

## § 85.2112

## 40 CFR Ch. I (7–1–12 Edition)

purchase agreement), unless the communication is made pursuant to a written waiver by the Office Director.

(d) The maximum penalty value listed in this section is shown for calendar year 2004. Maximum penalty limits for later years may be adjusted based on the Consumer Price Index. The specific regulatory provisions for changing the maximum penalties, published in 40 CFR part 19, reference the applicable U.S. Code citation on which the prohibited action is based.

[45 FR 34839, May 22, 1980, as amended at 58 FR 65554, Dec. 15, 1993; 70 FR 40432, July 13, 2005]

### § 85.2112 Applicability.

The provisions of §§ 85.2112 through 85.2122 apply to emission related automotive aftermarket parts which are to be installed in or on 1968 and later model year light-duty vehicles and light-duty trucks.

[54 FR 32588, Aug. 8, 1989]

### § 85.2113 Definitions.

As used in this subpart, all terms not defined shall have the meaning given them in the Act:

(a) *Act* means Part A of Title II of the Clean Air Act, 42 U.S.C. 7421 et seq. (formerly 42 U.S.C. 1857 et seq.) as amended.

(b) *Aftermarket part* means any part offered for sale for installation in or on a motor vehicle after such vehicle has left the vehicle manufacturer's production line.

(c) *Aftermarket part manufacturer* means:

(1) A manufacturer of an aftermarket part or,

(2) A party that markets aftermarket parts under its own brand name, or,

(3) A rebuilder of original equipment or aftermarket parts, or

(4) A party that licenses others to sell its parts.

(d) *Agency* means the Environmental Protection Agency.

(e) *Certified aftermarket part* means any aftermarket part which has been certified pursuant to this subpart.

(f) *Emission warranty* means those warranties given by vehicle manufacturers pursuant to section 207 of the Act.

(g) *Emission-critical parameters* means those critical parameters and tolerances which, if equivalent from one part to another, will not cause the vehicle to exceed applicable emission standards with such parts installed.

(h) *Engine family* means the basic classification unit of a vehicle's product line for a single model year used for the purpose of emission-data vehicle or engine selection and as determined in accordance with 40 CFR 86.078–24.

(i) *Vehicle or engine configuration* means the specific subclassification unit of an engine family or certified part application group as determined by engine displacement, fuel system, engine code, transmission and inertia weight class, as applicable.

(j) *Certification vehicle emission margin* for a certified engine family means the difference between the EPA emission standards and the average FTP emission test results of that engine family's emission-data vehicles at the projected applicable useful life mileage point (i.e., useful life mileage for light-duty vehicles is 50,000 miles and for light-duty trucks is 120,000 miles for 1985 and later model years or 50,000 miles for 1984 and earlier model years).

(k) *Applications* means all vehicle or engine configurations for which one part is being certified as set forth in the aftermarket part manufacturer's notification of intent to certify pursuant to § 85.2115(a)(1).

[45 FR 78458, Nov. 25, 1980, as amended at 54 FR 32588, Aug. 8, 1989]

### § 85.2114 Basis of certification.

(a) *Prior to certifying*, the aftermarket part manufacturer must determine:

(1) Whether the part to be certified is an emission related part as defined in § 85.2102. The MOD Director shall deny certification to any parts which he or she determines is not an emission related part.

(2) The vehicle or engine configurations for which this part is being certified. These are the vehicle and engine designs for which the aftermarket part manufacturer intends to sell the certified aftermarket part.

(3) Whether the part qualifies under one of the part categories, listed in § 85.2122 of this subpart that are eligible