

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of:</b>	)	<b>Docket No. CAA-05-2023-0008</b>
	)	
<b>Fleece Performance LLC</b>	)	<b>Proceeding to Assess a Civil Penalty</b>
<b>Pittsboro, Indiana</b>	)	<b>Under Section 205(c)(1) of the Clean Air</b>
	)	<b>Act, 42 U.S.C. § 7524 (c)(1)</b>
	)	
<b>Respondent.</b>	)	
<hr/>	)	

**Consent Agreement and Final Order**

**Preliminary Statement**

1. This is an administrative action commenced and concluded under Section 205(c)(1) of the Clean Air Act (the CAA), 42 U.S.C. § 7524(c)(1), and Sections 22.1(a)(2), 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at 40 C.F.R. Part 22.

2. Complainant is the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (EPA), Region 5.

3. Respondent is Fleece Performance LLC (Respondent), a limited liability company doing business in Indiana.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

### **Jurisdiction and Waiver of Right to Hearing**

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO and its right to appeal this CAFO.

### **Statutory and Regulatory Background**

9. Title II of the CAA, 42 U.S.C. §§ 7521–7554, was enacted to reduce air pollution from mobile sources. In enacting the CAA, Congress found, in part, that “the increasing use of motor vehicles . . . has resulted in mounting dangers to the public health and welfare.” Section 101(a)(2) of the CAA, 42 U.S.C. § 7401(a)(2). Congress’s purpose in enacting the CAA included “to protect and enhance the quality of the Nation’s air resources so as to promote the public health and welfare and the productive capacity of its population,” and “to initiate and accelerate a national research and development program to achieve the prevention and control of air pollution.” Section 101(b)(1)–2) of the CAA, 42 U.S.C. § 7401(b)(1)–(2).

10. Section 216(2) of the CAA, 42 U.S.C. § 7550(2) defines “motor vehicle” as “any self-propelled vehicle designed for transporting persons or property on a street or highway.” *See also* 40 C.F.R. § 85.1703 (further defining “motor vehicle”).

11. EPA promulgated emission standards for particulate matter (PM), nitrogen oxides (NO<sub>x</sub>), and other pollutants applicable to motor vehicle and motor vehicle engines, including diesel engine vehicles, under Section 202 of the CAA, 42 U.S.C. § 7521. *See* the implementing regulations at 40 C.F.R. Part 86. Vehicle and engine emissions standards “reflect the greatest

degree of emission reduction achievable through the application of [available] technology.”

Section 202(a)(3)(A)(i) of the CAA, 42 U.S.C. § 7521(a)(3)(A)(i).

12. Section 203(a)(1) of the CAA, 42 U.S.C. § 7522(a)(1), prohibits a manufacturer of motor vehicles or motor vehicle engines from selling a new motor vehicle or motor vehicle engine in the United States unless the motor vehicle or motor vehicle engine is covered by a certificate of conformity (COC). EPA issues COCs to motor vehicle and motor vehicle engine manufacturers under Section 206(a) of the CAA, 42 U.S.C. § 7525 a), to certify that a particular group of motor vehicle and motor vehicle engines conform to applicable EPA requirements governing motor vehicle emissions. The COC will include, among other things, a description of the engines, their emission control systems, all auxiliary emission control devices and the engine parameters monitored.

13. Engine manufacturers employ many devices and elements of design to meet emission standards. “Element of design” means “any control system (i.e., computer software, electronic control system, emission control system, computer logic), and/or control system calibrations, and/or the results of systems interaction, and/or hardware items on a motor vehicle or motor vehicle engine.” *See* 40 C.F.R. §§ 86.094-2 and 86.1803-01.

14. To meet the emission standards in 40 C.F.R. Part 86 and qualify for a COC, engine manufacturers may utilize control devices or elements of design such as Exhaust Gas Recirculation (EGR), Clean Gas Induction (CGI), Diesel Oxidation Catalyst (DOC), Diesel Particulate Filter (DPF), and/or Selective Catalytic Reduction (SCR) systems.

15. Engine and vehicle manufacturers may also employ engine fueling strategies, such as retarded fuel injection timing, as a primary element of design to limit emissions of NO<sub>x</sub>. *See* 59 Fed. Reg. 23,264 at 23,418 (May 5, 1994) (“[I]njection timing has a very significant

impact on NOx emission rates, with advanced timing settings being associated with higher NOx . . .”).

16. Modern motor vehicles are equipped with electronic control modules (ECMs). ECMs continuously monitor engine and other operating parameters and control emission control devices and elements of design, such as the EGR/CGI, DOC, DPF, and SCR systems and the engine fueling strategy.

17. Under Section 202(m) of the CAA, 42 U.S.C. § 7521(m), EPA promulgated regulations for motor vehicles manufactured after 2007 that require vehicles to have numerous devices or elements of design that, working together, can detect problems with the vehicle’s emission-related systems, alert drivers to these problems, and store electronically-generated malfunction information. 40 C.F.R. §§ 86.005-17, 86.007-17, 86.1806-05. These devices or elements of design are referred to as “onboard diagnostic systems” or “OBD” systems.

18. Section 203(a)(3)(A) of the CAA, 42 U.S.C. § 7522(a)(3)(A), prohibits “any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under [Title II of the CAA] prior to its sale and delivery to the ultimate purchaser, or for any person knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser, or for any person knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser.”

19. Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B), prohibits “any person to manufacture or sell, or offer to sell, or install, any part or component intended for use with, or as part of, any motor vehicle or motor vehicle engine, where a principal effect of the part or component is to bypass, defeat, or render inoperative any device or element of design installed

on or in a motor vehicle or motor vehicle engine in compliance with regulations under [Title II of the CAA], and where the person knows or should know that such part or component is being offered for sale or installed for such use or put to such use.”

20. The Administrator of EPA (the Administrator) may assess a civil penalty of up to \$5,179 per motor vehicle, motor vehicle engine, or part or component for violations that occurred after November 2, 2015, and where penalties are assessed on or after January 12, 2022, pursuant to Section 205(a) and (c) of the CAA, 42 U.S.C. § 7524(a) and (c), and 40 C.F.R. § 19.4.

### **Factual Allegations and Alleged Violations**

21. Respondent is a limited liability company doing business in the State of Indiana with its primary place of business located at 2400 Commerce Way, Pittsboro, Indiana.

22. Respondent is a person, as that term is defined in Section 302(e) of the CAA. 42 U.S.C. § 7602(e).

23. On November 13, 2019, EPA inspected a facility operated by the Fleece Group (including Fleece Performance, LLC; Fleece Performance Engineering, Inc., Fleece Racing Engines, Inc. d/b/a Freedom Racing Engines, Inc.).

24. On April 28, 2020, EPA issued an information request to Respondent pursuant to Section 208 of the CAA, 42 U.S.C. § 7542 (Request). The Request sought information related to Respondent’s manufacture, purchase, offers to sell, and/or sales of parts, components, and products which bypass, defeat, or render inoperative any emission control component, element of design, or emissions related part or component for the period of January 1, 2018, to April 21, 2020.

25. On July 15, 2020, Respondent submitted a response (Response) to EPA's Information Request. The Response included a spreadsheet containing details and quantities of products that were sold and installed by Respondent during the period covered by the Information Request. The Response also included PDF invoices corresponding with the products that were sold or installed by Respondent as identified in the spreadsheet.

26. In the Response, Respondent provided information showing that between January 1, 2018, and April 21, 2020, Respondent offered to sell and sold at least 600 aftermarket automotive parts or components that disable, remove, bypass, defeat, or render inoperative air pollution emission control systems installed on or in motor vehicles and motor vehicle engines in compliance with Title II of the CAA ("Defeat Devices"). Of the 600 Defeat Devices that Respondent offered to sell and sold, Respondent installed at least 497 of the products in the buyers' vehicles, as described further below.

27. Of the at least 600 Defeat Devices that Respondent offered to sell and sold, at least 210 remove or bypass the EGR system or can only operate with the EGR system removed ("EGR Delete Hardware"). Respondent installed at least 170 of these EGR Delete Hardware products.

28. Of the at least 600 Defeat Devices that Respondent offered to sell and sold, at least 180 remove or bypass one or more aftertreatment emission control devices, such as the DOC, DPF, and/or SCR ("Aftertreatment Delete Hardware"). Respondent installed at least 144 of these Aftertreatment Delete Hardware products.

29. Of the at least 600 Defeat Devices that Respondent offered to sell and sold, at least 210 were aftermarket tunes or tuners, where a principal effect of the tune or tuner was to bypass, defeat or render inoperative emissions-related devices or elements of design installed in

or on motor vehicles or motor vehicle engines, including, but not limited to, the engine fueling strategy, DPF, EGR, DOC, SCR, OBD systems, and/or emissions-related elements of the ECM (“Tuning Products”). Respondent installed at least 183 Tuning Products.

30. On December 28, 2020, EPA issued a Finding of Violation (FOV) to Respondent alleging violations of Section 203(a)(3)(A) and (B) of the CAA, 42 U.S.C. § 7522(a)(3)(A) and (B), related to Respondent’s sale and/or installation of Defeat Devices, including EGR Delete Hardware, Aftertreatment Delete Hardware, and Tuning Products.

31. On January 25, 2021, representatives from EPA and Respondent held a teleconference to discuss the FOV.

32. During the teleconference, Respondent represented that after receiving the FOV Respondent stopped the sale, offering for sale, and installation of all Defeat Devices.

33. As described above in Paragraphs 26 through 29, Respondent knowingly removed and/or rendered inoperative devices or elements of design installed in or on motor vehicles or motor vehicle engines in compliance with the CAA by installing or modifying software on ECMs to allow the motor vehicles to operate without EGR/CGI, DOC, DPF, and/or SCR systems, and by installing parts or components that removed and/or bypassed EGR/CGI, DPF, and/or SCR systems in violation of Section 203(a)(3)(A) of the CAA, 42 U.S.C. § 7522(a)(3)(A).

34. As described above in Paragraphs 26 through 29, Respondent sold, offered to sell, and/or installed parts or components intended for use with, or as part of, a motor vehicle or motor vehicle engine, where a principal effect of the part or component was to bypass, defeat or render inoperative devices and elements of design that control emissions, such as the engine fueling strategy, EGR/CGI, DOC, DPF, SCR, and OBD systems, installed on or in a motor vehicle or motor vehicle engine in compliance with the CAA. Respondent knew or should have

known that such parts or components were being offered for sale or installed for such use or put to such use in violation of Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B).

**Civil Penalty**

35. Based on analysis of the factors specified in Section 205(a) of the CAA, 42 U.S.C. § 7524(c), EPA’s Clean Air Act Title II Vehicle & Engine Civil Penalty Policy, the facts of this case, Respondent’s ability to pay, Respondent’s certifications set forth herein, and Respondent’s cooperation in resolving this matter, Complainant has determined that an appropriate civil penalty to settle this action is \$190,548.

36. Respondent must pay the \$190,548 civil penalty in 3 installments with interest as follows:

<b>Installment</b>	<b>Due By</b>	<b>Payment</b>	<b>Principal</b>	<b>Interest (1%)</b>
Payment #1	Within 30 days of effective date of CAFO	\$63,516.00	\$ 63,516	NA
Payment #2	Within 60 days of effective date of CAFO	\$63,727.72	\$ 63,516	\$211.72
Payment #3	Within 90 days of effective date of CAFO	\$63,568.93	\$ 63,516	\$52.93

Respondent must pay the installments by electronic funds transfer, payable to “Treasurer, United States of America,” and sent to:

Federal Reserve Bank of New York  
ABA No. 021030004  
Account No. 68010727  
33 Liberty Street  
New York, New York 10045  
Field Tag 4200 of the Fedwire message should  
read: "D68010727 Environmental Protection Agency"

In the comment or description field of the electronic funds transfer, state Respondent's name and the docket number of this CAFO.

37. Respondent must send a notice of payment that states Respondent's name and the docket number of this CAFO to EPA at the following addresses when it pays the penalty:

Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency, Region 5  
[r5airenforcement@epa.gov](mailto:r5airenforcement@epa.gov)

Matthew Dawson  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
[dawson.matthew@epa.gov](mailto:dawson.matthew@epa.gov)

Regional Hearing Clerk (E-19J)  
U.S. Environmental Protection Agency, Region 5  
[r5hearingclerk@epa.gov](mailto:r5hearingclerk@epa.gov)

38. This civil penalty is not deductible for federal tax purposes.

39. If Respondent does not pay timely any installment payment set forth in Paragraph 36, above, the entire unpaid balance of the civil penalty and any amount required by Paragraph 40, below, shall become due and owing upon written notice by EPA to Respondent of the delinquency. EPA may request the Attorney General of the United States to bring an action to collect any unpaid portion of the penalty with interest, nonpayment penalties and the United States' enforcement expenses for the collection action under Section 205(c)(6) of the CAA, 42 U.S.C. § 7524(c)(6). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

40. Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 26 U.S.C. § 6621(a)(2). Respondent must pay the United States' enforcement expenses, including but not limited to attorney's fees and costs incurred by the United States for collection proceedings. In addition, Respondent must pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue. This nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter. 42 U.S.C. § 7524(c)(6)(B).

#### **Other Conditions**

41. By signing this Consent Agreement, Respondent agrees to the following:

(i) Respondent will not remove or render inoperative any emissions-related device or element of design installed on or in a motor vehicle or motor vehicle engine in violation of Section 203(a)(3)(A) of the CAA, 42 U.S.C. § 7522(a)(3)(A); (ii) Respondent will not manufacture, sell, offer for sale, or install any part or component in violation of Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B); and (iii) Respondent acknowledges awareness of EPA's November 23, 2020 "Tampering Policy: The EPA Enforcement Policy on Vehicles and Engine Tampering and Aftermarket Defeat Devices under the Clean Air Act."

42. By signing this Consent Agreement, Respondent understands that the violations addressed in this CAFO may be considered as a "History of Noncompliance" for any future violations of Title II of the CAA, 42 U.S.C. § 7522(a)(3)(A) and (B), by Respondent or any other business entity owned or operated by Brayden Fleece and Chase Fleece, as addressed in the January 18, 2021, Clean Air Act Title II Vehicle & Engine Civil Penalty Policy.

43. Within 30 days after the date of Respondent's signature of this CAFO, Respondent shall remove all Defeat Devices from all vehicles and engines owned or operated by Respondent, and return the ECM of each vehicle and engine to factory settings.

44. By the date of its signature of this CAFO, Respondent shall permanently destroy or return to the manufacturer all Defeat Devices in its inventory and/or possession (including, but not limited to, straight pipes, EGR delete kits, tuners, tuning software, etc.).

45. Within 30 calendar days from the date of Respondent's signature on this CAFO, Respondent shall certify with proof that Respondent has completed the actions required in Paragraph 43 and 44 above. Respondent shall further certify that prior to the date of signature of this CAFO such Defeat Devices and tampered vehicles were not transferred or sold.

46. Within 14 calendar days from the date of Respondent's signature on this CAFO, Respondent shall remove from its webpages and any social media platform(s) all advertisements, photos, videos, and information that relate to performing tampering and/or selling, offering to sell, and/or installing of Defeat Devices except advertisements, photos, videos, or information relating to how to comply with the CAA.

47. Within 14 calendar days from the date of Respondent's signature on this CAFO, the Respondent shall post a publicly-accessible announcement about Respondent's settlement with EPA on Respondent's current website homepage(s), Respondent's social media homepage(s), including, but not limited to, all Facebook, Twitter, Pinterest, and Instagram accounts associated with Respondent. The announcement shall remain posted for at least 60 calendar days from the date the announcement is posted. Respondent shall use the text contained in Appendix A (Announcement) in 12-point font, or another notice reviewed and approved by

EPA, to provide such announcement. Respondent shall provide EPA with proof of posting the announcement within 30 calendar days from the Effective Date of this CAFO.

48. Within 30 calendar days from the date of Respondent's signature on this CAFO, Respondent shall notify, in writing, all customers who purchased any of the devices, equipment, and services described in Paragraphs 26 through 29 above, of Respondent's settlement with EPA. Respondent shall use the form of letter contained in Appendix B (Letter), or another letter reviewed and approved by EPA to provide such notice. The Letters shall be transmitted by certified U.S. Mail, return receipt requested, or, for customers for whom Respondent has only an e-mail address, the Letters shall be transmitted by e-mail, return delivery receipt requested. Respondent shall notify EPA with proof of mailing and e-mailing within 30 calendar days from the Effective Date of this CAFO to verify that all Letters have been sent.

49. In each report that Respondent submits as provided by this CAFO, Respondent must certify that the report is true and complete by including the following statement signed by one of its officers:

*I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, it is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.*

50. Failure to comply with Paragraph 41 of this CAFO may constitute a violation of Section 203(a)(3)(A) and (B) of the CAA, 42 U.S.C. § 7522(a)(3)(A) and (B), and Respondent could be subject to penalties of up to the statutory civil penalties in 40 C.F.R. § 19.4.

51. Respondent is informed and believes, and upon such information and belief certifies that any material information or representation it has supplied or made to EPA concerning this matter was, at the time of submission true, accurate, and complete and that there

has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this CAFO, including incomplete responses to Information Requests and information about Respondent's ability to pay a penalty, were false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondent is aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

#### **General Provisions**

52. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: [dawson.matthew@epa.gov](mailto:dawson.matthew@epa.gov) (for Complainant), and [finance@fleeceperformance.com](mailto:finance@fleeceperformance.com) (for Respondent). Respondent understands that the CAFO will become publicly available upon filing.

53. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in this CAFO.

54. The effect of the settlement described in Paragraph 53 above, is conditioned upon the accuracy of Respondent's representations to EPA.

55. The CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

56. This CAFO does not affect Respondent's responsibility to comply with the CAA and other applicable federal, state and local laws. Except as provided in Paragraph 53 above,

compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws administered by EPA.

57. Respondent certifies that it is fully complying with Sections 203(a)(3)(A) and (B) of the CAA, 42 U.S.C. § 7522(a)(3)(A) and (B).

58. This CAFO constitutes an “enforcement response” as that term is used in EPA’s January 18, 2021, Clean Air Act Title II Vehicle & Engine Civil Penalty Policy to determine Respondent’s “full compliance history” under Section 205(b) of the CAA, 42 U.S.C. § 7524(b).

59. The terms of this CAFO bind Respondent, and its successors and assigns.

60. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

61. Each party agrees to bear its own costs and attorney’s fees in this action.

62. This CAFO constitutes the entire agreement between the parties.

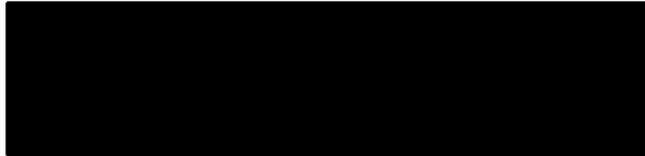
Fleece Performance, LLC, Respondent

1/4/2023  
Date



Brayden Fleece, Member  
Fleece Performance, LLC

1/4/2023  
Date



Chase Fleece, Member  
Fleece Performance, LLC

**United States Environmental Protection Agency, Complainant**

**MICHAEL  
HARRIS**

Digitally signed by  
MICHAEL HARRIS  
Date: 2023.01.24  
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Michael D. Harris  
Division Director  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region 5

**Consent Agreement and Final Order**  
**In the Matter of:** Fleece Performance, LLC  
**Docket No.** CAA-05-2023-0008

**Final Order**

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

\_\_\_\_\_  
Date

ANN COYLE Digitally signed by ANN  
COYLE  
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Ann L. Coyle  
Regional Judicial Officer  
U.S. Environmental Protection Agency  
Region 5

## **Appendix A: Announcement**

On **X** Date, Fleece Performance LLC (Fleece Performance) entered into a settlement with the United States Environmental Protection Agency (EPA) to resolve alleged violations of Section 203(a)(3)(A) and 203(a)(3)(B) of the Clean Air Act, related to the removal and/or rendering inoperative of emission control devices and elements of design and the manufacturing selling, offering to sell, and/or installing defeat devices for use on heavy-duty diesel engines.

By signing a consent agreement with EPA, Fleece Performance has certified that it will comply with Section 203(a)(3) of the CAA, which makes it unlawful for: “(A) any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under [Title II of the CAA] prior to its sale and delivery to the ultimate purchasers, or for any person knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser; or (B) for any person to manufacture or sell, or offer to sell, or install, any part or component intended for use with, or as part of, any motor vehicle or motor vehicle engine, where a principal effect of the part or component is to bypass, defeat, or render inoperative any device or element of design installed on or in a motor vehicle engine in compliance with regulations under [Title II of the CAA], and where the person knows or should know that such part or component is being offered for sale or installed for such use or put to such use.”

Fleece Performance will pay a penalty of \$190,548 and comply with the consent agreement to ensure ongoing compliance with the Clean Air Act.

If you have any questions regarding this announcement, please ask for Brayden Fleece or Chase Fleece.

Thank you,  
Brayden Fleece and Chase Fleece

**Appendix B:  
Letter**

To Whom It May Concern:

On **X** Date, Fleece Performance LLC (Fleece Performance) entered into a settlement with the United States Environmental Protection Agency (EPA) to resolve alleged violations of Section 203(a)(3)(A) and 203(a)(3)(B) of the Clean Air Act, related to the removal and/or rendering inoperative of emission control devices or elements of design and selling, offering to sell, and/or installing defeat devices for use with heavy-duty diesel engines.

By signing a consent agreement with EPA, Fleece Performance has certified that it will comply with Section 203(a)(3) of the CAA, which makes it unlawful for: “(A) any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under [Title II of the CAA] prior to its sale and delivery to the ultimate purchasers, or for any person knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser; or (B) for any person to manufacture or sell, or offer to sell, or install, any part or component intended for use with, or as part of, any motor vehicle or motor vehicle engine, where a principal effect of the part or component is to bypass, defeat, or render inoperative any device or element of design installed on or in a motor vehicle engine in compliance with regulations under [Title II of the CAA], and where the person knows or should know that such part or component is being offered for sale or installed for such use or put to such use.”

Fleece Performance will pay a penalty of \$190,548 and comply with the consent agreement to ensure ongoing compliance with the Clean Air Act.

If you have any questions regarding this letter, please ask for Brayden Fleece or Chase Fleece.

Thank you,  
Brayden Fleece and Chase Fleece