such clearinghouse currently exists, this is not a viable option for manufacturers at this time. Whether a clearinghouse is economically and practically feasible in the future will be up to the industry to determine. Although EPA supports the concept of a clearinghouse, EPA has no plans to sponsor a clearinghouse or to be involved in resolving issues necessary to establish a clearinghouse.

For a more detailed review of the comments and EPA's response to these comments, please refer to the Response to Comments document.

EPA Decision: See section III.C. above.

## F. Timeliness

Summary of Proposal: In the NPRM, EPA stated that to be effective, information must be provided in a timely manner. The proposed regulations established specific times within which manufacturers would be required to make available enhanced 11 and generic<sup>12</sup> service information and training information. The proposed regulations required enhanced service information to be made available to independent technicians within one month immediately following model introduction. Generic service information would have to be made available within 8 months immediately following model introduction or no later than the release of information to a manufacturer's franchised dealerships. The proposed regulations also required that during the period between model introduction and the time the required information becomes accessible to independent technicians, each manufacturer, through an expeditious means available to its franchised dealers (e.g., hotline, regional service centers), make available to all independent technicians needed emission-related repair and service information.

Summary of Comments: Some manufacturers commented that it is not appropriate for EPA to prescribe a time schedule for the availability of information. They stated that their time schedule for publishing information has never met EPA schedules and they could not estimate how many years would be needed to meet the proposed requirements.

One manufacturer commented that the timing requirements are unnecessarily severe and unneeded. A few manufacturers suggested that instead of specified times, EPA should specify "without substantial delay."

Some manufacturers asserted that information should be available when cars are offered for sale (i.e., made available to dealers), not before. These commenters stated that OBD systems will be built to a standardized format and, as a result, it is not necessary to know the specifics of the information beyond that format, unless trying to repair a specific car. They believe the aftermarket doesn't need it earlier to integrate it into their publications, since the majority of customers return exclusively to manufacturer dealers for warranty work. According to these manufacturers, providing the aftermarket with the required information within 3-6 months after vehicle introduction should be sufficient.

Several manufacturers commented that independent technicians generally do not require warranty information since owners will not be reimbursed under a manufacturer's emissions warranties for any non-emergency repair.

The Automotive Warehouse Distributor's Association (AWDA) and APAA commented that the proposed regulations generally establish appropriate times. The Automotive Service Association (ASA) believes that all information should be available at the same time it is provided to franchised dealers. ASA also stated that responses to specific requests should be provided within 24 hours, as a customer's vehicle can't be fixed until the information is retrieved. ASIA stated that this "same time" requirement would provide intermediaries with the appropriate leadtime necessary to review, digest, condense, alter, and publish this information for use by the general public and the aftermarket in a timely fashion.

Alldata argued that aftermarket information providers should receive repair information thirty days prior to the dealerships or, as an alternative, at the same time as dealerships.

Analysis of Comments: Manufacturers have argued that since their vehicles seldom have emission-related service performed at an independent service facility during the first two years of customer use (during the 24,000 mile warranty period), the aftermarket service industry does not need service information during that time period. Warranty coverage makes this most economic for customers. However, aftermarket service providers have, at least, a limited need for service information even for new vehicles, since dealer service is not always available when service is needed by the customer, e.g., when a vehicle needs repairs

during the evening or weekends. Further, the Act directs that aftermarket service providers are to receive emission-related service information without regard to whether aftermarket technicians are the persons most likely to repair a vehicle during a certain portion of the vehicle's life. There is no reason to restrict a consumer from obtaining aftermarket service even during a warranty period if the consumer determines it is in her/his best interest to do so. However, the limited need of aftermarket service providers for service information on new model vehicles when the vehicles are first introduced should be reflected in the burden placed on manufacturers, for example, in determining whether manufacturers must finalize service information earlier than they would otherwise do so. Manufacturer comments support delaying the availability of emission-related service information to the aftermarket, most often citing the burden on manufacturers as one of the major reasons. Manufacturers make the case that the proposal may cause them to provide information earlier than is their current practice. However, their comments provide only limited information on any adverse impact of supplying the aftermarket with such information in the time frames proposed.

Some suggested that, prior to some date, the independent service provider can obtain any necessary service information through a dealership. These suggestions would allow dealerships to determine whether the independent service provider is provided the required information in a reasonably timely manner. Placing such an intermediary in control of the dissemination of information is not consistent with the Act which designates manufacturers as being responsible for the availability of emission-related service information.

EPA understands that many of the independent service providers have traditionally relied on aftermarket consolidations of service information. One book or set of books will then provide coverage for a number of manufacturer vehicles. Purchasing these consolidated service information books is less expensive and perhaps more convenient than purchasing the more extensive manufacturer service books. However, with consolidation comes some loss in detail and usefulness. Availability of service information to these republishers is, therefore, also an issue.

Given that the majority of aftermarket emission-related repairs of a vehicle

<sup>&</sup>lt;sup>11</sup>Enhanced service and repair information is specific for an original equipment manufacturer's (OEM) brand of tools and equipment.

<sup>&</sup>lt;sup>12</sup> Generic service and repair information is not specific for an OEM's brand of tools and equipment.