

# RepairCare

...a publication for automotive repair technicians in the Maryland Vehicle Emissions Inspection Program

Published by the Maryland Department of the Environment

March 2022

## New Tampering Regulation

Vehicle tampering regulation effective in Maryland February 7, 2022.

### *What is Tampering?*

If you remove, disconnect, detach, deactivate, alter, modify, reprogram, or make less effective any emissions control device installed by the manufacturer, or use less effective replacement parts, you have committed the act of tampering.

Tampering prohibitions apply to anyone who services any emissions-related component of any vehicle, engine, or piece of equipment. They also apply to anyone who manufactures, distributes, or installs emissions-related parts.

### *What is the Penalty for Tampering?*

The Code of Maryland Regulations 26.11.20.02 prohibits tampering. Violation of Maryland's tampering laws may result in a civil penalty of up to \$25,000 per day per violation (Environment Article, Annotated Code of Maryland, §§ 2-610 and 2-610.1). In addition, a person who knowingly tampers with a vehicle can be fined up to \$48,000 for every tampered vehicle. In the past few years the U.S. Environmental Protection Agency (EPA) has closed over 60 civil tampering cases, and the Department of Justice has filed criminal charges in others.



### *How does Tampering Affect Health & the Environment?*

Tampering with emissions control systems leads to much higher levels of nitrogen oxides (NOx), soot, carbon monoxide, and hydrocarbons which contribute to a variety of health problems including heart attack, irregular heartbeat, aggravated asthma, decreased lung function, and respiratory symptoms such as irritation of the airways, coughing, or difficulty breathing. The EPA has found that controls on over 500,000 diesel pickup trucks, or about 13% of those registered that were originally certified with emissions controls, have been fully removed or deleted through tampering. The excess NOx emissions produced by these vehicles is equivalent to adding 9 million extra trucks to our roads and interfere with Maryland's efforts to keep the air clean statewide.



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## **What can Dealers & Repair Technicians do to Remain in Compliance?**

### **Dealers or Businesses that Sell, Auction or Transfer Motor Vehicles:**

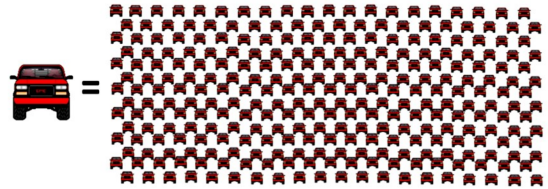
Maryland's new tampering regulation prohibits sale, lease, auction, or transfer of a motor vehicle with an emissions control system that has been tampered or removed.

- Before accepting a vehicle as a trade-in, make sure it meets all federal and state emissions system tampering laws.
- Before offering a vehicle for sale, ensure that the emissions control system is fully functional and has not been tampered with.
- Maintain vehicle records including: date of sale or transfer; fuel type; description (i.e. make, model, model year, GVWR); VIN; and a statement that all air pollution systems are in place and in operating condition.
- Be prepared for Maryland Department of the Environment inspections of new and used motor vehicles & records for the purpose of determining compliance with the requirements of the regulation.

### **Repair Technicians:**

- Perform all work on emissions controls according to manufacturer specifications and do not tamper with emissions controls.
- Do not work on tampered emissions controls unless restoring them to their original condition or you can be held personally liable.

## Emissions Increase Due to Full Delete



NOx increased ~310x  
NMHC increased ~1,140x  
CO increased ~120x  
PM increased ~40x

These test results show the increase in NOx, NMHC, CO, and PM when a tuner enables the full removal of emissions controls (i.e., "a full delete"). These tests were conducted without the SCR, DPF, DOC, and EGR emission controls.



Tampering & Aftermarket Defeat Devices, USA EPA, August 2019

## **For More Information:**

[Maryland Anti-Tampering Program](#)



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