

**Guidance for Federal Agencies:  
Federal Vehicle Fleets  
Energy Independence and Security Act of 2007**

**Background**

Section 141 of the Energy Independence and Security Act (EISA) entitled “Federal Vehicle Fleets,” amends Section 303 of the Energy Policy Act of 1992 (EPAAct1992) (42 U.S.C. § 13212). It supports the goal of reducing greenhouse gas (GHG) emissions by requiring federal agencies to purchase low GHG-emitting vehicles.

In order to facilitate the purchase of low GHG-emitting vehicles by the federal government, EISA § 141 directs the Administrator of the Environmental Protection Agency (EPA) to define what a low GHG-emitting vehicle is and to identify annually the makes and models of such vehicles. This guidance explains the criteria EPA uses to identify low GHG-emitting vehicles, directs federal agencies to EPA’s web-based Green Vehicle Guide for up-to-date information about light duty vehicles certified for sale in the United States and provides the necessary information and resources for federal agencies to implement EISA § 141.

**I. What does § 141 of the Energy Independence and Security Act of 2007 require of federal agencies?**

Section 141 requires that federal agencies acquire (purchase, lease, or acquire through transfer) light duty motor vehicles and medium duty passenger vehicles (MDPVs) that are low GHG-emitting vehicles. Therefore, EISA § 141 applies only to newly acquired vehicles and not to an agency’s existing mix of vehicles. Under § 141, light duty motor vehicles include both passenger cars and light duty trucks (e.g., pickup trucks, minivans, passenger vans, and sport-utility vehicles at or under 8,500 pounds (lbs.) gross vehicle weight rating (GVWR) and at or under 6,000 lbs. curb weight). Examples of passenger cars include Chevrolet Malibu, Ford Fusion, Toyota Camry, Chrysler Sebring and Dodge Avenger. Examples of light duty trucks include Dodge Magnum, Nissan Pathfinder, GMC Canyon, Chevrolet Suburban and Ford F150. Please note, not all configurations of these trucks can be classified as light duty. MDPVs have a GVWR between 8,500 lbs and 10,000 lbs and are designed to primarily transport persons. Examples of MDPVs include certain configurations of the Ford Expedition, Ford Club Wagon, Chevrolet Suburban and GMC Yukon. Heavy duty trucks (e.g., pickup trucks and non-passenger vans over 8,500 lbs. GVWR or 6,000 lbs. curb weight) are outside the scope of § 141 and, therefore, are not addressed by this guidance.

**II. Is my agency subject to EISA § 141?**

Section 141 applies to all federal agencies, except for offices of the legislative branch but includes the United States House of Representatives when vehicles are acquired using a Member’s Representational Allowance. Federal agencies include offices of the judicial branch and executive branch including executive departments, independent establishments and government corporations. For a list of federal agencies please use *The United States Government Manual (2007/2008)*, which can be found at [www.gpoaccess.gov/gmanual/index.html](http://www.gpoaccess.gov/gmanual/index.html). The list can be found at [www.gpoaccess.gov/gmanual/browse-gm-07.html](http://www.gpoaccess.gov/gmanual/browse-gm-07.html).

### III. How does EPA quantify GHG emissions from light duty vehicles?

Pursuant to 40 C.F.R. Parts 86 and 600, EPA obtains vehicle GHG emissions information from our vehicle certification and fuel economy labeling programs. These programs include requirements for vehicle manufacturers to test their vehicles over a variety of defined federal test procedures and report the results to EPA. The test procedure drive cycles are designed to simulate real-world driving conditions. During the test, vehicle manufacturers measure the mileage driven and the amount of some or all of the following exhaust system constituents: total hydrocarbons (THC), carbon monoxide (CO), oxides of nitrogen (NO<sub>x</sub>), carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>) and particulate matter (PM). The GHG constituents (CO<sub>2</sub>, CH<sub>4</sub>, and a factor for nitrous oxides) are combined to quantify a vehicle model's CO<sub>2</sub> equivalent (CO<sub>2</sub>e) emissions. Currently, a vehicle model's CO<sub>2</sub>e emissions do not account for emissions of air conditioner refrigerants, such as hydrofluorocarbons (HFC); however, EPA is currently examining ways to better account for these emissions from vehicles. The test results provide EPA with a vehicle's tailpipe emissions in grams/mile and are indicative of a vehicle's environmental performance, including GHG emissions performance.

To fully assess a vehicle model's GHG emissions, EPA uses a fuel lifecycle assessment. As a result, EPA adds additional GHG emissions that result from the extraction, refining and distribution of fuel to a vehicle's tailpipe emissions. For renewable fuels, the additional GHG emissions reflect the emissions from farming and processing the feedstock. Using a fuel lifecycle assessment allows EPA to compare the GHG performance of all vehicles on the market, regardless of the type of fuel they require. This aspect of assessing vehicle GHG performance is particularly important as a variety of different fuels become more widely available in the marketplace, including diesel and E85. Table 1 lists those emissions associated with refining, production, processing and distribution of different fuels, referred to as non-tailpipe emissions. Note that EPA is currently updating our assessment of the non-tailpipe CO<sub>2</sub>e emissions for each type of fuel and additional fuels are being evaluated. As a result, the values in Table 1 are expected to change in the future.

EPA's lifecycle approach of assessing CO<sub>2</sub>e emissions creates a complete GHG summary of the vehicle and the fuel for which it is designed to operate. This method of evaluating GHG performance allows EPA to properly and equitably compare all vehicles, regardless of the fuel used, and to articulate vehicle GHG performance to car consumers.

Fuel Type	CO <sub>2</sub> e per Gallon of Fuel	
	Pounds	Grams
Gasoline	5.54	2,510.74
Diesel	5.48	2,487.85
E85	0.99	449.16
LPG	2.17	985.00
CNG	4.61	2,089.04

### IV. What is a low GHG-emitting vehicle as it applies to EISA § 141?

For each model year, EPA lists the GHG emissions performance (i.e., measurement of lifecycle CO<sub>2</sub>e emissions as described above) for each light duty vehicle model sold in the U.S. in our Green Vehicle Guide. This can be found at [www.epa.gov/greenvehicles](http://www.epa.gov/greenvehicles). The Green Vehicle Guide also provides an air pollution score for a combination of other air pollutants such as THC, CO, PM and NO<sub>x</sub>; however, the air pollution score is not considered under EISA § 141, which addresses only GHG emissions.

GHG Score	CO <sub>2</sub> e emissions (grams/mile)
10	< 287
9	287 to < 340
8	341 to < 401
7	402 to < 463
6	464 to < 517
5	518 to < 584
4	585 to < 640
3	641 to < 693
2	694 to < 752
1	753 to < 799
0	> 800

Every light duty vehicle model is given a GHG score from 0 to 10 based on its CO<sub>2</sub>e emissions. Table 2 lists GHG scores and corresponding CO<sub>2</sub>e emissions for the 2009 model year

In order to define a “low GHG-emitting vehicle,” EISA § 141 directs EPA to “take into account the most stringent standards for vehicle greenhouse gas emissions applicable to and enforceable against motor vehicle manufacturers for vehicles sold anywhere in the United States.” Currently, there are no GHG standards for vehicles sold in the U.S. that meet this directive.

To define a low GHG-emitting vehicle, EPA analyzed the emissions from the entire fleet of cars and trucks for sale in the U.S. for the 2008 and 2009 model years. To qualify as a low

GHG-emitting vehicle, a vehicle must clearly achieve better than average emissions performance. **For passenger cars this requires a GHG score of 7 or higher. For light duty trucks and MDPVs this requires a GHG score of 6 or higher.** Table 2 lists the corresponding range of CO<sub>2</sub>e emissions for each GHG score.

In summary, as shown in Table 3, low GHG-emitting passenger cars must achieve an EPA GHG score of 7 or higher; low GHG-emitting light duty trucks and MDPVs must achieve an EPA GHG score of 6 or higher. The EPA GHG score for every vehicle available in the U.S. is published in EPA’s Green Vehicle Guide, which can be found at [www.epa.gov/greenvehicles](http://www.epa.gov/greenvehicles).

Model Year	Cars	Light Duty Trucks and MDPVs
2008	7, 8, 9, or 10	6, 7, 8, 9, or 10
2009	7, 8, 9, or 10	6, 7, 8, 9, or 10

In future model years, as vehicle greenhouse gas emissions standards become applicable or as the overall GHG performance of the vehicle fleet changes, EPA may adjust the definition of a low GHG-emitting vehicle.

**V. How do I find and identify vehicles that are low GHG-emitting vehicles?**

EPA has added features to our existing Green Vehicle Guide ([www.epa.gov/greenvehicles](http://www.epa.gov/greenvehicles)) to allow users to generate an up-to-date list of all low GHG-emitting vehicles. Users can create model year or state specific lists of low GHG-emitting passenger cars or trucks that are available as well as use the Green Vehicle Guide to look up the GHG score of any light duty vehicle sold in the U.S. To generate a list of low GHG-emitting vehicles select the ‘Federal Vehicle Acquisition’ link on the left hand navigation bar of the Green Vehicle Guide or navigate directly to [www.epa.gov/greenvehicles/Federalfleet.do](http://www.epa.gov/greenvehicles/Federalfleet.do).

Once there, select the state in which you plan to acquire the vehicle, the model year of interest and the specific vehicle type (i.e., cars or trucks). For a comprehensive list of EISA § 141 eligible cars or light trucks, select “All States” within the drop down list. From the list established, you can click on each vehicle and a detailed description with vehicle specifications is provided. At the top of the vehicle specifications page, you can select a printable Car Buyer’s Check Sheet. This will help to identify the exact vehicle intended for acquisition and can be used to customize the vehicle intended for acquisition in the U.S. General Services Administration’s (GSA) AutoChoice. The Check Sheet can also be provided directly to a dealership or leasing organization.

Due to certain federal requirements regarding emissions certification, there may be multiple listings for vehicles that otherwise appear to be identical. Viewing the detailed description of a vehicle will provide information on the differences between vehicles.

EPA updates the Green Vehicle Guide regularly to reflect new emissions data submitted by vehicle manufacturers throughout the model year. Therefore, for the most up-to-date list of available low GHG-emitting vehicles, you should always reference the Federal Vehicle Acquisition pages of the Green Vehicle Guide ([www.epa.gov/greenvehicles/Federalfleet.do](http://www.epa.gov/greenvehicles/Federalfleet.do)).

Dedicated electric vehicles are not currently listed in EPA's Green Vehicle Guide. At this time we will consider dedicated electric vehicles of all sizes, including neighborhood electric vehicles, to achieve a GHG score of 10. An electric vehicle, as defined by EPA Act 1992 § 601, is a motor vehicle primarily powered by an electric motor that draws current from rechargeable storage batteries, fuel cells, photovoltaic arrays, or other sources of electric current.

## **VI. Are there exceptions to the requirement to acquire only low GHG-emitting vehicles?**

Section 141 provides two exceptions to the requirement to acquire low GHG-emitting vehicles. The first exception applies in cases where no low GHG-emitting vehicle is available that meets the **functional needs** of the agency. The second exception applies where an agency has taken specific **alternative measures** to reduce petroleum consumption and GHG emissions.

### **A. How does the “functional needs” exception work?**

Section 141 states that the requirements to purchase low GHG-emitting vehicles “shall not apply...if the head of the agency certifies in writing, in a separate certification for each individual vehicle purchased,...that no low greenhouse emitting vehicle is available to the meet the functional needs of the agency and details in writing the functional needs that could not be met with a low greenhouse gas emitting vehicle...” Examples of where this exception could reasonably apply are to vehicles such as 4-wheel drive pickup trucks necessary for off-road applications or snow plowing, and vehicles with special features necessary for law enforcement, emergency situations, on-site work or personal security.

The head of the federal agency, or his or her designee, is responsible for making such a determination. EPA cannot make this determination and agencies are not required to report such determinations to EPA. EPA recommends that the agency establish an agency-wide method for documenting its determinations and maintain records of such determinations for at least five years and/or in accordance with agency specific recordkeeping requirements.

### **B. How does the “alternative measures” exception work?**

Section 141 states that the requirement to purchase low GHG-emitting vehicles “shall not apply...if the head of the agency certifies in writing, in a separate certification for each individual vehicle purchased...that the agency has taken specific more cost-effective measures to reduce petroleum consumption that (I) have reduced a measured and verified quantity of greenhouse gas emissions equal to or greater than the quantity of greenhouse reductions that would have been achieved through acquisition of a low greenhouse gas emitting vehicle over the lifetime of the vehicle; or (II) will reduce

each year a measured and verifiable quantity of greenhouse gas emissions equal to or greater than the quantity of greenhouse gas reductions that would have been achieved each year through the acquisition of a low greenhouse gas emitting vehicle.”

This exception essentially allows agencies to acquire vehicles that are non-low GHG-emitting vehicles if agencies can offset the petroleum consumption and GHG emissions. A range of offsetting reduction strategies can be contemplated, such as reducing vehicle miles traveled, reducing the number of vehicles owned and operated or reducing winter temperatures in buildings heated by oil. More information on alternative measures is provided on the Federal Vehicle Acquisition pages of the Green Vehicle Guide, [www.epa.gov/greenvehicles/Federalfleet.do](http://www.epa.gov/greenvehicles/Federalfleet.do).

The head of the federal agency, or his or her designee, is responsible for determining the appropriate cost-effective alternative measures and for quantifying the GHG emission reductions associated with the measure. Federal agencies are not required to consult with, receive approval from, or report alternative measure determinations to EPA. EPA recommends that the agency establish an agency-wide method for documenting the basis for its determination and maintain records of such determinations for at least five years and/or in accordance with agency specific recordkeeping requirements.

**C. Can a federal agency average all of their acquired vehicle’s emissions together to comply with EISA § 141?**

The purpose of § 141 is to reduce GHG emissions from vehicles acquired by federal agencies. The simplest and most direct way to implement § 141 is to acquire and use low GHG-emitting vehicles as defined by this guidance document. Recognizing that federal agencies require flexibility to acquire a wide range of vehicles for diverse vehicle applications, EPA has developed an agency-wide GHG emissions averaging system consistent with the “alternative measures” exception described above. This averaging system will allow federal agencies to acquire a mix of different vehicles with varying GHG scores and still comply with EISA § 141. Using this system, agencies can acquire passenger cars that have GHG scores below 7 and trucks that have GHG scores below 6, as long as those vehicles are offset by vehicles that have GHG scores above 7 for cars and above 6 for trucks. Those vehicles that are acquired under the “functional needs” exception described in Section VI(A) of this guidance should not be included in this averaging system.

To help federal agencies implement this GHG emissions averaging system and for general assistance quantifying GHG emissions from vehicles, EPA has developed the Federal Vehicle GHG Emission Assessment Tool. The Assessment Tool can be downloaded from the Green Vehicle Guide’s Federal Vehicle Acquisition website at [www.epa.gov/greenvehicles/Federalfleet.do](http://www.epa.gov/greenvehicles/Federalfleet.do). It is a spreadsheet based calculator that assists federal agencies with tracking and quantifying the GHG emissions associated with the vehicles they acquire. Users of the tool simply input the number of passenger cars and trucks they intend to acquire within each GHG score. The tool performs three main functions based on the number of vehicles entered in the tool:

1. It quantifies the Agency’s annual GHG emissions summary;
2. It calculates the Agency’s EISA GHG emissions limit; and
3. It compares the Agency’s annual GHG emissions summary to its EISA GHG limit.

If your Agency's annual GHG emissions summary is less than your Agency's GHG emissions limit, your agency complies with EISA § 141. If your Agency's annual GHG emissions summary is greater than your Agency's GHG emissions limit, your agency must re-evaluate your vehicle acquisition mix and/or implement further GHG emission reduction measures equivalent to the calculated deficit as allowed by the "alternative measures" exception described in Section VI(B) of this guidance. A surplus of CO<sub>2</sub>e emissions demonstrates compliance with EISA § 141. Agencies may not, under this guidance, bank CO<sub>2</sub>e emissions credits for use in later years, trade CO<sub>2</sub>e emissions credits or purchase CO<sub>2</sub>e emissions credits from other agencies in order to comply with EISA § 141, since no such mechanisms are provided in the legislation. Compliance is agency-specific. The tool can also be used to quantify an agency's GHG emissions if it chooses to implement other mobile source related GHG emission reduction measures, such as reductions in vehicle miles traveled. In this instance, the user would modify the average annual mileage value used to calculate the annual GHG emission rate.

Section 141 applies at the point of vehicle acquisition; therefore, EPA recommends calculating your Agency's EISA GHG emissions limit and annual GHG emissions summary when developing your Agency's acquisition plans. The Assessment Tool can be maintained and updated as vehicle acquisition decisions are made throughout the year. An agency's EISA GHG emissions limit will change as vehicles are replaced, disposed and acquired. EPA also recommends calculating your Agency's annual GHG emissions summary for a fiscal year or ordering cycle after all vehicle acquisition activity is completed. The timing will be dependent on each agency's purchasing practices and can be done in coordination with requirements of the Federal Management Regulations (41 C.F.R. § 102).

The Assessment Tool can be used to verify and quantify the GHG emissions from mobile source related activities as required by the "alternative measures" exception. To satisfy the certification requirement, the head of an agency, or his or her designee, should certify that the Assessment Tool properly documents and accounts for all applicable vehicle acquisitions in the period specified.

Figure 1 shows a screen capture of the Federal Vehicle GHG Emission Assessment Tool displaying a hypothetical mix of 43 cars and 23 trucks with varying GHG scores. In this example, the hypothetical agency's annual GHG emissions summary is 261.5 metric tons CO<sub>2</sub>e/year. The agency's EISA GHG emissions limit is 266.2 metric tons CO<sub>2</sub>e/year. The mix of vehicles acquired by this Agency generates a surplus of 4.7 metric tons CO<sub>2</sub>e/year and as a result, the agency complies with EISA § 141.

Figure 1.

**DRAFT**  
Federal Vehicle GHG Emission Assessment Tool: MY 2009

Average Annual Mileage:		Cars	Trucks
		8,500	8,500

  

Greenhouse Gas Score Criteria: MY 2009		Enter the number of cars/trucks acquired by your agency:		CO <sub>2</sub> Equivalent Performance	
GHG Score	Avg. CO <sub>2</sub> e (grams/mile)	# of Cars	# of Trucks	Cars (Metric tons)	Trucks (Metric tons)
10	254				
9	315				
8	374	15		47.7	
7	436	6	3	22.2	11.1
6	494	12	15	50.4	63.0
5	555	10		47.2	
4	616		5		26.2
3	667				
2	736				
1	794				
0	922				
Totals:		43	23	167.5	100.3
		EISA Limit:		170.0	102.6
		Difference:		2.5	2.4

  

Annual GHG Emissions Summary		
Summary:	<b>267.8</b>	Metric tons CO <sub>2</sub> e
EISA Limit:	<b>272.6</b>	Metric tons CO <sub>2</sub> e
Your Surplus:	<b>4.8</b>	Metric tons CO <sub>2</sub> e

**D. Is the GHG emissions averaging system for an agency’s fleet nationwide or is it calculated based on a metropolitan statistical area (MSA) for a federal fleet?**

No vehicle acquired by a federal agency is excluded from EISA § 141; therefore, an agency should consider all of its vehicles nationwide, not solely those located in a MSA. However, the head of each agency may designate a person or person(s) to be responsible for implementing EISA § 141, which may result in geographic clusters of vehicles. In these instances an agency head, or his or her designee, may decide that the averaging system can be used for each geographic cluster of vehicles.

**VII. How Does EISA § 141 interact with the requirements of Section 303(b) of EAct1992 (42 U.S.C. § 13212)?**

As described in this guidance document, EISA § 141 requires that federal agencies acquire only low GHG-emitting vehicles. Section 303(b) of EAct1992 requires that 75% of the total number of vehicles acquired by a federal agency for its fleet be alternative fueled vehicles (AFVs). Many AFVs - particularly flexible fuel vehicles (FFVs) that are capable of operating with both gasoline and E85 - would not qualify as low GHG-emitting vehicles, especially if the agency intends to operate the vehicle with gasoline. As discussed further in Section IX, the fuel with which an agency intends to operate a vehicle is to be considered when determining if a vehicle is a low GHG-emitting vehicle. Furthermore, Section 2862 of the National Defense Authorization Act of 2008 (NDAA 2008) amends EAct1992 (42 U.S.C. § 13211(3)) by adding the following vehicles to the definition of an AFV:

1. a new qualified fuel cell motor vehicle (as defined by 26 U.S.C. 30B(b)(3));
2. a new advanced lean burn technology motor vehicle (as defined by 26 U.S.C. 30B(c)(3));
3. a new qualified hybrid motor vehicle (as defined by 26 U.S.C. 30B(d)(3)); and

4. any other type of vehicle that the Administrator of the Environmental Protection Agency demonstrates to the Secretary of Energy would achieve a significant reduction in petroleum consumption.

[Pending final determination by DOE.] EPA and the Department of Energy (DOE) agree that operating low GHG-emitting vehicles, as defined in this guidance, will achieve a significant reduction in petroleum consumption. Therefore, in accordance with the fourth definition listed in NDAA 2008 and EPCA1992, low GHG-emitting vehicles qualify as AFVs.

In summary, based on the new definition of AFV, passenger cars that achieve an EPA GHG score of 7 or higher and light duty trucks and medium duty passenger vehicles that achieve an EPA GHG score of 6 or higher shall be defined as AFVs, for the purpose of complying with EPCA1992 § 303. This will eliminate potential conflicts between EISA § 141 and EPCA1992 § 303(b). However, it should be noted that agencies are still required to increase alternative fuel use under Section 142 of EISA.

### **VIII. How are MDPVs Addressed?**

In accordance with 49 C.F.R. § 523.2, a MDPV has a GVWR of greater than 8,500 lbs. but less than 10,000 lbs. (or a curb weight greater than 6,000 lbs.) and is designed primarily to transport less than 12 passengers or less than 9 passengers rearward of the driver's seat. In addition, it is not equipped with an open cargo area of 72.0 inches in interior length or more.

As current fuel economy standards do not apply to MDPVs, EPA has only limited data on their GHG emissions. We are currently working with the vehicle manufacturers to obtain such data. Beginning with model year 2011, manufacturers will be required to provide this data to EPA. When the data becomes available, EPA anticipates defining low GHG-emitting MDPVs the same as light duty trucks. At this time we do not believe that there are any MDPVs that are low GHG-emitting vehicles using the light duty truck definition. For the 2008 and 2009 model years, federal agencies requiring MDPVs should consider whether the "functional needs" exception described under Section VI above is appropriate.

### **IX. What if the vehicle that I am interested in purchasing only meets the GHG emission threshold using an alternative fuel?**

Each fuel (gasoline, diesel, E85, LPG, and CNG) has a different chemical composition, carbon content and heating value. A fuel's heating value measures the amount of heat released or energy generated when a specified quantity is combusted. These differences are accounted for in the variation in the CO<sub>2</sub>e emission rates in Table 2. Therefore, vehicles that achieve a specific GHG score based solely on the use of a fuel other than gasoline (e.g., E85) must be fueled with the alternative fuel in order to comply with EISA § 141. The fuel type used to determine the GHG score is clearly identified on the list of low GHG-emitting vehicles generated when using the Green Vehicle Guide website.

At the time an AFV is acquired, if an agency intends to operate it with alternative fuel and, based on use of the alternative fuel, the vehicle meets the definition of a low GHG-emitting vehicle, then the agency has met the intent of EISA § 141. If an agency decides to utilize the agency-wide GHG emissions averaging system, the appropriate GHG score for each vehicle would be the GHG score that corresponds to the fuel on which the agency intends to operate the vehicle. If an agency acquires an AFV that it intends to use in an area where the

alternative fuel is not available then it should use the GHG score that corresponds to gasoline and a waiver must be approved for that vehicle in accordance with Section 701 of the Energy Policy Act of 2005.

Instances of an agency relocating an AFV to an area where the alternative fuel is not readily available is beyond the scope of EISA § 141, which applies at the time of vehicle acquisition. However, agencies should consider EPCA1992 fuel use requirements when deciding to relocate an AFV to an area where the alternative fuel is not available.

To find a fueling station for an alternative fuel, please visit [http://www.eere.energy.gov/afdc/stations/find\\_station.php](http://www.eere.energy.gov/afdc/stations/find_station.php).

#### **X. Are government-owned contractor-operated vehicles included?**

Yes, government-owned contractor-operated vehicles are subject to the provisions of EISA § 141. Executive Order 13149, Sec. 505 (42 U.S.C. § 13212) states that “Agencies must ensure that all Government-owned contractor-operated vehicles comply with all applicable goals and other requirements of this order and that these goals and requirements are incorporated into each contractor’s management contract.” Therefore, the requirement to purchase low GHG-emitting vehicles, as defined in Section IV of this guidance document, should be included in each contractor’s management contract, as appropriate. If an agency chooses to utilize the agency-wide GHG emissions averaging system as described in Section VI(C) of this guidance document, it should include government-owned contractor-operated vehicles. An agency may also elect to utilize one of the exceptions as defined in Sections VI(A) and (B), as appropriate.

#### **XI. What about vehicles purchased in the United States and operated outside of the United States?**

EISA § 141 requires that in determining which vehicles are low GHG-emitting, EPA consider standards “applicable to and enforceable against motor vehicle manufacturers for vehicles sold anywhere in the United States.” Therefore, EISA § 141 applies to the acquisition of vehicles manufactured for sale in the U.S., including territories and possessions of the U.S., but shipped overseas for operation. Agencies should include these vehicles if they elect to use the agency-wide GHG emissions averaging system. Vehicles manufactured for sale outside the U.S. are beyond the scope of EISA § 141.

#### **XII. What if my agency wants to acquire vehicles that are from a model year prior to model year 2008?**

The Green Vehicle Guide begins with model year 2000. Therefore, agencies should use the GHG score provided in the Green Vehicle Guide for model year 2007 and earlier vehicles.

#### **XIII. Does EISA § 141 apply to all individual vehicle acquisitions or only vehicles associated with fleets as defined by Section 301 of the Energy Policy Act of 1992 (42 U.S.C. § 13211)?**

Section 301(9) of the Energy Policy Act of 1992 (42 U.S.C. § 13211(9)), for applicability purposes, defines “fleet” to mean “a group of 20 or more light duty motor vehicles, used primarily in a metropolitan statistical area or consolidated metropolitan statistical area, . . . , that are centrally fueled or capable of being centrally fueled and are owned, operated, leased, or otherwise controlled by a governmental entity . . . , except that such term does not include – (D) law enforcement motor vehicles; (E) emergency motor vehicles; and (F) motor vehicles acquired and used for military purposes that the Secretary of Defense has certified to the Secretary [of

Energy] must be exempt for national security reasons;...” Section 141 of EISA, which amends EAct1992 § 303 (42 U.S.C. § 13212), is written in terms of individual “vehicles” not fleets. Furthermore, if an agency elects to utilize one of the exceptions described in Section VI of this guidance document, the agency head is required to provide separate certification for each individual vehicle purchased. Therefore, EISA § 141 applies to all vehicles acquired by a federal agency, regardless of the size and location of its fleet(s).

#### **XIV. What are the recordkeeping requirements?**

Section 141 requires that agency heads, or his or her designee(s), “certify in writing, for each individual vehicle purchased” when a non-low GHG-emitting vehicle is covered under the “functional needs” or “alternative measures” exceptions described in Section VI of this guidance document. Agencies should also maintain records documenting the use of the GHG emissions averaging system. In addition, agencies should be aware that GSA intends to include this information, as well as information on the acquisition of low GHG-emitting vehicles, in its annual Federal Fleet Report. Until such time, EPA recommends federal agencies develop agency-specific methods for maintaining the data or information necessary for demonstrating compliance with EISA § 141.

#### **XV. What are the reporting requirements?**

Section 141 of EISA imposes no specific reporting requirements on federal agencies. Therefore, no reports should be submitted to EPA. However, 41 C.F.R. § 102-34.75, Motor Vehicle Management, requires that agencies provide GSA, Federal Vehicle Policy Division (MT), on an annual basis, a synopsis of their motor vehicle leases and purchases. This is currently accomplished through use of the Federal Automotive Statistical Tool (FAST). EPA has had extensive discussions with GSA and DOE and all parties agree that acquisition of low GHG-emitting vehicles should be incorporated into the FAST system for reporting purposes. Upon completion of the necessary updates to FAST, federal agencies will be able to enter the relevant low GHG-emitting vehicle information on an annual basis.