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C. Exemptions

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1. Vehicles 21 Years Old Or Older

If the vehicle is at least 21 years old, there are no EPA compliance requirements upon importation. The age of the vehicle is determined by subtracting the calendar year of manufacture from the calendar year of importation. If the calendar year of manufacture is unavailable, the importer may substitute the model year or year of first registration. For instance, to qualify in 2001, the vehicle must have been manufactured in 1980 or earlier. The vehicle must be in its original unmodified configuration. Vehicles at least 21 years old with replacement engines are not eligible for this exemption unless they contain equivalent or newer EPA certified engines.

No approval or Customs bond is required by EPA.

The importer must file with Customs, upon entry, an EPA Form 3520-1 and declare code "E" in block 8 of that form.

2. U.S. Version

A. What is a U.S. version vehicle?

B. What you should know about exporting a U.S. version vehicle

C. EPA requirements for importing a U.S. version vehicle

- C. (1) For a U.S. version vehicle that has been modified or altered**
- C. (2) For all other U.S. version vehicles**
- C. (3) For information on bonding of U.S. version vehicles**

A. What is a U.S. Version Vehicle?

A U.S. version vehicle is manufactured in conformity with Federal emission requirements. The manufacturer attaches a label in the engine compartment that states, in the English language, that the vehicle conforms to all USEPA regulations. A vehicle lacking the USEPA emission compliance label is considered

noncomplying. Alternative proof is a written statement from the manufacturer's U.S. representative stating the vehicle is a U.S. version.

EPA does not accept passing a state inspection test as proof. State inspection tests do not determine conformity with Federal emission standards.

EPA also does not accept having a catalytic converter as proof. The presence of a catalytic converter does not mean the vehicle is a U.S. version, or that it meets Federal emission standards.

B. What You Should Know Before Shipping a U.S. Version Vehicle Overseas

In some countries, it will be difficult or impossible to obtain unleaded fuel for your vehicle. If the vehicle is driven using leaded gasoline, it will be necessary for you to replace the catalyst and oxygen sensor upon its return to the U.S. To avoid this expense you may obtain authorization from EPA to remove the catalyst and oxygen sensor before the vehicle is shipped overseas. The EPA telephone number for these authorizations is area code **(202) 564-2417**. When the vehicle returns to the U.S., the original catalyst and oxygen sensor will need to be reinstalled. However, you may now reenter your U.S. version vehicle into the U.S. without bond, upon your assurance that you will have the reinstallation performed.

C. EPA Requirements for Importing a U.S. Version Vehicle

The importer must be able to demonstrate the vehicle is a U.S. version. A U.S. version vehicle is manufactured with a label in the engine compartment that states, in the English language, the vehicle conforms to all USEPA regulations. Note that Customs may seize a non-U.S. version vehicle falsely declared as a U.S. version.

If the vehicle had been modified or altered, such as the original engine being replaced with another type of engine, a U.S. Customs bond will be required. Under a Customs bond, the importer would have to replace damaged or missing emission components and would have to repair or restore the vehicle to its original certified configuration.

Military members should import their U.S. version vehicle through the military P.O.V. program, if possible.

C. (1) Modified or Altered Vehicle

A vehicle originally manufactured as a U.S. version vehicle, but that has since been modified or altered, will not meet U.S. emission requirements. For example, if the engine has been altered or replaced with another type of engine, the vehicle is no longer considered a U.S. version.

A modified or altered vehicle may be conditionally imported as a U.S. version pending repair and restoration. The importer must file with U.S. Customs, upon entry, an EPA Form 3520-1 and declare code "F" in block 8 of that form. The importer must post a bond with U.S. Customs. The importer has 120 days to demonstrate to EPA that the vehicle has been repaired or restored to its original configuration.

Alternatively, the vehicle owner may contract with an EPA-certified Independent Commercial Importer to import the vehicle as a non-U.S. version vehicle and to convert it to meet the EPA requirements. More information on this option is in the section on importing non-U.S. version vehicles.

If your vehicle is a U.S. version vehicle, and either the catalyst, oxygen sensor, or fuel filler neck restrictor were removed for use outside the U.S., or may have become damaged through leaded fuel use, EPA will no longer require you to bond the vehicle on its return to the U.S. The importer must declare code "B" on the EPA entry form 3520-1, and must provide assurance that these components will be reinstalled or replaced as necessary, after importation.

C. (2) U.S. Version Not Modified or Altered

A vehicle originally manufactured as a U.S. version vehicle, and that has not been modified or altered, may be imported without approval or a Customs bond required by EPA. If only the catalyst, oxygen sensor, or fuel filler neck restrictor are missing or damaged, EPA does not consider the vehicle to be modified or altered.

The importer must file with U.S. Customs, upon entry, an EPA Form 3520-1 and declare code "B" in block 8 of that form. If the catalyst, oxygen sensor, or fuel filler neck restrictor are missing or damaged, the importer must reinstall or replace those parts after the vehicle has been imported.

C. (3) Bonded Entries

EPA will require a Customs bond upon importation of a U.S. version vehicle that has been modified or altered. The purpose of the bond is to ensure that the necessary repair and restoration work will be done. The bond amount is set by Customs, but EPA recommends to Customs that the bond be at least the current market value of the vehicle.

After a bonded entry has been made with Customs, the importer has 120 days to bring the vehicle into compliance with EPA requirements. Otherwise, Customs may require the vehicle to be exported, may seize the vehicle, and may seek monetary damages and penalties.

After EPA determines the vehicle complies with EPA requirements, EPA will send a

letter to Customs and a copy to the importer, releasing EPA's obligation on the Customs importation bond.

3. Canadian Vehicles

A. For a Canadian vehicle that is identical to a U.S. version.

B. For vehicle that is being imported by an individual who is changing permanent residence from Canada to the U.S.

C. For vehicle that is sold or given by Canadian resident to an immediate family member

For other exclusions and exemptions for which a Canadian vehicle may be eligible see the **"4. Other non-U.S. version vehicles"** menu

3. Canadian Vehicles

Canadian vehicles are those that are originally manufactured to be sold in Canada and certified to meet the Canadian requirements. They will usually not have a USEPA emissions compliance label, but instead will have a Transport Canada label.

EPA categorizes Canadian vehicles as either identical to U.S. version vehicles or not identical to U.S. version vehicles, with regard to emissions requirements.

A. Identical to U.S. Version

Anyone may import a Canadian vehicle that is identical in all material respects to a vehicle certified by EPA for sale in the U.S., if the vehicle meets one of the following two conditions:

1. The vehicle is on the EPA list of Canadian models identical to U.S. version vehicles. The EPA list includes all 1988 and later model year Canadian cars, light-trucks, and gasoline powered heavy-duty trucks; or
2. The importer has a letter from the U.S. representative of the manufacturer that states the vehicle met all U.S. emission requirements when it was manufactured, except possibly for labeling or warranty.

No Customs bond or approval is required by EPA.

The importer must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "EE" in block 8 of that form, and, if the vehicle is not on the EPA list, attach the letter from the OEM's U.S. representative.

B. Individuals changing permanent residence from Canada.

All persons (of any nationality, including U.S. citizens) that are changing their permanent residence from Canada to the U.S. are eligible for an exemption to import their Canadian vehicles. EPA considers that a change of residence is permanent if the importer intends to reside in the U.S. for at least three years. The importer must have proof that the vehicle is a Canadian version and that he or she owned the vehicle prior to changing residence. Adequate proof may be a copy of the Canadian title or registration, or vehicle insurance information in the name of the importer. Importations for resale are not permitted under this exemption.

No Customs bond or approval is required by EPA.

The importer must file with U.S. Customs, upon entry, an EPA Form 3520-1, declare code "M" in block 8 of that form, attach proof that the vehicle is a Canadian version and that the importer owned the vehicle prior to importation (such as a copy of the vehicle registration or title in the name of the importer).

C. Vehicle received by inheritance

A U.S. resident is eligible for an EPA exemption if he/she receives a vehicle from a Canadian resident by inheritance. No Customs bond or approval is required by EPA.

The importer must file with U.S. Customs upon entry, an EPA Form 3520-1, declare code "M" on that form, and attach a copy of two documents. The first document must prove the vehicle was owned by the Canadian resident, such as a copy of the vehicle registration or title in the name of the Canadian resident. The second document must prove that the vehicle was obtained from the Canadian resident by inheritance.

4. Non-U.S. version vehicles

A. What is a non-U.S. version vehicle?

B. Exclusions

B. (1) For old vehicles manufactured before the EPA regulations

B. (2) For an engine not installed in a vehicle or chassis.

B. (3) For a vehicle not safe or practical to drive on streets and highways.

B. (4) For a racing vehicle.

B. (5) For a vehicle powered by unregulated fuel

C. Exemptions

C. (1) For situations of extreme hardship

C. (2) For vehicles that are identical to U.S. versions

C. (3) For vehicles that are modified to be identical to U.S. versions

D. Importations by an ICI

4. Non-U.S. version vehicles

A. What is a non-U.S. version vehicle?

Non-U.S. version vehicles generally are those that are sold in foreign countries. They will not have the USEPA compliance label. Non-U.S. version vehicles may also include U.S. version vehicles that have been modified or altered, other than missing or damaged catalyts, oxygen sensors and fuel filler neck restrictors.

Besides EPA, several other Federal agencies regulate the importation of nonconforming vehicles, including the Department of Transportation, Customs and Internal Revenue Service.

EPA does not recommend the importation of nonconforming vehicles. Conversion of nonconforming vehicles is usually very expensive, and sometimes impossible or impractical.

EPA will permit the importation of a nonconforming vehicle only if it qualifies for an exclusion or an exemption, or is imported by an Independent Commercial Importer, who is a current holder of a valid EPA certificate of conformity.

B. Exclusions

Excluded vehicles are those vehicles that have been excluded from the emission requirements of the Clean Air Act

B. (1) Manufactured before the EPA Regulations

The following vehicles and engines are excluded because they were manufactured before the EPA emission regulations. The appropriate EPA declaration code "R" through "V" follows each item:

Gasoline-fueled car or light truck built before 1968, code R

Diesel-fueled car built before 1975, code S

Diesel-fueled light truck built before 1977, code T

Motorcycle built before 1978, code U

Gasoline- or diesel-fueled engine for heavy duty truck built before 1970, code V

No approval or Customs bond is required by EPA.

The importer must file with U.S. Customs, upon entry, an EPA Form 3520-1 and declare the appropriate code in block 8 of that form.

The importer must also prove to Customs, as required, that the vehicle or engine was manufactured prior to EPA regulation. Documents such as a title or letter from the original manufacturer may be used for this purpose.

Vehicles or engines 21 years or older must be in original unmodified configuration. Vehicles at least 21 years old with replacement engines are not eligible for this exemption unless they contain equivalent or newer EPA certified engines.

B. (2) Engine not in Vehicle or Chassis

EPA regulates the entire vehicle, not individual parts, for cars, light trucks, and motorcycles. If an engine is not installed, and is to be used in a car, motorcycle, or light truck, it may be imported as an automotive part. No approval or Customs bond is required by EPA. Importers should be aware; however, that replacement of an engine in a U.S. version vehicle with an engine of a different type or model year which is not currently covered by an EPA certificate or will be covered by an EPA certificate prior to introduction into commerce may violate EPA regulations.

To import an engine for use in a car, light truck or motorcycle, the importer must file with U.S. Customs, upon entry, an EPA Form 3520-1 and declare code "W" in block 8 of that form.

For a "heavy" vehicle or "heavy" truck, EPA regulates the engine, whether or not it is installed. EPA considers a vehicle or truck as "heavy" if it has a gross vehicle weight rating of more than 8,500 pounds, or a curb weight of more than 6,000 pounds. To be imported, such an engine must be either, excluded, exempted, covered by an EPA certificate of conformity, or imported by an independent commercial importer.

B. (3) Vehicle not Safe or Practical to Drive on Streets and Highways

An off road/recreational 2005 or earlier model year vehicle exclusion is based on the capability of the vehicle to safely and practically be driven on public roads. However, the EPA regulations for 2006 and later model year off highway/recreational vehicles and engines must be met, effective January 1, 2006.

A racing or competition vehicle may not use the off-road/recreational exclusion. A 2005 or earlier model year motorcycle with an engine of less than 50cc is not regulated, and may be imported without approval or Customs bond under EPA declaration code "U". Any 2006 or later model year motorcycle with an engine less than 50cc is subject to certification in accordance with §86.447-2006. To be eligible for the 2005 and earlier model year off-road/recreational vehicle exclusion, the vehicle or engine must meet at least one of the following three criteria:

1. It cannot exceed an ungoverned speed of 25 miles per hour; or
 2. It lacks features customarily associated with safe and practical street or highway use;
- or
3. It exhibits features that make its use on a street or highway unsafe, impractical, or highly unlikely.

The deletion, removal or absence of features that can be readily added, is not sufficient grounds for this exclusion.

As of January 1, 2006, the importer must file with U.S. Customs, upon entry, an EPA Form 3520-21. For 2006 and later model year vehicles subject to certification, use box 1. For 2005 and earlier model year vehicles, you must use box 17 and attach proof that the vehicle was manufactured in 2005 or earlier and is a 2005 or earlier model and lacks safety or other features required for safe and practical street operation including evidence of inordinate size or weight preventing highway use.

EPA entry form 3520-1 will no longer be used for the importation of off road/recreational vehicles. However, a 2005 or earlier model year motorcycle with an engine of less than 50cc will still use form 3520-1, EPA declaration code "U".

B. (4) Racing Vehicle

Not all vehicles used in races are excluded from emissions compliance. The racing vehicle exclusion is based on the capability of the vehicle to safely and practically be

driven on streets and highways. Written EPA approval must be obtained before clearance at Customs.

Once a racing vehicle is imported, it is a violation of the Clean Air Act to register or license it for street use, or to convert it into a motor vehicle, unless it is covered by an applicable EPA certificate of conformity.

The importer must file with Customs, upon entry, an EPA Form 3520-1, declare code "L" in block 8 of that form, and attach the EPA letter of approval.

B. (5) Unregulated Fuel Vehicle

Regulated fuels are typically gasoline and diesel, but include ethanol, methanol, CNG, or LPG (including propane) fuels depending on the model year of the vehicle. For 2004 and later model years, only fuel cell and electric vehicles are unregulated.

For model years earlier than 1991, gasoline and diesel are regulated fuels.

For 1990-1996 model years, gasoline, diesel, ethanol and methanol are regulated fuels.

For 1997 and later model years, gasoline, diesel, ethanol, methanol, Compressed Natural Gas, and Liquid Petroleum Gas, including propane are regulated fuels.

A dual-fueled or multi-fueled vehicle is not considered unregulated if it is capable of running on any regulated fuel.

No Customs bond or approval is required by EPA.

The importer must file with U.S. Customs, upon entry, an EPA Form 3520-1 and declare code "Y" in block 8 of that form.

C. Exemptions

Exemptions are EPA waivers from meeting the emission requirements.

C. (1) Hardship Exemption

An extreme hardship or extraordinary circumstance may qualify an importer for an exemption. An example of a possible hardship exemption is a handicapped person who needs a special vehicle. In addition, the importer must be unable, due to circumstances beyond his or her control, to purchase either a "reasonable" used U.S. version vehicle or to convert the non-U.S. version vehicle to meet Federal emission requirements. EPA will not consider the following typical situations as a basis for hardship: the importer's job

situation causes an unexpected move to the U.S.; the importer has run up large consumer debts; the cost of converting a vehicle to meet the Federal emission requirements is a financial burden or exceeds the value of the vehicle; the importer has difficulty selling the nonconforming vehicle overseas or would take a substantial financial loss, the manufacturer will not provide a letter of compliance or of modification instructions.

If EPA grants a hardship exemption, the importer must then file with Customs, upon entry, an EPA Form 3520-1, declaring code "M" in block 8 of that form, and attach the EPA approval letter.

C. (2) Identical To U.S. Version Vehicles

The vehicle may qualify for an exemption if it was manufactured to be identical to a USEPA certified version. No Customs bond or approval is required by EPA. However, a vehicle is not eligible for the "identical" exemption if it had been modified or altered since it was manufactured.

The importer must obtain a letter from the manufacturer's U.S. representative stating the vehicle met the U.S. emission requirements at the time of manufacture. Alternatively for Canadian vehicles, a Canadian vehicle qualifies if it is on the EPA list of identical Canadian vehicle models. All 1988 and later Canadian cars and light trucks are on the EPA list.

An "identical" vehicle may not be imported for resale, except for "identical" Canadian cars and light-trucks.

The importer must file with Customs, upon entry, an EPA Form 3520-1 declaring code "EE" in item 8 and attach the letter from the manufacturer's U.S. representative, if required.

C. (3) Modified To Be Identical To U.S. Version Vehicles

The vehicle may qualify for an exemption if it is modified to be identical to a U.S. version. The importer must obtain a letter from the manufacturer's U.S. representative listing the specific modifications required to make the vehicle identical to its U.S. certified counterpart. The vehicle may not be imported for resale under this exemption.

If the vehicle is modified before it is imported, the importer must obtain written EPA approval. The importer must file with Customs, upon entry, an EPA Form 35201, and declare code "EE" in block 8 of that form, and attach the EPA written approval.

If the importer wants to modify the vehicle in the U.S., he or she must either arrange to

have the work done in a foreign trade zone before entry through Customs, or arrange the importation and modifications with an Independent Commercial Importer that has a certificate of conformity from EPA.

D. Importation by an Independent Commercial Importer

An independent commercial importer (abbreviated as ICI) is a private business located in the U.S. that has at least one certificate of conformity from EPA. An EPA certificate of conformity allows the ICI to import and modify certain nonconforming vehicles to bring them into compliance with the EPA requirements. The ICI is not associated with EPA or the original vehicle manufacturer, and the EPA does not guarantee the work of the ICI.

Vehicles required to be imported by ICIs must be entered through Customs by the ICI, not the vehicle owner. The ICI must retain custody until after the vehicle has met all EPA requirements. Those requirements include a fifteen day holding period after the ICI informs EPA that all the work and testing have been completed. Before making any purchase or shipping arrangements, you should be sure that there is an ICI who is both eligible and willing to import your vehicle, and that you are prepared to pay the ICI charges, and that you are prepared to wait the necessary time.

5. Temporary Importations

A. For repair or alteration.

B. For display

C. For testing purposes

D. For vehicle imported by diplomats or foreign military members

E. For vehicles imported by non-residents

5. Temporary Importations

Vehicles and engines imported into the U.S. temporarily may be eligible for an exemption from complying with Federal emission requirements. After the purpose of the exemption has been satisfied, the vehicle must be exported or destroyed.

A. Repair/Alteration

A vehicle is imported only for repair or alteration. It may not be operated on public roads or highways in the U.S. This exemption may not be used for the purpose of converting a vehicle to meet Federal emission requirements. Written EPA approval must be obtained before clearance at Customs.

The importer must file with U.S. Customs, upon entry, an EPA Form 3520-1 and declare code "G" in block 8 of that form. The importer must also post a bond with U.S. Customs.

B. Display

The vehicle is imported solely for a legitimate display purpose. Generally, a legitimate display purpose is a display in the interest of the general public or a business. Written EPA approval must be obtained before clearance at Customs.

The use of this exemption for private purposes is not permitted. The vehicle may not be operated on public roads or highways in the U.S., except as necessary for the display purpose. For example, while filming the vehicle for a movie or advertisement. Driving demonstrations in conjunction with testing programs are permitted only under a testing exemption.

The importer must file with U.S. Customs, upon entry, an EPA Form 3520-1 and declare code "K" in block 8 of that form. The importer must also post a bond with U.S. Customs.

C. Testing

The vehicle or engine is being imported for testing purposes involving research, investigations, studies, demonstrations or training. The vehicle or engine may be operated on public roads only if such operation is an integral part of the test program.

Written EPA approval must be obtained before clearance at Customs.

The importer must file with U.S. Customs, upon entry, an EPA Form 3520-1 and declare code "I" in block 8 of that form.

The importer must also post a bond with U.S. Customs.

D. Diplomat or Foreign Military

The vehicle is being imported temporarily for personal use by a representative of a foreign government or international organization on assignment in the U.S. The

representative must have authorization for free entry of a vehicle in writing by the U.S. Department of State. However, a member of the armed forces of a foreign country only needs to have his or her official orders for duty in the U.S.

No Customs bond or approval is required by EPA.

The importer must file with Customs, upon entry, an EPA Form 3520-1, declare code "N" in block 8 of that form, and attach a copy of the U.S. Department of State authorization, or orders for duty in the U.S. for members of the armed forces of foreign countries.

E. Nonresident

The vehicle is temporarily being imported by a nonresident for personal use. The importer must qualify to be a nonresident according to Customs criteria. The vehicle must be exported upon expiration of the time period authorized by Customs, or upon the nonresident departing the U.S., whichever comes first.

No Customs bond is required; however, written EPA approval must be obtained before clearance at Customs.

The importer must file with U. S. Customs, upon entry, an EPA Form 3520-1, and declare code "O" in block 8 of that form.