UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, Plaintiff, v. TURN 14 DISTRIBUTION, INC., Defendant.	Civil Action No. 2:25-cv-281

COMPLAINT

Plaintiff, the United States of America, by and through the Attorney General of the United States and through the undersigned attorneys, acting at the request of the Administrator of the United States Environmental Protection Agency ("EPA"), files this Complaint and alleges as follows:

I. NATURE OF THE ACTION

1. This is a civil action brought under Sections 203, 204, and 205 of the Clean Air Act ("CAA"), 42 U.S.C. §§ 7522–7524, seeking injunctive relief and the assessment of civil penalties against Turn 14 Distribution, Inc. ("Turn 14" or "Defendant") for violations of the CAA related to its sale and offering for sale of aftermarket products that bypass, defeat, or render inoperative emission controls installed on motor vehicles or motor vehicle engines.

2. Turn 14 unlawfully sells, offers for sale, causes the sale of, and/or distributes products in violation of the CAA. These products cause motor vehicles to emit substantial amounts of air pollution. Turn 14 has the power, the authority, and the resources to stop the sale of these illegal products. It has chosen not to.

II. JURISDICTION

3. This Court has jurisdiction over the subject matter of and the parties to this action pursuant to 42 U.S.C. §§ 7523 and 7524, and 28 U.S.C. §§ 1331, 1345, and 1355.

4. Venue is proper in the Eastern District of Pennsylvania pursuant to 28 U.S.C. §§ 1391(b)(2), 1391(c)(2) and 1395(a), as well as 42 U.S.C. § 7524, because it is a judicial district in which the Defendant is located, resides, is doing business, and/or in which some of the alleged violations occurred.

III. DEFENDANT

5. Defendant Turn 14 is a wholesale distributor of aftermarket performance auto parts and supplies. Turn 14 purchases products from manufacturers and subsequently sells them to other distributors or retail outlets.

6. Turn 14 is incorporated in Pennsylvania and its headquarters is located at 100 Tournament Drive, Horsham, PA 19044.

7. In 2017, Turn 14 reported over $180 million in revenue.

8. Turn 14 offers for sale, sells, and/or distributes a vast array of products through its online business-to-business website.

9. Turn 14 is a "person" within the meaning of Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

IV. BACKGROUND

10. This action arises under Title II of the CAA, as amended, 42 U.S.C. §§ 7521–7590, and the regulations promulgated thereunder relating to the control of emissions of air pollution from motor vehicles and motor vehicle engines.

A. STATUTORY AND REGULATORY OBJECTIVES

11. In enacting the CAA, Congress found that "the increasing use of motor vehicles

. . . has resulted in mounting dangers to the public health and welfare." 42 U.S.C. § 7401(a)(2). Congress's purposes in creating the Act were "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population" and "to initiate and accelerate a national research and development program to achieve the prevention and control of air pollution." 42 U.S.C. § 7401(b)(1)–(2).

12. Title II of the CAA and the regulations promulgated thereunder establish stringent standards for the emissions of air pollutants from motor vehicles and motor vehicle engines that "cause, or contribute to, air pollution which may reasonably be anticipated to endanger public health or welfare." 42 U.S.C. §§ 7521(a). These pollutants include, but are not limited to, particulate matter ("PM"), nitrogen oxides ("NO_x"), non-methane hydrocarbons ("NMHCs"), and carbon monoxide ("CO"). 42 U.S.C. § 7521(a)(3)(A).

13. EPA has established National Ambient Air Quality Standards for certain pollutants, including ozone, NO_x, PM, and CO. *See* 40 C.F.R. §§ 50.1–50.19.

14. PM is a form of air pollution composed of microscopic solids and liquids suspended in air. PM is emitted directly from motor vehicles and is also formed in the atmosphere from other pollutants, including NOx and NMHC emitted from motor vehicles.

15. Ozone (ground-level) is a highly reactive gas that is formed in the atmosphere from emissions of other pollutants, including NOx and NMHC emitted from motor vehicles, in the presence of sunlight.

16. Exposure to PM and ozone is linked to respiratory and cardiovascular health effects as well as premature death. Children, older adults, people who are active outdoors (including outdoor workers), and people with heart or lung disease are particularly at risk for health effects related to PM or ozone exposure.

17. CO is a highly toxic gas that can cause headaches, dizziness, vomiting, nausea, loss of consciousness, and death. Long-term exposure to CO has been associated with an increased risk of heart disease.

18. The CAA includes a framework that strictly regulates these harmful motor vehicle emissions. Original equipment manufacturers ("OEMs") must design motor vehicles and motor vehicle engines to conform to established emissions standards for NO_x, CO, NMHC, PM, and other pollutants. 42 U.S.C. § 7525(a)(2); *see* 40 C.F.R. §§ 86.007-30(a)(1)(i), 86.1848-01(a)(1).

B. ACTS PROHIBITED BY THE CLEAN AIR ACT, 42 U.S.C. § 7522(A)(3)(B)

19. Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B), prohibits "any person to manufacture or sell, or offer to sell, or install any part or component intended for use with, or as a part of, any motor vehicle or motor vehicle engine, where a principal effect of the part or component is to bypass, defeat, or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this subchapter, and where the person knows or should know that such part or component is being offered for sale or installed for such use or put to such use." It is also a prohibited act for any person to cause any of these acts. 42 U.S.C. § 7522(a).

20. Each part or component manufactured, sold, offered for sale, or installed in violation of Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B), is a separate violation. 42 U.S.C. § 7524(a)

21. Persons violating Section 203(a) of the CAA, 42 U.S.C. § 7522(a), are subject to injunctive relief pursuant to 42 U.S.C. § 7523.

22. Persons violating Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B), are subject to civil penalties of up to $5,911 for each violation occurring after November 2, 2015, and assessed on or after January 8, 2025, in accordance with Sections 204(a) and 205(a) of the

CAA, 42 U.S.C. §§ 7523(a) and 7524(a). 40 C.F.R. § 19.4 (2025).

C. EMISSION-RELATED ELEMENTS OF DESIGN IN MOTOR VEHICLES AND MOTOR VEHICLE ENGINES

23. In order to sell or offer to sell motor vehicles and motor vehicle engines, original equipment manufacturers must apply for and obtain from EPA a certificate of conformity with EPA's emission standards. 42 U.S.C. §§ 7521, 7522(a)(1), 7525.

24. "Motor vehicle" is defined as "any self-propelled vehicle designed for transporting persons or property on a street or highway." 42 U.S.C. § 7550(2); 40 C.F.R. § 85.1703.

25. To obtain a certificate of conformity, the original equipment manufacturer must demonstrate that the motor vehicle or motor vehicle engine will conform to established emissions standards for PM, NOx, NMHC, CO, and other pollutants during a motor vehicle or motor vehicle engine's useful life. 42 U.S.C. § 7525(a)(2); *see* 40 C.F.R. §§ 86.007-30(a)(1)(i), 86.1848-01(a)(1).

26. The certificate of conformity application must describe, among other things, the emission-related elements of design of the motor vehicle or motor vehicle engine, including the emission control system and fuel system components. *See* 40 C.F.R. § 86.094-21(b)(1); *see also* 40 C.F.R. § 86.1844-01(d)–(e).

27. An EPA-issued certificate of conformity only covers those new motor vehicles or motor vehicle engines that conform in all material respects to the specifications provided to EPA in the certificate of conformity application for such vehicles or engines. 40 C.F.R. § 86.1848-01(c)(6).

D. EMISSIONS-RELATED ELEMENTS OF DESIGN

28. Original equipment manufacturers install a variety of hardware and software

elements of design in motor vehicles and motor vehicle engines that control emissions of pollutants to comply with the CAA and obtain certificates of conformity.

29. An "element of design" is "any control system (i.e., computer software, electronic control system, emission control system, computer logic), and/or control system calibrations, and/or the results of systems interactions, and/or hardware items on a motor vehicle or motor vehicle engine." 40 C.F.R. § 86.1803-01. Elements of design installed to control exhaust emissions of a vehicle are hereinafter referred to as "Emission-Related Elements of Design."

30. Pursuant to 42 U.S.C. § 7521(m), the original equipment manufacturer is required to install an Onboard Diagnostics ("OBD") System on motor vehicles that must monitor, detect, and record malfunctions of all monitored Emission-Related Elements of Design. 40 C.F.R. §§ 86.007-17, 86.010-18, 86.1806-05, 86.1806-17.

31. The Onboard Diagnostics System monitors, detects, and identifies malfunctions of Emission-Related Elements of Design through a network of sensors installed throughout the motor vehicle and motor vehicle engine.

32. When the Onboard Diagnostics System detects a malfunction of an Emission-Related Element of Design, such as the removal of the Diesel Particulate Filter ("DPF") system, the Onboard Diagnostics System illuminates a malfunction indicator light (a/k/a "check engine light") on the dashboard. *See* 40 C.F.R. § 86.1806-05(b)-(e).

33. CAA regulations require that once the malfunction indicator light has been illuminated, the Onboard Diagnostics System must record a diagnostic trouble code. 40 C.F.R. § 86.1806-05(e). The Onboard Diagnostics System stores diagnostic trouble codes that service personnel can read in order to diagnose and repair a vehicle, and that government inspectors can download to verify a vehicle's compliance with emissions standards.

34. Depending on the malfunction or deterioration, the Onboard Diagnostics System may also alter vehicle performance. For example, the Onboard Diagnostics System may force the vehicle into "limp-home mode," which significantly downgrades engine performance to alert the driver that there is a problem with the emission control system while still permitting the vehicle to be driven (albeit slowly) to a service station for repair.

35. The Onboard Diagnostics System is an Emission-Related Element of Design.

36. Exhaust Gas Recirculation Systems are designed to return a variable amount of already-combusted and inert exhaust gas back into the engine to reduce the combustion temperature, thereby reducing the formation of NO_x. Exhaust Gas Recirculation Systems can be installed on both gasoline and diesel fueled vehicles.

37. Exhaust Gas Recirculation Systems are Emission-Related Elements of Design.

38. "Aftertreatment" refers collectively to the Emission-Related Elements of Design "mounted downstream of the exhaust valve . . . whose design function is to reduce emissions in the engine exhaust before it is exhausted to the environment." *See* 40 C.F.R. § 1068.30.

39. Aftertreatment systems consist of hardware installed in the stock exhaust system, as well as software that directs operation of the hardware components.

40. Aftertreatment Emission-Related Elements of Design are contained in stock exhaust pipes installed by the original equipment manufacturers.

41. Aftertreatment Emission-Related Elements of Design are installed in both diesel and gasoline-powered vehicles, although the specific technologies differ.

42. Aftertreatment for diesel-powered motor vehicles includes Diesel Particulate Filter Systems, Diesel Oxidation Catalysts ("DOCs"), Selective Catalytic Reduction ("SCR") Systems, and NO_x Adsorption Catalysts ("NACs").

43. Diesel Particulate Filter Systems reduce the level of PM pollution contained in diesel engine exhaust gas. Specifically, the filter captures soot from engine exhaust and the system periodically burns off the accumulated soot by elevating the exhaust temperatures.

44. Diesel Particulate Filter Systems are Emission-Related Elements of Design.

45. A Diesel Oxidation Catalyst (a type of "catalytic converter" or "catalyst" or "cat") is a precious-metal coated, flow-through honeycomb structure. As exhaust gas passes through the honeycomb structure, the coating of precious metal causes a catalytic reaction that converts CO and NMHCs in the exhaust into less harmful component gases.

46. Diesel Oxidation Catalysts are Emission-Related Elements of Design.

47. A Selective Catalytic Reduction System (another type of "catalytic converter" or "catalyst" or "cat") reduces NO_x emissions by chemically converting exhaust gas that contains NO_x into nitrogen and water through the injection of diesel exhaust fluid (typically composed of urea).

48. Selective Catalytic Reduction Systems are Emission-Related Elements of Design.

49. A NO_x Adsorption Catalyst (another type of "catalytic converter" or "catalyst" a/k/a "NOx trap") reduces NO_x emissions by chemically adsorbing NO_x from exhaust gas.

50. NO_x Adsorption Catalysts are Emission-Related Elements of Design.

51. Emission-Related Elements of Design for gasoline-powered motor vehicles include Exhaust Gas Recirculation (discussed above) and catalytic converters.

52. When used in gasoline-fueled vehicles, catalytic converters primarily function to reduce CO, HC, and NO_x emissions. Catalytic converters are located in the stock exhaust pipe systems.

53. Oxygen Sensors are Emission-Related Elements of Design that can be installed on

both gasoline and diesel fueled vehicles. Oxygen Sensors detect the ratio of air to fuel during fuel combustion and provide such data to the Onboard Diagnostics system. An imbalanced air-to-fuel ratio can result in increases in NO_x or NMHC emissions. Oxygen Sensors can also be used to ensure that catalytic converters are operating efficiently.

54. Tumbler Generator Valve ("TGV") Systems are installed on certain spark ignition motor vehicles. The Tumbler Generator Valve system regulates air flow to reduce emissions during cold starts and/or when the engine is idle.

55. Tumbler Generator Valve Systems are Emission-Related Elements of Design.

56. Original Equipment Manufacturers set software parameters, also known as calibrations, that control, among other things, engine combustion and Aftertreatment performance (hereinafter referred to as "Certified Stock Calibrations"). 40 C.F.R. § 86.1803-01.

57. Original Equipment Manufacturers disclose Certified Stock Calibrations on their application for a certificate of conformity for each vehicle model because they are part of a motor vehicle's overall emissions control strategy.

58. Certified Stock Calibrations that must be included in the certificate of conformity application include "fuel pump flow rate, . . . fuel pressure, . . . EGR exhaust gas flow rate, . . . and basic engine timing." 40 C.F.R. § 86.1844(e)(2); *see also* 40 C.F.R. pt. 85 app. VIII (listing vehicle and engine parameters and specifications); 40 C.F.R. pt. 86 app. VI (listing vehicle and engine components). Certified Stock Calibrations are Emission-Related Elements of Design.

59. Motor vehicles are equipped with Electronic Control Units ("ECUs"), which are computers that monitor and control vehicle operations, including the operation of Emission-Related Elements of Design described in Paragraphs 36–55. Onboard Diagnostics Systems and other Emission-Related Elements of Design operate in conjunction with ECUs.

60. Emission-Related Elements of Design are installed in motor vehicles or motor vehicle engines in compliance with Title II of the CAA and the regulations thereunder. *See, e.g.*, 42 U.S.C. § 7521 (setting emission and OBD standards and directing EPA to establish standards by regulation); 40 C.F.R. § 86.007-11 (establishing emission standards for 2007 and later diesel heavy-duty engines and vehicles); 40 C.F.R. § 86.1844-01(d)–(e) (listing information requirements for COC applications, including calibration information), 40 C.F.R. § 86.004-25(a)(6) (defining "critical emissions-related components").

E. AFTERMARKET DEFEAT PRODUCTS

61. Third party entities develop products that are designed to alter, replace, or disable originally-installed elements of design, including Emission-Related Elements of Design, which are marketed as products that enhance a vehicle's power, improve a vehicle's fuel economy, or reduce the costs related to operating and maintaining a vehicle's Emission-Related Elements of Design (hereinafter "Aftermarket Defeat Products.")

62. A principal effect of Aftermarket Defeat Products is to bypass, defeat, or render inoperative Emission-Related Elements of Design.

63. Aftermarket Defeat Products' effects on vehicle power, vehicle fuel economy, or Emission-Related Elements of Design maintenance costs are derived from their effect of bypassing, defeating, or rendering inoperative Emission-Related Elements of Design.

64. Aftermarket Defeat Products can cause motor vehicles to emit hundreds to thousands of times more pollution than a motor vehicle with properly functioning emission controls.

1. Hardware Defeat Devices

65. Some Aftermarket Defeat Products are devices that physically interfere with or replace Emission-Related Elements of Design (hereinafter "Hardware Defeat Devices").

66. Some Hardware Defeat Devices interfere with (including via bypass or removal) exhaust recirculation in the Exhaust Gas Recirculation System. These products use blocker/block-off plates, up-pipes or manifolds with no EGR ports, replacement tubes, or other hardware to interfere with the throttle valve assembly and/or recirculation of exhaust gas back into the engine combustion chamber, thereby defeating or rendering inoperative the vehicle's EGR System. Examples include so-called "EGR deletes" or "throttle valve deletes."

67. Some Hardware Defeat Devices interfere with (including via bypass or removal) Aftertreatment Emission-Related Elements of Design by, for example, removing the DOCs, DPFs, NACs, Oxygen Sensors, OBD Sensors, and/or SCR Systems. Examples include so-called "delete pipes" or "straight pipes."

68. Some Hardware Defeat Devices interfere with (including via bypass or removal) elements inside the Tumbler Generator Valve ("TGV") assembly that regulate air flow when the engine is at idle and/or cold start conditions. Examples include so-called "TGV deletes." These Hardware Defeat Devices are hereinafter referred to as "TGV Delete Hardware Defeat Devices."

2. Tuners and Tunes

69. Some Aftermarket Defeat Products are electronic software products that alter or overwrite the Certified Stock Calibrations and/or Onboard Diagnostics System stored in a motor vehicle's ECU.

70. Such a software product is commonly referred to as a "tune" because its intended purpose is to tune the vehicles performance.

71. Tunes can be stored and transmitted in numerous ways by other Aftermarket Defeat Products, including electronically through email and through electronic storage devices (hereinafter "Tuners").

72. Some Tunes manipulate the Certified Stock Calibration and/or OBD System to

bypass, defeat, or render inoperative Emission-Related Elements of Design, including Certified Stock Calibrations, EGR System, DPFs, DOCs, SCR System, oxygen sensors, and/or other Aftertreatment. Others electronically disable or allow for the full physical removal of Emission-Related Elements of Design, including by working in conjunction with Hardware Defeat Devices to manipulate the monitoring function of the OBD System so that it will fail to detect the new Hardware Defeat Devices or the removal of one or more of a vehicle's Emission-Related Elements of Design.

73. A single Tune can change or overwrite multiple aspects of the Certified Stock Calibration governing the operation of multiple Emission-Related Elements of Design within the Certified Stock Calibration. For example, a Tune that deletes EGR System operation will also typically modify Onboard Diagnostics System functions so that the EGR System deletion will not be detected.

74. Multiple Tunes are often bundled together and sold as a single product.

75. Products that include Tunes that bypass, defeat, or render inoperative Emissions-Related Elements of Design are collectively referred to in this Complaint as "Defeat Tune Products."

V. GENERAL ALLEGATIONS

76. Turn 14 offers various automobile parts, including Aftermarket Defeat Products, for sale on its password-protected business-to-business website. The website is searchable and includes more detailed information, such as instruction manuals, for the parts that are offered for sale.

77. Turn 14 markets itself as a performance warehouse distributor with knowledgeable sales specialists holding experience in a variety of particularized markets.

78. Turn 14 offers for sale products intended for use in "motor vehicles" as that term

is defined by the Clean Air Act, 42 U.S.C. § 7550(2), and regulations promulgated thereunder at 40 C.F.R. § 85.1703.

79. Turn 14 distributes the parts that it offers for sale out of three warehouses, which are located in Hatfield, Pennsylvania, Arlington, Texas, and Reno, Nevada.

80. On November 6, 2018, EPA conducted an unannounced inspection of Turn 14's Hatfield, PA warehouse.

81. At the end of the November 6, 2018 inspection, EPA inspectors hand delivered a request for information pursuant to CAA Section 208, 42 U.S.C. § 7542 (hereinafter, "the November 2018 CAA § 208 Information Request") seeking records of sales of certain categories of Aftermarket Defeat Products since January 1, 2016.

82. On December 21, 2018, Turn 14 submitted its response to the November 2018 CAA § 208 Information Request. Turn 14's response included thousands of electronic invoices reflecting sales of Aftermarket Defeat Products.

83. On December 19, 2019, EPA issued a supplemental request for information pursuant to CAA Section 208, 42 U.S.C. § 7542 (hereinafter, "the December 2019 CAA § 208 Information Request") relating to the sale of several additional product categories between January 1, 2016 and December 13, 2018.

84. On February 21, 2020, Turn 14 submitted its response to the December 2019 CAA § 208 Information Request.

85. On October, 13, 2020, EPA issued a Notice of Potential Violations and Opportunity to Confer to Turn 14, identifying tens of thousands of sales of several hundred Aftermarket Defeat Products between January 1, 2016 and December 13, 2018.

86. On November 10, 2020, EPA provided Turn 14 with a revised list of sales and an

updated list of Aftermarket Defeat Products.

87. On August 18, 2021, issued a second supplemental request for information pursuant to CAA Section 208, 42 U.S.C. § 7542 (hereinafter, "the August 2021 CAA § 208 Information Request").

88. On September 29, 2021, Turn 14 responded to the August 2021 CAA § 208 Information Request.

89. EPA's review of the information provided by Turn 14 revealed that Turn 14 sold or offered for sale at least five different types of Aftermarket Defeat Products designed for use on motor vehicles with certificates of conformity.

90. The products offered for sale and sold by Turn 14 include various types of Aftermarket Defeat Products, including delete pipes, Exhaust Gas Recirculation Removal Kits, Throttle Valve Deletes, Tumbler Generator Valve Deletes, and ECM Programmers and/or Tuners.

91. Delete Pipes. For example, Turn 14 offered for sale the "Jetstar Autosports Invidia 12+ Subaru BRZ/12+ Scion FR-S Front Pipe," part number "InvHS12SSTFPP," also known as the "Invidia Front Pipe Catless Downpipe" (hereinafter "Invidia Catless Downpipe").

92. Advertisements for the InvHS12SSTFPP Catless Downpipe identify that the part is for use on "2013-2016 Subaru BRZ / Scion FR-S" vehicles.

93. The vehicles for which the InvHS12SSTFPP Catless Downpipe is intended are motor vehicles with EPA certificates of conformity.

94. The vehicles for which the InvHS12SSTFPP Catless Downpipe is intended have a catalytic converter installed by the original equipment manufacturer as an Emission-Related Element of Design.

95. The InvHS12SSTFPP Catless Downpipe is a delete pipe.

96. The InvHS12SSTFPP Catless Downpipe is marketed as a part that "get(s) rid of the restrictive factory catalytic converter" and "replaces the factory cat section located in between the manifold/header and cat back."

97. The InvHS12SSTFPP Catless Downpipe is an Aftermarket Defeat Product.

98. Between approximately January 1, 2016 and August 18, 2021, Turn 14 sold about 1,988 InvHS12SSTFPP Catless Downpipes.

99. Turn 14 also offered for sale the "MBRP 11 Ford F250/350/450 6.7L 4in Cat and DPF Delete Pipe NO Bungs AL" part number mbrpCFAL458 (hereinafter "MBRP Delete Pipe").

100. The MBRP Delete Pipe is intended for the 2011 and later model year Ford F250/350 – 6.7L Power Stroke diesel trucks.

101. The vehicles for which the MBRP Delete Pipe is intended are motor vehicles with EPA certificates of conformity.

102. The vehicles for which the MBRP Delete Pipe is intended were certified to have a diesel particulate filter, diesel oxidation catalyst, and selective catalytic reduction system installed by the original equipment manufacturer as Emissions-Related Elements of Design.

103. The MBRP Delete Pipe is a delete pipe.

104. Turn 14's December 21, 2018 response to EPA's CAA § 208 Information Request identified its sales of this part using the words "DPF Delete Pipe" in its description of the part.

105. The MBRP Delete Pipe is an Aftermarket Defeat Product intended to remove the factory-installed exhaust system, which bundled together a diesel particulate filter, diesel

oxidation catalyst, and selective catalytic reduction system.

106. Between approximately January 1, 2016 and August 18, 2021, Turn 14 sold about 3,463 of the MBRP Delete Pipes.

107. EGR Removal Kits. Turn 14 also offered for sale and sold the Sinister Diesel EGR Delete Kit for Dodge Cummins 2010-2014 6.7L, part #SD-EGRD-6.7C-10 (hereinafter "SD-EGRD-6.7C-10 EGR Delete Kit").

108. The SD-EGRD-6.7C-10 EGR Delete Kit is intended for 2010 to 2014 model year Dodge trucks with 6.7-liter Cummins diesel engines.

109. The SD-EGRD-6.7C-10 EGR Delete Kit is intended for 6.7L Cummins diesel engines in 2010 to 2014 Dodge Ram 2500 and 3500 trucks and is specifically intended to replace, or delete, the manufacture-installed exhaust gas recirculation system on such engines.

110. The vehicles for which the SD-EGRD-6.7C-10 EGR Delete Kit is intended are motor vehicles with EPA certificates of conformity.

111. The vehicles for which the SD-EGRD-6.7C-10 EGR Delete Kit is intended have an exhaust gas recirculation system installed by the original equipment manufacturer as an Emissions-Related Element of Design.

112. The SD-EGRD-6.7C-10 EGR Delete Kit is an Aftermarket Defeat Product that is intended to remove the exhaust gas recirculation system.

113. The SD-EGRD-6.7C-10 EGR Delete Kit is marketed by Sinister Diesel as replacing a vehicle's factory-installed exhaust gas recirculation system to prevent exhaust gases from being recirculated to the engine.

114. Turn 14's September 29, 2021 response to EPA's CAA § 208 Information Request identified its sales of this part using the words "Sinister Diesel EGR Delete Kit for

Dodge Cummins 2010-2014 6.7L" in its description of the part.

115. Turn 14's invoices memorializing its sales of the SD-EGRD-6.7C-10 Delete Kit include the words "EGR Solution Kit" in its description of the part.

116. Between approximately January 1, 2016 and August 18, 2021, Turn 14 sold about 2,251 of the SD-EGRD-6.7C-10 EGR Delete Kit.

117. Throttle Valve Delete. Turn 14 also offered for sale and sold the Sinister Diesel Throttle Valve Delete for 07.5-12 Dodge 6.7L Cummins, Part #SD-TVD-6.7C (hereinafter "SD-TVD-6.7C Throttle Valve Delete").

118. The SD-TVD-6.7C Throttle Valve Delete is intended for 2007.5 to 2012 model year Dodge Ram trucks with 6.7 L Cummins diesel engines and is specifically intended to remove the factory-installed throttle valve assembly.

119. The vehicles for which the Part #SD-TVD-6.7C is intended for are motor vehicles with EPA certificates of conformity.

120. The vehicles for which the Part #SD-TVD-6.7C is intended have engines with an exhaust gas recirculation system installed by the original equipment manufacturer as an Emissions-Related Element of Design. These engines also have a throttle valve installed by the original equipment manufacturer to control the proportion of fresh air and exhaust gas from the EGR system entering the engine.

121. The SD-TVD-6.7C Throttle Valve Delete is advertised as "put[ting] the finishing touch on your EGR delete," i.e., when removing the exhaust gas recirculation system.

122. When the throttle valve is in a closed position on the 6.7 Cummins engine, a stock engine draws air from the exhaust gas recirculation system. Thus, the SD-TVD-6.7C Throttle Valve Delete is designed to ensure continuous airflow to the engine once the exhaust gas

recirculation system has been removed.

123. The SD-TVD-6.7C Throttle Valve Delete is an Aftermarket Defeat Product.

124. Turn 14 invoices memorializing its sales of the SD-TVD-6.7C Throttle Valve Delete include the words "Throttle Valve Delete" or "Delete Plates" in its description of the part.

125. Between approximately January 1, 2016 and August 18, 2021, Turn 14 sold about 1,236 of the SD-TVD-6.7C Throttle Valve Deletes.

126. Tumbler Generator Valve Deletes. Turn 14 also offered for sale and sold Perrin Performance's "Perrin 2015+ Subaru WRX Black TGV Delete Kit," Part #PSP-ENG-221BK (hereinafter "Perrin TGV Delete Kit").

127. The Perrin TGV Delete Kit is intended for Subaru WRX vehicles that are model year 2015 or later.

128. The vehicles for which the Perrin TGV Delete Kit is intended are motor vehicles with EPA certificates of conformity.

129. The vehicles for which the Perrin TGV Delete Kit are intended have tumbler generator valves, also known as "TGV," installed by the original equipment manufacturer as an Emissions-Related Element of Design.

130. Turn 14 invoices memorializing its sales of the Perrin TGV Delete Kit include the words "TGV Delete Kit" in its description of the part.

131. The Perrin TGV Delete Kit is an Aftermarket Defeat Product.

132. Between approximately January 1, 2016 and August 18, 2021 Turn 14 sold about 769 Perrin TGV Delete Kits.

133. ECM Programmers/Tuners. Turn 14 also offered for sale and sold ECM Programmers and/or Tuners—i.e., software-related Aftermarket Defeat Products.

134. For example, Turn 14 offered for sale and sold a part called the "SCT 7015 X4 Power Flash Programmer."

135. The SCT 7015 X4 Power Flash Programmer is designed for 1996-2017 Ford cars and trucks including, but not limited to, 2003 to 2005 Ford Excursion 6.0L diesel trucks, and 2003-2007 Ford F-Series 250/350/450 6.0L diesel trucks, and gasoline-fueled vehicles like the 2017 Ford Focus ST and Fiesta ST.

136. The vehicles for which the SCT 7015 X4 Power Flash Programmer is intended are motor vehicles with EPA certificates of conformity.

137. The vehicles for which the SCT 7015 X4 Power Flash Programmer is intended have an exhaust gas recirculation system, catalytic converters, rear oxygen sensors, and onboard diagnostic system installed by the original equipment manufacturer as Emissions-Related Elements of Design.

138. The SCT 7015 X4 Power Flash Programmer was one of the subject parts in a case resolved by consent decree in United States v. Derive Systems, Inc., et al. (D.D.C., Civ. No. 1:18-dv-2201; entered Apr. 16, 2019; lodged Sept. 24, 2018) ("Derive Consent Decree and Complaint").

139. The Derive Consent Decree and Complaint required the defendant manufacturer in that case to make certain modifications to the SCT7015 X4 Power Flash Programmer by the date of lodging, September 24, 2018, to achieve compliance with the CAA.

140. Turn 14's November 2017 advertisement for the SCT 7015 X4 Power Flash Programmer states that the part "increases your vehicles (sic) Horsepower, Torque, Throttle Response and even Fuel Mileage."

141. The instruction manual for the SCT 7015 X4 Power Flash Programmer states that

the tuner provides "EGR Deletes" that "remove[] the check engine light caused by deleting EGR mechanically."

142. The instruction manual for the SCT 7015 X4 Power Flash Programmer also states that, for gas vehicles, it "disables the Rear O2s and eliminates [the check engine light] caused by rear O2 removal."

143. The SCT 7015 X4 Power Flash Programmers sold by Turn 14 before September 24, 2018 are Aftermarket Defeat Products.

144. Between approximately January 4, 2016 and September 24, 2018, Turn 14 sold about 18,195 SCT 7015 X4 Power Flash Programmers.

145. EPA's investigation revealed that, in total, Turn 14 sold or offered for sale approximately 610 unique Aftermarket Defeat Products that had a principal effect of bypassing, defeating, or rendering inoperative devices of Emissions-Related Elements of Design.

146. EPA's investigation revealed that Turn 14 sold or caused the sale of approximately 140,000 of these Aftermarket Defeat Products between June 1, 2016 and August 18, 2021.

147. As illustrated by the examples above, the Aftermarket Defeat Products sold or offered for sale by Turn 14 included language in their product names, user or installation manuals, and/or manufacturer advertising materials that indicated the product's deleterious effect on Emissions-Related Elements of Design.

148. As illustrated by the examples above, the product descriptions of the Aftermarket Defeat Products offered for sale on Turn 14's website included language indicating the products' deleterious effects on Emissions-Related Elements of Design.

149. As illustrated by the examples above, the descriptions used on Turn 14's invoices

for sales of the Aftermarket Defeat Products included language indicating the products' deleterious effects on Emissions-Related Elements of Design.

150. Turn 14 knew or should have known that each of the Aftermarket Defeat Products it sold was being offered for sale or installed for such use or put to such use.

VI. CLAIM FOR RELIEF

151. The United States re-alleges Paragraphs 1 through 150 above as fully set forth herein.

152. From approximately June 1, 2016 to August 18, 2021, Turn 14 sold or offered for sale at least 140,000 Aftermarket Defeat Products.

153. Each Aftermarket Defeat Product that Turn 14 sold or offered for sale is intended for use with certified motor vehicles and motor vehicle engines.

154. A principal effect of each Aftermarket Defeat Product that Turn 14 has sold or offered for sale is to disable, defeat, or render inoperative Emissions-Related Elements of Design installed on or in motor vehicles or motor vehicle engines in compliance with Title II of the CAA.

155. Each unit of the Aftermarket Defeat Products that Turn 14 has sold, offered for sale, and/or caused the sale or offer for sale is a separate violation of Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B). 42 U.S.C. § 7524(a).

156. Unless enjoined, Turn 14 is likely to continue to sell, offer for sale, and/or cause the sale or offer for sale of Aftermarket Defeat Products.

157. Turn 14 is liable to the United States for injunctive relief and civil penalties of up to $5,911 for each violation of Section 203(a)(3)(B) occurring after November 2, 2015, and assessed on or after January 8, 2025, in accordance with Sections 204(a) and 205(a) of the CAA, 42 U.S.C. §§ 7523(a) and 7524(a). 40 C.F.R. § 19.4 (2025).

VII. RELIEF REQUESTED

WHEREFORE, the United States respectfully requests that this Court:

A. Assess civil penalties against Defendant for its violations of Section 203(a)(3)(B) of the CAA, 42 U.S.C. § 7522(a)(3)(B), in the amount of up to $5,911 for each violation;

B. Permanently enjoin Defendant from selling, offering to sell, or causing the sale or offering for sale by another of, vehicle parts or components intended for use with a motor vehicle or motor vehicle engine where a principal effect of such part or component is to bypass, defeat, or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine to comply with Title II of the CAA;

C. Order Defendant to take other appropriate actions to remedy, mitigate, and offset the harm caused by its CAA violations;

D. Award the United States its costs in this action; and

E. Award such other and further relief as the Court may deem just and proper.

Respectfully submitted,

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