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EPA may slam door on high performance

By Jonathan Michaels

If the Volkswagen emissions scandal has done anything, it has highlighted the enormous rulemaking ability the Environmental Protection Agency possesses. The continued viability Volkswagen is threatened — if not brought into serious doubt — by the company's attempt at sidestepping the EPA's powerful mandate: build clean cars, or don't sell in the U.S.

Now that the dust on the Volkswagen scandal is beginning to settle, the EPA has set its sights on a new target: the high-performance industry. The EPA recently proposed new legislation that promises to have a stinging impact on the performance seeking after-market industry.

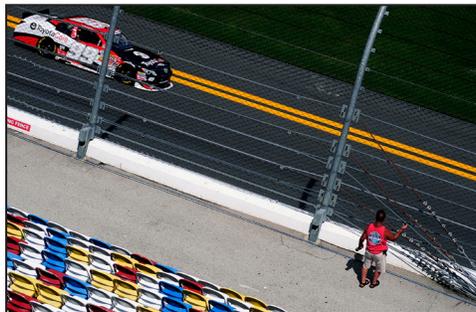
At issue is a new set of proposed standards currently pending before Congress that would make it a crime to modify a certified motor vehicle for purposes of competition.

In generic terms, the racing industry is made up of two distinct subsets: Vehicles that began life as a race car and are used solely for that purposes — those vehicles are left untouched by the proposed legislation — and the huge segment of vehicles that started out as an ordinary sports car and were modified for performance gains.

The EPA's proposed legislation would impose a fine of up to \$3,750 for any person who manufactures, sells or installs a device that “bypasses, impairs, defeats or disables” an emissions control on a certified motor vehicle. The fine goes up considerably for dealers or manufacturers who tamper with or remove an emissions control device; those infringers would be subject to a fine of \$37,500 per vehicle.

In simple terms, the proposed bill would all but kill the cottage industry of high-performance manufacturers. All sorts of high-performance parts that make up the \$86 billion industry would be instantly outlawed, and the world (or at least the Western part of it) would be ridded of virtually any type of system that attempted increase a car's horsepower. Gone would be turbochargers, exhaust upgrades, manifold modifications, and the like.

For those not wedded to the high-performance industry, such a change might not sound all that troubling. However, for the 6,383 companies who are members of the 55-year-old Specialty Equipment Manufacturer Association, such a law would result in instant death for their businesses, as well as the thousands of installation and sales facilities located throughout the U.S.



New York Times

The EPA recently proposed new legislation that could have a big impact on the high-performance auto industry. In turn, this could impact the bottom lines of some racing venues, such as the Daytona International Speedway, seen above.

The shuttering of these businesses would result in the loss of hundreds of thousands of jobs, as well as billions in tax revenue for the municipalities where the products and services are sold.

Also gone would be the semi-professional motors sports industry, and the scores of historic races that surrounds them, such as the 24 Hours of Daytona, the 12 Hours of Sebring, and the like. This, of course, would also result in the loss of race and fan revenue, and the likely closure of many of the stadiums themselves, such as the Daytona International Speedway whose renovation was just completed in January at a cost of \$400 million.

What is interesting is that most of the high performance industry caters to automotive enthusiasts, who want nothing more than to try to get 10 more horsepower out of the cars, for nothing but watercooler bragging rights. The impact on the environment from such activity is minimal, if it exists at all, as the cars still have to pass strict smog certification requirements.

Meanwhile, it is perfectly legal to have a gas powered leaf blower that decimates the environment at every turn. In 2011, the car experts at Edmunds measured the pollutants that a consumer-grade leaf blower emits, as compared to a 6,200-pound Ford F-150 SVT Raptor, one of the biggest vehicle offenders to the environment. The study found that the leaf blowers, which are being used daily throughout neighborhoods, emitted 299 times more hydrocarbons than the large Ford truck.

In fact, the list of unregulated, heavy polluters is quite long. Consider that chainsaws, lawnmowers, off-road motorcycles, snowmobiles and jet skis emit more pollution than just about any car the EPA is trying to regulate with its new

proposal. Now consider how many lawns are mowed every day, or how large the U.S. timber industry is, and the magnitude of the unregulated industry becomes perfectly clear.

The EPA is claiming that the new legislation simply seeks to “clarify” its prior rule making ability. However, in its 46-year history, the EPA has never sought to regulate — or criminalize — those who simply attempted to modify a consumer vehicle for performance gains. The new legislation is a sweeping departure.

What is ironic is that the proposed changes seek to regulate the half of the motorsports industry that is the least offensive. A new Corvette with a \$1,500 exhaust modification still drives and performs much like a stock vehicle, with just slightly more oomph than its stock brethren. But they both have to comply with all Federal Motor Vehicle Safety Standards, and both have to pass EPA-mandated smog certifications.

The pure racing industry, on the other hand, is not nearly as benign. Consider that NASCAR, whose vehicles are devoid of mufflers, catalytic converters or other emissions control devices, burn dirty fuel at the rate of about two miles per gallon. With the dozens of cars participating in each race, and scores of races each year, the impact on the environment monumentally trumps modified pedestrian cars.

And, of course, there are many more sanctioned racing bodies than just NASCAR; there are also Indy Car and Formula One, to name just a few. To be sure, these leagues are all doing their part to have their cars become greener, but point remains that the EPA is criminalizing the wrong party. Yes, we all need to do what we can to protect the environment, and we need to be responsible for our lasting carbon footprint. But taking a shotgun to the high performance industry will not solve the enduring problem we have with global warming; it will only serve to bankrupt thousands of businesses, and leave scores of Americans unemployed, if not unemployable altogether.



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