



Office of Inspector General U.S. Environmental Protection Agency **At a Glance**

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January 25, 2023

Why We Did This Evaluation

We conducted this evaluation to determine the:

- U.S. Environmental Protection Agency's progress toward achieving the goals and measures in the fiscal years 2020–2023 National Compliance Initiative, *Stopping Aftermarket Defeat Devices for Vehicles and Engines*.
- Extent to which the existing measures for the initiative track and promote the achievement of its goals.

Under the initiative, the EPA's Office of Enforcement and Compliance Assurance addresses noncompliance with the Clean Air Act's prohibition against tampering and aftermarket defeat devices. In support of the initiative, the office developed a strategic plan, which includes goals, measures, and deliverables. The initiative calls for EPA regions to engage states to encourage complementary actions to discourage aftermarket defeat device demand.

This evaluation supports these EPA mission-related efforts:

- *Improving air quality.*
- *Partnering with states and other stakeholders.*

This evaluation addresses these top EPA management [challenges](#):

- *Mitigating causes and adapting to impacts of climate change.*
- *Enforcing environmental laws and regulations.*

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The EPA Is Not on Track to Reach Its National Compliance Initiative Goals to Stop Aftermarket Defeat Devices and Tampered Vehicles

What We Found

The Office of Enforcement and Compliance Assurance, or OECA, is not on track to achieve ten (25 percent) of the 40 measures and deliverables in its National Compliance Initiative, or NCI, strategic plan. We could not evaluate the progress of six deliverables because the strategic plan did not include defined terms and concrete requirements for those metrics. In addition, the EPA has not met some of the measures and deliverables because OECA and the regions inconsistently interpreted the strategic plan's requirements. When provided the opportunity, OECA did not update the NCI strategic plan to clarify its requirements and reflect how the NCI is being implemented, which hindered the EPA's ability to overcome those obstacles.

Adequate training, quantifiable metrics, and effective communication are needed to track and promote NCI success.

According to regional staff, inadequate technical training hinders the achievement of some NCI strategic plan deliverables. Also, the deliverables are not always quantifiably linked to program outcomes and do not always promote effective communication. Moreover, the EPA shares some information based on NCI strategic plan metrics but does not share helpful enforcement data with the states or incentivize complementary state efforts to the EPA's NCI implementation.

Regional staff need technical training to prepare them to conduct inspections for aftermarket defeat devices and vehicle tampering. A lack of quantifiable deliverables means that the NCI's impact on aftermarket defeat devices and tampering is unknown. If the NCI's goals are not achieved, excess emissions from aftermarket defeat devices and tampered vehicles will continue to threaten public and environmental health.

Recommendations and Planned Agency Corrective Actions

We recommend that OECA (1) develop guidance for the regions; (2) update the NCI strategic plan to address unforeseen challenges; (3) include quantifiable deliverables in the NCI strategic plan; (4) work with the Office of General Counsel to release enforcement data to the states, as appropriate; and (5) overcome barriers to voluntary state efforts that complement the EPA's work. OECA disagreed with Recommendations 2, 3, and 5. While OECA agreed with Recommendations 1 and 4, it did not provide a completion date for Recommendation 1 or acceptable corrective actions for Recommendation 4. All recommendations are therefore unresolved.

Noteworthy Achievements

States noted that the NCI successfully raised general public awareness about aftermarket defeat devices and tampering, which increases enforcement efficacy.