

general requirements for certifying components.

(1) When you submit your application for certification, indicate the FEL to which your components will be certified. This FEL will serve as the applicable standard for your component, and the equipment that uses the component. For example, when the regulations of this part use the phrase “demonstrate compliance with the applicable emission standard” it will mean “demonstrate compliance with the FEL” for your component.

(2) You may not change the FEL for an emission family. To specify a different FEL for your components, you must send a new application for certification for a new emission family.

(3) Unless your FEL is below all emission standards that could potentially apply, you must ensure that all equipment manufacturers that will use your component are aware of the limitations regarding the conditions under which they may use your component.

(4) It is your responsibility to read the instructions relative to emission-credit provisions in the standard-setting parts identified in §1060.1.

(b) *Requirements for equipment manufacturers.* See subpart C of this part for instructions regarding your ability to rely on the component manufacturer’s certificate.

(1) The FEL of the component will serve as the applicable standard for your equipment.

(2) You may not specify more than one FEL for an emission family at one time; however, you may change the FEL during the model year as described in §1060.225(f).

(3) If the FEL is above the emission standard you must ensure that the exhaust standard-setting part allows you to use evaporative emission credits to comply with emission standards and that you will have an adequate source of evaporative emission credits. You must certify your equipment as specified in §1060.201 and the rest of subpart C of this part.

Subpart I—Definitions and Other Reference Information

§ 1060.801 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 Clean Air Act gives to them. The definitions follow:

Accuracy and precision means the sum of accuracy and repeatability, as defined in 40 CFR 1065.1001. For example, if a measurement device is determined to have an accuracy of $\pm 1\%$ and a repeatability of $\pm 2\%$, then its accuracy and precision would be $\pm 3\%$.

Adjustable parameter means any device, system, or element of design that someone can adjust and that, if adjusted, may affect emissions. You may ask us to exclude a parameter if you show us that it will not be adjusted in use in a way that affects emissions.

Applicable emission standard or applicable standard means an emission standard to which a fuel-system component is subject. Additionally, if a fuel-system component has been or is being certified to another standard or FEL, *applicable emission standard* means the FEL or other standard to which the fuel-system component has been or is being certified. This definition does not apply to subpart H of this part.

Canister working capacity means the measured amount of hydrocarbon vapor that can be stored in a canister as specified in §1060.240(e)(2)(i).

Carbon working capacity means the measured amount of hydrocarbon vapor that can be stored in a given volume of carbon when tested according to ASTM D5228 (incorporated by reference in §1060.810). See §1060.240(e)(2)(ii).

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

Certified emission level means the highest official emission result in an emission family.

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

Cold-weather equipment is limited to the following types of handheld equipment: Chainsaws, cut-off saws, clearing saws, brush cutters with engines at or above 40cc, commercial earth and wood drills, and ice augers. This includes earth augers if they are also marketed as ice augers.

Configuration means a unique combination of hardware (material, geometry, and size) and calibration within an emission family. Units within a single configuration differ only with respect to normal production variability.

Date of manufacture, means one of the following with respect to equipment:

(1) For outboard engines with under-cowl fuel tanks and for vessels equipped with outboard engines and installed fuel tanks, *date of manufacture* means the date on which the fuel tank is installed.

(2) For all other equipment, *date of manufacture* has the meaning given in 40 CFR 1068.30.

Days means calendar days unless otherwise specified. For example, when 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.

Detachable fuel line means a fuel line or fuel line assembly intended to be used with a portable nonroad fuel tank and which is connected by special fittings to the fuel tank and/or engine for easy disassembly. Fuel lines that require a wrench or other tools to disconnect are not considered detachable fuel lines. Fuel lines that are labeled or marketed as USCG Type B1 fuel line as specified in 33 CFR 183.540 are not considered detachable fuel lines if they are sold to the ultimate purchaser without quick-connect fittings or similar hardware.

Diurnal emissions means evaporative emissions that occur as a result of venting fuel tank vapors during daily temperature changes while the engine is not operating.

Effective length-to-diameter ratio means the mean vapor path length of a carbon canister divided by the effective

diameter of that vapor path. The effective diameter is the diameter of a circle with the same cross-sectional area as the average cross-sectional area of the carbon canister's vapor path.

Emission control system means any device, system, or element of design that controls or reduces the regulated evaporative emissions from a piece of nonroad equipment.

Emission-data unit means a fuel line, fuel tank, fuel system, or fuel-system component that is tested for certification. This includes components tested by EPA.

Emission family has the meaning given in § 1060.230.

Emission-related maintenance means maintenance that substantially affects emissions or is likely to substantially affect emission deterioration.

Equipment means vehicles, marine vessels, and other types of nonroad equipment that are subject to this part's requirements.

Evaporative means relating to fuel emissions that result from permeation of fuel through the fuel-system materials or from ventilation of the fuel system.

Exhaust standard-setting part means the part in the Code of Federal Regulations that contains exhaust emission standards for a particular piece of equipment (or the engine in that piece of equipment). For example, the exhaust standard-setting part for off-highway motorcycles is 40 CFR part 1051. Exhaust standard-setting parts may include evaporative emission requirements or describe how the requirements of this part 1060 apply.

Exposed gasket surface area means the surface area of the gasket inside the fuel tank that is exposed to fuel or fuel vapor. For the purposes of calculating exposed surface area of a gasket, the thickness of the gasket and the outside dimension of the opening being sealed are used. Gasket overhang into the fuel tank should be ignored for the purpose of this calculation.

Family emission limit (FEL) means an emission level declared by the manufacturer to serve in place of an otherwise applicable emission standard under an ABT program specified by the exhaust standard-setting part. The

family emission limit must be expressed to the same number of decimal places as the emission standard it replaces. The family emission limit serves as the emission standard for the emission family with respect to all required testing.

Fuel CE10 has the meaning given in §1060.515(a).

Fuel line means hoses or tubing designed to contain liquid fuel. The exhaust standard-setting part may further specify which types of hoses and tubing are subject to the standards 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. In the case where the fuel tank cap or other components (excluding fuel lines) are directly mounted on the fuel tank, they are considered to be a part of the fuel tank.

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 premium gasoline, regular gasoline, or gasoline with 10 percent ethanol.

Gasoline means one of the following:

(1) For in-use fuels, *gasoline* means fuel that is commonly and commercially known as gasoline, including ethanol blends.

(2) For testing, *gasoline* has the meaning given in subpart F of this part.

Good engineering judgment means judgments made consistent with generally accepted scientific and engineering principles and all available relevant information. See 40 CFR 1068.5 for the administrative process we use to evaluate good engineering judgment.

High-permeability material means any nonmetal material that does not qualify as low-permeability material.

Installed marine fuel line means a fuel line designed for delivering fuel to a Marine SI engine that does not meet the definition of *portable marine fuel line*.

Installed marine fuel tank means a fuel tank designed for delivering fuel to a

Marine SI engine that does not meet the definition of *portable marine fuel tanks*.

Large SI means relating to engines that are subject to evaporative emission standards in 40 CFR part 1048.

Low-permeability material means, for gaskets, a material with permeation emission rates at or below 10 (g-mm)/m²/day when measured according to SAE J2659 (incorporated by reference in §1060.810), where the test temperature is 23 °C, the test fuel is Fuel CE10, and testing immediately follows a four-week preconditioning soak with the test fuel.

Manufacture means the physical and engineering process of designing, constructing, and assembling an engine, piece of nonroad equipment, or fuel-system components subject to the requirements of this part.

Manufacturer has the meaning given in section 216(1) of the Clean Air Act (42 U.S.C. 7550(1)). In general, this term includes:

(1) Any person who manufactures an engine or piece of nonroad equipment for sale in the United States or otherwise introduces a new nonroad engine or a piece of new nonroad equipment into U.S. commerce.

(2) Any person who manufactures a fuel-system component for an engine subject to the requirements of this part as described in §1060.1(a).

(3) Importers who import such products into the United States.

Marine SI means relating to vessels powered by engines that are subject to exhaust emission standards in 40 CFR part 1045.

Marine vessel has the meaning given in 40 CFR §1045.801, which generally includes all nonroad equipment used as a means of transportation on water.

Model year means one of the following things:

(1) For equipment defined as “new nonroad equipment” under paragraph (1) of the definition of “new nonroad engine,” 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

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before January 2 of the previous calendar year and it must end by December 31 of the named calendar year.

(2) For other equipment defined as “new nonroad equipment” under paragraph (2) of the definition of “new nonroad engine,” model year has the meaning given in the exhaust standard-setting part.

(3) For other equipment defined as “new nonroad equipment” under paragraph (3) or paragraph (4) of the definition of “new nonroad engine,” model year means the model year of the engine as defined in the exhaust standard-setting part.

New nonroad equipment means equipment meeting one or more of the following criteria:

(1) Nonroad equipment for which the ultimate purchaser has never received the equitable or legal title. The equipment is no longer new when the ultimate purchaser receives this title or the product is placed into service, whichever comes first.

(2) Nonroad equipment that is defined as new under the exhaust standard-setting part. (Note: equipment that is not defined as new under the exhaust standard-setting part may be defined as new under this definition of “new nonroad equipment.”)

(3) Nonroad equipment with an engine that becomes new (as defined in the exhaust standard-setting part) while installed in the equipment. The equipment is no longer new when it is subsequently placed into service. This paragraph (3) does not apply if the engine becomes new before being installed in the equipment.

(4) Nonroad equipment not covered by a certificate of conformity issued under this part at the time of importation and manufactured after the requirements of this part start to apply (see §1060.1). The equipment is no longer new when it is subsequently placed into service. Importation of this kind of new nonroad equipment is generally prohibited by 40 CFR part 1068.

Nominal capacity means a fuel tank’s volume as specified by the fuel tank manufacturer, using at least two significant figures, based on the maximum volume of fuel the tank can hold with standard refueling techniques.

Nonroad engine has the meaning we give 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 §1060.1).

Nonroad equipment means a piece of equipment that is powered by or intended to be powered by one or more nonroad engines. Note that §§1060.5 and 1060.601 describes how we treat outboard engines, portable marine fuel tanks, and associated fuel-system components as nonroad equipment under this part 1060.

Nontrailerable boat means a vessel whose length is 26.0 feet or more, or whose width is more than 8.5 feet.

Official emission result means the measured emission rate for an emission-data unit.

Placed into service means put into initial use for its intended purpose.

Portable marine fuel line means a detachable fuel line that is used or intended to be used to supply fuel to a marine engine during operation. This also includes any fuel line labeled or marketed at USCG Type B1 fuel line as specified in 33 CFR 183.540, whether or not it includes detachable connecting hardware; this is often called universal fuel line.

Portable marine fuel tank means a portable fuel tank that is used or intended to be used to supply fuel to a marine engine during operation.

Portable nonroad fuel tank means a fuel tank that meets each of the following criteria:

(1) It has design features indicative of use in portable applications, such as a carrying handle and fuel line fitting that can be readily attached to and detached from a nonroad engine.

(2) It has a nominal fuel capacity of 12 gallons or less.

(3) It is designed to supply fuel to an engine while the engine is operating.

(4) It is not used or intended to be used to supply fuel to a marine engine.

Production period means the period in which a component or piece of equipment will be produced under a certificate of conformity. A given production period for an emission family may not

include components certified using different test data. A production period may not exceed five years for certified components. Note that the definition of model year includes specifications related to production periods for which a certificate is valid for equipment.

Recreational vehicle means vehicles that are subject to evaporative emission standards in 40 CFR part 1051. This generally includes engines that will be installed in recreational vehicles if the engines are certified separately under 40 CFR 1051.20.

Relating to as used in this section means relating to something in a specific, direct manner. This expression is used in this section only to define terms as adjectives and not to broaden the meaning of the terms.

Revoke has the meaning given in 40 CFR 1068.30. If we revoke a certificate or an exemption, you must apply for a new certificate or exemption before continuing to introduce the affected equipment into U.S. commerce.

Round means to round numbers according to standard procedures as specified in 40 CFR 1065.1001.

Running loss emissions means unburned fuel vapor that escapes from the fuel system to the ambient atmosphere while the engine is operating, excluding permeation emissions and diurnal emissions. Running loss emissions generally result from fuel-temperature increases caused by heat released from in-tank fuel pumps, fuel recirculation, or proximity to heat sources such as the engine or exhaust components.

Sealed means lacking openings to the atmosphere that would allow a measurable amount of liquid or vapor to leak out under normal operating pressures or other pressures specified in this part. For example, you may generally establish a maximum value for operating pressures based on the highest pressure you would observe from an installed fuel tank during continuous equipment operation on a sunny day with ambient temperatures of 35 °C. A fuel system may be considered to have no measurable leak if it does not release bubbles when held underwater at the identified tank pressure for 60 seconds. This determination presumes the use of good engineering judgment; for example, it would not be appropriate to

test the fuel tank such that small leaks would avoid detection by collecting in a cavity created by holding the tank with a certain orientation. Sealed fuel systems may have openings for emission controls or for fuel lines needed to route fuel to the engine.

Small SI means relating to engines that are subject to emission standards in 40 CFR part 90 or 1054.

Structurally integrated nylon fuel tank means a fuel tank having all the following characteristics:

(1) The fuel tank is made of a polyamide material that does not contain more than 50 percent by weight of a reinforcing glass fiber or mineral filler and does not contain more than 10 percent by weight of impact modified polyamides that use rubberized agents such as EPDM rubber.

(2) The fuel tank must be used in a cut-off saw or chainsaw or be integrated into a major structural member where, as a single component, the fuel tank material is a primary structural/stress member for other major components such as the engine, transmission, or cutting attachment.

Subchapter U means 40 CFR parts 1000 through 1299.

Suspend has the meaning given in 40 CFR 1068.30. If we suspend a certificate, you may not introduce into U.S. commerce equipment from that emission family unless we reinstate the certificate or approve a new one. If we suspend an exemption, you may not introduce into U.S. commerce equipment that was previously covered by the exemption unless we reinstate the exemption.

Tare means to use a container or other reference mass to zero a balance before weighing a sample. Generally, this means placing the container or reference mass on the balance, allowing it to stabilize, then zeroing the balance without removing the container or reference mass. This allows you to use the balance to determine the difference in mass between the sample and the container or reference mass.

Test sample means the collection of fuel lines, fuel tanks, or fuel systems selected from the population of an emission family for emission testing. This may include certification testing or any kind of confirmatory testing.

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Test unit means a piece of fuel line, a fuel tank, or a fuel system in a test sample.

Ultimate purchaser means, with respect to any new nonroad equipment, the first person who in good faith purchases such new nonroad equipment for purposes other than resale.

Ultraviolet light means electromagnetic radiation with a wavelength between 300 and 400 nanometers.

United States has the meaning given in 40 CFR 1068.30.

U.S.-directed production volume means the amount of equipment, 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 new nonroad equipment is required to comply with all applicable emission standards. See §1060.101.

Void has the meaning given in 40 CFR 1068.30. In general this means to invalidate a certificate or an exemption both retroactively and prospectively.

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.

We (us, our) means the Administrator of the Environmental Protection Agency and any authorized representatives.

Wintertime equipment means equipment using a wintertime engine, as defined in 40 CFR 1054.801. Note this definition applies only for Small SI equipment.

[73 FR 59298, Oct. 8, 2008, as amended at 75 FR 23027, Apr. 30, 2010]

§ 1060.805 What symbols, acronyms, and abbreviations does this part use?

The following symbols, acronyms, and abbreviations apply to this part:

- ° degree.
- ASTM American Society for Testing and Materials.
- C Celsius.
- CFR Code of Federal Regulations.
- EPA Environmental Protection Agency.

- FEL family emission limit.
- g gram.
- gal gallon.
- hr hour.
- in inch.
- kPa kilopascal.
- kW kilowatt.
- L liter.
- m meter.
- min minute.
- mm millimeter.
- psig pounds per square inch of gauge pressure.
- SAE Society of Automotive Engineers.
- SHED Sealed Housing for Evaporative Determination.
- U.S. United States.
- U.S.C. United States Code.
- W watt.

§ 1060.810 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) *ASTM material.* Table 1 to this section lists material from the American Society for Testing and Materials 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 American Society for Testing and Materials, 100 Barr Harbor Dr., P.O. Box C700, West Conshohocken, PA 19428 or <http://www.astm.com>. Table 1 follows:

TABLE 1 TO § 1060.810—ASTM MATERIALS

Document number and name	Part 1060 reference
ASTM D471–06, Standard Test Method for Rubber Property—Effect of Liquids (“ASTM D471”)	1060.515
ASTM D2862–97 (Reapproved 2004), Standard Test Method for Particle Size Distribution of Granular Activated Carbon (“ASTM D2862”)	1060.240
ASTM D3802–79 (Reapproved 2005), Standard Test Method for Ball-Pan Hardness of Activated Carbon (“ASTM D3802”)	1060.240
ASTM D4806–07, Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel (“ASTM D4806”)	1060.501
ASTM D5228–92 (Reapproved 2005), Standard Test Method for Determination of Butane Working Capacity of Activated Carbon (“ASTM D5228”)	1060.801

(b) *SAE material.* Table 2 to 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 2 follows:

TABLE 2 TO § 1060.810—SAE MATERIALS

Document number and name	Part 1060 reference
SAE J30, Fuel and Oil Hoses, June 1998	1060.515
SAE J1527, Marine Fuel Hoses, January 1993 (Issued 1985–12, Revised 1993–02)	1060.515
SAE J2260, Nonmetallic Fuel System Tubing with One or More Layers, November 2004	1060.510
SAE J2659, Test Method to Measure Fluid Permeation of Polymeric Materials by Speciation, December 2003 ..	1060.801

(c) *California Air Resources Board material.* Table 3 to this section lists material from the California Air Resources Board that we have incorporated by reference. The first column lists the number and name of the material. The second column lists the sec-

tions of this part where we reference it. Anyone may obtain copies of these materials from California Air Resources Board, Haagen-Smit Laboratory, 9528 Telstar Avenue, El Monte, CA 91731–2990 or <http://www.arb.ca.gov>. Table 3 follows:

TABLE 3 TO § 1060.810—CALIFORNIA AIR RESOURCES BOARD MATERIALS

Document number and name	Part 1060 reference
Final Regulation Order, Article 1, Chapter 15, Division 3, Title 13, California Code of Regulations, July 26, 2004	1060.105, 1060.240

(d) *American Boat and Yacht Council Material.* Table 4 to this section lists material from the American Boat and Yacht Council that we have incorporated by reference. The first column lists the number and name of the material. The second column lists the sec-

tions of this part where we reference it. Anyone may purchase copies of these materials from the American Boat and Yacht Council, 613 Third Street, Suite 10, Annapolis, MD 21403 or <http://www.abycinc.org/>. Table 4 follows:

TABLE 4 TO § 1060.810—AMERICAN BOAT AND YACHT COUNCIL MATERIALS

Document No. and name	Part 1060 reference
ABYC H–25, Portable Marine Gasoline Fuel Systems, July 2010	1060.105

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[73 FR 59298, Oct. 8, 2008, as amended at 75 FR 56482, Sept. 16, 2010]

§ 1060.815 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.

§ 1060.820 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.

§ 1060.825 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 products regulated under this part:

(a) We specify the following requirements related to equipment certification in this part 1060:

(1) In 40 CFR 1060.20 we give an overview of principles for reporting information.

(2) In 40 CFR part 1060, subpart C, we identify a wide range of information required to certify engines.

(3) In 40 CFR 1060.301 we require manufacturers to make engines or equipment available for our testing if we make such a request.

(4) In 40 CFR 1060.505 we specify information needs for establishing various changes to published test procedures.

(b) 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 equipment 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) [Reserved]

(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 equipment.

(8) In 40 CFR 1068.450 and 1068.455 we specify certain records related to testing production-line products 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 equipment.