
Someone Doesn't Want You to Have the Car of Your Dreams, and It Isn't the United States Government



AARON KILEY

*Free enterprise got caught with its face in the trough
when the government tried to streamline part of the Clean Air Act.*

BY PATRICK BEDARD

• As a car enthusiast in this era of persecution, you surely have had the feeling that some amorphous, bureaucratic *they* was trying to do it to you. That same feeling will persist when you finish this piece, but *they* will have names.

All car enthusiasm revolves around a central fantasy, which is the hope of someday owning the car of your dreams. As an enthusiast, you dream of owning a (insert here the name of the exotic import that makes your heart

beat fast).

That fantasy was squashed for most of us in 1970 when the Clean Air Act was amended to prohibit the importation of any post-1968 automobile that doesn't meet federal specifications. Naturally, there are a few exceptions: racing cars, test cars, and show cars can be brought in if you can prove that's what they are. For ordinary cruising-around street cars, however, importation is impossible unless you're willing to spend

up to \$20,000 beyond the price of the car to bring it into compliance with federal regs. Yet despite the cost and hassle, a surprisingly large total of 1400 cars are brought in and certified each year.

That's one way of looking at the ingress. On the other hand, you could say *only* 1400 cars. In a country with 130 million cars and light trucks driving around, another 1400 doesn't even show up on the seismograph. Moreover,

when there is no requirement that the owners of those 130 million vehicles keep them in good tune once they've driven them out of the showroom, you know that a substantial number of the "controlled" cars will be greater polluters than the well-kept "uncontrolled" cars. So what does all this compliance hassle do for America, anyway?

Maybe nothing at all, the EPA has been thinking, except waste a lot of bureaucratic time and taxpayer money trying to keep all the red tape sticky side down as the agency processes the 1400

The proposed rules change seems like divine intercession, but the word is that the fix is in.

cars a year. If the purpose of the Clean Air Act is to provide clean air, which it is—and not to ban fancy cars, which it isn't—maybe the EPA's resources could be more profitably directed elsewhere.

So, in what seems like a truly enlightened move on the part of the bureaucracy, the EPA published a proposed change of rules in the July 21, 1980, *Federal Register*. The gist of it is that cars could no longer be imported subject to later certification by the two methods outlined previously. If they haven't been certified through official channels, they can't come in—except for racing cars, test cars, and show cars, which would continue to be exempt.

However, so that citizens would not be prevented from owning the cars of their dreams, individuals would be granted a one-time exemption to bring in an uncontrolled car. No subsequent butchering would be necessary to bring it into compliance. You could keep it exactly as the factory built it, which would greatly enhance its value as a collector's piece. All that would be necessary to qualify for the exemption would be a statement that the car is for personal use, not resale, and that the individual has not brought in any other car since the Clean Air Act amendments went into effect in 1970.

For the car enthusiast, the whole idea seems like divine intercession—until you discover that the proposal applies to emissions only. The DOT—stuffed with Claybrookian anti-car Nazis when the change was proposed—wouldn't play ball. Any car brought in under the new EPA rules, if enacted, would still

have to meet all safety regulations. But that has always been an easier job than the desmogging process anyway, so there seemed much to rejoice about. Finally those castoff Ferraris, Lamborghinis, Maseratis, Porsche Turbos, etc., languishing on the lots of Europe, could be given new homes in our garages. Since nobody drives cars of this sort very much anyway, there would be no measurable deterioration in air quality. Who could possibly object?

Here's where we start naming names. Of the eleven people who showed up to testify at the hearing on November 3, 1980, one guy—William R. Long of the Alfa Romeo owners' club—spoke in favor of the proposal. Another individual seemed mainly concerned with preserving the exemption for racing cars. All the rest spoke passionately against the new rule.

Who would troop down to Washington to stomp on your most cherished fantasy?

Businessmen, that's who.

The proceedings were launched with the Tweedledee and Tweedledum act of Edward G. Connelly and Robert M. McElwaine, respectively chairman and president of the American International Automobile Dealers Association. Connelly said, "It is difficult, indeed, to ascertain any beneficial consequences of this proposal, and one searches in vain for any plausible reason for entertaining the concept at all." He then tried to put an antisocial cast on the cars that would be imported under the new rule by saying, "The bulk of these cars would be so-called performance automobiles, high-speed sporting automobiles, largely built in Europe for aficionados." To emphasize the magnitude of this menace, he warned that the number of uncontrolled imports would jump to 100,000 annually within a few years.

McElwaine, when his turn came, estimated that one-third of the imported "performance class" cars—defined as Porsche, Mercedes-Benz, Ferrari, Lancia, BMW, Jaguar, Alfa, Maserati, etc.—now sold in the U.S. would be replaced by cars directly imported by individuals. Then came the word from the sponsor: "There are 1578 U.S. businessmen dependent in whole or in part on the sale of such vehicles. These small enterprises provide employment for 47,000 U.S. workers with an annual payroll of more than \$500 million."

If the EPA hadn't realized what the deal was before, it did now. Here was

the independent American businessman trying to use the Clean Air Act to shield his own profits. What a splendid setup. We of the car-buying public would never know what hit us. We don't have time to sift through the soporific prose of the *Federal Register* just to see when there might be some hearing that determines the future of our automobile hobby, and we certainly don't have the resources to fly to Washington and speak in our own behalf. So the car sellers were having a field day. They were down there sandbagging the bureaucrats, while we were all busy at our nine-to-fives. They were going to get the deed to the ranch before sunset.

Philip A. Hutchinson came on for Volkswagen of America, Inc. He speculated that as much as half of all Porsche sales in this country would be siphoned off by individuals bringing in European models. In effect, he was admitting that the Porsches sold here aren't as desirable as those sold in Europe. He also saw a market here for cars that his company doesn't import, such as the Porsche Turbo—and the Beetle, which is still made in Mexico, Brazil, and Nigeria. He did not explain, however, why his company isn't catering to the Turbo and Beetle customers here whose desires are apparently so strong.

Gary E. Rodrigues, representing Ferrari of North America, a subsidiary of Fiat Motors of North America, Inc., came right out and said the Ferrari dealership network "would cease to exist."

Without question, the new rules would make problems for Ferrari of North America. The factory has always dragged its feet in adapting models to the U.S. specifications; those that do go through the process lose power, gain weight, and become seriously expensive. Moreover, the factory refuses to certify the full range of models, sending only eight-cylinder cars here as a sort of punishment for our irreverence in applying government standards to its magnificent cars. As a consequence, there is already a considerable "gray market" for European-spec Ferraris—particularly the expensive Boxer—that are brought in through private efforts and legalized here. It really hurts Rodrigues that his dealers don't get a piece of that action.

He has two possible responses: beat on the factory to get it in line with the market, or come down to Washington and see if he can persuade the EPA that restraint of trade is in the interest of the

Clean Air Act. He chose the latter: "We believe the best way to solve the problems posed by the current EPA regulations is a total ban on the importation of motor vehicles that do not comply with federal emission standards. . . . There currently are dozens of items Americans cannot import into this country. We do

"If you will pass this act it will be a lot more worse than what we got now."

not believe adding an additional item to this list would cause great problems for consumers."

Few of the commenters could equal Rodrigues's polished delivery, but they were all equally shameless in selling their own financial interests—although they always backed into the subject after appearing to speak for the public good. One of the most flagrant was a guy who opened as follows: "My name is Al Mardikian, from Trend Imports, chief engineer and the president. I am engaged to legalize nonconforming European vehicles for U.S. customers, and importing them for resale also.

"First, I'm against this act proposed by your department for various reasons. But the most important reasons which have concerned me the most are the health of the American public, especially in California, my state, which the air pollution with all modified vehicles in the country, it's tremendous. If you will pass this act, it will be a lot more worse than what we got now."

Mardikian said he legalizes about 100 cars a year, 25 of which he imports himself for resale. As for the effect of the new rules, his story was familiar. "We're going to have a lot on unemployment again. I mean, I have fifteen people, you know, are going to be unemployed."

In fact, he could already feel the chilling effect just from his customers' suspecting there might be a rules change in the wind. How did he know? "Well, for the past four months, whenever these proposed regulations, I have not sold one single Ferrari Boxer." Normally he might modify up to three Boxers a month (he charges customers "over \$20,000" each just for the EPA cleanup) and maybe five other cars. Now the people were waiting to see what the new rule would be. "We're starving now," he said.

Mardikian is certainly aware of what he stands to lose if the proposed rules

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change should be adopted. It would be everything he gained when the Clean Air Act amendments set him up in business in the first place. He admitted that he has never advertised his compliance business—he doesn't have to. Nor does he answer potential customers' questions on the phone. They have to come around and pick up his eight-page list of reasons they should pay him so much.

They do it because there's no other way they can have the cars of their dreams. Of course, he does terrific work. Those Boxers he cleans up for the price of a new Mercedes, he said, will offer "performance almost . . . better than the European version." In fact, he does such good work, and some of his competitors who charge less do such bad work, that he urged the EPA to license the compliance shops: "Every state or big city, you know, will have only one." Presumably he'd be the one in his area; then his bad competitors couldn't undercut his prices. There is no shame in a businessman when he reaches for the government gravy ladle.

Bringing cars into compliance with the Clean Air Act is a cushy business, the work done essentially on a cost-plus basis. If the customers want the cars, the government makes them buy the work, so the compliance shops don't have to scramble. Dick Fritz, of Amerispec, said he rejects everything but the Ferrari Boxer. When asked why, he said, "Simply selective, no other reason. I have a small company. We have enough work with what takes place with the Ferrari." Changing the rules would ruin his deal, so he characterized the current process as a valuable "deterrent." Yes, it is a bureaucratic hassle for the EPA, but the payoff is that it keeps these imports down to a trickle. With the new rule, "it was our thought that the 1400 or 1500 vehicles that are now trickling in would very quickly jump to 20,000 or even more." Then he alluded to the air-pollution problem that that would entail. One of his colleagues, Alfredo Caiti, of the Automotive Compliance Center, Inc., raised the ante to even scarier heights: "We would be definitely talking about hundreds of thousands."

Away from Washington hearings, compliance shops have demonstrated very little genuine concern for air pollution. Even as Fritz was speaking in Washington, his company was developing a turbo kit for the Ferrari 308 (*Car and Driver*, August) that would breathe through a four-barrel carburetor. When

YOUR DREAMS

I spoke to him later, he was planning an initial run of 50 kits. There would be no emissions testing whatsoever. "The law doesn't require it," he said. So much for clean air.

At the end of the day, it was clear to anyone who could read between the lines that all the car importers, car modifiers, and car sellers were drawn to Washington and this hearing for a reason far more dear to them than air pollution: they had all found ways to make the Clean Air Act work for them. This is very much in line with the observations of the Nobel-laureate economist Milton Friedman, who says that the largest benefactor of government regulation is always the industry that is being regulated. For the major importers like VW and Fiat (Ferrari), regulation strengthens their dealer networks by eliminating competition: customers can't get the cars anywhere else. This exclusivity also means that the manufacturers can take the easy way and not certify models that enthusiasts might want, just because it seems like too much trouble. For the compliance shops, the benefit is even more apparent. All the cash in their registers is put there by the Clean Air Act.

Neither of these two groups cares that the intent of the Clean Air Act is merely to provide clean air. Nor do they care about its unintended side effect, the

A businessman has no shame when he reaches for the government gravy ladle.

drying up of the choices available to the enthusiast. They see only profit, and they don't want to lose what the government has inadvertently given them. If that means crying "hardship" when they know perfectly well the Clean Air Act should not be swayed by that plea, they'll do it—and whatever other tub-thumping, back-slapping, and arm-twisting that might be helpful.

As this is being written, the EPA is still weighing more than 500 written comments, many from enthusiasts who couldn't trek to Washington, and trying to assess the mood of the Reagan administration. If the agency is tilting in any particular direction, its spokesmen are very closemouthed about it. But the word from a few of the businessmen is that the fix is in. There will be no change in the rules.

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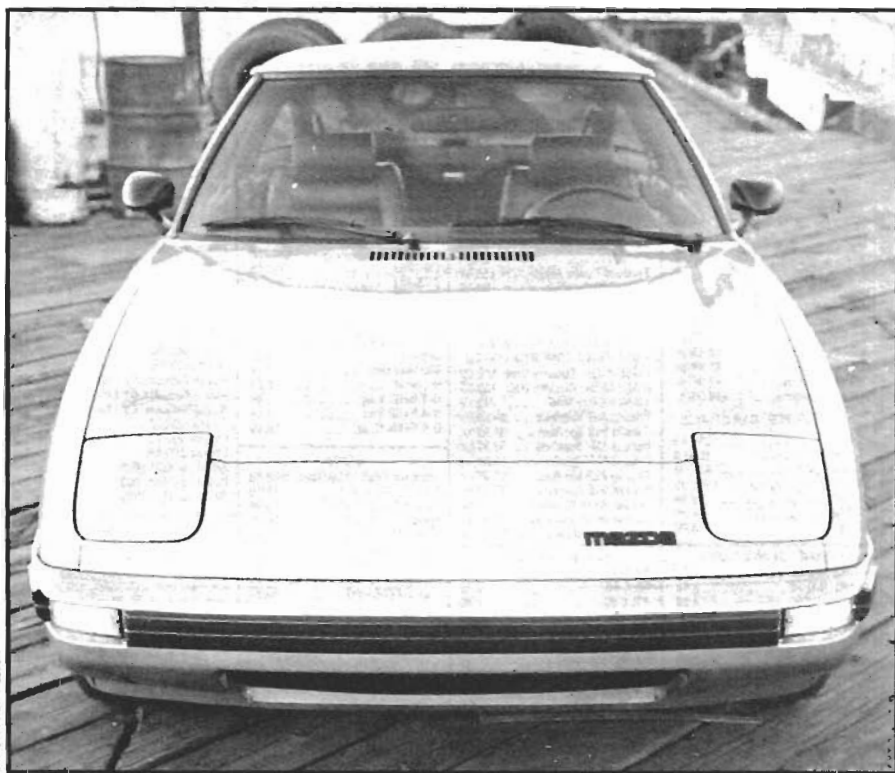
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SEPTEMBER 1981

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CHRISTOPHER NELSON

RX-7 Revisited

The Technoid Twins at the test track.

• *Car and Driver* here, back with a new Mazda RX-7. In fact, we have a couple. When the Technoid Twins (Sherman and Csere) ran a 1981 five-speed RX-7 GSL around the test track last January, they came up with such disappointing acceleration and braking numbers that we felt it was important to check a few RX-7s at a later date to see if the early-production car they had tested was truly representative of the breed. We've also brought along a GSL with an automatic transmission just to round out our experiences with the RX-7 line.

The results shine out from the chart below. First, take a hard look at curb weights and acceleration times and you'll see that the lighter-by-100-pounds GS model will leg

0-to-60-mph sprints almost a full second faster than its high-society GSL sisters. This is consistent with previous findings: pre-1981 test RX-7s were typically unburdened with air conditioning, and were also somewhat lighter and quicker than last January's GSL. So if it's crucial that you stay a jump ahead of that Porsche 924 down the block, forget the GSL's power assists and cruise control.

Sharp-eyed readers will notice the wide discrepancy between the 30-to-50-mph and 50-to-70-mph acceleration times of the five-speed and the automatic. This is a side effect of our test procedure, which calls for these accelerations to be clocked while the transmission is in top gear. Automatic-transmission cars invariably benefit here because they

kick down as the accelerator is floored; a five-speed, of course, stays in fifth. We don't really consider this a weakness of the test, because it's typical of real-world passing situations where you don't take time to downshift.

We also have fresh test results on RX-7 braking. The four-wheel disc brakes of the GSL automatic hauled the car down from 70 to 0 mph in 201 feet—a 13 percent improvement over last January's test car. Mazda claims that no modifications were made in the RX-7's disc-brake system, but the newer car was clearly better balanced: it didn't suffer from the premature rear lockup we encountered last January. The GS five-speed here has a disc-drum system; our comparison tests showed that the GS is more prone to fade, is tougher to modulate, and takes seventeen feet more to stop from 70 than the four-wheel-disc GSL.

Formal track-burning aside, whenever the GSL automatic was available for staff use, a line formed from the key board all the way back to the art department. Generally, the nature of most hard-core sports cars is not suited to automation in the gearbox. Mazda's rotary engine, however, is perfectly in tune with its three-speed automatic. Even during wide-open-throttle upshifts, which occur at an ambitious 5500 rpm, the rhythm of the rotary's quiet refrain is barely disrupted by the smooth, fluid shifts of the transmission. But although we were impressed by the automatic, particularly by how little it loses to the five-speed in acceleration, we'd rather twitch the tiger's tail through the stick than just hang around for the ride.

In either configuration, the RX-7 offers performance and handling in an attractive, high-quality, affordable package; at \$9900 to \$13,000, it's a fantastic sports-car bargain. The RX-7 has blown the TR7 and 8 off the market, and Datsun is avoiding direct competition by shifting the 280-ZX production emphasis upmarket with GL and Turbo models. RX-7s have also dented Porsche 924 sales enough for Porsche to be seriously considering an inexpensive sports car of its own, based on the Scirocco.

Now that we've set our own records straight and tested every manifestation of the 1981 RX-7, the Technoid Twins can take a break. At least until the '82s emerge.

—Jean Lindamood

RX-7 REPORT

	price base/as tested	curb weight, lbs	acceleration, sec				top speed, mph	braking 70-0 mph, ft	fuel economy, mpg		
			0-60 mph	30-50 mph	50-70 mph	¼- mile			EPA city	EPA highway	C/D observed
GSL 5-speed (C/D, January 1981)	\$10,495/11,665	2480	10.4	13.5	13.8	17.4 @ 79 mph	118	232	21	30	—
GS 5-speed	\$9895/10,220	2380	9.6	—	—	17.0 @ 80 mph	114	218	21	30	—
GSL automatic	\$11,750/13,010	2480	10.5	4.9	7.6	17.7 @ 79 mph	109	201	19	24	18