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April 13, 2016

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator McCarthy:

I am writing in regards to the Environmental Protection Agency's (EPA) July 13, 2015, proposed rule titled Greenhouse Gas (GHG) Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2. Included is a provision regarding the regulation of competition-only motor vehicles previously covered by a certificate of conformity. My concerns are both with the EPA's process and the negative impact such an expansive change would have on motorsports enthusiasts and the industry.

The specialty automotive industry is a significant part of our economy that generates \$36 billion a year according to the Specialty Equipment Market Association (SEMA). This industry provides employment for more than one million Americans and enjoyment to millions more. The EPA's action would wrongly and unfairly put an important industry and cherished American recreational activity under new and unnecessary regulation.

The EPA neglected its responsibility to alert the industry, its enthusiasts, and other stakeholders regarding this policy change. The public and industry were unaware of the language that was buried deep in a 629-page proposal on an unrelated topic – light-duty vehicles. Its inclusion only came to light months after the public comment period was closed and has caused significant confusion.

Most importantly, through statute and legislative history Congress has made clear that the Clean Air Act was not intended to regulate competition-only vehicles, even those modified from emissions compliant on-road motor vehicles.

To be clear, I do not condone the illegal modification of emissions-systems of vehicles that will be driven on public roads. But the EPA's action goes well beyond addressing non-compliance for on-road vehicles, which are already regulated. To prevent modification of any vehicle that was originally intended as emissions compliant – even if it is only paraded at car shows or driven at track events on a closed circuit – will put not only the performance aftermarket industry at risk, but put an end to most forms of amateur racing and car shows.

In subsequent statements, the EPA has implied that it would selectively enforce the proposed regulation. That is not an acceptable outcome for motorsports enthusiasts or businesses that should not be expected to operate in an uncertain regulatory environment that could subject them to fines or other legal action. The EPA should work with industry and other stakeholders to quickly provide clarity in a manner consistent with Congress's clear intent to exempt competition-only vehicles including those originally certified for road use.

I look forward to learning more about how you plan to address this matter in a manner consistent with Congress's intent.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Sensenbrenner", written over the word "Sincerely,".

F. JAMES SENSENBRENNER, JR.
Chairman Emeritus
House Committee on Science, Space & Technology