



ASSISTANT ADMINISTRATOR FOR AIR AND RADIATION

WASHINGTON, D.C. 20460

January 30, 2026

IACD-2026-01 (NRCI, MCI, Locomotives)

SUBJECT: Clarification Regarding the Practice of Temporarily Disabling Aspects of an Emission Control System or Components to Repair or Maintain a Nonroad Engine

Dear Manufacturer:

The purpose of this letter is to provide clarification from the U.S. Environmental Protection Agency (EPA) regarding the practice of temporarily disabling aspects of an emission control system or components to repair or maintain a nonroad engine. This guidance is applicable to nonroad diesel engine manufacturers. EPA has received inquiries related to the legality of taking an engine out of certified configuration to perform maintenance or execute a repair. This guidance reaffirms our existing policy.

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.

We understand that some manufacturers have interpreted the Clean Air Act's (CAA) prohibition on tampering as prohibiting manufacturers from facilitating repairs by third parties if the repairs require a temporary disablement of the selective catalytic reduction induction strategy or other elements of the emission control system. The CAA, in fact, anticipates that it may be necessary to disable an element of the emission control system to effectuate a repair and is clear that such an action is not a prohibited act when it is for the "purpose of repair" and "such action thereafter results in the proper functioning of the device." CAA § 203(a)(5), 42 U.S.C. § 7522(a)(5).

CAA section 203(a)(3), 42 U.S.C. § 7522(a)(3), makes it unlawful:

(A) for 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 this subchapter 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

(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 or motor vehicle engine in compliance with regulations under this subchapter, 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.

However, CAA section 203(a)(5), 42 U.S.C. § 7522(a)(5), includes an exception to the prohibition, stating as follows:

No action with respect to any device or element of design referred to in paragraph (3) shall be treated as a prohibited act under that paragraph if (i) the action is for the purpose of repair or replacement of the device or element, or is a necessary and temporary procedure to repair or replace any other item and the device or element is replaced upon completion of the procedure, and (ii) such action thereafter results in the proper functioning of the device or element referred to in paragraph (3).

Additionally, 40 C.F.R. section 1068.101(b)(1) states that the prohibition of tampering does not apply when “(i) You need to repair the engine/equipment, and you restore it to proper functioning when the repair is complete. (ii) You need to modify the engine/equipment to respond to a temporary emergency and you restore it to proper functioning as soon as possible.”

We interpret the referenced text, in aggregate, to mean that using one or more procedures and/or tools that temporarily take a product out of certified configuration as necessary to perform maintenance and/or repair are **not** prohibited acts, provided the engine is returned to its certified configuration before being returned to service. Additionally, we note that the referenced text places no limitations upon particular characteristics of the “tool(s)” utilized for the above referenced repair procedure(s), such as to whether or not such a tool is available to the general public.

It is EPA’s position that manufacturers should not misread the CAA to create an adjustable parameter, such as an inducement override actuated by a switch or generic tool (electronic or otherwise), without either demonstrating emissions compliance with the adjustable parameter active, or that such an action is to be used only for the purpose of repair or replacement of a device or element, or is a necessary and temporary procedure to repair or replace any other item and the device or element is replaced upon completion of the procedure, and such action thereafter results in the proper functioning of the device or element.

A manufacturer may do this by limiting the period of an override to the increment of time necessary to effectuate the repair. Once the repair is completed (including any necessary period for system learning or self-healing), the inducement override should automatically end, and such action thereafter results in the proper functioning of the device or element being repaired. If the fault that led to inducement remains active after the repair, the system should return to the induced state that existed prior to the repair.

Please contact your certification representative, or Byron Bunker (Bunker.Byron@epa.gov) if you have any questions about this letter.

Sincerely,

A handwritten signature in dark blue ink, appearing to read "AS" followed by a stylized "Z".

Aaron Szabo
Assistant Administrator

Cc: Jeffrey A. Hall, Assistant Administrator, EPA Office of Enforcement and Compliance Assurance