

Environmental Protection Agency

§ 86.004-30

standards for all tests, without regard to whether a regeneration occurs.

(ii) Upon request by the manufacturer, the Administrator may account for regeneration events differently than is provided in this paragraph (i). However, this option only applies for events that occur extremely infrequently, and which cannot be practically addressed using the adjustment factors described in this paragraph (i).

[61 FR 54890, Oct. 22, 1996, as amended at 62 FR 54726, Oct. 21, 1997; 65 FR 59948, Oct. 6, 2000; 66 FR 5159, Jan. 18, 2001; 71 FR 31486, Aug. 30, 2006]

§ 86.004-30 Certification.

Section 86.004-30 includes text that specifies requirements that differ from § 86.094-30, § 86.095-30, § 86.096-30, § 86.098-30 or § 86.001-30. Where a paragraph in § 86.094-30, § 86.095-30, § 86.096-30, § 86.098-30 or § 86.001-30 is identical and applicable to § 86.004-30, this may be indicated by specifying the corresponding paragraph and the statement “[Reserved]. For guidance see § 86.094-30.” or “[Reserved]. For guidance see § 86.095-30.” or “[Reserved]. For guidance see § 86.096-30.” or “[Reserved]. For guidance see § 86.098-30.” or “[Reserved]. For guidance see § 86.001-30.”.

(a)(1) and (a)(2) [Reserved]. For guidance see § 86.094-30.

(a)(3)(i) One such certificate will be issued for each engine family. For gasoline-fueled and methanol-fueled light-duty vehicles and light-duty trucks, and petroleum-fueled diesel cycle light-duty vehicles and light-duty trucks not certified under § 86.098-23(g), one such certificate will be issued for each engine family-evaporative/refueling emission family combination. Each certificate will certify compliance with no more than one set of in-use and certification standards (or family emission limits, as appropriate).

(ii) For gasoline-fueled and methanol fueled heavy-duty vehicles, one such certificate will be issued for each manufacturer and will certify compliance for those vehicles previously identified in that manufacturer’s statement(s) of compliance as required in § 86.098-23(b)(4) (i) and (ii).

(iii) For diesel light-duty vehicles and light-duty trucks, or diesel HDEs, included in the applicable particulate

averaging program, the manufacturer may at any time during production elect to change the level of any family particulate emission limit by demonstrating compliance with the new limit as described in § 86.094-28(a)(6), § 86.094-28(b)(5)(i), or § 86.004-28(c)(5)(i). New certificates issued under this paragraph will be applicable only for vehicles (or engines) produced subsequent to the date of issuance.

(iv) For light-duty trucks or HDEs included in the applicable NO_x averaging program, the manufacturer may at any time during production elect to change the level of any family NO_x emission limit by demonstrating compliance with the new limit as described in § 86.094-28(b)(5)(ii) or § 86.004-28(c)(5)(ii). New certificates issued under this paragraph will be applicable only for vehicles (or engines) produced subsequent to the day of issue.

(4)(i) For exempt light-duty vehicles and light-duty trucks under the provisions of § 86.094-8(j) or § 86.094-9(j), an adjustment or modification performed in accordance with instructions provided by the manufacturer for the altitude where the vehicle is principally used will not be considered a violation of section 203(a)(3) of the Clean Air Act (42 U.S.C. 7522(a)(3)).

(ii) A violation of section 203(a)(1) of the Clean Air Act (42 U.S.C. 7522(a)(1)) occurs when a manufacturer sells or delivers to an ultimate purchaser any light-duty vehicle or light-duty truck, subject to the regulations under the Act, under any of the conditions specified in paragraph (a)(4)(ii) of this section.

(A) When a light-duty vehicle or light-duty truck is exempted from meeting high-altitude requirements as provided in § 86.090-8(h) or § 86.094-9(h):

(1) At a designated high-altitude location, unless such manufacturer has reason to believe that such vehicle will not be sold to an ultimate purchaser for principal use at a designated high-altitude location; or

(2) At a location other than a designated high-altitude location, when such manufacturer has reason to believe that such motor vehicle will be sold to an ultimate purchaser for principal use at a designated high-altitude location.

(B) When a light-duty vehicle or light-duty truck is exempted from meeting low-altitude requirements as provided in § 86.094-8(i) or § 86.094-9(i):

(1) At a designated low-altitude location, unless such manufacturer has reason to believe that such vehicle will not be sold to an ultimate purchaser for principal use at a designated low-altitude location; or

(2) At a location other than a designated low-altitude location, when such manufacturer has reason to believe that such motor vehicle will be sold to an ultimate purchaser for principal use at a designated low-altitude location.

(a)(4)(iii) introductory text through (a)(4)(iii)(C) [Reserved]. For guidance see § 86.094-30.

(a)(4)(iv) introductory text [Reserved]. For guidance see § 86.095-30.

(a)(4)(iv)(A)-(a)(9) [Reserved]. For guidance see § 86.094-30.

(10)(i) For diesel-cycle light-duty vehicle and diesel-cycle light-duty truck families which are included in a particulate averaging program, the manufacturer's production-weighted average of the particulate emission limits of all engine families in a participating class or classes shall not exceed the applicable diesel-cycle particulate standard, or the composite particulate standard defined in § 86.090-2 as appropriate, at the end of the model year, as determined in accordance with this part. The certificate shall be void ab initio for those vehicles causing the production-weighted FEL to exceed the particulate standard.

(ii) For all heavy-duty diesel-cycle engines which are included in the particulate ABT programs under § 86.098-15 or superseding ABT sections as applicable, the provisions of paragraphs (a)(10)(ii) (A)-(C) of this section apply.

(A) All certificates issued are conditional upon the manufacturer complying with the provisions of § 86.098-15 or superseding ABT sections as applicable and the ABT related provisions of other applicable sections, both during and after the model year production.

(B) Failure to comply with all provisions of § 86.098-15 or superseding ABT sections as applicable will be considered to be a failure to satisfy the conditions upon which the certificate was

issued, and the certificate may be deemed void ab initio.

(C) The manufacturer shall bear the burden of establishing to the satisfaction of the Administrator that the conditions upon which the certificate was issued were satisfied or excused.

(11)(i) For light-duty truck families which are included in a NO_x averaging program, the manufacturer's production-weighted average of the NO_x emission limits of all such engine families shall not exceed the applicable NO_x emission standard, or the composite NO_x emission standard defined in § 86.088-2, as appropriate, at the end of the model year, as determined in accordance with this part. The certificate shall be void ab initio for those vehicles causing the production-weighted FEL to exceed the NO_x standard.

(ii) For all HDEs which are included in the NO_x plus NMHC ABT programs contained in § 86.098-15, or superseding ABT sections as applicable, the provisions of paragraphs (a)(11)(ii) (A)-(C) of this section apply.

(A) All certificates issued are conditional upon the manufacturer complying with the provisions of § 86.098-15 or superseding ABT sections as applicable and the ABT related provisions of other applicable sections, both during and after the model year production.

(B) Failure to comply with all provisions of § 86.098-15 or superseding ABT sections as applicable will be considered to be a failure to satisfy the conditions upon which the certificate was issued, and the certificate may be deemed void ab initio.

(C) The manufacturer shall bear the burden of establishing to the satisfaction of the Administrator that the conditions upon which the certificate was issued were satisfied or excused.

(a)(12) [Reserved]. For guidance see § 86.094-30.

(a)(13) [Reserved]. For guidance see § 86.095-30.

(a)(14) [Reserved]. For guidance see § 86.094-30.

(a) (15)-(18) [Reserved]. For guidance see § 86.096-30.

(a)(19) [Reserved]. For guidance see § 86.098-30.

(a)(20) [Reserved]. For guidance see § 86.001-30.

(a)(21) For all light-duty trucks certified to refueling emission standards under §86.004-9, the provisions of paragraphs (a)(21) (i)-(iii) of this section apply.

(i) All certificates issued are conditional upon the manufacturer complying with all provisions of §86.004-9 both during and after model year production.

(ii) Failure to meet the required implementation schedule sales percentages as specified in §86.004-9 will be considered to be a failure to satisfy the conditions upon which the certificate(s) was issued and the individual vehicles sold in violation of the implementation schedule shall not be covered by the certificate.

(iii) The manufacturer shall bear the burden of establishing to the satisfaction of the Administrator that the conditions upon which the certificate was issued were satisfied.

(b)(1) introductory text through (b)(1)(ii)(A) [Reserved]. For guidance see §86.094-30.

(b)(1)(ii)(B) The emission data vehicle(s) selected under §86.001-24(b)(vii) (A) and (B) shall represent all vehicles of the same evaporative/refueling control system within the evaporative/refueling family.

(b)(1)(ii)(C) [Reserved]. For guidance see §86.094-30.

(b)(1)(ii)(D) The emission-data vehicle(s) selected under §86.098-24(b)(1)(viii) shall represent all vehicles of the same evaporative/refueling control system within the evaporative/refueling emission family, as applicable.

(b)(1)(iii) and (b)(1)(iv) [Reserved]. For guidance see §86.094-30.

(b)(2) [Reserved]. For guidance see §86.098-30.

(b)(3)-(b)(4)(i) [Reserved]. For guidance see §86.094-30.

(b)(4)(ii) introductory text [Reserved]. For guidance see §86.098-30.

(b)(4)(ii)(A) [Reserved]. For guidance see §86.094-30.

(b)(4)(ii)(B)-(b)(4)(iv) [Reserved]. For guidance see §86.098-30.

(b)(5)-(e) [Reserved]. For guidance see §86.094-30.

(f) For engine families required to have an OBD system, certification will not be granted if, for any test vehicle approved by the Administrator in con-

sultation with the manufacturer, the malfunction indicator light does not illuminate under any of the following circumstances, unless the manufacturer can demonstrate that any identified OBD problems discovered during the Administrator's evaluation will be corrected on production vehicles.

(1)(i) *Otto-cycle*. A catalyst is replaced with a deteriorated or defective catalyst, or an electronic simulation of such, resulting in an increase of 1.5 times the NMHC+NO_x standard or FEL above the NMHC+NO_x emission level measured using a representative 4000 mile catalyst system.

(ii) *Diesel*. (A) If monitored for emissions performance—a catalyst is replaced with a deteriorated or defective catalyst, or an electronic simulation of such, resulting in exhaust emissions exceeding 1.5 times the applicable standard or FEL for NMHC+NO_x or PM.

(B) If monitored for performance—a particulate trap is replaced with a trap that has catastrophically failed, or an electronic simulation of such.

(2)(i) *Otto-cycle*. An engine misfire condition is induced resulting in exhaust emissions exceeding 1.5 times the applicable standards or FEL for NMHC+NO_x or CO.

(ii) *Diesel*. An engine misfire condition is induced and is not detected.

(3) If so equipped, any oxygen sensor is replaced with a deteriorated or defective oxygen sensor, or an electronic simulation of such, resulting in exhaust emissions exceeding 1.5 times the applicable standard or FEL for NMHC+NO_x or CO.

(4) If so equipped, a vapor leak is introduced in the evaporative and/or refueling system (excluding the tubing and connections between the purge valve and the intake manifold) greater than or equal in magnitude to a leak caused by a 0.040 inch diameter orifice, or the evaporative purge air flow is blocked or otherwise eliminated from the complete evaporative emission control system.

(5) A malfunction condition is induced in any emission-related engine system or component, including but not necessarily limited to, the exhaust gas recirculation (EGR) system, if equipped, the secondary air system, if

equipped, and the fuel control system, singularly resulting in exhaust emissions exceeding 1.5 times the applicable emission standard or FEL for NMHC+NO_x, CO or PM.

(6) A malfunction condition is induced in an electronic emission-related engine system or component not otherwise described above that either provides input to or receives commands from the on-board computer resulting in a measurable impact on emissions.

[59 FR 16287, Apr. 6, 1994, as amended at 62 FR 54727, Oct. 21, 1997; 65 FR 59948, Oct. 6, 2000]

§ 86.004-38 Maintenance instructions.

This section includes text that specifies requirements that differ from those specified in § 86.096-38. Where a paragraph in § 86.096-38 is identical and applicable to § 86.004-38, this may be indicated by specifying the corresponding paragraph and the statement “[Reserved]. For guidance see § 86.096-38.”

(a) The manufacturer shall furnish or cause to be furnished to the purchaser of each new motor vehicle (or motor vehicle engine) subject to the standards prescribed in § 86.099-8, § 86.004-9, § 86.004-10, or § 86.004-11, as applicable, written instructions for the proper maintenance and use of the vehicle (or engine), by the purchaser consistent with the provisions of § 86.004-25, which establishes what scheduled maintenance the Administrator approves as being reasonable and necessary.

(1) The maintenance instructions required by this section shall be in clear, and to the extent practicable, nontechnical language.

(2) The maintenance instructions required by this section shall contain a general description of the documentation which the manufacturer will require from the ultimate purchaser or any subsequent purchaser as evidence of compliance with the instructions.

(b) Instructions provided to purchasers under paragraph (a) of this section shall specify the performance of all scheduled maintenance performed by the manufacturer on certification durability vehicles and, in cases where the manufacturer performs less maintenance on certification durability vehicles than the allowed limit, may

specify the performance of any scheduled maintenance allowed under § 86.004-25.

(c) Scheduled emission-related maintenance in addition to that performed under § 86.004-25(b) may only be recommended to offset the effects of abnormal in-use operating conditions, except as provided in paragraph (d) of this section. The manufacturer shall be required to demonstrate, subject to the approval of the Administrator, that such maintenance is reasonable and technologically necessary to assure the proper functioning of the emission control system. Such additional recommended maintenance shall be clearly differentiated, in a form approved by the Administrator, from that approved under § 86.004-25(b).

(d) Inspections of emission-related parts or systems with instructions to replace, repair, clean, or adjust the parts or systems if necessary, are not considered to be items of scheduled maintenance which insure the proper functioning of the emission control system. Such inspections, and any recommended maintenance beyond that approved by the Administrator as reasonable and necessary under paragraphs (a), (b), and (c) of this section, may be included in the written instructions furnished to vehicle owners under paragraph (a) of this section: Provided, That such instructions clearly state, in a form approved by the Administrator, that the owner need not perform such inspections or recommended maintenance in order to maintain the emissions defect and emissions performance warranty or manufacturer recall liability.

(e) The manufacturer may choose to include in such instructions an explanation of any distinction between the useful life specified on the label, and the emissions defect and emissions performance warranty period. The explanation must clearly state that the useful life period specified on the label represents the average period of use up to retirement or rebuild for the engine family represented by the engine used in the vehicle. An explanation of how the actual useful lives of engines used in various applications are expected to differ from the average useful life may be included. The explanation(s) shall be