

**Written Statement of the  
Manufacturers of Emission Controls Association  
on the Ozone Transport Commission's Proposed Model Rule for Sale of  
Aftermarket Catalytic Converters**

*April 30, 2014*

The Manufacturers of Emission Controls Association (MECA) is pleased to provide written comments on the Ozone Transport Commission's (OTC) proposed Model Rule for Sale of Aftermarket Catalytic Converters. MECA is a non-profit association of the world's leading manufacturers of emission control technology for mobile sources. Our members have over 40 years of experience and a proven track record in developing and manufacturing emission control technology for a wide variety of on-road and off-road vehicles and equipment. MECA member companies represent the majority of aftermarket converter manufacturers who have been supplying converters under the California and the U.S. EPA aftermarket converter programs since the late 1980s.

MECA continues to believe that the most effective way to achieve maximum emission reductions from the in-use light-duty fleet is through a revised federal aftermarket converter program. We have supported the OTC's efforts to push EPA to act on an updated program that utilizes advanced converter technology with improved emissions performance and durability. MECA staff and member companies have also engaged in direct discussions with EPA over the past few years to try to revise the current federal interim aftermarket converter policy to be more in line with California's comprehensive aftermarket converter program.

MECA recognizes OTC's need to reduce ozone-forming emissions in the Ozone Transport Region (OTR) and the authority granted to states under Section 177 of the Clean Air Act to adopt California's LEV requirements for light-duty vehicles. However, significant differences exist between the available resources and light-duty fleet composition in California and in the OTC states. These differences can create complexities in successfully implementing CARB's aftermarket converter standards in these states and in achieving all of the emission benefits of the regulation.

The proposed model rule only allows for the sale of aftermarket converters that have a CARB Executive Order (EO). Although this is consistent with the language in the CARB regulation, OTC should consider the composition of the OTR vehicle fleet with respect to the availability of CARB aftermarket converters. The California regulation requires CARB aftermarket converters even on federally certified vehicles. Because these engine families are not covered by CARB EOs, ARB has allocated resources to consider each federal vehicle on a case-by-case basis and identify a best-fit CARB aftermarket converter for installation on that vehicle. This is facilitated in California by the fact that the installer network is set up for the custom installation of universal fit converters into the existing exhaust system of a vehicle. Installers of aftermarket converters in the OTR prefer to work with direct fit exhaust assemblies that combine the converter with associated exhaust pipes into a bolt-on solution that is quicker and easier

to install. These types of aftermarket converters are referred to as direct fit systems. Although some California and federal vehicles may take advantage of the same catalyst technology, the exhaust configurations may be slightly different, making it impossible to use the same direct fit aftermarket converter system on both California and federally certified vehicles. OTC states must consider the size of the federal vehicle fleet in their respective state and the necessary resources to assign appropriate CARB converters to these vehicles. Otherwise, vehicle owners will be forced to install expensive OEM converters on vehicles at the end of their useful life. MECA thanks OTC for including in its draft guidance document accompanying the proposed model rule a check list and decision flowchart to help installers identify the right converter to install for federal vehicles that are not included in CARB EOs. Defining how exempted vehicles are treated under the regulation will help minimize any confusion among stakeholders.

Some Section 177 states, like New York, have chosen to allow the sale of federally exempted aftermarket converters for installation on federally certified vehicles in the state or for sale to out-of-state installers. Although this reduces the problem of aftermarket converter coverage, it complicates enforcement and makes maintaining a level playing field more difficult in a market that contains two products with significantly different price structures. This is further complicated by vehicles traveling in from out of state or state-registered vehicles traveling to neighboring states to have a cheaper converter installed. MECA thanks OTC for helping to address this issue by adding language to the draft guidance document requiring that the ARB label be visible on a converter when installed on a vehicle. To facilitate enforcement, we urge states to incorporate a visual inspection requirement under their light-duty vehicle inspection and maintenance (I/M) programs, as is being done by California's Smog Check program, to confirm that the proper converter is installed on each vehicle.

Regarding used converters, MECA continues to believe that states should ban the sale of these converters in order to achieve the maximum emission benefits as predicted by the CARB aftermarket converter regulation. MECA has shared the results of ARB's emission testing of used converters on seven different vehicles with OTC staff. The results concluded that 71% of used converters (five out of seven) failed to deliver any emission reductions at all. In fact, NOx emissions increased as a result of installing a used converter on some of the test vehicles; the amount of the NOx increase ranged from 17% to 152%. For this reason, ARB decided to ban the sale of used converters so that they could ensure the maximum emission reductions from their regulation.

Banning used converters also sets a level playing field in the market for aftermarket products. Used converters must pass minimal testing and have no durability requirements, whereas new aftermarket converters must undergo rigorous testing, durability, and an OBD demonstration and come with a five-year warranty. Allowing the installation of used converters on OBD-equipped vehicles, as stated by the proposed model rule, relies on the vehicle's OBD system to identify faulty converters. Although this is a potential backstop against faulty used converters, it is important to realize that the tailpipe emissions from a faulty used converter may be as much as 50% higher than

the vehicle's certification limit. Newly manufactured aftermarket converters must remain below the certification limit over their entire warranty period.

One other additional benefit of a provision to ban the sale of used converters is to help deter the stealing and reselling of these converters for their precious metals. In Arizona, the Senate recently proposed a bill (SB 1460) that bans the purchase or sale of used catalytic converters except in cases of reclamation (see: [www.azleg.gov/legtext/51leg/2r/bills/sb1460p.pdf](http://www.azleg.gov/legtext/51leg/2r/bills/sb1460p.pdf)). It is our understanding that the main driver for this proposed legislation was to deter the aforementioned type of illegal activity.

As part of our written comments on OTC's proposed aftermarket catalytic converter model rule, we would also like to take this opportunity to advocate for the implementation of more comprehensive state heavy-duty I/M programs in the OTR. MECA is aware that OTC recently conducted an assessment of heavy-duty I/M programs in the U.S., which revealed some of the deficiencies in current heavy-duty I/M programs, as well some of the impediments to the establishment of additional state programs. An effective heavy-duty I/M program should, for example, cover heavy-duty vehicles across all weight classes, include an anti-tampering inspection, and have opacity cutpoints stringent enough to be used as a pass/fail indicator for MY 2007 and newer trucks. An effective heavy-duty I/M program provides the direct benefit of capturing diesel vehicles that have excessive in-use emissions, encourages truck owners to maintain their trucks in a compliant configuration, and dissuades tampering. Furthermore, MECA believes that the implementation of more comprehensive state heavy-duty I/M programs in the OTR, as well as across the rest of the U.S., would also help in generating data showing the need for EPA to develop and implement a new federal heavy-duty aftermarket program for diesel trucks that have been certified with emission control devices (e.g., MY 2007 and newer trucks certified with DPFs).

In conclusion, MECA continues to believe that the most effective way to achieve maximum emission reductions from the in-use light-duty fleet is through a revised federal aftermarket converter program, and we will continue to focus on that goal. We continue to support the OTC's efforts to push EPA to act on an updated program that utilizes advanced converter technology with improved emission performance and durability. MECA recognizes that, until EPA decides to act, OTC states that are in nonattainment for ozone are only left with California's aftermarket converter regulations as a means to clean up their existing light-duty vehicle fleet. MECA and our member companies will work with the OTC states that choose to adopt this model rule to help them implement an effective aftermarket converter program and achieve their air quality objectives.

Note: MECA previously provided to OTC a MECA document which identifies issues that states should consider when considering implementation of a new aftermarket converter program based on California's aftermarket converter regulations. A copy of the document, "MECA Recommendations for the Successful Implementation of New Aftermarket Converter Regulations," is available on the MECA website at:

[www.meca.org/resources/MECA\\_Aftermarket\\_Implementation\\_Issues\\_final\\_071513.pdf](http://www.meca.org/resources/MECA_Aftermarket_Implementation_Issues_final_071513.pdf)

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