



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

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

VIA ELECTRONIC MAIL

IN THE MATTER OF: Pacific Rim International West Inc.

ATTENTION:

Wen Yu
General Manager
Pacific Rim International West Inc.
10580 Mulberry Ave.
Fontana, CA 92337

Request for Information Under § 208(a) of the Clean Air Act, 42 U.S.C. § 7542(a)

The United States Environmental Protection Agency (“EPA”) hereby requires Pacific Rim International West Inc. (“Pacific Rim” 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 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 under Section 208(a) of the CAA, 42 U.S.C. § 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 these requirements and the regulations promulgated thereunder. The Administrator 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 **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 fifteen (15) days of receipt of this Request for Information and, with an

¹ See first definition in Appendix A.

appropriate justification, request an extension of time to answer some or all 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 Section 205(b) of the CAA, 42 U.S.C. § 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 and 307 of the CAA, 42 U.S.C. §§ 7542(a)–(b), 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. Victor Aguilar, Air Enforcement Division, U.S. Environmental Protection Agency, at aguilar.victor@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 Victor Aguilar, Environmental Engineer, of my staff at aguilar.victor@epa.gov or your counsel may contact Caitlin Meisenbach, Attorney Advisor, of my staff at meisenbach.caitlin@epa.gov.

MARK
PALERMO

Digitally signed by
MARK PALERMO
Date: 2023.04.12
21:36:22 -04'00'

Mark Palermo, Acting 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 “Amazon Standard Identification Number” or “ASIN” refers to a unique identifier of 10 letters and/or numbers which is assigned to a product by Amazon. It is primarily used for product identification purposes within Amazon’s product catalog.
2. The term “catalyst” refers to an exhaust after-treatment emission related part that consists of a flow-through honeycomb structure which is coated with an active metal catalyst and housed in a metal casing. The catalyst lowers emissions of particulate matter (“PM”), hydrocarbons (“HC”), and carbon monoxide (“CO”).
3. The term “Competition Exemption” means an exemption granted by the Office of Transportation and Air Quality (“OTAQ”) under EPA regulations 40 CFR 1051.620. A competition exemption covers the subject vehicles(s) listed in the approval letter sent by OTAQ to the applicant. The letter contains the exemption number assigned to those subject vehicle(s) and explains that the listed subject vehicle(s) are only covered by the exemption as long as the applicant is in full compliance with section 1051.620 and the terms enclosed in the approval letter.
4. The term “eBay item number” refers to a unique 12-digit identification number given to each listing that a seller posts on the eBay platform. These numbers are automatically generated by eBay when a listing is created and are visible to shoppers once the listings are live.
5. 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.

Examples of emission-related parts include, but are not limited to, air/fuel injection calibrations and catalysts.

In the context of nonroad vehicles and engines, any part of the “emission control system” and any “critical emission-related component,” as defined in 40 C.F.R. § 1051.801, are considered examples of “emission-related parts.”

6. 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. A reference to any entity by name includes the entity and any of the entity’s affiliated organizations, predecessors, successors, and assignees.
7. The term “information” includes any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intraoffice

communications, electronic mail (“email”), instant messages, calendars, contracts, cables, notations of any type of conversation, telephone call, meeting, or other communication, bulletins, printed matter, computer printouts, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, presentations, spreadsheets, and worksheets. The term “information” includes all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments to the foregoing, as well as any attachments or appendices thereto. The term “information” also includes any graphic or oral records or representations of any kind (including, without limitation, photographs, charts, graphs, voicemails, microfiche, microfilm, videotapes, recordings, and motion pictures), electronic and mechanical records or representations of any kind (including, without limitation, tapes, cassettes, disks, computer server files, computer hard drive files, CDs, DVDs, back-up tape, memory sticks, recordings, and removable computer media such as thumb drives, flash drives, memory cards, and external hard drives), and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, electronic format, disk, videotape or otherwise. Information bearing any notation not part of the original text is considered to be separate information. A draft or non-identical copy is separate information within the meaning of this term.

8. The term “Kayo USA” includes but is not limited to the following individuals or entities acting together or individually: Kayo USA, Liang Chang, Wendy Yu (otherwise known as “Wen Yu”), Chen Guo, IcebearATV (“Haili Icebear Inc.”), Icebear Motorsports, and any of their parent organizations, affiliates, predecessors, successors, and assignees.
9. The term “manufacture” includes the creation, design, development, alteration, fabrication, production, or programming of a software code, software, hardware, program, element of design, calibration, engine tune, engine tuner, device, part, or component.
10. The term “manufacturer” includes, but is not limited to, any person engaged in the manufacturing or assembling of any software code, software, hardware, program, element of design, calibration, engine tune, engine tuner, device, part, or component.
11. The term “Pacific Rim” or “You” or “Your” includes, but is not limited to, the following individuals or entities acting together or individually: Pacific Rim International West Inc., Liang Chang, Wendy Yu (otherwise known as “Wen Yu”), SYX Moto, IcebearATV (“Haili Icebear Inc.”), and any parent or other related organization, affiliate, predecessor, successor, and assignee organization at any location.
12. The term “person” includes an individual, corporation, partnership, or association. *See* Section 302(e) of the CAA, 42 U.S.C. § 7602(e).
13. The term “Subject Product(s)” includes any exempted product covered by an approved EPA Competition Exemption, including gasoline powered dirt bikes, pit bikes, and mini-bikes, which are included in Appendix D.

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. Appendix I Excel workbook format or .pdf). If a given spreadsheet response field requested does not apply or is not available, list “n/a” for the corresponding cell.
2. This Request for 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 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 Request for Information, 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 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).

Appendix C
Information You Are Required to Submit to the EPA

Pacific Rim International West Inc. must submit the following information pursuant to Section 208 of the CAA, 42 U.S.C. § 7542. Refer to Appendix D for the list of Approved EPA Competition Exemptions that are held by Pacific Rim International West Inc. You may provide the requested information in a spreadsheet exported from an invoice management program such as QuickBooks. Refer to Appendix G for a sample template of how the information can be provided.

- 1) Provide an **electronic, unlocked excel spreadsheet** of all products that were listed for sale and sold through Amazon's Marketplace website by You to customers with shipping addresses in the United States at any time from July 17, 2020 to the date of this request (including products that may no longer be listed on Amazon's Marketplace website); and which were covered by one of the approved EPA Competition Exemptions identified in Appendix D (i.e. Subject Product (s)). The spreadsheet should include the following data columns:
 - a. Company/entity who sold the Subject Product (s)
 - b. Date of Sale of the Subject Product (s)
 - c. Total Number of Subject Product (s) sold
 - d. Price Per Unit sold
 - e. Model Year of the Subject Product sold
 - f. Model Name of the Subject Product sold
 - g. VIN of Subject Product sold
 - h. ASIN of the Subject Product sold
 - i. Customer address location
 - j. Whether a manufacturer warranty was offered for the Subject Product sold.
 - k. Information provided by the customer, confirming the Subject Product will only be used for competition purposes

- 2) Provide an **electronic, unlocked spreadsheet** of all products that were listed for sale and sold through eBay's Marketplace website by You to customers with shipping addresses in the United States at any time from July 17, 2020 to the date of this request (including products that may no longer be listed on eBay's Marketplace website); and which were covered by one of the approved EPA Competition Exemptions identified in Appendix D (i.e. Subject Product (s)). The spreadsheet should include the following data columns:
 - a. Company/entity who sold the Subject Product (s)
 - b. Date of Sale of the Subject Product (s)
 - c. Total Number of Subject Product (s) Sold
 - d. Price Per Unit Sold
 - e. Model Year of the Subject Product sold
 - f. Model Name/Manufacturer Part Number of the Subject Product sold
 - g. VIN of Subject Product sold
 - h. eBay item number of the Subject Product Sold
 - i. Customer address location
 - j. Whether a manufacturer warranty was offered for the Subject Product sold.
 - k. Information provided by the customer, confirming the Subject Product will only be used for competition purposes

- 3) Provide an **electronic, unlocked spreadsheet** of all products that were listed for sale and sold through SYX Moto's website (<https://syxmoto.com/>) by You to customers with shipping addresses in the United States at any time from July 17, 2020 to the date of this request (including products that may no longer be listed on SYX Moto's website); and which were covered by one of the approved EPA Competition Exemptions identified in Appendix D (i.e. Subject Product (s)). The spreadsheet should include the following data columns:
 - a. Company/entity who sold the Subject Product (s)
 - b. Date of Sale of the Subject Product (s)
 - c. Total Number of Subject Product (s) Sold
 - d. Price Per Unit Sold
 - e. Model Year of the Subject Product sold
 - f. Model Name/Model Number of the Subject Product sold
 - g. VIN of Subject Product sold
 - h. Customer address location
 - i. Whether a manufacturer warranty was offered for the Subject Product sold.
 - j. Information provided by the customer, confirming the product will only be used for competition purposes

- 4) For each Subject Product reported in response to Request 1, 2, and 3, provide a copy of any product listing webpage(s) on Amazon's Marketplace website, eBay's Marketplace website, or SYX Moto's website (<https://syxmoto.com/>) that were available for viewing between July 17, 2020, to the date of this request. The webpage shall be in an **unlocked searchable** .pdf file named by: the ASIN (for Subject Products sold on Amazon), the eBay Item Number (for Subject Products sold on eBay), or the Model Name/Number (for Subject Products sold on SYX Moto's website). 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, 2, or 3, 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 ASIN, eBay item Number, or Model Name/Number. Substantially different webpages are those where the name of the product, "Technical Details", or Product description has changed.

- 5) Provide an **electronic, unlocked spreadsheet** of all the product listing webpages(s) that were provided in response to Request 4. Include the title of the pdf file name of the product listing, the model year of the Subject Product in the product listing, and the model name/model number of the Subject Product in the product listing.

- 6) Provide a list of any other websites or online marketplaces where You are currently offering the Subject Products(s) for sale.

- 7) Provide an **electronic, unlocked spreadsheet** of all Subject Products that were listed for sale and sold on any website or online marketplace reported in response to Request 6 by You to customers with shipping addresses in the United States at any time from July 17, 2020 to the date of this request (including products that may no longer be listed on the website or online marketplace reported in response to Request 6); and which were covered by one of the approved EPA Competition Exemptions identified in Appendix D (i.e. Subject Product (s)). The spreadsheet should include the following data columns:
 - a. Company/entity who sold the Subject Product (s)
 - b. Date of Sale of the Subject Product (s)

- c. Total Number of Subject Product (s) Sold
 - d. Price Per Unit Sold
 - e. Model Year of the Subject Product sold
 - f. Model Name/Model Number of the Subject Product sold
 - g. Manufacturer Part Number (if applicable)

 - h. VIN of Subject Product sold
 - i. Customer address location
 - j. Whether a manufacturer warranty was offered for the Subject Product sold.
 - k. Information provided by the customer, confirming the product will only be used for competition purposes
- 8) Is Pacific Rim International West Inc. the sole importer of all Subject Products? If not, who else has previously imported these Subject Products?
- 9) Has Pacific Rim International West Inc. imported the Subject Products under any other name aside from “Pacific Rim International West”, or had other companies import the Subject Products on their behalf?
- 10) Does Pacific Rim have any other company locations aside from 10580 Mulberry Ave., Fontana CA 92337?
- 11) Identify the names of all officers for Pacific Rim International West Inc., IceBearATV (Haili Icebear Inc.) and (if applicable) SYX Moto.
- 12) Which company or business is the owner and operator of the website <https://syxmoto.com>?
- 13) Please provide the following information for the account holder for the ecommerce entity “syxmoto” on eBay.
- a. Seller Company
 - b. Legal Name
 - c. Contact Name
 - d. Email
 - e. Phone
 - f. Address
 - g. Seller City
 - h. Seller State
 - i. Seller Postal Code
 - j. Seller Country
- 14) What is the relationship between Pacific Rim International West Inc. and Kayo USA Inc.?
- 15) What is the relationship between Pacific Rim International West Inc. and IceBearATV (Haili Icebear Inc.)?
- 16) What is the relationship between Pacific Rim International West Inc. and Icebear Motorsports LLC?
- 17) What is the relationship between Pacific Rim International West Inc. and CGW2 Inc.?

- 18) What is the relationship between Pacific Rim International West Inc. and B-Claw Inc.?
- 19) What is the relationship between Pacific Rim International West Inc. and Wen Yu?
- 20) What is the relationship between Pacific Rim International West Inc. and Chen Guo?
- 21) When did You begin importing Kayo dirt bikes into the US?
- 22) Have You stopped importing Kayo dirt bikes into the US? If so, when did You stop importing Kayo dirt bikes into the US? Why did You stop?
- 23) Please list all of Pacific Rim International West Inc.'s parent or other related organization, affiliate, predecessor, successor, and assignee organization, which are located in the United States of America.
- 24) Identify all persons consulted in preparing the responses to this Request for Information including her/his 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.

Appendix D

List of Approved Competition Exemptions Held by Pacific Rim International West Inc.

2020-JULY-MCATV-COMP-13397
2020-SEPTEMBER-MCATV-COMP-13580
2020-SEPTEMBER-MCATV-COMP-13610
2020-NOVEMBER-MCATV-M-13834
2021-APRIL-MCATV-M-14407
2021-AUGUST-MCATV-M-14966
2021-NOVEMBER-MCATV-COMP-15306

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 Section 208(c) of the CAA, 42 U.S.C. § 7542, and 40 C.F.R. Part 2, subpart B. Under Section 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 Section 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 EP-W-15-006.

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 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 Section 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 Amazon.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: _____

Appendix G
Excel Workbook

To be provided electronically

CERTIFICATE OF MAILING

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

Wen Yu
General Manager
Pacific Rim International West Inc.
10580 Mulberry Ave.
Fontana, CA 92337
at the email address: icebearatv12@gmail.com

The above email address was provided by Pacific Rim International West Inc. to the U.S. Environmental Protection Agency to submit communications regarding regulatory issues under the Clean Air Act.

VICTOR AGUILAR Digitally signed by VICTOR
AGUILAR
Date: 2023.04.20 14:12:06 -04'00'

Victor Aguilar
Environmental Engineer
Air Enforcement Division
Office of Enforcement and Compliance Assurance
United States Environmental Protection Agency
202-564-9679