

PART 1048—CONTROL OF EMISSIONS FROM NEW, LARGE NONROAD SPARK-IGNITION ENGINES

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AUTHORITY: 42 U.S.C. 7401–7671q.

SOURCE: 67 FR 68347, Nov. 8, 2002, unless otherwise noted.

Subpart A—Overview and Applicability

§ 1048.1 Does this part apply to me?

(a) The regulations in this part 1048 apply for all new, spark-ignition nonroad engines (defined in §1048.801) with maximum engine power above 19 kW, except as provided in §1048.5.

(b) This part 1048 applies for engines built on or after January 1, 2004. You need not follow this part for engines you produce before January 1, 2004. See §§1048.101 through 1048.115, §1048.145, and the definition of model year in §1048.801 for more information about the timing of new requirements.

(c) The definition of nonroad engine in 40 CFR 1068.30 excludes certain engines used in stationary applications. These engines may be required by 40 CFR part 60, subpart JJJJ, to comply with some of the provisions of this part

1048; otherwise, these engines are only required to comply with the requirements in §1048.20. In addition, the prohibitions in 40 CFR 1068.101 restrict the use of stationary engines for nonstationary purposes unless they are certified under this part 1048 to the same standards that would apply to nonroad engines for the same model year.

(d) In certain cases, the regulations in this part 1048 apply to engines with maximum engine power at or below 19 kW that would otherwise be covered by 40 CFR part 90 or 1054. See 40 CFR 90.913 or 1054.615 for provisions related to this allowance.

[70 FR 40465, July 13, 2005, as amended at 73 FR 3613, Jan. 18, 2008; 73 FR 59231, Oct. 8, 2008]

§ 1048.2 Who is responsible for compliance?

The regulations in this part 1048 contain provisions that affect both engine manufacturers and others. However, the requirements of this part are generally addressed to the engine manufacturer. The term “you” generally means the engine manufacturer, as defined in §1048.801, especially for issues related to certification (including production-line testing, reporting, etc.).

[73 FR 59231, Oct. 8, 2008]

§ 1048.5 Which engines are excluded from this part’s requirements?

This part does not apply to the following nonroad engines:

(a) Engines that are certified to meet the requirements of 40 CFR part 1051, or are otherwise subject to 40 CFR part 1051 (for example, engines used in snowmobiles and all-terrain vehicles).

(b) Propulsion marine engines. See 40 CFR parts 91 and 1045. This part applies with respect to auxiliary marine engines.

(c) Engines that are certified to meet the requirements of 40 CFR parts 92 or 1033 (locomotive engines), or are otherwise subject to 40 CFR parts 92 or 1033.

[70 FR 40465, July 13, 2005, as amended at 73 FR 59232, Oct. 8, 2008]

§ 1048.10 How is this part organized?

This part 1048 is divided into the following subparts:

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(a) Subpart A of this part defines the applicability of part 1048 and gives an overview of regulatory requirements.

(b) Subpart B of this part describes the emission standards and other requirements that must be met to certify engines under this part. Note that §1048.145 discusses certain interim requirements and compliance provisions that apply only for a limited time.

(c) Subpart C of this part describes how to apply for a certificate of conformity.

(d) Subpart D of this part describes general provisions for testing production-line engines.

(e) Subpart E of this part describes general provisions for testing in-use engines.

(f) Subpart F of this part describes how to test your engines (including references to other parts of the Code of Federal Regulations).

(g) Subpart G of this part and 40 CFR part 1068 describe requirements, prohibitions, and other provisions that apply to engine manufacturers, equipment manufacturers, owners, operators, rebuilders, and all others.

(h) [Reserved]

(i) Subpart I of this part contains definitions and other reference information.

[70 FR 40465, July 13, 2005, as amended at 73 FR 59232, Oct. 8, 2008]

§ 1048.15 Do any other regulation parts apply to me?

(a) Part 1060 of this chapter describes standards and procedures for controlling evaporative emissions from engines fueled by gasoline or other volatile liquid fuels and the associated fuel systems. These requirements apply to engine manufacturers as specified in this part 1048. Part 1060 applies optionally for equipment manufacturers and fuel-system component manufacturers for certifying their products.

(b) Part 1065 of this chapter describes procedures and equipment specifications for testing engines to measure exhaust emissions. Subpart F of this part 1048 describes how to apply the provisions of part 1065 of this chapter to determine whether engines meet the exhaust emission standards in this part.

(c) The requirements and prohibitions of part 1068 of this chapter apply

to everyone, including anyone who manufactures, imports, installs, owns, operates, or rebuilds any of the engines subject to this part 1048, or equipment containing these engines. Part 1068 of this chapter describes general provisions, including these seven areas:

(1) Prohibited acts and penalties for engine manufacturers, equipment manufacturers, and others.

(2) Rebuilding and other aftermarket changes.

(3) Exclusions and exemptions for certain engines.

(4) Importing engines.

(5) Selective enforcement audits of your production.

(6) Defect reporting and recall.

(7) Procedures for hearings.

(d) Other parts of this chapter apply if referenced in this part.

[70 FR 40465, July 13, 2005, as amended at 73 FR 59232, Oct. 8, 2008; 74 FR 8426, Feb. 24, 2009; 75 FR 23021, Apr. 30, 2010]

§ 1048.20 What requirements from this part apply to excluded stationary engines?

(a) You must add a permanent label or tag to each new engine you produce or import that is excluded under §1048.1(c) as a stationary engine and is not required by 40 CFR part 60, subpart JJJJ, to meet the standards and other requirements of this part 1048 that are equivalent to the requirements applicable to nonroad SI engines for the same model year. To meet labeling requirements, you must do the following things:

(1) Attach the label or tag in one piece so no one can remove it without destroying or defacing it.

(2) Secure it to a part of the engine needed for normal operation and not normally requiring replacement.

(3) Make sure it is durable and readable for the engine's entire life.

(4) Write it in English.

(5) Follow the requirements in §1048.135(g) regarding duplicate labels if the engine label is obscured in the final installation.

(b) Engine labels or tags required under this section must have the following information:

(1) Include the heading "EMISSION CONTROL INFORMATION".

(2) Include your full corporate name and trademark. You may instead include the full corporate name and trademark of another company you choose to designate.

(3) State the engine displacement (in liters) and maximum engine power.

(4) State: "THIS ENGINE IS EXCLUDED FROM THE REQUIREMENTS OF 40 CFR PART 1048 AS A "STATIONARY ENGINE" AND THE OWNER/OPERATOR MUST COMPLY WITH THE REQUIREMENTS OF 40 CFR PART 60. INSTALLING OR USING THIS ENGINE IN ANY OTHER APPLICATION MAY BE A VIOLATION OF FEDERAL LAW SUBJECT TO CIVIL PENALTY."

(c) Stationary engines required by 40 CFR part 60, subpart JJJJ, to meet the requirements of this part 1048 must meet the labeling requirements of 40 CFR 60.4242.

[70 FR 40466, July 13, 2005, as amended at 73 FR 3613, Jan. 18, 2008]

§ 1048.30 Submission of information.

(a) This part includes various requirements to record data or other information. Refer to §1048.825 and 40 CFR 1068.25 regarding recordkeeping requirements. Unless we specify otherwise, store these records in any format and on any media and keep them readily available for one year after you send an associated application for certification, or one year after you generate the data if they do not support an application for certification. You must promptly send us organized, written records in English if we ask for them. We may review them at any time.

(b) The regulations in §1048.255 and 40 CFR 1068.101 describe your obligation to report truthful and complete information and the consequences of failing to meet this obligation. This includes information not related to certification.

(c) Send all reports and requests for approval to the Designated Compliance Officer (*see* §1048.801).

(d) Any written information we require you to send to or receive from another company is deemed to be a required record under this section. Such records are also deemed to be submissions to EPA. We may require you to

send us these records whether or not you are a certificate holder.

[75 FR 23021, Apr. 30, 2010]

Subpart B—Emission Standards and Related Requirements

§ 1048.101 What exhaust emission standards must my engines meet?

The exhaust emission standards of this section apply by model year. You may certify engines earlier than we require. The Tier 1 standards apply only to steady-state testing, as described in paragraph (b) of this section. The Tier 2 standards apply to steady-state, transient, and field testing, as described in paragraphs (a), (b), and (c) of this section.

(a) *Emission standards for transient testing.* Starting in the 2007 model year, transient exhaust emissions from your engines may not exceed the Tier 2 emission standards, as follows:

(1) Measure emissions using the applicable transient test procedures described in subpart F of this part.

(2) The Tier 2 HC+NO_x standard is 2.7 g/kW-hr and the Tier 2 CO standard is 4.4 g/kW-hr. For severe-duty engines, the Tier 2 HC+NO_x standard is 2.7 g/kW-hr and the Tier 2 CO standard is 130.0 g/kW-hr. The following engines are not subject to the transient standards in this paragraph (a):

- (i) High-load engines.
- (ii) Engines with maximum engine power above 560 kW.
- (iii) Engines with maximum test speed above 3400 rpm.
- (iv) Constant-speed engines and severe-duty engines.

(3) You may optionally certify your engines according to the following formula instead of the standards in paragraph (a)(1) of this section: $(\text{HC}+\text{NO}_x) \times \text{CO}^{0.784} \leq 8.57$. The HC+NO_x and CO emission levels you select to satisfy this formula, rounded to the nearest 0.1 g/kW-hr, become the emission standards that apply for those engines. You may not select an HC+NO_x emission standard higher than 2.7 g/kW-hr or a CO emission standard higher than 20.6 g/kW-hr. The following table illustrates a range of possible values under this paragraph (a)(3):

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TABLE 1 OF § 1048.101—EXAMPLES OF POSSIBLE TIER 2 DUTY-CYCLE EMISSION STANDARDS

HC+NO _x (g/kW-hr)	CO (g/kW-hr)
2.7	4.4
2.2	5.6
1.7	7.9
1.3	11.1
1.0	15.5
0.8	20.6

TABLE 2 OF § 1048.101—TIER 1 EMISSION STANDARDS (G/KW-HR)

Testing	General emission standards		Alternate emission standards for severe-duty engines	
	HC+NO _x	CO	HC+NO _x	CO
Certification and production-line testing	4.0	50.0	4.0	130.0
In-use testing	5.4	50.0	5.4	130.0

(3) Starting in the 2007 model year, steady-state exhaust emissions from your engines may not exceed the numerical emission standards in paragraph (a) of this section. See paragraph (d) of this section for alternate standards that apply for certain engines.

(c) *Standards for field testing.* Starting in 2007, exhaust emissions may not exceed field-testing standards, as follows:

(1) Measure emissions using the field-testing procedures in subpart F of this part:

(2) The HC+NO_x standard is 3.8 g/kW-hr and the CO standard is 6.5 g/kW-hr. For severe-duty engines, the HC+NO_x standard is 3.8 g/kW-hr and the CO standard is 200.0 g/kW-hr. For natural gas-fueled engines, you are not required to measure nonmethane hydrocarbon emissions or total hydrocarbon emissions for testing to show that the engine meets the emission standards of this paragraph (c); that is, you may assume HC emissions are equal to zero.

(3) You may apply the following formula to determine alternate emission standards that apply to your engines instead of the standards in paragraph (c)(1) of this section: $(HC+NO_x) \times CO^{0.791} \leq 16.78$. HC+NO_x emission levels may not exceed 3.8 g/kW-hr and CO emission levels may not exceed 31.0 g/kW-hr. The following table illustrates a range of possible values under this paragraph (c)(2):

(b) *Standards for steady-state testing.* Except as we allow in paragraph (d) of this section, steady-state exhaust emissions from your engines may not exceed emission standards, as follows:

(1) Measure emissions using the applicable steady-state test procedures described in subpart F of this part:

(2) The following table shows the Tier 1 exhaust emission standards that apply to engines from 2004 through 2006 model years:

TABLE 3 OF § 1048.101—EXAMPLES OF POSSIBLE TIER 2 FIELD-TESTING EMISSION STANDARDS

HC+NO _x (g/kW-hr)	CO (g/kW-hr)
3.8	6.5
3.1	8.5
2.4	11.7
1.8	16.8
1.4	23.1
1.1	31.0

(d) *Engine protection.* For engines that require enrichment at high loads to protect the engine, you may ask to meet alternate Tier 2 standards of 2.7 g/kW-hr for HC+NO_x and 31.0 g/kW-hr for CO instead of the emission standards described in paragraph (b)(2) of this section for steady-state testing. If we approve your request, you must still meet the transient testing standards in paragraph (a) of this section and the field-testing standards in paragraph (c) of this section. To qualify for this allowance, you must do all the following things:

(1) Show that enrichment is necessary to protect the engine from damage.

(2) Show that you limit enrichment to operating modes that require additional cooling to protect the engine from damage.

(3) Show in your application for certification that enrichment will rarely occur in use in the equipment in which

your engines are installed. For example, an engine that is expected to operate 5 percent of the time in use with enrichment would clearly not qualify.

(4) Include in your installation instructions any steps necessary for someone installing your engines to prevent enrichment during normal operation (see §1048.130).

(e) *Fuel types.* The exhaust emission standards in this section apply for engines using each type of fuel specified in 40 CFR part 1065, subpart H, on which the engines in the engine family are designed to operate, except for engines certified under §1048.625. For engines certified under §1048.625, the standards of this section apply to emissions measured using the specified test fuel. You must meet the numerical emission standards for hydrocarbons in this section based on the following types of hydrocarbon emissions for engines powered by the following fuels:

- (1) Natural gas-fueled engines: NMHC emissions.
- (2) Alcohol-fueled engines: THCE emissions.
- (3) Other engines: THC emissions.

(f) *Small engines.* Certain engines with total displacement at or below 1000 cc may comply with the requirements of 40 CFR part 90 or 1054 instead of complying with the requirements of this part, as described in §1048.615.

(g) *Useful life.* Your engines must meet the exhaust emission standards in paragraphs (a) through (c) of this section over their full useful life. For severe-duty engines, the minimum useful life is 1,500 hours of operation or seven years, whichever comes first. For all other engines, the minimum useful life is 5,000 hours of operation or seven years, whichever comes first.

(1) Specify a longer useful life in hours for an engine family under either of two conditions:

(i) If you design, advertise, or market your engine to operate longer than the minimum useful life (your recommended hours until rebuild may indicate a longer design life).

(ii) If your basic mechanical warranty is longer than the minimum useful life.

(2) You may request in your application for certification that we approve a shorter useful life for an engine family.

We may approve a shorter useful life, in hours of engine operation but not in years, if we determine that these engines will rarely operate longer than the shorter useful life. If engines identical to those in the engine family have already been produced and are in use, your demonstration must include documentation from such in-use engines. In other cases, your demonstration must include an engineering analysis of information equivalent to such in-use data, such as data from research engines or similar engine models that are already in production. Your demonstration must also include any overhaul interval that you recommend, any mechanical warranty that you offer for the engine or its components, and any relevant customer design specifications. Your demonstration may include any other relevant information. The useful life value may not be shorter than any of the following:

- (i) 1,000 hours of operation.
- (ii) Your recommended overhaul interval.
- (iii) Your mechanical warranty for the engine.

(h) *Applicability for testing.* The duty-cycle emission standards in this subpart apply to all testing performed according to the procedures in §§1048.505 and 1048.510, including certification, production-line, and in-use testing. The field-testing standards apply for all testing performed according to the procedures of subpart F of this part.

[67 FR 68347, Nov. 8, 2002, as amended at 70 FR 40466, July 13, 2005; 73 FR 3613, Jan 18, 2008; 73 FR 59232, Oct. 8, 2008]

§ 1048.105 What evaporative emission standards and requirements apply?

Starting in the 2007 model year, new engines that run on a volatile liquid fuel (such as gasoline) must meet the emission standards of this section over a useful life of five years, except as specified in paragraph (f) of this section. Note that §1048.245 allows you to use design-based certification instead of generating new emission data.

(a) *Fuel line permeation.* For non-metallic fuel lines, you must specify and use products that meet the Category 1 specifications for permeation in SAE J2260 (incorporated by reference in §1048.810).

(b) [Reserved]

(c) *Diurnal emissions.* Evaporative hydrocarbon emissions may not exceed 0.2 grams per gallon of fuel tank capacity when measured using the test procedures specified in §1048.501. Diurnal emission controls must continue to function during engine operation.

(d) *Running loss.* Liquid fuel in the fuel tank may not reach boiling during continuous engine operation in the final installation at an ambient temperature of 30 °C. Note that gasoline with a Reid vapor pressure of 62 kPa (9 psi) begins to boil at about 53 °C at atmospheric pressure, and at about 60 °C for fuel tanks that hold pressure as described in §1048.245(e)(1)(i).

(e) *Installation.* If other companies install your engines in their equipment, you may introduce your engines into U.S. commerce without meeting all the requirements in this section. However, you must give equipment manufacturers any appropriate instructions so that fully assembled equipment will meet all the requirements in this section, as described in §1048.130. Your instructions may specify that equipment manufacturers may alternatively use other fuel-system components that have been certified under 40 CFR part 1060. Introducing equipment into U.S. commerce without meeting all the requirements of this section violates 40 CFR 1068.101(a)(1).

(f) *Motor vehicles and marine vessels.* Motor vehicles and marine vessels may contain engines subject to the exhaust emission standards in this part 1048. Evaporative emission standards apply to these products as follows:

(1) Marine vessels using spark-ignition engines are subject to the requirements of 40 CFR part 1045. The vessels are not required to comply with the evaporative emission standards and related requirements of this part 1048.

(2) Motor vehicles are subject to the requirements of 40 CFR part 86. They are not required to comply with the evaporative emission standards and related requirements of this part 1048.

[73 FR 59232, Oct. 8, 2008]

§ 1048.110 How must my engines diagnose malfunctions?

The following engine-diagnostic requirements apply for engines equipped

with three-way catalysts and closed-loop control of air-fuel ratios:

(a) *Equip your engines with a diagnostic system.* Starting in the 2007 model year, equip each engine with a diagnostic system that will detect significant malfunctions in its emission-control system using one of the following protocols:

(1) If your emission-control strategy depends on maintaining air-fuel ratios at stoichiometry, an acceptable diagnostic design would identify malfunction whenever the air-fuel ratio does not cross stoichiometry for one minute of intended closed-loop operation. You may use other diagnostic strategies if we approve them in advance.

(2) If the protocol described in paragraph (a)(1) of this section does not apply to your engine, you must use an alternative approach that we approve in advance. Your alternative approach must generally detect when the emission-control system is not functioning properly.

(b) *Use a malfunction-indicator light (MIL).* The MIL must be readily visible to the operator; it may be any color except red. When the MIL goes on, it must display “Check Engine,” “Service Engine Soon,” or a similar message that we approve. You may use sound in addition to the light signal. The MIL must go on under each of the following circumstances:

(1) When a malfunction occurs, as described in paragraph (a) of this section.

(2) When the diagnostic system cannot send signals to meet the requirement of paragraph (b)(1) of this section.

(3) When the engine’s ignition is in the “key-on” position before starting or cranking. The MIL should go out after engine starting if the system detects no malfunction.

(c) *Control when the MIL can go out.* If the MIL goes on to show a malfunction or system error, it must remain on during all later engine operation until servicing corrects the malfunction. If the engine is not serviced, but the malfunction or system error does not recur for three consecutive engine starts during which the malfunctioning system is evaluated and found to be working properly, the MIL may stay off during later engine operation.

(d) *Store trouble codes in computer memory.* Record and store in computer memory any diagnostic trouble codes showing a malfunction that should illuminate the MIL. The stored codes must identify the malfunctioning system or component as uniquely as possible. Make these codes available through the data link connector as described in paragraph (g) of this section. You may store codes for conditions that do not turn on the MIL. The system must store a separate code to show when the diagnostic system is disabled.

(e) *Make data, access codes, and devices accessible.* Make all required data accessible to us without any access codes or devices that only you can supply. Ensure that anyone servicing your engine can read and understand the diagnostic trouble codes stored in the on-board computer with generic tools and information.

(f) *Consider exceptions for certain conditions.* Your diagnostic systems may disregard trouble codes for the first three minutes after engine starting. You may ask us to approve diagnostic-system designs that disregard trouble codes under other conditions that would produce an unreliable reading, damage systems or components, or cause other safety risks. This might include operation at altitudes over 8,000 feet.

(g) *Follow standard references for formats, codes, and connections.* Follow conventions defined in 40 CFR 1045.110 or in the following documents (incorporated by reference in §1048.810) or ask us to approve using updated versions of (or variations from) these documents:

(1) ISO 9141-2 Road vehicles-Diagnostic systems—Part 2: CARB requirements for interchange of digital information, February 1994.

(2) ISO 14230-4 Road vehicles—Diagnostic systems—Keyword Protocol 2000—Part 4: Requirements for emission-related systems, June 2000.

[67 FR 68347, Nov. 8, 2002, as amended at 73 FR 59232, Oct. 8, 2008]

§ 1048.115 What other requirements apply?

Engines that are required to meet the emission standards of this part must meet the following requirements:

(a) *Crankcase emissions.* Crankcase emissions may not be discharged directly into the ambient atmosphere from any engine throughout its useful life, except as follows:

(1) Engines may discharge crankcase emissions to the ambient atmosphere if the emissions are added to the exhaust emissions (either physically or mathematically) during all emission testing. If you take advantage of this exception, you must do the following things:

(i) Manufacture the engines so that all crankcase emissions can be routed into the applicable sampling systems specified in 40 CFR part 1065.

(ii) Account for deterioration in crankcase emissions when determining exhaust deterioration factors.

(2) For purposes of this paragraph (a), crankcase emissions that are routed to the exhaust upstream of exhaust aftertreatment during all operation are not considered to be discharged directly into the ambient atmosphere.

(b) *Torque broadcasting.* Electronically controlled engines must broadcast their speed and output shaft torque (in newton-meters). Engines may alternatively broadcast a surrogate value for determining torque. Engines must broadcast engine parameters such that they can be read with a remote device, or broadcast them directly to their controller area networks. This information is necessary for testing engines in the field (see §1048.515). This requirement applies beginning in the 2007 model year. Small-volume engine manufacturers may omit this requirement.

(c) *EPA access to broadcast information.* If we request it, you must provide us any hardware or tools we would need to readily read, interpret, and record all information broadcast by an engine's on-board computers and electronic control modules. If you broadcast a surrogate parameter for torque values, you must provide us what we need to convert these into torque units. We will not ask for hardware or tools if they are readily available commercially.

(d) [Reserved]

(e) *Adjustable parameters.* Engines that have adjustable parameters must meet all the requirements of this part for any adjustment in the physically

adjustable range. An operating parameter is not considered adjustable if you permanently seal it or if it is not normally accessible using ordinary tools. We may require that you set adjustable parameters to any specification within the adjustable range during any testing, including certification testing, production-line testing, or in-use testing.

(f) *Prohibited controls.* You may not design your engines with emission-control devices, systems, or elements of design that cause or contribute to an unreasonable risk to public health, welfare, or safety while operating. For example, this would apply if the engine emits a noxious or toxic substance it would otherwise not emit that contributes to such an unreasonable risk.

(g) *Defeat devices.* You may not equip your engines with a defeat device. A defeat device is an auxiliary emission-control device that reduces the effectiveness of emission controls under conditions that the engine may reasonably be expected to encounter during normal operation and use. This does not apply to auxiliary-emission control devices you identify in your certification application if any of the following is true:

(1) The conditions of concern were substantially included in the applicable test procedures described in subpart F of this part.

(2) You show your design is necessary to prevent engine (or equipment) damage or accidents.

(3) The reduced effectiveness applies only to starting the engine.

[67 FR 68347, Nov. 8, 2002, as amended at 70 FR 40467, July 13, 2005; 73 FR 59233, Oct. 8, 2008]

§ 1048.120 What emission-related warranty requirements apply to me?

(a) *General requirements.* You must warrant to the ultimate purchaser and each subsequent purchaser that the new nonroad engine, including all parts of its emission-control system, meets two conditions:

(1) It is designed, built, and equipped so it conforms at the time of sale to the ultimate purchaser with the requirements of this part.

(2) It is free from defects in materials and workmanship that may keep it from meeting these requirements.

(b) *Warranty period.* Your emission-related warranty for evaporative emission controls must be valid for at least two years. Your emission-related warranty for exhaust emission controls must be valid for at least 50 percent of the engine's useful life in hours of operation or at least three years, whichever comes first. In the case of a high-cost warranted part, the warranty must be valid for at least 70 percent of the engine's useful life in hours of operation or at least five years, whichever comes first. You may offer an emission-related warranty more generous than we require. The emission-related warranty for the engine may not be shorter than any published warranty you offer without charge for the engine. Similarly, the emission-related warranty for any component may not be shorter than any published warranty you offer without charge for that component. If an engine has no hour meter, we base the warranty periods in this paragraph (b) only on the engine's age (in years). The warranty period begins when the engine is placed into service.

(c) *Components covered.* The emission-related warranty covers all your components whose failure would increase an engine's emissions of any regulated pollutant, including components listed in 40 CFR part 1068, Appendix I, and components from any other system you develop to control emissions. The emission-related warranty covers these components even if another company produces the component for you. Your emission-related warranty does not cover components whose failure would not increase an engine's emissions of any regulated pollutant.

(d) *Limited applicability.* You may deny warranty claims under this section if the operator caused the problem through improper maintenance or use, as described in 40 CFR 1068.115.

(e) *Owners manual.* Describe in the owners manual the emission-related warranty provisions from this section that apply to the engine.

[70 FR 40467, July 13, 2005, as amended at 73 FR 59233, Oct. 8, 2008; 75 FR 23021, Apr. 30, 2010]

§ 1048.125 What maintenance instructions must I give to buyers?

Give the ultimate purchaser of each new nonroad engine written instructions for properly maintaining and using the engine, including the emission-control system. The maintenance instructions also apply to service accumulation on your emission-data engines, as described in 40 CFR part 1065.

(a) *Critical emission-related maintenance.* Critical emission-related maintenance includes any adjustment, cleaning, repair, or replacement of critical emission-related components. This may also include additional emission-related maintenance that you determine is critical if we approve it in advance. You may schedule critical emission-related maintenance on these components if you meet the following conditions:

(1) You demonstrate that the maintenance is reasonably likely to be done at the recommended intervals on in-use engines. We will accept scheduled maintenance as reasonably likely to occur if you satisfy any of the following conditions:

(i) You present data showing that, if a lack of maintenance increases emissions, it also unacceptably degrades the engine's performance.

(ii) You present survey data showing that at least 80 percent of engines in the field get the maintenance you specify at the recommended intervals.

(iii) You provide the maintenance free of charge and clearly say so in your maintenance instructions

(iv) You otherwise show us that the maintenance is reasonably likely to be done at the recommended intervals.

(2) You may not schedule critical emission-related maintenance more frequently than the following minimum intervals, except as specified in paragraphs (a)(3), (b) and (c) of this section:

(i) For catalysts, fuel injectors, electronic control units, superchargers, and turbochargers: The useful life of the engine family.

(ii) For gaseous fuel-system components (cleaning without disassembly only) and oxygen sensors: 2,500 hours.

(3) If your engine family has an alternate useful life under §1048.101(g) that is shorter than the period specified in

paragraph (a)(2)(ii) of this section, you may not schedule critical emission-related maintenance more frequently than the alternate useful life, except as specified in paragraph (c) of this section.

(4) You may ask us to approve a maintenance interval shorter than that specified in paragraphs (a)(2) of this section. In your request you must describe the proposed maintenance step, recommend the maximum feasible interval for this maintenance, include your rationale with supporting evidence to support the need for the maintenance at the recommended interval, and demonstrate that the maintenance will be done at the recommended interval on in-use engines. In considering your request, we will evaluate the information you provide and any other available information to establish alternate specifications for maintenance intervals, if appropriate.

(b) *Recommended additional maintenance.* You may recommend any additional amount of maintenance on the components listed in paragraph (a) of this section, as long as you state clearly that these maintenance steps are not necessary to keep the emission-related warranty valid. If operators do the maintenance specified in paragraph (a) of this section, but not the recommended additional maintenance, this does not allow you to disqualify those engines from in-use testing or deny a warranty claim. Do not take these maintenance steps during service accumulation on your emission-data engines.

(c) *Special maintenance.* You may specify more frequent maintenance to address problems related to special situations, such as substandard fuel or atypical engine operation. For example, you may specify more frequent cleaning of fuel system components for engines you have reason to believe will be using fuel that causes substantially more engine performance problems than commercial fuels of the same type that are generally available across the United States. You must clearly state that this additional maintenance is associated with the special situation you are addressing. We may disapprove your maintenance instructions if we

determine that you have specified special maintenance steps to address engine operation that is not atypical, or that the maintenance is unlikely to occur in use. If we determine that certain maintenance items do not qualify as special maintenance under this paragraph (c), you may identify this as recommended additional maintenance under paragraph (b) of this section.

(d) *Noncritical emission-related maintenance.* Subject to the provisions of this paragraph (d), you may schedule any amount of emission-related inspection or maintenance that is not covered by paragraph (a) of this section (i.e., maintenance that is neither explicitly identified as critical emission-related maintenance, nor that we approve as critical emission-related maintenance). Noncritical emission-related maintenance generally includes changing spark plugs, re-seating valves, or any other emission-related maintenance on the components we specify in 40 CFR part 1068, Appendix I that is not covered in paragraph (a) of this section. You must state in the owners manual that these steps are not necessary to keep the emission-related warranty valid. If operators fail to do this maintenance, this does not allow you to disqualify those engines from in-use testing or deny a warranty claim. Do not take these inspection or maintenance steps during service accumulation on your emission-data engines.

(e) *Maintenance that is not emission-related.* For maintenance unrelated to emission controls, you may schedule any amount of inspection or maintenance. You may also take these inspection or maintenance steps during service accumulation on your emission-data engines, as long as they are reasonable and technologically necessary. This might include adding engine oil, changing air, fuel, or oil filters, servicing engine-cooling systems, and adjusting idle speed, governor, engine bolt torque, valve lash, or injector lash. You may perform this nonemission-related maintenance on emission-data engines at the least frequent intervals that you recommend to the ultimate purchaser (but not the intervals recommended for severe service).

(f) *Source of parts and repairs.* State clearly on the first page of your writ-

ten maintenance instructions that a repair shop or person of the owner's choosing may maintain, replace, or repair emission-control devices and systems. Your instructions may not require components or service identified by brand, trade, or corporate name. Also, do not directly or indirectly condition your warranty on a requirement that the engine be serviced by your franchised dealers or any other service establishments with which you have a commercial relationship. You may disregard the requirements in this paragraph (f) if you do one of two things:

(1) Provide a component or service without charge under the purchase agreement.

(2) Get us to waive this prohibition in the public's interest by convincing us the engine will work properly only with the identified component or service.

(g) *Payment for scheduled maintenance.* Owners are responsible for properly maintaining their engines. This generally includes paying for scheduled maintenance. However, manufacturers must pay for scheduled maintenance during the useful life if it meets all the following criteria:

(1) Each affected component was not in general use on similar engines before January 1, 2004.

(2) The primary function of each affected component is to reduce emissions.

(3) The cost of the scheduled maintenance is more than 2 percent of the price of the engine.

(4) Failure to perform the maintenance would not cause clear problems that would significantly degrade the engine's performance.

(h) *Owners manual.* Explain the owner's responsibility for proper maintenance in the owners manual.

[70 FR 40468, July 13, 2005, as amended at 73 FR 59233, Oct. 8, 2008; 75 FR 23021, Apr. 30, 2010]

§ 1048.130 What installation instructions must I give to equipment manufacturers?

(a) If you sell an engine for someone else to install in a piece of nonroad equipment, give the engine installer instructions for installing it consistent

with the requirements of this part. Include all information necessary to ensure that an engine will be installed in its certified configuration.

(b) Make sure these instructions have the following information:

(1) Include the heading: “Emission-related installation instructions”.

(2) State: “Failing to follow these instructions when installing a certified engine in a piece of nonroad equipment violates federal law (40 CFR 1068.105(b)), subject to fines or other penalties as described in the Clean Air Act.”.

(3) Describe the instructions needed to properly install the exhaust system and any other components. Include instructions consistent with the requirements of § 1048.205(v).

(4) Describe the steps needed to control evaporative emissions, as described in §§ 1048.105 and 1048.245.

(5) Describe any necessary steps for installing the diagnostic system described in § 1048.110.

(6) Describe any limits on the range of applications needed to ensure that the engine operates consistently with your application for certification. For example, if your engines are certified only for constant-speed operation, tell equipment manufacturers not to install the engines in variable-speed applications. Also, if you need to avoid sustained high-load operation to meet the field-testing emission standards we specify in § 1048.101(c) or to comply with the provisions of § 1048.101(d), describe how the equipment manufacturer must properly size the engines for a given application.

(7) Describe any other instructions to make sure the installed engine will operate according to design specifications in your application for certification. This may include, for example, instructions for installing aftertreatment devices when installing the engines.

(8) State: “If you install the engine in a way that makes the engine’s emission control information label hard to read during normal engine maintenance, you must place a duplicate label on the equipment, as described in 40 CFR 1068.105.”.

(c) You do not need installation instructions for engines you install in your own equipment.

(d) Provide instructions in writing or in an equivalent format. For example, you may post instructions on a publicly available Web site for downloading or printing. If you do not provide the instructions in writing, explain in your application for certification how you will ensure that each installer is informed of the installation requirements.

[67 FR 68347, Nov. 8, 2002, as amended at 70 FR 40469, July 13, 2005]

§ 1048.135 How must I label and identify the engines I produce?

(a) Assign each engine a unique identification number and permanently affix, engrave, or stamp it on the engine in a legible way.

(b) At the time of manufacture, affix a permanent and legible label identifying each engine. The label must be—

(1) Attached in one piece so it is not removable without being destroyed or defaced.

(2) Secured to a part of the engine needed for normal operation and not normally requiring replacement.

(3) Durable and readable for the engine’s entire life.

(4) Written in English.

(c) The label must—

(1) Include the heading “EMISSION CONTROL INFORMATION”.

(2) Include your full corporate name and trademark. You may identify another company and use its trademark instead of yours if you comply with the provisions of § 1048.635.

(3) Include EPA’s standardized designation for the engine family (and subfamily, where applicable).

(4) State the engine’s displacement (in liters); however, you may omit this from the label if all the engines in the engine family have the same per-cylinder displacement and total displacement.

(5) State the date of manufacture [DAY (optional), MONTH, and YEAR]; however, you may omit this from the label if you stamp, engrave, or otherwise permanently identify it elsewhere on the engine, in which case you must also describe in your application for certification where you will identify the date on the engine.

(6) Identify the emission control system. Use terms and abbreviations as

described in 40 CFR 1068.45. You may omit this information from the label if there is not enough room for it and you put it in the owners manual instead.

(7) State: “THIS ENGINE IS CERTIFIED TO OPERATE ON [specify operating fuel or fuels].”

(8) Identify any requirements for fuel and lubricants. You may omit this information from the label if there is not enough room for it and you put it in the owners manual instead.

(9) List specifications and adjustments for engine tuneups; show the proper position for the transmission during tuneup and state which accessories should be operating. You may omit this information from the label if there is not enough room for it and you put it in the owners manual instead.

(10) State the useful life for your engine family if it has a longer useful life under §1048.101(g)(1) or a shortened useful life under §1048.101(g)(2).

(11) Identify the emission standards to which you have certified the engine (in g/kW-hr).

(12) Include one of the following compliance statements:

(i) For engines that may be used in nonroad or stationary equipment, state: “THIS ENGINE COMPLIES WITH U.S. EPA REGULATIONS FOR [MODEL YEAR] NONROAD AND STATIONARY ENGINES.”

(ii) For engines that will be used only in nonroad equipment, state: “THIS ENGINE COMPLIES WITH U.S. EPA REGULATIONS FOR [MODEL YEAR] NONROAD ENGINES.”

(iii) For engines that will be used only in stationary equipment, state: “THIS ENGINE COMPLIES WITH U.S. EPA REGULATIONS FOR [MODEL YEAR] STATIONARY ENGINES.”

(13) Include any of the following additional statements for special situations if they apply to your engines:

(i) If your engines are certified only for constant-speed operation, state: “USE IN CONSTANT-SPEED APPLICATIONS ONLY.”

(ii) If your engines are certified only for variable-speed operation, state: “USE IN VARIABLE-SPEED APPLICATIONS ONLY.”

(iii) If your engines are certified only for high-load engines, state: “THIS ENGINE IS NOT INTENDED FOR OPER-

ATION AT LESS THAN 75 PERCENT OF FULL LOAD.”

(iv) If you certify your engines under §1048.101(d), and show in your application for certification that in-use engines will experience infrequent high-load operation, state: “THIS ENGINE IS NOT INTENDED FOR OPERATION AT MORE THAN PERCENT OF FULL LOAD.” Specify the appropriate percentage of full load based on the nature of the engine protection. You may add other statements to discourage operation in engine-protection modes.

(v) If your engines are certified to the voluntary standards in §1048.140, state: “BLUE SKY SERIES” and identify the standard to which you certify the engines.

(d) You may add information to the emission control information label to identify other emission standards that the engine meets or does not meet (such as California standards). You may also add other information to ensure that the engine will be properly maintained and used.

(e) You may ask us to approve modified labeling requirements in this part 1048 if you show that it is necessary or appropriate. We will approve your request if your alternate label is consistent with the requirements of this part.

(f) If you obscure the engine label while installing the engine in the equipment such that the label cannot be read during normal maintenance, you must place a duplicate label on the equipment. If others install your engine in their equipment in a way that obscures the engine label, we require them to add a duplicate label on the equipment (see 40 CFR 1068.105); in that case, give them the number of duplicate labels they request and keep the following records for at least five years:

(1) Written documentation of the request from the equipment manufacturer.

(2) The number of duplicate labels you send for each engine family and the date you sent them.

[70 FR 40469, July 13, 2005, as amended at 73 FR 59233, Oct. 8, 2008]

§ 1048.140 What are the provisions for certifying Blue Sky Series engines?

This section defines voluntary standards for a recognized level of superior emission control for engines designated as “Blue Sky Series” engines. If you certify an engine family under this section, it is subject to all the requirements of this part as if these voluntary standards were mandatory. To receive a certificate of conformity as “Blue Sky Series,” you must certify to one of the sets of exhaust emission standards in the following table:

TABLE 1 OF § 1048.140—STANDARDS FOR BLUE SKY SERIES ENGINES (G/KW-HR)

Standards for steady-state and transient test procedures		Standards for field-testing procedures	
HC+NO _x	CO	HC+NO _x	CO
0.80	4.4	1.10	6.6
0.60	4.4	0.84	6.6
0.40	4.4	0.56	6.6
0.20	4.4	0.28	6.6
0.10	4.4	0.14	6.6

[73 FR 59234, Oct. 8, 2008]

§ 1048.145 Are there interim provisions that apply only for a limited time?

The provisions in this section apply instead of other provisions in this part. This section describes when these interim provisions expire.

(a) *Family banking.* This paragraph (a) allows you to reduce the number of engines subject to the Tier 2 standards by certifying some of your engines earlier than otherwise required, as follows:

(1) For early-compliant engines to generate offsets under this paragraph (a), you must meet the following general provisions:

(i) You must begin actual production of early-compliant engines by September 1, 2006.

(ii) Engines you produce after December 31, 2006 may not generate offsets.

(iii) Offset-generating engines must be certified to the Tier 2 standards and requirements under this part 1048.

(iv) If you certify engines under the voluntary standards of §1048.140, you may not use them in your calculation under this paragraph (a).

(2) For every offset-generating engine certified to the Tier 2 standards, you

may reduce the number of engines with the same maximum engine power that are required to meet the Tier 2 standards in later model years by one engine. You may calculate power-weighted offsets based on actual U.S.-directed sales volumes. For example, if you produce a total of 1,000 engines in 2005 and 2006 with an average maximum power of 60 kW certified to the Tier 2 standards, you may delay certification to that tier of standards for up to 60,000 kW-engine-years in any of the following ways:

(i) Delay certification of up to 600 engines with an average maximum power of 100 kW for one model year.

(ii) Delay certification of up to 200 engines with an average maximum power of 100 kW for three consecutive model years.

(iii) Delay certification of up to 400 engines with an average maximum power of 100 kW for one model year and up to 50 engines with an average maximum power of 200 kW for two model years.

(3) Offset-using engines (that is, those not required to certify to the Tier 2 standards) must be certified to the Tier 1 standards and requirements of this part 1048. You may delay compliance for up to three model years.

(4) By January 31 of each year in which you use the provisions of this paragraph (a), send us a report describing how many offset-generating or offset-using engines you produced in the preceding model year.

(b) *Hydrocarbon standards.* For 2004 through 2006 model years, engine manufacturers may use nonmethane hydrocarbon measurements to demonstrate compliance with applicable emission standards.

(c) [Reserved]

(d) *Tier 1 deterioration factors.* For Tier 1 engines, base the deterioration factor from §1048.240 on 3500 hours of operation. We may assign a deterioration factor for a Tier 1 engine family, but this would not affect your need to meet all emission standards that apply.

(e) [Reserved]

(f) *Optional early field testing.* You may optionally use the field-testing procedures in subpart F of this part for any in-use testing required under subpart E of this part to show that you

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meet Tier 1 standards. In this case, the same Tier 1 in-use emission standards apply to both steady-state testing in the laboratory and field testing.

(g) *Small-volume provisions.* If you qualify for the hardship provisions in §1068.250 of this chapter, we may approve extensions of up to four years total.

(h) *2004 certification.* For the 2004 model year, you may choose to have the emission standards and other requirements that apply to these engines in California serve as the emission standards and other requirements applicable under this part, instead of those in subpart A of this part. To ask for a certificate under this paragraph (h), send us the application for certification that you prepare for the California Air Resources Board instead of the information we otherwise require in §1048.205.

(i) *Recreational vehicles.* Engines or vehicles identified in the scope of 40 CFR part 1051 that are not yet regulated under that part are excluded from the requirements of this part. For example, snowmobiles produced in 2004 are not subject to the emission standards in this part. Once emission standards apply to these engines and vehicles, they are excluded from the requirements of this part under §1048.5(a)(1).

(j) Delayed compliance with labeling requirements. Before the 2010 model year, you may omit the dates of manufacture from the emission control information label as specified in §1048.135(c)(5) if you keep those records and provide them to us upon request.

(k) Delayed compliance with fuel tank permeation requirements. Before the 2010 model year, you may omit the permeation-related requirements related to plastic fuel tanks in §1048.245(e)(1)(i) and §1048.501(e).

[67 FR 68347, Nov. 8, 2002, as amended at 70 FR 40470, July 13, 2005; 73 FR 59234, Oct. 8, 2008]

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Subpart C—Certifying Engine Families

§ 1048.201 What are the general requirements for obtaining a certificate of conformity?

(a) You must send us a separate application for a certificate of conformity for each engine family. A certificate of conformity is valid starting with the indicated effective date, but it is not valid for any production after December 31 of the model year for which it is issued. No certificate will be issued after December 31 of the model year.

(b) The application must contain all the information required by this part and must not include false or incomplete statements or information (see §1048.255).

(c) We may ask you to include less information than we specify in this subpart, as long as you maintain all the information required by §1048.250.

(d) You must use good engineering judgment for all decisions related to your application (see 40 CFR 1068.5).

(e) An authorized representative of your company must approve and sign the application.

(f) See §1048.255 for provisions describing how we will process your application.

(g) We may require you to deliver your test engines to a facility we designate for our testing (see §1048.235(c)).

(h) For engines that become new after being placed into service, such as engines converted to nonroad use after being used in motor vehicles, we may specify alternate certification provisions consistent with the intent of this part. See the definition of “new nonroad engine” in §1048.801.

[70 FR 40470, July 13, 2005, as amended at 73 FR 59234, Oct. 8, 2008; 75 FR 23022, Apr. 30, 2010]

§ 1048.205 What must I include in my application?

This section specifies the information that must be in your application, unless we ask you to include less information under §1048.201(c). We may require you to provide additional information to evaluate your application.

(a) Describe the engine family’s specifications and other basic parameters

of the engine's design and emission controls. List the fuel types on which your engines are designed to operate (for example, gasoline and natural gas). List each distinguishable engine configuration in the engine family.

(b) Explain how the emission control systems operate. Describe the evaporative emission controls, if applicable. Also describe in detail all system components for controlling exhaust emissions, including all auxiliary emission control devices (AECs) and all fuel-system components you will install on any production or test engine. Identify the part number of each component you describe. For this paragraph (b), treat as separate AECs any devices that modulate or activate differently from each other. Include sufficient detail to allow us to evaluate whether the AECs are consistent with the defeat device prohibition of §1048.115.

(c) Explain how the engine diagnostic system works, describing especially the engine conditions (with the corresponding diagnostic trouble codes) that cause the malfunction-indicator light to go on. Propose what you consider to be extreme conditions under which the diagnostic system should disregard trouble codes, as described in §1048.110.

(d) Describe the engines you selected for testing and the reasons for selecting them.

(e) Describe the test equipment and procedures that you used, including any special or alternate test procedures you used (see §1048.501).

(f) Describe how you operated the emission-data engine before testing, including the duty cycle and the number of engine operating hours used to stabilize emission levels. Explain why you selected the method of service accumulation. Describe any scheduled maintenance you did.

(g) List the specifications of each test fuel to show that it falls within the required ranges we specify in 40 CFR part 1065, subpart H.

(h) Identify the engine family's useful life.

(i) Include the maintenance instructions you will give to the ultimate purchaser of each new nonroad engine (see §1048.125).

(j) Include the emission-related installation instructions you will provide if someone else installs your engines in a piece of nonroad equipment (see §1048.130).

(k) Identify each high-cost warranted part and show us how you calculated its replacement cost, including the estimated retail cost of the part, labor rates, and labor hours to diagnose and replace defective parts.

(l) Describe your emission control information label (see §1048.135).

(m) Identify the emission standards to which you are certifying engines in the engine family.

(n) Identify the engine family's deterioration factors and describe how you developed them (see §1048.240). Present any emission test data you used for this.

(o) State that you operated your emission-data engines as described in the application (including the test procedures, test parameters, and test fuels) to show you meet the requirements of this part.

(p) Present emission data to show that you meet emission standards, as follows:

(1) Present exhaust emission data for HC, NO_x, and CO on an emission-data engine to show your engines meet the applicable duty-cycle emission standards we specify in §1048.101. Show emission figures before and after applying deterioration factors for each engine. Include emission results for each mode if you do discrete-mode testing under §1048.505. Include test data for each type of fuel from 40 CFR part 1065, subpart H, on which you intend for engines in the engine family to operate (for example, gasoline, liquefied petroleum gas, methanol, or natural gas). If we specify more than one grade of any fuel type (for example, a summer grade and winter grade of gasoline), you need to submit test data only for one grade unless the regulations of this part specify otherwise for your engine. Note that §1048.235 allows you to submit an application in certain cases without new emission data.

(2) If your engine family includes a volatile liquid fuel (and you do not use design-based certification under §1048.245), present evaporative test data to show your vehicles meet the

evaporative emission standards we specify in subpart B of this part. Show these figures before and after applying deterioration factors, where applicable.

(q) State that all the engines in the engine family comply with the field-testing emission standards we specify in § 1048.101(c) for all normal operation and use when tested as specified in § 1048.515. Describe any relevant testing, engineering analysis, or other information in sufficient detail to support your statement.

(r) For engines not subject to transient testing requirements in § 148.101(a), include information showing how your emission controls will function during normal in-use transient operation. For example, this might include the following:

(1) Emission data from transient testing of engines using measurement systems designed for measuring in-use emissions.

(2) Comparison of the engine design for controlling transient emissions with that from engines for which you have emission data over the transient duty cycle for certification.

(3) Detailed descriptions of control algorithms and other design parameters for controlling transient emissions.

(s) Report test results as follows:

(1) Report all test results involving measurement of pollutants for which emission standards apply. Include test results from invalid tests or from any other tests, whether or not they were conducted according to the test procedures of subpart F of this part. We may ask you to send other information to confirm that your tests were valid under the requirements of this part and 40 CFR part 1065.

(2) Report measured CO₂, N₂O, and CH₄ as described in § 1048.235. Small-volume engine manufacturers may omit reporting N₂O and CH₄.

(t) Describe all adjustable operating parameters (see § 1048.115(e)), including production tolerances. Include the following in your description of each parameter:

(1) The nominal or recommended setting.

(2) The intended physically adjustable range.

(3) The limits or stops used to establish adjustable ranges.

(4) Information showing why the limits, stops, or other means of inhibiting adjustment are effective in preventing adjustment of parameters on in-use engines to settings outside your intended physically adjustable ranges.

(u) Provide the information to read, record, and interpret all the information broadcast by an engine's onboard computers and electronic control units. State that, upon request, you will give us any hardware, software, or tools we would need to do this. If you broadcast a surrogate parameter for torque values, you must provide us what we need to convert these into torque units. You may reference any appropriate publicly released standards that define conventions for these messages and parameters. Format your information consistent with publicly released standards.

(v) Confirm that your emission-related installation instructions specify how to ensure that sampling of exhaust emissions will be possible after engines are installed in equipment and placed in service. If this cannot be done by simply adding a 20-centimeter extension to the exhaust pipe, show how to sample exhaust emissions in a way that prevents diluting the exhaust sample with ambient air.

(w) State whether your certification is intended to include engines used in stationary applications. Also state whether your certification is limited for certain engines. If this is the case, describe how you will prevent use of these engines in applications for which they are not certified. This applies for engines such as the following:

(1) Constant-speed engines.

(2) Variable-speed engines.

(x) Unconditionally certify that all the engines in the engine family comply with the requirements of this part, other referenced parts of the CFR, and the Clean Air Act.

(y) Include good-faith estimates of U.S.-directed production volumes. Include a justification for the estimated production volumes if they are substantially different than actual production volumes in earlier years for similar models.

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(z) Include other applicable information, such as information specified in this part or part 1068 of this chapter related to requests for exemptions.

(aa) Name an agent for service located in the United States. Service on this agent constitutes service on you or any of your officers or employees for any action by EPA or otherwise by the United States related to the requirements of this part.

[70 FR 40470, July 13, 2005, as amended at 73 FR 3613, Jan. 18, 2008; 73 FR 59234, Oct. 8, 2008; 74 FR 56510, Oct. 30, 2009]

§ 1048.210 May I get preliminary approval before I complete my application?

If you send us information before you finish the application, we will review it and make any appropriate determinations, especially for questions related to engine family definitions, auxiliary emission-control devices, deterioration factors, testing for service accumulation, and maintenance. Decisions made under this section are considered to be preliminary approval, subject to final review and approval. We will generally not reverse a decision where we have given you preliminary approval, unless we find new information supporting a different decision. If you request preliminary approval related to the upcoming model year or the model year after that, we will make best-efforts to make the appropriate determinations as soon as practicable. We will generally not provide preliminary approval related to a future model year more than two years ahead of time.

[70 FR 40472, July 13, 2005]

§ 1048.220 How do I amend the maintenance instructions in my application?

You may amend your emission-related maintenance instructions after you submit your application for certification as long as the amended instructions remain consistent with the provisions of § 1048.125. You must send the Designated Compliance Officer a written request to amend your application for certification for an engine family if you want to change the emission-related maintenance instructions in a way that could affect emissions. In your request, describe the proposed

changes to the maintenance instructions. If operators follow the original maintenance instructions rather than the newly specified maintenance, this does not allow you to disqualify those engines from in-use testing or deny a warranty claim.

(a) If you are decreasing or eliminating any specified maintenance, you may distribute the new maintenance instructions to your customers 30 days after we receive your request, unless we disapprove your request. This would generally include replacing one maintenance step with another. We may approve a shorter time or waive this requirement.

(b) If your requested change would not decrease the specified maintenance, you may distribute the new maintenance instructions anytime after you send your request. For example, this paragraph (b) would cover adding instructions to increase the frequency of a maintenance step for engines in severe-duty applications.

(c) You need not request approval if you are making only minor corrections (such as correcting typographical mistakes), clarifying your maintenance instructions, or changing instructions for maintenance unrelated to emission control. We may ask you to send us copies of maintenance instructions revised under this paragraph (c).

[70 FR 40472, July 13, 2005, as amended at 73 FR 59235, Oct. 8, 2008; 75 FR 23022, Apr. 30, 2010]

§ 1048.225 How do I amend my application for certification to include new or modified engine configurations?

Before we issue you a certificate of conformity, you may amend your application to include new or modified engine configurations, subject to the provisions of this section. After we have issued your certificate of conformity, you may send us an amended application requesting that we include new or modified engine configurations within the scope of the certificate, subject to the provisions of this section. You must amend your application if any changes occur with respect to any information included in your application.

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(a) You must amend your application before you take any of the following actions:

(1) Add an engine configuration to an engine family. In this case, the engine configuration added must be consistent with other engine configurations in the engine family with respect to the criteria listed in §1048.230.

(2) Change an engine configuration already included in an engine family in a way that may affect emissions, or change any of the components you described in your application for certification. This includes production and design changes that may affect emissions any time during the engine's lifetime.

(b) To amend your application for certification, send the Designated Compliance Officer the following information:

(1) Describe in detail the addition or change in the engine model or configuration you intend to make.

(2) Include engineering evaluations or data showing that the amended engine family complies with all applicable requirements. You may do this by showing that the original emission-data engine is still appropriate for showing that the amended family complies with all applicable requirements.

(3) If the original emission-data engine for the engine family is not appropriate to show compliance for the new or modified engine configuration, include new test data showing that the new or modified engine configuration meets the requirements of this part.

(c) We may ask for more test data or engineering evaluations. You must give us these within 30 days after we request them.

(d) For engine families already covered by a certificate of conformity, we will determine whether the existing certificate of conformity covers your newly added or modified engine. You may ask for a hearing if we deny your request (see §1048.820).

(e) For engine families already covered by a certificate of conformity, you may start producing the new or modified engine configuration anytime after you send us your amended application and before we make a decision under paragraph (d) of this section. However, if we determine that the affected en-

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gines do not meet applicable requirements, we will notify you to cease production of the engines and may require you to recall the engines at no expense to the owner. Choosing to produce engines under this paragraph (e) is deemed to be consent to recall all engines that we determine do not meet applicable emission standards or other requirements and to remedy the non-conformity at no expense to the owner. If you do not provide information required under paragraph (c) of this section within 30 days after we request it, you must stop producing the new or modified engines.

[73 FR 59235, Oct. 8, 2008]

§ 1048.230 How do I select engine families?

(a) For purposes of certification, divide your product line into families of engines that are expected to have similar emission characteristics throughout the useful life as described in this section. Your engine family is limited to a single model year.

(b) Group engines in the same engine family if they are the same in all of the following aspects:

(1) The combustion cycle.

(2) The cooling system (water-cooled vs. air-cooled).

(3) Configuration of the fuel system (for example, fuel-injected vs. carbureted gasoline engines).

(4) Method of air aspiration.

(5) The number, location, volume, and composition of catalytic converters.

(6) The number, arrangement (such as in-line or vee configuration), and approximate bore diameter of cylinders.

(c) You may subdivide a group of engines that is identical under paragraph (b) of this section into different engine families if you show the expected emission characteristics are different during the useful life.

(d) In unusual circumstances, you may group engines that are not identical with respect to the things listed in paragraph (b) of this section in the same engine family if you show that their emission characteristics during the useful life will be similar.

(e) You may create separate families for exhaust emissions and evaporative

emissions. If we do this, list both families on the emission control information label.

(f) Where necessary, you may divide an engine family into sub-families to meet different emission standards, as specified in §1048.101(a)(2). For issues related to compliance and prohibited actions, we will generally apply decisions to the whole engine family. For engine labels and other administrative provisions, we may approve your request for separate treatment of sub-families.

[70 FR 40473, July 13, 2005, as amended at 73 FR 59235, Oct. 8, 2008; 75 FR 23022, Apr. 30, 2010]

§ 1048.235 What emission testing must I perform for my application for a certificate of conformity?

This section describes the emission testing you must perform to show compliance with the emission standards in §§1048.101(a) and (b) and 1048.105 during certification. See §1048.205(q) regarding emission testing related to the field-testing standards. See §1048.240 and 40 CFR part 1065, subpart E, regarding service accumulation before emission testing.

(a) Test your emission-data engines using the procedures and equipment specified in subpart F of this part.

(b) Select emission-data engines according to the following criteria:

(1) *Exhaust testing.* For each fuel type from each engine family, select an emission-data engine with a configuration that is most likely to exceed the exhaust emission standards, using good engineering judgment. Consider the emission levels of all exhaust constituents over the full useful life of the engine when operated in a piece of equipment.

(2) *Evaporative testing.* For each engine family that includes a volatile liquid fuel, select a test fuel system with a configuration that is most likely to exceed the evaporative emission standards, using good engineering judgment.

(c) We may measure emissions from any of your test engines or other engines from the engine family, as follows:

(1) We may decide to do the testing at your plant or any other facility. If we do this, you must deliver the test

engine to a test facility we designate. The test engine you provide must include appropriate manifolds, aftertreatment devices, electronic control units, and other emission-related components not normally attached directly to the engine block. If we do the testing at your plant, you must schedule it as soon as possible and make available the instruments, personnel, and equipment we need.

(2) If we measure emissions on one of your test engines, the results of that testing become the official emission results for the engine. Unless we later invalidate these data, we may decide not to consider your data in determining if your engine family meets applicable requirements.

(3) Before we test one of your engines, we may set its adjustable parameters to any point within the physically adjustable ranges (see §1048.115(e)).

(4) Before we test one of your engines, we may calibrate it within normal production tolerances for anything we do not consider an adjustable parameter. For example, this would apply where we determine that an engine parameter is not an adjustable parameter (as defined in §1048.801) but that it is subject to production variability.

(d) You may ask to use carryover emission data from a previous model year instead of doing new tests, but only if all the following are true:

(1) The engine family from the previous model year differs from the current engine family only with respect to model year or other characteristics unrelated to emissions. You may also ask to add a configuration subject to §1048.225.

(2) The emission-data engine from the previous model year remains the appropriate emission-data engine under paragraph (b) of this section.

(3) The data show that the emission-data engine would meet all the requirements that apply to the engine family covered by the application for certification.

(e) We may require you to test another engine of the same or different configuration in addition to the engine tested under paragraph (b) of this section.

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(f) If you use an alternate test procedure under 40 CFR 1065.10 and later testing shows that such testing does not produce results that are equivalent to the procedures specified in subpart F of this part, we may reject data you generated using the alternate procedure.

(g) Measure CO₂ and CH₄ with each low-hour certification test using the procedures specified in 40 CFR part 1065 starting in the 2011 and 2012 model years, respectively. Also measure N₂O with each low-hour certification test using the procedures specified in 40 CFR part 1065 starting in the 2013 model year for any engine family that depends on NO_x aftertreatment to meet emission standards. Small-volume engine manufacturers may omit measurement of N₂O and CH₄. These measurements are not required for measurements using field-testing procedures. Use the same units and modal calculations as for your other results to report a single weighted value for each constituent. Round the final values as follows:

(1) Round CO₂ to the nearest 1 g/kW-hr.

(2) Round N₂O to the nearest 0.001 g/kW-hr.

(3) Round CH₄ to the nearest 0.001g/kW-hr.

[70 FR 40473, July 13, 2005, as amended at 73 FR 59235, Oct. 8, 2008; 74 FR 56510, Oct. 30, 2009]

§ 1048.240 How do I demonstrate that my engine family complies with exhaust emission standards?

(a) For purposes of certification, your engine family is considered in compliance with the applicable numerical emission standards in §1048.101(a) and (b) if all emission-data engines representing that family have test results showing official emission results and deteriorated emission levels at or below these standards. This includes all test points over the course of the durability demonstration. This also applies for all test points for emission-data engines within the family used to establish deterioration factors. See paragraph (e) of this section for provisions related to demonstrating compliance with field-testing standards.

(b) Your engine family is deemed not to comply if any emission-data engine representing that family has test results showing an official emission result or a deteriorated emission level for any pollutant that is above an applicable emission standard from §1048.101(a) and (b). Similarly, your engine family is deemed not to comply if any emission-data engine representing that family has test results showing any emission level above the applicable field-testing standard for any pollutant. This also applies for all test points for emission-data engines within the family used to establish deterioration factors.

(c) To compare emission levels from the emission-data engine with the applicable emission standards, apply deterioration factors to the measured emission levels for each pollutant. Specify the deterioration factors based on emission measurements using four significant figures, consistent with good engineering judgment. For example, your deterioration factors must take into account any available data from in-use testing with similar engines (see subpart E of this part). Small-volume engine manufacturers may use assigned deterioration factors that we establish. In addition, anyone may use assigned deterioration factors for engine families with a projected U.S.-directed production volume at or below 300 engines. Apply deterioration factors as follows:

(1) *Multiplicative deterioration factor.* Except as specified in paragraph (c)(2) of this section, use a multiplicative deterioration factor for exhaust emissions. A multiplicative deterioration factor is the ratio of exhaust emissions at the end of useful life to exhaust emissions at the low-hour test point. Adjust the official emission results for each tested engine at the selected test point by multiplying the measured emissions by the deterioration factor. If the factor is less than one, use one.

(2) *Additive deterioration factor.* Use an additive deterioration factor for exhaust emissions if engines do not use aftertreatment technology. Also, you may use an additive deterioration factor for exhaust emissions for a particular pollutant if all the emission-data engines in the engine family have

low-hour emission levels at or below 0.3 g/kW-hr for HC+NO_x or 0.5 g/kW-hr for CO, unless a multiplicative deterioration factor is more appropriate. For example, you should use a multiplicative deterioration factor if emission increases are best represented by the ratio of exhaust emissions at the end of the useful life to exhaust emissions at the low-hour test point. An additive deterioration factor is the difference between exhaust emissions at the end of useful life and exhaust emissions at the low-hour test point. Adjust the official emission results for each tested engine at the selected test point by adding the factor to the measured emissions. If the factor is less than zero, use zero.

(d) Collect emission data using measurements to one more decimal place than the applicable standard. Apply the deterioration factor to the official emission result, as described in paragraph (c) of this section, then round the adjusted figure to the same number of decimal places as the emission standard. Compare the rounded emission levels to the emission standard for each emission-data engine. In the case of HC + NO_x standards, apply the deterioration factor to each pollutant and then add the results before rounding.

(e) Use good engineering judgment to demonstrate compliance with field-testing standards throughout the useful life. You may, but are not required to, apply the same deterioration factors used to show compliance with the applicable duty-cycle standards.

[70 FR 40474, July 13, 2005, as amended at 73 FR 59236, Oct. 8, 2008; 75 FR 23022, Apr. 30, 2010]

§ 1048.245 How do I demonstrate that my engine family complies with evaporative emission standards?

(a) For certification, your engine family is considered in compliance with the evaporative emission standards in subpart B of this part if you do either of the following:

(1) You have test results showing that evaporative emissions in the family are at or below the standards throughout the useful life.

(2) Where applicable, you comply with the design specifications in paragraph (e) of this section.

(b) Your engine family does not comply if any fuel system representing that family has test results showing emission levels above the standards.

(c) Use good engineering judgment to develop a test plan to establish deterioration factors to show how much emissions increase at the end of the useful life.

(d) If you adjust the emission levels for deterioration, round them to the same number of decimal places as the emission standard. Compare the rounded emission levels to the emission standard for each test fuel system.

(e) You may demonstrate that your engine family complies with the evaporative emission standards by demonstrating that you use the following control technologies:

(1) For certification to the standards specified in §1048.105(c), with the following technologies:

(i) Use a tethered or self-closing gas cap on a fuel tank that stays sealed up to a positive pressure of 24.5 kPa (3.5 psig); however, they may contain air inlets that open when there is a vacuum pressure inside the tank. Nonmetal fuel tanks must also use one of the qualifying designs for controlling permeation emissions specified in 40 CFR 1060.240.

(ii) [Reserved]

(2) For certification to the standards specified in §1048.105(d), demonstrating that you use design features to prevent fuel boiling under all normal operation. If you install engines in equipment, you may do this using fuel temperature data measured during normal operation. Otherwise, you may do this by including appropriate information in your emission-related installation instructions.

(3) We may establish additional options for design-based certification where we find that new test data demonstrate that a technology will ensure compliance with the emission standards in this section.

[67 FR 68347, Nov. 8, 2002, as amended at 70 FR 40474, July 13, 2005; 73 FR 59236, Oct. 8, 2008; 75 FR 23022, Apr. 30, 2010]

§ 1048.250 What records must I keep and make available to EPA?

(a) Send the Designated Compliance Officer information related to your

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U.S.-directed production volumes as described in §1048.345. In addition, within 45 days after the end of the model year, you must send us a report describing information about engines you produced during the model year as follows:

(1) State the total production volume for each engine family that is not subject to reporting under §1048.345.

(2) State the total production volume for any engine family for which you produce engines after completing the reports required in §1048.345.

(3) For production volumes you report under this paragraph (a), identify whether or not the figures include California sales. Include a separate count of production volumes for California sales if those figures are available.

(b) Organize and maintain the following records:

(1) A copy of all applications and any summary information you send us.

(2) Any of the information we specify in §1048.205 that you were not required to include in your application.

(3) A detailed history of each emission-data engine. For each engine, describe all of the following:

(i) The emission-data engine's construction, including its origin and buildup, steps you took to ensure that it represents production engines, any components you built specially for it, and all the components you include in your application for certification.

(ii) How you accumulated engine operating hours (service accumulation), including the dates and the number of hours accumulated.

(iii) All maintenance, including modifications, parts changes, and other service, and the dates and reasons for the maintenance.

(iv) All your emission tests, including documentation on routine and standard tests, as specified in part 40 CFR part 1065, and the date and purpose of each test.

(v) All tests to diagnose engine or emission-control performance, giving the date and time of each and the reasons for the test.

(vi) Any other significant events.

(4) Production figures for each engine family divided by assembly plant.

(5) Keep a list of engine identification numbers for all the engines you

produce under each certificate of conformity.

(c) Keep data from routine emission tests (such as test cell temperatures and relative humidity readings) for one year after we issue the associated certificate of conformity. Keep all other information specified in this section for eight years after we issue your certificate.

(d) Store these records in any format and on any media, as long as you can promptly send us organized, written records in English if we ask for them. You must keep these records readily available. We may review them at any time.

[67 FR 68347, Nov. 8, 2002, as amended at 70 FR 40474, July 13, 2005; 73 FR 59236, Oct. 8, 2008]

§1048.255 What decisions may EPA make regarding my certificate of conformity?

(a) If we determine your application is complete and shows that the engine family meets all the requirements of this part and the Act, we will issue a certificate of conformity for your engine family for that model year. We may make the approval subject to additional conditions.

(b) We may deny your application for certification if we determine that your engine family fails to comply with emission standards or other requirements of this part or the Clean Air Act. We will base our decision on all available information. If we deny your application, we will explain why in writing.

(c) In addition, we may deny your application or suspend or revoke your certificate if you do any of the following:

(1) Refuse to comply with any testing or reporting requirements.

(2) Submit false or incomplete information (paragraph (e) of this section applies if this is fraudulent).

(3) Render inaccurate any test data.

(4) Deny us from completing authorized activities despite our presenting a warrant or court order (see 40 CFR 1068.20). This includes a failure to provide reasonable assistance.

(5) Produce engines for importation into the United States at a location

where local law prohibits us from carrying out authorized activities.

(6) Fail to supply requested information or amend your application to include all engines being produced.

(7) Take any action that otherwise circumvents the intent of the Act or this part.

(d) We may void your certificate if you do not keep the records we require or do not give us information as required under this part or the Act.

(e) We may void your certificate if we find that you intentionally submitted false or incomplete information.

(f) If we deny your application or suspend, revoke, or void your certificate, you may ask for a hearing (see §1048.820).

[70 FR 40474, July 13, 2005, as amended at 73 FR 59236, Oct. 8, 2008; 75 FR 23022, Apr. 30, 2010]

Subpart D—Testing Production-line Engines

§1048.301 When must I test my production-line engines?

(a) If you produce engines that are subject to the requirements of this part, you must test them as described in this subpart, except as follows:

(1) [Reserved]

(2) We may exempt engine families with a projected U.S.-directed production volume below 150 units from routine testing under this subpart. Request this exemption in your application for certification and include your basis for projecting a production volume below 150 units. We will approve your request if we agree that you have made good-faith estimates of your production volumes. Your exemption is approved when we grant your certificate. You must promptly notify us if your actual production exceeds 150 units during the model year. If you exceed the production limit or if there is evidence of a nonconformity, we may require you to test production-line engines under this subpart, or under 40 CFR part 1068, subpart E, even if we have approved an exemption under this paragraph (a)(2).

(b) We may suspend or revoke your certificate of conformity for certain engine families if your production-line engines do not meet the requirements

of this part or you do not fulfill your obligations under this subpart (see §§1048.325 and 1048.340).

(c) Other regulatory provisions authorize us to suspend, revoke, or void your certificate of conformity, or order recalls for engine families, without regard to whether they have passed these production-line testing requirements. The requirements of this subpart do not affect our ability to do selective enforcement audits, as described in part 1068 of this chapter. Individual engines in families that pass these production-line testing requirements must also conform to all applicable regulations of this part and part 1068 of this chapter.

(d) You may use alternate programs for testing production-line engines in the following circumstances:

(1) You may use analyzers and sampling systems that meet the field-testing requirements of 40 CFR part 1065, subpart J, but not the otherwise applicable requirements in 40 CFR part 1065 for laboratory testing, to demonstrate compliance with duty-cycle emission standards if you double the minimum sampling rate specified in §1048.310(b). Use measured test results to determine whether engines comply with applicable standards without applying a measurement allowance. This alternate program does not require prior approval but we may disallow use of this option where we determine that use of field-grade equipment would prevent you from being able to demonstrate that your engines are being produced to conform to the specifications in your application for certification.

(2) You may ask to use another alternate program for testing production-line engines. In your request, you must show us that the alternate program gives equal assurance that your products meet the requirements of this part. We may waive some or all of this subpart's requirements if we approve your alternate approach. For example, in certain circumstances you may be able to give us equal assurance that your products meet the requirements of this part by using less rigorous measurement methods if you offset that by increasing the number of test engines.

(e) If you certify an engine family with carryover emission data, as described in §1048.235(d), and these equivalent engine families consistently pass the production-line testing requirements over the preceding two-year period, you may ask for a reduced testing rate for further production-line testing for that family. The minimum testing rate is one engine per engine family. If we reduce your testing rate, we may limit our approval to any number of model years. In determining whether to approve your request, we may consider the number of engines that have failed the emission tests.

(f) We may ask you to make a reasonable number of production-line engines available for a reasonable time so we can test or inspect them for compliance with the requirements of this part.

[73 FR 59236, Oct. 8, 2008]

§ 1048.305 How must I prepare and test my production-line engines?

This section describes how to prepare and test production-line engines. You must assemble the test engine in a way that represents the assembly procedures for other engines in the engine family. You must ask us to approve any deviations from your normal assembly procedures for other production engines in the engine family.

(a) *Test procedures.* Test your production-line engines using either the steady-state or transient testing procedures specified in subpart F of this part to show you meet the duty-cycle emission standards in subpart B of this part. The field-testing standards apply for this testing, but you need not do additional testing to show that production-line engines meet the field-testing standards.

(b) *Modifying a test engine.* Once an engine is selected for testing (see §1048.310), you may adjust, repair, prepare, or modify it or check its emissions only if one of the following is true:

(1) You document the need for doing so in your procedures for assembling and inspecting all your production engines and make the action routine for all the engines in the engine family.

(2) This subpart otherwise specifically allows your action.

(3) We approve your action in advance.

(c) *Engine malfunction.* If an engine malfunction prevents further emission testing, ask us to approve your decision to either repair the engine or delete it from the test sequence.

(d) *Setting adjustable parameters.* Before any test, we may require you to adjust any adjustable parameter to any setting within its physically adjustable range.

(1) We may require you to adjust idle speed outside the physically adjustable range as needed, but only until the engine has stabilized emission levels (see paragraph (e) of this section). We may ask you for information needed to establish an alternate minimum idle speed.

(2) We may specify adjustments within the physically adjustable range by considering their effect on emission levels. We may also consider how likely it is that someone will make such an adjustment with in-use equipment.

(e) *Stabilizing emission levels.* Before you test production-line engines, you may operate the engine to stabilize the emission levels. Using good engineering judgment, operate your engines in a way that represents the way production engines will be used. You may operate each engine for no more than the greater of two periods:

(1) 50 hours.

(2) The number of hours you operated your emission-data engine for certifying the engine family (see 40 CFR part 1065, subpart E).

(f) *Damage during shipment.* If shipping an engine to a remote facility for production-line testing makes necessary an adjustment or repair, you must wait until after the initial emission test to do this work. We may waive this requirement if the test would be impossible or unsafe, or if it would permanently damage the engine. Report to us, in your written report under §1048.345, all adjustments or repairs you make on test engines before each test.

(g) *Retesting after invalid tests.* You may retest an engine if you determine an emission test is invalid under subpart F of this part. Explain in your written report reasons for invalidating any test and the emission results from

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all tests. If we determine that you improperly invalidated a test, we may require you to ask for our approval for future testing before substituting results of the new tests for invalid ones.

[67 FR 68347, Nov. 8, 2002, as amended at 70 FR 40475, July 13, 2005; 73 FR 59237, Oct. 8, 2008]

§ 1048.310 How must I select engines for production-line testing?

(a) Use test results from two engines each quarter to calculate the required

sample size for the model year for each engine family.

(b) Early in each calendar quarter, randomly select and test two engines from the end of the assembly line for each engine family.

(c) Calculate the required sample size for each engine family. Separately calculate this figure for HC+NO_x and CO. The required sample size is the greater of these calculated values. Use the following equation:

$$N = \left[\frac{(t_{95} \cdot \sigma)}{(x - \text{STD})} \right]^2 + 1$$

Where:

N = Required sample size for the model year.
 t₉₅ = 95% confidence coefficient, which depends on the number of tests completed, n, as specified in the table in paragraph (c)(1) of this section. It defines 95% confidence intervals for a one-tail distribution.

σ = Test sample standard deviation (see paragraph (c)(2) of this section).

x = Mean of emission test results of the sample.

STD = Emission standard.

(1) Determine the 95% confidence coefficient, t₉₅, from the following table:

n	t ₉₅	n	t ₉₅	n	t ₉₅
2	6.31	12	1.80	22	1.72
3	2.92	13	1.78	23	1.72
4	2.35	14	1.77	24	1.71
5	2.13	15	1.76	25	1.71
6	2.02	16	1.75	26	1.71
7	1.94	17	1.75	27	1.71
8	1.90	18	1.74	28	1.70
9	1.86	19	1.73	29	1.70
10	1.83	20	1.73	30+	1.70
11	1.81	21	1.72		

(2) Calculate the standard deviation, σ, for the test sample using the following formula:

Where:

$$\sigma = \left[\frac{\sum (X_i - x)^2}{(n-1)} \right]^{\frac{1}{2}}$$

X_i = Emission test result for an individual engine.

n = The number of tests completed in an engine family.

(d) Use final deteriorated test results to calculate the variables in the equations in paragraph (c) of this section (see §1048.315(a)).

(e) After each new test, recalculate the required sample size using the updated mean values, standard deviations, and the appropriate 95-percent confidence coefficient.

(f) Distribute the remaining tests evenly throughout the rest of the year. You may need to adjust your schedule for selecting engines if the required sample size changes. If your scheduled quarterly testing for the remainder of the model year is sufficient to meet the calculated sample size, you may wait until the next quarter to do additional testing. Continue to randomly select engines from each engine family.

(g) Continue testing until one of the following things happens:

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(1) After completing the minimum number of tests required in paragraph (b) of this section, the number of tests completed in an engine family, n , is greater than the required sample size, N , and the sample mean, \bar{x} , is less than or equal to the emission standard. For example, if $N = 5.1$ after the fifth test, the sample-size calculation does not allow you to stop testing.

(2) The engine family does not comply according to § 1048.315.

(3) You test 30 engines from the engine family.

(4) You test one percent of your projected annual U.S.-directed production volume for the engine family, rounded to the nearest whole number. Do not count an engine under this paragraph (g)(4) if it fails to meet an applicable emission standard. You may stop testing after you test one percent of your production volume even if you have not tested the number of engines specified in paragraph (b) of this section. For example, if projected volume is 475 engines, test two engines in each of the first two quarters and one engine in the third quarter to fulfill your testing requirements under this section for that engine family.

(5) You choose to declare that the engine family does not comply with the requirements of this subpart.

(h) If the sample-size calculation allows you to stop testing for one pollutant but not another, you must continue measuring emission levels of all pollutants for any additional tests required under this section. However, you need not continue making the calculations specified in this subpart for the pollutant for which testing is not required. This paragraph (h) does not affect the number of tests required under this section, the required calculations in § 1048.315, or the remedial steps required under § 1048.320.

(i) You may elect to test more randomly chosen engines than we require under this section. Include these engines in the sample-size calculations.

[67 FR 68347, Nov. 8, 2002, as amended at 70 FR 40475, July 13, 2005; 73 FR 59237, Oct. 8, 2008]

§ 1048.315 How do I know when my engine family fails the production-line testing requirements?

This section describes the pass/fail criteria for the production-line testing requirements. We apply these criteria on an engine-family basis. See § 1048.320 for the requirements that apply to individual engines that fail a production-line test.

(a) Calculate your test results as follows:

(1) *Initial and final test results.* Calculate and round the test results for each engine. If you do several tests on an engine, calculate the initial results for each test, then add all the test results together and divide by the number of tests. Round this final calculated value for the final test results on that engine.

(2) *Final deteriorated test results.* Apply the deterioration factor for the engine family to the final test results (see § 1048.240(c)).

(3) *Round deteriorated test results.* Round the results to the number of decimal places in the emission standard expressed to one more decimal place.

(b) Construct the following CumSum Equation for each engine family for HC+NO_x and CO emissions:

$$C_i = \text{Max} [0 \text{ or } C_{i-1} + X_i - (\text{STD} + 0.25 \times \sigma)]$$

Where:

C_i = The current CumSum statistic.

C_{i-1} = The previous CumSum statistic. For the first test, the CumSum statistic is 0 (i.e., $C_1 = 0$).

X_i = The current emission test result for an individual engine.

STD = Emission standard.

(c) Use final deteriorated test results to calculate the variables in the equation in paragraph (b) of this section (see § 1048.315(a)).

(d) After each new test, recalculate the CumSum statistic.

(e) If you test more than the required number of engines, include the results from these additional tests in the CumSum Equation.

(f) After each test, compare the current CumSum statistic, C_i , to the recalculated Action Limit, H , defined as $H = 5.0 \times \sigma$.

(g) If the CumSum statistic exceeds the Action Limit in two consecutive

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tests, the engine family fails the production-line testing requirements of this subpart. Tell us within ten working days if this happens.

(h) If you amend the application for certification for an engine family (see §1048.225), do not change any previous calculations of sample size or CumSum statistics for the model year.

[67 FR 68347, Nov. 8, 2002, as amended at 70 FR 40475, July 13, 2005; 73 FR 59238, Oct. 8, 2008]

§ 1048.320 What happens if one of my production-line engines fails to meet emission standards?

If you have a production-line engine with final deteriorated test results exceeding one or more emission standards (see §1048.315(a)), the certificate of conformity is automatically suspended for that failing engine. You must take the following actions before your certificate of conformity can cover that engine:

(a) Correct the problem and retest the engine to show it complies with all emission standards.

(b) Include the test results and describe the remedy for each engine in the written report required under §1048.345.

[67 FR 68347, Nov. 8, 2002, as amended at 73 FR 59238, Oct. 8, 2008]

§ 1048.325 What happens if an engine family fails the production-line testing requirements?

(a) We may suspend your certificate of conformity for an engine family if it fails under §1048.315. The suspension may apply to all facilities producing engines from an engine family, even if you find noncompliant engines only at one facility.

(b) We will tell you in writing if we suspend your certificate in whole or in part. We will not suspend a certificate until at least 15 days after the engine family fails. The suspension is effective when you receive our notice.

(c) Up to 15 days after we suspend the certificate for an engine family, you may ask for a hearing (see §1048.820). If we agree before a hearing occurs that we used erroneous information in deciding to suspend the certificate, we will reinstate the certificate.

(d) Section 1048.335 specifies steps you must take to remedy the cause of the engine family's production-line failure. All the engines you have produced since the end of the last test period are presumed noncompliant and should be addressed in your proposed remedy. We may require you to apply the remedy to engines produced earlier if we determine that the cause of the failure is likely to have affected the earlier engines.

[67 FR 68347, Nov. 8, 2002, as amended at 70 FR 40475, July 13, 2005; 73 FR 59238, Oct. 8, 2008]

§ 1048.330 May I sell engines from an engine family with a suspended certificate of conformity?

You may sell engines that you produce after we suspend the engine family's certificate of conformity under §1048.315 only if one of the following occurs:

(a) You test each engine you produce and show it complies with emission standards that apply.

(b) We conditionally reinstate the certificate for the engine family. We may do so if you agree to recall all the affected engines and remedy any non-compliance at no expense to the owner if later testing shows that the engine family still does not comply.

§ 1048.335 How do I ask EPA to reinstate my suspended certificate?

(a) Send us a written report asking us to reinstate your suspended certificate. In your report, identify the reason for noncompliance, propose a remedy for the engine family, and commit to a date for carrying it out. In your proposed remedy include any quality control measures you propose to keep the problem from happening again.

(b) Give us data from production-line testing that shows the remedied engine family complies with all the emission standards that apply.

§ 1048.340 When may EPA revoke my certificate under this subpart and how may I sell these engines again?

(a) We may revoke your certificate for an engine family in the following cases:

(1) You do not meet the reporting requirements.

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(2) Your engine family fails to comply with the requirements of this subpart and your proposed remedy to address a suspended certificate under §1048.325 is inadequate to solve the problem or requires you to change the engine's design or emission-control system.

(b) To sell engines from an engine family with a revoked certificate of conformity, you must modify the engine family and then show it complies with the requirements of this part.

(1) If we determine your proposed design change may not control emissions for the engine's full useful life, we will tell you within five working days after receiving your report. In this case we will decide whether production-line testing will be enough for us to evaluate the change or whether you need to do more testing.

(2) Unless we require more testing, you may show compliance by testing production-line engines as described in this subpart.

(3) We will issue a new or updated certificate of conformity when you have met these requirements.

§ 1048.345 What production-line testing records must I send to EPA?

(a) Within 30 calendar days of the end of each calendar quarter, send us a report with the following information:

(1) Describe any facility used to test production-line engines and state its location.

(2) State the total U.S.-directed production volume and number of tests for each engine family.

(3) Describe how you randomly selected engines.

(4) Describe each test engine, including the engine family's identification and the engine's model year, build date, model number, identification number, and number of hours of operation before testing.

(5) Identify how you accumulated hours of operation on the engines and describe the procedure and schedule you used.

(6) Provide the test number; the date, time and duration of testing; test procedure; all initial test results; final test results; and final deteriorated test results for all tests. Provide the emission results for all measured pollut-

ants. Include information for both valid and invalid tests and the reason for any invalidation.

(7) Describe completely and justify any nonroutine adjustment, modification, repair, preparation, maintenance, or test for the test engine if you did not report it separately under this subpart. Include the results of any emission measurements, regardless of the procedure or type of equipment.

(8) Provide the CumSum analysis required in §1048.315 and the sample-size calculation required in §1048.310 for each engine family.

(9) Report on each failed engine as described in §1048.320.

(10) State the date the calendar quarter ended for each engine family.

(b) We may ask you to add information to your written report, so we can determine whether your new engines conform with the requirements of this subpart. We may also ask you to send less information.

(c) An authorized representative of your company must sign the following statement:

We submit this report under Sections 208 and 213 of the Clean Air Act. Our production-line testing conformed completely with the requirements of 40 CFR part 1048. We have not changed production processes or quality-control procedures for test engines in a way that might affect emission controls. All the information in this report is true and accurate, to the best of my knowledge. I know of the penalties for violating the Clean Air Act and the regulations. (Authorized Company Representative)

(d) Send electronic reports of production-line testing to the Designated Compliance Officer using an approved information format. If you want to use a different format, send us a written request with justification for a waiver.

(e) We will send copies of your reports to anyone from the public who asks for them. See §1048.815 for information on how we treat information you consider confidential.

[67 FR 68347, Nov. 8, 2002, as amended at 70 FR 40476, July 13, 2005; 73 FR 59238, Oct. 8, 2008]

§ 1048.350 What records must I keep?

(a) Organize and maintain your records as described in this section. We may review your records at any time.

(b) Keep paper or electronic records of your production-line testing for eight years after you complete all the testing required for an engine family in a model year.

(c) Keep a copy of the written reports described in §1048.345.

(d) Keep the following additional records:

(1) A description of all test equipment for each test cell that you can use to test production-line engines.

(2) The names of supervisors involved in each test.

(3) The name of anyone who authorizes adjusting, repairing, preparing, or modifying a test engine and the names of all supervisors who oversee this work.

(4) If you shipped the engine for testing, the date you shipped it, the associated storage or port facility, and the date the engine arrived at the testing facility.

(5) Any records related to your production-line tests that are not in the written report.

(6) A brief description of any significant events during testing not otherwise described in the written report or in this section.

(7) Any information specified in §1048.345 that you do not include in your written reports.

(e) If we ask, you must give us projected or actual production figures for an engine family. We may ask you to divide your production figures by maximum engine power, displacement, fuel type, or assembly plant (if you produce engines at more than one plant).

(f) Keep records of the engine identification number for each engine you produce under each certificate of conformity. You may identify these numbers as a range. Give us these records within 30 days if we ask for them.

(g) We may ask you to keep or send other information necessary to implement this subpart.

[67 FR 68347, Nov. 8, 2002, as amended at 70 FR 40476, July 13, 2005; 73 FR 59239, Oct. 8, 2008]

Subpart E—Testing In-use Engines

§ 1048.401 What testing requirements apply to my engines that have gone into service?

(a) If you produce engines that are subject to the requirements of this part, you must test them as described in this subpart. This generally involves testing engines in the field or removing them for measurement in a laboratory.

(b) We may approve an alternate plan for showing that in-use engines comply with the requirements of this part if one of the following is true:

(1) You produce 200 or fewer engines per year in the selected engine family.

(2) Removing the engine from most of the applications for that engine family causes significant, irreparable damage to the equipment.

(3) You identify a unique aspect of your engine applications that keeps you from doing the required in-use testing.

(c) We may void your certificate of conformity for an engine family if you do not meet your obligations under this part.

(d) Independent of your responsibility to test in-use engines, we may choose at any time to do our own testing of your in-use engines.

(e) If in-use testing shows that engines fail to meet emission standards or other requirements of this part, we may pursue a recall or other remedy as allowed by the Act (see §1048.415).

§ 1048.405 How does this program work?

(a) You must test in-use engines, for exhaust emissions, from the families we select. We may select up to 25 percent of your engine families in any model year—or one engine family if you have three or fewer families. We will select engine families for testing before the end of the model year. When we select an engine family for testing, we may specify that you preferentially test engines based on fuel type or equipment type. In addition, we may identify specific modes of operation or sampling times. You may choose to test additional engine families that we do not select.

(b) Send us an in-use testing plan within six months after we direct you

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to test a particular engine family. If we request additional information or require you to modify your plan to meet the requirements of this subpart, you must provide the information or the modified plan within 30 days of our request. Complete the testing within 36 months after we direct you to test a particular engine family.

(c) You may need to test engines from more than one model year at a given time.

(d) In appropriate extreme and unusual circumstances that are clearly outside your control and could not have been avoided by the exercise of prudence, diligence, and due care, we may allow more time to complete testing or we may waive the in-use testing requirement for an engine family. For example, if your test fleet is destroyed by severe weather during service accumulation and we agree that completion of testing is not possible, we would generally waive testing requirements for that engine family.

[67 FR 68347, Nov. 8, 2002, as amended at 73 FR 59239, Oct. 8, 2008; 75 FR 23022, Apr. 30, 2010]

§ 1048.410 How must I select, prepare, and test my in-use engines?

(a) You may make arrangements to select representative test engines from your own fleet or from other independent sources.

(b) For the selected engine families, select engines that you or your customers have—

(1) Operated for at least 50 percent of the engine family's useful life (see § 1048.101(d));

(2) Not maintained or used in an abnormal way; and

(3) Documented in terms of total hours of operation, maintenance, operating conditions, and storage.

(c) Use the following methods to determine the number of engines you must test in each engine family:

(1) Test at least two engines if you produce 2,000 or fewer engines in the model year from all engine families, or if you produce 500 or fewer engines from the selected engine family. Otherwise, test at least four engines.

(2) If you successfully complete an in-use test program on an engine family and later certify an equivalent engine

family with carryover emission data, as described in § 1048.235(c), then test at least one engine instead of the testing rates in paragraph (c)(1) of this section.

(3) If you test the minimum required number of engines and all comply fully with emission standards, you may stop testing.

(4) For each engine that fails any applicable standard, test two more. Regardless of measured emission levels, you do not have to test more than ten engines in an engine family. You may do more tests than we require.

(5) You may concede that the engine family does not comply before testing a total of ten engines.

(d) You may do minimal maintenance to set components of a test engine to specifications for anything we do not consider an adjustable parameter (see § 1048.205(p)). Limit maintenance to what is in the owner's instructions for engines with that amount of service and age. Document all maintenance and adjustments.

(e) You may do repeat measurements with a test engine; however, you must conduct the same number of tests on each engine.

(f) For a test program on an engine family, choose one of the following methods to test your engines:

(1) Remove the selected engines for testing in a laboratory. Use the applicable steady-state and transient procedures in subpart F of this part to show compliance with the duty-cycle standards in § 1048.101(a) and (b). We may direct you to measure emissions on the dynamometer using the supplemental test procedures in § 1048.515 to show compliance with the field-testing standards in § 1048.101(c).

(2) Test the selected engines while they remain installed in the equipment. Use the field testing procedures in subpart F of this part. Measure emissions during normal operation of the equipment to show compliance with the field-testing standards in § 1048.101(c). We may direct you to include specific areas of normal operation.

(g) You may ask us to waive parts of the prescribed test procedures if they are not necessary to determine in-use compliance.

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(h) Calculate the average emission levels for an engine family from the results for the set of tested engines. Round them to the number of decimal places in the emission standards expressed to one more decimal place.

[67 FR 68347, Nov. 8, 2002, as amended at 73 FR 59239, Oct. 8, 2008]

§ 1048.415 What happens if in-use engines do not meet requirements?

(a) Determine the reason each in-use engine exceeds the emission standards.

(b) If the average emission levels calculated in §1048.410(h) exceed any of the emission standards that apply, notify us within fifteen days of completing testing on this family. Otherwise follow the reporting instructions in §1048.420.

(c) We will consider failure rates, average emission levels, and any defects—among other things—to decide on taking remedial action under this subpart (see 40 CFR 1068.505). We may consider the results from any voluntary additional testing you perform. We may also consider information related to testing from other engine families showing that you designed them to exceed the minimum requirements for controlling emissions. We may order a recall before or after you complete testing of an engine family if we determine a substantial number of engines do not conform to section 213 of the Act or to this part. The scope of the recall may include other engine families in the same or different model years if the cause of the problem identified in paragraph (a) of this section applies more broadly than the tested engine family, as allowed by the Act.

(d) If in-use testing reveals a design or manufacturing defect that prevents engines from meeting the requirements of this part, you must correct the defect as soon as possible for any future production for engines in every family affected by the defect. See 40 CFR 1068.501 for additional requirements related to defect reporting.

(e) You may voluntarily recall an engine family for emission failures, as described in 40 CFR 1068.535, unless we have ordered a recall for that family under 40 CFR 1068.505.

(f) You have the right to a hearing before we order you to recall your en-

gines or implement an alternative remedy (see §1048.820).

[67 FR 68347, Nov. 8, 2002, as amended at 73 FR 59239, Oct. 8, 2008]

§ 1048.420 What in-use testing information must I report to EPA?

(a) In a report to us within three months after you finish testing an engine family, do all the following:

(1) Identify the engine family, model, serial number, and date of manufacture.

(2) For each engine inspected or considered for testing, identify whether the diagnostic system was functioning.

(3) Describe the specific reasons for disqualifying any engines for not being properly maintained or used.

(4) For each engine selected for testing, include the following information:

(i) Estimate the hours each engine was used before testing.

(ii) Describe all maintenance, adjustments, modifications, and repairs to each test engine.

(5) State the date and time of each test attempt.

(6) Include the results of all emission testing, including incomplete or invalidated tests, if any.

(b) Send electronic reports of in-use testing to the Designated Compliance Officer using an approved information format. If you want to use a different format, send us a written request with justification for a waiver.

(c) We will send copies of your reports to anyone from the public who asks for them. See §1048.815 for information on how we treat information you consider confidential.

(d) We may ask for more information.

[67 FR 68347, Nov. 8, 2002, as amended at 70 FR 40476, July 13, 2005]

§ 1048.425 What records must I keep?

(a) Organize and maintain your records as described in this section. We may review your records at any time.

(b) Keep paper records of your in-use testing for one full year after you complete all the testing required for an engine family in a model year. You may use any additional storage formats or media if you like.

(c) Keep a copy of the written reports described in §1048.420.

(d) Keep any additional records related to the procurement process.

[67 FR 68347, Nov. 8, 2002, as amended at 70 FR 40476, July 13, 2005]

Subpart F—Test Procedures

§ 1048.501 How do I run a valid emission test?

(a) Use the equipment and procedures for spark-ignition engines in 40 CFR part 1065 to determine whether engines meet the duty-cycle emission standards in § 1048.101(a) and (b). Measure the emissions of all the pollutants we regulate in § 1048.101 using the sampling procedures specified in 40 CFR part 1065. Measure CO₂, N₂O, and CH₄ as described in § 1048.235. Use the applicable duty cycles specified in §§ 1048.505 and 1048.510.

(b) Section 1048.515 describes the supplemental procedures for evaluating whether engines meet the field-testing emission standards in § 1048.101(c).

(c) Use the fuels and lubricants specified in 40 CFR part 1065, subpart H, to perform valid tests for all the testing we require in this part, except as noted in § 1048.515. For service accumulation, use the test fuel or any commercially available fuel that is representative of the fuel that in-use engines will use.

(d) In place of the provisions of 40 CFR 1065.405, you may consider emission levels stable without measurement after 50 hours of engine operation.

(e) To test engines for evaporative emissions, use the equipment and procedures specified for testing diurnal emissions as described in 40 CFR 1060.525, subject to the following provisions:

(1) Precondition nonmetal fuel tanks as specified in 40 CFR 1060.520(a) and (b).

(2) For engines equipped with carbon canisters that store fuel vapors that will be purged for combustion in the engine, precondition the canister as specified in 40 CFR 86.132–96(h) and then operate the engine for 60 minutes over repeat runs of the duty cycle specified in Appendix I of this part.

(3) Start the diurnal emission test after the engine is stabilized at room temperatures, but within 36 hours after

the engine operation specified in paragraph (e)(2) of this section.

(4) You may not separately measure permeation emissions from nonmetal fuel tanks for subtracting from the diurnal emission measurement.

(5) Note that you may omit testing for evaporative emissions during certification if you certify by design, as specified in § 1048.245.

(f) You may use special or alternate procedures to the extent we allow them under 40 CFR 1065.10.

(g) This subpart is addressed to you as a manufacturer, but it applies equally to anyone who does testing for you, and to us when we perform testing to determine if your engines meet emission standards.

[70 FR 40476, July 13, 2005, as amended at 73 FR 59239, Oct. 8, 2008; 74 FR 56510, Oct. 30, 2009]

§ 1048.505 How do I test engines using steady-state duty cycles, including ramped-modal testing?

This section describes how to test engines under steady-state conditions. In some cases, we allow you to choose the appropriate steady-state duty cycle for an engine. In these cases, you must use the duty cycle you select in your application for certification for all testing you perform for that engine family. If we test your engines to confirm that they meet emission standards, we will use the duty cycles you select for your own testing. We may also perform other testing as allowed by the Clean Air Act.

(a) You may perform steady-state testing with either discrete-mode or ramped-modal cycles, as follows:

(1) For discrete-mode testing, sample emissions separately for each mode, then calculate an average emission level for the whole cycle using the weighting factors specified for each mode. Calculate cycle statistics and compare with the established criteria as specified in 40 CFR 1065.514 to confirm that the test is valid. Operate the engine and sampling system as follows:

(i) *Engines with lean NO_x aftertreatment.* For lean-burn engines that depend on aftertreatment to meet the NO_x emission standard, operate the engine for 5–6 minutes, then sample

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emissions for 1–3 minutes in each mode.

(ii) *Engines without lean NO_x aftertreatment.* For other engines, operate the engine for at least 5 minutes, then sample emissions for at least 1 minute in each mode.

(2) For ramped-modal testing, start sampling at the beginning of the first mode and continue sampling until the end of the last mode. Calculate emissions and cycle statistics the same as for transient testing as specified in 40 CFR part 1065, subpart G.

(b) Measure emissions by testing the engine on a dynamometer with one or more of the following sets of duty cycles to determine whether it meets the steady-state emission standards in § 1048.101(b):

(1) For engines from an engine family that will be used only in variable-speed applications, use one of the following duty cycles:

(i) The following duty cycle applies for discrete-mode testing:

TABLE 1 OF § 1048.505

C2 mode No.	Engine speed ¹	Torque (percent) ²	Weighting factors
1	Maximum test speed	25	0.06
2	Intermediate test	100	0.02
3	Intermediate test	75	0.05
4	Intermediate test	50	0.32
5	Intermediate test	25	0.30
6	Intermediate test	10	0.10
7	Warm idle	0	0.15

¹ Speed terms are defined in 40 CFR part 1065.

² The percent torque is relative to the maximum torque at the given engine speed.

(ii) The following duty cycle applies for ramped-modal testing:

TABLE 2 OF § 1048.505

RMC mode	Time in mode (seconds)	Engine speed ^{1,2}	Torque (percent) ^{2,3}
1a Steady-state	119	Warm idle	0
1b Transition	20	Linear transition	Linear transition.
2a Steady-state	29	Intermediate speed	100
2b Transition	20	Intermediate speed	Linear transition.
3a Steady-state	150	Intermediate speed	10
3b Transition	20	Intermediate speed	Linear transition.
4a Steady-state	80	Intermediate speed	75
4b Transition	20	Intermediate speed	Linear transition.
5a Steady-state	513	Intermediate speed	25
5b Transition	20	Intermediate speed	Linear transition.
6a Steady-state	549	Intermediate speed	50
6b Transition	20	Linear transition	Linear transition.
7a Steady-state	96	Maximum test speed	25
7b Transition	20	Linear transition	Linear transition.
8 Steady-state	124	Warm idle	0

¹ Speed terms are defined in 40 CFR part 1065.

² Advance from one mode to the next within a 20-second transition phase. During the transition phase, command a linear progression from the torque setting of the current mode to the torque setting of the next mode.

³ The percent torque is relative to maximum torque at the commanded engine speed.

(2) For engines from an engine family that will be used only at a single, rated speed, use the 5-mode duty cycle or the corresponding ramped-modal cycle described in 40 CFR part 1039, Appendix II, paragraph (a).

(3) Use a duty cycle from both paragraphs (b)(1) and (b)(2) of this section if

you will not restrict an engine family to constant-speed or variable-speed applications.

(4) Use a duty cycle specified in paragraph (b)(2) of this section for all severe-duty engines.

(5) For high-load engines, use one of the following duty cycles:

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(i) The following duty cycle applies for discrete-mode testing:

TABLE 3 OF § 1048.505

Mode No.	Engine speed	Torque (percent) ¹	Minimum time in mode (minutes)	Weighting factors
1	Maximum test speed	100	3.0	0.50
2	Maximum test speed	75	3.0	0.50

¹The percent torque is relative to the maximum torque at maximum test speed.

(ii) The following duty cycle applies for discrete-mode testing:

TABLE 4 OF § 1048.505

RMC modes	Time in mode (seconds)	Engine speed (percent)	Torque (percent) ^{1,2}
1a Steady-state	290	Engine governed	100
1b Transition	20	Engine governed	Linear transition.
2 Steady-state	290	Engine governed	75

¹The percent torque is relative to maximum test torque.

²Advance from one mode to the next within a 20-second transition phase. During the transition phase, command a linear progression from the torque setting of the current mode to the torque setting of the next mode.

(c) If we test an engine to confirm that it meets the duty-cycle emission standards, we will use the steady-state duty cycles that apply for that engine family.

(d) During idle mode, operate the engine at its warm idle speed as described in 40 CFR 1065.510.

(e) For full-load operating modes, operate the engine at wide-open throttle.

(f) See 40 CFR part 1065 for detailed specifications of tolerances and calculations.

(g) For those cases where steady-state testing does not directly follow a transient test, perform the steady-state test according to this section after an appropriate warm-up period, consistent with 40 CFR part 1065, subpart F.

[73 FR 59239, Oct 8, 2008, as amended at 75 FR 23022, Apr. 30, 2010]

§ 1048.510 What transient duty cycles apply for laboratory testing?

(a) Starting with the 2007 model year, measure emissions by testing the engine on a dynamometer with the duty cycle described in Appendix II to determine whether it meets the transient emission standards in § 1048.101(a).

(b) Calculate cycle statistics and compare with the established criteria

as specified in 40 CFR 1065.514 to confirm that the test is valid.

(c) Warm up the test engine as follows before running a transient test:

(1) Operate the engine for the first 180 seconds of the appropriate duty cycle, then allow it to idle without load for 30 seconds. At the end of the 30-second idling period, start measuring emissions as the engine operates over the prescribed duty cycle. For severe-duty engines, this engine warm-up procedure may include up to 15 minutes of operation over the appropriate duty cycle.

(2) If the engine was already operating before a test, use good engineering judgment to let the engine cool down enough so measured emissions during the next test will accurately represent those from an engine starting at room temperature. For example, if an engine starting at room temperature warms up enough in three minutes to start closed-loop operation and achieve full catalyst activity, then minimal engine cooling is necessary before starting the next test.

(3) You are not required to measure emissions while the engine is warming up. However, you must design your emission-control system to start working as soon as possible after engine

starting. In your application for certification, describe how your engine meets this objective (see §1048.205(b)).

[67 FR 68347, Nov. 8, 2002, as amended at 70 FR 40478, July 13, 2005; 73 FR 59241, Oct. 8, 2008; 75 FR 23023, Apr. 30, 2010]

§ 1048.515 What are the field-testing procedures?

(a) This section describes the procedures to determine whether your engines meet the field-testing emission standards in §1048.101(c). These procedures may include any normal engine operation and ambient conditions that the engines may experience in use. Paragraph (b) of this section defines the limits of what we will consider normal engine operation and ambient conditions. Use the test procedures we specify in §1048.501, except for the provisions we specify in this section. Measure emissions with one of the following procedures:

(1) Remove the selected engines for testing in a laboratory. You may use an engine dynamometer to simulate normal operation, as described in this section.

(2) Test the selected engines while they remain installed in the equipment. In 40 CFR part 1065, subpart J, we describe the equipment and sampling methods for testing engines in the field. Use fuel meeting the specifications of 40 CFR part 1065, subpart H, or a fuel typical of what you would expect the engine to use in service.

(b) An engine's emissions may not exceed the levels we specify in §1048.101(c) for any continuous sampling period of at least 120 seconds under the following ranges of operation and operating conditions:

(1) Engine operation during the emission sampling period may include any normal operation, subject to the following restrictions:

(i) Average power must be at least 5 percent of maximum brake power.

(ii) Continuous time at idle must not be greater than 120 seconds.

(iii) The sampling period may not begin until the engine has reached stable operating temperatures. For example, this would exclude engine operation after starting until the thermostat starts modulating coolant temperature.

(iv) The sampling period may not include engine starting.

(v) For engines that qualify for the alternate Tier 2 emission standards in §1048.101(d), operation at 90 percent or more of maximum power must be less than 10 percent of the total sampling time. You may request our approval for a different power threshold.

(2) Engine testing may occur under any normal conditions without correcting measured emission levels, subject to the following restrictions:

(i) Barometric pressure must be between 80.0 and 103.3 kPa (600 and 775 mm Hg).

(ii) Ambient air temperature must be between 13° and 35 °C.

[67 FR 68347, Nov. 8, 2002, as amended at 70 FR 40478, July 13, 2005; 73 FR 59241, Oct. 8, 2008]

Subpart G—Compliance Provisions

§ 1048.601 What compliance provisions apply to these engines?

(a) Engine and equipment manufacturers, as well as owners, operators, and rebuilders of engines subject to the requirements of this part, and all other persons, must observe the provisions of this part, the requirements and prohibitions in 40 CFR part 1068, and the provisions of the Act.

(b) This paragraph (b) describes how the replacement-engine provisions of 40 CFR 1068.240 apply for engines subject to the requirements of this part in conjunction with the secondary engine manufacturer provisions in 40 CFR 1068.262. For cases in which the secondary engine manufacturer completes assembly of the engine, these provisions apply as written. If the secondary engine manufacturer arranges for a third party to complete engine assembly, the following additional provisions apply:

(1) The ultimate purchaser must purchase (or otherwise order) the replacement engine from the secondary engine manufacturer. The secondary engine manufacturer must provide assembly instructions to the engine assembler (unless the engine being replaced was not subject to emission standards). The secondary engine manufacturer may

arrange for the original engine manufacturer to ship the engine directly to the engine assembler. However, if the secondary engine manufacturer does not take possession of the engine, it must supply the engine label specified in 40 CFR 1068.240 to the engine assembler and the engine assembler must apply the label before shipping the engine.

(2) The secondary engine manufacturer and engine assembler are both responsible if the engine is installed in new equipment or otherwise violates the circumvention provisions of 40 CFR 1068.240.

(3) Consider the following example. A secondary engine manufacturer receiving a valid request for a replacement engine for which it does not already have an engine available in inventory may order a partially complete engine from an original engine manufacturer and have it shipped directly to an independent engine assembler. In this case, the secondary engine manufacturer must state in its order that the partially complete engine should be labeled as being exempt under 40 CFR 1068.240 and identify the engine assembler's address; the secondary engine manufacturer must also provide instructions to the engine assembler. The original engine manufacturer would label the engine as described in 40 CFR 1068.262, identifying the replacement-engine exemption as the basis for shipping an uncertified engine, and ship the engine directly to the assembler. The engine assembler would complete the assembly by applying the label and otherwise following the instructions provided by the secondary engine manufacturer.

[73 FR 59241, Oct. 8, 2008]

§ 1048.605 What provisions apply to engines certified under the motor vehicle program?

(a) *General provisions.* If you are an engine manufacturer, this section allows you to introduce new nonroad engines into commerce if they are already certified to the requirements that apply to engines under 40 CFR parts 85 and 86 for the appropriate model year. If you comply with all the provisions of this section, we consider the certificate issued under 40 CFR

part 86 for each engine to also be a valid certificate of conformity under this part 1048 for its model year, without a separate application for certification under the requirements of this part 1048. See §1048.610 for similar provisions that apply to engines certified to chassis-based standards for motor vehicles.

(b) *Equipment-manufacturer provisions.* If you are not an engine manufacturer, you may produce nonroad equipment using motor-vehicle engines under this section as long as you meet all the requirements and conditions specified in paragraph (d) of this section. If you modify the motor-vehicle engine in any of the ways described in paragraph (d)(2) of this section, we will consider you a manufacturer of a new nonroad engine. Such engine modifications prevent you from using the provisions of this section.

(c) *Liability.* Engines for which you meet the requirements of this section are exempt from all the requirements and prohibitions of this part, except for those specified in this section. Engines exempted under this section must meet all the applicable requirements from 40 CFR parts 85 and 86. This applies to engine manufacturers, equipment manufacturers who use these engines, and all other persons as if these engines were used in a motor vehicle. The prohibited acts of 40 CFR 1068.101(a)(1) apply to these new engines and equipment; however, we consider the certificate issued under 40 CFR part 86 for each engine to also be a valid certificate of conformity under this part 1048 for its model year. If we make a determination that these engines do not conform to the regulations during their useful life, we may require you to recall them under 40 CFR part 86 or 40 CFR 1068.505.

(d) *Specific requirements.* If you are an engine manufacturer or equipment manufacturer and meet all the following criteria and requirements regarding your new nonroad engine, the engine is eligible for an exemption under this section:

(1) Your engine must be covered by a valid certificate of conformity issued under 40 CFR part 86.

(2) You must not make any changes to the certified engine that could reasonably be expected to increase its exhaust emissions for any pollutant, or its evaporative emissions. For example, if you make any of the following changes to one of these engines, you do not qualify for this exemption:

(i) Change any fuel system or evaporative system parameters from the certified configuration (this does not apply to refueling controls).

(ii) Change, remove, or fail to properly install any other component, element of design, or calibration specified in the engine manufacturer's application for certification. This includes aftertreatment devices and all related components.

(iii) Modify or design the engine cooling system so that temperatures or heat rejection rates are outside the original engine manufacturer's specified ranges.

(3) You must show that fewer than 50 percent of the engine family's total sales in the United States are used in nonroad applications. This includes engines used in any application without regard to which company manufactures the vehicle or equipment. Show this as follows:

(i) If you are the original manufacturer of the engine, base this showing on your sales information.

(ii) In all other cases, you must get the original manufacturer of the engine to confirm this based on its sales information.

(4) You must ensure that the engine has the label we require under 40 CFR part 86.

(5) You must add a permanent supplemental label to the engine in a position where it will remain clearly visible after installation in the equipment. In the supplemental label, do the following:

(i) Include the heading: "NONROAD ENGINE EMISSION CONTROL INFORMATION".

(ii) Include your full corporate name and trademark. You may instead include the full corporate name and trademark of another company you choose to designate.

(iii) State: "THIS ENGINE WAS ADAPTED FOR NONROAD USE WITHOUT AFFECTING ITS EMISSION CON-

TROLS. THE EMISSION-CONTROL SYSTEM DEPENDS ON THE USE OF FUEL MEETING SPECIFICATIONS THAT APPLY FOR MOTOR-VEHICLE APPLICATIONS. OPERATING THE ENGINE ON OTHER FUELS MAY BE A VIOLATION OF FEDERAL LAW."

(iv) State the date you finished modifying the engine (month and year), if applicable.

(6) The original and supplemental labels must be readily visible after the engine is installed in the equipment or, if the equipment obscures the engine's emission control information label, the equipment manufacturer must attach duplicate labels, as described in 40 CFR 1068.105.

(7) Send the Designated Compliance Officer a signed letter by the end of each calendar year (or less often if we tell you) with all the following information:

(i) Identify your full corporate name, address, and telephone number.

(ii) List the engine or equipment models you expect to produce under this exemption in the coming year and describe your basis for meeting the sales restrictions of paragraph (d)(3) of this section.

(iii) State: "We produce each listed [engine or equipment] model for nonroad application without making any changes that could increase its certified emission levels, as described in 40 CFR 1048.605."

(e) *Failure to comply.* If your engines do not meet the criteria listed in paragraph (d) of this section, they will be subject to the standards, requirements, and prohibitions of this part 1048 and the certificate issued under 40 CFR part 86 will not be deemed to also be a certificate issued under this part 1048. Introducing these engines into commerce without a valid exemption or certificate of conformity under this part violates the prohibitions in 40 CFR 1068.101(a)(1).

(f) *Data submission.* We may require you to send us emission test data on any applicable nonroad duty cycles.

(g) *Participation in averaging, banking and trading.* Engines adapted for nonroad use under this section may generate credits under the ABT provisions in 40 CFR part 86. These engines must use emission credits under 40

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CFR part 86 if they are certified to an FEL that exceeds an applicable standard under 40 CFR part 86.

[70 FR 40479, July 13, 2005, as amended at 73 FR 59241, Oct. 8, 2008]

§ 1048.610 What provisions apply to vehicles certified under the motor vehicle program?

(a) *General provisions.* If you are a motor-vehicle manufacturer, this section allows you to introduce new nonroad engines or equipment into commerce if the vehicle is already certified to the requirements that apply under 40 CFR parts 85 and 86 for the appropriate model year. If you comply with all of the provisions of this section, we consider the certificate issued under 40 CFR part 86 for each motor vehicle to also be a valid certificate of conformity for the engine under this part 1048 for its model year, without a separate application for certification under the requirements of this part 1048. See § 1048.605 or similar provisions that apply to motor-vehicle engines produced for nonroad equipment. The provisions of this section do not apply to engines certified to meet the requirements for highway motorcycles.

(b) *Equipment-manufacturer provisions.* If you are not a motor-vehicle manufacturer, you may produce nonroad equipment from motor vehicles under this section as long as you meet all the requirements and conditions specified in paragraph (d) of this section. If you modify the motor vehicle or its engine in any of the ways described in paragraph (d)(2) of this section, we will consider you a manufacturer of a new nonroad engine. Such modifications prevent you from using the provisions of this section.

(c) *Liability.* Engines, vehicles, and equipment for which you meet the requirements of this section are exempt from all the requirements and prohibitions of this part, except for those specified in this section. Engines exempted under this section must meet all the applicable requirements from 40 CFR parts 85 and 86. This applies to engine manufacturers, equipment manufacturers, and all other persons as if the nonroad equipment were motor vehicles. The prohibited acts of 40 CFR 1068.101(a)(1) apply to these new pieces

of equipment; however, we consider the certificate issued under 40 CFR part 86 for each motor vehicle to also be a valid certificate of conformity for the engine under this part 1048 for its model year. If we make a determination that these engines, vehicles, or equipment do not conform to the regulations during their useful life, we may require you to recall them under 40 CFR part 86 or 40 CFR 1068.505.

(d) *Specific requirements.* If you are a motor-vehicle manufacturer and meet all the following criteria and requirements regarding your new nonroad equipment and its engine, the engine is eligible for an exemption under this section:

(1) Your equipment must be covered by a valid certificate of conformity as a motor vehicle issued under 40 CFR part 86.

(2) You must not make any changes to the certified vehicle that we could reasonably expect to increase its exhaust emissions for any pollutant, or its evaporative emissions if it is subject to evaporative-emission standards. For example, if you make any of the following changes, you do not qualify for this exemption:

(i) Change any fuel system or evaporative system parameters from the certified configuration, including refueling emission controls.

(ii) Change, remove, or fail to properly install any other component, element of design, or calibration specified in the vehicle manufacturer's application for certification. This includes aftertreatment devices and all related components.

(iii) Modify or design the engine cooling system so that temperatures or heat rejection rates are outside the original vehicle manufacturer's specified ranges.

(iv) Add more than 500 pounds to the curb weight of the originally certified motor vehicle.

(3) You must show that fewer than 50 percent of the engine family's total sales in the United States are used in nonroad applications. This includes any type of vehicle, without regard to which company completes the manufacturing of the nonroad equipment. Show this as follows:

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(i) If you are the original manufacturer of the vehicle, base this showing on your sales information.

(ii) In all other cases, you must get the original manufacturer of the vehicle to confirm this based on their sales information.

(4) The equipment must have the vehicle emission control information and fuel labels we require under 40 CFR 86.007-35.

(5) You must add a permanent supplemental label to the equipment in a position where it will remain clearly visible. In the supplemental label, do the following:

(i) Include the heading: “NONROAD ENGINE EMISSION CONTROL INFORMATION”.

(ii) Include your full corporate name and trademark. You may instead include the full corporate name and trademark of another company you choose to designate.

(iii) State: “THIS VEHICLE WAS ADAPTED FOR NONROAD USE WITHOUT AFFECTING ITS EMISSION CONTROLS. THE EMISSION-CONTROL SYSTEM DEPENDS ON THE USE OF FUEL MEETING SPECIFICATIONS THAT APPLY FOR MOTOR-VEHICLE APPLICATIONS. OPERATING THE ENGINE ON OTHER FUELS MAY BE A VIOLATION OF FEDERAL LAW.”.

(iv) State the date you finished modifying the vehicle (month and year), if applicable.

(6) The original and supplemental labels must be readily visible in the fully assembled equipment.

(7) Send the Designated Compliance Officer a signed letter by the end of each calendar year (or less often if we tell you) with all the following information:

(i) Identify your full corporate name, address, and telephone number.

(ii) List the equipment models you expect to produce under this exemption in the coming year and describe your basis for meeting the sales restrictions of paragraph (d)(3) of this section.

(ii) List the equipment models you expect to produce under this exemption in the coming year.

(iii) State: “We produced each listed engine or equipment model for nonroad application without making any changes that could increase its cer-

tified emission levels, as described in 40 CFR 1048.610.”.

(e) *Failure to comply.* If your engines, vehicles, or equipment do not meet the criteria listed in paragraph (d) of this section, the engines will be subject to the standards, requirements, and prohibitions of this part 1048, and the certificate issued under 40 CFR part 86 will not be deemed to also be a certificate issued under this part 1048. Introducing these engines into commerce without a valid exemption or certificate of conformity under this part violates the prohibitions in 40 CFR 1068.101(a)(1).

(f) *Data submission.* We may require you to send us emission test data on any applicable nonroad duty cycles.

(g) *Participation in averaging, banking and trading.* Vehicles adapted for nonroad use under this section may generate credits under the ABT provisions in 40 CFR part 86. These vehicles must be included in the calculation of the applicable fleet average in 40 CFR part 86.

[70 FR 40480, July 13, 2005, as amended at 73 FR 59241, Oct. 8, 2008]

§ 1048.612 What is the exemption for delegated final assembly?

The provisions of 40 CFR 1068.261 related to delegated final assembly apply for engines certified under this part 1048, with the following exceptions and clarifications:

(a) The provisions related to reduced auditing rates in 40 CFR 1068.261(d)(3)(iii) apply starting with the 2014 model year.

(b) [Reserved]

[73 FR 59242, Oct. 8, 2008]

§ 1048.615 What are the provisions for exempting engines designed for lawn and garden applications?

This section is intended for engines designed for lawn and garden applications, but it applies to any engines meeting the criteria in paragraph (a) of this section.

(a) If an engine meets all the following criteria, it is exempt from the requirements of this part:

(1) The engine must have a nominal displacement of 1000 cc or less.

(2) The engine must have a maximum engine power at or below 30 kW.

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(3) The engine must be in an engine family that has a valid certificate of conformity showing that it meets emission standards for Class II engines under 40 CFR part 90 or 1054 for the appropriate model year.

(b) The only requirements or prohibitions from this part that apply to an engine that meets the criteria in paragraph (a) of this section are in this section.

(c) If your engines do not meet the criteria listed in paragraph (a) of this section, they will be subject to the provisions of this part. Introducing these engines into commerce without a valid exemption or certificate of conformity violates the prohibitions in 40 CFR 1068.101.

(d) Engines exempted under this section are subject to all the requirements affecting engines under 40 CFR part 90 or 1054. The requirements and restrictions of 40 CFR part 90 or 1054 apply to anyone manufacturing these engines, anyone manufacturing equipment that uses these engines, and all other persons in the same manner as if these engines had a total maximum engine power at or below 19 kW.

[73 FR 59242, Oct. 8, 2008]

§ 1048.620 What are the provisions for exempting large engines fueled by natural gas or liquefied petroleum gas?

(a) If an engine meets all the following criteria, it is exempt from the requirements of this part:

(1) The engine must operate solely on natural gas or liquefied petroleum gas.

(2) The engine must have maximum engine power at or above 250 kW.

(3) The engine must be in an engine family that has a valid certificate of conformity showing that it meets emission standards for engines of that power rating under 40 CFR part 89 or 1039.

(b) The only requirements or prohibitions from this part that apply to an engine that is exempt under this section are in this section.

(c) If your engines do not meet the criteria listed in paragraph (a) of this section, they will be subject to the provisions of this part. Introducing these engines into commerce without a valid exemption or certificate of conformity

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violates the prohibitions in 40 CFR 1068.101.

(d) Engines exempted under this section are subject to all the requirements affecting engines under 40 CFR part 89 or 1039. The requirements and restrictions of 40 CFR part 89 or 1039 apply to anyone manufacturing these engines, anyone manufacturing equipment that uses these engines, and all other persons in the same manner as if these were nonroad diesel engines.

(e) You may request an exemption under this section by submitting an application for certification for the engines under 40 CFR part 89 or 1039.

[70 FR 40481, July 13, 2005]

§ 1048.625 What special provisions apply to engines using noncommercial fuels?

In §1048.115(e), we generally require that engines meet emission standards for any adjustment within the full range of any adjustable parameters. For engines that use noncommercial fuels significantly different than the specified test fuel of the same type, you may ask to use the parameter-adjustment provisions of this section instead of those in §1048.115(e). Engines certified under this section must be in a separate engine family.

(a) If we approve your request, the following provisions apply:

(1) You must certify the engine using the test fuel specified in §1048.501.

(2) You may produce the engine without limits or stops that keep the engine adjusted within the certified range.

(3) You must specify in-use adjustments different than the adjustable settings appropriate for the specified test fuel, consistent with the provisions of paragraph (b)(1) of this section.

(b) To produce engines under this section, you must do the following:

(1) Specify in-use adjustments needed so the engine's level of emission control for each regulated pollutant is equivalent to that from the certified configuration.

(2) Add the following information to the emission control information label specified in §1048.135:

(i) Include instructions describing how to adjust the engine to operate in

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a way that maintains the effectiveness of the emission-control system.

(ii) State: "THIS ENGINE IS CERTIFIED TO OPERATE IN APPLICATIONS USING NONCOMMERCIAL FUEL. MALADJUSTMENT OF THE ENGINE IS A VIOLATION OF FEDERAL LAW SUBJECT TO CIVIL PENALTY."

(3) Keep records to document the destinations and quantities of engines produced under this section.

[70 FR 40481, July 13, 2005]

§ 1048.630 What are the provisions for exempting engines used solely for competition?

We may grant you an exemption from the standards and requirements of this part for a new engine on the grounds that it is to be used solely for competition under the provisions of 40 CFR 1054.620. The requirements of this part do not apply to engines that we exempt for use solely for competition.

[73 FR 59242, Oct. 8, 2008]

§ 1048.635 What special provisions apply to branded engines?

The following provisions apply if you identify the name and trademark of another company instead of your own on your emission control information label, as provided by § 1048.135(c)(2):

(a) You must have a contractual agreement with the other company that obligates that company to take the following steps:

(1) Meet the emission warranty requirements that apply under § 1048.120. This may involve a separate agreement involving reimbursement of warranty-related expenses.

(2) Report all warranty-related information to the certificate holder.

(b) In your application for certification, identify the company whose trademark you will use.

(c) You remain responsible for meeting all the requirements of this chapter, including warranty and defect-reporting provisions.

[70 FR 40481, July 13, 2005, as amended at 73 FR 59242, Oct. 8, 2008]

§ 1048.640 What special provisions apply for small-volume engine manufacturers?

This section describes how we apply the special provisions in this part for small-volume engine manufacturers.

(a) Special provisions apply for small-volume engine manufacturers, as illustrated by the following examples:

(1) Waived requirements related to torque broadcasting. See § 1048.115.

(2) Assigned deterioration factors to reduce testing burden. See § 1048.240.

(3) Additional special provisions apply for small-volume engine and equipment manufacturers under 40 CFR part 1068. For example, see 40 CFR 1068.250.

(b) If you use any of the provisions of this part that apply specifically to small-volume engine manufacturers and we find that you do not qualify to use these provisions, we may consider you to be in violation of the requirements that apply for companies that are not small-volume engine manufacturers. If you no longer qualify as a small-volume engine manufacturer (based on increased production volumes or other factors), we will work with you to determine a reasonable schedule for complying with additional requirements that apply. For example, if you no longer qualify as a small-volume engine manufacturer shortly before you certify your engines for the next model year, we might allow you to use assigned deterioration factors for one more model year.

[73 FR 59242, Oct. 8, 2008]

Subpart H [Reserved]

Subpart I—Definitions and Other Reference Information

§ 1048.801 What definitions apply to this part?

The following definitions apply to this part. The definitions apply to all subparts unless we note otherwise. All undefined terms have the meaning the Act gives to them. The definitions follow:

Act means the Clean Air Act, as amended, 42 U.S.C. 7401–7671q.

Adjustable parameter means any device, system, or element of design that

someone can adjust (including those which are difficult to access) and that, if adjusted, may affect emissions or engine performance during emission testing or normal in-use operation. This includes, but is not limited to, parameters related to injection timing and fueling rate. You may ask us to exclude a parameter that is difficult to access if it cannot be adjusted to affect emissions without significantly degrading engine performance, or if you otherwise show us that it will not be adjusted in a way that affects emissions during in-use operation.

Aftertreatment means relating to a catalytic converter, particulate filter, or any other system, component, or technology mounted downstream of the exhaust valve (or exhaust port) whose design function is to decrease emissions in the engine exhaust before it is exhausted to the environment. Exhaust-gas recirculation (EGR), turbochargers, and oxygen sensors are not aftertreatment.

Aircraft means any vehicle capable of sustained air travel above treetop heights.

Alcohol-fueled engine means an engine that is designed to run using an alcohol fuel. For purposes of this definition, alcohol fuels do not include fuels with a nominal alcohol content below 25 percent by volume.

All-terrain vehicle has the meaning given in 40 CFR 1051.801.

Amphibious vehicle means a vehicle with wheels or tracks that is designed primarily for operation on land and secondarily for operation in water.

Auxiliary emission-control device means any element of design that senses temperature, motive speed, engine rpm, transmission gear, or any other parameter for the purpose of activating, modulating, delaying, or deactivating the operation of any part of the emission-control system.

Blue Sky Series engine means an engine meeting the requirements of § 1048.140.

Brake power means the usable power output of the engine, not including power required to fuel, lubricate, or heat the engine, circulate coolant to the engine, or to operate aftertreatment devices.

Calibration means the set of specifications and tolerances specific to a particular design, version, or application of a component or assembly capable of functionally describing its operation over its working range.

Carryover means relating to certification based on emission data generated from an earlier model year as described in § 1048.235(d).

Certification means relating to the process of obtaining a certificate of conformity for an engine family that complies with the emission standards and requirements in this part.

Certified emission level means the highest deteriorated emission level in an engine family for a given pollutant from either transient or steady-state testing.

Compression-ignition means relating to a type of reciprocating, internal-combustion engine that is not a spark-ignition engine.

Constant-speed engine means an engine that is certified only for constant-speed operation. This may include engines that allow the operator to adjust the set point for fixing the appropriate governed speed. See subparts B and C of this part for specific provisions related to certifying engines only for constant-speed operation. Engines whose constant-speed governor function is removed or disabled are no longer constant-speed engines.

Constant-speed operation has the meaning given in 40 CFR 1065.1001.

Crankcase emissions means airborne substances emitted to the atmosphere from any part of the engine crankcase's ventilation or lubrication systems. The crankcase is the housing for the crankshaft and other related internal parts.

Critical emission-related component means any of the following components:

(1) Electronic control units, aftertreatment devices, fuel-metering components, EGR-system components, crankcase-ventilation valves, all components related to charge-air compression and cooling, and all sensors and actuators associated with any of these components.

(2) Any other component whose primary purpose is to reduce emissions.

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Date of manufacture has the meaning given in 40 CFR 1068.30.

Days means calendar days unless otherwise specified. For example, where we specify working days, we mean calendar days excluding weekends and U.S. national holidays.

Designated Compliance Officer means the Manager, Heavy-Duty and Nonroad Engine Group (6405-J), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

Designated Enforcement Officer means the Director, Air Enforcement Division (2242A), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

Deteriorated emission level means the emission level that results from applying the appropriate deterioration factor to the official emission result of the emission-data engine.

Deterioration factor means the relationship between emissions at the end of useful life and emissions at the low-hour test point, expressed in one of the following ways:

(1) For multiplicative deterioration factors, the ratio of emissions at the end of useful life to emissions at the low-hour test point.

(2) For additive deterioration factors, the difference between emissions at the end of useful life and emissions at the low-hour test point.

Discrete-mode means relating to the discrete-mode type of steady-state test described in § 1048.505.

Emission-control system means any device, system, or element of design that controls or reduces the emissions of regulated pollutants from an engine.

Emission-data engine means an engine that is tested for certification. This includes engines tested to establish deterioration factors.

Emission-related maintenance means maintenance that substantially affects emissions or is likely to substantially affect emission deterioration.

Engine has the meaning given in 40 CFR 1068.30. This includes complete and partially complete engines.

Engine configuration means a unique combination of engine hardware and calibration within an engine family. Engines within a single engine configuration differ only with respect to nor-

mal production variability or factors unrelated to emissions.

Engine family has the meaning given in § 1048.230.

Engine manufacturer means the manufacturer of the engine. See the definition of “manufacturer” in this section.

Equipment manufacturer means a manufacturer of nonroad equipment. All nonroad equipment manufacturing entities under the control of the same person are considered to be a single nonroad equipment manufacturer.

Excluded means relating to an engine that either:

(1) Has been determined not to be a nonroad engine, as specified in 40 CFR 1068.30; or

(2) Is a nonroad engine that, according to § 1048.5, is not subject to this part 1048.

Exempted has the meaning given in 40 CFR 1068.30.

Exhaust-gas recirculation means a technology that reduces emissions by routing exhaust gases that had been exhausted from the combustion chamber(s) back into the engine to be mixed with incoming air before or during combustion. The use of valve timing to increase the amount of residual exhaust gas in the combustion chamber(s) that is mixed with incoming air before or during combustion is not considered exhaust-gas recirculation for the purposes of this part.

Fuel system means all components involved in transporting, metering, and mixing the fuel from the fuel tank to the combustion chamber(s), including the fuel tank, fuel tank cap, fuel pump, fuel filters, fuel lines, carburetor or fuel-injection components, and all fuel-system vents.

Fuel type means a general category of fuels such as gasoline or natural gas. There can be multiple grades within a single fuel type, such as winter-grade and summer-grade gasoline.

Good engineering judgment has the meaning given in 40 CFR 1068.30. See 40 CFR 1068.5 for the administrative process we use to evaluate good engineering judgment.

High-cost warranted part means a component covered by the emission-related warranty with a replacement cost (at the time of certification) exceeding \$400 (in 1998 dollars). Adjust this value

using the most recent annual average consumer price index information published by the U.S. Bureau of Labor Statistics. For this definition, replacement cost includes the retail cost of the part plus labor and standard diagnosis.

High-load engine means an engine for which the engine manufacturer can provide clear evidence that operation below 75 percent of maximum load in its final application will be rare.

Hydrocarbon (HC) means the hydrocarbon group on which the emission standards are based for each fuel type, as described in §1048.101(e).

Identification number means a unique specification (for example, a model number/serial number combination) that allows someone to distinguish a particular engine from other similar engines.

Intermediate test speed has the meaning given in 40 CFR 1065.1001.

Low-hour means relating to an engine with stabilized emissions and represents the undeteriorated emission level. This would generally involve less than 125 hours of operation.

Manufacturer has the meaning given in section 216(1) of the Act. In general, this term includes any person who manufactures an engine, vehicle, or piece of equipment for sale in the United States or otherwise introduces a new nonroad engine into commerce in the United States. This includes importers who import engines, equipment, or vehicles for resale.

Marine engine means a nonroad engine that is installed or intended to be installed on a marine vessel. This includes a portable auxiliary engine only if its fueling, cooling, or exhaust system is an integral part of the vessel. There are two kinds of marine engines:

(1) Propulsion marine engine means a marine engine that moves a vessel through the water or directs the vessel's movement.

(2) Auxiliary marine engine means a marine engine not used for propulsion.

Marine vessel has the meaning given in 1 U.S.C. 3, except that it does not include amphibious vehicles. The definition in 1 U.S.C. 3 very broadly includes every craft capable of being used as a means of transportation on water.

Maximum engine power has one of the following meanings:

(1) For engines at or below 100 kW, maximum engine power has the meaning given in 40 CFR 90.3 for 2010 and earlier model years and in 40 CFR 1054.140 for 2011 and later model years.

(2) For engines above 100 kW, maximum engine power has the meaning given in 40 CFR 1039.140.

Maximum test speed has one of the following meanings:

(1) For variable-speed engines, maximum test speed has the meaning given in 40 CFR 1065.1001.

(2) For transient testing of constant-speed engines, maximum test speed means the highest speed at which the engine produces zero torque.

(3) For steady-state testing of constant-speed engines, maximum test speed means the speed at which the engine produces peak torque.

Maximum test torque has the meaning given in 40 CFR 1065.1001.

Model year means one of the following things:

(1) For freshly manufactured equipment and engines (see definition of "new nonroad engine," paragraph (1)), model year means one of the following:

- (i) Calendar year.
- (ii) Your annual new model production period if it is different than the calendar year.

This must include January 1 of the calendar year for which the model year is named. It may not begin before January 2 of the previous calendar year and it must end by December 31 of the named calendar year.

(2) For an engine that is converted to a nonroad engine after being placed into service as a stationary engine, or being certified and placed into service as a motor vehicle engine, model year means the calendar year in which the engine was originally produced. For a motor vehicle engine that is converted to be a nonroad engine without having been certified, model year means the calendar year in which the engine becomes a new nonroad engine. (See definition of "new nonroad engine," paragraph (2)).

(3) For a nonroad engine excluded under §1048.5 that is later converted to operate in an application that is not

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excluded, model year means the calendar year in which the engine was originally produced (see definition of "new nonroad engine," paragraph (3)).

(4) For engines that are not freshly manufactured but are installed in new nonroad equipment, model year means the calendar year in which the engine is installed in the new nonroad equipment (see definition of "new nonroad engine," paragraph (4)).

(5) For imported engines:

(i) For imported engines described in paragraph (5)(i) of the definition of "new nonroad engine," *model year* has the meaning given in paragraphs (1) through (4) of this definition.

(ii) For imported engines described in paragraph (5)(ii) of the definition of "new nonroad engine," *model year* means the calendar year in which the engine is modified.

(iii) For imported engines described in paragraph (5)(iii) of the definition of "new nonroad engine," *model year* means the calendar year in which the engine is assembled in its imported configuration, unless specified otherwise in this part or in 40 CFR part 1068.

Motor vehicle has the meaning given in 40 CFR 85.1703(a).

New nonroad engine means any of the following things:

(1) A freshly manufactured nonroad engine for which the ultimate purchaser has never received the equitable or legal title. This kind of engine might commonly be thought of as "brand new." In the case of this paragraph (1), the engine is new from the time it is produced until the ultimate purchaser receives the title or the product is placed into service, whichever comes first.

(2) An engine originally manufactured as a motor vehicle engine or a stationary engine that is later used or intended to be used in a piece of nonroad equipment. In this case, the engine is no longer a motor vehicle or stationary engine and becomes a "new nonroad engine." The engine is no longer new when it is placed into nonroad service. This paragraph (2) applies if a motor vehicle engine or a stationary engine is installed in nonroad equipment, or if a motor vehicle or a piece of stationary equipment is modi-

fied (or moved) to become nonroad equipment.

(3) A nonroad engine that has been previously placed into service in an application we exclude under §1048.5, when that engine is installed in a piece of equipment that is covered by this part 1048. The engine is no longer new when it is placed into nonroad service covered by this part 1048. For example, this would apply to a marine-propulsion engine that is no longer used in a marine vessel but is instead installed in a piece of nonroad equipment subject to the provisions of this part.

(4) An engine not covered by paragraphs (1) through (3) of this definition that is intended to be installed in new nonroad equipment. This generally includes installation of used engines in new equipment. The engine is no longer new when the ultimate purchaser receives a title for the equipment or the product is placed into service, whichever comes first.

(5) An imported nonroad engine, subject to the following provisions:

(i) An imported nonroad engine covered by a certificate of conformity issued under this part that meets the criteria of one or more of paragraphs (1) through (4) of this definition, where the original engine manufacturer holds the certificate, is new as defined by those applicable paragraphs.

(ii) An imported engine covered by a certificate of conformity issued under this part, where someone other than the original engine manufacturer holds the certificate (such as when the engine is modified after its initial assembly), is a new nonroad engine when it is imported. It is no longer new when the ultimate purchaser receives a title for the engine or it is placed into service, whichever comes first.

(iii) An imported nonroad engine that is not covered by a certificate of conformity issued under this part at the time of importation is new. This addresses uncertified engines and equipment initially placed into service that someone seeks to import into the United States. Importation of this kind of engine (or equipment containing such an engine) is generally prohibited by 40 CFR part 1068. However, the importation of such an engine is not prohibited if the engine has a model year

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before 2004, since it is not subject to standards.

New nonroad equipment means either of the following things:

(1) A nonroad piece of equipment for which the ultimate purchaser has never received the equitable or legal title. The product is no longer new when the ultimate purchaser receives this title or the product is placed into service, whichever comes first.

(2) An imported nonroad piece of equipment with an engine not covered by a certificate of conformity issued under this part at the time of importation and manufactured after January 1, 2004.

Noncommercial fuel means a combustible product that is not marketed as a commercial fuel, but is used as a fuel for nonroad engines. For example, this includes methane that is produced and released from landfills or oil wells, or similar unprocessed fuels that are not intended to meet any otherwise applicable fuel specifications. See §1048.625 for provisions related to engines designed to burn noncommercial fuels.

Noncompliant engine means an engine that was originally covered by a certificate of conformity, but is not in the certified configuration or otherwise does not comply with the conditions of the certificate.

Nonconforming engine means an engine not covered by a certificate of conformity that would otherwise be subject to emission standards.

Nonmethane hydrocarbon has the meaning given in 40 CFR 1065.1001.

Nonroad means relating to nonroad engines or equipment that includes nonroad engines.

Nonroad engine has the meaning given in 40 CFR 1068.30. In general this means all internal-combustion engines except motor vehicle engines, stationary engines, engines used solely for competition, or engines used in aircraft. This part does not apply to all nonroad engines (see §1048.5).

Nonroad equipment means a piece of equipment that is powered by one or more nonroad engines.

Off-highway motorcycle has the meaning given in 40 CFR 1051.801. (Note: highway motorcycles are regulated under 40 CFR part 86.)

Official emission result means the measured emission rate for an emission-data engine on a given duty cycle before the application of any deterioration factor.

Owners manual means a document or collection of documents prepared by the engine manufacturer for the owner or operator to describe appropriate engine maintenance, applicable warranties, and any other information related to operating or keeping the engine. The owners manual is typically provided to the ultimate purchaser at the time of sale. The owners manual may be in paper or electronic format.

Oxides of nitrogen has the meaning given in 40 CFR 1065.1001.

Piece of equipment means any vehicle, vessel, or other type of equipment using engines to which this part applies.

Placed into service means put into initial use for its intended purpose.

Point of first retail sale means the location at which the initial retail sale occurs. This generally means an equipment dealership, but may also include an engine seller or distributor in cases where loose engines are sold to the general public for uses such as replacement engines.

Ramped-modal means relating to the ramped-modal type of steady-state test described in §1048.505.

Rated speed means the maximum full-load governed speed for governed engines and the speed of maximum power for ungoverned engines.

Revoke has the meaning given in 40 CFR 1068.30.

Round has the meaning given in 40 CFR 1065.1001, unless otherwise specified.

Scheduled maintenance means adjusting, repairing, removing, disassembling, cleaning, or replacing components or systems periodically to keep a part or system from failing, malfunctioning, or wearing prematurely. It also may mean actions you expect are necessary to correct an overt indication of failure or malfunction for which periodic maintenance is not appropriate.

Sealed has the meaning given in 40 CFR 1060.801.

Severe-duty application includes concrete saws, concrete pumps, and any

other application where an engine manufacturer can provide clear evidence that the majority of installations need air-cooled engines as a result of operation in a severe-duty environment.

Severe-duty engine means an engine from an engine family in which the majority of engines are installed in severe-duty applications.

Small-volume engine manufacturer means a company meeting either of the following characteristics:

(1) An engine manufacturer with U.S.-directed production volumes of engines subject to the requirements of this part totaling no more than 2,000 units in any year. This includes engines produced by parent or subsidiary companies.

(2) An engine manufacturer with fewer than 200 employees. This includes any employees working for parent or subsidiary companies.

Snowmobile has the meaning given in 40 CFR 1051.801.

Spark-ignition means relating to a gasoline-fueled engine or any other type of engine with a spark plug (or other sparking device) and with operating characteristics significantly similar to the theoretical Otto combustion cycle. Spark-ignition engines usually use a throttle to regulate intake air flow to control power during normal operation.

Steady-state has the meaning given in 40 CFR 1065.1001.

Stoichiometric means relating to the particular ratio of air and fuel such that if the fuel were fully oxidized, there would be no remaining fuel or oxygen. For example, stoichiometric combustion in a gasoline-fueled engine typically occurs at an air-fuel mass ratio of about 14.7.

Suspend has the meaning given in 40 CFR 1068.30.

Test engine means an engine in a test sample.

Test sample means the collection of engines selected from the population of an engine family for emission testing. This may include testing for certification, production-line testing, or in-use testing.

Tier 1 means relating to the emission standards and other requirements that

apply beginning with the 2004 model year.

Tier 2 means relating to the emission standards and other requirements that apply beginning with the 2007 model year.

Total hydrocarbon has the meaning given in 40 CFR 1065.1001. This generally means the combined mass of organic compounds measured by the specified procedure for measuring total hydrocarbon, expressed as a hydrocarbon with a hydrogen-to-carbon mass ratio of 1.85:1.

Total hydrocarbon equivalent has the meaning given in 40 CFR 1065.1001.

Ultimate purchaser means, with respect to any new nonroad equipment or new nonroad engine, the first person who in good faith purchases such new nonroad equipment or new nonroad engine for purposes other than resale.

United States has the meaning given in 40 CFR 1068.30.

Upcoming model year means for an engine family the model year after the one currently in production.

U.S.-directed production volume means the number of engine units, subject to the requirements of this part, produced by a manufacturer for which the manufacturer has a reasonable assurance that sale was or will be made to ultimate purchasers in the United States.

Useful life means the period during which the engine is designed to properly function in terms of reliability and fuel consumption, without being remanufactured, specified as a number of hours of operation or calendar years, whichever comes first. It is the period during which a nonroad engine is required to comply with all applicable emission standards. See § 1048.101(g). If an engine has no hour meter, the specified number of hours does not limit the period during which an in-use engine is required to comply with emission standards unless the degree of service accumulation can be verified separately.

Variable-speed engine means an engine that is not a constant-speed engine.

Variable-speed operation means engine operation that does not meet the definition of constant-speed operation.

Void has the meaning given in 40 CFR 1068.30.

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Volatile liquid fuel means any fuel other than diesel or biodiesel that is a liquid at atmospheric pressure and has a Reid Vapor Pressure higher than 2.0 pounds per square inch.

Wide-open throttle means maximum throttle opening. Unless this is specified at a given speed, it refers to maximum throttle opening at maximum speed. For electronically controlled or other engines with multiple possible fueling rates, wide-open throttle also means the maximum fueling rate at maximum throttle opening under test conditions.

We (us, our) means the Administrator of the Environmental Protection Agency and any authorized representatives.

[70 FR 40482, July 13, 2005, as amended at 73 FR 59242, Oct. 8, 2008; 74 FR 8426, Feb. 24, 2009; 75 FR 23023, Apr. 30, 2010]

§ 1048.805 What symbols, acronyms, and abbreviations does this part use?

The following symbols, acronyms, and abbreviations apply to this part:

- °C degrees Celsius.
- ASTM American Society for Testing and Materials.
- cc cubic centimeters.
- CFR Code of Federal Regulations.
- CH₄ methane.
- cm centimeter.
- CO carbon monoxide.
- CO₂ carbon dioxide.
- EPA Environmental Protection Agency.
- g/kW-hr grams per kilowatt-hour.
- HC hydrocarbon.
- ISO International Organization for Standardization.
- kPa kilopascals.
- kW kilowatts.
- LPG liquefied petroleum gas.
- m meters.
- MIL malfunction-indicator light.
- mm Hg millimeters of mercury.
- N₂O nitrous oxide.
- NARA National Archives and Records Administration.

- NMHC nonmethane hydrocarbons.
- NO_x oxides of nitrogen (NO and NO₂).
- psi pounds per square inch of absolute pressure.
- psig pounds per square inch of gauge pressure.
- rpm revolutions per minute.
- SAE Society of Automotive Engineers.
- SI spark-ignition.
- THC total hydrocarbon.
- THCE total hydrocarbon equivalent.
- U.S.C. United States Code.

[67 FR 68347, Nov. 8, 2002, as amended at 70 FR 40485, July 13, 2005; 74 FR 56510, Oct. 30, 2009]

§ 1048.810 What materials does this part reference?

Documents listed in this section have been incorporated by reference into this part. The Director of the Federal Register approved the incorporation by reference as prescribed in 5 U.S.C. 552(a) and 1 CFR part 51. Anyone may inspect copies at the U.S. EPA, Air and Radiation Docket and Information Center, 1301 Constitution Ave., NW., Room B102, EPA West Building, Washington, DC 20460 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(a) *SAE material.* Table 1 of this section lists material from the Society of Automotive Engineers that we have incorporated by reference. The first column lists the number and name of the material. The second column lists the sections of this part where we reference it. Anyone may purchase copies of these materials from the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, PA 15096 or <http://www.sae.org>. Table 1 follows:

TABLE 1 OF § 1048.810—SAE MATERIALS

Document number and name	Part 1048 reference
SAE J2260, Nonmetallic Fuel System Tubing with One or More Layers, November 2004	1048.105

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(b) *ISO material.* Table 2 of this section lists material from the International Organization for Standardization that we have incorporated by reference. The first column lists the number and name of the material. The second column lists the section of this

part where we reference it. Anyone may purchase copies of these materials from the International Organization for Standardization, Case Postale 56, CH-1211 Geneva 20, Switzerland or <http://www.iso.org>. Table 2 follows:

TABLE 2 OF § 1048.810—ISO MATERIALS

Document number and name	Part 1048 reference
ISO 9141-2 Road vehicles—Diagnostic systems—Part 2: CARB requirements for interchange of digital information, February 1994	1048.110
ISO 14230-4 Road vehicles—Diagnostic systems—Keyword Protocol 2000—Part 4: Requirements for emission-related systems, June 2000	1048.110

[73 FR 59244, Oct. 8, 2008]

§ 1048.815 What provisions apply to confidential information?

(a) Clearly show what you consider confidential by marking, circling, bracketing, stamping, or some other method.

(b) We will store your confidential information as described in 40 CFR part 2. Also, we will disclose it only as specified in 40 CFR part 2. This applies both to any information you send us and to any information we collect from inspections, audits, or other site visits.

(c) If you send us a second copy without the confidential information, we will assume it contains nothing confidential whenever we need to release information from it.

(d) If you send us information without claiming it is confidential, we may make it available to the public without further notice to you, as described in 40 CFR 2.204.

[70 FR 40486, July 13, 2005]

§ 1048.820 How do I request a hearing?

(a) You may request a hearing under certain circumstances, as described elsewhere in this part. To do this, you must file a written request, including a description of your objection and any supporting data, within 30 days after we make a decision.

(b) For a hearing you request under the provisions of this part, we will approve your request if we find that your request raises a substantial factual issue.

(c) If we agree to hold a hearing, we will use the procedures specified in 40 CFR part 1068, subpart G.

[70 FR 40486, July 13, 2005]

§ 1048.825 What reporting and record-keeping requirements apply under this part?

Under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget approves the reporting and recordkeeping specified in the applicable regulations. The following items illustrate the kind of reporting and recordkeeping we require for engines and equipment regulated under this part:

(a) We specify the following requirements related to engine certification in this part 1048:

(1) In § 1048.20 we require manufacturers of stationary engines to label their engines in certain cases.

(2) In § 1048.135 we require engine manufacturers to keep certain records related to duplicate labels sent to equipment manufacturers.

(3) In § 1048.145 we include various reporting and recordkeeping requirements related to interim provisions.

(4) In subpart C of this part we identify a wide range of information required to certify engines.

(5) In §§ 1048.345 and 1048.350 we specify certain records related to production-line testing.

(6) In §§ 1048.420 and 1048.425 we specify certain records related to in-use testing.

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(7) In subpart G of this part we identify several reporting and record-keeping items for making demonstrations and getting approval related to various special compliance provisions.

(b) [Reserved]

(c) We specify the following requirements related to testing in 40 CFR part 1065:

(1) In 40 CFR 1065.2 we give an overview of principles for reporting information.

(2) In 40 CFR 1065.10 and 1065.12 we specify information needs for establishing various changes to published test procedures.

(3) In 40 CFR 1065.25 we establish basic guidelines for storing test information.

(4) In 40 CFR 1065.695 we identify data that may be appropriate for collecting during testing of in-use engines using portable analyzers.

(d) We specify the following requirements related to the general compliance provisions in 40 CFR part 1068:

(1) In 40 CFR 1068.5 we establish a process for evaluating good engineering judgment related to testing and certification.

(2) In 40 CFR 1068.25 we describe general provisions related to sending and keeping information.

(3) In 40 CFR 1068.27 we require manufacturers to make engines available for our testing or inspection if we make such a request.

(4) In 40 CFR 1068.105 we require equipment manufacturers to keep certain records related to duplicate labels from engine manufacturers.

(5) In 40 CFR 1068.120 we specify recordkeeping related to rebuilding engines.

(6) In 40 CFR part 1068, subpart C, we identify several reporting and record-keeping items for making demonstrations and getting approval related to various exemptions.

(7) In 40 CFR part 1068, subpart D, we identify several reporting and record-keeping items for making demonstrations and getting approval related to importing engines.

(8) In 40 CFR 1068.450 and 1068.455 we specify certain records related to testing production-line engines in a selective enforcement audit.

(9) In 40 CFR 1068.501 we specify certain records related to investigating and reporting emission-related defects.

(10) In 40 CFR 1068.525 and 1068.530 we specify certain records related to recalling nonconforming engines.

[73 FR 59245, Oct. 8, 2008]

APPENDIX I TO PART 1048 [RESERVED]

APPENDIX II TO PART 1048—LARGE SPARK-IGNITION (SI) COMPOSITE TRANSIENT CYCLE

The following table shows the transient duty-cycle for engines that are not constant-speed engines, as described in §1048.510:

Time(s)	Normalized speed (percent)	Normalized torque (percent)
0	0	0
1	0	0
2	0	0
3	0	0
4	0	0
5	0	0
6	0	0
7	0	0
8	0	0
9	1	8
10	6	54
11	8	61
12	34	59
13	22	46
14	5	51
15	18	51
16	31	50
17	30	56
18	31	49
19	25	66
20	58	55
21	43	31
22	16	45
23	24	38
24	24	27
25	30	33
26	45	65
27	50	49
28	23	42
29	13	42
30	9	45
31	23	30
32	37	45
33	44	50
34	49	52
35	55	49
36	61	46
37	66	38
38	42	33
39	17	41
40	17	37
41	7	50
42	20	32
43	5	55
44	30	42
45	44	53
46	45	56
47	41	52
48	24	41
49	15	40
50	11	44

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Time(s)	Normalized speed (per-cent)	Normalized torque (per-cent)	Time(s)	Normalized speed (per-cent)	Normalized torque (per-cent)
51	32	31	123	100	77
52	38	54	124	100	27
53	38	47	125	100	79
54	9	55	126	100	79
55	10	50	127	100	81
56	33	55	128	100	57
57	48	56	129	99	52
58	49	47	130	81	35
59	33	44	131	69	29
60	52	43	132	47	22
61	55	43	133	34	28
62	59	38	134	27	37
63	44	28	135	83	60
64	24	37	136	100	74
65	12	44	137	100	7
66	9	47	138	100	2
67	12	52	139	70	18
68	34	21	140	23	39
69	29	44	141	5	54
70	44	54	142	11	40
71	54	62	143	11	34
72	62	57	144	11	41
73	72	56	145	19	25
74	88	71	146	16	32
75	100	69	147	20	31
76	100	34	148	21	38
77	100	42	149	21	42
78	100	54	150	9	51
79	100	58	151	4	49
80	100	38	152	2	51
81	83	17	153	1	58
82	61	15	154	21	57
83	43	22	155	29	47
84	24	35	156	33	45
85	16	39	157	16	49
86	15	45	158	38	45
87	32	34	159	37	43
88	14	42	160	35	42
89	8	48	161	39	43
90	5	51	162	51	49
91	10	41	163	59	55
92	12	37	164	65	54
93	4	47	165	76	62
94	3	49	166	84	59
95	3	50	167	83	29
96	4	49	168	67	35
97	4	48	169	84	54
98	8	43	170	90	58
99	2	51	171	93	43
100	5	46	172	90	29
101	8	41	173	66	19
102	4	47	174	52	16
103	3	49	175	49	17
104	6	45	176	56	38
105	3	48	177	73	71
106	10	42	178	86	80
107	18	27	179	96	75
108	3	50	180	89	27
109	11	41	181	66	17
110	34	29	182	50	18
111	51	57	183	36	25
112	67	63	184	36	24
113	61	32	185	38	40
114	44	31	186	40	50
115	48	54	187	27	48
116	69	65	188	19	48
117	85	65	189	23	50
118	81	29	190	19	45
119	74	21	191	6	51
120	62	23	192	24	48
121	76	58	193	49	67
122	96	75	194	47	49

Time(s)	Normalized speed (per-cent)	Normalized torque (per-cent)	Time(s)	Normalized speed (per-cent)	Normalized torque (per-cent)
195	22	44	267	13	53
196	25	40	268	23	45
197	38	54	269	29	50
198	43	55	270	28	42
199	40	52	271	21	55
200	14	49	272	34	57
201	11	45	273	44	47
202	7	48	274	19	46
203	26	41	275	13	44
204	41	59	276	25	36
205	53	60	277	43	51
206	44	54	278	55	73
207	22	40	279	68	72
208	24	41	280	76	63
209	32	53	281	80	45
210	44	74	282	83	40
211	57	25	283	78	26
212	22	49	284	60	20
213	29	45	285	47	19
214	19	37	286	52	25
215	14	43	287	36	30
216	36	40	288	40	26
217	43	63	289	45	34
218	42	49	290	47	35
219	15	50	291	42	28
220	19	44	292	46	38
221	47	59	293	48	44
222	67	80	294	68	61
223	76	74	295	70	47
224	87	66	296	48	28
225	98	61	297	42	22
226	100	38	298	31	29
227	97	27	299	22	35
228	100	53	300	28	28
229	100	72	301	46	46
230	100	49	302	62	69
231	100	4	303	76	81
232	100	13	304	88	85
233	87	15	305	98	81
234	53	26	306	100	74
235	33	27	307	100	13
236	39	19	308	100	11
237	51	33	309	100	17
238	67	54	310	99	3
239	83	60	311	80	7
240	95	52	312	62	11
241	100	50	313	63	11
242	100	36	314	64	16
243	100	25	315	69	43
244	85	16	316	81	67
245	62	16	317	93	74
246	40	26	318	100	72
247	56	39	319	94	27
248	81	75	320	73	15
249	98	86	321	40	33
250	100	76	322	40	52
251	100	51	323	50	50
252	100	78	324	11	53
253	100	83	325	12	45
254	100	100	326	5	50
255	100	66	327	1	55
256	100	85	328	7	55
257	100	72	329	62	60
258	100	45	330	80	28
259	98	58	331	23	37
260	60	30	332	39	58
261	43	32	333	47	24
262	71	36	334	59	51
263	44	32	335	58	68
264	24	38	336	36	52
265	42	17	337	18	42
266	22	51	338	36	52

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Time(s)	Normalized speed (per-cent)	Normalized torque (per-cent)	Time(s)	Normalized speed (per-cent)	Normalized torque (per-cent)
339	59	73	411	24	7
340	72	85	412	51	16
341	85	92	413	62	15
342	99	90	414	72	35
343	100	72	415	91	74
344	100	18	416	100	73
345	100	76	417	100	8
346	100	64	418	98	11
347	100	87	419	100	59
348	100	97	420	100	98
349	100	84	421	100	99
350	100	100	422	100	75
351	100	91	423	100	95
352	100	83	424	100	100
353	100	93	425	100	97
354	100	100	426	100	90
355	94	43	427	100	86
356	72	10	428	100	82
357	77	3	429	97	43
358	48	2	430	70	16
359	29	5	431	50	20
360	59	19	432	42	33
361	63	5	433	89	64
362	35	2	434	89	77
363	24	3	435	99	95
364	28	2	436	100	41
365	36	16	437	77	12
366	54	23	438	29	37
367	60	10	439	16	41
368	33	1	440	16	38
369	23	0	441	15	36
370	16	0	442	18	44
371	11	0	443	4	55
372	20	0	444	24	26
373	25	2	445	26	35
374	40	3	446	15	45
375	33	4	447	21	39
376	34	5	448	29	52
377	46	7	449	26	46
378	57	10	450	27	50
379	66	11	451	13	43
380	75	14	452	25	36
381	79	11	453	37	57
382	80	16	454	29	46
383	92	21	455	17	39
384	99	16	456	13	41
385	83	2	457	19	38
386	71	2	458	28	35
387	69	4	459	8	51
388	67	4	460	14	36
389	74	16	461	17	47
390	86	25	462	34	39
391	97	28	463	34	57
392	100	15	464	11	70
393	83	2	465	13	51
394	62	4	466	13	68
395	40	6	467	38	44
396	49	10	468	53	67
397	36	5	469	29	69
398	27	4	470	19	65
399	29	3	471	52	45
400	22	2	472	61	79
401	13	3	473	29	70
402	37	36	474	15	53
403	90	26	475	15	60
404	41	2	476	52	40
405	25	2	477	50	61
406	29	2	478	13	74
407	38	7	479	46	51
408	50	13	480	60	73
409	55	10	481	33	84
410	29	3	482	31	63

Time(s)	Normalized speed (per-cent)	Normalized torque (per-cent)	Time(s)	Normalized speed (per-cent)	Normalized torque (per-cent)
483	41	42	555	28	59
484	26	69	556	25	58
485	23	65	557	23	56
486	48	49	558	22	57
487	28	57	559	19	63
488	16	67	560	14	63
489	39	48	561	31	61
490	47	73	562	35	62
491	35	87	563	21	80
492	26	73	564	28	65
493	30	61	565	7	74
494	34	49	566	23	54
495	35	66	567	38	54
496	56	47	568	14	78
497	49	64	569	38	58
498	59	64	570	52	75
499	42	69	571	59	81
500	6	77	572	66	69
501	5	59	573	54	44
502	17	59	574	48	34
503	45	53	575	44	33
504	21	62	576	40	40
505	31	60	577	28	58
506	53	68	578	27	63
507	48	79	579	35	45
508	45	61	580	20	66
509	51	47	581	15	60
510	41	48	582	10	52
511	26	58	583	22	56
512	21	62	584	30	62
513	50	52	585	21	67
514	39	65	586	29	53
515	23	65	587	41	56
516	42	62	588	15	67
517	57	80	589	24	56
518	66	81	590	42	69
519	64	62	591	39	83
520	45	42	592	40	73
521	33	42	593	35	67
522	27	57	594	32	61
523	31	59	595	30	65
524	41	53	596	30	72
525	45	72	597	48	51
526	48	73	598	66	58
527	46	90	599	62	71
528	56	76	600	36	63
529	64	76	601	17	59
530	69	64	602	16	50
531	72	59	603	16	62
532	73	58	604	34	48
533	71	56	605	51	66
534	66	48	606	35	74
535	61	50	607	15	56
536	55	56	608	19	54
537	52	52	609	43	65
538	54	49	610	52	80
539	61	50	611	52	83
540	64	54	612	49	57
541	67	54	613	48	46
542	68	52	614	37	36
543	60	53	615	25	44
544	52	50	616	14	53
545	45	49	617	13	64
546	38	45	618	23	56
547	32	45	619	21	63
548	26	53	620	18	67
549	23	56	621	20	54
550	30	49	622	16	67
551	33	55	623	26	56
552	35	59	624	41	65
553	33	65	625	28	62
554	30	67	626	19	60

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Time(s)	Normalized speed (per-cent)	Normalized torque (per-cent)	Time(s)	Normalized speed (per-cent)	Normalized torque (per-cent)
627	33	56	699	25	55
628	37	70	700	14	70
629	24	79	701	12	60
630	28	57	702	22	57
631	40	57	703	27	67
632	40	58	704	29	68
633	28	44	705	34	62
634	25	41	706	35	61
635	29	53	707	28	78
636	31	55	708	11	71
637	26	64	709	4	58
638	20	50	710	5	58
639	16	53	711	10	56
640	11	54	712	20	63
641	13	53	713	13	76
642	23	50	714	11	65
643	32	59	715	9	60
644	36	63	716	7	55
645	33	59	717	8	53
646	24	52	718	10	60
647	20	52	719	28	53
648	22	55	720	12	73
649	30	53	721	4	64
650	37	59	722	4	61
651	41	58	723	4	61
652	36	54	724	10	56
653	29	49	725	8	61
654	24	53	726	20	56
655	14	57	727	32	62
656	10	54	728	33	66
657	9	55	729	34	73
658	10	57	730	31	61
659	13	55	731	33	55
660	15	64	732	33	60
661	31	57	733	31	59
662	19	69	734	29	58
663	14	59	735	31	53
664	33	57	736	33	51
665	41	65	737	33	48
666	39	64	738	27	44
667	39	59	739	21	52
668	39	51	740	13	57
669	28	41	741	12	56
670	19	49	742	10	64
671	27	54	743	22	47
672	37	63	744	15	74
673	32	74	745	8	66
674	16	70	746	34	47
675	12	67	747	18	71
676	13	60	748	9	57
677	17	56	749	11	55
678	15	62	750	12	57
679	25	47	751	10	61
680	27	64	752	16	53
681	14	71	753	12	75
682	5	65	754	6	70
683	6	57	755	12	55
684	6	57	756	24	50
685	15	52	757	28	60
686	22	61	758	28	64
687	14	77	759	23	60
688	12	67	760	20	56
689	12	62	761	26	50
690	14	59	762	28	55
691	15	58	763	18	56
692	18	55	764	15	52
693	22	53	765	11	59
694	19	69	766	16	59
695	14	67	767	34	54
696	9	63	768	16	82
697	8	56	769	15	64
698	17	49	770	36	53

Time(s)	Normalized speed (per-cent)	Normalized torque (per-cent)	Time(s)	Normalized speed (per-cent)	Normalized torque (per-cent)
771	45	64	843	30	65
772	41	59	844	27	66
773	34	50	845	32	58
774	27	45	846	40	56
775	22	52	847	41	57
776	18	55	848	18	73
777	26	54	849	15	55
778	39	62	850	18	50
779	37	71	851	17	52
780	32	58	852	20	49
781	24	48	853	16	62
782	14	59	854	4	67
783	7	59	855	2	64
784	7	55	856	7	54
785	18	49	857	10	50
786	40	62	858	9	57
787	44	73	859	5	62
788	41	68	860	12	51
789	35	48	861	14	65
790	29	54	862	9	64
791	22	69	863	31	50
792	46	53	864	30	78
793	59	71	865	21	65
794	69	68	866	14	51
795	75	47	867	10	55
796	62	32	868	6	59
797	48	35	869	7	59
798	27	59	870	19	54
799	13	58	871	23	61
800	14	54	872	24	62
801	21	53	873	34	61
802	23	56	874	51	67
803	23	57	875	60	66
804	23	65	876	58	55
805	13	65	877	60	52
806	9	64	878	64	55
807	27	56	879	68	51
808	26	78	880	63	54
809	40	61	881	64	50
810	35	76	882	68	58
811	28	66	883	73	47
812	23	57	884	63	40
813	16	50	885	50	38
814	11	53	886	29	61
815	9	57	887	14	61
816	9	62	888	14	53
817	27	57	889	42	6
818	42	69	890	58	6
819	47	75	891	58	6
820	53	67	892	77	39
821	61	62	893	93	56
822	63	53	894	93	44
823	60	54	895	93	37
824	56	44	896	93	31
825	49	39	897	93	25
826	39	35	898	93	26
827	30	34	899	93	27
828	33	46	900	93	25
829	44	56	901	93	21
830	50	56	902	93	22
831	44	52	903	93	24
832	38	46	904	93	23
833	33	44	905	93	27
834	29	45	906	93	34
835	24	46	907	93	32
836	18	52	908	93	26
837	9	55	909	93	31
838	10	54	910	93	34
839	20	53	911	93	31
840	27	58	912	93	33
841	29	59	913	93	36
842	30	62	914	93	37

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Time(s)	Normalized speed (per-cent)	Normalized torque (per-cent)	Time(s)	Normalized speed (per-cent)	Normalized torque (per-cent)
915	93	34	987	93	16
916	93	30	988	94	15
917	93	32	989	93	32
918	93	35	990	93	45
919	93	35	991	93	43
920	93	32	992	93	37
921	93	28	993	93	29
922	93	23	994	93	23
923	94	18	995	93	20
924	95	18	996	93	18
925	96	17	997	93	16
926	95	13	998	93	17
927	96	10	999	93	16
928	95	9	1000	93	15
929	95	7	1001	93	15
930	95	7	1002	93	15
931	96	7	1003	93	14
932	96	6	1004	93	15
933	96	6	1005	93	15
934	95	6	1006	93	14
935	90	6	1007	93	13
936	69	43	1008	93	14
937	76	62	1009	93	14
938	93	47	1010	93	15
939	93	39	1011	93	16
940	93	35	1012	93	17
941	93	34	1013	93	20
942	93	36	1014	93	22
943	93	39	1015	93	20
944	93	34	1016	93	19
945	93	26	1017	93	20
946	93	23	1018	93	19
947	93	24	1019	93	19
948	93	24	1020	93	20
949	93	22	1021	93	32
950	93	19	1022	93	37
951	93	17	1023	93	28
952	93	19	1024	93	26
953	93	22	1025	93	24
954	93	24	1026	93	22
955	93	23	1027	93	22
956	93	20	1028	93	21
957	93	20	1029	93	20
958	94	19	1030	93	20
959	95	19	1031	93	20
960	95	17	1032	93	20
961	96	13	1033	93	19
962	95	10	1034	93	18
963	96	9	1035	93	20
964	95	7	1036	93	20
965	95	7	1037	93	20
966	95	7	1038	93	20
967	95	6	1039	93	19
968	96	6	1040	93	18
969	96	6	1041	93	18
970	89	6	1042	93	17
971	68	6	1043	93	16
972	57	6	1044	93	16
973	66	32	1045	93	15
974	84	52	1046	93	16
975	93	46	1047	93	18
976	93	42	1048	93	37
977	93	36	1049	93	48
978	93	28	1050	93	38
979	93	23	1051	93	31
980	93	19	1052	93	26
981	93	16	1053	93	21
982	93	15	1054	93	18
983	93	16	1055	93	16
984	93	15	1056	93	17
985	93	14	1057	93	18
986	93	15	1058	93	19

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Time(s)	Normalized speed (per-cent)	Normalized torque (per-cent)	Time(s)	Normalized speed (per-cent)	Normalized torque (per-cent)
1059	93	21	1131	93	31
1060	93	20	1132	93	26
1061	93	18	1133	93	21
1062	93	17	1134	93	18
1063	93	17	1135	93	20
1064	93	18	1136	93	25
1065	93	18	1137	93	24
1066	93	18	1138	93	21
1067	93	19	1139	93	21
1068	93	18	1140	93	22
1069	93	18	1141	93	22
1070	93	20	1142	93	28
1071	93	23	1143	93	29
1072	93	25	1144	93	23
1073	93	25	1145	93	21
1074	93	24	1146	93	18
1075	93	24	1147	93	16
1076	93	22	1148	93	16
1077	93	22	1149	93	16
1078	93	22	1150	93	17
1079	93	19	1151	93	17
1080	93	16	1152	93	17
1081	95	17	1153	93	17
1082	95	37	1154	93	23
1083	93	43	1155	93	26
1084	93	32	1156	93	22
1085	93	27	1157	93	18
1086	93	26	1158	93	16
1087	93	24	1159	93	16
1088	93	22	1160	93	17
1089	93	22	1161	93	19
1090	93	22	1162	93	18
1091	93	23	1163	93	16
1092	93	22	1164	93	19
1093	93	22	1165	93	22
1094	93	23	1166	93	25
1095	93	23	1167	93	29
1096	93	23	1168	93	27
1097	93	22	1169	93	22
1098	93	23	1170	93	18
1099	93	23	1171	93	16
1100	93	23	1172	93	19
1101	93	25	1173	93	19
1102	93	27	1174	93	17
1103	93	26	1175	93	17
1104	93	25	1176	93	17
1105	93	27	1177	93	16
1106	93	27	1178	93	16
1107	93	27	1179	93	15
1108	93	24	1180	93	16
1109	93	20	1181	93	15
1110	93	18	1182	93	17
1111	93	17	1183	93	21
1112	93	17	1184	93	30
1113	93	18	1185	93	53
1114	93	18	1186	93	54
1115	93	18	1187	93	38
1116	93	19	1188	93	30
1117	93	22	1189	93	24
1118	93	22	1190	93	20
1119	93	19	1191	95	20
1120	93	17	1192	96	18
1121	93	17	1193	96	15
1122	93	18	1194	96	11
1123	93	18	1195	95	9
1124	93	19	1196	95	8
1125	93	19	1197	96	7
1126	93	20	1198	94	33
1127	93	19	1199	93	46
1128	93	20	1200	93	37
1129	93	25	1201	16	8
1130	93	30	1202	0	0

Time(s)	Normalized speed (percent)	Normalized torque (percent)
1203	0	0
1204	0	0
1205	0	0
1206	0	0
1207	0	0
1208	0	0
1209	0	0

PART 1051—CONTROL OF EMISSIONS FROM RECREATIONAL ENGINES AND VEHICLES

Subpart A—Determining How To Follow This Part

- Sec.
- 1051.1 Does this part apply for my vehicles or engines?
- 1051.2 Who is responsible for compliance?
- 1051.5 Which engines are excluded from this part's requirements?
- 1051.10 How is this part organized?
- 1051.15 Do any other regulation parts apply to me?
- 1051.20 May I certify a recreational engine instead of the vehicle?
- 1051.25 What requirements apply when installing certified engines in recreational vehicles?
- 1051.30 Submission of information.

Subpart B—Emission Standards and Related Requirements

- 1051.101 What emission standards and other requirements must my vehicles meet?
- 1051.103 What are the exhaust emission standards for snowmobiles?
- 1051.105 What are the exhaust emission standards for off-highway motorcycles?
- 1051.107 What are the exhaust emission standards for all-terrain vehicles (ATVs) and offroad utility vehicles?
- 1051.110 What evaporative emission standards must my vehicles meet?
- 1051.115 What other requirements apply?
- 1051.120 What emission-related warranty requirements apply to me?
- 1051.125 What maintenance instructions must I give to buyers?
- 1051.130 What installation instructions must I give to vehicle manufacturers?
- 1051.135 How must I label and identify the vehicles I produce?
- 1051.137 What are the consumer labeling requirements?
- 1051.140 What is my vehicle's maximum engine power and displacement?
- 1051.145 What provisions apply only for a limited time?

Subpart C—Certifying Engine Families

- 1051.201 What are the general requirements for obtaining a certificate of conformity?
- 1051.205 What must I include in my application?
- 1051.210 May I get preliminary approval before I complete my application?
- 1051.220 How do I amend the maintenance instructions in my application?
- 1051.225 How do I amend my application for certification to include new or modified vehicle configurations or to change an FEL?
- 1051.230 How do I select engine families?
- 1051.235 What emission testing must I perform for my application for a certificate of conformity?
- 1051.240 How do I demonstrate that my engine family complies with exhaust emission standards?
- 1051.243 How do I determine deterioration factors from exhaust durability testing?
- 1051.245 How do I demonstrate that my engine family complies with evaporative emission standards?
- 1051.250 What records must I keep and make available to EPA?
- 1051.255 What decisions may EPA make regarding my certificate of conformity?

Subpart D—Testing Production-Line Vehicles and Engines

- 1051.301 When must I test my production-line vehicles or engines?
- 1051.305 How must I prepare and test my production-line vehicles or engines?
- 1051.310 How must I select vehicles or engines for production-line testing?
- 1051.315 How do I know when my engine family fails the production-line testing requirements?
- 1051.320 What happens if one of my production-line vehicles or engines fails to meet emission standards?
- 1051.325 What happens if an engine family fails the production-line testing requirements?
- 1051.330 May I sell vehicles from an engine family with a suspended certificate of conformity?
- 1051.335 How do I ask EPA to reinstate my suspended certificate?
- 1051.340 When may EPA revoke my certificate under this subpart and how may I sell these vehicles again?
- 1051.345 What production-line testing records must I send to EPA?
- 1051.350 What records must I keep?

Subpart E—Testing In-Use Engines [Reserved]