



Regulatory Advisory

April 2015



Mail-Out #MSC 15-10

BOSHART GLOBAL DPF PARTICULATE MATTER FILTER RECALL

On March 13, 2015, the California Air Resources Board (ARB) initiated a recall (Reference No. RAS-15-010) of the Boshart Engineering (Boshart) Global DPF system and the Boshart Econix DPF system. Fleet owners that have engines equipped with either Boshart DPF system are being permitted to remove the device and restore the engine to its originally equipped manufacturer (OEM) configuration until the manufacturer's recall plan is approved by ARB. ARB strongly recommends that the removal and restoration be completed by an authorized dealer or installer in order to preserve fleets' remedy rights under the recall. Once the Boshart recall plan is approved, fleet owners will be expected to follow the requirements of that recall notice.

If Boshart fails to complete the requirements of its recall plan to replace or repair the particulate matter (PM) filter and does not reimburse the fleet owner, then the fleet owner will be permitted to continue to operate any affected vehicles on which the Boshart system has been removed for up to five years from the date of recall, or until the vehicle's PM compliance date, as long as the vehicle remains in the fleet.

This advisory addresses compliance for fleets with vehicles affected by this recall and subject to the following regulations:

- Truck and Bus Regulation
- Transit Fleet Vehicle Regulation
- Urban Bus Regulation
- Public Agency and Utility Fleet Regulation
- Solid Waste Collection Vehicle Regulation

As described below, ARB is allowing for the continued operation of vehicles covered by the regulations specified above and impacted by the Boshart recall so long as appropriate documentation is carried with the affected vehicle at all times.

Background

ARB has adopted a number of regulations that require diesel engine owners to take steps to reduce their engine emissions. Nearly all trucks and buses with a manufacturer's gross vehicle weight rating greater than 14,000 pounds that operate in California are required to be upgraded to reduce exhaust emissions between now and 2023. To comply with these requirements, fleet owners can upgrade existing engines by installing verified diesel PM filters, or by upgrading to cleaner engines or vehicles.

These regulations are part of the State's plan to meet federal ambient air quality standards and to protect public health.

Removal of the Boshart PM Filter Retrofit

Fleet owners may continue to operate the vehicle with the Boshart Global DPF or Boshart Econix DPF PM filter system provided it is operating properly and no warning lights have been triggered. If the system displays a warning, the vehicle should not be operated.

ARB is permitting fleet owners that have an engine equipped with one of these affected systems the option to remove the system and return the engine to the OEM configuration until the manufacturer's recall plan is approved. To preserve fleets' remedy rights through the recall process, an authorized dealer or installer should remove the system and restore the engine to the OEM configuration.

If the Boshart system is removed and the engine restored to OEM condition, the fleet owner must take three additional steps to remain in compliance. First, the fleet owner must notify ARB's Retrofit Advocate within 10 days of removal by emailing kathleen.mead@arb.ca.gov or calling (916) 324-9550. Second, the fleet owner must keep records of the purchase, installation, and removal of the recalled system and make those documents available upon request to an agent or employee of ARB. Third, the owner must keep the following documentation in the vehicle at all times:

- Installation documentation showing the date the Boshart Global DPF PM filter or Boshart Econix DPF PM filter was installed;
- The date the device was removed; and
- The PM filter family name and serial number of the recalled PM filter.

Affected fleet owners will be contacted by Boshart when a recall plan is approved. Once Boshart's recall plan is approved by ARB, the fleet owner must follow the requirements of that plan, which may include the repair or replacement of the Boshart PM filter system.

In the event that a recall plan is not approved, the Truck and Bus regulation section 2025(q)(2)(C) allows vehicles affected by PM filter recalls to continue to operate for 5 years from the date of recall (or until the PM compliance date that applies to that vehicle) as long as the vehicle remains in the fleet, the retrofit manufacturer is unable to replace or repair the filter, and the retrofit manufacturer does not reimburse the fleet owner for the recalled retrofit device. This same extension shall apply to all other regulations mentioned in this advisory.

If a vehicle with a recalled Boshart Global DPF or Boshart Econix DPF PM filter system is sold or transferred to another fleet owner for use in California, the new owner must be notified of existing PM filter requirements and the vehicle must be brought into compliance by installing another verified level 3 PM filter.

Retaining Credits for Early PM Retrofit

Fleet owners that have earned and reported credits under section 2025(j)(2)(A) of the Truck and Bus regulation for early PM filter retrofit installation will retain these credits if the recalled PM filter is removed, provided that the manufacturer is unable to replace or repair the filter, and does not reimburse the fleet owner for the recalled retrofit device.

More Information

For further information about ARB's diesel regulations, please visit www.arb.ca.gov/truckstop or call 1-866-6DIESEL (866-634-3735), or email us at 8666diesel@arb.ca.gov. For information about PM filters that are verified by ARB, please visit www.arb.ca.gov/msprog/decsinstall/decsinstall.htm.