



My name is Kory Willis, and I own Power Performance Enterprises, Inc., better known as PPEI. I love God, my country and my family, and I want to share what I have experienced during the last decade since the government started prosecuting me and my company, culminating in a Civil Consent Decree in 2022.

- I walked at 11 months and was placed on my first 4-wheeler one month later. I quickly learned the fastest way to get from Point A to Point B was not walking – it was machines, leading me to eventually start PPEI when I was 19 years old.
- PPEI started out as a company that specialized in high performance tuning of vehicles for racing. Interest in our products grew as it became evident that diesel vehicles with original equipment manufacturer emissions control devices were failing. Regular guys like me had to choose between fixing their cars or enjoying a vacation or a dinner out. My tunes solved their problems, and in fact made their cars drive more efficiently. It also took off for others who wanted to see their everyday cars go faster.
- The journey with the EPA started on my 25th birthday, November 3, 2015 – almost ten years ago, when I received a request for information from the EPA. We forwarded it to attorneys to handle for me thinking it was a formality and essentially not a big deal. I had no idea the EPA was making a change in their enforcement priorities to include our industry practice.
- In the years following that information request, my family and I spent several millions of dollars in legal and accounting fees, and hundreds or even thousands of hours of staff time responding to EPA's demands and trying to understand EPA's position on the sales of our company's tunes. We tried to differentiate certain aspects of our business, including related to military and emergency vehicles and off-road or competition use (all of which are not supposed to be subject to the strict federal emissions standards). The propaganda machine has led many to believe that combustion engines are far more harmful than they really are.
- We scrambled to try to come to agreeable terms regarding what we could and could not sell and the appropriate penalty. This was a massive undertaking by our legal team and staff. For example, one of our document productions was 44,000 pages.

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- At some point during the civil consent decree negotiations, EPA demanded tens of millions of dollars to resolve the matter. I had nowhere near the numbers they proposed, and for this, we fought for years.
- In the spring of 2019, EPA and a DOJ civil enforcement attorney advised that, in short, we could either stop selling any products or go to court. Going to court was not a viable option due to the cost and the stress it would have cost my entire family.
- In August, 2020 – Family and friends’ homes were all devastated by Hurricane Laura and then pounded again by Delta in October. My offices were demolished. We were struggling for survival. We were fighting insurance companies to cover damages. We were trying to figure out where we were going to work and employees were displaced. The EPA was demanding my time while I was rescuing people and cutting trees from people’s roofs, literally orchestrating 18-wheeler loads of water and other essentials at my ripped-apart office for search and rescue teams. Many of the members of these teams stayed at my house – even though it had holes in the roof.
- Our world-record-setting Diesel Drag Racing Program fell apart due to the hurricanes and the continuing demands related to the EPA investigation and prosecution.
  - People matter more than business, so while attorneys were scrambling to respond to requests from the EPA for information, I generally just tuned out the legal storm that was building around me to focus on recovery from the hurricanes that had devastated us! I never gave up on my business or my employees. I kept them on the payroll during Covid while myself and other senior employees donated our paychecks back to the company. I worked with them to build back our business and all of our livelihoods. I am speaking out now because I don’t want to see this type of confusing and overbroad agency enforcement impact other people the way it has impacted us.
- May, 2022 the Consent Decree was finalized. We simply did not have the money to fight the endless resources of the Federal Government and the DOJ’s overly burdensome requests would have continued to plague my family and business. While there was so much in the Consent Decree that I would have preferred different, it was not in my best interests to keep fighting since negotiations had been going on for about seven years. I believed then that the Consent Decree offered to PPEI and me were our best option. I was hopeful that despite the restrictions imposed, we could keep PPEI afloat, allowing me to continue to keep paying my staff, and to continue doing what I love doing.
  - But, the Consent Decree immediately impacted PPEI, putting it at a disadvantage. PPEI was losing money and forced to lay off employees.

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- For us to get our products on the market, the Consent Decree required us to obtain an Executive Order issued by the California Air Resources Board, or CARB. We would have to obtain that certificate within two years or stop selling our products, regardless of who was causing any delay.
- Previously, California had regulations and policies in place that we could work with. That all changed around the time of the signing of the Consent Decree – but no one in our industry could have predicted the impact those changes would have on our day to day business.
- To obtain the Executive Order from CARB, particular testing had to be performed. We had to have our software tested by an independent lab, SEMA Garage, at great expense. For example, it would cost us \$22,000 to get the testing on a new Ford diesel —only to have to wait for CARB to act.
- Our new products were tested and without fail, they passed SEMA’s comprehensive testing regime. We complied– we tested, we passed, and we provided the results to CARB, but they have not approved a single application in well over two years, placing our company on the brink of collapse.
- Let me repeat that: Despite never failing a tailpipe emissions test at SEMA, and having submitted that information to CARB, we still have not received an approval from CARB since May 2022.
- We approached the DOJ with this information on the changed circumstances at CARB, hoping to arrive at an amicable modification of the Consent Decree. Our efforts at civility were refused.
- And for that reason, just 5 months ago, I was forced to once again retain legal counsel, paying more in legal fees, to seek an amendment of the Consent Decree so PPEI could possibly survive. We obtained a temporary restraining order against enforcement of part of the Consent Decree that the EPA could use to shut down our business, barely keeping it alive.

The consent decrees used by the EPA lack consistency: Some of my competitors have to go through CARB, and others gain an unfair commercial advantage because they can test in their own shops and go to market immediately.

- But what has resulted from the EPA’s efforts and initiatives? People are still desperate for repair solutions from the reoccurring failure of the faulty emissions systems installed on their vehicles. And, Canada, China, and Russia are flooding the market with subpar software that is far more polluting than any tune I ever wrote. In 2018 and 2019, we

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wanted to work with EPA to generate solutions for average citizens, but EPA did not engage.

- So, 10 years down the road, this is where we are. Over truck parts!
- Today PPEI is back to our roots, once again focused on high performance tuning of vehicles for racing, offroad, and emergency vehicles
- We currently have 18 employees in Lake Charles, Louisiana and elsewhere.
- But ten years later, I'm still at the agency's mercy for deadline extensions and subject to California laws, when we do not even sell in California. We've been told, "You do not want the full force of the US government against you. They have unlimited time and unlimited resources." We feel those effects every day. As I stated earlier, we just don't have our own resources to match.
- Therefore, our business—our livelihood—remains threatened.
- It will take me decades more to recover from this nightmare I have gone through.
- As my birthday nears again, now ten years later, I am still fighting. I am hoping this November 3rd, for the first time in a decade, that I am free from this government shadow. No one deserves this. No one.
- Thank you.

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