with new or other used parts.
  - b. All emission-related components and settings must conform in all material respects to those of one previously certified configuration. Therefore, all part numbers for the emission-related components of a fully assembled kit vehicle or complete kit car package must match or be traceable to the numbers specified in the application for certification of a previously certified configuration.
  - c. Consistent with EPA Advisory Circular (AC) 64, which deals with modifications performed before sale to the ultimate purchaser, the vehicle weight of the kit configuration can be no more than 500 pounds greater than the weight of the originally certified configuration.
  - d. All catalytic converters, oxygen sensors, and charcoal canisters must be new, original equipment parts.
  - e. Kit vehicles must: (1) have the same transmission configuration (i.e., manual, automatic, semi-automatic, number of forward gears, and shift calibration) as the originally certified configuration; and (2) consistent with AC 17F, have an N/V ratio (speed of vehicle in miles per hour/speed of engine in revolutions per minute) which matches the N/V ratio of the originally certified configuration within three (3) percent in every gear.\*

\*The Agency would consider minor variations to these limitations upon an appropriate demonstration that the altered configuration will meet Federal emission requirements.
  - f. Each vehicle and its accompanying documentation must be clearly labeled as to the make, model year, engine family, subfamily, and tune-up specifications represented by the originally certified vehicle.
  - g. If the originally certified configuration required unleaded fuel, then the vehicles must have fuel filler neck restrictors and unleaded fuel labels which meet the requirements of 40 CFR 80.24.
3. The production, sale and importation of automotive bodies alone (i.e., no chassis, engine or transmission) are not regulated by EPA since such units are not considered "motor vehicles"

motor vehicle from which the engine has been removed is still a motor vehicle and is not considered a body.

FILED:7/20/07 EPA (WWW.EPA.GOV) PUBLIC RELEASE  
Last updated on Friday, August 17, 2007

4. The production, sale and importation of vehicle parts (engines, transmissions, chassis, vehicle bodies, etc.) are not regulated by EPA because parts are not considered motor vehicles under the Clean Air Act. However if the parts constitute a disassembled vehicle or an approximate disassembled vehicle, the combination is considered a motor vehicle under the Clean Air Act. Any attempt to use this policy to circumvent the Clean Air Act or the Imports regulations will be considered a violation of the Clean Air Act and will be strictly enforced. An example of such circumvention is:

A kit car maker who also provides the engine and transmission before or after production/importation of the body/chassis.

5. "Motor vehicles" must comply with the Clean Air Act and may not be disassembled nor purchased in a disassembled form for the purposes of evading the Clean Air Act or the Imports regulations. In these situations the kit car body/chassis combination must be certified by the manufacturer, must be in a configuration which was previously certified by EPA subject to the guidelines discussed at "2" above or, in the case of an importation, an EPA form 3520-1 must be filed at the port of entry and the vehicle imported by an eligible ICI who must ensure that the kit car body/chassis complies with all applicable emission requirements. At the present time, there are no ICIs eligible to import kit cars.
6. Except with regard to kit vehicles meeting the guidelines at "2" above; an individual or firm that assembles kits for hire or resale, that produces assembled kit cars for resale or that produces complete kit car packages for resale will be considered to be a manufacturer of new motor vehicles under the Clean Air Act. Such manufacturers and their vehicles are subject to all applicable regulations under the Act including civil penalties of up to \$25,000 per vehicle for each new motor vehicle distributed in commerce, sold, offered for sale, or introduced, or delivered for introduction, into commerce, unless such vehicle is covered by a certificate of conformity issued by EPA.

#### KIT CAR POLICY SUPPLEMENT

The supplement contains definitions from the Clean Air Act and justification used to derive the position of the Kit car Policy.

Section 216 (1) defines a "manufacturer" as."any person engaged in the manufacturing or assembling of new motor vehicles or new motor vehicle engines, or importing such vehicle or engines for resale."

Section 216 (2) defines a "motor vehicle" as ."any self-propelled vehicle designed for transporting persons or property on a street or highway."

Section 216 (3) defines a "new motor vehicle" as..."a motor vehicle the equitable or legal title to which has never been transferred to the ultimate purchaser."

Section 216 (5) defines a "ultimate purchaser" as."the first person who in good faith purchases such new motor vehicle or new engine for purposes other than resale".

Section 203(a)(1) prohibits:."in the case of a manufacturer of new motor vehicles...the sale, or offering for sale, or the introduction, into commerce..any new motor vehicle...unless such vehicle is covered by a certificate of conformity.."

Section 205 states.."any person who violates Section 203(a)(1)..shall be subject to a civil penalty of not more than \$25,000...Any such violation...shall constitute a separate offense.."

«Date»

«Title» «FirstName» «LastName»  
«Address1»  
«City», «State» «PostalCode»

Dear «Title» «LastName»:

I have enclosed an exemption memorandum which you may send to the Virginia Department of Motor Vehicles in order to obtain your vehicle registration without the emissions inspection. This exemption is based on the understanding that your vehicle is a non-U.S. model vehicle which was not manufactured to meet emissions standards set or approved by the federal government, as derived from the documents you submitted pertaining to this vehicle, and/or by staff observation and verification of the vehicle.

A copy of the memorandum should be kept with your other importation documents for future reference as may be necessary. If you need to contact the Department in reference to this matter, please include the "control number" in the upper right corner of the memorandum.

If you have any questions or need additional information, please don't hesitate to contact the Mobile Source Operations Section at (703) 583-3900 or toll-free in Virginia at 1-800-275-3844.

Sincerely,

J. Michael Thompson, Jr.  
Program Manager

JMT/«TypedBy»  
cc: «NCNo»

ATTACHMENT 6



«Date»

Memorandum

To: Virginia Department of Motor Vehicles

From: J. Michael Thompson, Jr.  
Program Manager

Subject: Exempted Vehicle

A representative of this office has reviewed the importation documentation of the vehicle identified below, as submitted by the vehicle owner, and/or has observed the vehicle, and has determined based on such documentation and/or observation that it was not manufactured to meet emissions standards set or approved by the federal government and thus meets the exemption criteria of Section 46.2-1177, Sub-Paragraph 3, of the Air Pollution Control Law of Virginia. Therefore, an emissions inspection is not required under the current Virginia Vehicle Emissions Inspection Program in order to be registered.

Vehicle Year/Make/Model: «VehYrMakeModel»

Vehicle Identification Number: «VIN»

Verified by: «VerifiedBy»

Please allow this vehicle to be registered without a Vehicle Emissions Inspection Report. If there are any questions, please feel free to contact this office at (703) 583-3900.

JMT/«TypedBy»  
cc: file