



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: Amazon.com, Inc., and Amazon Services, LLC.

ATTENTION:

Andrew DeVore
Vice President and Associate General Counsel
Amazon.com, Inc.
410 Terry Avenue North
Seattle, Washington 98109-5210

**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 Amazon.com, Inc., and Amazon Services, LLC. (“Amazon” 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. Attachment 1 provides a copy of EPA’s Report transmitted to Amazon on August 12, 2022.

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 **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 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).

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Mark J. Palermo, Chief (Acting)
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” or “Company” or “You” or “Your” includes, but is not limited to, Amazon.com, Inc., Amazon Services, LLC, 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

Amazon 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 Request for Information 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.

Section A: The following requests 2-7 below are primarily intended to follow-up on potential compliance related measures that Amazon may have taken since EPA's Inspection at Your DCA6 Facility on June 23, 2022 (hereinafter "EPA's Inspection") and for which EPA transmitted a report to the Company on August 12, 2022 (hereinafter "EPA's Report"), see Attachment 1 for a copy of EPA's Report.

- 2) For each ASIN documented in EPA's Report as observed without Emission Control Information (ECI) Labeling (i.e. where a "No" in Column N of the EPA's Report spreadsheet Enclosure was reported; 49 total ASINs), except for B07GKH148P, provide in an **electronic, unlocked spreadsheet** the following information with each row corresponding to the ASIN:
 - a) date Amazon removed the ASIN from sale on Your website (as applicable). If Amazon has not removed the ASIN listing, indicate this with an "n/a" and provide an explanation for why Amazon has not taken such step;
 - b) number of sales of products associated with the ASIN that have occurred on Your website since EPA's Inspection through the date of this RFI. Include the breakdown of sales as retail, FBA, and/or MFN; and
 - c) Inventory of products associated with the ASIN in Your warehouses or otherwise in Your possession (e.g., FBA products) as of the date of this RFI.
- 3) Refer to the same 49 ASINs referenced in Request 2 to answer this Request. Identify all product listings (other than the ASINs identified in EPA's Report) which were posted on Your website at any time from July 1, 2022 to the date of this RFI, and which share similarities with respect to branding, manufacturer marking, and/or model name/number with the products identified from Request 1. In order to identify such products, at a minimum, Amazon must search its site for any listings that contain some or part of the following data elements from EPA's Report spreadsheet Enclosure: 1) the Product Name in Column D; 2) products which are identified or marked with a branding or manufacturer marking listed in Column L; and 3) products which are identified or marked with the model name/number listed in Column M. For example, any listing for a "Garwinner" or "SalemMaster" branded gasoline chainsaws must be reported. Another example would be for gasoline chainsaw displaying model number "5820F."

For such listings described by this Request, provide in an **electronic, unlocked spreadsheet** the following information with each row corresponding to a unique ASIN:

- a) ASIN;
- b) Product Name;
- c) number of sales of products associated with the ASIN that have occurred on Your website since July 1, 2022 through the date of this RFI. Include the breakdown of sales as retail, FBA, and/or MFN;

- d) date Amazon removed the ASIN listing from sale on Your website (as applicable). If Amazon has not removed the ASIN listing, indicate this with an “n/a” and provide an explanation for why Amazon has not taken such step;
 - e) Inventory of products associated with the ASIN in your warehouses or otherwise in Your possession as of the date of this RFI.
- 4) For all active ASIN listings through the date of this RFI (other than the ASINs identified in EPA’s Report) which Amazon has reason to believe² may be similar³ or the same product as such referenced ASINs from Request 2 and which have not already been reported in Request 3, provide in an **electronic, unlocked spreadsheet** the following information with each row corresponding to a unique ASIN:
- a) ASIN;
 - b) Product Name;
 - c) number of sales of products associated with the ASIN that have occurred on Your website since July 1, 2022 through the date of this RFI. Include the breakdown of sales as retail, FBA, and/or MFN;
 - d) date Amazon removed the ASIN listing from sale on Your website (as applicable). If Amazon has not removed the ASIN listing, indicate this with an “n/a” and provide an explanation for why Amazon has not taken such step;
 - e) Inventory of products associated with the ASIN in your warehouses or otherwise in Your possession as of the date of this RFI.
- 5) Describe using narrative what measures since EPA’s Inspection, if any, Amazon has taken to:
- a) Prevent, deter, and remove product sales on your site which are subject to EPA CAA Certification standards⁴ (e.g. similar to those products which were the subject of EPA’s Inspection); and
 - b) Remove inventory of such products referenced in Requests 2-4 which may be present in your warehouses or are otherwise in your possession.
- 6) Describe how products similar to the 49 ASINs referenced in Request 2 which were specifically subject to EPA’s Inspection, continue to be listed on Amazon’s site for sale even though EPA has notified Amazon of its findings. Please include any information relevant to circumvention of any restricted products policy.⁵
- 7) Is there any additional information that Amazon would like to convey to EPA regarding compliance measures it has taken since EPA’s Inspection?

Section B: The following requests 8-10 below are intended to gather additional data which Amazon may have in its possession.

- 8) In an **electronic, unlocked spreadsheet**, provide the following information for each seller of any product sold through Your website since July 1, 2022 through the date of this RFI, and which was of

² EPA expects Amazon to exercise due diligence by utilizing additional tools at its disposal to further check for and report on any additional associated products not previously reported on with this request. For example, Amazon has previously shared with EPA its development artificial intelligence tools and picture recognition software to enhance compliance efforts.

³ Similar products include those that appear to be from the same manufacturer or brand, and that are gasoline operated.

⁴ See <https://www.epa.gov/ve-certification>

⁵ EPA has documented examples of products of the same branding/make and model which appear the same as those referenced in Request 2 and which were found several months after transmittal of EPA’s Report.

Brand and Equipment Type provided in Appendix D:

- a) Sold-by Entity name;
 - b) Amazon-assigned Seller ID;
 - c) Company registration number;
 - d) Employer Identification Number (EIN);
 - e) Business type (e.g. Publicly-listed business, Privately-owned business, Individual, etc.);
 - f) Seller legal name;
 - g) Business email;
 - h) Business phone number;
 - i) Registered business address;
 - j) Primary contact person and relationship to the Business (e.g. owner, legal representative, etc.);
 - k) Identifying documents of the seller (Passport, Driver's license, etc.);
 - l) Any additional information collected and used by Amazon to confirm the registered business address;
 - m) Whether U.S. based or foreign, any additional Business Name(s), contact persons and relationship to business, addresses, emails, and phone numbers in Amazon's possession for this seller which have not already been provided. Define the data element and provide it by adding it as an additional spreadsheet column;
 - n) Total number of sales of Appendix D listings that have occurred on Your website since January 1, 2021 through the date of this RFI;
 - o) Total number of sales of Appendix D listings that have occurred on Your website since January 1, 2021 through the date of this RFI broken up by the Store name that was used by the seller;
 - p) All Importer of Record name(s) and Importer Number(s)⁶ combinations which Amazon has reason to believe this seller has used to import into the U.S. its sold products. Add additional columns as necessary;
 - q) 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;
 - r) Indicate whether this seller account: 1) remains active, 2) has been temporarily suspended by Amazon and provide the date, 3) has been permanently terminated by Amazon and provide the date, or 4) is under a different status and explain.
- 9) In an **electronic, unlocked spreadsheet**, provide the same sub-requests specified under Request 8 for each seller of any product sold through Your website since July 1, 2022 through the date of this RFI, and which sold products covered by Requests 2-5.
- 10) For any products covered by Request 8 and 9 where Amazon was the Importer of Record, provide all Entry Numbers⁷ for the importation of such products into the U.S.

⁶ See https://help.cbp.gov/s/article/Article-198?language=en_US

⁷ Please contact the EPA to arrange reporting of an alternative shipment identification number if the Entry Number is not available.

Appendix D - List of Subject Brands and Equipment Types

#	Brand ⁸ Name	Equipment Type ⁹ (Gasoline Operated)
1	ANBULL	Bicycle Engine Kit
2	AURELIO	Bicycle Engine Kit
	BAHU	Hedge Trimmer
3	CDHPOWER	Bicycle Engine Kit
4	DEREAL	Chainsaws
5	ExGizmo	Bicycle Engine Kit
6	GARWINNER	Chainsaws
7	HANGKAI	Outboard Motor
8	OUKANING	Outboard Motor
9	DEWANS	Outboard Motor
10	HUYOSEN	Chainsaws
11	IGLOBALBUY	Bicycle Engine Kit
12	MOTOOS	Bicycle Engine Kit
13	OJENAS	Chainsaws
14	SALEM MASTER	Chainsaws
	SEACAN	Outboard Motor
	SICAN INDUSTRY	Outboard Motor
15	WEMARS	Chainsaws
16	WOOSTAR	Replacement Engine
	YUEWO	Bicycle Engine Kit
17	Yaheeda	Bicycle Engine Kit

⁸ May also encompass manufacturer.

⁹ Use discretion to ensure potential variations of these Equipment Types are included. For example, Bicycle Engine Kit may also be described as “Bike Kit” or “Bike Engine” while Outboard Motor may also be described as “Outboard 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 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 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 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: _____

Attachment 1: Copy of EPA's Report transmitted to Amazon on August 12, 2022