



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region IX
75 Hawthorne St
San Francisco, CA 94105

ENFORCEMENT AND COMPLIANCE
ASSURANCE DIVISION

VIA ELECTRONIC MAIL

**IN THE CLEAN AIR ACT TITLE II MATTER OF: Wal-Mart.com USA, LLC, Walmart Inc.,
Walmart U.S. & Walmart Fulfillment Services, LLC**

Wal-Mart.com USA, LLC
850 Cherry Avenue
San Bruno, CA 94066

Walmart Inc.
Walmart U.S.
Walmart Fulfillment Services, LLC
702 SW 8TH Street
Bentonville, AR 72716

ATTENTION:

Rachel Brand, Executive Vice President, Chief Legal Officer and Corporate Secretary, Walmart Inc.
Tom Ward, Chief eCommerce Officer, Walmart U.S. & Managing Member, Wal-Mart.com USA, LLC
Steve Schmitt, Executive VP and CFO, Walmart U.S. & Managing Member, Wal-Mart.com USA, LLC

**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 Wal-Mart.com USA, LLC, Walmart U.S., Walmart Fulfillment Services, LLC and Walmart Inc. (collectively "Walmart" or "You" or "Your"), to submit certain information as part of an EPA investigation to determine your compliance with Section 203 of the Clean Air Act ("CAA" or "Act"), 42 U.S.C. § 7522,¹ and the applicable regulations at 40 C.F.R. Parts 85, 86, 1045, 1051, 1054, 1060 and 1068. Examples of vehicles regulated under these Parts include, but are not limited to, diesel trucks, light-duty gasoline vehicles, highway motorcycles. Examples of nonroad engines and equipment regulated under these Parts include, but are not limited to, generators, outboard marine engines, and lawn and garden equipment such as gas-powered lawnmowers, chainsaws, and bicycle engine kits.

¹ The CAA makes it a violation "for any person to manufacture or sell, or offer to sell, or install, any part or component intended for use with, or as 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." CAA § 203(a)(3)(B), 42 U.S.C. § 7522(a)(3)(B). It is also a violation to cause any of the foregoing acts. CAA § 203(a), 42 U.S.C. § 7522(a).

Appendix A provides definitions, Appendix B provides instructions for your responses to this request, Appendix C specifies the information that you must submit. Appendix D provides information about asserting a claim of confidentiality over information you submit in response to this request for information. Appendix E contains language certifying the truth and completeness of your response. Appendix F provides an Excel workbook to help you organize your responses to Requests 1 through 6.

The EPA issues this Request for Information (“Information Request”) 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 has delegated this authority to the undersigned Manager of Region 9’s Air Enforcement Office, Enforcement and Compliance Assurance Division.

You must submit this information to the EPA representatives listed below within **thirty (30) 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 the following certification (provided in Appendix E):

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.

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.

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

EPA Region 9 is not accepting hard-copy documents for this information request. Please submit the requested information electronically. You may do so via email to Daniel Haskell, of my staff at haskell.daniel@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 Information Request way of a secure file transfer program (FTP) site. Please let us know how you want to proceed. Upon request to haskell.daniel@epa.gov, EPA can provide a secure link to an FTP site in order to submit responses to this Information Request.

Any questions concerning this Information Request should be directed to Daniel Haskell at (213) 244-1816 or haskell.daniel@epa.gov or have your attorney contact Margaret Alkon in the Office of Regional Counsel at (415) 972-3890 or alkon.margaret@epa.gov.

**ROSHNI
BRAHMBHATT**

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Date: 2023.05.25 09:38:30
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Roshni Brahmhatt, Manager
Air Enforcement Office
Enforcement and Compliance Assurance Division
EPA Region IX – San Francisco

Appendix A

Definitions

All terms used in this Information Request 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, in which case they shall have their own meanings as defined therein.

1. The term “Walmart” or “Company” or “You” or “Your” includes, but is not limited to, Wal-Mart.com USA, LLC., Walmart U.S., Walmart Inc., Walmart Fulfillment Services, LLC, and any parent, subsidiary, affiliated or other related organization, predecessor, successor, and assignee organization at any location.
2. The term “affiliated organization” means any organization or entity associated with another entity as an agent, parent organization, predecessor corporation, subsidiary organization, or any organization, or entity acting in lieu of another entity.
3. The term “entity” means any natural person, corporation, partnership, limited liability company, sole proprietorship, joint venture, or any formal or informal group, organization or association.
4. The term “person” includes an individual, corporation, partnership, or association. *See* Section 302(e) of the CAA, 42 U.S.C. § 7602(e).
5. The term “applications” means all vehicle or engine configurations.
6. The term “catalysts” means emissions control devices designed to reduce NO_x and carbon monoxide (“CO”) and includes diesel oxidation catalysts (“DOCs”), NO_x adsorber catalysts (“NACs”), and three-way catalysts (“TWCs”).
7. The term “DPF” refers to diesel particulate filters, which are exhaust aftertreatment devices that typically use a porous ceramic or cordierite substrate or metallic filter to physically trap particulate matter (“PM”) and remove it from the exhaust stream.
8. The term “electronic control module” or “ECM” means a device that receives inputs from various sensors and outputs signals to control engine, vehicle, or equipment functions. The ECM uses software programming including calculations and tables of information to provide the appropriate outputs. Multiple electronic control modules may be incorporated in a single unit to control various engine, vehicle, or equipment functions. ECM can be a generic term but may refer specifically to the engine control module when discussing emission controls on vehicles and engines. Examples of electronic control modules include, but are not limited to, the Engine Control Module, OBD Control Modules, Powertrain Control Module (“PCM”), Transmission Control Module (“TCM”), Body Control Module (“BCM”) and aftertreatment control module.
9. The term “element of design” means any control system (e.g., computer software, electronic control system, emission control system, computer logic), and/or control system calibrations, and/or the results of systems interaction, and/or hardware items on a motor vehicle or motor vehicle engine, as defined in 40 C.F.R. §§ 86.094-2 and 86.1803-01.

10. The term “emission related parts” means those parts installed for the specific purpose of controlling emissions, or those components, systems, or elements of design which must function properly to assure continued vehicle emission compliance, as defined in 40 C.F.R. § 85.2102. Emission related parts include, but are not limited to, catalysts, exhaust gas recirculation (EGR) systems, diesel particulate filters, and selective catalytic reduction systems.
11. The term “EM product” means any device or product capable of accessing, altering, or replacing the software programming, calculations, computer logic, tables of information (e.g., fuel timing maps), coding, or other content or information stored within or used by an ECM. EM products include, but are not limited to, programmers, modules, tuners, ECM calibration tools, replacement ECMs, flash tools, or engine management products.
12. The term “exhaust gas recirculation” or “EGR” means systems which redirect, usually by use of an EGR valve, a portion of engine exhaust back into the engine’s combustion chamber to cool and reduce peak combustion temperatures and pressures, thereby reducing the production of nitrogen oxides (“NO_x”). The EGR system may include an EGR cooler to cool the recirculated exhaust to further reduce the combustion temperature.
13. The term “exhaust hardware product” means exhaust components designed for use downstream from the exhaust port of a motor vehicle engine, and include, but are not limited to, EGR block plates, EGR delete kits, exhaust replacement pipes, and straight pipes. This term does not include ancillary exhaust components such as clamps, hangers, nuts, bolts, and gaskets that are not capable of impacting or replacing emission related parts.
14. The term “manufacture” includes the creation, design, development, alteration, fabrication, or production or programming of a product, device part, or component.
15. The term “OBD” refers to onboard diagnostics systems.
16. The term “product” includes any software code, software, hardware, program, element of design, calibration, engine tune, EM product, device, part, or component.
17. The term “SCR system” refers to the selective catalytic reduction system, which is an exhaust aftertreatment device designed to reduce NO_x emissions by injecting a liquid reagent through a catalyst.

Appendix B

Instructions for Responses

1. Provide a complete, detailed response, in English, to each Request in Appendix C below.
2. Appendix F consists of an Excel workbook in which you are requested to organize your responses to Requests 1 through 6. Please populate the workbook with your responses to Requests 1 through 6 in accordance with all instructions. Requests 1 through 6 are summarized in Appendix F for your convenience only. The Request summaries in Appendix F are not substitutes for the full text of the Requests in Appendix C. Please contact Daniel Haskell if providing the responses in Excel format will be an issue.
3. 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.
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 you have previously submitted information to the EPA that is responsive to any of the Requests set forth in Appendix C, 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.
7. If you assert any objections in responding to this Information Request, each objection must state with specificity the grounds for objecting to the request, including the reasons, and must state whether any responsive materials are being withheld on the basis of that objection.
8. You must maintain an unaltered and complete copy of your website and your webstore on all online shopping sites, including but not limited to Walmart, as they exist at the time this Information Request is received for a period of two years. This includes all pages, graphical elements, and text displayed on the website. You must provide this information in readable electronic format to EPA within ten days upon request.
9. 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.

10. This Information Request 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.
11. 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.
12. Provide your response to this Information Request 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).

Electronic Submissions

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for “image over text” to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in an unlocked, editable Excel format, and not in image format. If Excel format is not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel. EPA has provided an Excel workbook in Appendix F to organize your responses where applicable.
3. Provide submission to the secure web-link provided by EPA.
4. Provide a table of contents of all electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. We recommend the use of electronic file folders organized by question number. Use short, unique filenames and in the table of contents identify documents by filename and content.
5. Documents claimed as confidential business information (CBI) must be submitted in separate file folders apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

Appendix C
Information You Are Required to Submit to the EPA

Wal-Mart.com USA, LLC, Walmart Inc., Walmart U.S. and Walmart Fulfillment Services, LLC (collectively “Walmart” or “You”) must submit the following information to the United States Environmental Protection Agency pursuant to Section 208 of the CAA, 42 U.S.C. § 7542, regarding the manufacture, sale, or offer for sale² of certain parts and products.

Provide the following information in a separate electronic, unlocked spreadsheet in MS Excel format.

1. Identify each **exhaust hardware product** Walmart sold or offered for sale to customers with shipping addresses in the United States at any time from during the period from January 1, 2021, through the date of this Information Request, in **Appendix F, worksheet 1, tab labeled “Exhaust Hardware Products”**, and provide the requested information. Walmart may provide the requested information in a different format (e.g., in a spreadsheet routinely maintained by Walmart) if all the information requested in items below are included. **See Request 2 for additional instructions on responding to Requests 1 and 2.**
 - a. Part Number, Product Identifier, Item Number, or other unique identifier used by Walmart. If multiple identifications were assigned to the same product, provide all identifications assigned during the applicable period;
 - b. Product name;
 - c. Product manufacturer;
 - d. Third-party seller (“seller”), if any. In identifying the seller, provide:
 - i. the seller name (sold-by name), business name, and contact information available to purchasers on the Walmart online platform(s);
 - ii. the seller full legal name, address(es), contact person and agent for service of process in the United States, if any;
 - iii. Walmart URLs for this product from this seller;
 - e. Identify product’s applications by
 - i. Vehicle type(s)
 - ii. Make(s);
 - iii. Model(s);
 - iv. Engine(s);
 - v. Model Year(s); and
 - vi. Brand names;
 - f. Does the product permanently or temporarily change, affect, or bypass a motor vehicle’s emission related parts, including but not limited to the:
 - i. EGR;
 - ii. DPF;
 - iii. SCR;
 - iv. Catalyst
 - v. OBD; or
 - vi. any sensors, signals, or records related to these systems;
 - g. Describe how the product differs from the stock components it replaces or specifically

² Includes sales and offers for sale through your website and store.

- changes the stock configuration. You may provide owner's or installation manuals for a product in lieu of a narrative description if you identify the electronic names of the files (.pdf file name(s)) provided in response to Request 8.
- h. Indicate whether, together with the addition, modification, or removal of a motor vehicle's parts, the product has the effect to permanently or temporarily change, affect, bypass, defeat, or render inoperative a motor vehicle emission control device or emission related part;
 - i. Indicate whether the product is accompanied by the following disclaimers, statements, or similar language in any documentation, marketing materials, advertisements, websites, webstores, or other media:
 - "legal only for racing vehicles that may never be used, registered, or licensed for use upon a highway";
 - "legal for sale or use in California only on vehicles which may never be driven on a public highway"; or
 - "not legal for sale or use on emission controlled motor vehicles"
 - "off-road use only";
 - j. If Walmart has recommended the product be used for racing or off-road use only, describe the mechanisms, if any, that it has implemented to ensure that the product is only used for such purposes;
 - k. State whether the product as sold or offered for sale by you has a valid and in effect Executive Order exempting it from California's emission control system anti-tampering law, California Vehicle Code Section 27156. If yes, provide the Executive Order number. If Walmart has information that the manufacturer has applied for but not yet received an Executive Order for the part, state "pending application." If neither is true, state "no".
 - l. State whether the product as sold or offered for sale by you makes claims related to compliance with the Clean Air Act. State the claims.
 - m. Quantity you sold to customers with shipping addresses in the United States from January 1, 2021, through the date of this Information Request including:
 - i. Total quantity sold by you.
 - ii. quantity sold through your online platforms including the website "Walmart.com"; and
 - iii. Quantity sold by each third-party seller through your online platforms;
 - n. Indicate if the product could be found by customers using any of the terms listed in Request 2.3, and which terms.

Provide the following information in a separate electronic, unlocked spreadsheet in MS Excel format.

2. Identify each **EM product** Walmart sold or offered for sale to customers with shipping addresses in the United States at any time from January 1, 2021, through the date of this Information Request in **Appendix F, worksheet 2, tab labeled "EM Products"** and for each **EM product** provide the information requested in Request 1 a through n (to be identified as Request 2 a through n when the responsive information is for EM products). Walmart may provide the requested information in a different format (e.g., in a spreadsheet routinely maintained by Walmart) if all the information requested in items below are included.

Additional instructions for responding to Requests 1 and 2:

- 2.1. Exclude from your report products that Walmart has confirmed are identical replacements to parts in the certified configuration, such as original equipment manufacturer (OEM) replacement parts and aftermarket identical replacement parts where Walmart has confirmed that the part manufacturer has represented in writing that the replacement part will perform identically with respect to emissions control as the OEM's part to be replaced, and the part manufacturer has made available documentation that the replacement part is identical in all emissions-related respects to the replaced part (including engineering drawings or similar showing identical dimensions, materials, design, and where the manufacturer has identified the part as identical replacements to parts in the certified configuration based upon test results). Include in your response parts where the manufacturer has identified the part as identical replacements to parts in the certified configuration based upon test results.
- 2.2. Include products that would be identified under the heading "Sponsored" that would appear to a customer when searching on the Walmart website for a type of product within the scope of this request.
- 2.3. Identify and include products that could be found at any time from January 1, 2021, through the date of this Information Request by customers in the United States using any of the following terms to search for products listed on the Walmart website in the specified timeframe. The search shall not be case specific:
 - EGR cooler
 - EGR delete
 - EGR and delete
 - EGR removal
 - EGR bypass
 - EGR tuner
 - EGR and tuner
 - Turbo back exhaust
 - Downpipe back exhaust
 - Cat delete
 - DEF delete
 - DEF disable
 - DPF delete
 - DPF and delete
 - DPF tuner
 - DPF and tuner
 - DPF emulator
 - DOC delete
 - SCR delete
 - Delete tune
 - Delete tuner
 - Delete programmer
 - Delete and tuner
 - Exhaust System
 - Exhaust pipe
 - Exhaust bypass kit
 - Race pipe

- Wastegate

Provide the following information in a separate electronic, unlocked spreadsheet in MS Excel format.

3. Identify each vehicle or engine (including nonroad engines, vehicles, and equipment) requiring EPA certification³ which Walmart sold or offered for sale to customers with shipping addresses in the United States at any time from January 1, 2021, through the date of this Information Request and which Walmart cannot confirm was covered by a certificate of conformity (“COC”) issued (and in effect) under EPA regulations.⁴ In responding to this request, include products sold by third-party sellers and products that would be identified under the heading “Sponsored” that would appear to a customer when searching on the Walmart website for a type of product within the scope of this request (e.g., a customer searching for a bicycle engine kit, gas chainsaw, gas lawnmower, gas trimmer, gas generator, outboard motor, outboard engine, etc.). Provide the following information in the **Appendix F, worksheet 3, tab labeled “Vehicles & Engines”** with each row corresponding to a unique vehicle or engine:
 - a. Part Number, Product Identifier, Item Number, or other unique identifier used by Walmart. If multiple identifications were assigned to the same product, provide all identifications assigned during the applicable period;
 - b. Product name or description;
 - c. Third-party seller, if any. In identifying the seller, provide:
 - i. the seller name (sold-by name), business name, and contact information available to purchasers on the Walmart online platform(s), and
 - ii. separately provide (a) seller full legal name, (b) address(es), (c) contact information, and (d) agent for service of process in the United States, if any; and
 - iii. Walmart URLs for this product from this seller;
 - d. The Vehicle Identification Number (“VIN”), Engine Serial Number (“ESN”), or other unique identification assigned to the product;
 - e. The EPA family⁵ (if available);
 - f. Identify product’s applications by
 - i. Vehicle type(s)
 - ii. Make(s);
 - iii. Model(s);
 - iv. Engine(s);
 - v. Model Year(s); and
 - vi. Brand names;
 - g. Type of vehicle or equipment containing the engine, if any;
 - h. The rated power in kilowatts (KW);
 - i. The displacement in cubic centimeters (cc);
 - j. The manufacture date;
 - k. Manufacturing facility name and address (including country if outside the United States);

³ See <https://www.epa.gov/ve-certification>

⁴ The EPA publishes certification data at: <https://www.epa.gov/compliance-and-fuel-economy-data/annual-certification-data-vehicles-engines-and-equipment>

⁵ See <https://www.epa.gov/ve-certification/information-about-family-naming-conventions-vehicles-and-engines>

- l. Indicate whether Walmart imported,⁶ arranged or contracted for importation, took possession of, stored, transported, or arranged or contracted for transportation into the United States;
- m. Identify the name and address of any facility where Walmart stored the product (if any);
- n. The importation entry number;
- o. The date of importation;
- p. The port of importation;
- q. The importer of record;
- r. The consignee submitted to the U.S. Customs and Border Protection (“CBP”) at the time of importation;
- s. If a Walmart facility address was listed in importation documentation submitted to CBP at the time of importation, provide that address;
- t. Indicate (i.e. “Yes” or “No”) whether the product was imported under a claimed exemption or exclusion⁷ declared at the time of importation, and if answering “Yes” provide a copy of such documentation in an unlocked searchable .pdf file named by the importation entry number that was submitted to CBP at the time of importation;
- u. Indicate (i.e. “Yes” or “No”) whether the product remained in Walmart’s possession as of the date of this request;
- v. Indicate whether Walmart has taken any of the following steps (“Yes” or “No”):
 - i. Confirmed an EPA certification family⁸ was assigned to the product;
 - ii. Confirmed products were labeled with an EPA certification family label;
 - iii. Conducted any physical inspection of the product intended to help verify EPA compliance; and
 - iv. Conducted any other actions to ensure that the product complied with EPA regulations (if Yes, please specify).
- w. Quantity where Walmart was the importer of record;
- x. Quantity where Walmart was the ultimate consignee;⁹
- y. Quantity you sold to customers with shipping addresses in the United States from January 1, 2021, through the date of this Information Request:
 - i. Total quantity sold by you to customers with shipping addresses in the United States from January 1, 2021, through the date of this Information Request.
 - ii. Quantity sold by Walmart through your online platforms including the website “Walmart.com” to customers with shipping addresses in the United States from January 1, 2021, through the date of this Information Request; and
 - iii. Quantity sold by each third-party seller through your online platforms to customers with shipping addresses in the United States from January 1, 2021, through the date of this Information Request.
- z. Identify the electronic names of the files (.pdf file name(s)) for this product provided in

⁶ See <https://www.epa.gov/importing-vehicles-and-engines/publications-and-forms-importing-vehicles-and-engines>

⁷ See EPA Standard Forms 3520-1 and 3520-21: <https://www.epa.gov/importing-vehicles-and-engines/epa-standard-form-3520-1-declaration-form-importation-motor-vehicles> and <https://www.epa.gov/importing-vehicles-and-engines/epa-standard-form-3520-21-importation-engines-vehicles-and-equipment>

⁸ See <https://www.epa.gov/ve-certification/information-about-family-naming-conventions-vehicles-and-engines>

⁹ 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>

response to Request 8.

Provide the following information for the Subject Products.

Hereinafter, each product identified in response to Requests 1, 2, or 3 is a “Subject Product.” Unless instructed otherwise by EPA, Walmart hereinafter may exclude from the “Subject Products” identified in response to Requests 1 and 2 any product Walmart has identified as possessing a valid and in effect CARB Executive Order for the product as sold or offered for sale by Walmart and any product where the manufacturer has identified the part as identical replacements to parts in the certified configuration based upon test results (e.g., parts where there is test data and a pending application for a CARB Executive Order).

4. For each Subject Product, provide the following information in Appendix F:¹⁰
- a. Part Number, Product Identifier, Item Number, or other unique identifier used by Walmart. If multiple identifications were assigned to the same product, provide all identifications assigned during the applicable period;
 - b. Timeframe (date ranges) and quantity of the product in your warehouses or otherwise in your possession at any time since January 1, 2021;
 - c. Inventory of the product in your warehouses or otherwise in your possession as of the date of this request;
 - d. Average sale price (in US dollars);
 - e. Excluding shipping and taxes, the total fees collected (in US dollars) by Walmart associated with all sales and listings of this product identifier/item number, including for example, per-item fees, referral fees, sponsored product fees, optional program fees, any other advertisement/marketing fees, etc.
 - f. For each of your online platforms where the product was sold, include:
 - i. Date this product was first listed for sale, and
 - ii. Date removed from sale (if applicable).
 - g. Indicate if you have **advertised** this product and provide electronic file names of each advertisement provided in response to Request 8 (if applicable).
 - h. Provide the percentage or set amount of the list price collected by Walmart;
 - i. Describe the services or product features related to the sales of this product through or in connection with Walmart’s services which contributed to the fee collected by Walmart for each product sale completed through Walmart’s websites. Augment the description provided in the unlocked spreadsheet by providing a separate more detailed narrative response that provides sufficient information for EPA to understand each of the services or product features provided by you.

Provide the following information in a separate electronic, unlocked spreadsheet in MS Excel format.

5. For each Subject Product reported in response to Requests 1, 2, and 3, in a **separate electronic, unlocked spreadsheet**, provide the following transactional information in the **Appendix F**,

¹⁰ See **Appendix F** illustrating how to provide the information responsive to Request 4: Provide information for Subject Parts responsive to: Request 1 in the tab labeled “Exhaust Hardware Products,” for Subject Parts responsive to Request 2 in the tab labeled “EM Products,” and for Subject Parts responsive to Request 3 in the tab labeled “Vehicles & Engines.” Walmart may provide the requested information in a different format (e.g., in a spreadsheet routinely maintained by Walmart) if all the information requested are included.

worksheet 4, tab labeled “Transactions” with each row corresponding to a unique Walmart item number and Order number combination. If the same product has been listed under multiple Walmart item numbers, list each unique Walmart item number in a separate row and report corresponding data for the product under that Walmart item number:

- a. Walmart product identifier or item number item number;
- b. Order number;
- c. Date Order Placed;
- d. Name of entity listed as the “Seller” in the order confirmation;
- e. Was this a “Sold and shipped by Walmart.com” sale;
- f. Was this a “Fulfilled by Walmart” sale;
- g. Walmart return policy for this transaction;
- h. Buyer’s Walmart username, if any;
- i. Buyer’s email;
- j. Purchased quantity;
- k. Purchase price paid in US dollars (excluding taxes, shipping, and other fees);
- l. Date Order delivered;
- m. Fee amount in US dollars collected by Walmart for sale of this Walmart product ID or item number and Order number combination;
- n. Amount in US dollars received by Seller for sale of this Walmart item number and Order number combination (i.e. deduct Walmart fees collected, if any);
- o. Vehicle Model Year, Make, Model, and Engine product was purchased for (as applicable);
- p. Name and address product was shipped from; and
- q. Name and address product was shipped to.

Provide the following information in a separate electronic, unlocked spreadsheet in MS Excel format.

6. For each Seller reported in response to Request 5, in a separate electronic, unlocked spreadsheet, provide the following information in the **Appendix F, worksheet 5, tab labeled “Sellers”** with each row corresponding to a unique Walmart Marketplace Seller¹¹:
 - a. Seller name as identified on the Walmart website;
 - b. Sold-by Entity name;
 - c. Walmart.com-assigned Seller ID;
 - d. Company registration number;
 - e. Employer Identification Number (EIN);
 - f. Business type (e.g. Publicly-listed business, Privately-owned business, Individual, etc.);
 - g. Seller legal name;
 - h. Business email;
 - i. Business phone number;
 - j. Business address registered with Walmart Marketplace;
 - k. Primary contact person and relationship to the Business (e.g. owner, legal representative, etc.);
 - l. Member since date, if any;
 - m. Date Seller first sold the Walmart website;
 - n. Number of transactions with US buyers from January 1, 2021, to the date of this request;
 - o. Seller company or individual name(s) used besides the Walmart Seller name, including

¹¹ EPA understands that sellers on Walmart.com are Walmart Marketplace Sellers. If this is wrong, let EPA know.

- any legal State-registered and/or Doing Business As (“DBA”) register name(s);
- p. Identification of any Walmart store under the Seller’s name, if any; and
- q. Identification of any other affiliated websites or webpages reported by the Seller to Walmart.
- r. Identifying documents of the seller (Passport, Driver’s license, etc.);
- s. Any additional information collected and used by Walmart to confirm the registered business address;
- t. Whether U.S. based or foreign, any additional Business Name(s), contact persons and relationship to business, addresses, emails, and phone numbers in Walmart’s possession for this seller which have not already been provided. This includes agent for service of process in the United States, if any. Define the data element and provide it by adding it as an additional spreadsheet column;
- u. All Importer of Record name(s) and Importer Number(s)¹² combinations which Walmart has reason to believe this seller has used to import into the U.S. its sold products. Add additional columns as necessary;
- v. Has this seller indicated they are the manufacturer or brand owner (or agent or representative of the brand) of any such sold products? Answer Yes or No; and
- w. Indicate whether this seller account: 1) remains active, 2) has been temporarily suspended by Walmart and provide the date, 3) has been permanently terminated by Walmart and provide the date, or 4) is under a different status and explain.

Provide the following information.

7. For each vehicle or engine (including nonroad engines, vehicles, and equipment) identified in Request 3 where Walmart is the Importer of Record, provide the following documents:
 - a. Customs Entry Form 3461;
 - b. EPA Declaration Form 3420-1, 3520-21 (or if these forms are not available, please provide a screenshot of electronic declaration);
 - c. The invoice, packing list, and shipping documents for each entry;
 - d. A list of all the VINs for the vehicles in each entry; and
 - e. The name and address of any Customs broker used for importation.
8. For each Subject Product identified in response to Requests 1, 2, and 3:
 - a. Provide a copy of any product listing page(s) that were available for viewing on the Walmart website between January 1, 2021, to the date of this request. The webpage shall be in an unlocked searchable .pdf file named by the product identifier. Include each webpage associated with the subject product (e.g., landing page, all customer review pages, all customer Q&A pages, etc.). If substantially different webpage advertisement variations of a subject product existed over the course of the product sales reported in Request 1, provide copies of each unique webpage titling each file by its date of original posting (i.e.YYYY-MM-DD) and within a folder named by the product identifier. Substantially different webpages are those where the name of the product, or product description has changed;
 - b. Provide copies of all advertisements for each product published in print or electronic media, including commercial websites, point-of sale webpages, or social media;
 - c. provide a list of other entities known to have advertised the product to customers in the

¹² See https://help.cbp.gov/s/article/Article-198?language=en_US

United States; and

- d. Provide all technical documentation (e.g., product manuals, technical specifications, and installation and operating instructions) in your possession.
9. For each Subject Product identified in response to Requests 1, 2, and 3:
 - a. Provide a detailed written description of all methods by which the product has been promoted or publicized by Walmart, including but not limited to, print media, commercial websites, point-of-sale webpages, event promotion or sponsorship, trade show promotion, or social media promotion, including promotion dates and/or date ranges, if applicable; and
 - b. Provide a narrative description of the method used by Walmart to identify the products.
 10. For vehicles or engines (including nonroad¹³) sold or offered for sale through Walmart's website to customers with shipping addresses in the United States, describe in detail any procedures in place since January 1, 2021, that Walmart has employed to ensure such products that are subject to COC requirements are in fact covered by a COC, exempted, or otherwise excluded under EPA regulations.
 11. For each transaction reported in response to Request 5, provide a copy of the Walmart generated invoice sent to the buyer and any written communications between Walmart, the Seller, and/or the buyer in an **unlocked searchable** .pdf file named by the Walmart Order number.
 12. Provide a detailed, written description of Walmart's business structure including ownership, corporate form, parent and/or subsidiary companies, affiliated organizations, and all corresponding states of incorporation.
 13. Provide a detailed, written description of the relationship between Wal-Mart.com USA, LLC, Walmart Inc., Walmart U.S. and Walmart Fulfillment Services, LLC.
 14. List all eCommerce entities and online platforms used by Walmart to sell products to customers in the United States, including, but not limited to, "Walmart.com", and provide a detailed explanation of the relationship between the entities.
 15. Provide a copy of the current procedures, requirements, and third-party seller manual or guide providing instructions/guidance, and other documents that apply to third-party sellers importing to and/or selling products in the United States with the assistance of Walmart via Walmart's online platforms.
 16. Provide the location of all warehouses or storage facilities where Walmart stores products for sale to customers in the United States, including, but not limited to, Walmart eCommerce Fulfillment Centers.
 17. Identify each person responsible for responding to this Information Request, including their title, and the Request(s) to which they responded.

¹³ See related 2013 Enforcement Alert published by the EPA: <https://www.epa.gov/enforcement/enforcement-alert-air-enforcement-recordkeeping-and-reporting-requirements-motorcycles>

Appendix D

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 Information Request. 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 E
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 Walmart 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: _____

**Appendix F –
Page Blank - Excel Workbook Attached**

CERTIFICATE OF MAILING

I, Daniel Haskell, certify that on this day I sent this Request for Information Under §§ 114(a) and 208(a) of the Clean Air Act, 42 U.S.C. §§ 7414(a)(1), 7542(a), by electronic mail to:

Ms. Rachel Brand
Executive Vice President, Chief Legal Officer and Corporate Secretary,
Walmart Inc.

at the email address: Rachel.Brand@walmart.com

Tom Ward
Executive VP and Chief eCommerce Officer, Walmart U.S.,
Managing Member, Wal-Mart.com USA, LLC

at the email address(es): tward@walmart.com, tom.ward@walmart.com

Steve Schmitt
Executive VP and CFO, Walmart U.S.
Managing Member, Wal-Mart.com USA, LLC

at the email address(es): sschmitt@walmart.com, Steve.schmitt@walmart.com