



Department of
Environmental
Conservation

6 New York Codes Rules & Regulations PART 218, Emission Standards for Motor Vehicles and Motor Vehicle Engines

GUIDELINES FOR SELLING AND INSTALLING AFTERMARKET CATALYTIC CONVERTERS IN NEW YORK STATE

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DIVISION OF AIR RESOURCES

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Introduction

The New York State Department of Environmental Conservation (DEC) has prepared this guidance document to provide information and standards for aftermarket catalytic converter (AMCC) manufacturers, suppliers, installers, and purchasers in New York State. This document summarizes the relevant regulations and procedures related to producing, selling, and installing AMCCs in New York State. It is not intended as a complete reference guide for all requirements. Readers are encouraged to review the appropriate state and federal regulations as noted below.

New York's AMCC regulation is contained in 6 New York Codes Rules and Regulations (NYCRR) Part 218, Emission Standards for Motor Vehicles and Motor Vehicles Engines, specifically Section 218-7.2(c). New York's regulation allows the use of AMCCs if they are exempted by the California Air Resources Board (CARB). CARB's rules and procedures are contained in California Code of Regulations (CCR), Title 13, Section 2222 (h), and *California Evaluation Procedures for New Aftermarket Catalytic Converters*, both of which are incorporated by reference in 6 NYCRR Part 218. Additional AMCC requirements related to AMCCs are found in the federal anti-tampering prohibition contained in Section 203(a)(3) of the Clean Air Act (Act), 42 U.S.C. 7522(a)(3).

General Aftermarket Catalytic Converter Requirements

New York first adopted CARB's AMCC regulation on November 5, 2012. At that time, the Department utilized its enforcement discretion authority to delay enforcement of the regulations until January 1, 2014. The regulation prohibits any person from installing, selling, offering for sale, or advertising any used, recycled, or salvaged catalytic converter in New York after January 1, 2014, pursuant to Section 218-7.2(c)(2) of Title 6 of the New York Codes, Rules, and Regulations (6 NYCRR).

New York's AMCC regulation was subsequently revised, effective March 12, 2020. This latest revision prohibits the sale and installation of federal AMCCs in New York. After January 1, 2023, all AMCCs sold, offered for sale, or advertised for sale or use in New York on any model year on-road gasoline fueled light and medium-duty motor vehicles must be exempted pursuant to the requirements of 6 NYCRR Section 218-7.2(c)(1), which incorporates CCR, Title 13, Section 2222 (h). All AMCCs will be required to have an approved Executive Order (E.O.) from CARB. This applies to federal-only EPA certified vehicles as well.

CARB maintains an official online database for all AMCCs that were issued an E.O., including which vehicles they are approved for installation on. There are some vehicles that do not have a CARB approved AMCC application. These include California-certified vehicles sold in low volumes, vehicles certified to more stringent emission standards, and federally certified vehicles.

In California, vehicles for which there are no AMCCs available with a valid E.O. are handled on a case-by-case basis by "referee stations" that have access to proprietary

manufacturer information for identifying an appropriate AMCC. This approach is problematic for New York because New York has a much larger fraction of federal-only vehicles, which likely are not included under any E.O. Also, New York State does not operate referee stations and DEC staff do not have access to some of the proprietary information needed to select a suitable AMCC.

Vehicles without an application specific E.O. may still have a CARB certified AMCC installed provided certain requirements are met as outlined below.

Aftermarket Catalyst Manufacturer State-Specific Application Guide Requirements

For California-certified vehicles, the AMCC manufacturer's catalog may be used for identifying the appropriate part by application. California's online AMCC database may also be used to verify specific vehicle applications that are covered under a current E.O. However, CARB will not allow an E.O. to be issued to federally certified applications even if an AMCC manufacturer has a CARB-certified AMCC suitable for the federal-only application.

Therefore, to match a CARB compliant AMCC to a non-California application, manufacturers may create a New York-specific catalog identifying specific AMCCs with a current E.O. that may be used for specific federal-only vehicle applications to demonstrate compliance with 6 NYCRR 218-7.2(c)(3).¹ Manufacturers should rely on engineering principles based on equivalence in vehicle type, exhaust configuration, certification limit and vehicle weight between the federal vehicle application and the CARB vehicle application covered by an existing CARB E.O. to identify suitable CARB compliant AMCCs for applications not specifically covered by an E.O.

The following processes shall be used for determining an appropriate AMCC:

For CARB-certified OBD II vehicles

1. Must be a CARB approved AMCC per *California Evaluation Procedures for New Aftermarket Catalytic Converters* (last amended September 28, 2017) pursuant to the requirements of CCR, Title 13, Section 2222(h)
2. If no CARB approved AMCC exists, or is unavailable, the installers must use an OEM catalytic converter if available
3. If no OEM catalytic converter is available installers should contact DEC at (518) 402-8292 or email to air.reqs@dec.ny.gov

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For federal-only certified OBD II vehicles

1. Determine the specific emission certification tier of the federal vehicle
2. Identify the applicable CARB emission tier from an existing E.O. which has equivalent or more stringent limits. The table below identifies the CARB emission tier that is equivalent to each federal emission tier:

Federal Emission Standard	CARB Emission Standard
Tier 0	Tier 1
Tier 1	Tier 1
NLEV	LEV1 LEV
Tier2 Bin2	LEV2 SULEV
Tier2 Bin3	LEV2 ULEV
Tier2 Bin4	LEV2 ULEV
Tier2 Bin5	LEV2 LEV
Tier2 Bin6	LEV2 LEV
Tier2 Bin7	LEV2 LEV
Tier2 Bin8	LEV2 LEV or LEV1 ULEV
Tier2 Bin9	LEV1 LEV
Tier2 Bin10	LEV1 LEV
Tier2 Bin11	LEV1 LEV
HDV, HDV1, HDV2	LEV2 LEV
All Tier3	Equivalent LEV3

3. Match the federal vehicle's weight class to the CARB weight class from existing CARB E.O. applications. Determine the weight class of the federal-only vehicle and its equivalent weight class per the CARB standards. CARB standards for aftermarket catalytic converter weight classes are:
 - a. Passenger Cars (All weights)
 - b. Light Duty Trucks:
 - LDT1 = 0- 6000 lb. GVWR and test weight 0-3750 lb.
 - LDT2 = 0- 6000 lb. GVWR and test weight 3751-5750 lb.
 - LDT3 = 6001-8500 lb. GVWR and test weight 3751-5750 lb.
 - LDT4 = 6001-8500 lb. GVWR and test weight 5751-8500 lb.
 - c. Medium Duty Trucks:
 - MDV2 = 6000-14000 lb. GVWR, and test weight 3751-5750 lb.
 - MDV3 = 6000-14000 lb. GVWR, and test weight 5751-8500 lb.
 - MDV4 = 6000-14000 lb. GVWR, and test weight 8501-10000 lb.
 - MDV5 = 6000-14000 lb. GVWR, and test weight 10001-14000 lb.

4. Match EPA converter configuration to CARB standard configuration which may include, but is not limited to:
 - a. Inlet and outlet pipe diameters
 - b. Number and position of oxygen sensor or other fittings
 - c. Location, number of converters, converter body shape and size
5. Identify the CARB E.O. which meets the requirements of emission tier, weight, and exhaust configuration. Select a part, or parts, from the E.O. which are physically suitable for the application
6. List the correct AMCC application in a New York-specific catalogue by model year, make, model, engine size, and test group
7. For federal vehicles without a CARB approved AMCC listed in any manufacturer's catalog, installers must use the OEM catalytic converter
8. If an OEM catalytic converter or CARB approved AMCC is not available from any manufacturers, installers should contact DEC at (518) 402-8292 or email to air.reqs@dec.ny.gov

Non-OBD II Vehicles (generally, model year 1995 or older)

Use CARB procedures for non-OBD II vehicles as outlined in *California Evaluation Procedures for New Aftermarket Catalytic Converters* using the following vehicle categories:

1. (PC-1): passenger car single exhaust configuration
2. (T-1): truck single exhaust configuration
3. (PC-2): passenger car dual exhaust configuration
4. (T-2): truck dual exhaust configuration

List the correct AMCC application in a New York-specific catalogue by model year, make, and model.

New York-Specific Application Catalog

If an AMCC manufacturer is providing CARB-compliant AMCCs for test groups not covered under an existing E.O., they must provide a New York-specific application catalog listing the specific CARB-compliant AMCC that applies to the specific federal test group(s)

to demonstrate compliance with 6 NYCRR 218-7.2(c)(3). The New York-specific catalog shall also contain the California applications as well as the federal-only applications.

AMCC manufacturers shall provide DEC with a finalized version of their New York-specific application catalogs for vehicles not specifically listed in a California E.O. AMCC manufacturers may either notify DEC identifying any changes made in the online version of their New York-specific catalog, or they may supply DEC with updated versions that include any changes made since the previous version.

If a CARB-compliant AMCC is listed in a manufacturer's New York-specific catalog as being appropriate for a particular vehicle application and demonstrates excessive failure rates, excessive performance complaints, or other evidence that the AMCC is not appropriate for the application, the AMCC manufacturer shall remove that application from the New York-specific catalog until the performance issue is resolved.

Upon notification by DEC to the AMCC manufacturer that a CARB-compliant AMCC has excessive failure rates, excessive performance complaints, or other evidence that the AMCC is not appropriate for the application, the manufacturer shall remove that application from the New York-specific catalog until the performance issue is resolved. It is also requested that AMCC manufacturers provide a technical representative for DEC staff to contact with questions regarding catalog applications and for coordinating solutions to any in-use performance issues encountered in the field.

Manufacturers shall communicate up-to-date catalogue information and contact information for their assigned technical representatives to DEC by email at air.reqs@dec.ny.gov.

Installation Requirements

AMCC manufacturers shall make installation requirements (6 NYCRR 218-7.2(c)(4)) available to installers of its products through its normal means for communicating with installers including, but not limited to, application catalogs, the manufacturer's website, requests via phone or email for technical help from installers, and other documentation distributed to installers.

Cross Marketing Agreements

Cross-marketing agreements (6 NYCRR 218-7.2(c)(7)) must be disclosed to DEC by the E.O. holder of the CARB-approved AMCC. This notification must include who the E.O. holder has agreements with and what E.O.s they cover for AMCCs sold in New York. DEC must be notified when there are any changes to these cross-marketing agreements. Only the E.O. holder may assign CARB AMCCs to federal vehicles included in New York-specific application guides, and not the cross-marketer unless it is part of the cross-marketing agreement.

All notifications to DEC including cataloging and cross-marketing should be emailed to air.regs@dec.ny.gov

AMCC Requirements for Installers

An installer may not install an AMCC on a motor vehicle unless all the following requirements of 6 NYCRR 218-7.2(c)(5) are met:

1. The vehicle is beyond its original emissions warranty coverage period. Installers may reference the vehicle owner's manual/warranty booklet or contact the vehicle manufacturer or its representative to verify the applicable OEM catalytic converter warranty
2. A legitimate need for replacement of the existing catalytic converter has been established and documented by the installer. A determination must be made by the installer that the converter is not functioning properly or has failed an emissions inspection before replacement occurs
3. The installer has verified the AMCC is specified by the AMCC manufacturer for the specific vehicle test group by referencing at least one of the following:
 - a. CARB's online database <https://ssl.arb.ca.gov/AftermarketParts/catalysts>
 - b. An AMCC manufacturer's New York-specific application catalog
 - c. Contacting DEC
4. The AMCC is installed in the same location as the OEM catalytic converter
5. The AMCC must be installed in the proper exhaust flow direction
6. Installation of the AMCC does not:
 - a. Alter the number of catalytic converters
 - b. Alter the location, position, number of, or orientation of upstream and downstream oxygen sensors, or
 - c. Disable other emissions control devices
7. The CARB identification label is visible from the underside of the motor vehicle.

Support for Installers

For any questions related to AMCCs in New York you may contact DEC at (518) 402-8292 or email to air.regs@dec.ny.gov.

Penalties

New York State's Environmental Conservation Law (ECL) Sections 71-2103 and 71-2105 provide for penalties of up to \$18,000 in the case of a first violation and an additional penalty of up to \$15,000 for each day during which such violation continues. The ECL provides for a penalty of up to \$26,000 for a second and subsequent violations and an additional penalty of up to \$22,500 for each day during which such violation continues. The criminal penalty provisions provide for a penalty of up to \$18,000 and/or up to one year of imprisonment for each violation. It also provides for a penalty of up to \$26,000 and and/or imprisonment for each violation when such conviction is for a second or subsequent offense.

AMCC Installation Waivers

In some cases, an OEM catalytic converter or CARB compliant AMCC may not be available. In those instances:

1. DEC may consult with CARB or AMCC manufacturers to identify a suitable CARB-compliant AMCC that is not currently listed in a manufacturer's application catalogue, or
2. Where there are no other options, and all other requirements are met, a waiver may be issued by DEC

For help in determining the best available options for this situation installers should contact DEC at (518) 402-8292 or email to air.regs@dec.ny.gov.