

EPA ACTION FORM

The info we need to represent your interests to the EPA



■ LAST MONTH WE TOLD YOU WHAT CAN HAPPEN TO YOUR MOTORCYCLE business and/or personal custom motorcycle due to the Environmental Protection Agency's (EPA) new and past emissions rules and laws. We talked about how one rule covers the restrictions on building your own once-in-a-lifetime custom motorcycle. Another is that a shop can build and sell only 24 EPA-exempt custom motorcycles per year, but that these bikes are only allowed to be ridden to and from motorcycle shows. Other rules stipulate that all other motorcycles are required by federal law to be tested to see if they still meet the emissions requirements set by the EPA if they have been altered in any way that could affect the amount of emissions they produce. We also explained that the EPA's anti-tampering rules do not allow any changes to the fuel delivery system, exhaust system, or any engine component or component of the drivetrain on factory-built motorcycles, such as Harley-Davidsons, that could possibly cause the emissions levels to change. In fact, under the present EPA rules, the only legal modifications are finishes (such as paint and chrome) and some chassis modifications. It is our firm belief that these rules will ruin motorcycling as we know it and the custom bike aftermarket industry, since it exists to give bike owners options, not cookie-cutter motorcycles. And yet, our industry has been illegal for decades under past and present EPA rules; we just didn't know it. And now that the laws are being changed to be even more restrictive, and are being enforced, it is imperative we act to preserve our way of life.

COMPLIANT ENGINE PACKAGES

Some readers have stated they would just use an EPA-compliant engine package to build their dream bike. But even using an engine manufacturer's compliant engine package will not help most shops and individuals build the bike they want. Anyone who buys a compliant engine package, but then alters anything included in the package (fuel delivery, exhaust system, engine internals), will void the emissions warranty of the package. The same occurs if the engine package is installed in a rolling chassis that does not meet the specifications of the engine seller. For example, if the package was tested in a bike with a 140-series rear tire, the engine cannot legally be used in a bike with a larger rear wheel, since the larger rear wheel voids the emissions warranty of the engine package. That means the motorcycle will not be EPA-compliant, even though the builder started with a compliant engine package. In fact, the bike is just as illegal as one that does not have a compliant engine package.

Some readers have stated that they would just have the new engine/bike package tested to see if it conforms to EPA requirements. Though that sounds like a viable solution, the cost of doing this is much more than what a small shop or individual could incur to build a one-off bike. The large manufacturers build hundreds of units of a model so it can spread the cost of

certification testing over many bikes. In fact, some companies have an emissions lab in-house to perform the needed work. As you can see, this situation could cause the end of the one-offs and small-quantity builds that keep this industry fresh and vibrant.

LETTER OF GUIDANCE

The Motorcycle Industry Council's (MIC) V-Twin Aftermarket Committee, which is composed of some of the largest manufacturers and distributors in the aftermarket, is currently in negotiations with the EPA concerning a Letter of Guidance for engine certification. If adopted as written, this document will give a huge advantage to the large engine manufacturers. This is because these companies are the only ones who can afford to get their engines through the compliance testing process while still keeping their selling prices from sharply increasing. (Of course, we expect these companies will also have to increase their prices to cover the costs of testing and the required emissions system warranty that will be included with the engine package.) And though we do not believe the MIC is doing this to put other engine companies and small engine shops out of business, we do believe this will be the end result.

The Letter of Guidance (LOG) process does not allow for business and the general public to give their opinions and concerns about the EPA rules in question. Thankfully, the MRF found out about the impending Letter of Guidance in its discussions with the EPA, and we reported it to you last month. To help stop the LOG from being adopted, American Iron's editor, Chris Maida, has sent a letter to the EPA asking the agency to put the MIC's LOG on hold and initiate a comment process so you are provided an opportunity to have your voice, as a citizen of the USA, heard.

YOU NEED TO BE HEARD

The truth is, the EPA needs to be shown that there are thousands of shops that

EPA QUESTIONNAIRE

Business Information Section

1. How long have you been in business? _____ years _____ months?
2. Average gross income for the last five years (if in business that long): _____
3. Current number of employees: _____
4. Do you build custom motorcycles to sell and/or for personal use? _____
5. If yes, how many motorcycles built per year: _____
6. Percentage of business from custom motorcycle sales: _____
7. Percentage of business from exhaust modifications (including customer-installed units): _____
8. Percentage of business from performance modifications (including customer-performed mods): _____
9. Would you be willing to pay a non-conformance fee per unit to keep building motorcycles and modifying engines or components? Yes _____ No _____
10. How much do you pay in taxes per year (federal, state, and local)?: _____
11. Do you rebuild engines or assemble engines from components? Yes _____ No _____
12. Would you be willing to attend a meeting with EPA or SBA officials? Yes _____ No _____
13. What is the percentage of the business you may lose compared to your total revenue? _____%
14. Will the new EPA rules cause you to lay off employees? Yes _____ No _____
15. Will you have to close your business if the rules are not changed to allow options? Yes _____ No _____
16. When did you become aware of these EPA rules? _____
17. Where did you learn about the EPA rules? Media (newspaper, magazine, television, radio) _____ Industry source _____ Friend _____ Other _____

Individual Information Section

1. How many motorcycles have you owned in the last five years? _____
2. On how many of those have you changed exhaust, engine, or driveline components? _____
3. How much have you spent on modifications? \$ _____
4. Percentage of work done yourself: _____%
5. Percentage of work done by an independent shop: _____%
6. Percentage of work done by an OEM dealer: _____%
7. Would you be willing to pay an extra fee to make those modifications legal? Yes _____ No _____
8. How many custom motorcycles have you built for yourself in the last five years? _____
9. Would you be willing to pay a non-conformance payment (per new bike) to keep building personal motorcycles with the components of your choice? Yes _____ No _____

Submitted by shop/person located in City _____ State _____

**Completed questionnaires should be sent to Motorcycle Riders Foundation,
Dept. EPA/AIM, 236 Massachusetts Avenue NE, Suite 510, Washington, DC 20002-4980,
or fax it to 202/546-0986.**

How It Works

either build their own engines from components or modify existing engines, as well as make transmission, rear wheel, primary system, and gearing modifications. Even though these bikes are not tested to see if the changes made are EPA-compliant, these alterations are being done on new and used motorcycles all across the country. In fact, almost every shop that does V-twin work, from the mom-and-pop shop on the corner to the large OEM shops, modifies and changes engines and drivetrain components. Without this type of work, most of them would be out of business.

The EPA also has to be shown that the MIC does not represent these shops and businesses in their negotiations with the EPA. Though the MIC has not portrayed itself as such, it is the only organization currently representing the custom motorcycle industry to the EPA. Therefore, it's only natural for the EPA to regard them as your representatives. Unfortunately, that is not the case, and you as an individual, shop owner, or mechanic, have different concerns and needs than the members of the MIC. These concerns and needs are not being addressed, which is why the MRF has stepped in and is in negotiations with the EPA on your behalf. This is why it is critical that you, whether you're a bike owner, bike builder (both amateur and professional), shop owner, component manufacturer, or part distributor, fill out the questionnaire on page 28 and return it to the MRF as soon as possible. We believe that if the MRF cannot persuade the EPA to make concessions so the small and large shops can legally build and modify bike chassis and engines, many independent shops, as well as the manufacturers and distributors who supply them with parts, will be out of business in a few years.

WHAT YOU CAN DO

MRF was asked by its members in a legislative strategy session to try to find a way to keep the aftermarket unaffected and yet compliant with the new and past EPA laws, so that we all can enjoy the motorcycling lifestyle that we love. The EPA has told the MRF that its intent is not to shut businesses down, and it asked us to make proposals on how to keep the aftermarket industry strong while still

protecting the environment. The MRF is also in discussions with the Small Business Administration (SBA), the protector of small businesses in America, about the motorcycle aftermarket industry as a whole.

We need your help to preserve your right to build and ride a custom or modified stock motorcycle. To persuade the EPA and SBA, we need to give them more than anecdotes. We need to give them the facts that only you, the bike owners, custom bike builders, and shop owners, can supply. We need to tell them the full story of how much the motorcycle aftermarket



Dave Dwyer, Board of Directors, Motorcycle Riders Foundation

industry has grown, and how severe the effects of engine certification and exemption removal would be on this industry.

We need you to fill out the questionnaire and return it to the Motorcycle Riders Foundation if you are involved at any level of the motorcycle aftermarket industry. Do you manufacture engines, engine components, or frame, intake, exhaust, drivetrain, or sheet metal components? Do you sell, assemble, or modify these parts? Do you build finished motorcycles? We need the input of all of the businesses and individuals involved. We will compile the data and use it in our discussions with the EPA and SBA on a non-conformance payment program. This proposed program would be a pay-to-play type of exemption that would allow you the freedom to build what you want, in small volumes, with the components of your choice. Upon payment of a noncon-

formance fee, the motorcycle would be EPA street-legal. This would be similar to the Green Sticker program in California for off-road motorcycles.

We also need your help distributing this questionnaire to other shops and builders in your area. Please photocopy and distribute this to everyone you know that is involved in motorcycling. The more input we get, the better the picture we can give to the EPA and SBA. If we do not receive enough feedback, this will become a dead issue, since the EPA will not believe that we are telling them the truth. Your participation is critical to the success of this project, and, ultimately, your livelihood. The days of building any motorcycle you want and riding it on the street may soon be over unless we can find a way to do so legally. When your local motor vehicle office demands an EPA certificate of conformity to register your motorcycle, and you do not have one, what are you going to do with the bike? Without a certificate of conformity, and being able to get it registered, there will be no market for your product, or the resale of a non-compliant motorcycle. That will be the end of your business, be it manufacturing component parts or assembling the final product, and the end of choices for riders.

Some of the questions in the questionnaire will seem extremely intrusive, but they are necessary for us to give the EPA and SBA the full story of how the rules will ruin the industry, and the financial and personal losses that you are facing. Also understand that the MRF has no financial interest in this. We exist to serve, and we are funded by state motorcyclist rights organizations and our individual members, so we can try to protect our motorcycling lifestyle. We are the only national organization dedicated solely to protecting the rights of the street rider. You can view our history and position papers, sign up for updates and releases, and, if you so desire, become a member at www.mrf.org. We welcome anyone interested in protecting the rights and lifestyle of motorcyclists.

Completed questionnaires should be sent to Motorcycle Riders Foundation, Dept. EPA/AIM, 236 Massachusetts Avenue NE, Suite 510, Washington, DC 20002-4980, or fax it to 202/546-0986. Either way, please do this as quickly as possible. The sooner we can approach the EPA with a mountain of proof, the better chance we have of protecting our lifestyle and industry. **AIM**