

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

FILED

Apr 24, 2025

8:22 am

**U.S. EPA REGION 3
HEARING CLERK**

In the Matter of:

Fabspeed.com, Inc.

d/b/a Fabspeed Motorsport

Respondent.

:
:
: U.S. EPA Docket No. CAA-03-2025-0073
:
: Proceeding under Section 205(c)(1) of the Clean
: Air Act, 42 U.S.C. § 7524(c)(1)
:

CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 ("Complainant") and Fabspeed.com, Inc. d/b/a Fabspeed Motorsport ("Respondent") (collectively the "Parties"), pursuant to Section 205(c)(1) of the Clean Air Act ("CAA"), 42 U.S.C. § 7524(c)(1), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22. Section 205(c)(1) of the CAA, 42 U.S.C. § 7524(c)(1), authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated the authority to enter into agreements concerning administrative penalties to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the "Consent Agreement and Final Order") resolve Complainant's civil penalty claims against Respondent under the CAA (or the "Act") for the violations alleged herein.
2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

JURISDICTION

3. The U.S. Environmental Protection Agency ("EPA") has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.

4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(2).

GENERAL PROVISIONS

5. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
6. Except as provided in Paragraph 5, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
7. Respondent agrees not to contest the jurisdiction of the EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
8. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in **this Consent Agreement and Final Order** and waives its right to appeal the accompanying Final Order.
9. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
10. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.
11. By signing this Consent Agreement, Respondent waives any rights or defenses that it has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the Consent Agreement.

ALLEGED FINDINGS OF FACT AND CONCLUSIONS OF LAW

12. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
13. This proceeding arises under Part A of Title II of the CAA, 42 U.S.C. §§ 7521-7554, and the regulations promulgated thereunder. These laws aim to reduce emissions from mobile sources of air pollution, including non-methane hydrocarbons ("NMHC"), particulate matter ("PM") oxides of nitrogen ("NOx"), and carbon monoxide ("CO").

14. Section 203(a)(I) of the CAA, 42 U.S.C. § 7522(a)(I), prohibits a vehicle manufacturer from selling a new motor vehicle in the United States unless the vehicle is covered by a certificate of conformity (“COC”).
15. The term “motor vehicle” is defined in Section 216(2) of the CAA, 42 U.S.C. § 7550(2), as “any self-propelled vehicle designed for transporting persons or property on a street or highway.”
16. The EPA issues COCs to vehicle manufacturers (also known as “original equipment manufacturers” or “OEMs”) under Section 206(a) of the CAA, 42 U.S.C. § 7525(a), to certify that a particular group of motor vehicles conforms to applicable EPA requirements governing motor vehicle emissions.
17. To obtain a COC for a given motor vehicle test group or engine family, the OEM must demonstrate that each motor vehicle or motor vehicle engine will not exceed established emission standards for NMHC, PM, NO_x, CO, and other pollutants. 40 C.F.R. §§ 86.004-21, 86.1811-04, 86.1844.01.
18. The COC application must describe, among other things, the emissions-related elements of design of the motor vehicle or motor vehicle engine. This includes all auxiliary emission control devices, which are defined as “any element of design which senses temperature, vehicle speed, engine RPM, transmission gear, manifold vacuum, or any other parameter for the purposes of activating, modulating, delaying, or deactivating the operation of any part of the emission control system” of the motor vehicle. 40 C.F.R. §§ 86.094-21, 86.1844-01.
19. An “element of design” means “any control system (*i.e.*, computer software, electronic control system, computer logic), and/or control system calibrations, and/or the results of systems interaction, and/or hardware items on a motor vehicle or motor vehicle engine.” 40 C.F.R. § 86.094-2.
20. Exhaust gas recirculation (“EGR”) is an emissions-related element of design that reduces NO_x emissions, which are formed at the high temperatures caused during fuel combustion. By recirculating exhaust gas through the engine, EGR reduces engine temperature and NO_x emissions.
21. Diesel oxidation catalysts (“DOCs”) are emissions-related elements of design that reduce CO and NMHC emissions by promoting the conversion of those pollutants into less harmful gases in diesel-fueled motor vehicles.

22. Diesel particulate filters (“DPFs”) are emissions-related elements of design that collect PM pollution contained in engine exhaust gas using a catalytic filter.
23. Selective catalytic reduction (“SCR”) is an emissions-related element of design that reduces NO_x emissions by chemically converting exhaust gas that contains NO_x into nitrogen and water through the injection of diesel exhaust fluid.
24. Engine control module (“ECM”) means an-electronic hardware device, together with the software and calibrations installed on the-device, that is capable of controlling, among other things, the operation of the emission control system in a motor vehicle.
25. On-board diagnostic systems (“OBDS”) are elements of design that include systems of components and sensors designed to detect, record, and report malfunctions of monitored emissions-related systems or components. 40 C.F.R. § 86.1806-05(b).
26. Under Section 202(m) of the CAA, 42 U.S.C. § 7521(m), the EPA promulgated regulations requiring OBD systems to be installed on Light-Duty Vehicles and Light-Duty Trucks beginning with the 1994 model year and Light Heavy-Duty Trucks (up to 14,000 lbs) beginning with the 2007 model year.
27. Section 203(a)(3)(A) of the CAA, 42 U.S.C. § 7522(a)(3)(A), prohibits any person from removing or rendering inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with Title II of the CAA prior to its sale and delivery to the ultimate purchaser, or for any person knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser.
28. Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B), prohibits any person from manufacturing, selling, offering to sell, or installing any part or component intended for use with, or as part of, any motor vehicle or motor vehicle engine, where a principal effect of the part or component is to bypass, defeat, or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with Title II of the CAA, and where the person knows or should know that such part or component is being offered for sale or installed for such use or put to such use.
29. Persons violating Sections 203(a)(3)(A) or (B) of the CAA, 42 U.S.C. § 7522(a)(3)(A) or (B), are subject to a civil penalty of up to \$5,911 for each violation that occurred on or after November 2, 2015, where penalties are assessed on or after January 8, 2025. Section 205(a) of the CAA, 42 U.S.C. § 7524(a); 40 C.F.R. § 19.4; Civil Monetary Penalty Inflation Adjustment Rule, 90 Fed. Reg. 1,375, 1,378 (January 8, 2025).

30. Respondent is a Pennsylvania corporation with a principal place of business located at 155 Commerce Drive in Fort Washington, Pennsylvania.
31. Respondent is a “person” as defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and within the meaning Sections 203(a)(3)(A) and (B) of the CAA, 42 U.S.C. §§ 7522(a)(3)(A) and (B).
32. On May 14, 2020, the EPA issued a request for information letter pursuant to Section 208(a) of the CAA, 42 U.S.C. § 7542(a), requiring Respondent to provide information to determine whether it had acted and was acting in compliance with Section 203(a) of the CAA, 42 U.S.C. § 7522(a)(“RFI letter”) beginning January 1, 2017.
33. Beginning July 14, 2020, Respondent provided its response to the EPA’s RFI letter (“RFI Response”).
34. On June 1, 2022, the EPA issued a Notice to Show Cause letter informing Respondent that the EPA suspected that it committed multiple violations of Sections 203(a)(3)(A) and (B) of the CAA, 42 U.S.C. §§ 7522(a)(3)(A) and (B), based on its RFI Response.
35. Subsequent to issuing the June 1, 2022 Notice to Show Cause letter, the EPA obtained information showing that Respondent committed additional violations of Sections 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B).
36. The parts or components implicated in the suspected violations identified in the Notice to Show Cause letter referenced in Paragraph 34 together with the parts or components implicated in the additional violations referenced in Paragraph 35 are listed in Attachment A.

Count I

TAMPERING WITH MOTOR VEHICLE EMISSION CONTROLS

37. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
38. EPA alleges, based on Respondent's RFI Response, that information was provided that showed that from September 1, 2018 through July 1, 2020 Respondent knowingly removed or rendered inoperative emissions-related elements of design on at least eleven (11) unique motor vehicles by installing hardware that impact the vehicle’s OBD, EGR, DPF, SCR, or DOC systems installed by vehicle OEMs in compliance with Title II of the CAA.
39. EPA alleges that Respondent’s conduct described in Paragraph 38 constitutes “tampering” and is a violation of Section 203(a)(3)(A) of the CAA, 42 U.S.C. § 7522(a)(3)(A).

40. Pursuant to Section 205(a) of the CAA, 42 U.S.C. § 7524(a), each act of tampering shall constitute a separate violation of Section 203(a)(3)(A) of the CAA, 42 U.S.C. § 7522(a)(3)(A), with respect to each motor vehicle or motor vehicle engine.
41. During the time period from September 1, 2018 through July 1, 2020, EPA alleges Respondent committed eleven (11) violations of Section 203(a)(3)(A) of the CAA, 42 U.S.C. § 7522(a)(3)(A), and is subject to the assessment of civil penalties under Section 205(a) of the CAA, 42 U.S.C. § 7524(a).

Count II
SALE OF DEFEAT DEVICES

42. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
43. EPA alleges, based on Respondent's RFI Response and the information obtained by the EPA subsequent to issuance of the June 1, 2022 Notice to Show Cause letter, that from September 1, 2018 through March 29, 2023 Respondent sold at least 930 parts or components that have a principal effect of bypassing, defeating, or rendering inoperative motor vehicle EGR, DPF, SCR, or DOC systems installed by vehicle OEMs in compliance with Title II of the CAA; and that it knew or should have known such parts were being offered for sale or installed for such use.
44. EPA alleges that Respondent's conduct described in Paragraph 43 constitutes sales of "defeat devices" and violates Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B).
45. Pursuant to Section 205(a) of the CAA, 42 U.S.C. § 7524(a), each sale of a defeat device shall constitute a separate violation of Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B), with respect to each part or component.
46. During the time period from September 1, 2018 through March 29, 2023, EPA alleges Respondent committed 930 violations of Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B), and is subject to the assessment of civil penalties under Section 205(a) of the CAA, 42 U.S.C. § 7524(a).

CIVIL PENALTY

47. In settlement of the EPA's claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **FIFTY THOUSAND dollars (\$50,000)**, which Respondent shall be liable to pay in accordance with the terms set forth below.

48. The civil penalty is based upon the EPA's consideration of a number of factors, including the penalty criteria set forth in Section 205(c)(2) of the CAA, 42 U.S.C. § 7524(c)(2), i.e., the gravity of the violation, the economic benefit or savings (if any) resulting from the violation, the size of the violator's business, the violator's history of compliance, any action taken to remedy the violation, the effect of the penalty on the violator's ability to continue in business, and such other matters as justice may require. These factors were applied to the particular facts and circumstances of this case, with specific reference to the EPA's *Clean Air Act Title II Vehicle & Engine Civil Penalty Policy (dated January 2021)* which reflects the statutory penalty criteria set forth at Section 205(c)(2) of the CAA, 42 U.S.C. § 7524(c)(2), the appropriate *Adjustment of Civil Monetary Penalties for Inflation* at 40 C.F.R. Part 19, and the applicable EPA memoranda addressing the EPA's civil penalty policies to account for inflation.
49. The civil penalty is also based upon an analysis of Respondent's ability to pay a civil penalty. This analysis was based upon information submitted to the EPA by Respondent including Respondent's financial statements and information for the tax years 2017-2019. Based upon Respondent's documented inability to pay claim, and in accordance with applicable laws, the EPA conducted an analysis of Respondent's financial information and determined that a penalty of \$50,000 is an appropriate amount to settle this action, which Respondent consents to pay as follows.
50. Respondent agrees to pay a civil penalty in the amount of **\$50,000 ("Assessed Penalty")**. within thirty (30) days of the Effective Date of this Consent Agreement and Final Order.
51. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.
52. When making a payment, Respondent shall:
- a. Identify every payment with Respondent's name and the docket number of this Consent Agreement, Docket No.: CAA-03-2025-0073.
 - b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve Proof of Payment simultaneously **by email** to the following person(s):

Jennifer M. Abramson
Senior Assistant Regional Counsel
Abramson.Jennifer@epa.gov,

U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov,

and

U.S. EPA Region 3 Regional Hearing Clerk
R3_Hearing_Clerk@epa.gov.

“Proof of Payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to the EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent’s name.

53. Interest, Charges, and Penalties on Late Payments. Pursuant to 42 U.S.C. § 7524(c)(6), 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay any portion of the Assessed Penalty per this Consent Agreement, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing, and the EPA is authorized to recover the following amounts.
- a. Interest. Interest begins to accrue from the Effective Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any accrued interest, penalties, and other charges are paid in full. Per 42 U.S.C. § 7524(c)(6), interest will be assessed pursuant to 26 U.S.C. § 6621(a)(2), that is the IRS standard underpayment rate, equal to the Federal short-term rate plus 3 percentage points.
 - b. Handling Charges. The United States’ enforcement expenses including, but not limited to, attorneys’ fees and costs of collection proceedings.
 - c. Late Payment Penalty. A ten percent (10%) quarterly non-payment penalty.
54. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Consent Agreement, the EPA may take additional actions. Such actions the EPA may take include, but are not limited to, the following.
- a. Refer the debt to a credit reporting agency or a collection agency, per to 40 C.F.R. §§ 13.13 and 13.14.

- b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.
 - c. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, per 40 C.F.R. § 13.17.
 - d. Request that the Attorney General bring a civil action in the appropriate district court to recover the full remaining balance of the Assessed Penalty, in addition to interest and the amounts described above, per 42 U.S.C. § 7524(c)(6). In any such action, the validity, amount, and appropriateness of the Assessed Penalty shall not be subject to review.
55. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.
56. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Consent Agreement shall not be deductible for purposes of federal taxes.
57. Payment of the civil penalty is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed the EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).
58. The Parties consent to service of the Final Order by e-mail at the following valid email addresses: Abramson.Jennifer@epa.gov (for Complainant), and Joel.Bowers@btlaw.com, alevine@stradley.com, and Joe@Fabspeed.com (for Respondent).
59. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, the EPA is required to send to the IRS annually, a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that the EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, **including**

amounts paid for “restitution or remediation of property” or to come “into compliance with a law.” The EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number (“TIN”), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide the EPA with sufficient information to enable it to fulfill these obligations, the EPA herein requires, and Respondent herein agrees, that:

- a. Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent’s correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
- c. Respondent shall email its completed Form W-9 to the EPA’s Cincinnati Finance Center at henderson.jessica@epa.gov, within 30 days after the Final Order ratifying this Consent Agreement is filed, and the EPA recommends encrypting IRS Form W-9 email correspondence; and
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it has applied for a TIN and that TIN has not been issued to Respondent within 30 days after the effective date, then Respondent, using the same email address identified in the preceding sub-paragraph, shall further:
 - i. notify the EPA’s Cincinnati Finance Center of this fact, via email, within 30 days after the 30 days after the Effective Date of the Final Order per Paragraph 66; and
 - ii. provide the EPA’s Cincinnati Finance Center with Respondent’s TIN, via email, within five (5) days of Respondent’s issuance and receipt of the TIN.

GENERAL SETTLEMENT CONDITIONS

60. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent’s knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.

61. Respondent certifies that any information or representation it has supplied or made to the EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. The EPA shall have the right to institute further actions to recover appropriate relief if the EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order, including information about Respondent's ability to pay a penalty, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that the EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.
62. Respondent certifies to the EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with regard to the violations alleged in this Consent Agreement.

OTHER APPLICABLE LAWS

63. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of the CAA, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

64. This Consent Agreement and Final Order resolves only the EPA's claims for civil penalties for the specific violations alleged against Respondent in this Consent Agreement and Final Order. The EPA reserves the right to commence action against any person, including Respondent, in response to any condition which the EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). The EPA reserves any rights and remedies available to it under the CAA, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

EXECUTION /PARTIES BOUND

65. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By providing the signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that the person signing is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

EFFECTIVE DATE

66. The effective date of this Consent Agreement and Final Order ("Effective Date") is the date on which the Final Order, signed by the Regional Administrator of the EPA, Region 3, or the Regional Administrator's designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

ENTIRE AGREEMENT

67. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

ATTACHMENT A

	Part Number	Part Description
1	FS.POR.911.CB	1974-1989 911 Carrera 3.0/3.2 European Pre-Muffler Cat Bypass Pipe. Gaskets included.
2	FS.POR.911T.CB	1976-1989 911 Turbo/ 930 Cat Bypass Pipe For Factory Muffler Only.
3	FS.FER.308.CB	1984-1985 Ferrari 308 Cat Bypass Pipe.
4	FS.FER.328.CB	1986-1989 Ferrari 328 Cat Bypass Pipe.
5	FS.FER.328T.CB	1986-1989 Ferrari 328 Testarossa Cat Bypass Pipes
6	FS.POR.944T.CBD	1986-1990 Porsche 944/951 Turbo 3.0' Cat Bypass and Downpipe.
7		1989-1994 964 Carrera C4/C2/RS America European Pre-Muffler Cat Bypass Pipe. Gaskets
	FS.POR.964.CB	Included.
8	FS.FER.348.CB	1989-1995 Ferrari 348 Cat Bypass Pipes
9	FS.POR.964T.WGCB	1990-1994 964 Turbo/ 965/ C2 Turbo Wastegate Cat Bypass Pipe.
10	FS.POR.964T.CB	1990-1994 Porsche 964 Turbo/ 965/ C2 Turbo Cat Bypass Pipe.
11	FS.FER.456.CB	1992-2003 Ferrari 456 Cat Bypass Pipe
12	FS.FER.35527.SCB	1994-1995 Ferrari 355 2.7 Secondary Cat Bypass Pipe
13	FS.POR.993.CBXB	1994-1996.5 Porsche 993 Carrera BISCHOFF Modular Cat Bypass X-Pipe.
14	FS.FER.355.CB	1994-1999 Ferrari 355 Primary Cat Bypass Pipes. FITS BOTH 2.7 AND 5.2.
15	FS.FER.35552.SCB	1995-1999 Ferrari 355 5.2 Secondary Catbypass Pipe.
16	FS.POR.993.CBXG	1996-1998 Porsche 993 Carrera GILLET Modular Cat Bypass X-Pipe.
17	FS.POR.993T.CBX	1996-1998 Porsche 993 Turbo Modular Cat Bypass X-Pipe.
18	FS.POR.9861.PCB	1997-1999 Porsche 986 Boxster Primary Cat Bypass Pipes.
19	FS.POR.996.CBX	1999-2004 Porsche 996 Carrera Cat Bypass X-Pipe.
20		1999-2004 Porsche 996 Twin Turbo Cat Bypass Pipes. MUST HAVE FABSPEED EXHAUST -
	FS.POR.996T.CB	NOT COMPATIBLE W...
21	FS.FER.360.CB	1999-2005 Ferrari 360 Cat Bypass Pipes.
22	FS.POR.996GT3.CBX	1999-2005 Porsche 996 GT3 Cat-Bypass X-Pipe.
23	FS.POR.9862.RHDR	2000-2004 Porsche 986 Boxster Catless Race Headers.
24	FS.POR.9862.SCB	2000-2004 Porsche 986.2 Boxster Secondary Cat Bypass Pipes.
25	FS.BMW.E46.CB	2000-2006 BMW E46 M3 Cat Bypass with Resonators.

ATTACHMENT A

26	FS.LAM.MUR.PCB	2001-2006 Lamborghini Murcielago Primary Cat Bypass Pipes.
27	FS.LAM.MUR.SCB	2001-2006 Lamborghini Murcielago Secondary Cat Bypass Pipes For Stock Exhaust. NOT USED WITH FAB...
28	FS.MAS.CS.CB	2002-2007 Maserati Coupe / Spyder / Gransport Secondary Cat Bypass Pipes.
29	FS.ASM.DB9.CBXP	2004+ Aston Martin DB9 Secondary Cat Bypass X-Pipe.
30	FS.POR.955T.CB	2004-2007 955 Cayenne Turbo Secondary Cat Bypass Pipes
31	FS.POR.955V8.CB	2004-2007 Porsche 955 Cayenne "S" Secondary Cat Bypass Pipes.
32	FS.POR.955V6.CB	2004-2007 Porsche 955 Cayenne V6 Secondary Cat Bypass Pipe.
33	FS.VKW.TRGV61.CB	2004-2007 Volkswagen Touareg V6 Secondary Cat Bypass Pipes. Gasket Included.
34	FS.VKW.TRGV81.CB	2004-2007 Volkswagen Touareg V8 Secondary Cat Bypass Pipes. Gaskets Included.
35	FS.LAM.GDO.CB	2004-2008 Lamborghini Gallardo Cat Bypass Pipes.
36	FS.POR.987.LTRHDR	2005-2008 Porsche 987 Boxster/Cayman Long Tube Race Headers.
37	FS.POR.997.CBX	2005-2008 Porsche 997 Carrera Cat Bypass X-Pipe.
38	FS.POR.997T.MBCBP	2005-2009 997 Turbo Muffler Bypass Exhaust System with Cat Bypass Pipes and Quad Style Tips in P...
39	FS.FER.430.CB	2005-2009 Ferrari 430 Cat Bypass Pipes.
40	FS.POR.997T.CB	2005-2009 Porsche 997 Turbo Cat Bypass Pipes. MUST HAVE FABSPEED EXHAUST WILL NOT WORK ON FACTOR...
41	FS.POR.997GT3.LTRHDR	2006-2011 Porsche 997 / 997.2 GT3 / GT3 RS Long Tube Race Headers
42	FS.FER.599.CB	2006-2012 Ferrari 599 GTB Fiorano Secondary Cat Bypass Pipes.
43	FS.BMW.E9X.PCB	2007+ BMW M3 E9X Primary Cat Bypass Pipes
44	FS.BMW.E9X.XPWR	2007+ BMW M3 E9X Secondary Cat Bypass X-Pipe With Resonators.
45	FS.BMW.E9X.XPWO	2007+ BMW M3 E9X Secondary Cat Bypass X-Pipe Without Resonators.
46	FS.BMW.N54.CBDP	2007-2010 BMW 135i/335i/1M Cat Bypass Down Pipes.
47	FS.LAM.MUR640.PCBV	2007-2010 Lamborghini Murcielago LP640 Primary Cat Bypass Pipes with Valves. FOR THE FACTORY EXH...
48	FS.LAM.MUR640.PCB	2007-2010 Lamborghini Murcielago LP640 Primary Cat Bypass Pipes WITHOUT Valves. FOR THE FACTORY ...

ATTACHMENT A

49	FS.MAS.GT.CB	2008+ Maserati GranTurismo Cat Bypass Pipes
50	FS.FER.430S.CB	2008-2009 Ferrari 430 Scuderia/16M Cat Bypass Pipes
51	FS.POR.957V8.CB	2008-2010 Porsche 957 Cayenne S/GTS Secondary Cat Bypass Pipes.
52	FS.POR.957T.PCB	2008-2010 Porsche 957 Cayenne Turbo Primary Cat Bypass Pipes
53	FS.POR.957T.CB	2008-2010 Porsche 957 Cayenne Turbo Secondary Cat Bypass Pipes, 65mm.
54	FS.POR.957V6.CB	2008-2010 Porsche 957 Cayenne V6 Secondary Cat Bypass Pipes.
55	FS.VKW.TRGV62.CB	2008-2010 Volkswagen Touareg V6 Secondary Cat Bypass Pipe.
56	FS.FER.CAL.CB	2009+ Ferrari California Cat Bypass Pipes
57	FS.POR.9972.RHDR	2009-2011 Porsche 997.2 Carrera Catless Race Headers.
58		2009-2012 987.2 Boxster/Cayman Catless Race Headers. Optional O2 Spacers Available - Requires 2 ...
59	FS.POR.9872.RHDR	2009-2012 987.2 Boxster/Cayman Long Tube Race Headers.
60	FS.ASM.RPD.CBXP	2010+ Aston Martin Rapide V12 Secondary Cat Bypass X-Pipe.
61	FS.FER.458.CB	2010+ Ferrari 458 Cat Bypass Pipes.
62	FS.POR.970T.CB	2010+ Porsche Panamera Turbo Primary Cat Bypass Pipes.
63	FS.POR.9972GT3.LTRHS	2010-2011 Porsche 997.2 GT3 / GT3 RS Long Tube Competition Race Header System
64	FS.POR.9972T.CB	2010-2012 Porsche 997.2 Turbo Cat Bypass Pipes
65	FS.ASM.VNTV8.SCBX	2011+ Aston Martin V8 Vantage Secondary Cat Bypass X-Pipe.
66	FS.BMW.F10.PCBDP	2011+ BMW M5 (F10) Primary Cat Bypass Downpipes
67	FS.LAM.AVR.CB	2011+ Lamborghini Aventador Cat Bypass Pipes
68	FS.MCL.12C.CB	2011+ McLaren MP4-12C Cat Bypass Pipes.
69	FS.POR.9972GT2RS.CB	2011+ Porsche 997.2 GT2 RS Cat Bypass Pipes. Made to work with FACTORY MUFFLER.
70	FS.POR.958V8.CB	2011-2014 Porsche 958 Cayenne S/GTS Secondary Cat Bypass Pipes, 60mm
71	FS.POR.958T.CB	2011-2014 Porsche 958 Cayenne Turbo Secondary Cat Bypass Pipes.
72	FS.BMW.F12.PCBDP	2012+ BMW M6 (F12) Primary Cat Bypass Downpipes
73		2012-2013 BMW 335i & 435i (F30/F32) Cat Bypass Downpipe. FOR CARS WITH MECHANICAL WASTEGATE.
74	FS.BMW.F3X1.CBDP	
	FS.POR.991.RHDR	2012-2015 Porsche 991 Carrera Catless Race Headers.

ATTACHMENT A

75	FS.POR.991T.CB	2012-2016 Porsche 991 Turbo Cat Bypass Pipes (Modular for Factory/Fabspeed)
76	FS.POR.981.RHDR	2013+ 981 Boxster/Cayman Catless Race Headers.
77	FS.BMW.F3X2.CBDP	2013+ BMW 335i & 435i (F30/F32) Cat Bypass Downpipe. FOR CARS WITH ELECTRONIC WASTEGATE.
78	FS.RNG.RRSCV8.CBDP	2013+ Range Rover 5.0-liter Supercharged V8 Primary Cat Bypass Downpipes.
79	FS.POR.981.LTRHDR	2013-2016 Porsche 981 Boxster/Cayman Long Tube Race Headers.
80	FS.BMW.M235.CBDP	2014+ BMW F22 M235i Cat Bypass Downpipe.
81	FS.BMW.F8X.SCBX	2014+ BMW F80 M3 / F82 M4 Secondary Cat Bypass X-Pipe. Fits M-Performance and Regular Model with...
82	FS.BMW.F8X.SCBXM	2014+ BMW F80 M3 / F82 M4 Secondary Cat Bypass X-Pipe. For M-Performance Option Only
83	FS.BMW.F8X.PCBDP	2014+ BMW F8X M3/M4 Primary Cat Bypass Downpipes
84	FS.MAS.GH.CBDP	2014+ Maserati Ghibli Primary Cat Bypass Downpipes. ONLY FITS BASE 2WD CARS.
85	FS.MAS.GHQ4.CBDP	2014+ Maserati Ghibli Q4 Primary Cat Bypass Downpipes. ONLY FITS Q4 ALL WHEEL DRIVE CARS.
86	FS.MCL.650S.CB	2014+ McLaren 650S Cat Bypass Pipes.
87	FS.POR.991GT3.LTRHDR	2014+ Porsche 991 / 991.2 GT3 / GT3 RS / 911 R Long Tube Race Headers
88	FS.POR.MCNT.CBDP	2014+ Porsche Macan Turbo / S Primary Catbypass Downpipes.
89	FS.RNG.RRS.CBDP	2014+ Range Rover Sport 5.0-liter Supercharged V8 Primary Cat Bypass Downpipes.
90	FS.POR.991GT3.SMBLTRPKG	2014-2016 Porsche 991 GT3 / GT3 RS / 911 R Long Tube Competition Race Header System
91	FS.FER.488.CB	2015+ Ferrari 488 GTB Catalytic Converter Bypass Pipes
92	FS.MCL.570S.CB	2015+ McLaren 570S Cat Bypass Pipes.
93	FS.POR.9582GTS.CB	2015+ Porsche 958.2 Cayenne GTS Secondary Cat Bypass Pipes.
94	FS.POR.9582T.CB	2015+ Porsche 958.2 Cayenne Turbo Secondary Cat Bypass Pipes.
95	FS.POR.981GT4.LTRHDR	2015+ Porsche 981 GT4 Long Tube Race Headers
96	FS.MCL.675LT.CB	2016+ McLaren 675LT Cat Bypass Pipes.
97	FS.POR.9912.CB	2016+ Porsche 991.2 Carrera Cat Bypass Pipes
98	FS.POR.9912.PSECB	2016+ Porsche 991.2 Carrera Cat Bypass Pipes for PSE Equipped Vehicles.

ATTACHMENT A

99	FS.POR.9582SE.CB	2016-2018 Porsche 958.2 Cayenne Hybrid SE Secondary Catbypass Pipes
100	FS.ACURA.NSX.CB	2017+ Acura NSX 3.5 Liter V6 Twin Turbo Catalytic Converter Bypass Down Pipes
101	FS.MCL.720S.CB	2017+ McLaren 720S Cat Bypass Pipes.
102	FS.POR.718.CB	2017+ Porsche 718 Boxster/Cayman Cat Bypass Pipe
103	FS.POR.971V6.SCB	2017+ Porsche 971 Panamera 3.0L V6 Secondary Cat Bypass Pipe. (Base model)
104	FS.POR.9912T.CB	2017+ Porsche 991.2 Turbo (3.0 Liter Twin Turbo) Cat Bypass Pipes (Modular for Factory/Fabspeed)
105	FS.BMW.F90.SCB	2018+ BMW F90 M5 Secondary Cat Bypass Pipes
106	FS.LAM.URUS.CB	2018+ Lamborghini Urus Cat Bypass Pipes
107	FS.MCL.600LT.CB	2018+ McLaren 600LT Cat Bypass Pipes.
108	FS.POR.9912GT2RS.RACECB	2018+ Porsche 991.2 GT2 RS Competition Cat Bypass Race Pipes
109	FS.POR.9912GT3.LTRHS	2018+ Porsche 991.2 GT3 / GT3 RS Long Tube Competition Race Header System
110	FS.LAM.AVRSVJ.CB	2019+ Lamborghini Aventador SVJ Cat Bypass Pipes
111	FS.CHEVY.C8.CB	2020+ Chevrolet Corvette C8 6.2L V8 Cat Bypass Pipes
112	FS.POR.992.CB	2020+ Porsche 992 Carrera Cat Bypass Pipes.
113	FS.ALF.G29T.PCB	Alfa Romeo Giulia Quadrifoglio Primary Cat Bypass Downpipes
114	FS.ASM.VNTV12.CBXP	Aston Martin V12 Vantage Secondary Cat Bypass X-Pipe
115	FS.BMW.M2F87.CBDP	BMW M2 (F87) Cat Bypass Downpipe.
116	FS.POR.993.CBCK	Porsche 993 Carrera Cat Bypass Conversion Kit (For Fabspeed X-Pipe Only)
117	FS.POR.9861.SCUPRP	Fabspeed 97-99 Porsche 986 Boxster Supercup Cat Bypass Exhaust Polished Tips
118	FS.POR.997T.SSRXB	Fabspeed 997 Turbo Supersport 70mm X-Pipe Exhaust w/ Cat Bypass Satin Black Tips
119	FS.POR.997T.SSRXP	Fabspeed 997 Turbo Supersport 70mm X-Pipe Exhaust w/ Cat Bypass Polished
120	FS.POR.9861.SCUPRB	Fabspeed 97-99 Porsche 986 Boxster Supercup Cat Bypass Exhaust Satin Black Tips
121	FS.POR.9912T.SSRXG	Fabspeed 991.2 Turbo / S Supersport X-Pipe Exhaust w/ Cat Bypass GT2 Tips
122	FS.POR.9861.MAXRP	Fabspeed Porsche 986 Boxster Maxflo 97-99 / Cat Bypass / Stainless Tips

Date: 4/16/2025

eed.com, Inc. /b/a Fabspeed Motorsport

For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement & Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or the Regional Administrator's designee, the Regional Judicial Officer, issue the attached Final Order.

By: **Melvin, Karen** Digitally signed by Melvin, Karen
Date: 2025.04.22 08:47:07
-04'00'

[Digital Signature and Date]
Karen Melvin, Director
Enforcement & Compliance Assurance Division
U.S. EPA – Region 3
Complainant

Attorney for Complainant:

By: **JENNIFER
ABRAMSON** Digitally signed by JENNIFER
ABRAMSON
Date: 2025.04.22 06:28:12 -04'00'

[Digital Signature and Date]
Jennifer M. Abramson
Senior Assistant Regional Counsel
U.S. EPA – Region 3

FILED

Apr 24, 2025

8:22 am

U.S. EPA REGION 3
HEARING CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

In the Matter of:

Fabspeed.com, Inc.
d/b/a Fabspeed Motorsport

Respondent.

:
:
: U.S. EPA Docket No. CAA-03-2025-0073
:
: Proceeding under Section 205(c)(1) of the Clean
: Air Act, 42 U.S.C. § 7524(c)(1)
:

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3, and Respondent, Fabspeed.com, Inc. d/b/a Fabspeed Motorsport have executed a document entitled "Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.


Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, the EPA's *Clean Air Act Title II Vehicle & Engine Civil Penalty Policy (dated January 2021)*, and the statutory factors set forth in Section 205(c)(2) of the CAA, 42 U.S.C. § 7524(c)(2).

NOW, THEREFORE, PURSUANT TO Section 205(c)(1) of the Clean Air Act ("CAA"), 42 U.S.C. § 7524(c)(1), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **FIFTY THOUSAND dollars (\$50,000)**, in accordance with the payment provisions set forth in the Consent Agreement and in 40 C.F.R. § 22.31(c), and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive,

extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of the Clean Air Act and the regulations promulgated thereunder.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

By: **JOSEPH
LISA**  Digitally signed by
JOSEPH LISA
Date: 2025.04.24
08:18:36 -04'00'

Joseph J. Lisa
Regional Judicial and Presiding Officer
U.S. EPA Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

In the Matter of:

Fabspeed.com, Inc.
d/b/a Fabspeed Motorsport



Respondent.

:
:
: U.S. EPA Docket No. CAA-03-2025-0073
:
: Proceeding under Section 205(c)(1) of the Clean
: Air Act, 42 U.S.C. § 7524(c)(1)
:

CERTIFICATE OF SERVICE

I certify that the foregoing ***Consent Agreement and Final Order*** was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the ***Consent Agreement and Final Order***. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

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BEVIN ESPOSITO

Digitally signed by BEVIN
ESPOSITO
Date: 2025.04.24 08:25:16 -04'00'

[Digital Signature and Date]

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 3