

## [Products Liability Law Daily Wrap Up, INDUSTRY NEWS—MOTOR VEHICLE EQUIPMENT—EPA alerts Fiat Chrysler to alleged Clean Air Act violations, \(Jan. 12, 2017\)](#)

Products Liability Law Daily Wrap Up

[Click to open document in a browser](#)

By Colleen Kave, J.D.

The U.S. Environmental Protection Agency (EPA) issued a notice of violation to Fiat Chrysler Automobiles N.V. and FCA US LLC (collectively FCA) for alleged violations of the Clean Air Act. According to an agency [press release](#), the automaker installed and failed to disclose engine management software in approximately 104,000 light-duty model year 2014, 2015 and 2016 Jeep Grand Cherokees and Dodge Ram 1500 trucks with 3.0 liter diesel engines. The EPA is working in coordination with the California Air Resources Board (CARB), which has also issued a notice of violation to FCA ([EPA Notification of Violation](#), January 12, 2017).

In September 2015, the EPA instituted an expanded testing program to screen for illegal "defeat devices" on light duty vehicles. This testing revealed that the FCA vehicle models in question produce increased NOx emissions under conditions that would be encountered in normal operation and use. As part of the investigation, the EPA has found at least eight undisclosed pieces of software that can alter how a vehicle emits air pollution.

The Clean Air Act requires vehicle manufacturers to demonstrate to the EPA through a certification process that their products meet applicable federal emission standards to control air pollution. As part of the certification process, automakers are required to disclose and explain any software, known as auxiliary emission control devices that can alter how a vehicle emits air pollution. FCA's failure to disclose the existence of certain auxiliary emission control devices to the EPA in its applications for certificates of conformity for model year 2014, 2015 and 2016 Jeep Grand Cherokees and Dodge Ram 1500 trucks, despite being aware that such a disclosure was mandatory, violated important provisions of the Clean Air Act.

As a result of its alleged violations, FCA may be liable for civil penalties and injunctive relief. The EPA is also investigating whether the auxiliary emission control devices constitute illegal defeat devices. In response to the EPA's notice of violation, Oversight and Investigations Subcommittee Chairman Tim Murphy (R-Pa.) and Environment Subcommittee Chairman John Shimkus (R-Ill.) expressed concern over the allegations, stating, "There is much we do not know about the details of this investigation. It is important that we develop a better understanding about the facts of this case and monitor developments resulting from EPA's ongoing investigation of these alleged violations."

Companies: FCA US LLC

AllNews: IndustryNews MotorVehiclesNews MotorEquipmentNews