

## **SUMMARY OF COMMENTS AND ARB RESPONSE**

### **Inboard and Sterndrive Marine Engines Workshop**

#### **Certification Comments/Issues**

1) Comment: Engine manufacturers sell engines to various entities (2,000 – 3,000 boat builders, some that make 20 boats/year or less). What happens if uncertified engines from another state end up in CA?

ARB Response: Engine manufacturers should inform purchasers that these uncertified engines are not legal for sale in CA. ARB enforcement may perform audit products offered by boat manufacturers and dealerships. Enforcement investigations can result from the discovery that uncertified engines are being offered for sale in California. To the extent that engine manufacturers make clear that uncertified engines cannot be sold in California, they will not be held liable should this requirement ultimately be violated.

2) Comment: Who educates the small custom boat builders? (NMMA has 300-400 members, many who sell to small boat builders)

ARB Response: The ARB is willing to participate in industry meetings for the purpose of educating affected businesses regarding California regulations. ARB has asked for NMMA's help in identifying builders and retailers that would benefit from such efforts.

3) Comment: Dealerships sometimes have a backlog of warranty repairs up to six weeks and the regulations require repair within 30 days. There is a lack of qualified mechanics in this industry. How is this resolved?

ARB Response: SIME regulations require any warranty repair work to be done within 30 days. Therefore, manufacturers and dealerships should work to ensure that adequate resources exist to provide warranty repairs in a timely manner.

4) Comment: Could you please provide a sample Letter of Intent and Cover Letter?

ARB Response: The requested sample documents will be provided on the ARB website along with the certification guidelines, regulations, test procedures, and application templates.

5) Comment: Please explain your criteria for engine family determination/grouping (e.g., 15% displacement, CARB. vs EFI).

ARB Response: The guidelines for grouping engines in the same engine family are outlined in the Test Procedures, Part I, Section 17.

The factors were developed to ensure that grouped engines are sufficiently similar in engine design and expected emissions performance. The certification staff will rely on these factors during the certification process. Although this may result in a greater number of engine families than desired by inboard and stern-drive engine manufacturers, staff believes that the restrictions on engine family groupings are necessary to keep families from being overly inclusive. The staff does not believe that any added certification paperwork will be overly burdensome (especially since SIME certification document is just three or four pages while that for on-highway applications can be well over a hundred pages). In terms of the effect on engine testing resources, the ARB will work to minimize required emission testing by seriously considering all requests for carry-over and carry-across of emissions test data.

In an earlier SIME rulemaking, the less than 15% max displacement difference criterion for grouping engines in the same engine family was removed.

6) Comment: Corporate averaging will be difficult since demand is expected to shift regularly. Providing a good faith estimate of sales may not be possible.

ARB Response: The 16 g/kw-hr standard was adopted as a capping standard for the 2003-2007 model-years. Most manufacturers have indicated that virtually all their engines would be able to meet this standard without the need for any adjustments or changes. Over and beyond providing an easy-to-meet standard in the early years, ARB also included the corporate averaging option to provide additional flexibility to manufacturers to meet the 16 g/kw-hr standard.

ARB expects those manufacturers planning to use corporate averaging to build in sufficient margin such that the corporate average will still meet the 16 g/kw-hr standard. Manufacturers' corporate average plans will be approved on a single model-year basis.

### **Regulatory Comments/Issues**

1) Comment: Manufacturers produce the same engine for world distribution; CA engines differ only in calibration. Since it is not always certain where these engines will end up, can these engines be calibrated for CA distribution at the dealership and made CA-legal by applying the required stickers at the dealership?

ARB Response: No. Calibrations must be done at the engine manufacturer level to ensure that production engines are built according to certification requirements. As a practical matter, ARB believes that it would be nearly impossible to ensure that dealerships are properly calibrating and labeling engines on a consistent basis.

2) Comment: If a boat is bought in another state and subsequently brought into CA, does the regulation permit this? Is CA warranty honored? When does the CA warranty begin if it is a CA-certified engine?

ARB Response: New uncertified engines should not be purchased in other states and imported into California to avoid certification requirements. However, there is no prohibition against selling used boats with uncertified engines to California residents. On the issue of warranty, we are currently working with ARB's legal office to formulate an official position; however, preliminarily, the ARB staff believes that all California certified engines must be warranted for two years (or three years, where applicable) from the original date of purchase when registered in California regardless of where the boat was sold when new.

3) Comment: What defines warranted emission-related part?

ARB Response: The regulations provide a comprehensive list. It is upon the manufacturer to decide what is applicable to their engines and provide any justification as needed for excluded parts/systems.

4) Comment: We are troubled with poor quality fuel much more than the automotive industry. This poor quality fuel affects fuel injectors (clogging) and other engine functions. Also, engines may run all summer, not be started at all during winter, and restarted again in summer. The engine problems are not occurring as a result of abuse or neglect by the consumer and may, as a result, fall under warranty repair even though this is a problem related to quality of fuel supply.

ARB Response: Manufacturers may reject warranty claims for reasons including abuse or neglect. However, the ARB believes that it would be difficult for manufacturers to claim abuse or neglect when consumers are fueling engines with commercially available fuels, unless it can be shown that the fuel supply was significantly contaminated. To minimize such occurrences, engine manufacturers should design their engines to tolerate the typical levels of fuel quality offered at marinas and other commercial facilities.

5) Comment: If an engine is replaced with a rebuilt, what happens with the original ARB labels? Are there separate labels for rebuilt engines?

ARB Response: Engines can be rebuilt back to original specifications without any restriction and require no separate labels.

Until the 2004 model-year, new uncontrolled engines can be built as replacement engines. These new replacement engines must be clearly labeled with the following language or similar alternate language approved in advance by the Executive Officer:

THIS ENGINE DOES NOT COMPLY WITH CALIFORNIA OFF-ROAD OR ON-HIGHWAY EMISSIONS REQUIREMENTS. SALE OR INSTALLATION OF THIS ENGINE FOR ANY PURPOSE OTHER THAN AS A REPLACEMENT ENGINE IN AN OFF-ROAD OR PIECE OF OFF-ROAD EQUIPMENT WHOSE ORIGINAL ENGINE WAS NOT CERTIFIED IS A VIOLATION OF CALIFORNIA LAW SUBJECT TO CIVIL PENALTY.

However, after the 2004 model-year (i.e. beginning January 1, 2005) all new replacement engines installed in hulls, cowlings or watercraft must be 2003 and later model-year California-certified engines (i.e. Must comply with the all provisions of Title 13 for I&S engines) that have identical or improved emissions compared to that of the original engine. These engines should be labeled according to applicable California specifications.

6) Comment: Will ARB provide EPA contact and information on engine family naming?

ARB Response: ARB has provided the EPA contact and information for engine family naming to NMMA for distribution.

7) Comment: Does the regulation apply to 2003 MY engines produced this year? MSCD Management said that only engines produced on January 1, 2003 and subsequent will be subject to the regulations.

ARB Response: Manufacturers may choose not to certify engines to the I&S regulations until January 1, 2003. However, such engines produced before January 1, 2003 must not bear any California emission control labels nor be advertised as ARB certified.