

## § 1060.640

(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

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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

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.