Environmental Protection Agency
§ 1037.645

(6) Effective speed limit has the meaning given in paragraph (d) of this section.

(c) Adjustments. You may design your VSL to be adjustable; however, this may affect the value you use in the GEM.

(1) Except as specified in paragraph (c)(2) of this section, any adjustments that can be made to the engine, vehicle, or their controls that change the VSL’s actual speed limit are considered to be adjustable operating parameters. Compliance is based on the vehicle being adjusted to the highest speed limit within this range.

(2) The following adjustments are not adjustable parameters:

(1) Adjustments made only to account for changing tire size or final drive ratio.

(2) Adjustments protected by encrypted controls or passwords.

(3) Adjustments possible only after the VSL’s expiration point.

(d) Effective speed limit.

(1) For VSLs without soft tops or expiration points that expire before 1,259,000 miles, the effective speed limit is the highest speed limit that results by adjusting the VSL or other vehicle parameters consistent with the provisions of paragraph (c) of this section.

(2) For VSLs with soft tops and/or expiration points, the effective speed limit is calculated as specified in this paragraph (d)(2), which is based on 10 hours of operation per day (394 miles per day for day cabs and 551 miles per day for sleeper cabs). Note that this calculation assumes that a fraction of this operation is speed limited (3.9 hours and 252 miles for day cabs, and 7.3 hours and 474 miles for sleeper cabs). Use the following equation to calculate the effective speed limit, rounded to the nearest 0.1 mph:

\[
\text{Effective speed} = \text{ExF} \times [(\text{STF} \times \text{STSL}) + (1-\text{STF}) \times \text{DSL}] + (1-\text{ExF}) \times 65 \text{ mph}
\]

Where:

- \(\text{ExF}\) = expiration point miles/1,259,000 miles
- \(\text{STF}\) = maximum number of allowable soft top operation hours per day/3.9 hours for day cabs (or maximum miles per day/252)
- \(\text{STSL}\) = the soft top speed limit
- \(\text{DSL}\) = the default speed limit
- \(\text{Ex}\) = expiration point

§ 1037.645 In-use compliance with family emission limits (FELs).

You may ask us to apply a higher in-use FEL for certain in-use vehicles, subject to the provisions of this section. Note that §1037.225 contains provisions related to changing FELs during a model year.

(a) Purpose. This section is intended to address circumstances in which it is in the public interest to apply a higher in-use FEL based on forfeiting an appropriate number of emission credits.

(b) FELs. We may apply higher in-use FELs to your vehicles as follows:

(1) Where your vehicle family includes more than one sub-family with different FELs, we may apply a higher FEL within the family than was applied to the vehicle’s configuration in your final ABT report. For example, if your vehicle family included three sub-families with FELs of 200 g/ton-mile, 210 g/ton-mile, and 220 g/ton-mile, we may apply a 220 g/ton-mile in-use FEL to vehicles that were originally designated as part of the 200 g/ton-mile or 210 g/ton-mile sub-families.

(2) Without regard to the number of sub-families in your certified vehicle family, we may specify new sub-families with higher FELs than were included in your final ABT report. We may apply these higher FELs as in-use FELs for your vehicles. For example, if your vehicle family included three sub-families with FELs of 200 g/ton-mile, 210 g/ton-mile, and 220 g/ton-mile, we may specify a new 230 g/ton-mile sub-family.

In specifying sub-families and in-use FELs, we would intend to accurately reflect the actual in-use performance of your vehicles, consistent with the specified testing and modeling provisions of this part.

(c) Equivalent families. We may apply the higher FELs to other families in other model years if they used equivalent emission controls.

(d) Credit forfeiture. Where we specify higher in-use FELs under this section, you must forfeit CO₂ emission credits based on the difference between the in-use FEL and the otherwise applicable FEL. Calculate the amount of credits to be forfeited using the applicable equation in §1037.705, by substituting the otherwise applicable FEL for the
§ 1037.650 Tire manufacturers.

This section describes how the requirements of this part apply with respect to tire manufacturers that choose to provide test data or emission warranties for purposes of this part.

(a) Testing. You are responsible as follows for test tires and emission test results that you provide to vehicle manufacturers for the purpose of certifying under this part:

(1) Such test results are deemed under §1037.825 to be submissions to EPA. This means that you may be subject to criminal penalties under 18 U.S.C. 1001 if you knowingly submit false test results to the manufacturer.

(2) You may not cause a vehicle manufacturer to violate the regulations by rendering inaccurate emission test results you provide (or emission test results from testing of test tires you provide) to the vehicle manufacturer.

(b) Allowable modifications. You may modify a vehicle for the purpose of reducing emissions, provided you have a reasonable technical basis for knowing that such modification will not increase emissions of any other pollutant. Reasonable technical basis has the meaning given in 40 CFR 1068.30. This generally requires you to have information that would lead an engineer or other person familiar with engine and vehicle design and function to reasonably believe that the modifications will not increase emissions of any regulated pollutant.

(c) Examples of allowable modifications. The following are examples of allowable modifications:

§ 1037.655 Post-useful life vehicle modifications.

This section specifies vehicle modifications that may occur after a vehicle reaches the end of its regulatory useful life. It does not apply with respect to modifications that occur within the useful life period. It also does not apply with respect to engine modifications or recalibrations. Note that many such modifications to the vehicle during the useful life and to the engine at any time are presumed to violate 42 U.S.C. 7522(a)(3)(A).

(a) General. Except as allowed by this section, it is prohibited for any person to remove or render inoperative any emission control device installed to comply with the requirements of this part 1037.

(b) Allowable modifications. You may modify a vehicle for the purpose of reducing emissions, provided you have a reasonable technical basis for knowing that such modification will not increase emissions of any other pollutant. Reasonable technical basis has the meaning given in 40 CFR 1068.30. This generally requires you to have information that would lead an engineer or other person familiar with engine and vehicle design and function to reasonably believe that the modifications will not increase emissions of any regulated pollutant.

(c) Examples of allowable modifications. The following are examples of allowable modifications: