



# Air Resources Board



**Matthew Rodriguez**  
Secretary for  
Environmental Protection

**Mary D. Nichols, Chair**  
9480 Telstar Avenue, Suite 4  
El Monte, California 91731 • [www.arb.ca.gov](http://www.arb.ca.gov)

**Edmund G. Brown Jr.**  
Governor

November 25, 2015

Reference No. IUC-2015-012

Audi AG  
Porsche AG  
Porsche Cars North America  
Volkswagen AG  
Volkswagen Group of America, Incorporated

Through:

Mr. Walter J. Lewis  
Manager, Regulatory Affairs  
Porsche Cars North America, Incorporated  
980 Hammond Drive, Suite 1000  
Atlanta, Georgia 30328

David Geanacopoulos  
Executive Vice President and General Counsel, Government Affairs  
Volkswagen Group of America  
2200 Ferdinand Porsche Drive  
Herndon, Virginia 20171

Stuart Johnson  
General Manager  
Engineering and Environmental Office  
Volkswagen Group of America  
3800 Hamlin Road  
Auburn Hills, Michigan 48326

RE: Admission of Undisclosed Auxiliary Emission Control Devices or AECs in  
3.0 Liter Diesel Engines

Dear Mr. Lewis, Mr. Geanacopoulos, and Mr. Johnson:

This letter is to advise you that the California Air Resources Board (CARB) has determined that all 3.0 liter model-years 2009-2016 diesel test groups of the manufacturers listed above are in noncompliance with CARB standards promulgated pursuant to Health and Safety Code sections 43100 et seq., among others.

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.*

California Environmental Protection Agency

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In response to CARB's November 2, 2015 letter to Audi AG (Audi), Porsche AG and Porsche Cars North America (Porsche), and Volkswagen AG and Volkswagen Group of America, Incorporated (VW) (Reference No. IUC-2015-011) concerning emission testing results that appeared to confirm the presence of defeat devices in certain 3.0 liter diesel models, Audi and Porsche met with CARB and the U.S. Environmental Protection Agency (U.S. EPA) in separate meetings on November 19, 2015. During the Audi meeting, Audi AG confirmed that the 3.0 liter diesel models identified in the November 2, 2015 letter — and all 2009 and newer 3.0 diesel liters in Audi U.S. models A6, A7, A8, Q5, and Q7 — contained undisclosed Auxiliary Emission Control Devices (AECDs). While the 3.0 liter engine was developed by Audi, the same engines have been used by VW and Porsche in their Touareg and Porsche models since 2009. Audi, Porsche and VW all independently certified their products and, therefore, are individually responsible for their violations and future recall actions.

While some AECDs which are disclosed to CARB as required and meet certain requirements may be approved during the certification process, failure to disclose and obtain ARB approval for AECDs *prior* to certification of products is a violation of law, including Health and Safety Code section 43211 and California Code of Regulations, title 13, section 1903. An AECD may also be considered a defeat device and an additional violation.

Audi, Porsche and VW are expected to take appropriate corrective action to remedy the nonconformity and return these vehicles to claimed certified configurations which meet required standards. In order to take this corrective action, you must submit a recall plan which must include the information required by California Code of Regulations, title 13, section 2114 to CARB for approval no later than 45 business days from the date of this letter. (See Attachment 1.)

CARB is also initiating an enforcement investigation of Audi, Porsche, and VW regarding all model-year 2009 through 2016 light-duty diesel vehicles equipped with 3.0 liter diesel engines. We expect full cooperation in this investigation so this issue can be addressed expeditiously and appropriately.

Sincerely,



Annette Hebert, Chief  
Emissions Compliance, Automotive Regulations, and Science Division

Attachment

cc: See next page

cc: Mr. Byron Bunker, Director  
Compliance Division  
Office of Transportation and Air Quality  
Office of Air and Radiation  
U.S. Environmental Protection Agency

Mr. Linc Wehrly, Director  
Light-Duty Vehicle Center  
U.S. Environmental Protection Agency

Mr. Todd P. Sax, Chief  
Enforcement Division  
California Air Resources Board

Attachment 1  
Recall Plan Requirements (13 CCR 2113-2119)

1. The description of the vehicles and affected California and U.S. population
2. Description of the nonconformity and the specific recalibration and hardware corrective actions to return the vehicles to the certified configuration (i.e., no defeat device and emission compliant)
3. A description of the method by which the manufacturer will determine the names and addresses of vehicle owners and the method for notifying the service facilities and vehicle owners of the recall
4. A description of the procedure to be followed by the vehicle owner to obtain correction. This shall include the date on or after which the owner can have the nonconformity remedied, the time reasonably necessary to perform the labor, and the designation of the facilities that can perform the work
5. A copy of the owner's notification letter
6. A description of the system by which the manufacturer will assure adequate supply of parts
7. A copy of all instructions that will be sent to those performing the repair
8. A description of the impact of the proposed repairs or adjustments on fuel economy, drivability, performance and safety of each vehicle recalled and a brief summary of the data, technical studies, or engineering evaluations which support the data
9. The estimate of the capture rate from the proposed recall and DMV Tie-in
10. A description of the impact of the proposed changes on the average emissions from the vehicle to be recalled. The description shall include:
  - a. Average noncompliance emission levels
  - b. Average emission reduction per pollutant from the recall repair
  - c. An estimate of the average emission level per pollutant for the vehicle adjusted for the capture rate
11. A repair label shall be affixed to each vehicle that is corrected per the approved recall plan (13 CCR 2116)
12. A description of the impact of the proposed changes on the OBD system performance on the vehicle to be recalled. The description shall include:
  - a. OBD demonstration testing for all major monitors
  - b. Identification and disclosure of all OBD monitoring requirements that are not met in the recall calibration



13. The manufacturer shall also provide the owner of each vehicle or engine with a certificate indicating that a noncomplying vehicle or engine has been corrected under the recall program (13 CCR 2117)
14. The manufacturer shall report on the progress of the recall campaign by submitting subsequent reports for six consecutive quarters commencing with the quarter after the recall campaign begins. Such reports shall be submitted no later than 25 days after the close of each calendar quarter (13 CCR 2119)

