



COMPLIANCE ADVISORY

Enforcement Alert

Making You Aware of Anticipated Enforcement Activities

Compliance and Enforcement

Issued: November 15, 2017

#2017-08

Tampering of Emission Control Systems on Diesel and Gasoline Vehicles is Prohibited

Who is affected this advisory?

Vehicle owners, operators, automotive technicians and repair facilities, fleet managers and car and truck dealers.

Why is DEP issuing this advisory?

It is illegal under state and federal law to tamper with the emissions system of any vehicle. All vehicles, diesel or gasoline powered, light or heavy-duty, are subject to the regulation.

What is the definition of tampering (parts and vehicle sales)?

Tampering is defined as the removing or altering of emission controls on your vehicle and is prohibited pursuant to N.J.A.C. 7:27-14 and 15.

All vehicles certified by US EPA or the California Air Resources Board (CARB) have emission control systems that monitor and regulate the engine operations and exhaust gases to maintain air pollutants at strict levels. Tampering with these devices is illegal. Tampering causes excess pollution and may cause damage to other emissions control devices on your vehicle.

If you remove, disconnect, detach, deactivate, alter, modify, reprogram, or make less effective any emission control device installed by the manufacturer, or use less effective replacement parts, you have committed the act of tampering. This includes installing replacement parts that do not meet the manufacturers' specifications, and/or reprogramming computer components or installing performance chips to circumvent or "defeat" factory settings, or to produce excessive exhaust smoke.

It is illegal to sell, lease, or offer for sale or lease any vehicle with a tampered emissions system, or to sell or offer for sale any part that does not duplicate the function and performance of the original equipment manufacturer (OEM) part.

Vehicle "sales" include retail, wholesale, auction, and person-to-person. Signing a New Jersey vehicle inspection waiver does not absolve the seller from the responsibility for selling a tampered vehicle. Selling a tampered vehicle is **strictly prohibited**.

Tampering with your vehicle will void your warranty.

Violations of the rule could result in penalties up to the maximum penalty of \$30,000 per offense for:

- tampering with any device or component
- operating a tampered vehicle on public roads
- selling or offering off-specification parts for sale
- selling, leasing, or offering for sale or lease a tampered vehicle

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What is DEP doing?

The Department is reaching out to operators, fleet managers, vehicle dealers and enforcement agencies to clarify the tampering prohibition.

What should I do?

The following is a general list of things to check to ensure compliance and is by no means a complete list of requirements with which you need to comply.

- DO NOT remove, disconnect, detach, deactivate, alter, modify, reprogram or in any way render any emission control device inoperable or less effective than originally designed.
- Do not sell, lease, or offer for sale or lease any vehicle with a tampered emissions system.
- Do not purchase a tampered vehicle from any person, dealer, or auto auction.
- Do not install any non-compliant emission control devices on your vehicle or engine.
- Use only US EPA or CARB approved replacement parts.

Who should I contact with questions?

NJDEP Bureau of Mobile Sources: Call 609-292-7953; or email stopthesoot@dep.nj.gov

Where can I get more information?

A copy of the regulations, N.J.A.C. 7:27-14, and 15, Prohibition of tampering with emission control apparatus, is available at <http://www.nj.gov/dep/aqm/rules27.html>.

USEPA FAQs: <https://www.epa.gov/air-pollution-transportation/frequent-questions-epas-office-transportation-and-air-quality>

The federal rule citation is: 42 U.S.C. 7522(a)(3))

For information on Federal penalties: <https://www.gpo.gov/fdsys/pkg/FR-2017-01-12/html/2017-00160.htm>

To comment on this advisory:

<http://www.nj.gov/dep/enforcement/survey.html>

Please note this advisory is intended to be a summary explanation of a department initiative. It does not include all potentially applicable requirements. If you have any questions related to compliance with this initiative, please contact the programs listed above.