



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
NATIONAL VEHICLE AND FUEL EMISSIONS LABORATORY
2565 PLYMOUTH ROAD
ANN ARBOR, MICHIGAN 48105-2498

OFFICE OF
AIR AND RADIATION

August 20, 2020

RE: Recommendations to Aid EPA Review of Your Clean Air Act National Security
Exemption Request

Dear Manufacturer:

For the purposes of national security, certain engines/equipment may be exempt from Clean Air Act (CAA) requirements if the engines/equipment will be owned or used by an agency of the federal government responsible for national defense and other applicable criteria are met. *See* Clean Air Act § 203(b), 40 C.F.R. §§ 1068.225, 1068.315(a). Under 40 C.F.R. § 1068.225(c), a national security exemption (NSE) is automatically available to a manufacturer for engines/equipment when the manufacturer receives a written request for such engines/equipment from the appropriate federal agency, and the engines/equipment meet certain specialized military combat, warfare, or other similar criteria. Manufacturers not qualifying for the automatic exemption may request an NSE if the request is endorsed by an agency of the federal government responsible for national defense and the request explains why the manufacturer needs the exemption. 40 C.F.R. § 1068.225(d). This guidance specifically recommends actions that you may take to assist EPA in timely reviewing and responding to your NSE request where prior EPA approval is required for an NSE exemption under 40 C.F.R. § 1068.225(d). The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

When applying for an NSE under 40 C.F.R. §1068.225(d), which requires prior approval from EPA, the following information is helpful to EPA in timely reviewing and responding to your NSE request. Please submit to EPA your NSE request signed by an authorized representative of your company. When importing engines/equipment, and to avoid delay in the entry of your shipment, **we recommend seeking EPA approval of your NSE request BEFORE shipping the engines/equipment to the U.S.** You may contact the EPA prior to submitting your NSE request if you have questions concerning the type of documentation that may be helpful in the timely review and response to your request.

You are required by regulation to provide an explanation of why the exemption is needed, and an endorsement letter addressed to your company and signed by an individual authorized to represent, specifically in the capacity of a request for an exemption under 40 C.F.R. § 1068.225, an agency of the federal government responsible for national defense.

EPA recommends that the endorsement letter include the email address and phone number of the endorser, as well as the rank, title, position or other indication of the delegated authority of the endorser to avoid delay in determining whether an authorized individual from a federal agency responsible for national defense is endorsing the request. In addition, including the following information will assist EPA in timely processing your request:

1. Applicant/Importer's name, address, email address, and daytime telephone number;
2. For engines/equipment, the manufacturer, quantity of engines/equipment, model, model year and serial numbers (if applicable);
3. Engine/equipment specifications; and
4. Any additional information you believe would minimize delay in the processing of your NSE request.

If we grant your NSE request under 40 C.F.R. § 1068.225(d), you will need to affix a permanent label to all engines/equipment exempted, consistent with 40 C.F.R. § 1068.45, with at least the following information:

1. The label heading "EMISSION CONTROL INFORMATION".
2. Your corporate name and trademark.
3. Engine displacement, family identification, and model year of the engine/equipment (as applicable), or whom to contact for further information.
4. The statement: "THIS [engine, equipment, vehicle, etc.] HAS AN EXEMPTION FOR NATIONAL SECURITY UNDER 40 CFR 1068.225."

If you are importing engines/equipment under an approved NSE from EPA, upon entry into the U.S., the appropriate form to file is EPA Form 3520-21, declaring code "2." Please be prepared to provide a copy of the EPA approval letter to the U.S. Customs and Border Protection (CBP) upon request. The Applicant/Importer should keep the original EPA approval letter in its files.

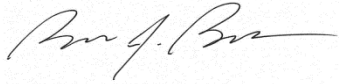
Please address the NSE request letter as follows:

Imports Helpline
U.S. Environmental Protection Agency
Compliance Division
Attention: David C. Hurlin
2000 Traverwood Drive
Ann Arbor, MI 48105

EPA recommends that you email your request, with supporting documents in pdf form, to imports@epa.gov for review and processing. For planning purposes, please allow at least 21 business days for processing. Responses to NSE requests sent via postal mail may be delayed. Requests are processed in the order they are received.

If you have any questions, please contact imports@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Byron J. Bunker".

Byron J. Bunker, Director
Compliance Division
Office of Transportation and Air Quality