

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the Matter of:)	
)	
Taotao USA, Inc.,)	Docket No. CAA-HQ-2015-8065
Taotao Group Co., Ltd., and)	
Jinyun County Xiangyuan Industry Co., Ltd.)	
)	
Respondents.)	

BUSINESS CONFIDENTIALITY ASSERTED

Complainant’s Motion for Partial Accelerated Decision and accompanying Statement of Material Facts (the “Motion”) contain material claimed to be confidential business information (“CBI”) pursuant to 40 C.F.R. § 2.203(b). The material claimed as CBI are vehicle design specifications submitted to the EPA by Taotao USA, Inc., Taotao Group Co., Ltd., and Jinyun County Xiangyuan Industry Co., Ltd. (collectively, “Respondents”). A complete version of the Motion has been filed with the Hearing Clerk, together with a version in which the CBI has been redacted. If you have any questions, please contact Edward Kulschinsky at (202) 564-4133, or at kulschinsky.edward@epa.gov.

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COMPLAINANT’S MOTION FOR PARTIAL ACCELERATED DECISION

The Director of the Air Enforcement Division of the U.S. Environmental Protection Agency’s Office of Civil Enforcement (“Complainant”) files this Motion for Partial Accelerated Decision concerning the liability of Taotao USA, Inc. (“T-USA”), Taotao Group Co., Ltd. (“T-Group”), and Jinyun County Xiangyuan Industry Co., Ltd. (“JCXI”) (collectively “Taotao” or “Respondents”), consistent with section 22.20 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (the “Consolidated Rules”). With the Prehearing Exchange process concluded,¹ Complainant contends there are no genuine issues of material fact in dispute with regard to Respondents’ liability for any of the violations of Title II the Clean Air Act (“CAA” or the “Act”), 42 U.S.C. §§ 7521–7590, alleged in the Amended Complaint. Complainant therefore requests the Presiding Officer find that Respondents are liable as a matter of law. In the

¹ References to Complainant’s Prehearing Exchange Exhibits will be abbreviated “CX,” and references to Respondents’ Prehearing Exchange Exhibits will be abbreviated “RX.” Complainant’s exhibits are paginated with continuous Bates numbering (e.g., EPA-000001), and Complainant will refer to Exhibits Bates numbers where appropriate for clarity.

alternative, Complainant requests that the Presiding Officer narrow the issues for hearing by determining what material facts remain controverted, and by ruling on those claims and defenses for which no material facts are in dispute. Respondents' counsel has indicated that they intend to oppose this Motion.

I. Abbreviated Procedural History

On November 12, 2015, Complainant initiated this action under section 205(c)(1) of the Act, 42 U.S.C. § 7524(c)(1), by filing its Complaint against Respondents with the EPA's Headquarters Hearing Clerk as required by 40 C.F.R. §§ 22.5 and 22.13. *See* 40 C.F.R. § 22.1(a)(2) (applying Consolidated Rules to proceedings brought under CAA § 205(c), 42 U.S.C. § 7524(c)). The Complaint alleges in eight counts that Respondents are liable for a total of 64,377 violations of sections 203(a)(1) and 213(d) of the Act, 42 U.S.C. §§ 7522(a)(1) and 7547(d), and the regulations codified at 40 C.F.R. Part 86, Subpart E, and 40 C.F.R. Parts 1051 and 1068,² arising from Respondents' importation and sale of highway motorcycles and nonroad vehicles not covered by EPA-issued Certificates of Conformity ("COCs"). Compl. ¶¶ 100–01. Complainant served the Complaint on each Respondent through personal delivery to Matao "Terry" Cao, in his capacity as the President of T-USA, and as the designated agent for receiving service on behalf of T-Group and JCXI. *See* CX027 (confirmation of service).

² Complainant had previously consulted with the U.S. Department of Justice ("DOJ") about the potential penalty in this administrative action, and in a letter dated March 17, 2015, received DOJ's concurrence that the matter is appropriate for an administrative penalty proceeding that seeks a penalty in excess of the limit set forth in section 205(c)(1) of the Act, 42 U.S.C. § 7524(c)(1). CX026. EPA consulted with DOJ again after discovering information that substantially increased the number of violations at issue in the action, and in a letter dated June 2, 2016, DOJ affirmed that the matter is appropriate for an administrative penalty proceeding. CX028.

Respondent T-USA filed its Answer to the Complaint on January 19, 2016, and Respondents T-Group and JCXI filed their Answers to the Complaint on February 9, 2016. On May 11, 2016, the Tribunal issued a Prehearing Order governing the prehearing exchange of information in this matter. On July 14, 2016, Complainant filed a Motion for Leave to Amend the Complaint and to Extend Prehearing Deadlines (“Motion to Amend”), together with an Amended Complaint. The Amended Complaint revised the numbers of violations alleged in Counts 1 through 3 and Counts 5 through 8, and included two new Counts 9 and 10 against T-USA and JCXI alleging an additional 1,681 violations of the Act stemming from the importation of nonroad vehicles discovered after the initial Complaint had been filed. On July 5, 2016, the Tribunal granted the Motion to Amend, and Respondents filed their Amended Answers³ on August 17, 2016.

Complainant filed its Initial Prehearing Exchange (“IPHE”) on August 25, 2016. Respondents filed their Joint Prehearing Exchange on September 23, 2016. Complainant filed its Rebuttal Prehearing Exchange (“RPHE”) on October 13, 2016. On October 28, 2016, Respondents filed a revised Joint Prehearing Exchange (“JPHE”) to correct omissions and discrepancies in the September 23, 2016 filing.

³ Respondents’ Amended Answers, while filed separately and individually titled, contain materially identical responses to the allegations made in the Amended Complaint. For convenience, Complainant will refer to Respondents’ Amended Answers collectively where the Amended Answers are in agreement. Complainant will refer to the Amended Answers separately only in those instances where they materially differ from each other.

II. Legal Background

A. Regulation of Vehicles Under Title II of the Clean Air Act

Title II of the Clean Air Act directs the EPA to administer a nationwide program to control the emission of air pollution from vehicles and engines. 42 U.S.C. §§ 7521(a), 7525(a)(1), 7547(a). For new vehicles and engines, the Administrator promulgates emissions standards for any pollutant that causes or contributes to air pollution that may reasonably be anticipated to endanger public health or welfare. 42 U.S.C. §§ 7521(a)(1), 7547(a). Vehicles and engines must meet applicable standards for their entire useful life as determined by the Administrator. 42 U.S.C. § 7521(a)(1), (d).

The Act distinguishes between different types of vehicles. Motor vehicles, sometimes referred to as “highway,” “on-highway,” or “on-road” vehicles, are defined as “any self-propelled vehicle[s] designed for transporting persons or property on a street or highway.” 42 U.S.C. § 7550(2); *see* 40 C.F.R. § 85.1703 (definition of motor vehicle). Motorcycles and mopeds are motor vehicles. 40 C.F.R. §§ 86.402-78(a), 86.402-98. Nonroad vehicles and engines, sometimes referred to as “off-highway,” “recreational,” or “offroad” vehicles and engines, are vehicles that are not “motor vehicles,” i.e., not designed for transporting persons or property on a street or highway. 42 U.S.C. § 7550(10)–(11); 40 C.F.R. § 1068.30 (defining “nonroad engine”). All-terrain vehicles (“ATVs”) and off-highway motorcycles (e.g., dirt bikes) are nonroad vehicles. 40 C.F.R. § 1051.801. The EPA has further divided vehicles into classes or categories based on factors such as their weight, horsepower, and fuel, and established different emissions standards for each. *See* 42 U.S.C. §§ 7521(a)(1)–(3)(A)(ii) (authority to define classes and set standards for highway motor vehicles), 7547(a) (authority to define classes and set standards for nonroad vehicles).

B. The Clean Air Act’s Nationwide Certification Program for Vehicles and Engines

The EPA ensures that all new mass-produced vehicles and engines conform to applicable emissions standards through a nationwide design and performance-based certification program centered on prototype testing. 42 U.S.C. §§ 7525, 7547(d). To comply with the Act, vehicle and engine manufacturers are required to submit an application for a certificate of conformity (“COC application”) for each model year⁴ of each engine family the manufacturer intends to introduce into commerce. 42 U.S.C. § 7525(a); 40 C.F.R. §§ 86.416-80, 1051.201. An “engine family” is a group of engines within a single model year expected to have similar emission characteristics throughout their useful life. 40 C.F.R. §§ 86.420-78(a), 1051.230(a). To be in the same engine family, vehicles or engines must be “identical” or “the same” in a number of respects, including “the number . . . , location, volume, and composition” of catalytic converters they employ.⁵ 40 C.F.R. §§ 86.420-78(b)(7), 1051.230(b)(5). A COC application must include specific information about the engine family and manufacturer(s), including detailed descriptions of the

⁴ Each model year is named for a calendar year, but a model year may begin as early as January 2nd of the calendar year preceding the calendar year for which it is named. 40 C.F.R. §§ 85.2303, 1068.103(b)(2). However, a model year can never extend beyond December 31st of the calendar year for which it is named. 40 C.F.R. §§ 85.2304(a), 1068.103(b)(1). For example, Model Year 2015 could begin as early as January 2, 2014, but could never extend beyond December 31, 2015. This rule provides manufacturers flexibility for when to begin manufacturing an engine family, and a deadline for when the manufacturing must stop.

⁵ The nonroad regulations provide that “[i]n unusual circumstances,” nonroad vehicles that are not identical may still be grouped into the same engine family if the manufacturer can “show that their emission characteristics during the useful life will be similar.” 40 C.F.R. § 1051.230. Such a showing would need to be made as part of the COC application or a formal revision to the COC application, and would require full-useful life emission testing of the disparate vehicles. See 40 C.F.R. §§ 1051.205 (information required in COC application), 1051.225 (process for amending COC application)

specifications and functions of all emission controls. 40 C.F.R. §§ 86.416-80(a)(2)(i), 1051.201, 1051.205(a)–(b).

The COC application must include data from emissions testing performed on a prototype vehicle that represents the engine family, showing that vehicles in the engine family will comply with applicable emissions standards for their useful life. 40 C.F.R. §§ 86.421-78, 86.431-78 to 86.436-78, 1051.205(d)–(p), 1051.235, 1051.240 to 1051.245. Test vehicles must represent the “worst-case” scenario, i.e., the vehicle most likely to exceed emissions standards in the engine family. 40 C.F.R. §§ 86.421-78(a), 1051.235(b). A manufacturer may use “carryover” emission data from tests performed on a prototype for a previous model year if the new engine family has the same emission-related characteristics as the previous engine family, and the prototype continues to represent the engine family’s “worst-case” scenario.⁶ 40 C.F.R. §§ 86.421-78(d), 1051.235(d).

If the EPA determines that the engine family described in a COC application meets the Act’s requirements, it will issue a COC covering vehicles and engines belonging to that engine family. 42 U.S.C. § 7525(a)(1); 40 C.F.R. §§ 86.417-78(a), 86.437-78(a)(2), 1051.255(a). A COC will cover only those vehicles that conform in all material respects to the vehicle specifications described in the COC application.⁷ *See* 40 C.F.R. §§ 86.437-78(a)(2)(iii)

⁶ Several of the engine families identified in the Amended Complaint are related by their use of carryover data from a common prototype. These are: DTAOX0.12A1T & ETAOX0.12A1T (CX005 at EPA-000151, EPA-000177; CX008 at EPA-000252, EPA-000278); DTAOC.049MC2 & ETAOC.049MC2 (CX001 at EPA-000001, EPA-000025; CX003 at EPA-000080, EPA-000104); and DTAOX0.15G2T, FTAOX0.15G2T, & GTAOX0.15G2T (CX006, EPA-000187, EPA-000213; CX009 at EPA-000288, EPA-000314; CX010 at EPA-000321, EPA-000347).

⁷ A COC application may be approved subject to additional conditions. 40 C.F.R. §§ 86.437-78(a)(2)(ii), 1051.255(a). In this matter, each COC issued to Respondents for the vehicles at

(“certificate will cover all vehicles represented by the test vehicle”), 1068.103(a) (certificates cover only nonroad engines or equipment that “conform to the specifications described in the certificate and the associated application for certification”); *see also* 40 C.F.R. §§ 85.2305(b)(1) (vehicles produced before a certificate is issued may be covered only if they “conform in all material respects to the vehicles . . . described in the application”), 1068.103(c)(1) (nonroad engines or equipment produced before a certificate is issued may be covered only if they “conform in all material respects to the engines/equipment described in [the] application”); *United States v. Chrysler Corp.*, 591 F.2d 958, 960 (D.C. Cir. 1979) (stating, in reference to predecessor regulation, “The language of the regulation and applicable statutes, taken together, explicitly commands that each vehicle conform to design specifications”). Where a vehicle does not conform to the vehicle specifications described in the COC application, the difference is “material” if it “reasonably may be expected to affect emission controls.”⁸ *Chrysler Corp.*, 591 F.2d at 960. Manufacturers may amend their COC applications by submitting a “running change” to EPA, but may not institute any change before notifying the EPA. 40 C.F.R. §§ 86.438-78, 86.439-78, 1051.225.

C. The Clean Air Act’s Prohibition Against Uncertified Vehicles and Engines

It is a violation of the Act for any manufacturer of new vehicles or engines to sell, offer to sell, introduce, or deliver for introduction into commerce, or import into the United States any

issue in this case stated: “This Certificate covers only those vehicles which conform, in all material respects, to the design specifications that applied to those vehicles described in the documentation required by” the applicable regulations. CX043–CX052.

⁸ If a vehicle had emission controls or characteristics that different from those described in the COC application, then the vehicle would need to be classified in a different engine family and independently tested and certified. *See* 40 C.F.R. §§ 86.420-78(b)(7), 1051.230(b)(5) (defining engine families).

new vehicle or engine, “unless such vehicle or engine is covered by a certificate of conformity,” or to cause any of the foregoing acts. 42 U.S.C. § 7522(a)(1); *see* 42 U.S.C. § 7547(d) (standards for nonroad vehicles shall be enforced in the same manner as standards for motor vehicles); 40 C.F.R. §§ 86.407-78(a) (every new motorcycle must be covered by COC), 1068.101(a)(1) (prohibiting sale and importation of off-highway motorcycles and ATVs unless covered by COC). A vehicle may conform to the applicable emission standards and still not be covered by a COC if it is materially different from the specifications described in the COC application.

Chrysler Corp., 591 F.2d at 960–61. “[A]s a matter of law, [] where one or more parts erroneously installed in a vehicle are of a nature intimately related to and which may reasonably be expected to affect emission controls, such vehicle is not covered by the certificate of conformity for the vehicle, even though it may in fact meet emission standards.” *United States v. Chrysler Corp.*, 437 F. Supp. 94, 97 (D.D.C. 1977), *aff’d* 591 F.2d 598 (D.C. Cir. 1979).

Respondents T-USA and T-Group jointly committed 67,517 violations of section 203(a)(1) the Act, 42 U.S.C. § 7522(a)(1), by selling, offering for sale, introducing into commerce, delivering for introduction into commerce, importing into the United States (or causing any of the foregoing with respect to) 67,517 highway motorcycles that were not covered by COCs. Respondents T-USA and JCXI jointly committed 42,437 violations of section 203(a)(1) the Act, 42 U.S.C. § 7522(a)(1), by selling, offering for sale, introducing into commerce, delivering for introduction into commerce, importing into the United States (or causing any of the foregoing with respect to) 42,437 nonroad vehicles (ATVs and off-road motorcycles) that were not covered by COCs. Specifically, the vehicles were equipped with catalytic converters different from those described in the COC applications for the engine

families to which the vehicles were labeled as belonging. The vehicles therefore did not belong to those engine families and were not covered by the COCs issued for those engine families.

III. Factual Background

A. Function and Durability of Catalytic Converters

Catalytic converters are emissions control devices that promote chemical reactions to convert pollutants to non-pollutants. CX175 at EPA-002350, EPA-0002362, EPA-002371, EPA-002393–94. The chemical reaction for pollution abatement is the simultaneous oxidation of carbon monoxide (“CO”) and hydrocarbons (“HC”) to form carbon dioxide (“CO₂”) and water (“H₂O”), and reduce nitrogen oxides (“NO_x”) to nitrogen. *Id.* at EPA-002394. Precious metals are the catalytic components most commonly used for exhaust emission control, and the elements platinum (“Pt”), palladium (“Pd”), and rhodium (“Rh”) are the three precious metals most frequently used for this purpose. *Id.* at EPA-002353, EPA-002359. As the name implies, precious metals are rare and expensive, and thus are recycled, purified, and reused when a catalytic converter reaches the end of its useful life. *Id.* at EPA-002367.

To manufacture a typical catalytic converter, the manufacturer mixes precious metals with a carrier material such as aluminum oxide, purifies the mixture, and then gradually heats it to form a crystallized salt-like compound. *Id.* at EPA-002360–61. The manufacturer then disperses this catalytic element into an aqueous slurry called the washcoat. *Id.* at EPA-002360–61, EPA-002362, EPA-002365–66. The manufacturer coats a ceramic or metallic honeycomb-shaped metal substrate or monolith with the washcoat, dries it, and encases the coated monolith in a steel housing. *Id.* at EPA-002362–66, EPA-002371, EPA-002396–99. Pollutant-containing gases enter the catalytic converter through channels in the honeycomb and diffuse through the

washcoat, where the pollutants contact the catalytic components and are converted to non-pollutants. *Id.* at EPA-002362, EPA-002371.

Catalytic components are selective in the pollutants they react with and the products they produce. *Id.* at EPA-002354–56. Temperature and the presence of materials other than the primary catalytic component may influence which reactions occur. *Id.* at EPA-002354–56, EPA-002370; *see id.* at EPA-002393–94 (describing basic automotive catalytic reactions). Catalytic converters are designed for specific applications in order to optimize their performance. *Id.* at EPA-002368–70, EPA-002388, EPA-002402–03.

Catalytic converters deteriorate and become less effective over time due to *sintering*, *poisoning* or *masking*, or washcoat loss. *Id.* at EPA-002372, EPA-002387–90. *Sintering* occurs when catalytic components in the washcoat coalesce, or the washcoat itself deforms, decreasing the surface area of the catalytic components. *Id.* at EPA-002372–77. Excessive temperature, resulting from heat being transferred to the catalyst’s surface, causes sintering. *Id.* at EPA-002372–74. Catalytic converters used on small engines are particularly vulnerable to heat stress because they are located inside the engines’ mufflers. *Id.* at EPA-002404. *Poisoning* occurs when a contaminant such as sulphur chemically reacts with a catalytic component to render it inactive. *Id.* at EPA-002381–82, EPA-002404–05. *Masking* occurs when a contaminant such as oil covers the washcoat surface making it difficult for pollutants to contact the catalytic components. *Id.* Washcoat loss may occur through attrition or erosion caused by thermal stresses on the washcoat and the honeycomb monolith. *Id.* at EPA-002387.

B. Respondents’ Business

T-Group and JCXI are corporations organized under the laws of the People’s Republic of China, and are located in Jinyun County, Zhejiang, China. Amended Complaint (“Am. Compl.”)

¶¶ 5–6; Amended Answers (“Am. Answers”) ¶¶ 5–6. Yuejin Cao is the president of both T-Group and JCXI. Am. Compl. ¶¶ 14–15; Am. Answers ¶¶ 14–15. T-Group has several subsidiary companies and produces a variety of products including ATVs, motorcycles, electric vehicles and bicycles, wooden and steel doors, lawn and garden equipment, and fitness equipment. *See* CX033–CX042, CX168 (T-Group company websites, articles, and advertisements showing range of T-Group’s business). T-Group sells its products in China and exports its products to markets in North America, South America, Europe, Southeast Asia, and the Middle East. *See* CX034 (public Facebook page affiliated with T-Group showing T-Group at trade shows and advertising grass trimmers to Asian and South American markets); CX035 (T-Group trade website on Alibaba.com advertising size of business and listing export markets); CX038 (website of T-Group subsidiary describing size of T-Group’s business and listing export markets); CX039–CX041 (websites advertising T-Group products for sale in Canada); CX168 (T-Group trade website on Alibaba.com listing products, export markets, and international certifications).

T-USA is a corporation organized under the laws of Texas, with an office at 2201 Luna Road, Carrollton, Texas. Am. Compl. ¶ 4; Am. Answers ¶ 4; CX030–CX031. Matao “Terry” Cao is the president of T-USA. Am. Compl. ¶ 12; Am. Answers ¶ 12; *see* CX073 at EPA-000885 (e-mail from T-USA employee to EPA referring to “Matao Cao” as “Terry”). T-USA imports highway motorcycles manufactured by T-Group and off-highway motorcycles and ATVs manufactured by JCXI into the United States. Am. Compl. ¶ 10; Am. Answers ¶ 10; CX095 at EPA-001213.

C. The 2010 Administrative Settlement Agreement

In 2010, T-USA entered into an Administrative Settlement Agreement (“ASA”) with EPA for 3,768 alleged violations of section 203(a)(1) the Act, 42 U.S.C. § 7522(a)(1). CX067 at EPA-000808. The violations arose from the importation of ATVs that were not covered by COCs because they had been manufactured using emissions-related parts different from those described in the relevant COC applications. *Id.* at EPA-000811–12. In that instance, T-USA had imported ATVs equipped with adjustable carburetors that allowed a user to adjust the engine’s air-fuel ratio. *Id.* at EPA-000811. The COC applications for the engine families that the ATVs were labeled as belonging to described the engine families as having no adjustable parameters. *Id.* Adjusting the engine’s air-fuel ratio could affect emissions or engine performance in ways not described in the COC applications or evaluated by the prototype testing conducted for certification. *Id.* Because the production ATVs were equipped with different carburetors than those described in the COC applications, the production ATVs were not covered by the COCs issued for the engine families described in those applications. *Id.* at EPA-000811–12.

Pursuant to the ASA, T-USA paid a civil penalty of \$260,000, and committed to replacing the uncertified production carburetors with carburetors conforming to the certified design on ATVs that were in inventory or were brought to a Taotao service center. *Id.* at EPA-000812–14. T-USA also committed to implementing a compliance plan covering vehicles it imported, purchased or distributed. *Id.* at EPA-000814–15, EPA-000828–32. The plan required emissions testing on representative new model year vehicles to ensure emission standards were met prior to importation. *Id.* at EPA-000829–30. The plan further required catalyst testing on representative new model year vehicles, and inspections to ensure the vehicles were built in all material respects to the design specifications described in the corresponding COC application. *Id.*

T-USA was required to notify the manufacturer and EPA whenever testing or inspection results indicated that vehicles did not conform with emissions standards or with the design specifications in the COC application. *Id.* at EPA-000830–31. The plan required T-USA to submit Annual Progress Reports to EPA. *Id.* at EPA-000832. T-USA agreed to pay stipulated penalties if it failed to comply with the agreement. *Id.* at EPA-000815–16.

After execution of the ASA, T-USA did not provide EPA with the results of emissions tests or catalytic converter analyses as required under the compliance plan. For that failure, T-USA paid stipulated penalties in April 2012. *See* CX068–CX075 (correspondence between EPA and T-USA identifying deficiencies in T-USA’s Annual Progress Reports, resulting in payment of a stipulated penalty in the amount of \$160,000).

D. Inspections Reveal Problems with Respondents’ Catalytic Converters

On March 27, 2012, EPA inspectors at the Los Angeles/Long Beach Seaport (the “Port” or “Long Beach”) inspected an entry of motorcycles manufactured by T-Group and imported by T-USA, Entry No. ES2-0180393-0 (“Entry -3930”). CX061 at EPA-000663, EPA-000667–75, EPA-000685–87. The motorcycles were labeled as belonging to engine family CTAOC.049MC1.⁹ *Id.* at EPA-000663, EPA-000685. The inspectors examined the vehicle with vehicle identification number (“VIN”) L9NTEACB0C1019276 (“VIN -9276”), and removed the vehicle’s catalytic converter for analysis. CX061 at EPA-000663–64, EPA-000694–95; CX062

⁹ Engine families are named following a standardized convention that identifies the engine family’s model year (1st character); manufacturer identification code (2nd–4th characters); vehicle or engine type (5th character); engine displacement (6th–9th characters); and unique manufacturer-specified characters (10th–12th characters). CX012 at EPA-000369–70; CX015 at EPA-000407–08. A manufacturer must identify a vehicle’s engine family, as well as the vehicle’s unique vehicle identification number (“VIN”) and other information, on a vehicle emission control information (“VECI”) label that is permanently affixed to the vehicle or engine. 40 C.F.R. §§ 86.413-2006(a), 1051.135(a)–(b).

at EPA-000720. The catalytic converter was sent to the Chantilly, Virginia, facility of the Eastern Research Group, Inc. (“ERG”), an EPA contractor, for analysis. CX062 at EPA-000720–722.

ERG analyzed the catalytic converter taken from VIN -9276 on June 12, 2013. CX063 at EPA-000724. The COC application for engine family CTAOC.049MC1 states that vehicles in the engine family are equipped with catalytic converters [REDACTED] [REDACTED] CX 004 at EPA-000126. The catalytic converter taken from VIN -9276 contains Pt in a concentration below the detectable limit, and contains Pd and Rh in concentrations of 5653 parts per million (“ppm”) to 73 ppm, a ratio ERG calculated to be 77.4:1. CX063 at EPA-000724. The ratio of approximately 0:77.4:1 is [REDACTED] CX004 at EPA-000126; CX063 at EPA-000724. Based on the absence of detectable Pt and the ratio of Pd to Rh, the catalytic converter taken from VIN -9276 is not the catalytic converter described in the COC application for CTAOC.049MC1 or tested on the certification prototype.

EPA inspectors inspected another T-USA entry at the Port on June 18, 2013, Entry No. ES2-0205107-5 (“Entry -1075”). CX064 at EPA-000725. The entry contained ATVs manufactured by JCXI and imported by T-USA, labeled as belonging to engine family DTAOX0.12A1T. *Id.* at EPA-000725–35, EPA-000747, EPA-000767. The inspectors examined VIN L5NAAFTD3D1004570 (“VIN -4570”), removed the vehicle’s catalytic converter, and sent it to ERG for analysis. CX064 at EPA-000725–26, EPA-000771, EPA-000793; CX065.

ERG analyzed the catalytic converter taken from VIN -4570 on July 9, 2013. CX066 at EPA-000806. The COC application for engine family DTAOX0.12A1T states that vehicles in the engine family are equipped with catalytic converters [REDACTED] [REDACTED] CX 006 at EPA-000198. The catalytic converter taken from VIN -4570 contains an

observed Pt:Pd:Rh ratio of 1.3:30.9:1, in concentrations of 87 ppm: 2038 ppm: 66 ppm. CX066 at EPA-000806. The ratio 1.3:30.9:1 [REDACTED] CX006 at EPA-000198; CX066 at EPA-000806. Based on the ratio of precious metals, the catalytic converter taken from VIN -4570 is not the catalytic converter described in the COC application for DTAOX0.12A1T or tested on the certification prototype.

In a letter from EPA to T-USA dated August 1, 2013, EPA wrote that “[a] vehicle’s emission control catalyst is essential to the emission performance of the vehicle,” and that “[a] catalyst installed on a production vehicle must be identical to that catalyst specified in the applicable application for the [COC] to ensure that applicable emissions limitations are attained.” CX081 at EPA-000989–90. EPA notified T-USA that following the June 18, 2013 inspection of Entry -1075, EPA suspected that the vehicles labeled as belonging to engine family DTAOX0.12A1T were being manufactured with catalytic converters with “significantly less active material loading compared to the certified design.” *Id.* at EPA-000991. As a consequence, EPA ordered T-USA to send two exhaust systems containing catalytic converters from vehicles in Entry -1075 to ERG for analysis. *Id.*

T-USA did send two exhaust systems with catalytic converters to ERG, though it failed to mark from which vehicle each exhaust system came. CX084–CX085. On November 20, 2013, ERG analyzed one of the catalytic converters, taken from either VIN L5NAAFTD5D1004845 or VIN L5NAAFTD5D1004848 (“VIN -4845 or VIN -4848”). CX086 at EPA-001003. The catalytic converter contains an observed Pt:Pd:Rh ratio of 2.3:51.1:1, calculated from precious metal concentrations of 140 ppm: 3063 ppm: 60 ppm. *Id.* The ratio 2.3:51.1:1 [REDACTED] [REDACTED] CX006 at EPA-000198; CX086 at EPA-001003. Based on the ratio of precious

metals, the catalytic converter taken from VIN -4845 or VIN -4848 is not the catalytic converter described in the COC application for DTAOX0.12A1T or tested on the certification prototype.

On November 6, 2013, EPA inspector Amelie Isin conducted an inspection at T-USA’s warehouse in Carrollton, Texas. CX087; *see* CX155 (resume of Amelie Isin). Ms. Isin inspected vehicles from six different engine families in T-USA’s inventory, and took catalytic converters from ten different VINs for analysis. CX087 at EPA-001004–13; CX088 at EPA-001070. Ms. Isin sent the ten catalytic converters to ERG and requested that ERG analyze one from each of the six engine families. CX088. ERG analyzed the catalytic converters on November 12 and 13, 2013. CX089. All of the catalytic converters have observed ratios of Pt:Pd:Rh different from the ratios described in the relevant COC applications. *Id.* The results of the analyses are summarized in the following table.

Table 1: Comparison of Certified PM Ratios to Observed PM Ratios

Engine Family	Last 4 Digits of VIN	[REDACTED]	Pt:Pd:Rh Observed ERG Concentration (ppm)	Pt:Pd:Rh Observed ERG Ratio based on Concentration	Bates Citation
ETAOX0.12A1T	-9940	[REDACTED]	105: 1844: 192	0.5: 9.6:1.0	EPA-001089
DTAOC.049MC2	-4975	[REDACTED]	35: 6420: 114	1.0: 183.4:3.3	EPA-001091
DTAOC.124AAA	-0991	[REDACTED]	ND: 1665: 84	ND: 19.8:1.0 ¹⁰	EPA-001093
DTAOC.15G2T	-3627	[REDACTED]	32: 646: 40	0.8: 16.2:1.0	EPA-001095
ETAOC.049MC2	-0041	[REDACTED]	18: 5062: 47	1.0: 281.2:2.6	EPA-001097
DTAOC.150MC2	-0248	[REDACTED]	890: 8923: 110	7.0: 70.2:0.0	EPA-001099

CX089.

E. Notice of Violation and Test Order

On December 24, 2013, Complainant sent Respondents a Notice of Violation (“NOV”) informing them that approximately 64,377 vehicles manufactured by T-Group and JCXI, and

¹⁰ The catalytic converter taken from VIN -0991 did not contain a detectable concentration of Pt. CX089 at EPA-001093. This is represented in the Table by the entry “non-detect,” or “ND,” in the Table.

imported by T-USA, had been imported to the United States for sale in violation of § 203(a)(1) of the Act, 42 U.S.C. § 7522(a)(1). CX092 at EPA-001112–14. Based on the Port inspections and the inspection performed at T-USA’s warehouse, the vehicles from engine families CTAOC.049MC1, DTAOX0.12A1T, ETAOX0.12A1T, DTAOC.049MC2, DTAOX.124AAA, DTAOX0.15G2T, ETAOC.049MC2, and DTAOC.150MC2, had been manufactured with catalytic converters that did not contain the concentration or ratio of precious metals described in the COC applications for those engine families. *Id.* at EPA-001113–16. The vehicles were therefore not covered by the COCs issued for those engine families, and were imported, offered for sale, distributed in commerce, or sold in violation of the Act. *Id.* at EPA-001114.

On February 6, 2014, Complainant issued a Request for Information under section 208(a) of the Clean Air Act, 42 U.S.C. § 7542(a) (the “test order”), directing, among other things, that Respondents conduct emissions testing and catalytic converter testing on “three representative and randomly selected vehicles from each of the” engine families identified in the NOV. CX094 at EPA-001120–22, EPA-001126–27. Complainant worked with Respondents to develop a test plan and randomly select the vehicles to be tested. CX096–CX098. The parties agreed to a plan whereby the selected vehicles would be sent to an independent lab, California Environmental Engineering (“CEE”) for low-hour (i.e., less than full useful life) emissions testing, in which the motorcycles would be run to 2,500 km and the nonroad vehicles for 12 hours before being tested.¹¹ CX098. The vehicles’ catalytic converters would then be sent to SGS for analysis. *Id.*

¹¹ The useful lives of the vehicle classes at issue in this case are summarized in the following chart:

CEE conducted emissions testing on the twenty-four selected vehicles between May and October 2014.¹² *See generally* CX099–CX122. Of the twenty-four vehicles sent to CEE, twenty-three had their catalytic converters sent to SGS for analysis as described in the test plan. *See* CX125–CX133 (SGS reports). One highway motorcycle, VIN L9NTEACT7E1000882 from engine family ETAOC.049MC2, was diverted in response to a confirmatory test order issued to T-USA by the EPA’s Office of Transportation and Air Quality (“OTAQ”).¹³ *See* CX134

Table 2: Useful Lives of Vehicle Types/Classes Imported by T-USA

<i>Vehicle Class</i>	<i>Engine Displacement</i>	<i>Useful Life</i>	<i>Legal Authority</i>
Highway Motorcycle I-A (“HMC-IA”)	<50 cubic centimeters (“cc”)	5 years or 6,000 km (3,728 miles)	40 C.F.R. §§ 86.402-98, 86.419-2006(b)
Highway Motorcycle I-B (“HMC-IB”)	≥50 cc	5 years or 12,000 km (7,456 miles)	40 C.F.R. §§ 86.402-98, 86.419-2006(b)
Off-Highway Motorcycle (“OFMC”)	>70 cc	5 years or 10,000 km	40 C.F.R. § 1051.105(c)
ATV	<100 cc	5 years, 500 hours of operation, or 5,000 km	40 C.F.R. § 1051.107(c)
	≥100 cc	5 years, 1,000 hours of operation, or 10,000 km	40 C.F.R. § 1051.107(c)

¹² One highway motorcycle, from engine family DTAOC.150MC2, exceeded the emissions standard for carbon monoxide (“CO”) during the low-hour testing. *See* CX108 at EPA-001435–36, EPA-001440 (CO emissions of 12.774 g/km); 40 C.F.R. § 86.410-2006(a)(1) (emission standard for CO of 12.0 g/km).

¹³ The OTAQ confirmatory test order requested a highway motorcycle from engine family FTAOC.049MC2, but T-USA instead sent a highway motorcycle from the previous model year, engine family ETAOC.049MC2. *See* CX112 (CEE test report identifying VIN -0882 as belonging to engine family ETAOC.049MC2); CX134 at EPA-001833 (confirmatory test order requesting vehicle from engine family FTAOC.049MC2); CX135 (e-mail from T-USA identifying that it would send VIN -0882 to Lotus); CX136 at EPA-001843–45 (Lotus report identifying VIN -0882 as the tested vehicle).

The OTAQ confirmatory test order directed T-USA to run the highway motorcycle to the end of its useful life, 6,000 km, and send it to an independent laboratory contracted by EPA, Lotus

(confirmatory test order); CX135 (e-mail communication between T-USA and EPA concerning diversion of vehicle).

SGS analyzed the twenty-three catalytic converters it received pursuant to the test order between April and November 2014. Each and every catalytic converter has Pt, Pd, and Rh in a ratio different from that described in the COC application submitted for the corresponding vehicle's engine family. Twenty of the catalytic converters do not have detectable concentrations of Pt. CX125 at EPA-001751-52; CX126; CX127 at EPA-001769-70; CX128; CX129 at EPA-001786-87; CX130; CX131 at EPA-001802-03; CX132 at EPA-001817-18; CX133 at EPA-001831-32. Similarly, sixteen of the catalytic converters do not have detectable concentrations of Rh. CX125 at EPA-001751-52; CX126; CX127 at EPA-001769-70; CX128; CX129 at EPA-001786-87; CX130; CX131 at EPA-001802-03; CX132 at EPA-001817-18; CX133 at EPA-001831-32. The results of the SGS analyses are summarized in the table below.

Engineering, Inc. ("Lotus"), for full useful life emissions testing. CX134 at EPA-001833. The vehicle, VIN -0882, was tested twice at Lotus, and it exceeded the emissions standard of 12 g/km for CO on both tests despite having previously met the emissions standard during low-hour testing at CEE. 40 CFR. § 86.410-2006(a)(1) (emissions standards); *see* CX112 at EPA-001523 (CEE report showing CO emissions of 6.796 g/km); CX136 at EPA-001845 (Lotus report showing CO emissions of 15.12 g/km and 15.28 g/km).

Respondents appear to contest the results of the emissions testing performed by Lotus. *See* JPHE Exhibit 1 (questioning Lotus lab emission test results). Emissions exceedances are not an element of violations of section 203(a)(1) of the Act, 42 U.S.C. § 7522(a)(1). The emissions test results are therefore not material to the question of Respondents' liability. *See infra* pp. 33-33.

Table 3: Summary of SGS Catalytic Converter Analyses

Engine Family	Last 4 Digits of VIN	EDV Number	[REDACTED]	SGS Results (milligrams per kilogram (“mg/kg”))		
				Pt	Pd	Rh
DTAOX0.12A1T	-9516	EDV 1	[REDACTED]	<10	2445	81
	-4218	EDV 7	[REDACTED]	<10	897	<10
	-9751	EDV 9	[REDACTED]	<10	2146	39
DTAOC.049MC2	-1627	EDV 4	[REDACTED]	<10	5842	<10
	-0770	EDV 20	[REDACTED]	<10	4215	<10
	-1302	EDV 22	[REDACTED]	<10	3615	<10
ETAOX0.12A1T	-1955	EDV 3	[REDACTED]	<10	1123	35
	-7762	EDV 5	[REDACTED]	<10	987	<10
	-7815	EDV 11	[REDACTED]	<10	1472	30
DTAOC.150MC2	-0004	EDV 2	[REDACTED]	<10	4486	<10
	-0050	EDV 6	[REDACTED]	<10	3074	<10
	-0106	EDV 10	[REDACTED]	<10	4596	<10
CTAOC.049MC1	-0001	EDV 12	[REDACTED]	<10	4639	<10
	-0104	EDV 16	[REDACTED]	<10	4526	<10
	-0122	EDV 24	[REDACTED]	<10	4066	<10
DTAOX0.15G2T	-0133	EDV 13	[REDACTED]	44	3625	54
	-0107	EDV 15	[REDACTED]	47	3024	53
	-0113	EDV 17	[REDACTED]	48	3201	54
DTAOX.124AAA	-0936	EDV 19	[REDACTED]	<10	981	<10
	-0851 ¹⁴	EDV 23	[REDACTED]	<10	1005	<10
	-0912	EDV 21	[REDACTED]	<10	1023	<10
ETAOC.049MC2	-0849	EDV 18	[REDACTED]	<10	4399	<10
	-3902	EDV 8	[REDACTED]	<10	3941	<10

CX099 at EPA-001240; CX100 at EPA1262; CX101 at EPA-001283; CX102 at EPA-001308; CX103 at EPA-001236; CX104 at EPA-001352; CX105 at EPA-001371; CX106 at EPA-

¹⁴ The test plan identified three VINs from each engine family for testing, including VIN L5NAAJT9D1000726 (“VIN -0726”) from engine family DTAOX.124AAA. CX098 at EPA-001231. In place of VIN -0726, CEE received VIN L5NAAJT11D1000851 (“VIN -0851”) from engine family DTAOX.124AAA and marked it as EDV 23. See CX121 at EPA-001694 (image of vehicle marked EDV 23). Then, SGS in its catalyst test report associated EDV 23 with VIN -0726, which was identified in the test plan but not tested, rather than VIN -0851, which was not identified in the test plan but was in fact tested. CX129 at EPA-001786.

SGS’s report also contains typographical errors when identifying the VINs associated with EDV 2, L9NTELKE3D1250004, and EDV 6, L9NTELKEXD1250050. These administrative discrepancies do not alter or affect the test results.

001395; CX107 at EPA-001414; CX108 at EPA-001436; CX109 at EPA-001455; CX110 at EPA-001478; CX111 at EPA-001497; CX113 at EPA-001538; CX114 at EPA-001560; CX115 at EPA-001579; CX116 at EPA-001601; CX117 at EPA-001618; CX118 at EPA-001640; CX119 at EPA-001657; CX120 at EPA-001676; CX121 at EPA-1693; CX122 at EPA-001715; CX125 at EPA-001752; CX126 at EPA-001753; CX127 at EPA-001769; CX128 at EPA-001771; CX129 at EPA-001786; CX130 at EPA-001788; CX131 at EPA-001803; CX132 at EPA-001818; CX133 at EPA-001832.

F. Violations Discovered After Filing of the Administrative Complaint

On January 4, 2016, ERG inspectors acting on behalf of EPA inspected an entry of ATVs at Long Beach, Entry No. 065-3879530-0 (“Entry -5300”). CX140–CX141. The ATVs purportedly belonged to two different engine families, FTAOX0.15G2T and GTAOX0.15G2T, and had been manufactured by JCXI and imported by T-USA. CX140 at EPA-001908–10, EPA-001914; CX141 at EPA-001922–24; CX145 at EPA-001934–35. The inspectors examined VIN L5NAELTN4G1003749 (“VIN -3749”), labeled as belonging to engine family GTAOX0.15G2T, and removed the vehicle’s catalytic converter. CX141 at EPA-001918–19, EPA-001926. The catalytic converter was sent to EPA Region 9’s Laboratory for analysis. CX143–CX144.

Region 9’s laboratory analyzed the catalytic converter taken from VIN -3749 on February 12, 2012. CX144 at EPA-001929–31. The COC application for engine family GTAOX0.15G2T states that vehicles in the engine family are equipped with catalytic converters [REDACTED] [REDACTED] at EPA-000332. The catalytic converter taken from VIN -3749 does not contain detectable concentrations of Pt, Pd, or Rh, suggesting that the catalytic converter contains no precious metals whatsoever. CX144 at EPA-001931. Region 9’s Laboratory reported the Pt:Pd:Rh ratio as 0:0:0, with observed concentrations of <150 mg/kg: <40 mg/kg: <40 mg/kg. CX144 at EPA-001933. Based on the concentrations and proportion of

precious metals, the catalytic converter taken from VIN -3749 is not the catalytic converter described in the COC application for GTA0X0.15G2T or tested on the certification prototype.

On February 25, 2016, EPA inspectors returned to Entry -5300 to inspect a vehicle from the other engine family in the entry, FTA0X0.15G2T. CX145 at EPA-001934. The inspectors examined VIN L5NAELTN3F1001036 (“VIN -1036”), and sent its catalytic converter to ERG for analysis. CX145 at EPA-001934–35, EPA-001940–41; CX146–CX147. The COC application for engine family FTA0X0.15G2T states that vehicles in the engine family are equipped with catalytic converters [REDACTED] CX009 at EPA-000299; CX147 at EPA-001944–46. ERG analyzed the catalytic converter taken from VIN -1036 twice. CX147 at EPA-001944–47. In both tests, the catalytic converter did not contain a detectable concentration of Rh. *Id.* The first analysis detected 120 ppm of Pt and 61 ppm of Pd. *Id.* at EPA-001946. The second analysis detected 123 ppm of Pt and 80 ppm of Pd. *Id.* at EPA-001946. With a ratio of approximately 2:1:0 or 1.5:1:0, the catalytic converter’s proportions of precious metals are [REDACTED] See CX009 at EPA-000299 (certified catalytic converter specifications). Based on the concentration and proportion of precious metals, the catalytic converter taken from VIN -1036 is not the catalytic converter described in the COC application for FTA0X0.15G2T or tested on the prototype.

On February 25, 2016, EPA inspectors also inspected Entry No. 065-3919330-7 (“Entry -3307”), which contained ATVs labeled as belonging to engine family GTA0X0.15G2T. CX148 at EPA-001948–57; CX149 at EPA-001960–61. The ATVs had been manufactured by JCXI and imported by T-USA. CX148 at EPA-001948, EPA-001954; CX149 at EPA-001964. The inspectors examined VIN L5NAELTN1G1003420 (“VIN -3420”), labeled as belonging to

engine family GTA0X0.15G2T, and removed the vehicle's catalytic converter for analysis. CX149 at EPA-001960-61, EPA-001985-86; CX150 at EPA-001987; CX151.

The catalytic converter taken from VIN -3420 was analyzed by ERG on March 4, 2016. CX152. The COC application for engine family GTA0X0.15G2T states that vehicles in the engine family are equipped with catalytic converters [REDACTED] CX010 at EPA-000332. The catalytic converter from VIN -3420 does not contain detectable concentrations of Pt or Rh. *Id.* at EPA-002004-05. The analysis detected 18 ppm of Pd. *Id.* Based on the concentrations and proportion of precious metals, the catalytic converter taken from VIN -3420 is not the catalytic converter described in the COC application for GTA0X0.15G2T or tested on the certification prototype.

G. Summary of Catalytic Converter Testing

Between June 12, 2013, and March 4, 2016, EPA tested thirty-five randomly-selected catalytic converters from ten different engine families representing five different model years of Respondents' on-highway motorcycles, off-highway motorcycles, and ATVs. CX063; CX066; CX086; CX089; CX125-CX133; CX147; CX152. Those engine families are: GTA0X0.15G2T (model year 2016); FTA0X0.15G2T (model year 2015); ETAOC.049MC2, ETA0X0.12A1T (model year 2014); DTAOC.150MC2, DTA0X0.12A1T, DTA0X0.15G2T, DTA0X.124AAA, DTAOC.049MC2 (model year 2013); and CTAOC.049MC1 (model year 2012). None of the catalytic converters tested were described in the COC applications for the relevant engine families or tested on the engine families' prototypes. A summary of the catalytic converter analyses is included with this Motion as Attachment B.

IV. Analysis

Respondents are liable for 109,954 violations of section 203(a)(1) of the Clean Air Act, 42 U.S.C. § 7524(c)(1), and the implementing regulations at C.F.R. Parts 85, 86, 1051, and 1068. The Consolidated Rules allow the Presiding Officer to render an accelerated decision at any time “as to any or all parts of the proceeding, without further hearing or upon such limited additional evidence, such as affidavits, as [s]he may require, if no genuine issue of material fact exists and a party is entitled to judgment as a matter of law.” 40 C.F.R. § 22.20(a).

Section 203(a)(1) of the Act prohibits any manufacturer from selling, offering to sell, introducing, or delivering for introduction into commerce in the United States, or from importing into the United States, any new vehicle or engine “unless such vehicle or engine is covered by a certificate of conformity.” 42 U.S.C. §§ 7522(a)(1), 7547(d); 40 C.F.R. §§ 86.407-78(a), 1068.101(a)(1). Complainant contends there are no genuine issues of material fact in dispute with regard to Respondents’ liability for the violations and Complainant therefore requests the Presiding Officer find that Respondents are liable for the violations alleged. In the alternative, Complainant requests that the Presiding Officer narrow the issues for hearing by making findings of fact and by ruling on those claims and defenses for which no material facts are in dispute. *See* 40 C.F.R. § 22.20(b)(2) (partial accelerated decision).

A. Material Facts Are Not Reasonably In Dispute

Complainant asserts that the material facts set forth in Attachment A to this Motion are not in genuine dispute, and entitle Complainant to judgement as a matter of law with regard to liability.

B. Each Respondent Is a “Manufacturer” Within the Meaning of the Clean Air Act, 42 U.S.C. § 7522(a)(1)

The Act defines a person to include any “corporation, partnership, [or] association.” 42 U.S.C. § 7602(e). Respondents have admitted that T-USA is a corporation organized under the laws of Texas, and that T-Group and JCXI are corporations organized under the laws of the People’s Republic of China. *See* Am. Compl. ¶¶ 4–6; Am. Answers at ¶¶ 4–6. Each Respondent therefore meets the Act’s plain legal definition of a “person.”

The Act defines a manufacturer to include “any person engaged in the manufacturing or assembling of new motor vehicles, new motor vehicle engines, new nonroad vehicles or new nonroad engines, or importing such vehicles or engines for resale.” 42 U.S.C. § 7550(1). A vehicle is new if its equitable or legal title has never been transferred to an ultimate purchaser. 42 U.S.C. § 7550(3); 40 C.F.R. § 1051.801.

Respondents are in the business of manufacturing and selling highway motorcycles, off-highway motorcycles, and ATVs. CX095 at EPA-001133–81 (agreements between T-USA and dealers of T-USA’s products), EPA-001212–13 (diagram provided by T-USA showing its business relationship with T-Group and JCXI); *see* CX032 (T-USA website advertising vehicles for sale); CX035 (e-commerce website entry describing T-Group and JCXI’s products as including motorcycles and ATVs). Each COC application explains that the vehicles are assembled by T-Group or JCXI at the factory in China. CX001 at EPA-000004–05; CX002 at EPA-000040–41; CX003 at EPA-000083–84; CX004 at EPA-000119–20; CX005 at EPA-000154–55; CX006 at EPA-000190–91; CX007 at EPA-000223–24; CX008 at EPA-000255–56; CX009 at EPA-000291–92; CX010 at EPA-000324–25. T-Group or JCXI then ship the finished, new vehicles to T-USA in the United States, who imports them for distribution and sale

to an ultimate retail purchaser. Am. Compl. ¶ 10; Am. Answers at ¶ 10; CX001 at EPA-000004–05, EPA-000018–20; CX002 at EPA-000040–41, EPA-000056–58; CX003 at EPA-000083–84, EPA-000097–99; CX004 at EPA-000119–20, EPA-000133–35; CX005 at EPA-000154–55, EPA-000171–73; CX006 at EPA-000190–91, EPA-000207–09; CX007 at EPA-000223–24, EPA-000239–41; CX008 at EPA-000255–56, EPA-000271–74; CX009 at EPA-000291–92, EPA-000308–10; CX010 at EPA-000324–25, EPA-000341–43.

Respondents admit that T-USA “imports highway motorcycles manufactured by Taotao Group and recreational vehicles manufactured by JCXI into the USA.” Am. Compl. ¶ 10; Am. Answers at ¶ 10. Respondents have further admitted that T-Group or JCXI “built,” and T-USA imported, every vehicle labeled as belonging to each engine family at issue in this case (the “subject vehicles”). Am. Compl. ¶¶ 45, 55, 65, 74, 84, 94, 104, 114, 122, 130; Am. Answers ¶¶ 45, 55, 65, 74, 84, 94, 104, 114, 122, 130. T-Group and JCXI are “manufacturers” because they “manufactured” or “built” every new vehicle in each engine family identified in the Amended Complaint, and shipped them to the United States to be introduced into commerce. T-USA is a “manufacturer” because it imported into the United States every new vehicle in each engine family identified in the Amended Complaint for distribution and sale.

C. Respondents’ Vehicles Were Materially Different From Vehicles Described in Their COC Applications

T-Group and T-USA, and JCXI and T-USA, submitted COC applications to EPA containing detailed descriptions of the catalytic converters Respondents would equip on each vehicle from each engine family at issue in this case. CX001 at EPA-000001–11; CX002 at EPA-0000037–47; CX003 at EPA-000080–90; CX004 at EPA-000116–26; CX005 at EPA-000151–62; CX006 at EPA-000187–98; CX007 at EPA-000220–31; CX008 at EPA-000252–

63; CX009 at EPA-000288–99; CX010 at EPA-000321–32; *see* 40 C.F.R. §§ 86.416-80(a)(2)(i), 1051.201, 1051.205(a)–(b) (content of COC applications). The EPA granted the applications and issued COCs for the engine families in part because prototype test data demonstrated that the vehicles would conform to emissions standards throughout their useful life when built to the certified design. CX043–CX052. Each COC states on its face: “This Certificate covers only those vehicles which conform, in all material respects, to the design specifications that applied to those vehicles described in the documentation required” by regulation to be included with a COC application. CX043–CX052.

Respondents built their vehicles with catalytic converters that were not the catalytic converters described in their COC applications. Specifically, Respondents equipped their vehicles with catalytic converters that contain precious metals in different concentrations and ratios than described in the COC applications. The difference is material because catalytic converters *are* emissions controls. CX001 at EPA-000011; CX002 at EPA-0000047; CX003 at EPA-000090; CX004 at EPA-000126; CX005 at EPA-000162; CX006 at EPA-000198; CX007 at EPA-000231; CX008 at EPA-000263; CX009 at EPA-000299; CX010 at EPA-000332; *see* CX175 at EPA-002391–93, EPA-002401–03 (catalytic converters have become fully integrated into vehicle emission control systems). Changing the catalytic converter on a vehicle may reasonably be expected to affect the vehicle’s emission control system because the catalytic converter is a critical part of that system. CX176 at EPA-002408–09. This is why the catalytic converter is a defining characteristic of an engine family. *See* 40 C.F.R. §§ 86.420-78(a)–(b)(7), 1051.230(a)–(b)(5).

The regulatory emphasis on ensuring that vehicles in an engine family are manufactured with catalytic converters identical to those described in the COC application and equipped on the

prototype is not arbitrary. Catalytic technology and design is a complex field of chemical engineering. CX176 at EPA-002408. Catalytic converters with different concentrations and ratios of active precious metals are expected to perform differently, and to deteriorate differently, in a given application. CX175 at EPA-002355–58; CX176 at EPA-002409. The only way to understand how a catalytic converter design will perform in a given application is to test the catalytic converter in that application to the end of its useful life. CX176 at EPA-002409–11. This is because catalytic converters deteriorate with time and use through sintering, poisoning, masking, or washcoat loss. CX175 at EPA-002372, EPA-002387–90; CX176 at EPA-002409.

In this case, the catalytic converters equipped on Respondents’ vehicles generally are Pd-based catalytic converters rather than the Pt, Pd, and Rh-based catalytic converters described in the COC applications. CX176 at EPA-002408, EPA-002410–11. It is reasonable to expect that the Pd-based catalytic converters would have different emissions characteristics than the Pt, Pd, and Rh-based catalytic converters over the useful life of the vehicle on which they are equipped. 40 C.F.R. §§ 86.420-78(a), 1051.230(a); CX176 at EPA-002409, EPA-002411.¹⁵

¹⁵ The only way to assess the difference would be conduct emissions testing on new prototypes to the end of their useful life, as required for certification of a new engine family. CX176 at EPA-002411; *see* 40 C.F.R. §§ 86.421-78, 86.431-78 to 86.436-78, 1051.205(d)–(p), 1051.235, 1051.240 to 1051.245. No such testing has been performed. The emissions testing conducted by CEE only tested the low-hour performance of the vehicles, to 2,500 km for the highway motorcycles and 12 hours of service for the non-road ATVs and off-road motorcycles (CX098 at EPA-001231), a fraction of each vehicle’s useful life (*see supra* n.11). The CEE reports project what the vehicles’ anticipated end-of-useful-life emissions would be by applying “deterioration factors” provided by T-USA to each vehicle’s low-hour emissions performance. *See, e.g.*, CX099 at EPA-001244. Because the deterioration factors were developed through full useful life testing performed on prototypes equipped with different catalytic converters than were equipped on the vehicles being tested, the deterioration factors do not reflect how the emissions of the vehicle would degrade over time. CX176 at EPA-002411–12; *see* 40 C.F.R. §§ 86.4372-78 (development of deterioration factors), 1051.243 (deterioration factors and durability testing). The CEE tests therefore do not provide any information about the actual full-useful life

C. Respondents' Defenses Misconstrue the Clean Air Act

Respondents advance two arguments concerning liability in their Joint Prehearing Exchange. First, Respondents contend that neither T-Group nor JCXI are “persons” or “manufacturers” under the Act, and they are therefore not subject to the prohibitions in section 203(a)(1) of the Act, 42 U.S.C. § 7522(a)(1). Second, Respondents contend that evidence of excess emissions is required to establish that a violation of section 203(a)(1) has occurred. Both arguments are inconsistent with the plain language of the Act and should be rejected by the Tribunal.

i. T-Group and JCXI are manufacturers subject to the Clean Air Act.

Respondents contend in their Prehearing Exchange that T-Group and JCXI are not “persons” under the Act because they did not import the subject vehicles. Rs’ PHE at 5. This argument is inconsistent with the plain language of the Act, which does not refer to importation in the statutory definition of “person.” 42 U.S.C. § 7602(e). Similarly, Respondents contend that neither T-Group nor JCXI are “manufacturers” subject to section 203(a)(1) of the Act, 42 U.S.C. § 7522(a)(1), because they did not apply for the COCs in this case, and because they did not manufacture the catalytic converters used on the subject vehicles. Rs’ PHE at 5–6. Neither of these arguments are availing.

Nothing in the definition of “manufacturer” limits the scope of the term to persons who apply for COCs, or to vehicle component suppliers. Likewise, the scope of the prohibition against the sale or introduction of uncertified vehicles is not limited to persons or manufacturers who apply for COCs. Vehicle manufacturers and importers are both responsible for ensuring that

performance of the catalytic converters actually used on Respondents’ vehicles. CX176 at EPA-002411–12.

their vehicles comply with all environmental laws and regulations. *See* CX019 at EPA-000439 (nonroad enforcement alert addressing importer and manufacturer responsibility); CX020 at EPA-000444 (enforcement alert addressing importer and manufacturer obligations); CX021 at EPA-000447–48 (enforcement alert addressing obligations of importers and manufacturers, including foreign manufacturers).

Respondents would add novel, self-serving limitations that are contradicted by the Act’s plain, unambiguous language. T-Group and JCXI manufactured the subject vehicles for sale in the United States. They are responsible for ensuring that their products match the description in the COC application and are covered by EPA-issued COCs. Their attempt to evade responsibility should be rejected.

ii. Proof of excess emissions is not required.

Respondents argue that because Complainant has not alleged “that Respondents have exceeded emission standards under the CAA,” and that any increase in emissions due to the use of different catalytic converters would be *de minimis*, Complainant has failed to state a claim and “Respondents cannot be held liable for a CAA violation.”¹⁶ Rs’ PHE at 3–4, 6–7. Respondents’ argument misunderstands the plain language of the Act. Moreover, their argument has been squarely rejected by the D.C. Circuit.

Section 203(a)(1) of the Act makes it a violation for any manufacturer or importer of new motor vehicles to sell, offer for sale, introduce into commerce, deliver for introduction into commerce, or import into the United States any new motor vehicle not covered by a COC.

¹⁶ Respondents also invoke, without explanation, “the due process and equal protection rights guaranteed by the United States Constitution.” Rs’ PHE at 6–7. Respondents have not explained how this action may violate their due process rights or deny them equal protection of the law, and have not otherwise explained how the Fifth or Fourteenth Amendments of the United States Constitution apply to this case.

42 U.S.C. § 7522(a)(1). Under the plain language of the Act, the existence of a violation does not depend on whether there has been an increase in emissions. *Id.* Rather, it depends on whether vehicles are “covered” by a COC. *Id.* EPA issues COCs that cover specific engine families based on prototype testing, and a COC will cover only those vehicles that are within the named engine family, conform in all material respects to the vehicle specifications described in the COC application, and are represented by the engine family’s prototype. 42 U.S.C. § 7525(a)(1); 40 C.F.R. §§ 86.417-78(a), 86.437-78(a)(2), 1051.255(a), 1068.103(a). Again, evidence of excess emissions is not required. This approach “properly places maximum emphasis on congressionally mandated prototype testing.” *Chrysler*, 591 F.2d at 960.

Adoption of Respondents’ approach would allow manufacturers and importers to sell vehicles in any untested, uncertified configuration unless the EPA could prove that the vehicles exceed emissions standards. *See id.* at 960–61. This would upend the certification program set forward by sections 203 and 206 of the Act, which requires manufacturers to test representative prototypes and prove that they meet emissions standards *before* introducing their vehicles into commerce. *See* 42 U.S.C. §§ 7522(a)(1) (violation to sell vehicle not covered by COC), 7525(a)(1) (COC shall only be issued if testing proves that vehicle conforms to emissions standards); *Chrysler*, 591 F.2d at 961 (result would frustrate clear congressional intent). Respondents would essentially require that EPA test, or require manufacturers to test, every vehicle produced for sale in the United States. *Id.* That result is contrary to the plain language of the Act, which mandates prototype testing and prohibits the sale of any vehicle unless the vehicle is covered by an EPA-issued COC.

Respondents suggest that the D.C. Circuit’s decision in *United States v. Chrysler Corp.*, cited by Complainant, is no longer authoritative because it relies in part on a regulatory section that has been revised. Respondents are mistaken. *Chrysler Corp.* remains good law.

In *Chrysler Corp.*, the EPA brought an action against Chrysler because Chrysler had manufactured and introduced into commerce vehicles equipped with distributors, carburetors, exhaust gas recirculation valves, and/or orifice spark advance controls different from those described in Chrysler’s COC application for the vehicles. *United States v. Chrysler Corp.*, 437 F. Supp. 94, 95–96 (D.D.C. 1977). Emissions testing demonstrated that the vehicles did meet emissions standards. *Id.* at 97. The COC issued for the vehicle’s engine family stated that it covered “only those new motor vehicles or new motor vehicle engines which conform in all material respects to the design specifications described in the application for this certificate.” *Id.* at 95 (quoting COC). On this basis, the District Court concluded:

[A]s a matter of law, [] where one or more parts erroneously installed in a vehicle are of a nature intimately related to and which may reasonably be expected to affect emission controls, such vehicle is not covered by the certificate of conformity for the vehicle, even though it may in fact meet emission standards.

Id. at 97.

On appeal, the D.C. Circuit acknowledged the language on the COC, and also noted that EPA regulations provided that a COC “covers only those new motor vehicles which conform, in all material respects, to the design specifications that applied to those vehicles described in the application for certification.” *United States v. Chrysler Corp.*, 591 F.2d 958, 960 (D.C. Cir. 1979) (quoting 40 C.F.R. § 85.074-30(a)(2) (1976)). The Circuit Court affirmed, finding that the “clear language of the statutes, the regulations, and the policies favoring presale certification” together supported the District Court’s decision. *Id.* at 960–61.

The relevant statutory language has not changed, nor have the policies favoring presale certification. 42 U.S.C. §§ 7522(a)(1), 7525(a)(1). The regulation cited in *Chrysler*, 40 C.F.R. § 85.074-30(a)(2) (1976), required each COC to have language stating that it covered “only those new motor vehicles which conform, in all material respects, to the design specifications . . . described in the application for certification” 39 Fed. Reg. 7545, 7552 (Feb. 27, 1974) (provided in the record as CX177). The COCs issued to Respondents have language that is substantively identical to the language required by 40 C.F.R. § 85.074-30(a)(2) (1976) and included on the COC issued to Chrysler, i.e., that the COC only covers vehicles that conform in all material respects to the design specifications described in the COC application.¹⁷ *Compare Chrysler Corp.*, 437 F. Supp. at 95 (covers “only those new motor vehicles or new motor vehicle engines which conform in all material respects to the design specifications described in the application for this certificate”) *with* CX043–CX052 (“covers only those vehicles which conform, in all material respects, to the design specifications that applied to those vehicles described in the documentation required”). The D.C. Circuit’s interpretation of that language, and of the certification program writ large, continues to be authoritative.

CONCLUSION

EPA issued COCs to cover vehicles in the engine families Respondents described in their COC applications. Because Respondents’ production vehicles were built with catalytic converters that were not described in the COC applications, the vehicles did not belong to those engine families, 40 C.F.R. §§ 86.420-78(b)(7), 1051.230(b)(7), and are not covered by the COCs

¹⁷ In 1981, the EPA amended its regulations so that they no longer require specific language to be included on the COC. 46 Fed. Reg. 50464, 50471 (Oct. 13, 1981) (provided in the record as CX178). The EPA characterized the change as an administrative one that would “not affect the substantive requirements of the regulations.” *Id.*

issued for those engine families. Because the vehicles did not conform in all material respects to the design specifications described in the applications for certification, the vehicles are not covered by the COCs. The vehicles were therefore imported, sold, offered for sale, or delivered for introduction into commerce in the United States in violation of sections 203(a)(1) and 213(d), 42 U.S.C. §§ 7522(a)(1), 7547(d).

For the reasons set forth herein, Complainant requests the Presiding Officer find that Respondents are liable for 109,954 violations of section 203(a)(1) of the Clean Air Act, 42 U.S.C. § 7524(c)(1), and the implementing regulations at 40 C.F.R. Parts 85, 86, 1051, and 1068. In the alternative, Complainant requests that the Presiding Officer narrow the issues for hearing by determining what material facts remain controverted, and by ruling on those claims and defenses for which no material facts are in dispute.

Respectfully Submitted,

11/28/2016
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**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the Matter of:)	
)	
Taotao USA, Inc.,)	Docket No. CAA-HQ-2015-8065
Taotao Group Co., Ltd., and)	
Jinyun County Xiangyuan Industry Co., Ltd.)	
)	
Respondents.)	

COMPLAINANT’S MOTION FOR PARTIAL ACCELERATED DECISION
ATTACHMENT A: COMPLAINANT’S STATEMENT OF MATERIAL FACTS
CONCERNING LIABILITY NOT IN REASONABLE DISPUTE

Complainant provides the following statement of material facts as to which it contends there is no genuine issue and that entitle it to judgement on liability as a matter of law pursuant to § 22.20 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (the “Consolidated Rules”).

1. Taotao Group Co., Ltd. (“T-Group”) and Jinyun County Xiangyuan Industry Co., Ltd. (“JCXI”), are corporations organized under the laws of the People’s Republic of China, and are located in Jinyun County, Zhejiang, China. Amended Complaint (“Am. Compl.”) ¶¶ 5–6; Amended Answers (“Am. Answers”) ¶¶ 5–6.
2. Taotao USA, Inc. (“T-USA”) is a corporation organized under the laws of Texas, with an office at 2201 Luna Road, Carrollton, Texas. Am. Compl. ¶ 4; Am. Answers ¶ 4; CX030–CX031.

3. Matao “Terry” Cao is the president of T-USA. Am. Compl. ¶ 12; Am. Answers ¶ 12; *see* CX073 at EPA-000885 (e-mail from T-USA employee to EPA referring to “Matao Cao” as “Terry”).
4. As of June 1, 2013, T-Group manufactured or built, and exported to the United States for introduction into commerce, 21,275 new vehicles labeled as belonging to engine family CTAOC.049MC1. Am. Compl. 74; Am. Answers ¶ 74; CX004 at EPA-000119–20; CX077 at EPA-000910–11; CX083 at EPA-000996–97.
5. As of June 1, 2013, T-USA imported into the United States 21,275 new vehicles labeled as belonging to engine family CTAOC.049MC1. Am. Compl. 74; Am. Answers ¶ 74; CX004 at EPA-000119–20; CX077 at EPA-000910–11; CX083 at EPA-000996–97.
6. As of February 13, 2014, T-Group manufactured or built, and exported to the United States for introduction into commerce, 2,230 new vehicles labeled as belonging to engine family DTAOC.150MC2. Am. Compl. ¶ 55; Am. Answers ¶ 55; CX002 at EPA-000040–41; CX055–CX056.
7. As of February 13, 2014, T-USA imported into the United States 2,230 new vehicles labeled as belonging to engine family DTAOC.150MC2. Am. Compl. ¶ 55; Am. Answers ¶ 55; CX002 at EPA-000040–41; CX055–CX056.
8. As of February 13, 2014, T-Group manufactured or built, and exported to the United States for introduction into commerce, 26,357 new vehicles labeled as belonging to engine family DTAOC.049MC2. Am. Compl. ¶ 65; Am. Answers ¶ 65; CX003 at EPA-000083–84; CX055–CX056.

9. As of February 13, 2014, T-USA imported into the United States 26,357 new vehicles labeled as belonging to engine family DTAOC.049MC2. Am. Compl. ¶ 65; Am. Answers ¶ 65; CX003 at EPA-000083–84; CX055–CX056.
10. As of February 13, 2014, JCXI manufactured or built, and exported to the United States for introduction into commerce, 1,520 new vehicles labeled as belonging to engine family DTAOX0.15G2T. Am. Compl. ¶ 94; Am. Answers ¶ 94; CX006 at EPA-000190–91; CX055–CX056.
11. As of February 13, 2014, T-USA imported into the United States 1,520 new vehicles labeled as belonging to engine family DTAOX0.15G2T. Am. Compl. ¶ 94; Am. Answers ¶ 94; CX006 at EPA-000190–91; CX055–CX056.
12. As of February 13, 2014, JCXI built or manufactured, and exported to the United States for introduction into commerce, 16,825 new vehicles labeled as belonging to engine family DTAOX0.12A1T. Am. Compl. ¶ 104; Am. Answers ¶ 104; CX008 at EPA-000255–56; CX055–CX056.
13. As of February 13, 2014, T-USA imported into the United States 16,825 new vehicles labeled as belonging to engine family DTAOX0.12A1T. Am. Compl. ¶ 104; Am. Answers ¶ 104; CX008 at EPA-000255–56; CX055–CX056.
14. As of February 13, 2014, JCXI manufactured or built, and exported to the United States for introduction into commerce, 864 new vehicles labeled as belonging to engine family DTAOX.124AAA. Am. Compl. ¶ 114; Am. Answers ¶ 114; CX007 at EPA-000223–24; CX055–CX056.

15. As of February 13, 2014, T-USA imported into the United States 864 new vehicles labeled as belonging to engine family DTAOX.124AAA. Am. Compl. ¶ 114; Am. Answers ¶ 114; CX007 at EPA-000223–24; CX055–CX056.
16. As of February 24, 2015, T-Group manufactured or built, and exported to the United States for introduction into commerce, 17,665 new vehicles labeled as belonging to engine family ETAOC.049MC2. Am. Compl. ¶ 45; Am. Answers ¶ 45; CX001 at EPA-000004–05; CX057–CX058.
17. As of February 24, 2015, T-USA imported into the United States 17,665 new vehicles labeled as belonging to engine family ETAOC.049MC2. Am. Compl. ¶ 45; Am. Answers ¶ 45; CX001 at EPA-000004–05; CX057–CX058.
18. As of February 24, 2015, JCXI manufactured or built, and exported to the United States for introduction into commerce, 21,547 new vehicles labeled as belonging to engine family ETAOX.12A1T. Am. Compl. ¶ 84; Am. Answers ¶ 84; CX005 at EPA-000154–55; CX057–CX058.
19. As of February 24, 2015, T-USA imported into the United States 21,547 new vehicles labeled as belonging to engine family ETAOX.12A1T. Am. Compl. ¶ 84; Am. Answers ¶ 84; CX005 at EPA-000154–55; CX057–CX058.
20. As of May 3, 2016, JCXI manufactured or built, and exported to the United States for introduction into commerce, 1,290 new vehicles labeled as belonging to engine family FTAOX0.15G2T. Am. Compl. ¶ 122; Am. Answers ¶ 122; CX009 at EPA-000291–92; CX059–CX060.

21. As of May 3, 2016, T-USA imported into the United States 1,290 new vehicles labeled as belonging to engine family FTAOX0.15G2T. Am. Compl. ¶ 122; Am. Answers ¶ 122; CX009 at EPA-000291–92; CX059–CX060.
22. As of May 5, 2015, JCXI manufactured or built, and exported to the United States for introduction into commerce, 391 new vehicles labeled as belonging to engine family GTAOX0.15G2T. Am. Compl. ¶ 130; Am. Answers ¶ 130; CX010 at EPA-000324–25; CX154 at EPA-002024–27.
23. As of May 5, 2015, T-USA imported into the United States 391 new vehicles labeled as belonging to engine family GTAOX0.15G2T. Am. Compl. ¶ 130; Am. Answers ¶ 130; CX010 at EPA-000324–25; CX154 at EPA-002024–27.
24. T-Group and T-USA, acting through their representative Stanley Marketing & Consulting LLC, submitted certificate of conformity (“COC”) applications for engine families ETAOC.049MC2, DTAOC.150MC2, DTAOC.049MC2, and CTAOC.049MC1. CX001 at EPA-000001–07; CX002 at EPA-000037–42; CX003 at EPA-000080–86; CX004 at EPA-000116–22.
25. JCXI and T-USA, acting through their representative Stanley Marketing & Consulting LLC, submitted COC applications for engine families ETAOX0.12A1T, DTAOX0.15G2T, DTAOX.124AAA, DTAOX0.12A1T, FTAOX0.15G2T, and GTAOX0.15G2T. CX005 at EPA-000151–57; CX006 at EPA-000187–93; CX007 at EPA-000220–26; CX008 at EPA-000252–58; CX009 at EPA-000288–94; CX010 at EPA-000321–27.
26. Each COC application describes the engine family’s emission control system and auxiliary emission control devices. CX001 at EPA-000011; CX002 at EPA-0000047;

CX003 at EPA-000090; CX004 at EPA-000126; CX005 at EPA-000162; CX006 at EPA-000198; CX007 at EPA-000231; CX008 at EPA-000263; CX009 at EPA-000299; CX010 at EPA-000332.

27. The certified design specifications for vehicles in engine families ETAOC.049MC2, DTAOC.150MC2, DTAOC.049MC2, CTAOC.049MC1, ETAOX0.12A1T, DTAOX0.15G2T, DTAOX.124AAA; DTAOX0.12A1T, FTAOX0.15G2T, and GTAOX0.15G2T require the vehicles to be equipped with catalytic converters as part of their emissions control systems. CX001 at EPA-000011; CX002 at EPA-0000047; CX003 at EPA-000090; CX004 at EPA-000126; CX005 at EPA-000162; CX006 at EPA-000198; CX007 at EPA-000231; CX008 at EPA-000263; CX009 at EPA-000299; CX010 at EPA-000332.

28. The certified design specifications for vehicles in engine families ETAOC.049MC2, DTAOC.150MC2, DTAOC.049MC2, CTAOC.049MC1, ETAOX0.12A1T, DTAOX0.15G2T, DTAOX.124AAA; DTAOX0.12A1T, FTAOX0.15G2T, and GTAOX0.15G2T identify a catalytic converter as an emission related part. CX001 at EPA-000011; CX002 at EPA-0000047; CX003 at EPA-000090; CX004 at EPA-000126; CX005 at EPA-000162; CX006 at EPA-000198; CX007 at EPA-000231; CX008 at EPA-000263; CX009 at EPA-000299; CX010 at EPA-000332.

29. The COC applications for engine families ETAOC.049MC2, DTAOC.150MC2, DTAOC.049MC2, CTAOC.049MC1, ETAOX0.12A1T, DTAOX0.15G2T, DTAOX.124AAA; DTAOX0.12A1T, FTAOX0.15G2T, and GTAOX0.15G2T describe the manufacturer, part number, configuration, location, physical dimensions, honeycomb cell density, precious metal loading, and precious metal ratios of the catalytic converters

to be used on each vehicle in each engine family. CX001 at EPA-000011; CX002 at EPA-0000047; CX003 at EPA-000090; CX004 at EPA-000126; CX005 at EPA-000162; CX006 at EPA-000198; CX007 at EPA-000231; CX008 at EPA-000263; CX009 at EPA-000299; CX010 at EPA-000332.

30. A catalytic converter's design and composition determine its performance and longevity in a given application. CX176 at EPA-002409.
31. Changing a catalytic converter's design or composition, such as the concentration or ratio of precious metals present in the washcoat, is likely to change how the catalytic converter will perform over time in a given application. CX176 at EPA-002409.
32. Each COC application provides that the vehicles in each engine family will be identical in all material respects to the vehicles described in the COC application. CX001 at EPA-000004-05, EPA-000011; CX002 at EPA-000040-41, EPA-0000047; CX003 at EPA-000083-84, EPA-000090; CX004 at EPA-000119-20, EPA-000126; CX005 at EPA-000154-55, EPA-000162; CX006 at EPA-000190-91, EPA-000198; CX007 at EPA-000223-24, EPA-000231; CX008 at EPA-000255-56, EPA-000263; CX009 at EPA-000291-92, EPA-000299; CX010 at EPA-000324-25, EPA-000332.
33. Catalytic converters were taken from three randomly selected vehicles labeled as belonging to engine family ETAOC.049MC2. CX089 at EPA-001097; CX106 at EPA-001395; CX116 at EPA-001601; CX129 at EPA-001786; CX130 at EPA-001788, CX132 at EPA-001818.
34. The catalytic converter taken from VIN L9NTEACT9E1000849 contains platinum ("Pt"), palladium ("Pd"), and rhodium ("Rh") in concentrations of <10 mg/kg, 4399 mg/kg, and <10 mg/kg. CX132 at EPA-001818.

35. The catalytic converter taken from VIN L9NTEACT2E1003902 contains Pt, Pd, and Rh in concentrations of <10, 3941, and <10. CX129 at EPA-001786.
36. The catalytic converter taken from VIN L9NTEACVDE1050041 contains Pt, Pd, and Rh in concentrations of 18 ppm, 5062 ppm, and 47 ppm. CX089 at EPA-001097.
37. The catalytic converters taken from vehicles labeled as belonging to engine family ETAOC.049MC2 are not the catalytic converter described in the COC application for engine family ETAOC.049MC2. CX001 at EPA-000011; CX089 at EPA-001097; CX106 at EPA-001395; CX116 at EPA-001601; CX129 at EPA-001786; CX130 at EPA-001788, CX132 at EPA-001818.
38. Each vehicle labeled as belonging to engine family ETAOC.049MC2 is equipped with a catalytic converter that is not the catalytic converter described in the COC application for engine family ETAOC.049MC2. CX001 at EPA-000011; CX089 at EPA-001097; CX106 at EPA-001395; CX116 at EPA-001601; CX129 at EPA-001786; CX130 at EPA-001788, CX132 at EPA-001818.
39. Each vehicle labeled as belonging to engine family ETAOC.049MC2 is equipped with a catalytic converter that is essentially a Pd catalytic converter and is therefore completely different from the catalytic converter described in the COC application for engine family ETAOC.049MC2. CX001 at EPA-000011; CX089 at EPA-001097; CX106 at EPA-001395; CX116 at EPA-001601; CX129 at EPA-001786; CX130 at EPA-001788, CX132 at EPA-001818; CX176 at EPA-002411.
40. Catalytic converters were taken from four randomly selected vehicles labeled as belonging to engine family DTAOC.150MC2. CX089 at EPA-001098-99; CX100 at

EPA-001262; CX104 at EPA-001352; CX108 at EPA-001436; CX129 at EPA-001785–87; CX130; CX131 at EPA-001801–03.

41. The catalytic converter taken from VIN L9NTELKE3D1250004 contains Pt, Pd, and Rh in concentrations of <10 mg/kg, 4486 mg/kg, and <10 mg/kg. CX129 at EPA-001786.
42. The catalytic converter taken from VIN L9NTELKEXD1250050 contains Pt, Pd, and Rh in concentrations of <10 mg/kg, 3074 mg/kg, and <10 mg/kg. CX129 at EPA-001786.
43. The catalytic converter taken from VIN L9NTELKA1D1050106 contains Pt, Pd, and Rh in concentrations of <10 mg/kg, 4596 mg/kg, <10 mg/kg. CX131 at EPA-001803.
44. The catalytic converter taken from VIN L9NTELKB9D1050248 contains Pt, Pd, and Rh in concentrations of 890 ppm, 8923 ppm, and 110 ppm. CX089 at EPA-001099.
45. The catalytic converters taken from vehicles labeled as belonging to engine family DTAOC.150MC2 are not the catalytic converter described in the COC application for engine family DTAOC.150MC2. CX002 at EPA-00047; CX089 at EPA-001098–99; CX100 at EPA-001262; CX104 at EPA-001352; CX108 at EPA-001436; CX129 at EPA-001785–87; CX130; CX131 at EPA-001801–03.
46. Each vehicle labeled as belonging to engine family DTAOC.150MC2 is equipped with a catalytic converter that is not the catalytic converter described in the COC application for engine family DTAOC.150MC2. CX002 at EPA-00047; CX089 at EPA-001098–99; CX100 at EPA-001262; CX104 at EPA-001352; CX108 at EPA-001436; CX129 at EPA-001785–87; CX130; CX131 at EPA-001801–03.
47. Each vehicle labeled as belonging to engine family ETAOC.049MC2 is equipped with a catalytic converter that is essentially a Pd catalytic converter and is therefore completely different from the catalytic converter described in the COC application for engine family

ETAOC.049MC2. CX001 at EPA-000011; CX089 at EPA-001097; CX106 at EPA-001395; CX116 at EPA-001601; CX129 at EPA-001786; CX130 at EPA-001788, CX132 at EPA-001818; CX176 at EPA-002411.

48. Catalytic converters were taken from four randomly selected vehicles labeled as belonging to engine family DTAOC.049MC2. CX089 at EPA-001090–91; CX102 at EPA-001308; CX118 at EPA-001640; CX120 at EPA-001676; CX131 at EPA-001801–03; CX133 at EPA-001830–32.
49. The catalytic converter taken from VIN L9NTEACX1D1101627 contains Pt, Pd, and Rh in concentrations of <10 mg/kg, 5842 mg/kg, and <10 mg/kg. CX131 at EPA-001803.
50. The catalytic converter taken from VIN L9NTEACX9D1150770 contains Pt, Pd, and Rh in concentrations of <10 mg/kg, 4215 mg/kg, and <10 mg/kg. CX133 at EPA-001832.
51. The catalytic converter taken from VIN L9NTEACX6D1101302 contains Pt, Pd, and Rh in concentrations of <10 mg/kg, 3615 mg/kg, and <10 mg/kg. CX133 at EPA-001832.
52. The catalytic converter taken from VIN L9NTEACB6D1044975 contains Pt, Pd, and Rh in concentrations of 35 ppm, 6420 ppm, and 114 ppm. CX089 at EPA-001091.
53. The catalytic converters taken from vehicles labeled as belonging to engine family DTAOC.049MC2 are not the catalytic converter described in the COC application for engine family DTAOC.049MC2. CX003 at EPA-000090; CX089 at EPA-001090–91; CX102 at EPA-001308; CX118 at EPA-001640; CX120 at EPA-001676; CX131 at EPA-001801–03; CX133 at EPA-001830–32.
54. Each vehicle labeled as belonging to engine family DTAOC.049MC2 is equipped with a catalytic converter that is not the catalytic converter described in the COC application for engine family DTAOC.049MC2. CX003 at EPA-000090; CX089 at EPA-001090–91;

CX102 at EPA-001308; CX118 at EPA-001640; CX120 at EPA-001676; CX131 at EPA-001801-03; CX133 at EPA-001830-32.

55. Each vehicle labeled as belonging to engine family DTAOC.049MC2 is equipped with a catalytic converter that is essentially a Pd catalytic converter and is therefore completely different from the catalytic converter described in the COC application for engine family DTAOC.049MC2. CX003 at EPA-000090; CX089 at EPA-001090-91; CX102 at EPA-001308; CX118 at EPA-001640; CX120 at EPA-001676; CX131 at EPA-001801-03; CX133 at EPA-001830-32; CX176 at EPA-002411.
56. Catalytic converters were taken from four randomly selected vehicles labeled as belonging to engine family CTAOC.049MC2. CX063 at EPA-000723-24; CX110 at EPA-001478; CX114 at EPA-001560; CX122 at EPA-001715; CX127 at EPA-00176-70; CX128; CX132 at EPA-001816-18.
57. The catalytic converter taken from VIN L9NTEACW5C1000001 contains Pt, Pd, and Rh in concentrations of <10 mg/kg, 4639 mg/kg, and <10 mg/kg. CX131 at EPA-001803.
58. The catalytic converter taken from VIN L9NTEACW4C1000104 contains Pt, Pd, and Rh in concentrations of <10 mg/kg, 4526 mg/kg, and <10 mg/kg. CX132 at EPA-001818.
59. The catalytic converter taken from VIN L9NTEACW6C1000122 contains Pt, Pd, and Rh in concentrations of <10 mg/kg, 4066 mg/kg, and <10 mg/kg. CX132 at EPA-001818.
60. The catalytic converter taken from VIN L9NTEACB0C1019276 contains Pt, Pd, and Rh in concentrations of <10 ppm, 5653 ppm, and 73 ppm. CX063 at EPA-000724.
61. The catalytic converters taken from vehicles labeled as belonging to engine family CTAOC.049MC2 are not the catalytic converter described in the COC application for engine family CTAOC.049MC2. CX004 at EPA-000126; CX063 at EPA-000723-24;

CX110 at EPA-001478; CX114 at EPA-001560; CX122 at EPA-001715; CX127 at EPA-00176-70; CX128; CX132 at EPA-001816-18.

62. Each vehicle labeled as belonging to engine family CTAOC.049MC2 is equipped with a catalytic converter that is not the catalytic converter described in the COC application for engine family CTAOC.049MC2. CX004 at EPA-000126; CX063 at EPA-000723-24; CX110 at EPA-001478; CX114 at EPA-001560; CX122 at EPA-001715; CX127 at EPA-00176-70; CX128; CX132 at EPA-001816-18.

63. Each vehicle labeled as belonging to engine family CTAOC.049MC2 is equipped with a catalytic converter that is essentially a Pd catalytic converter and is therefore completely different from the catalytic converter described in the COC application for engine family CTAOC.049MC2. CX004 at EPA-000126; CX063 at EPA-000723-24; CX110 at EPA-001478; CX114 at EPA-001560; CX122 at EPA-001715; CX127 at EPA-00176-70; CX128; CX132 at EPA-001816-18; CX176 at EPA-002411.

64. Catalytic converters were taken from four randomly selected vehicles labeled as belonging to engine family ETAOX0.12A1T. CX089 at EPA-001088-89; CX101 at EPA-001284; CX103 at EPA-001327; CX109 at EPA-001455; CX125 at EPA-001750-52; CX126.

65. The catalytic converter taken from VIN L5NAAF BXE1041955 contains Pt, Pd, and Rh in concentrations of <10 mg/kg, 1123 mg/kg, and 35 mg/kg. CX125 at EPA-001752.

66. The catalytic converter taken from VIN L5NAAHTJ8E1037762 contains Pt, Pd, and Rh in concentrations of <10 mg/kg, 987 mg/kg, and <10 mg/kg. CX125 at EPA-001752.

67. The catalytic converter taken from VIN L5NAAHTJ3E1037815 contains Pt, Pd, and Rh in concentrations of <10 mg/kg, 1472 mg/kg, and 30 mg/kg. CX125 at EPA-001752.

68. The catalytic converter taken from VIN L5NAAHTJXE1029940 contains Pt, Pd, and Rh in concentrations of 105 ppm, 1844 ppm, and 192 ppm. CX089 at EPA-001093.
69. The catalytic converters taken from vehicles labeled as belonging to engine family ETAOX0.12A1T are not the catalytic converter described in the COC application for engine family ETAOX0.12A1T. CX005 at EPA-000162; CX089 at EPA-001088–89; CX101 at EPA-001284; CX103 at EPA-001327; CX109 at EPA-001455; CX125 at EPA-001750–52; CX126.
70. Each vehicle labeled as belonging to engine family ETAOX0.12A1T is equipped with a catalytic converter that is not the catalytic converter described in the COC application for engine family ETAOX0.12A1T. CX005 at EPA-000162; CX089 at EPA-001088–89; CX101 at EPA-001284; CX103 at EPA-001327; CX109 at EPA-001455; CX125 at EPA-001750–52; CX126.
71. Each vehicle labeled as belonging to engine family ETAOX0.12A1T is equipped with a catalytic converter that is essentially a Pd catalytic converter and is therefore completely different from the catalytic converter described in the COC application for engine family ETAOX0.12A1T. CX005 at EPA-000162; CX089 at EPA-001088–89; CX101 at EPA-001284; CX103 at EPA-001327; CX109 at EPA-001455; CX125 at EPA-001750–52; CX126; CX176 at EPA-002411.
72. Catalytic converters were taken from four randomly selected vehicles labeled as belonging to engine family DTAOX0.15G2T. CX089 at EPA-001094–95; CX111 at EPA-001497; CX113 at EPA-001538; CX115 at EPA-001579; CX127 at EPA-001768–70; CX128.

73. The catalytic converter taken from VIN L5NAELTNOD1000133 contains Pt, Pd, and Rh in concentrations of 44 mg/kg, 3625 mg/kg, and 54 mg/kg. CX127 at EPA-001769.
74. The catalytic converter taken from VIN L5NAELTNXD1000107 contains Pt, Pd, and Rh in concentrations of 47 mg/kg, 3024 mg/kg, and 53 mg/kg. CX127 at EPA-001769.
75. The catalytic converter taken from VIN L5NAELTN5D1000113 contains Pt, Pd, and Rh in concentrations of 48 mg/kg, 3201 mg/kg, and 54 mg/kg. CX127 at EPA-001769.
76. The catalytic converter taken from VIN L5NAAJTP5D1003627 contains Pt, Pd, and Rh in concentrations of 32 ppm, 646 ppm, and 40 ppm. CX089 at EPA-001095.
77. The catalytic converters taken from vehicles labeled as belonging to engine family DTAOX0.15G2T are not the catalytic converter described in the COC application for engine family DTAOX0.15G2T. CX006 at EPA-000198; CX089 at EPA-001094–95; CX111 at EPA-001497; CX113 at EPA-001538; CX115 at EPA-001579; CX127 at EPA-001768–70; CX128.
78. Each vehicle labeled as belonging to family DTAOX0.15G2T is equipped with a catalytic converter that is not the catalytic converter described in the COC application for engine family DTAOX0.15G2T. CX006 at EPA-000198; CX089 at EPA-001094–95; CX111 at EPA-001497; CX113 at EPA-001538; CX115 at EPA-001579; CX127 at EPA-001768–70; CX128.
79. Each vehicle labeled as belonging to family DTAOX0.15G2T is equipped with a catalytic converter that is essentially a Pd catalytic converter and is therefore completely different from the catalytic converter described in the COC application for engine family DTAOX0.15G2T. CX006 at EPA-000198; CX089 at EPA-001094–95; CX111 at EPA-

001497; CX113 at EPA-001538; CX115 at EPA-001579; CX127 at EPA-001768–70; CX128; CX176 at EPA-002411.

80. Catalytic converters were taken from four randomly selected vehicles labeled as belonging to engine family DTAOX.124AAA. CX089 at EPA-001092–93; CX117 at EPA-001618; CX119 at EPA-001657; CX121 at EPA-001693; CX127 at EPA-001768–70; CX128; CX129 at EPA-001785–87; CX130.
81. The catalytic converter taken from VIN L5NAAJT19D1000936 contains Pt, Pd, and Rh in concentrations of <10 mg/kg, 981 mg/kg, and <10 mg/kg. CX127 at EPA-001769.
82. The catalytic converter taken from VIN L5NAAJT11D1000851 contains Pt, Pd, and Rh in concentrations of <10 mg/kg, 1005 mg/kg, and <10 mg/kg. CX129 at EPA-001786.
83. The catalytic converter taken from VIN L5NAAJT16D1000912 contains Pt, Pd, and Rh in concentrations of <10 mg/kg, 1005 mg/kg, and <10 mg/kg. CX127 at EPA-001769.
84. The catalytic converter taken from VIN L5NAAJT16D1000991 contains no detectable concentration of Pt, and contains Pd, and Rh in concentrations of 1665 ppm and 84 ppm. CX089 at EPA-001093.
85. The catalytic converters taken from vehicles labeled as belonging to engine family DTAOX.124AAA are not the catalytic converter described in the COC application for engine family DTAOX.124AAA. CX007 at EPA-000231; CX089 at EPA-001092–93; CX117 at EPA-001618; CX119 at EPA-001657; CX121 at EPA-001693; CX127 at EPA-001768–70; CX128; CX129 at EPA-001785–87; CX130.
86. Each vehicle labeled as belonging to engine family DTAOX.124AAA is equipped with a catalytic converter that is not the catalytic converter described in the COC application for engine family DTAOX.124AAA. CX007 at EPA-000231; CX089 at EPA-001092–93;

CX117 at EPA-001618; CX119 at EPA-001657; CX121 at EPA-001693; CX127 at EPA-001768-70; CX128; CX129 at EPA-001785-87; CX130.

87. Each vehicle labeled as belonging to engine family DTAOX.124AAA is equipped with a catalytic converter that is essentially a Pd catalytic converter and is therefore completely different from the catalytic converter described in the COC application for engine family DTAOX.124AAA. CX007 at EPA-000231; CX089 at EPA-001092-93; CX117 at EPA-001618; CX119 at EPA-001657; CX121 at EPA-001693; CX127 at EPA-001768-70; CX128; CX129 at EPA-001785-87; CX130. CX176 at EPA-002411.

88. Catalytic converters were taken from five randomly selected vehicles labeled as belonging to engine family DTAOX0.12A1T. CX066 at EPA-000805-07; CX084 at EPA-000996-97; CX099 at EPA-001240; CX105 at EPA-001371; CX107 at EPA-001414; CX125 at CX125 at EPA-001750-52; CX126.

89. The catalytic converter taken from VIN L5NAAHTJ4D1019516 contains Pt, Pd, and Rh in concentrations of <10 mg/kg, 2445 mg/kg, and 81 mg/kg. CX125 at EPA-001752.

90. The catalytic converter taken from VIN L5NAAHTJXD1024218 contains Pt, Pd, and Rh in concentrations of <10 mg/kg, 897 mg/kg, <10 mg/kg. CX125 at EPA-001752.

91. The catalytic converter taken from VIN L5NAAHTJ3D1019751 contains Pt, Pd, and Rh in concentrations of <10 mg/kg, 2146 mg/kg, and 39 mg/kg. CX125 at EPA-001752.

92. The catalytic converter taken from VIN L5NAAFTD3D1004570 contains Pt, Pd, and Rh in concentrations of 87 ppm, 2038 ppm, and 66 ppm. CX066 at EPA-000806.

93. The catalytic converter taken from VIN L5NAAFTD5D1004845 or L5NAAFTD0D1004848 contains Pt, Pd, and Rh in concentrations of 140 ppm, 3063 ppm, and 60 ppm. CX086 at EPA-001003.

94. The catalytic converters taken from vehicles labeled as belonging to engine family DTAOX0.12A1T are not the catalytic converter described in the COC application for engine family DTAOX0.12A1T. CX008 at EPA-00263; CX066 at EPA-000805-07; CX084 at EPA-000996-97; CX099 at EPA-001240; CX105 at EPA-001371; CX107 at EPA-001414; CX125 at CX125 at EPA-001750-52; CX126.
95. Each vehicle labeled as belonging to engine family DTAOX0.12A1T is equipped with a catalytic converter that is not the catalytic converter described in the COC application for engine family DTAOX0.12A1T. CX008 at EPA-00263; CX066 at EPA-000805-07; CX084 at EPA-000996-97; CX099 at EPA-001240; CX105 at EPA-001371; CX107 at EPA-001414; CX125 at CX125 at EPA-001750-52; CX126.
96. Each vehicle labeled as belonging to engine family DTAOX0.12A1T is equipped with a catalytic converter that is essentially a Pd catalytic converter and is therefore completely different from the catalytic converter described in the COC application for engine family DTAOX0.12A1T. CX008 at EPA-00263; CX066 at EPA-000805-07; CX084 at EPA-000996-97; CX099 at EPA-001240; CX105 at EPA-001371; CX107 at EPA-001414; CX125 at CX125 at EPA-001750-52; CX126; CX176 at EPA-002411.
97. A catalytic converter was taken from a randomly selected vehicle labeled as belonging to engine family FTAOX0.15G2T. CX147 at EPA-001943-47.
98. The catalytic converter taken from VIN L5NAELTN3F1001036 contains Pt, Pd, and Rh in concentrations of 120 ppm, 61 ppm, and 0 ppm. CX147 at EPA-001944-46.
99. The catalytic converter taken from the vehicle labeled as belonging to engine family FTAOX0.15G2T is not the catalytic converter described in the COC application for engine family FTAOX0.15G2T. CX009 at EPA-000299; CX147 at EPA-001943-47.

100. Each vehicle labeled as belonging to engine family FTAOX0.15G2T is equipped with a catalytic converter that is not the catalytic converter described in the COC application for engine family FTAOX0.15G2T. CX009 at EPA-000291–92, EPA-000299; CX147 at EPA-001943–47.
101. Each vehicle labeled as belonging to engine family FTAOX0.15G2T is equipped with a catalytic converter that is essentially a Pd catalytic converter and is therefore completely different from the catalytic converter described in the COC application for engine family FTAOX0.15G2T. CX009 at EPA-000291–92, EPA-000299; CX147 at EPA-001943–47; CX176 at EPA-002411.
102. Catalytic converters were taken from two randomly selected vehicles labeled as belonging to engine family GTAOX0.15G2T. CX144 at EPA-001933; CX152 at EPA-002003–06.
103. The catalytic converter taken from VIN L5NAELTN4G1003749 contains Pt, Pd, and Rh in concentrations of <150 mg/kg, <40 mg/kg, and <40 mg/kg. CX144 at EPA-001931–32.
104. The catalytic converter taken from VIN L5NAELTN1G1003420 contains Pt, Pd, and Rh in concentrations of 0 ppm, 18 ppm, and 0 ppm. CX152 at EPA-002004.
105. The catalytic converters taken from vehicles labeled as belonging to engine family GTAOX0.15G2T are not the catalytic converter described in the COC application for engine family GTAOX0.15G2T. CX010 at EPA-000332; CX144 at EPA-001933; CX152 at EPA-002003–06.
106. Each vehicle labeled as belonging to engine family GTAOX0.15G2T is equipped with a catalytic converter that is not the catalytic converter described in the COC

application for engine family GTA0X0.15G2T. CX010 at EPA-000324–25, EPA-000332; CX144 at EPA-001933; CX152 at EPA-002003–06.

107. Each vehicle labeled as belonging to engine family GTA0X0.15G2T is equipped with a catalytic converter that is essentially a Pd catalytic converter and is therefore completely different from the catalytic converter described in the COC application for engine family GTA0X0.15G2T. CX010 at EPA-000324–25, EPA-000332; CX144 at EPA-001933; CX152 at EPA-002003–06; CX176 at EPA-002411.

Attachment B: Summary of Catalytic Converter Analyses Performed on Taotao Vehicles by EPA or at EPA's Direction

Engine Family	VIN	Test Order EDV No.	Vehicle Type/Class	Pt:Pd:Rh Certified Ratio From COC Application	SGS Results (mg/kg)*			ERG Results (ppm)*			R9 results (mg/kg)*			Record Citation
					Pt	Pd	Rh	Pt	Pd	Rh	Pt	Pd	Rh	
ETAOC.049MC2 (Count 1)	L9NTEACT9E1000849	EDV 18	HMC-IA	[REDACTED]	<10	4399	<10						CX132 at EPA-001818	
	L9NTEACT2E1003902	EDV 8			<10	3941	<10							CX129 at EPA-001786
	L9NTEACVDE1050041	n/a							18	5062	47			CX089 at EPA-001097
DTAOC.150MC2 (Count 2)	L9NTELKE3D1250004	EDV 2	HMC-IB		<10	4486	<10							CX129 at EPA-001786
	L9NTELKEXD1250050	EDV 6			<10	3074	<10							CX129 at EPA-001786
	L9NTELKA1D1050106	EDV 10			<10	4596	<10							CX131 at EPA-001803
	L9NTELB9D1050248	n/a							890	8923	110			CX089 at EPA-001099
DTAOC.049MC2 (Count 3)	L9NTEACX1D1101627	EDV 4	HMC-IA		<10	5842	<10							CX131 at EPA-001803
	L9NTEACX9D1150770	EDV 20			<10	4215	<10							CX133 at EPA-001832
	L9NTEACX6D1101302	EDV 22			<10	3615	<10							CX133 at EPA-001832
	L9NTEACB6D1044975	n/a						35	6420	114			CX089 at EPA-001091	
CTAOC.049MC1 (Count 4)	L9NTEACW5C1000001	EDV 12	HMC-IA	<10	4639	<10							CX131 at EPA-001803	
	L9NTEACW4C1000104	EDV 16		<10	4526	<10							CX132 at EPA-001818	
	L9NTEACW6C1000122	EDV 24		<10	4066	<10							CX132 at EPA-001818	
	L9NTEACB0C1019276	n/a						<10	5653	73			CX063 at EPA-000724	
ETAOX0.12A1T (Count 5)	L5NAAF BXE1041955	EDV 3	ATV	<10	1123	35							CX125 at EPA-001752	
	L5NAAHTJ8E1037762	EDV 5		<10	987	<10							CX125 at EPA-001752	
	L5NAAHTJ3E1037815	EDV 11		<10	1472	30							CX125 at EPA-001752	
	L5NAAHTJXE1029940	n/a						105	1844	192			CX089 at EPA-001089	
DTAOX0.15G2T (Count 6)	L5NAELTNOD1000133	EDV 13	ATV	44	3625	54							CX127 at EPA-001769	
	L5NAELTNXD1000107	EDV 15		47	3024	53							CX127 at EPA-001769	
	L5NAELTN5D1000113	EDV 17		48	3201	54							CX127 at EPA-001769	
	L5NAAJTP5D1003627	n/a						32	646	40			CX089 at EPA-001095	
DTAOX.124AAA (Count 7)	L5NAAJT19D1000936	EDV 19	OFMC	<10	981	<10							CX127 at EPA-001769	
	L5NAAJT11D1000851	EDV 23		<10	1005	<10							CX129 at EPA-001786	
	L5NAAJT16D1000912	EDV 21		<10	1023	<10							CX127 at EPA-001769	
	L5NAAJT16D1000991	n/a						ND	1665	84			CX089 at EPA-001093	
DTAOX0.12A1T (Count 8)	L5NAAHTJ4D1019516	EDV 1	ATV	<10	2445	81							CX125 at EPA-001752	
	L5NAAHTJXD1024218	EDV 7		<10	897	<10							CX125 at EPA-001752	
	L5NAAHTJ3D1019751	EDV 9		<10	2146	39							CX125 at EPA-001752	
	L5NAAFTD3D1004570	n/a						87	2038	66			CX066 at EPA-000806	
	L5NAAFTD5D1004845 or L5NAAFTD0D1004848	n/a						140	3063	60			CX086 at EPA-001003	
FTAOX0.15G2T (Count 9)	L5NAELTN3F1001036	n/a	ATV											
GTAOX0.15G2T (Count 10)	L5NAELTN4G1003749	n/a	ATV							<150	<40	<40	CX144 at EPA-001931-32	
	L5NAELTN1G1003420	n/a						0	18	0				CX152 at EPA-002004

*Mg/kg is equivalent to ppm

CERTIFICATE OF SERVICE

I certify that the original and two copies of the foregoing Complainant's Motion for Partial Accelerated Decision in the Matter of Taotao USA, Inc., et al., Docket No. CAA-HQ-2015-8065, and a copy of the foregoing Motion from which CBI has been redacted, were filed this day by hand deliver to the Headquarters Hearing Clerk in the EPA Office of the Headquarters Hearing Clerk at the address listed below:

U.S. Environmental Protection Agency
Office of the Headquarters Hearing Clerk
1300 Pennsylvania Ave., NW, MC-1900R
Ronald Reagan Building, Room M1200
Washington, DC 20004

I certify that three copies of the foregoing Motion were sent this day by certified mail, return receipt requested, for service on Respondents' counsel at the address listed below:

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The Law Offices of William Chu
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11/28/2016
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