

shipping your products directly to an equipment manufacturer or another manufacturer from which you have received a written commitment to be responsible for certifying the components as required under this part 1060. This includes SHED-based certification of Small SI equipment as described in § 1060.105. If you ship fuel lines or fuel tanks under this paragraph (f), you must include documentation that accompanies the shipped products identifying the name and address of the company receiving shipment and stating that the fuel lines or fuel tanks are exempt under the provisions of 40 CFR 1060.601(f).

(g) If new evaporative emission standards apply in a given model year, your equipment in that model year must have fuel-system components that are certified to the new standards, except that you may continue to use up your normal inventory of earlier fuel-system components that were built before the date of the new or changed standards. For example, if your normal inventory practice is to keep on hand a one-month supply of fuel tanks based on your upcoming production schedules, and a new tier of standards starts to apply for the 2012 model year, you may order fuel tanks based on your normal inventory requirements late in the fuel tank manufacturer's 2011 model year and install those fuel tanks in your equipment, regardless of the date of installation. Also, if your model year starts before the end of the calendar year preceding new standards, you may use fuel-system components from the previous model year (or uncertified components if no standards were in place) for those units you produce before January 1 of the year that new standards apply. If emission standards do not change in a given model year, you may continue to install fuel-system components from the previous model year without restriction. You may not circumvent the provisions of 40 CFR 1068.101(a)(1) by stockpiling fuel-system components that were built before new or changed standards take effect.

(h) If equipment manufacturers hold certificates of conformity for their equipment but they use only fuel-system components that have been cer-

tified by other companies, they may satisfy their defect-reporting obligations by tracking the information described in 40 CFR 1068.501(b)(1) related to possible defects, reporting this information to the appropriate component manufacturers, and keeping these records for eight years. Such equipment manufacturers will not be considered in violation of 40 CFR 1068.101(b)(6) for failing to perform investigations, make calculations, or submit reports to EPA as specified in 40 CFR 1068.501. See § 1060.5(a).

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

§ 1060.605 Exemptions from evaporative emission standards.

(a) Except as specified in the exhaust standard-setting part and paragraph (b) of this section, equipment using an engine that is exempt from exhaust emission standards under the provisions in 40 CFR part 1068, subpart C or D, is also exempt from the requirements of this part 1060. For example, engines or equipment exempted from exhaust emission standards for purposes of national security do not need to meet evaporative emission standards. Also, any engine that is exempt from emission standards because it will be used solely for competition does not need to meet evaporative emission standards. Equipment that is exempt from all exhaust emission standards under the standard-setting part are also exempt from the requirements of this part 1060; however, this does not apply for engines that must meet a less stringent exhaust emission standard as a condition of the exemption.

(b) Engines produced under the replacement-engine exemption in 40 CFR 1068.240 must use fuel-system components that meet the evaporative emission standards based on the model year of the engine being replaced subject to the provisions of 40 CFR 1068.265. If no evaporative emission standards applied at that time, no requirements related to evaporative emissions apply to the new engine. Installing a replacement engine does not change the applicability of requirements for the equipment into which the replacement engine is installed.

(c) Engines or equipment that are temporarily exempt from EPA exhaust emission standards are also exempt from the requirements of this part 1060 for the same period as the exhaust exemption.

(d) For equipment powered by more than one engine, all the engines installed in the equipment must be exempt from all applicable EPA exhaust emission standards for the equipment to also be exempt under paragraph (a) or (b) of this section.

(e) In unusual circumstances, we may exempt components or equipment from the requirements of this part 1060 even if the equipment is powered by one or more engines that are subject to EPA exhaust emission standards. See 40 CFR part 1068. Such exemptions will be limited to:

(1) Testing. See 40 CFR 1068.210.

(2) National security. See 40 CFR 1068.225.

(3) Economic hardship. See 40 CFR 1068.245 and 1068.250.

(f) Evaporative emission standards generally apply based on the model year of the equipment, which is determined by the equipment's date of final assembly. However, in the first year of new emission standards, equipment manufacturers may apply evaporative emission standards based on the model year of the engine as shown on the engine's emission control information label. For example, for fuel tank permeation standards starting in 2012, equipment manufacturers may order a batch of 2011 model year engines for installation in 2012 model year equipment, subject to the anti-stockpiling provisions of 40 CFR 1068.105(a). The equipment with the 2011 model year engines would not need to meet fuel tank permeation standards as long as the equipment is fully assembled by December 31, 2012.

§ 1060.640 What special provisions apply to branded equipment?

The following provisions apply if you identify the name and trademark of another company instead of your own on your emission control information label for equipment, as provided by §§ 1060.135 and 1060.137:

(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 § 1060.120. 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 and describe the arrangements you have made to meet your requirements under this section.

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

Subpart H—Averaging, Banking, and Trading Provisions

§ 1060.701 Applicability.

(a) You are allowed to comply with the emission standards in this part with evaporative emission credits only if the exhaust standard-setting part explicitly allows it for evaporative emissions.

(b) The following exhaust standard-setting parts allow some use of evaporative emission credits:

(1) 40 CFR part 1045 for marine vessels.

(2) 40 CFR part 1051 for recreational vehicles.

(3) 40 CFR part 1054 for Small SI equipment.

(c) As specified in 40 CFR part 1048, there is no allowance to generate or use emission credits with Large SI equipment.

§ 1060.705 How do I certify components to an emission level other than the standard under this part or use such components in my equipment?

As specified in this section, a fuel-system component may be certified to a family emission limit (FEL) instead of the otherwise applicable emission standard. Note that the exhaust standard-setting part may apply maximum values for an FEL (i.e., FEL caps).

(a) *Requirements for certifying component manufacturers.* See subpart C of this part for instructions regarding the