



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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OFFICE OF
AIR AND RADIATION

CISD-11-06 (LDV/LDT/HD)

May 3, 2011

SUBJECT: Sales of California Vehicles for 2011 Model Year and Beyond (Cross- Border Sales Policy)

Dear Manufacturer:

This letter is to inform you that the Environmental Protection Agency (EPA) has updated the Cross-Border Sales Policy pertaining to sales of "California vehicles" for model years 2011 and beyond. "California vehicles" are vehicles certified by both the EPA and the California Air Resources Board (CARB) to meet only CARB regulations, not federal regulations.

As you may know, certified vehicles meeting both federal and CARB requirements (so call "50-state vehicles") are allowed to be sold in any state. To avoid the issues addressed by this Policy, a manufacturer may choose to certify any of its vehicles as "50-state vehicle".

The Policy remains effective until we issue a revision. Manufacturers are advised to direct their sales of "California vehicles" in accordance with the Policy. The Agency intends to update the information relating CARB rule adoption status taken by a state and to address new questions raised via the Agency's website www.epa.gov/otaq/consumer.htm#CrossborderSales.

Should you have any questions regarding this guidance letter, please contact Emily Chen of my staff at (734) 214-4122 or chen.emily@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Karl J. Simon", is positioned above the typed name.

Karl J. Simon, Director
Compliance and Innovative Strategies Division
Office of Transportation and Air Quality

Enclosures

Enclosure 1 to CISD-11-06
EPA Cross-Border Sales Policy

Pertaining to Sales of “California Vehicles” Crossing States’ Border
Effective Model Years 2011 and Later

Manufacturers may introduce into commerce 2011 and beyond model year (MY) vehicles certified by California and EPA to California regulations, but not federal regulations, into California and any of “the 177 states”—states that have adopted and placed into effect the California Air Resources Board (CARB) regulations for a vehicle class or classes in accordance with Section 177 of the Clean Air Act. This policy is applicable for vehicles classified by CARB as passenger cars (PC), light-duty trucks (LDT), medium-duty vehicles (MDV), and heavy-duty vehicles (HDV).

EPA will not prevent manufacturers from introducing vehicles certified as meeting California regulations into commerce in the states that are not one of “the 177 states” but are contiguous to either California or any of “the 177 states”.

EPA will not prevent manufacturers from allowing their dealers in the following states to sell vehicles certified as meeting California regulations to purchasers from any state in the U.S. or U.S. territories on or after the effective date of an EPA Certificate of Conformity for that California vehicle(s). Those states are:

- California;
- The 177 states; and
- The states contiguous to California and the 177 states.

The above policy does not replace or supersede any state requirements placed on manufacturers and their dealers. Manufacturers are responsible for complying with any applicable state requirements.

Because both federal and California emission requirements could possibly change in the future, EPA may revise this policy whenever it is necessary.

You may visit EPA’s web site www.epa.gov/otaq/consumer.htm for frequently asked questions and answers regarding this policy, updated summary tables and maps for state adoption status, or a copy of the CBS policies from 1993 to present.

Note:

California Vehicles are new vehicles that are certified by both the EPA and the California Air Resources Board (CARB) only to the CARB regulations. Vehicles that are certified to meet both EPA and CARB vehicle regulations (so call “50 state vehicles”) are not included in this policy and may be sold in all fifty states.

Enclosure 2 to CISD-11-06
States Adoption Status of CARB Rules (Revision: 3/22/2011)

California and the CAA Sec. 177 States ⁽¹⁾	Contiguous States	Effective Starting with Model Year			
		PC/LDT ⁽²⁾	MDPV ⁽²⁾	MDV ⁽²⁾	HDV ⁽²⁾
California	OR, NV, AZ	LEV II Phase-in 2004	LEV II Phase-in 2004, MPDV in 2008 MY	LEV II Phase-in 2004	04=identical to EPA (NTE); 05-07=NTE; 2008 (SET, NTE and Idling Req)
Connecticut	RI, MA, NY	2008	2009	2009	2006, NTE
Maine	NH	2004	2008	2003	NTE MY05-06; 2008
Maryland	DE, VA, WV, PA	2011	2011	2011	NA
Massachusetts	NH, VT, NY, RI, CT, ME	2004	2009	2003	2005 (NTE); 2008 HDDE ⁽⁴⁾
New Jersey	DE, PA, NY	2009 (Calendar Year)	NA	NA	2009 HDDE
New Mexico	UT, AZ, CO, OK, TX	1/2/2016	1/2/2016	1/2/2016	NA
New York	VT, MA, CT, NJ, PA	2004	2009	2004	2005
Oregon	WA, ID, NV, CA	2009	2009	2009	NA
Pennsylvania	NY, NJ, DE, MD, WV, OH	2008	NA	NA	2005, NTE
Rhode Island	MA, CT	2008	2009	2009	NA
Vermont	NH, MA, NY	2004	2009	2004	NA
Washington	ID, OR	2009	2009	NA	NA
Delaware	MD, PA, NJ	2014	2014	2014	2007 HDDE
Georgia	FL, SC, NC, TN, AL	NA	NA	NA	2005 HDDE
North Carolina	VA, TN, GA, SC	NA	NA	NA	2008 HDDE

Note:

1. The CAA Sec. 177 States: states that have adopted and placed into effect the California Air Resources Board (CARB) regulations for a vehicle class or classes in accordance with the Section 177 of the Clean Air Act.
2. Abbreviations for California Vehicle Classes:
PC - Passenger Car; LDT- Light Duty Truck; MDPV - Medium Duty Passenger Vehicle; MDV - Medium Duty Vehicle; HDV - Heavy Duty Vehicle

(Ref: Title 13, California Code of Regulations, § 1900. Definitions, http://www.arb.ca.gov/msprog/levprog/cleandoc/cleancomplete_lev-ghg_regs_8-07.pdf)
3. NA – Not yet adopted. The EPA vehicle emissions regulations are applicable.
4. HDDE: Heavy duty diesel engine

Enclosure 3 to CISD-11-06
Questions and Answers Relating EPA Cross-Border Sales Policy

1. Why is the Cross-Border Sales Policy still necessary for 2011 and later model years?

Under federal law, vehicles introduced into commerce in the U.S. must be certified to comply with all applicable federal emission requirements. Vehicles certified to California-only requirements by the EPA and CARB ("California vehicles") do not necessarily comply with every federal requirement. Historically, EPA's Cross Border Sales Policy has been developed to address two issues:

- a. Allow manufacturers to sell "California vehicles" in California and "the Section 177 states" - states that have adopted and placed into effect California requirements under authority of Section 177 of the Clean Air Act. Manufacturers and their dealers located in California and any "Section 177 states" may sell EPA and CARB certified California vehicles to any person from any state.
- b. Take no enforcement action against dealers located in the states that are contiguous to California and/or any Section 177 states if they sell federally certified California vehicles to people from any state. Absent this policy, dealers in those contiguous states would only be allowed to sell federally certified California vehicles to residents of California or section 177 states, while dealers located in California and the Section 177 states may sell federally certified California vehicles to anyone. The Federal Tier 2 emission standards, which have been in effect since the 2004 model year, do not remove all of the differences between the federal and California programs; there are California requirements which are less stringent than comparable federal requirements. Because 2011 and later model year Federally certified California vehicles do not necessarily comply with each and every federal emission requirement (which would be necessary to allow the sale of the Federally certified California vehicles everywhere), manufacturers must follow EPA's cross-border sales policy to direct their sales of Federally certified California vehicles for 2011 and later model years. In the event of changes to federal and California emission requirements in the future, EPA may revise this policy as necessary.

Manufacturers may choose to certify their vehicles to comply with both federal and California requirements to avoid the issues addressed by this policy. The vehicles certified to comply with both federal and California requirements are called "50 state vehicles," and may be delivered and sold to anyone in any state. You may access <http://www.epa.gov/otaq/consumer.htm#CrossborderSales> to read more about the previously issued policies and history of the EPA Cross-border Sales policy.

2. In which areas do the differences between federal and California requirements exist during and after the 2011 model year?

Examples of federal standards that are more stringent or different than comparable California ones during and after 2011 model year include: Supplemental Federal Test Procedure (SFTP) standards, cold temperature testing requirements, altitude testing requirements, some tailpipe standards and evaporative standards, fleet average requirements, fuel controls and the standards applicable to different vehicle weight classes, etc

3. Which states have adopted California vehicle emissions standards?

Enclosure 2 of the guidance letter CSID-11-XX provides a summary table and a map which contain the up-to-date states adoption status as of the issuance date of the letter. For future update, please visit the EPA online summary table and map(s) at www.epa.gov/otaq/consumer.htm#CrossborderSales.

4. Should Washington, D.C. be treated as a "contiguous state" because Maryland is implementing California regulations beginning in the 2011 MY?

Yes, both Washington D.C. and Virginia will be considered "contiguous states" beginning with model year 2011 because Maryland has adopted and placed into effect the CARB vehicle emission regulations.

5. In cases where a state adopts California requirements for Passenger Cars (PCs) and Light Duty Trucks (LDTs) and/or Medium Duty Passenger Vehicles (MDPVs) but has not yet adopted California Medium Duty Vehicles (MDVs) requirements, should EPA allow California MDVs to be sold in that state and its contiguous states?

No. This policy neither replaces/supersedes any state requirements placed on manufacturers and their dealers nor adopts any CARB requirements for a state. Therefore, if a state has adopted California regulations for some vehicles introduced into commerce in the state, but has not adopted California regulations for other California Vehicle Classes, manufacturer should only introduce into commerce in that state (or its contiguous states) California vehicles that belongs to the California Vehicle Class that for which the state has adopted California standards.

6. In cases where a state (e.g., New Mexico) adopts California requirements for a portion of a model year, should EPA allow federally certified California vehicles to be sold in the state and in its contiguous states for the entire model year?

New Mexico adopted California requirements and initially provided that their requirements would be effective for the 2011 model year. However, New Mexico was unable to implement the California requirements beyond January 31, 2011. Since New Mexico was a Section 177 state for part of the 2011 and 2012 model years, manufacturers may continue to introduce into commerce Federally certified California vehicles into New Mexico and its contiguous states (Arizona, Colorado, Oklahoma, Texas, and Utah) for the entire 2011 and 2012 model years.

7. Can federally certified California vehicles be sold in Arizona?

The State of Arizona is contiguous to California and sales of federally certified California vehicles have always been and will continue to be allowed in Arizona. Arizona also adopted the California regulations in 2010 with an effective date of January 2, 2012. However, Arizona is now in the process of reverting back to the federal regulations. Since our Cross Border Sales policy is only applicable for states that “have adopted and placed into effect” the California program, we would not consider Arizona to be a Section 177 state at this time for purposes of introducing federally certified California vehicles into commerce. This means that sales of federally certified California vehicles in states contiguous to Arizona, such as Colorado, Utah and New Mexico, will only be allowed for the 2011 and 2012 model years as discussed above in question #6 because of New Mexico’s adoption of the California regulations for a portion of these two model years. After the 2012 model year, the sales of federally certified California vehicles in states contiguous to Arizona (with the exception of Nevada) will not be allowed.

We will continue to monitor the status of the State of Arizona. If Arizona ultimately decides to continue as a Section 177 state, we will update our guidance letter accordingly.

8. What does a consumer need to know before buying a “California Vehicle”?

Although federal regulations do not prohibit a consumer whose home state is not California or one of the “Section 177 states” from buying “California vehicles”, an individual is advised to determine if a “California vehicle” can be registered with his/her home state before buying.

9. What language will appear on the EPA Certificates of Conformity for California vehicles issued to manufacturers?

The certificate language for the 2011 and later model years “California-certified vehicles” will be:

Pursuant to Section 206 of the Clean Air Act (42 U.S.C. 7525), this certificate of conformity is hereby issued to the above named manufacturer for the test group and evaporative/refueling family listed above, as approved by the California Air Resources Board. This certificate covers only those new motor vehicles which:

(1) conform, in all material respects, to the design specifications that applied to those vehicles described in the application submitted to the California Air Resources Board; (2) are covered by said executive order; (3) are only introduced into commerce in the state of California or a state contiguous to California or in a state that, under the authority of Section 177 of the Clean Air Act, has adopted and placed into effect the California standards to which this test group has been certified or a state contiguous to such a state; and (4) are labeled as belonging to said test group and evaporative/refueling family.

10. What is restricted?

Manufacturers may not introduce into commerce new “California-certified vehicles” in states that have not adopted and placed into effect California standards or are not contiguous to such states. Exceptions will be made, however, if the vehicle being purchased is to be titled, registered, or principally used in a “Section 177 state” or California. This is the same exception that has existed with respect to California for the last decade. It allows an individual who is moving to a “Section 177 state” from Minnesota, for example, and who needs a new vehicle to get there, to buy a California vehicle in Minnesota.