

Attachment E

15-Day Modifications to the Original Proposal

Proposed Amendments to the California Exhaust Emission Standards and Test Procedures for New 2013 and Later Small Off-Road Engines; Engine-Testing Procedures
(Part 1054)

[Note: The originally proposed modifications to the regulatory language are shown in underline to indicate additions and ~~striketrough~~ to indicate deletions. The proposed 15-day modifications to the proposed regulations are shown in double underline to indicate additions and ~~double striketrough~~ to indicate deletions. Only these double underlined and ~~double striketrough~~ modifications are subject to comment during this comment period. Only text with proposed 15-day modifications are included in this attachment. For all amendments to Part 1054 approved by the Board during the December 9, 2021, hearing, refer to [Staff Report: Initial Statement of Reasons Appendix F](#). The symbol “* * * * *” indicates that intervening text for which modifications are not proposed is not shown. [Bracketed text] is not part of the proposed amendments. Final page numbers subject to change upon Office of Administrative Law approval.]

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§ 1054.2 Who is responsible for compliance?

(a) The requirements and prohibitions of this part apply to manufacturers of engines and equipment, as described in §1054.1. The requirements of this part are generally addressed to manufacturers subject to this part's requirements. The term “you” generally means the certifying manufacturer. For provisions related to exhaust emissions, this generally means the engine manufacturer, especially for issues related to certification (including production-line testing, reporting, etc.). For provisions related to certification with respect to evaporative emissions, this generally means the equipment manufacturer (i.e., the Executive Order Holder, as defined in Title 13, California Code of Regulations, section 2752).

~~(b) For provisions related to certification with respect to evaporative emissions, this generally means the equipment manufacturer (i.e., the Executive Order Holder, as defined in Title 13, California Code of Regulations, section 2752).~~ Equipment manufacturers must meet applicable requirements as described in Title 13, California Code of Regulations, Chapter 15, Article 1. Engine manufacturers that assemble an engine's complete fuel system are considered to be the equipment manufacturer with respect to evaporative emissions.

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§ 1054.30 Submission of information.

~~(a) This part includes various requirements to record data or other information. Refer to §1054.825 and Title 13, California Code of Regulations, Chapters 9 and 15 regarding recordkeeping requirements. If recordkeeping requirements are not specified, store these records in any format and on any media and keep them readily available for one model year after you send an associated application for certification, or one year after you generate the data if they do not support an application for certification. You must promptly send us organized, written records in English if we ask for them. We may review them at any time.~~

~~(b) The regulations in §1054.255 describe your obligation to report truthful and complete information and the consequences of failing to meet this obligation. This includes information not related to certification.~~

~~(c) Send all reports and requests for approval to the Designated Compliance Officer (see § 1054.801).~~

~~(d) Any written information we require you to send to or receive from another company is deemed to be a required record under this section. Such records are also deemed to be submissions to EPA-CARB. We may require you to send us these records whether or not you are an Executive Order certificate holder.~~

Unless we specify otherwise, send all reports and requests for approval to the Designated Compliance Officer (see § 1054.801). See § 1054.825 for additional reporting and recordkeeping provisions.

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§ 1054.103 What exhaust emission standards must my handheld engines meet?

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(c) *Fuel types.* The exhaust emission standards in this section apply for engines using the fuel type on which the engines in the emission family are designed to operate. You must meet the numerical emission standards for ~~hydrocarbons~~ hydrocarbon in this section based on the following types of hydrocarbon emissions for engines powered by the following fuels:

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§ 1054.105 What exhaust emission standards must my nonhandheld engines meet?

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(c) *Fuel types.* The exhaust emission standards in this section apply for engines using the fuel type on which the engines in the emission family are designed to operate. You must meet the numerical emission standards for ~~hydrocarbons~~ hydrocarbon in this section based on the following types of hydrocarbon emissions for engines powered by the following fuels:

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§ 1054.125 What maintenance instructions must I give to buyers?

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(c) *Special maintenance.* You may specify more frequent maintenance to address problems related to special situations, such as atypical engine operation. You must clearly state that this additional maintenance is associated with the special situation you are addressing. You may also address maintenance of low-use engines (such as recreational or stand-by engines) by specifying the maintenance interval in terms of calendar months or years in addition to your

specifications in terms of engine operating hours. All special maintenance instructions must be consistent with good engineering judgment. We may disapprove your maintenance instructions if we determine that you have specified special maintenance steps to address engine operation that is not atypical, or that the maintenance is unlikely to occur in use. For example, this paragraph (c) does not allow you to design engines that require special maintenance for a certain type of expected operation. If we determine that certain maintenance items do not qualify as special maintenance under this paragraph (c), you may identify this as recommended additional maintenance under paragraph (b) of this section.

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(e) *Maintenance that is not emission-related.* For maintenance unrelated to emission controls, you may schedule any amount of inspection or maintenance. You may also take these inspection or maintenance steps during service accumulation on your emission-data engines, as long as they are reasonable and technologically necessary. This might include adding engine oil, changing fuel or oil filters, servicing engine-cooling systems, and adjusting idle speed, governor, engine bolt torque, valve lash, or injector lash. ~~You may perform this nonemission-related maintenance on emission-data engines at the least frequent intervals that you recommend to the ultimate purchaser (but not the intervals recommended for severe service).~~ You may not perform this nonemission-related maintenance on emission-data engines more often than the least frequent intervals that you recommend to the ultimate purchaser.

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§ 1054.205 What must I include in my application?

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(p) Report test results as follows:

(1) Report all valid test results involving measurement of pollutants for which emission standards apply. ~~Include. Indicate~~ Also indicate whether there are test results from invalid tests and/or from any other tests of the emission-data engine, whether or not they were conducted according to the test procedures of subpart F of this part. We may require you to report these additional test results. We may ask you to send other information to confirm that your tests were valid under the requirements of this part; Title 13, CCR California Code of Regulations, Chapters 9 and 15; and 40 CFR Part 1065.

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§ 1054.220 How do I amend ~~the~~ my maintenance instructions in my application?

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§ 1054.225 How do I amend my application for certification to include new or modified engines or fuel systems or change an FEL?

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§ 1054.230 How do I select emission families?

(a) For purposes of certification, divide your product line into families of engines that are expected to have similar emission characteristics throughout their useful life as described in this section. Your engine family is limited to a single model year. For evaporative emissions, group engines into emission families as described in ~~the Title 13,~~ California Code of Regulations, Chapter 15, Article 1.

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(9) The numerical level of the applicable emission standards. For example, an engine family may not include engines certified to different family emission ~~limits levels limits~~, though you may change family emission ~~limits levels limits~~ without recertifying as specified in § 1054.225.

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§ 1054.235 What testing requirements apply for certification? ~~exhaust emission testing must I perform for my application for a certificate of conformity?~~

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(c) We may measure emissions from any of your emission-data engines or other engines from the emission family, as follows:

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~~(3) For engines with adjustable parameters, manufacturers must test the engines at both extremes of the adjustment, as applicable. We may set the adjustable parameters of your engine to any point within the physically adjustable ranges (see § 1054.115(b)).~~

~~(4) We Before we test one of your engines, we may calibrate your engine it within normal production tolerances for anything we do not consider an adjustable parameter. For example, this would apply where we determine that an engine parameter is not an adjustable parameter we may calibrate it within normal production tolerances for a parameter that is subject to production variability because it is adjustable during production, but is not considered an adjustable parameter (as defined in § 1054.801) but that it is subject to production variability because it is permanently sealed.~~

(d) You may ask to use carryover emission data from a previous model year instead of doing new tests, but only if all the following are true:

(1) The emission family from the previous model year differs from the current emission family only with respect to model year, items identified in § 1054.225(a), or other characteristics unrelated to emissions. You may also ask to add a configuration subject to § 1054.225. We may waive this criterion paragraph (d)(1) for differences we determine not to be relevant.

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§ 1054.255 What decisions may ~~EPA CARB~~ make regarding ~~my an~~ certificate of conformity Executive Order?

(a) If we determine your application is complete and shows that the engine family meets all the requirements of ~~40 CFR this part 1054~~, the California Health and Safety Code, and Title 13, California Code of Regulations, Chapters 9 and 15, we will issue an Executive Order for ~~your engine~~ the emission family for that model year. We may make the approval subject to additional conditions.

(b) We may deny ~~your an~~ application for certification if we determine that ~~your engine an~~ emission family fails to comply with emission standards or other requirements of ~~40 CFR this part 1054~~ or the California Health and Safety Code or Title 13, California Code of Regulations, Chapters 9 and 15. We will base our decision on all available information. If we deny ~~your an~~ application, we will explain why in writing.

(c) In addition, we may deny your application or suspend or revoke your ~~certificate~~ Executive Order if you do any of the following:

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(2) ~~Submit false or incomplete information (paragraph (c) of this section applies if this is fraudulent). This includes doing anything after submitting an application that causes submitted information to be false or incomplete.~~

(3) ~~Render inaccurate any test data. Cause any test data to become inaccurate.~~

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(d) We may void ~~your an~~ certificate Executive Order if you ~~do not keep the records we require or do not give us information as required under~~ fail to keep records, send reports, or give us information as required under ~~40 CFR this part 1054~~ or the California Health and Safety Code, or Title 13, California Code of Regulations, Chapters 9 and 15.

(e) We may void ~~your an~~ certificate Executive Order if we find that you intentionally submitted false or incomplete information. This includes doing anything after submitting your application that causes the submitted information to be false or incomplete.

(f) If we deny ~~your an~~ application or suspend, revoke, or void ~~your an~~ certificate Executive Order, you may ask for a hearing (see § 1054.820)

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§ 1054.501 How do I run a valid emission test?

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(b) *General requirements.* Use the equipment and procedures for spark-ignition engines in ~~40 CFR part~~ Part 1065 to determine whether engines meet the exhaust emission standards, as follows:

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(2) Use the appropriate fuels and lubricants specified in ~~40 CFR part~~ Part 1065, subpart H, for all the testing we require in this part. ~~Except Use gasoline specified for general testing except as specified in paragraph (d) of this section, use gasoline meeting the specifications described in 40 CFR 1065.710 specified for general testing.~~ For service accumulation, use the test fuel or any commercially available fuel that is representative of the fuel that in-use engines will use. ~~You may alternatively use gasoline blended with ethanol as follows:~~

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§ 1054.505 How do I test engines?

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(b) Measure emissions by testing the engine on a dynamometer with the test procedures for constant-speed engines in ~~40 CFR part~~ Part 1065 while using one of the steady-state duty cycles identified in this paragraph (b) to determine whether it meets the exhaust emission standards specified in § 1054.101(a). This requirement applies for all engines, including those not meeting the definition of “constant-speed engine” in ~~40 CFR Part~~ 1065.1001.

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(2) For nonhandheld engines, use the six-mode duty cycle or the corresponding ramped-modal cycle described in paragraph (b) of Appendix II of this part. Control engine speeds and torques during idle mode as specified in paragraph (c) of this section, ~~and Control engine speed during the full-load operating modes as specified in paragraph (d) of this section.~~ For all other modes, control the engine speed to within 5 percent of the nominal speed specified in paragraph (d) of this section or let the installed governor (in the production configuration) control engine speed. For all modes except idle, ~~control torque as needed to meet the cycle-validation criteria in 40 CFR Part 1065.514 paragraph (a)(1) of this section; control the engine speed to within 5 percent of the nominal speed specified in paragraph (d) of this section or let the installed governor (in the production configuration) control engine speed.~~ The governor may be adjusted before emission sampling to target the nominal speed identified in paragraph (d) of this section, but the installed governor must control engine speed throughout the emission-sampling period whether the governor is adjusted or not. Note that ramped-modal testing involves continuous sampling, so governor adjustments may not occur during such a test. Note also that our testing may involve running the engine with the governor in the standard configuration even if you adjust the governor as described in this paragraph ~~(a)~~ (b)(2) for certification or production-line testing.

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§ 1054.601 What compliance provisions apply?

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~~(d) Subpart C of this part describes how to test and certify dual-fuel and flexible-fuel engines. Some multi-fuel engines may not fit either of these defined terms the definitions in this part of either dual-fuel or flexible-fuel. For such engines, we will determine whether it is most appropriate to treat them as single-fuel engines, dual-fuel engines, or flexible-fuel engines based on the range of possible and expected fuel mixtures.~~

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~~§ 1054.640 What special provisions apply to branded engines?~~

~~The following provisions apply if you identify the name and trademark of another company instead of your own on your emission control information label, as provided by § 1054.135(e)(2):~~

~~(a) You must have a contractual agreement with the other company that obligates that company to take the following steps:~~

~~(1) Meet the emission warranty requirements that apply under § 1054.120. This may involve a separate agreement involving reimbursement of warranty-related expenses.~~

~~(2) Report all warranty-related information to the Executive Order certificate holder.~~

~~(b) In your application for certification, identify the company whose trademark you will use.~~

~~(c) You remain responsible for meeting all the requirements of this chapter, including warranty and defect reporting provisions.~~

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§ 1054.655 What special provisions apply for installing and removing altitude kits?

An action for the purpose of installing or modifying altitude kits and performing other changes to compensate for changing altitude is not considered a prohibited act ~~as long as~~ if it is done consistent with the manufacturer's instructions.

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§ 1054.801 What definitions apply to this part?

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Family emission limit level limit (FEL) has the meaning given in Title 13, California Code of Regulations, Section 2401. ~~means an emission level declared by the manufacturer that will be used in the ABT program. The family emission level will take the place of an otherwise applicable emission standard. The family emission limit must be expressed to the same number of decimal places as the emission standard it replaces. The family emission limit serves~~

~~as the emission standard for the engine family (exhaust) or emission family (evaporative) with respect to all required testing.~~

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Fuel type means a general category of fuels such as gasoline or natural gas. There can be multiple grades within a single fuel type, such as ~~low temperature or all season gasoline~~ premium gasoline, regular gasoline, or low-level ethanol-gasoline blends.

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§ 1054.805 What symbols, acronyms, and abbreviations does this part use?

The following symbols, acronyms, and abbreviations apply to this part:

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FEL Family Emission ~~Limit Level~~ Limit.

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