



**Q & A for EPA & ACE Filing of Vehicle and Engines & Helpful Tips  
July 9, 2018**

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**Q:** Are E bikes under EPA?

**A:** If they are truly bicycles, no. If they are actually motorcycles (having a headlight, taillight and stoplight), then yes.

**Q:** What about electric bicycles?

**A:** See above.

**Q:** Can an ancient vehicle with a replacement engine over 21 years-old itself still be cleared under box E on EPA form 3520-1 even though it's not in its original state?

**A:** Yes.

**Q:** Can you go over bonding requirements again?

**A:** Two types of bonds: Some temporary importations require standard customs bonds to ensure the merchandise is re-exported. Some manufacturers/certificate holders of small spark ignition engines have few assets in the US and thus must obtain a bond. If the engines being imported come from such a company, enter the required information on the bond. If the engines are from a manufacturer not subject to a bond, enter exempt from bond.

**Q:** Did I understand correctly that if an OEM importer has a certificate of conformity, then as their broker we can use disclaim code B for the 3520-1? That will save us a ton of data input, but how does EPA then audit or verify this is correct? Will customs or EPA then require DIS for the cert of conformity?

**A:** An OEM importer that is importing their own certified equipment can disclaim using Code B. Importers are required to report their importation figures to EPA under separate regulations. Also, just because you disclaim for EPA does not mean ACE won't have a record of what was imported, and EPA can always check that.

**Q:** For OEM's for off-road vehicles..... what is the requirement for reporting EPA info on an item where the filer is the OEM for the vehicle, but the vehicle contains an engine made by someone else?

**A:** A full ACE filing using the 3520-21 (or its Doc ID 943 ACE equivalent) is required if the vehicle or engine is being imported by someone other than the certificate holder.



**Q:** Will we be reviewing the "W" exemption for Light duty replacement engines??

**A: Yes. Used light-duty engines are considered parts and do not have to be declared. Disclaim using code B.**

**Q:** How do you file the EPA declaration through ACE if it is not connected to the entry? We cannot file the entry prior to 5 days out for vessel.

**A: Cannot file ACE without an entry number. As I understand it, an entry (for cargo release) can be filed early (as much as 30 days prior to arrival for an ocean shipment). An entry summary cannot. Please contact your CBP rep to make sure you are clear when you can file EPA data.**

**Q:** If we see "motor" or "engine" on an invoice for machinery, do we need to ask if gas powered? If gas, could be subject to EPA, is that correct? If electric - not subject to EPA, correct?

**A: Correct. Motor or engine could mean it needs EPA. EPA is needed for any fossil fuel (gas, diesel, natural gas, propane, alcohol).**

**Q:** If you disclaim incorrectly (code A or B), what are the steps to correct this if the entry after 10th day entry summary submission?

**A: Email to EPA and upload an image of the correction on a signed letterhead to DIS and e-mail EPA to notify the correction.**

**Q:** Just to confirm: USED, light-duty, non-chassis mounted engines can be disclaimed (code A)?

**A: Correct. Only used light duty vehicle engines can be disclaimed. Use code B, not code A.**

**Q:** So if we are considered OEM do we still need to have broker file data set ?

**A: No.**

**Q:** There is a typo in the link, the "i" at the end of annual

**A: Thanks.**

**Q:** What about Water Craft engines?

**A: All watercraft engines are marine engines and must be declared.**



**Q:** What data is required to be reported for engines to be installed in off-road construction machinery (excavators, etc.)?

**A:** Full data set for EPA Form 3520-21 (Doc ID 943 in ACE).

**Q:** What if the bulldozer is 2010 and the engine 2018? Would that be allowed?

**A:** A newer engine in an older machine is OK for EPA, provided the newer engine is certified.

**Q:** When importing a used unmounted engine, does the importer have a choice: either use the VIN or the engine SN on the EPA Form 3520-1?

**A:** Used unmounted engines are never declared using the 3520-1. If they are used light duty vehicle engines, they can be disclaimed using Code B. If they are engines for something else, the 3520-21 must be used. Engines do not have VINs, they have serial numbers only.

**Q:** Which V&E form do we file for an on-road nonhighway vehicle? (49cc motorcycle, electric golf cart)

**A:** 49cc motorcycles are highway motorcycles, requiring the 3520-1 (Doc ID 942 in ACE). Electric golf carts can be disclaimed using Code A (not regulated). Electric golf carts are not considered on-road vehicles.

**Q:** As a broker, if the 3520-1 / 3520-21 is not required to be completed for EPA V&E PGA submission: how do we as the broker confirm the importers certification statement? Without a completed 3520-1 / 3520-21, what documentation must the broker have on file for recordkeeping purposes?

**A:** If importer is not required to file because something can be disclaimed, their certification statement is not required. The importation (including the HTS code, the government agency, government agency program code, and disclaim code) will still be part of a formal entry in ACE, and that can always be checked by EPA.

**Q:** Do we need to file EPA 3520-1 for remanufactured and or used engines?

**A:** Used light duty vehicle engines are considered parts and can be disclaimed using Code B. Remanufactured light duty vehicle engines do need to be declared using Code W.

**Q:** What does a bond look like?

**A:** Depends on the bond. Usually it is a piece of paper issued by the bonding company.



**Q:** Is it required to report ALL engine serial numbers through the PGA msg set? Example: 1 shipment containing 500 engines each with a different serial number, but all the same model, type etc.

**A: Yes. All serial numbers must be declared, but this can be done in a spreadsheet or denoted as a range (20000001 through 20001234, for example). Remember that at least one serial number must be provided in the PG07 record and then the remaining serial numbers can either be in the PG08 record (which repeats) or in a spreadsheet uploaded to DIS and tagged as EPA02.**

**Q:** EPA V&E PGA filings may be filed 60 days prior to arrival or when the vessel is loaded: (ocean) If the EPA PGA message set / cargo release is submitted certified from the entry summary, it is our understanding that CBP/ACE will hold the PGA message set from being actually submitted to the required PGA for review, until 5 days prior to arrival. Has this policy changed? If so, has this policy changed for all PGAs?

**A: From CBP: "for CBP, entries can be filed in advance. However, if an entry summary is not on file and the bill is not manifested within 30 days the entry will be automatically cancelled. We delay sending data only to FDA." EPA does not actually receive data from ACE therefore the entry can be filed well in advance of arrival. Please note that EPA filings greater than 5 days prior to arrival are currently being processed by ACE. There is no holding of EPA data.**