



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL

IN THE CLEAN AIR ACT MATTER OF: eBay Inc.

ATTENTION:

Jamie Iannone, President and CEO
Mike Carson, Director, Global Policy and Regulatory Management
eBay Inc.
2065 Hamilton Avenue
San Jose, California 95125-5904

**Request for Information Under Sections 114(a)(1) and 208(a)
of the Clean Air Act, 42 U.S.C. §§ 7414(a)(1), 7542(a)**

The United States Environmental Protection Agency (“EPA”) hereby requires eBay Inc. (“eBay” or “Company” or “You” or “Your”),¹ to submit certain information as part of an EPA investigation to determine your compliance with Sections 203(a) and 213(d) of the Clean Air Act (“CAA” or “Act”), 42 U.S.C. §§ 7522(a) and 7547(d), and the applicable regulations promulgated under Title II of the CAA.

Appendix A provides definitions. Appendix B provides instructions for your responses to this Request for Information. Appendix C specifies the information that you must submit. Appendix D provides a list referenced in Appendix C. Appendix E provides information about asserting a claim of confidentiality over information you submit in response to this Request for Information. Appendix F contains language certifying the truth and completeness of your response.

The EPA issues this Request for Information (“RFI”) under Sections 114(a)(1) and 208(a) of the Clean Air Act (“CAA”), 42 U.S.C. §§ 7414(a)(1) and 7542(a). Under Section 208(a), the Administrator of the EPA may require any person who is subject to the CAA to provide information necessary to determine whether the person has acted in compliance with the CAA’s requirements pertaining to vehicles and engines, and the regulations promulgated thereunder. Section 114(a)(1) authorizes the Administrator to require any person subject to the CAA’s requirements or who the Administrator believes may have information necessary for the purposes of carrying out the CAA, other than manufacturers regulated under Title II of the CAA with respect to a provision of Title II, to provide information reasonably required to carry out the CAA’s provisions. The Administrator

¹ See first definition in Appendix A.

has delegated this authority to the undersigned Chief of the Vehicle and Engine Enforcement Branch in the Air Enforcement Division, Office of Enforcement and Compliance Assurance. You must submit this information to the EPA representatives listed below within **sixty (60) calendar days from the date of this Request for Information**. Please carefully review the instructions, definitions, and specific requests as you prepare your response. If you anticipate being unable to fully respond to this Request for Information by this date, you must contact the EPA representatives listed below via email, within ten (10) days of receipt of this Request for Information and, with an appropriate justification, request an extension of time to answer some or all of the requests below. If timely submitted, the EPA will review your request and may extend the time in which your response must be provided.

Failure to provide the requested information may result in a civil action pursuant to Sections 113(b)(2) and 205(b) of the CAA, 42 U.S.C. §§ 7413(b)(2) and 7524(b). Failure to provide all requested information in its entirety, and in the format requested, may result in additional inquiries and penalties. These inquiries may include additional written requests, inspections, or depositions as authorized by Sections 208, 114, and 307 of the CAA, 42 U.S.C. §§ 7542(a)–(b), 7414, 7607(a). It is important that your responses be clear, accurate, organized, and complete. The EPA will regard any submitted information that is misleading, false, incomplete, or submitted without regard to its accuracy as a violation of the CAA and/or criminal statutes.

You must submit all requested information under an authorized signature with a properly executed Statement of Certification, as provided in Appendix F.

The EPA may use any information submitted in response to this Request for Information in an administrative, civil, or criminal action.

You are entitled to assert a business confidentiality claim covering all or part of the information you submit in response to this Request for Information, in accordance with the procedures described in the Confidentiality of Business Information (“CBI”) regulations, 40 C.F.R. Part 2, Subpart B. However, no CBI claim may be made with respect to emissions data as defined at 40 C.F.R. § 2.301(a)(2). You must specify the page, paragraph, and sentence when identifying the information subject to your CBI claim. Appendix E of this Request for Information specifies the assertion requirements for business confidentiality claims. The EPA may, without further notice, provide the public with any information not subject to a CBI claim.

Please submit the requested information electronically. You may do so via email to Mr. Elfego Felix, Air Enforcement Division, U.S. Environmental Protection Agency, at felix.elfego@epa.gov. Please note that the EPA email server will allow attachments up to 20 MB. Alternatively, you may want to provide documents in response to this Request for Information by way of a secure file sharing site. Please let us know how you want to proceed.

Questions concerning this Request for Information should be directed to Elfego Felix, Engineer, of my staff at (202) 564-1403 (felix.elfego@epa.gov) or your counsel may contact Caitlin Meisenbach, Attorney-Advisor, of my staff at (202) 565-0062 (Meisenbach.caitlin@epa.gov).

MARK
PALERMO

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Mark J. Palermo, Chief
Vehicle and Engine Enforcement Branch
Air Enforcement Division
Office of Civil Enforcement

Appendix A

Definitions

All terms used in this Request for Information will have their ordinary meaning unless such terms are otherwise defined herein, in the CAA, 42 U.S.C. §§ 7401 *et seq.*, or the Motor Vehicle and Engine, and Non-Road Regulations including those found at 40 C.F.R. Parts 85, 86, 1039, 1045, 1051, 1054, and 1068.

1. The term “eBay” or “Company” or “You” or “Your” includes, but is not limited to eBay and any parent, subsidiary, or other related organization, affiliate, predecessor, successor, and assignee organization at any location.

Appendix B
Instructions for Responses

1. Provide a complete, detailed response to each of the requests in Appendix C, below. Provide any narrative responses or lists in English. Where noted in Appendix C requests, provide answers in the specified format (*e.g.*, electronic, unlocked spreadsheet). If a given spreadsheet response field requested does not apply or is not available, list “N/A” for the corresponding cell.
2. This RFI is a continuing request. You must promptly supplement Your response to any request in Appendix C in the event You learn that you possess responsive information not yet produced or if You gain possession, custody, or control of responsive information after initially responding to this Request for Information Request.
3. For each answer, provide the number of the request to which it responds and identify each person who provided information that was used to prepare that answer. For each document produced, provide the number of the request to which it responds.
4. When a response is provided in the form of a number, specify the units of measure corresponding to the number.
5. Where documents or information necessary for a response is not in Your possession, custody, or control, indicate in Your response why such documents or information are not available or in your possession, custody, or control, and identify any source that either possesses or is likely to possess such information.
6. Where a request allows or requires documents to be provided in response, provide all documents electronically in a folder specific to that request and labeled with the number of the request. Follow any other formatting or naming conventions specified by the request. All submitted documents should be copies and not original documents.
7. Where You have previously submitted information to the EPA that is also the subject of this RFI, re-submit that information in accordance with these instructions. (Appendix B). Identify the material that was previously provided, the date on which it was provided, how the information was provided (*e.g.*, electronically, fax, mail), and the individual at the EPA to whom it was provided.
8. Provide Your response to this RFI in electronic form. All responsive documents and materials (*e.g.*, copies of print media, audio, and visual material) must be provided as an accurate and legible copy in searchable unlocked format, number stamped in sequential order (*e.g.*, BATES stamped). Where spreadsheets are responsive to a Request, produce them in unlocked electronic .xlsx spreadsheet format (locked files are unacceptable).

Appendix C
Information You Are Required to Submit to the EPA

eBay must submit the following information pursuant to Sections 114(a) and 208(a) of the CAA, 42 U.S.C. §§ 7414(a), 7542(a).

- 1) Identify all persons consulted in preparing the responses to this RFI including their title(s), the request(s) to which each individual responded, and, if limited to a partial duration of the scope of this request, the period of time for which each individual is providing a response.
- 2) For each eBay item number in Appendix D that resulted in a sale for shipment to an address in the United States at any time from January 1, 2022 through the date of this RFI, provide in an **electronic, unlocked spreadsheet** the following information with each row corresponding to a unique eBay item number:
 - a) eBay item number for the product listing;
 - b) Product name;
 - c) Total quantity sold through your website;
 - d) Date of each sale, transaction identification (e.g., order number), and the customer shipping information including US city, State, and zip code (**provide this data in a separate electronic, unlocked spreadsheet including the eBay item number as a cross-reference**);
 - e) Date first listed for sale on your website;
 - f) Date removed from sale on your website (as applicable, otherwise list “N/A”);
 - g) Inventory of the product in your physical possession as of the date of this request;
 - h) Average sale price (in US dollars);
 - i) Excluding shipping and taxes, the total fees collected (in US dollars) by eBay associated with all sales and listings of this product, including for example, per-item fees, referral fees, sponsored product fees, optional program fees, and/or any other advertisement/marketing fees including any eBay profits from seller’s potential participation in eBay International Shipping (formerly eBay’s Global Shipping Program), etc.
 - j) Location information as shown in Shipping section of product listing (i.e., where the product is listed as shipping from);
 - k) All “Item specifics” listed in the product listing;
 - l) Seller listed in “Seller information” box from product listing;
 - m) All Seller registered business names, contacts, addresses including country, phone numbers, and emails;
 - n) Seller “Member since” date;
 - o) Indicate (“Yes” or “No”) whether eBay has confirmed this product to be covered by a valid certificate of conformity (“COC”) issued (and in effect) under EPA regulations;²
 - p) If eBay answered “Yes” to Request 2.o. above, provide the valid 12-character code family name³ that eBay has confirmed is applicable to the product as assigned by EPA;
 - q) Indicate (“Yes” or “No”) whether eBay has confirmed this product has a valid vehicle emissions label⁴ displaying the family name and other compliance related information;
 - r) Indicate (“Yes” or “No”) whether at any time eBay has conducted a physical inspection of the product to verify compliance with EPA COC requirements;

² The EPA publishes certification data at: <https://www.epa.gov/compliance-and-fuel-economy-data/annual-certification-data-vehicles-engines-and-equipment>

³ See <https://www.epa.gov/ve-certification/information-about-family-naming-conventions-vehicles-and-engines>

⁴ See <https://www.epa.gov/importing-vehicles-and-engines/locating-vehicle-emissions-label>

- s) Indicate (“Yes” or “No”) whether eBay has confirmed this product to be exempted, or otherwise excluded⁵ under EPA regulations;
 - t) Describe any other actions taken by eBay to ensure that the product complied with EPA regulations;
 - u) Quantity imported;
 - v) Quantity of products where eBay was listed as a US addressed consignee during importation;⁶
 - w) Quantity of products of which eBay took physical possession⁷ prior to delivery of the product to the buyer, for example in connection to seller’s participation in eBay International Shipping (formerly eBay’s Global Shipping Program);
 - x) Quantity of products where eBay assisted or facilitated the physical shipment/transportation of the product prior to delivery to the buyer, for example through partnering with third-party carriers⁸ in connection to seller’s participation in eBay International Shipping (formerly eBay’s Global Shipping Program);
- 3) For all eBay item numbers that resulted in a sale for shipment to an address in the United States at any time from January 1, 2022 through the date of this RFI and which eBay has reason to believe⁹ are similar to¹⁰ or the same products as those identified in Appendix D and which have not already been reported in Request 2, provide in a **separate electronic, unlocked spreadsheet** the same information as Request 2, with each row corresponding to a unique eBay item number.

⁵ For list of exemptions and exclusions, see EPA Standard Form 3520-21 available at: <https://www.epa.gov/importing-vehicles-and-engines/epa-standard-form-3520-21-importation-engines-vehicles-and-equipment>

⁶ See Customs Directive No. 3550-079A at section 6.3 (June 27, 2001) available at: https://www.cbp.gov/sites/default/files/documents/3550_079a_3.pdf and Customs Ruling H290219 (Jul 28, 2020) available at: <https://rulings.cbp.gov/ruling/H290219>

⁷ By taking physical possession, we mean instances where eBay took custody of the product. We do not mean to ask for instances where eBay took title or ownership of the product.

⁸ See <https://www.ebay.com/help/selling/posting-items/setting-postage-options/international-postage?id=4182>.

⁹ EPA expects eBay to exercise due diligence by utilizing additional tools at its disposal to further check for and report on any similar products to those listed on Appendix D. For example, eBay has previously shared with EPA its development artificial intelligence tools and picture recognition software to enhance compliance efforts.

¹⁰ Similar products are those with the same function or intent, including but not limited to those that appear to be from the same manufacturer or brand.

Appendix D - eBay item number

App.D Ref#	eBay item number:	Product Name (from preserved eBay screenshot)
1	401314978701	Full Set 80cc Bike Bicycle Motorized 2 Stroke Petrol Gas Motor Engine Kit Set
2	382289136651	Hot Sale 80cc 2 Stroke Motor Engine Kit Gas for Motorized Bicycle Bike Black New
3	113772252842	52CC 20" Gasoline Chainsaw Powered Wood Cutting Engine Gas Crankcase Chain Saw
4	173913256204	New Pro 80cc Bike Bicycle Motorized 2 Stroke Petrol Gas DIY Motor Engine Kit Set
5	382055447966	2-STROKE 80CC MOTOR GAS ENGINE KIT FOR MOTORIZED BICYCLE CYCLE BIKE NEW
6	362757087382	80cc 2 Stroke Petrol Gas Motor Engine Kit for Motorised Bicycle Push Bike NEW
7	132309432370	80cc Bike Bicycle Motorized 2 Stroke Petrol Gas Motor Engine Kit Scooter 80 CC
8	195121447034	US Pro 80cc Bike Bicycle Motorized 2 Stroke Petrol Gas DIY Motor Engine Kit Set
9	164585666862	25.4CC Gas Chainsaw 12" Top Handle Gasoline Powered Chain Saw 2-Stroke 1000W
10	233111980793	Bike Motor 2-Stroke 80cc Petrol Gas Motorized Bicycle Engine Kit DIY Black
11	363052605972	Black 2 Stroke 48cc 49cc 50cc Bicycle Petrol Gas Motorized Engine Bike Motor Kit
12	185371310537	Full Set 80cc Bike Bicycle Motorized 2 Stroke Petrol Gas Motor Engine Kit Set
13	115000324957	900W 25.4CC Gas Chainsaw Top Handle Gasoline Powered Chain Saw 2-Stroke
14	284433412283	52cc 2-Stroke 2 in 1 Gas Straight Shaft String Grass Trimmer, Brush Cutter
15	134535653762	100cc 2-Stroke Bicycle Engine Kit Gas Motorized Motor Full Set for 26' 28' Bike
16	295024203958	52CC Grass String Trimmer Gasoline Powered Gas Straight Shaft Weed Water 2-Cycle
17	325072031448	80cc Bike Bicycle Motorized 2 Stroke Petrol Gas Motor Engine Kit Set
18	404099414593	58 CC Gas Chainsaw Bar Gasoline Powered Chain Saw Engine Wood Cutting 2 Cycle
19	133515506078	52/62/68cc Gas Chainsaw Bar Gasoline Powered Chain Saw 2 Cycle Engine Cutting
20	354493313248	2 Stroke Gasoline Chainsaw 62 CC 20" Bar Power Engine Wood Cutting Gas Chain Saw
21	314018952121	3.5HP Two Stroke Outboard Engine Motor Fishing Boat Engine Water Cooling System
22	374551451228	6-18 HP HANGKAI Outboard Motor 2/ 4 Stroke Fishing Boat Engine Water Air Cooled
23	354110849530	HANGKAI 6-12 HP 2/4 Stroke Outboard Motor Engine Air/Water Cooling Fishing Boat
24	125967851505	HANGKAI 6-12 HP 2/4 Stroke Outboard Motor Engine Air/Water Cooling Fishing Boat
25	155203924992	Hangkai 2/4 Stroke 6-18HP Outboard Motor Fishing Boat Engines with Water Cooling
26	175854436812	HANGKAI 3.6HP 2 Stroke Outboard Motor Gas Boat Engine & Water Cooled Short Shaft
27	295281885488	58CC Gas Chainsaw 20" Gasoline Powered Chain Saws Engine 2-stroke Handheld Metal
28	394552213984	HANGKAI 6-12HP Outboard Motor 2-4 Stroke Fishing Boat Engine Water/ Air Cooling
29	126028822474	6-18 HP 2/4Stroke Water Air Cooling HANGKAI Outboard Motor Fishing Boat Engine
30	314540980401	6-18 HP HANGKAI Outboard Motor 2,4Stroke Fishing Boat Engine Water Air Cooling
31	195695540801	HANGKAI 2/4Stroke 6-12 hP Outboard Motor Air/Water Cooling Fishing Boat Engine
32	295193837262	<input checked="" type="checkbox"/> DEREAL 62cc Gas 18" Chainsaw 2 Cycle Gasoline Powered Chain Saws Handheld✓
33	295392296048	HANGKAI 2 Stroke 3.5HP Outboard Motor Heavy Duty Kayak Boat Engine Water Cooling
34	314501926012	6-18 HP HANGKAI Outboard Motor 2/ 4Stroke Fishing Boat Engine Water Air Cooling
35	334928790654	6-18 HP 2/4 Stroke HANGKAI Outboard Motor Fishing Boat Engine Water Air Cooling
36	403288613801	20 in Gasoline powered Chainsaw 62cc Gas Chain Saw 3.4Hp 8500 Rpm 2 stroke 2,5 Kw

App.D Ref#	eBay item number:	Product Name (from preserved eBay screenshot)
37	334903910086	6-18 HP HANGKAI Outboard Motor 2/ 4 Stroke Fishing Boat Engine Water Air Cooled
38	364427427706	2 Stroke 2.3HP - 18HP HANGKAI Outboard Motor Fishing Boat Engine Water Cooling
39	394803377634	6-12HP HANGKAI Outboard Motor 2-4 Stroke Fishing Boat Engine Water / Air Cooling
40	404384234560	2.3HP-18HP HANGKAI Outboard Motor 2-Stroke Fishing Boat Engine Water Cooling
41	175401476537	<input checked="" type="checkbox"/> DEREAL 18" Pro 62cc Gas Chainsaw 2-Cycle Tree Log Cutter Chain Saw Handheld✓
42	284872663407	2 Stroke Outboard Motor Engine 2.3/3.5HP/3.6 6HP 12HP/18HP Water Cooled Boat CDI
43	355023596010	HANGKAI 196CC 4 Stroke 7 HP Outboard Motor Fishing Boat Engine Motor Air Cooling
44	374753115515	4.8kw Wood Cutting Machine Chainsaw 42inch 105cc for Tree Pruning
45	374925875307	Factory 4.8kw 42inch Big Saw 105cc High Quality Wood Cutting Machine Chainsaw
46	403506818165	62cc 6220F-Cycle Gas Chainsaw 18 in Handheld Cordless Petrol Gasoline Chainsaw
47	224614500717	Huyosen Garden Trimmer
48	285522229423	3000 Watt Pwer Generator 40Stroke Air Cooling 7.5HP Engine Gas Powered
49	393380494316	garwinner chainsaw
50	145404149108	43cc 2Stroke Bicycle Rear Frinction Gasoline Engine for Bike Gas Motorized Engine

Appendix E
Confidential Business Information

An entity may assert a business confidentiality claim covering all or part of the information provided in response to this Information Request for any business information entitled to confidential treatment under Sections 114(c) and 208(c) of the CAA, 42 U.S.C. §§ 7414(c) and 7542(c), and 40 C.F.R. Part 2, subpart B. Under Sections 114(c) and 208(c) of the CAA, entities are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 C.F.R. Part 2, subpart B, business confidentiality means “the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information.” 40 C.F.R. § 2.201(e).

Information covered by a claim of business confidentiality will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Sections 114(c) and 208(c) of the CAA and 40 C.F.R. Part 2, subpart B. If no such business confidentiality claim accompanies the response to this Information Request when it is received by the EPA, then such information may be made available to the public without further notice. *See* 40 C.F.R. § 2.204(a)(3).

Pursuant to 40 C.F.R. § 2.301(h), the EPA possesses the authority to disclose to any authorized representative of the United States information which might otherwise be entitled to confidential treatment. To assist in its review and analysis, the EPA may disclose information provided in response to this and other information requests to an EPA contractor, the Eastern Research Group, under contract number 68HERH19C0004.

To assert a business confidentiality claim, an entity must place on (or attach to) all information subject to the claim either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as “trade secret,” “proprietary,” or “company confidential” at the time it provides its response to this Request for Information. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified and may be provided separately to facilitate identification and handling by the EPA. An entity should indicate whether confidential treatment is only required until a certain date or until the occurrence of a certain event.

The criteria the EPA will use in determining whether material claimed as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208(a)-(d) and 2.301. Emission data, as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment under 40 C.F.R. Part 2, subpart B. *See* 42 U.S.C. § 7542(c); 40 C.F.R. § 2.301(e).

Appendix F
Statement of Certification

You are submitting the enclosed documents in response to the U.S. Environmental Protection Agency's ("EPA") Request for Information, issued pursuant to Sections 114(a) and 208(a) of the Clean Air Act, to determine compliance with the Clean Air Act and its affiliated regulations.

I certify that I am fully authorized by eBay.com, Inc., and its parent organizations, affiliates, predecessors, successors, and assignees, to provide the above information on its behalf to the EPA.

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act, 42 U.S.C. § 7413(c)(2), and 18 U.S.C. §§ 1001 and 1341.

Date: _____

Name (Printed): _____

Signature: _____

Title: _____